

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):

3955 E. CHARLESTON #250 LVN 39104

was executed on 11-26-14
(month, day, year)

A copy of this inventory was left with AT PLACE OF SEARCH

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

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

- 1,000.00 CASH
 - GREY JACKET
 - RED HAT
 - BLACK HAT WITH RED BERM
 - PAPEKNOCK IN NAME TONY HOBSON
 - 3 RECEIPTS
- was wrote in after on pink copy in pen*

This inventory was made by: L. TURNER #46015

J. ABELL #48744

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

Exhibit 6

6

Exhibit 6

Synopsis:

Since October 28, 2014, there has been a series (Windbreaker Series) of armed robberies incidents in the Las Vegas valley under event numbers 141028-4219, 141029-4075, 141101-4101, 141103-3888, 141104-0062, 141115-3869, 141117-0096, 141117-0114, 141121-0119, 141123-3576 and 141123-3630 with similar M.O. and suspect descriptions. The robberies occurred at approximately the same time of day. The common M.O. is two to three suspects enter the business and yell at the employees to get down on the ground. Suspects take money from the register and order an employee or manager to open the safe. In some events, the suspects also take employees or other customer's belongings. In several events, the suspects became physically violent with the employees, pistol whipping them or forcing them to the ground. The general suspect description: first suspect is a black male adult, 20-26 years old, 6'0"-6'4", 150-170, grey windbreaker with black sleeves and hood, a black hat with a red brim, red bandana/mask, red gloves, dark pants, black boots and armed with a revolver; second suspect is a black male adult, 20-26 years old, 5'6"-6'0" tall, 135-145lbs, black hooded sweatshirt or a Black/Gray windbreaker, red bandana/mask covering face, black/red gloves, gray shoes and armed with a small knife or semi-auto handgun; third suspect is a black male or possible a female, 5-10 to 6-0, heavy build, gray hoodie, blue Bandana and gloves; fourth suspect unknown driver.

INCIDENTS:

Event # 141028-4219

On 10/28/14 at approximately 2330 hours, two black male suspects entered the El Pollo Loco through the rear open door and ordered all of the employees lay on the ground. The suspects had the manager open the safe and took approximately \$1000.00 in cash. During the incident one of the suspects pistol whipped an employee and while the other suspect punched a pregnant female in the side of the stomach and punched another employee in the back of the neck. The suspect was wearing a red baseball cap and a red bandana.

Event # 141029-4075

On 10/29/14 at approximately 2300 hours, two black male suspects entered the 7-11 through the front door and forced the clerk to open both cash registers. One suspect stated "don't do nothing stupid" to the victim. The suspects took \$100 in cash out of the registers. One suspect was wearing a gray jacket.

Event # 141101-4101

On 11/01/14 at approximately 2302 hours, two black male suspects entered the Pizza Hut and ordered all the employees to lie on the ground. The suspects demanded the safe be opened but no employee had access to the safe. The second suspect took the entire register off of the counter and both suspects fled out of the business. The employees estimated that there was \$160 in cash in the register. A review of the video surveillance revealed a third suspect entered the Pizza Hut and stayed in the front customer area and acted as a look out. One suspect was wearing a black baseball cap with the letter "P" on the front and a red brim. One suspect was wearing a red bandana.

Event # 141103-3888

On 11/03/14 at approximately 2255 hours, two black male suspects entered the Pizza Hut, jumped over the counter and ordered all the employees to lie on the ground and demanded that the safe be opened. The safe was on a time lock and could not be opened. The suspects took approximately \$200.00 in cash from the register. An iPhone, \$60 in cash, green Winchester pocket knife and a Bluetooth was taken from the store employees. One of the suspects pistol whipped the manager during the robbery. The suspects fled out the rear door of the business. Surveillance video from a nearby business shows a Gray 4 door Dodge Charger pull into the complex and park just east of the Pizza Hut. Minutes later the Dodge Charger backs out of the parking spot and drives to the rear of the complex. Both suspects were wearing a black and gray jacket with one wearing a red bandana.

Event # 141104-0062

On 11/04/14 at approximately 0010 hours, two black male suspects entered the Little Caesars and ordered an employee to lie on the ground. The suspects demanded that the safe be opened. The employee stated she did not have access to the safe. One of the suspects took the employees white Samsung Galaxy cell phone. A Gray Dodge was seen parked in an adjacent parking lot prior to the armed robbery and was no longer present after the robbery incident. Both suspects were wearing a black and gray jacket with one wearing a red bandana.

Event # 141115-3869

On 11/15/14 at approximately 2245 hours, a black male suspect entered the Popeyes by kicking in the west glass door. The suspect was armed with a handgun. An employee tried to flee out the back door and was confronted by a second black male suspect. The employee immediately shut the door. The first suspect demanded the store manager to take him to the safe where he forced the manager to open the safe at gunpoint. The suspect took approximately \$238.00 in cash. After retrieving the cash from the safe the first suspect exited out the back door while yelling, "Let's go".

Event # 141117-0096

On 11/17/14 at approximately 0042 hours, a black male suspect entered the Burger King by breaking the window to the front door. The employees ran out the back door where one of the employees was hit in the face and knocked to the ground by the second black male suspect. The second suspect produced a revolver and held employees down on the ground and stated, "Where is the money at? I'm gonna kill him if I don't get the money!" The manager ran out the front door of the restaurant and called the police. The first suspect and a third black male suspect grabbed one of the employees and demand the money from the safe and registers. The suspects got scared and ran out the back door without any money.

Event # 141117-0114

On 11/17/14 at approximately 0057 hours, three black males, (or possibly a female) entered the Wendy's by breaking the side glass door of the business. One of the suspects approached a lone female sitting in the lobby, grabbed her by her sweatshirt and forced her to the back area. The tall suspect forced the employees to lie on the ground as the short male and possible female suspect forced the manager to open the safe. The store manager was struck in the head with the handgun and forced to open the safe. The manager removed the cash and put it in a blue bag that the suspects brought with them. All three suspects ran out the side emergency exit near the drive thru window in an unknown direction. One of the suspects was wearing a red bandana.

Event # 141121-0119

On 11/21/14 at approximately 0055 hours, two black male suspects entered the Wendy's by breaking the glass door to the business. Both suspects gathered up all the employees from the store and moved them to the Office. One of the suspects approached the manager, placed the revolver to her head and had her empty approximately \$200.00 in cash from the safe into a card board box. Both suspects told the employees to remain in the office. The manager stated the suspects took the phones inside the business and dropped them in the chili pot so employees could not call the police. One of the suspects was wearing a red bandana.

Event # 141123-3576

On 11/23/14 at approximately 2307 hours, two black male suspects entered the El Polo Loco by breaking the glass door to the business. When store employees went to the front, they observed one of the suspects entering through the broken door window. One of the employees fled out of the back door and was met by the second black male suspect who forced the employee back inside the business and made all the employees lie on the ground. The suspects forced the manager to open the safe taking approximately \$2,050 in cash. One of the suspects took an iPhone from one of the employees.

Event # 141123-3630

On 11/23/14 at approximately 2320 hours, two black male suspects entered the Taco Bell by breaking the glass door to the business. One of the employees went to the front of the business and came face to face with a black male suspect approximately 6' tall, thin build, 20s, wearing a grey hoodie, black work style pants, white cloth workshop or medical style respirator mask over his face, and was carrying a black and silver automatic handgun. The suspect stated "Open the safe". Immediately, the three employees fled to the rear exit door where they were stopped by a second black male suspect, approximately 5'5" tall, thin build, 20s, wearing similar clothing and mask and carrying a similar style handgun. The suspect grabbed one of the employees by the shirt and forced them back into the business. One of the employees was able to make an escape on foot where she hid in the bushes next to the Fresh & Easy located east of the Taco Bell. The two suspects forced other employees into the office at gunpoint. The first suspect stated "Open the fucking safe," while pointing his handgun at her head. Both employees told the suspects only the morning manager had access to the safe. The second suspect destroyed the business' land line phone, and took one of the employee's Apple iPhone from her. After it was obvious the safe could not be opened, the two suspects fled the area in a Dodge Charger.

Event # 141124-3628

On 11/24/14 at 2300 hours, a black male suspect broke the front south door to the Popeye's located at 6121 Vegas Dr. Las Vegas, NV 89108. The male suspect had a silver handgun in his hand as he made his way into the business. Five employees were inside closing the store and cleaning. The manager, [REDACTED], heard the glass break on the door and ran back to the other employees [REDACTED] and [REDACTED]. She instructed them to get out of the back emergency door. The employees tried to open the door but it would not open. They pushed harder and discovered there was another black male suspect waiting for the door to open. The second male suspect grabbed one of the employees and pushed them all back into the business. The second suspect had them all at gun point as he escorted them to the front of the business. The first suspect made his way behind the counter and had Alma show him where the safe was located. The suspect gave her a blue bag and told her to open the bag and fill it with the money from the safe and the cash registers. The suspects instructed the other employees to get down on the ground. When the suspects took the blue bag back, they took Alma's Galaxy cell phone and ran out of the emergency door. The employees waited for them to leave then called 911 and reported the robbery incident. The first suspect was described as black male adult, in his 20's, 6'00" tall, thin build, dark complexion, black sweatshirt, black bandana, ski hat, black gloves, black shoes, black semi-auto handgun and carrying a hatchet/ax. The second suspect was a black male adult, in his 20's, 5-9" tall, thin build, grey sweatshirt, black gloves, black shoes, black bandana and armed with a black semi-auto handgun.

Crime Scene Analyst J. Reiner P# 8167 responded to process the scene for evidence. Digital images were taken by CSA Reiner to document the overall crime scene for identification, views of the scene to show condition, close up views, and to show the general layout. The suspects got \$800.00 in cash from the safe and \$1288.59 in cash from the register totaling \$2088.59.

INVESTIGATION:

On 11/25/14, Detective T. Weirauch P # 7465 (R16), who was familiar with the ongoing Windbreaker series, was driving North bound on Nellis Blvd at Desert Inn when he observed a Gray Dodge Charger matching the suspect vehicle from prior robbery events pull into the Taco Bell parking lot located at 3264 S. Nellis Blvd Las Vegas, Nevada. The vehicle parked in the parking lot north of the Taco Bell in a position where the occupants could see the drive thru window. Detective Weirauch pulled past the vehicle and observed that the plate of the vehicle was Nevada 793ASX. Detective Weirauch parked his unmarked vehicle approximately 60 feet away in a position where he could observe the passenger side of the vehicle. Detective Weirauch observed the vehicle was parked for five minutes and no one exited the vehicle. At approximately 2306 hours Detective Weirauch notified dispatch of the situation and an event was created under LVMPD event #41125-4029.

Detective Weirauch continued visual surveillance of the vehicle and could see there were at least two subjects in the front seats. Detective Weirauch was in contact with patrol units in the area and they were assigned to the call and positioned themselves nearby but out of sight. Detective Weirauch observed a male, who was later identified as Brandon Starr, exit the rear passenger side of the vehicle. Detective Weirauch notified dispatch that a suspect had exited the vehicle wearing a mask covering his face and asked for a patrol unit to move in and make a vehicle stop. Starr exited the vehicle and opened the trunk and was standing next to it when patrol arrived.

Officers W. Moore P # 9003, S. Mohler P # 15810, and E. Myrold P # 13064 arrived and took the suspects into custody. The suspects were identified as Donte Johns 03/22/1994 (Driver), Tony Hopson 07/07/1989 (Front Passenger), Brandon Starr 05/29/1988 (Rear passenger who was wearing mask near the trunk). The suspect vehicle was checked through DMV and returned to a 2009 Dodge with VIN: 2B3KA43D79H553928, registered to Donte Johns, DOB 03/22/94.

Detective Weirauch observed the white mask that Starr was wearing was now in the trunk of the vehicle that was still open. Also in the trunk was an axe about two feet in length and a Ruger Semi-automatic firearm silver in color. Crime Scene Analyst N. Charlton P# 13572 responded to process the vehicle for evidence and recovered:

One (1) Smith & Wesson 6-shot revolver, 38 S&W Special, Serial #D347119, with an approximate 4" barrel, black frame with brown grips, Springfield, Mass. USA.
One (1) semi-automatic handgun, Ruger P90, .45ACP, obliterated serial number, with an approximate 4½" barrel, grey frame with black grips, Sturm, Ruger & Co. Southport, Conn. USA.
One (1) Fiskars X11 splitting axe with a black and orange handle.
One (1) green fleece zippered jacket, size Medium
One (1) black and grey buttoned "Passion-I" jacket, size M, with "California" patches and emblems.
One (1) grey "Mantes" jacket, with an orange stripe, size XL.
One (1) pair of red and black "Grease Monkey" general purpose gloves.
One (1) grey and red "Demarini" left-hand glove, size XL.
Two (2) green wool CW glove inserts, size Large.
One (1) yellow medical mask.
One (1) black 0040N-Steelman valve stem puller.
One (1) red and black "Snap-On" left-hand mechanics glove, size L.
One (1) yellow medical mask.
One (1) red and black "Snap-On" right-hand mechanics glove, size L.
One (1) black "Husky" folding pocket knife.
One (1) black "Smith & Wesson" ExtremeOps folding pocket knife.
One (1) "Samsung" cellular phone.
One (1) "Samsung" Galaxy Note Edge cellular phone.
For a complete list of properly recovered see evidence impound report.

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

1. \$5792.00 in US Currency
2. Rectangular mechanical cash drawer (Event # 141101-4101)
3. Apple iPhone 4S (Event # 141103-3888)
4. Green Winchester folding knife (Event # 141103-3888)
5. Bluetooth (Event # 141103-3888)
6. Samsung Galaxy S5. Serial # 9900045165265800 (Event # 141104-0062)
7. Apple iPhone (Event # 141123-3576)
8. Apple iPhone (Event # 141123-3630)
9. Galaxy Smart Phone (Event # 141124-3628)
10. Red baseball cap (Event 141028-4219)
11. Gray Jacket (Event # 141029-4075)
12. Black baseball cap, W/ a letter "P" and a red brim (Event # 141101-4101)
13. Black and Gray Jacket (Event # 141103-3888, 141104-0062, 141123-3576)
14. Two red bandanas (Event # 141029-4075, 141101-4101, 141103-3888, 141104-0062, 141117-0114, 141121-0119)
15. And articles of personal property which would tend to show possession, dominion and control over said premises, such as personal identification, photographs, utility company receipts or addressed envelopes, etc.

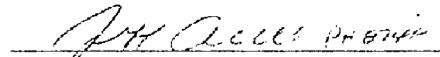
The items sought to be seized constitute evidence which would tend to show the identity of the person(s) responsible for the crime of Robbery WDW (Multiple counts), Burglary WDW (Multiple counts) and Conspiracy Robbery (Multiple counts) as set forth in this affidavit. In support of the assertion to constitute the existence of Probable Cause, the following facts are offered:

Affidavit become known, the ongoing investigation and or the safety of the sources of information would be jeopardized

It is further requested that this search warrant authorize a night time search for the following reasons:

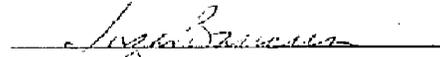
Based on the facts and circumstances listed above, the longer a search of this type is delayed, the greater the chance that the physical evidence will be diminished or destroyed. Additionally, to allow for the coordination of the various LVMPD assets which will be utilized and to afford the officers affecting the search the maximum amount of safety possible by utilizing the cover of darkness, your Affiant prays this warrant authorize a night time service.

WHEREFORE, affiant requests that a Search Warrant be issued directing a search for and seizure of the aforementioned items at the location set forth herein.



J. Abell, AFFIANT

Subscribed and sworn to before me this 26 day November of, 2014.



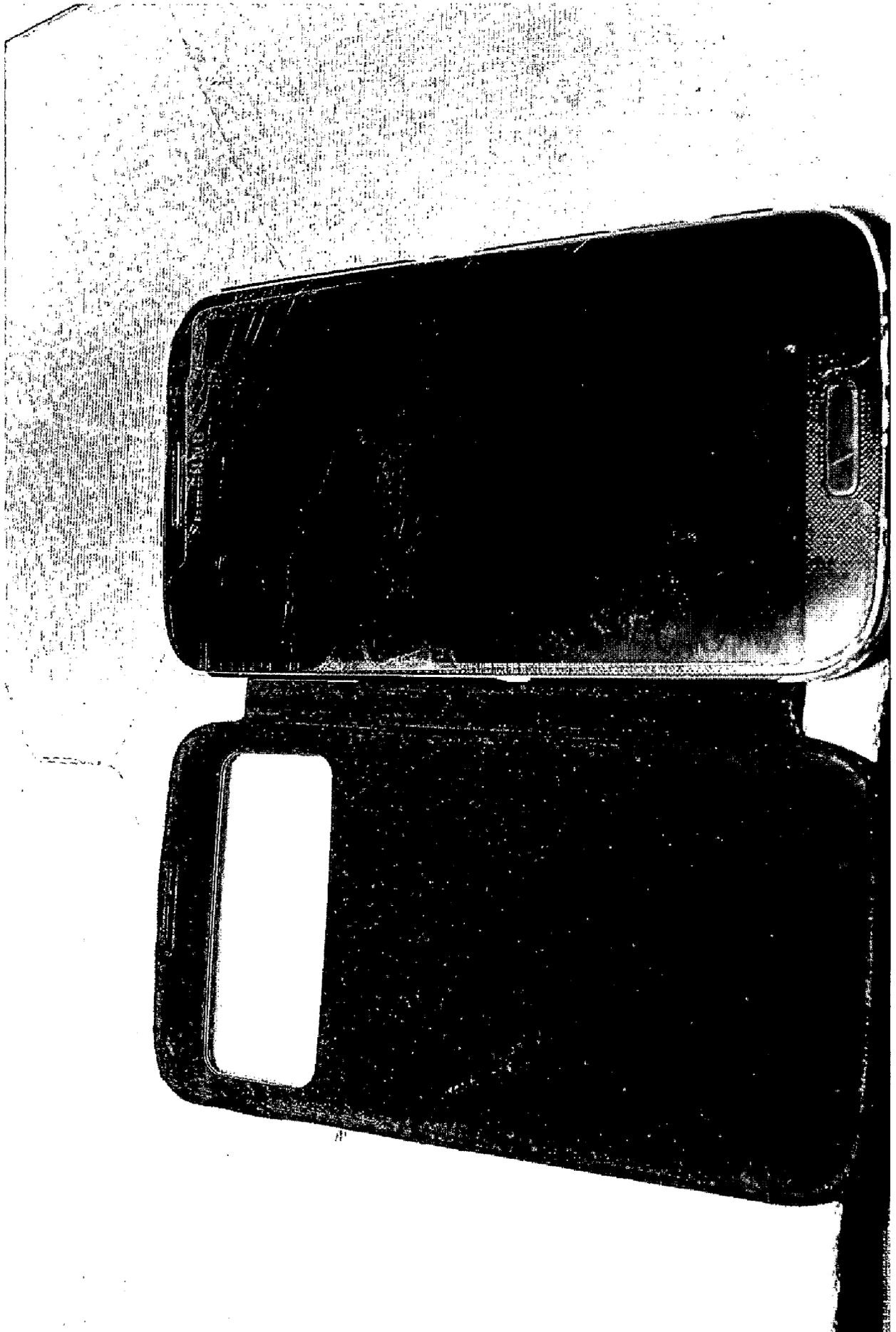
Judge

Aaron Nance
Approved by:

Exhibit 7

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Exhibit 7









Sprint
 Model : SPH-L720 UD
 FCC ID : A3LSPHL720
 For information call 1-888-211-4PCS
 MADE IN CHINA
 16GB
 DEC 256 691 489 705 337 224
 13.08
 HEX 990 003 515 170 88
 WHITE (BC)

SIM Card
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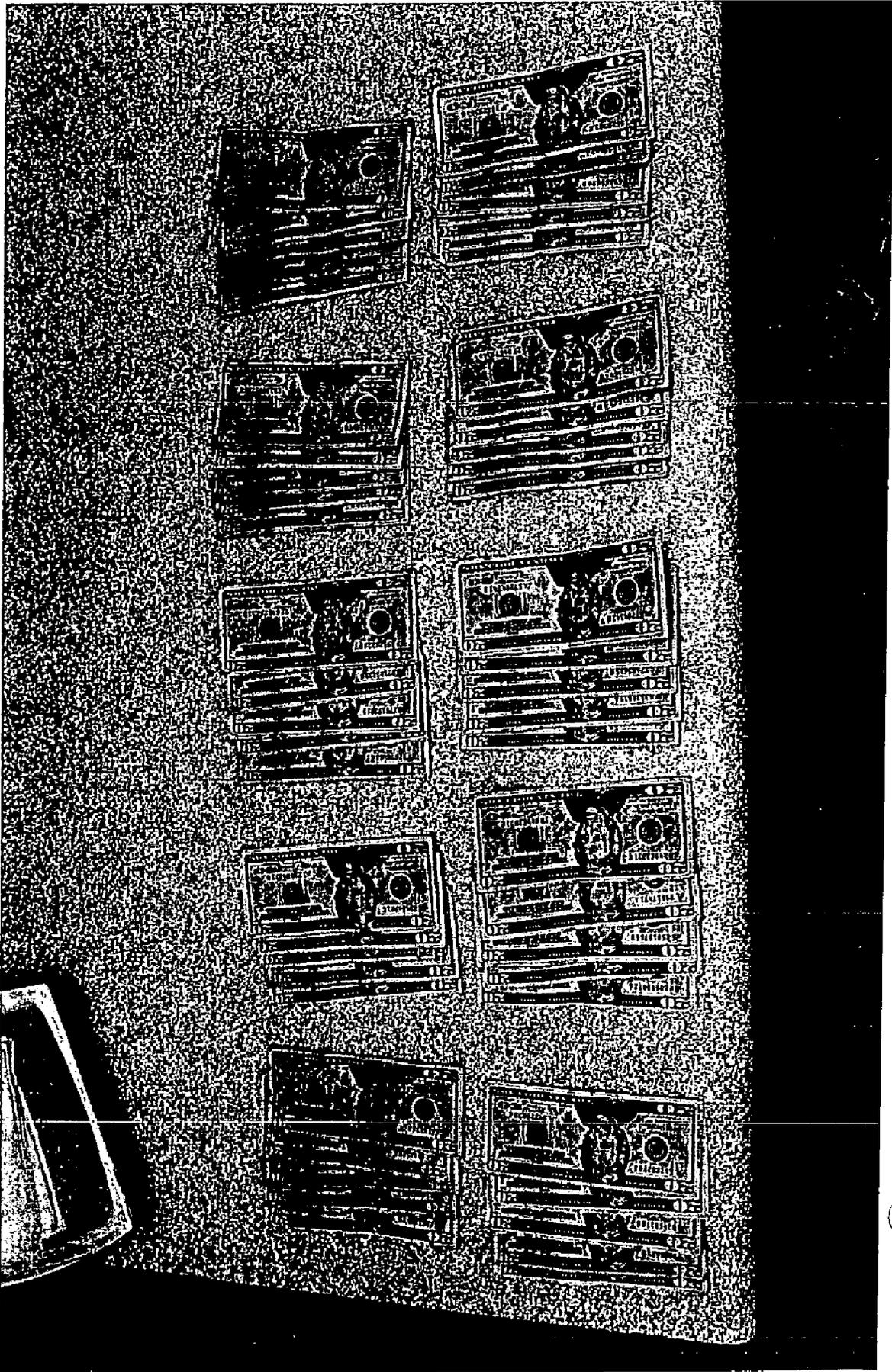


Exhibit 8

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Exhibit 8

From: [Jeffery Abell](#)
To: [Crystal May](#)
Subject: RE: 141125-4029
Date: Monday, August 10, 2015 5:47:56 PM
Attachments: [Windbreaker Synopsis 2.0.docx](#)

See attached

From: Crystal May
Sent: Monday, August 10, 2015 8:42 AM
To: Jeffery Abell
Subject: 141125-4029

Good morning~

Would you be able to provide me with CODIS eligibility for the above event? I just need to know why the items (multiple pairs of gloves, masks, axe, etc.) are believed to be associated with a crime and how you came to know that. I tried to find something in OnBase, but was unable to find anything linking the car to a Robbery or the items recovered from the car to the robbery. If you could provide that at your earliest convenience, I would greatly appreciate it!

Crystal May

Forensic Scientist, Biology/DNA Detail
LVMPD Forensic Laboratory
Phone: (702)828-4771
Fax: (702)828-3948

Note: Correspondence referencing cases may be retained as part of the Forensic Laboratory's case record and are subject to Information Disclosure Requests.

Exhibit 9

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Exhibit 9

TANASI W OFFICES

601 S. Seventh Street, 2nd Floor
Las Vegas, Nevada 89101
702-906-2411 • Fax 702-866-299-5274

1 MOT
2 RICHARD E. TANASI, ESQ.
3 Nevada Bar No.: 009699
4 TANASI LAW OFFICES
5 601 S. Seventh Street, 2nd Floor
6 Las Vegas, Nevada 89101
7 Telephone: (702) 906-2411
8 Facsimile: (866) 299-5274
9 *Attorney for Defendant*

10 EIGHTH JUDICIAL DISTRICT COURT
11 FOR THE DISTRICT OF NEVADA

12 * * * *

13 STATE OF NEVADA,
14 Plaintiff,

Case No.: C-14-303022-1
Dept No.: 19

15 vs.

16 TONY LEE HOBSON,
17 BRANDON STARR

DEFENDANT HOBSON AND
STARR'S JOINT MEMORANDUM
IN SUPPORT OF PROPOSED JURY
INSTRUCTIONS

18 Defendants.

19 COMES NOW, Defendant, TONY LEE HOBSON, by and through his attorney of record,
20 RICHARD E. TANASI, ESQ. of TANASI LAW OFFICES and Defendant, BRANDON STARR,
21 by and through his attorney of record, LANCE A. MANINGO, ESQ. of BELLON & MANINGO,
22 LTD.

23 I.

24 MEMORANDUM OF POINTS AND AUTHORITIES

25 Defendants HOBSON and STARR jointly propose the following instructions:¹

- 26 1. TESTIMONY OF WITNESSES INVOLVING SPECIAL CIRCUMSTANCES—
27 IMMUNITY, BENEFITS, ACCOMPLICE, PLEA

28 004300

¹ See, proposed Instructions attached hereto as Ex. A.



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You have heard testimony from DONTE JOHNS, a witness who will receive a benefit for his testimony. That testimony was given in exchange for a promise by the State that the testimony will not be used in any case against him and a promise that he will receive favored treatment from the State in connection with this case. DONTE JOHNS has admitted to being an accomplice to the crimes charged. An accomplice is one who voluntarily and intentionally joins with another person in committing a crime.

DONTE JOHNS has pleaded guilty to a crime arising out of the same events for which TONY HOBSON AND BRANDON STARR is on trial. This guilty plea is not evidence against the defendant, and you may consider it only in determining this witness's believability. For these reasons, in evaluating the testimony of DONTE JOHNS, you should consider the extent to which or whether his testimony may have been influenced by any of these factors. In addition, you should examine the testimony of DONTE JOHNS with greater caution than that of other witnesses.

See, Crowe v. State, 84 Nev. 358 (1968) [In order to protect so far as possible the essential rights of the defendant it is required that trial courts call the attention of the jurors specifically to the possibility of news accounts and to admonish the jurors not to read or listen to them. Likewise there is abundant authority recognizing that formal cautionary instructions are equally essential to provide the jury with specific guidelines to assure the requisite balance of impartiality.]; see also, Buckley v. State, 95 Nev. 602 (1979), Ninth Circuit Model J.I. 4.9 TESTIMONY OF WITNESSES INVOLVING SPECIAL CIRCUMSTANCES—IMMUNITY, BENEFITS, ACCOMPLICE, PLEA
Comment The instruction to consider accomplice testimony with "greater caution" is appropriate regardless of whether the accomplice's testimony favors the defense or prosecution. United States v. Tirouda, 394 F.3d 683, 687-88 (9th Cir.2005), *cert. denied*, 547 U.S. 1005 (2006). The Committee recommends giving this instruction whenever it is requested.

2. ACCOMPLICE WITNESS

An accomplice is hereby defined as one who is liable for prosecution, for the identical offense charged against the defendants on trial in the case in which the testimony of the accomplice is given. To be an accomplice, the person must have aided, promoted, encouraged, or instigated by act of advice the commission of such offense with knowledge of the unlawful purpose of the person or persons who committed the offense.

You are instructed that Donte Johns is an accomplice.

To use an accomplice's testimony in determining whether or not to convict the defendants of the charged crimes, you must find that the accomplice testimony is corroborated by other evidence, without the aid of the testimony of the accomplice,

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and tends to connect the defendants with the commission of the offense. Corroboration shall not be sufficient if it merely shows the commission of the offense or the circumstances thereof.

NRS 175.291; Rowland v. State, 118 Nev. 31 (2002)

3. CREDIBILITY OF ACCOMPLICE TESTIMONY (ALTERNATIVE)

You are instructed that Donte Johns has been given an inducement in exchange for his cooperation in this prosecution. You may consider this inducement as one of many circumstances that you may take into consideration in weighing the credibility of such a witness.

4. INVERSE FLIGHT INSTRUCTION

The fact that the defendants did not (flee, leave the scene, leave the area) does not in itself prove that the defendant is not guilty, but is a fact that may be considered by you in light of all other proved facts in deciding the question of whether the defendant is guilty or not guilty.

See, Weber v. State, 121 Nev. 554 (2005)[Flight "signifies something more than a mere going away. It embodies the idea of going away with a consciousness of guilt, for the purpose of avoiding arrest.]; See also Blanco v. State, 392 F3d 382 (2004) for 9th circuit version of instruction).

5. DUAL ROLE TESTIMONY

You have heard testimony from CRYSTAL MAY, JESSICA CHARAK, and ERIK GILKERSON who to both facts and opinions and the reasons for his/her opinions.

Fact testimony is based on what the witness saw, heard or did. Opinion testimony is based on the education or experience of the witness.

As to the testimony about facts, it is your job to decide which testimony to believe and which testimony not to believe. You may believe everything a witness says, or part of it, or none of it. Take into account the factors discussed earlier in these instructions that were provided to assist you in weighing the credibility of witnesses.

As to the testimony about the witness's opinions, this opinion testimony is allowed because of the education or experience of this witness. Opinion testimony should be judged like any other testimony. You may accept all of it, part of it, or none of it. You should give it as much weight as you think it deserves, considering the witness's education and experience, the reasons given for the opinion, and all the other evidence in the case.

Exhibit 10

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Exhibit 10

1 MS. MERCER: Is there anybody in the first 36 that
 2 would never under any circumstances be able to convict
 3 someone of a crime unless they heard from the victim of the
 4 crime that the defendant was the person who committed the
 5 crime?

6 PROSPECTIVE JUROR NO. 19: I actually have a
 7 question for the one you asked prior.

8 MS. MERCER: The accomplice?

9 PROSPECTIVE JUROR NO. 19: Yes.

10 MS. MERCER: Okay. And for the record --

11 PROSPECTIVE JUROR NO. 019: Badge No. 19, Vincent
 12 Gaeta. What did this gentleman get -- get for becoming a
 13 witness? Did he get completely relieved of any
 14 responsibility?

15 MS. MERCER: Okay. So you would want to know the
 16 answer to that question?

17 PROSPECTIVE JUROR NO. 019: I would.

18 MS. MERCER: Okay.

19 UNIDENTIFIED SPEAKER: I second that.

20 PROSPECTIVE JUROR NO. 019: Did he like get off
 21 Scott free for, you know (inaudible) --

22 MS. MERCER: Okay.

23 PROSPECTIVE JUROR NO. 019: -- on his friends?

24 MS. MERCER: So if he got Scott free, you would
 25 find him --

1 PROSPECTIVE JUROR NO. 019: I might be troubled by
2 that.

3 MS. MERCER: What if you heard that he was also
4 held accountable?

5 PROSPECTIVE JUROR NO. 019: Not so much.

6 MS. MERCER: So as long as he doesn't --

7 PROSPECTIVE JUROR NO. 019: Seems like an easy way
8 out.

9 MS. MERCER: -- escape punishment -- as long as he
10 doesn't escape punishment completely, you would be willing to
11 listen to his testimony?

12 PROSPECTIVE JUROR NO. 019: Yeah, that would be an
13 important factor for me to understand. If it was somebody
14 that got immunity and wasn't held accountable and
15 participated and then that would be troubling for me.

16 MS. MERCER: Anyone else? And for the record --

17 PROSPECTIVE JUROR NO. 012: Yeah, I would say that
18 came up --

19 MS. MERCER: And if you could state your badge
20 number, please.

21 PROSPECTIVE JUROR NO. 012: Judy Greenhough, 12. I
22 would say that thought crossed my mind when you guys were
23 doing the intro earlier today, and there was mention of this
24 third person and I had to wonder what the status was.

25 MS. MERCER: Okay.

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1 PROSPECTIVE JUROR NO. 012: And I would say I agree
2 with what he said.

3 MS. MERCER: And what other factors would you use
4 in evaluating his testimony? What other factors would you
5 look at?

6 PROSPECTIVE JUROR NO. 012: That would be -- that'd
7 be the main thing. My -- you know, my understanding of why
8 it was he was now a witness and not on trial.

9 MS. MERCER: Okay.

10 PROSPECTIVE JUROR NO. 012: If he was involved
11 somehow.

12 MS. MERCER: Thank you, ma'am.

13 PROSPECTIVE JUROR NO. 019: Especially if there was
14 a --

15 MS. MERCER: And your badge number.

16 THE COURT: Hold on, hold on.

17 PROSPECTIVE JUROR NO. 019: 19.

18 THE COURT: You need to go one at a time.

19 PROSPECTIVE JUROR NO. 019: Okay. No. 19, Vincent
20 Gaeta. Especially if there's a huge differential in the
21 punishment. I mean, if he -- if his punishment's going to be
22 very light and the punishment these gentlemen are facing is
23 substantial, but that seems to me like that would be an easy
24 way to get out of trouble.

25 MS. MERCER: Okay.

1 PROSPECTIVE JUROR NO. 019: And it would be hard to
2 take what he had to say -- what he has to say in account
3 wholeheartedly from where I sit.

4 MS. MERCER: Would you also be interested in
5 knowing his role in the crimes?

6 PROSPECTIVE JUROR NO. 019: Certainly, I'm willing
7 to hear the whole thing and be fair and impartial and do all
8 the things that the judge asked early on. But again, that's
9 something when you brought it up it up, it didn't occur to me
10 until after you started talking about the next thing that it
11 would be a factor for me. I would want to know that going
12 in.

13 MS. MERCER: I'm trying to --

14 PROSPECTIVE JUROR NO. 019: What was offered to
15 him.

16 MS. MERCER: I'm trying to figure out how to phrase
17 my next question.

18 PROSPECTIVE JUROR NO. 019: Okay.

19 MS. MERCER: Give me a second.

20 PROSPECTIVE JUROR NO. 019: That's all right.

21 MS. MERCER: Do you believe that oftentimes there
22 are different levels of culpability? In other words, one
23 defendant might deserve more punishment than another?

24 PROSPECTIVE JUROR NO. 019: I've heard of instances
25 where -- in fact, a gentleman I knew, son was involved in

1 something similar, and he didn't even know that other guys
2 were going to go rob the place, according could him.

3 MS. MERCER: I mean --

4 PROSPECTIVE JUROR NO. 019: He was riding in the
5 car so now he's involved.

6 MS. MERCER: What --

7 PROSPECTIVE JUROR NO. 019: And he did serious
8 time.

9 MS. MERCER: So he was the driver?

10 PROSPECTIVE JUROR NO. 019: Yeah.

11 MS. MERCER: Okay. Do you know how many incidents
12 he was involved in?

13 PROSPECTIVE JUROR NO. 019: I don't know. It was
14 just somebody I knew along the way. I'm not even in contact
15 with him anymore, but at one point in my life I remember that
16 had a big impact that he was the father, and watched his son
17 go through that believing what his son told him, that he
18 didn't know that they were going to do it. You know, what
19 the truth was.

20 MS. MERCER: Okay.

21 PROSPECTIVE JUROR NO. 019: But -- but again, I --
22 I would just want to understand if somebody got off with
23 probation and somebody else is looking at some substantial
24 time, that seems to me like that would be, you know, the easy
25 thing to do and how much it would -- when he says could you

1 believe, if he's buying his freedom --

2 MS. MERCER: Okay.

3 PROSPECTIVE JUROR NO. 019: -- with -- that's
4 basically capital. It's troubling.

5 MS. MERCER: Okay. Anyone else? I think somebody
6 -- ma'am, you had your hand up. Or you were agreeing with
7 something that he said?

8 PROSPECTIVE JUROR NO. 023: I was agreeing with
9 him.

10 MS. MERCER: Could you pass the microphone down to
11 her.

12 PROSPECTIVE JUROR NO. 019: Sure.

13 MS. MERCER: And if you could state your name and
14 badge number for the record, please.

15 PROSPECTIVE JUROR NO. 023: Lori Owen, No. 23. I
16 was agreeing with him because I think everybody would want to
17 know what his role was in this.

18 MS. MERCER: What other factors would you look at
19 in determining the credibility of his testimony?

20 PROSPECTIVE JUROR NO. 023: I'd have to hear his
21 side of the story of why he was put -- you know, is giving
22 testimony as opposed -- like exactly what he was saying, that
23 why he was giving testimony against them as opposed to being,
24 you know, being prosecuted for the crime.

25 MS. MERCER: And what if other evidence was

9

1 consistent with his testimony, would you --

2 PROSPECTIVE JUROR NO. 023: Yeah, if there was
3 evidence that was consistent, but I think we need to hear the
4 story of, you know, what was going on with him.

5 MS. MERCER: Okay. Thank you. Did anyone else
6 have anything to add with regards to that line of
7 questioning? Is there anyone here who for whatever reason
8 has a distrust of law enforcement?

9 UNIDENTIFIED SPEAKER: Could you speak up, please?

10 MS. MERCER: I'm sorry. Is there anyone here that
11 for any reason whatsoever has a distrust of law enforcement?
12 And there are no hands raised.

13 Is there anyone here that has ever had an extremely
14 negative experience with law enforcement? I'm not talking
15 about a traffic ticket where you've got into an argument with
16 the highway patrol officer that pulled you over, but is there
17 anyone here that's ever had a negative interaction with law
18 enforcement, a serious one? There are no hands raised.

19 Is there anyone here that believes that crime scene
20 analysts and law enforcement should recover DNA or
21 fingerprints from every single crime scene?

22 UNIDENTIFIED SPEAKER: Say that again, please.

23 MS. MERCER: Is there anyone here that believes
24 that law enforcement or crime scene analysts should be able
25 to recover fingerprints or DNA at every single crime scene?

Exhibit A

11

Exhibit A



Arrest / Detective Report

Administrative

Location **4011 E Charleston Blvd LV, NV 89104** Sector /Beat **G4**
 Occurred On (Date / Time) **Tuesday 10/28/2014 11:30:37 PM** Or Between (Date / Time)
 Reporting Officer **10003 - Atwood, C.** Reported On **10/29/2014**
 Entered By **10003 - Atwood, C.** Entered On **10/29/2014 12:29:59 AM**
 Supervisor **07322 - Reese, S.** Follow Up Pro Squad **NE 12** Follow Up
 Jurisdiction **Clark County** Report Type **Officer Created - Sgt Approval** Disposition **Active**
 Route To: Related Cases
 Connecting Reports **Victim information Guide**
Voluntary Statement

Assisting Officers:
09791 - Ramlrez, Jimmy J Officer
06708 - Matlock, Ronald S Detective
08427 - Felabom, Adam M ID Specialist

Offenses

Robbery, E/DW(F)-NRS 200.380

Completed **Yes** Hate/Bias **Unknown (Offenders Motivation Not Known)** Domestic Violence **No**
 Entry Premises Entered Type Security Tools
 Weapons **Firearm - Automatic (Type Not Stated)** Location Type **Restaurant**
Handgun
Knife/Cutting Instrument (Icepick, Ax, Etc.)
 Criminal Activities

Assault, W/Dw(F)-NRS 200.471.2B

Completed **Yes** Hate/Bias **Unknown (Offenders Motivation Not Known)** Domestic Violence **No**
 Entry Premises Entered Type Security Tools
 Weapons **Firearm - Automatic (Type Not Stated)** Location Type **Restaurant**
Handgun
Knife/Cutting Instrument (Icepick, Ax, Etc.)
 Criminal Activities

Battery(M)-NRS 200.481.2A

Completed **Yes** Hate/Bias **Unknown (Offenders Motivation Not Known)** Domestic Violence **No**
 Entry Premises Entered Type Security Tools
 Weapons **Other** Location Type **Restaurant**
 Criminal Activities

Victims

Name: **El Pollo Loco**

Victim Type **Business** Written Statement Can ID Suspect
 Victim of **50138 - Robbery, E/DW(F)-NRS 200.380** Domestic Battery

SSN DOB Age Sex Race
 Height Weight Hair Color Eye Color
 Employer/School Occupation/Grade Work Schedule
 DLN DL State DL Country
 Resident Tourist Departure Date
 Injury Injury Weapons

Addresses
Business 4011 E Charleston Blvd LV, NV 89104 Clark USA

Phones
Business/Work (702) 437-8328

Email

Offender Relationships
 Domestic Violence Information
 Relationship to Suspect Primary Aggressor Determined
 Intimate Relationship Drug/Alcohol Involvement
 Voluntary Statement DV Information Provided
 Injury Severity Medical Attention

Photos Taken

Notes:

Name: Schoebel, Jamie

Victim Type	Individual	Written Statement	Yes	Can ID Suspect	Yes
Victim of	50201 - Assault, W/Dw(F)-NRS 200.471.2B			Domestic Battery	No
	50212 - Battery(M)-NRS 200.481.2A				

SSN	618-58-8345	DOB	07/19/1992	Age	22	Sex	Female	Race	White
Height	5' 1"	Weight	164	Hair Color	Brown	Eye Color	Brown		
Employer/School	El Pollo Loco								
Occupation/Grade	Manager								
DLN		DL State		DL Country		Work Schedule			
Resident	Resident			Tourist Departure Date					
Injury	Apparent Minor Injury			Injury Weapons	Firearm - Automatic (Type Not Stated)				
					Handgun				
					Knife/Cutting Instrument (Icepick, Ax, Etc.)				
					Personal Weapons (Hands, Feet, Teeth, etc.)				

Addresses

Residence	5709 Tabor Ave North LV, NV 89030 Clark USA
Business	4011 E Charleston Blvd LV, NV 89104 Clark USA

Phones

Cellular	(702) 815-9020
Business/Work	(702) 437-8328

Email

Offender Relationships

S - Unknown	None
S - Unknown	None

Domestic Violence Information

Relationship to Suspect	Primary Aggressor Determined
Intimate Relationship	Drug/Alcohol Involvement
Voluntary Statement	DV Information Provided
Injury Severity	Medical Attention
Photos Taken	

Notes:
Injury was caused by getting punched not from a weapon

Name: Mena, Diana

Victim Type	Individual	Written Statement	Yes	Can ID Suspect	Yes
Victim of	50201 - Assault, W/Dw(F)-NRS 200.471.2B			Domestic Battery	No
	50212 - Battery(M)-NRS 200.481.2A				

SSN	530-87-5283	DOB	05/01/1995	Age	19	Sex	Female	Race	White
Height	5' 5"	Weight	169	Hair Color	Brown	Eye Color	Brown		
Employer/School	El Pollo Loco								
Occupation/Grade	Cashier								
DLN	2103552651	DL State	Nevada	DL Country	USA	Work Schedule			
Resident	Resident			Tourist Departure Date					
Injury	Apparent Minor Injury			Injury Weapons	Firearm - Automatic (Type Not Stated)				
					Handgun				
					Knife/Cutting Instrument (Icepick, Ax, Etc.)				
					Personal Weapons (Hands, Feet, Teeth, etc.)				

Addresses

Residence	4737 Montebello Ave LV, NV 89110 Clark USA
Business	4011 E Charleston Blvd LV, NV 89104 Clark USA

Phones

Cellular	(702) 576-3484
Business/Work	(702) 437-8328

Email

Offender Relationships

S - Unknown	None
--------------------	-------------

S - Unknown None

Domestic Violence Information

Relationship to Suspect Primary Aggressor Determined
Intimate Relationship Drug/Alcohol Involvement
Voluntary Statement DV Information Provided
Injury Severity Medical Attention
Photos Taken

Notes:

Injury was caused by fist not from weapon

Name: Borja, Jose

Victim Type Individual Written Statement Yes Can ID Suspect Yes
Victim of 50201 - Assault, W/Dw(F)-NRS 200.471.2B Domestic Battery No
50212 - Battery(M)-NRS 200.481.2A

SSN DOB 02/27/1982 Age 32 Sex Male Race White
Height 6' 0" Weight 220 Hair Color Black Eye Color Brown
Employer/School El Pollo Loco
Occupation/Grade Cook Work Schedule
DLN DL State DL Country
Resident Resident Tourist Departure Date
Injury Apparent Minor Injury Injury Weapons Firearm - Automatic (Type Not Stated)
Handgun
Knife/Cutting Instrument (Icepick, Ax, Etc.)
Personal Weapons (Hands, Feet, Teeth, etc.)

Addresses

Residence 616 N 13th St LV, NV 89105 Clark USA
Business 4011 E Charleston Blvd LV, NV 89104 Clark USA

Phones

Cellular (702) 513-2538
Business/Work (702) 437-8328

Email

Offender Relationships

S - Unknown None

S - Unknown None

Domestic Violence Information

Relationship to Suspect Primary Aggressor Determined
Intimate Relationship Drug/Alcohol Involvement
Voluntary Statement DV Information Provided
Injury Severity Medical Attention
Photos Taken

Notes:

injury was caused by being pistol whipped

Name: Hernandez, Jennifer

Victim Type Individual Written Statement Yes Can ID Suspect Yes
Victim of 50201 - Assault, W/Dw(F)-NRS 200.471.2B Domestic Battery No

SSN DOB 04/09/1981 Age 33 Sex Female Race White
Height 5' 6" Weight 160 Hair Color Brown Eye Color Brown
Employer/School El Pollo Loco
Occupation/Grade Food Prep Work Schedule
DLN DL State DL Country
Resident Resident Tourist Departure Date
Injury None Observed Injury Weapons Firearm - Automatic (Type Not Stated)
Handgun
Knife/Cutting Instrument (Icepick, Ax, Etc.)

Addresses

Residence 3040 N Las Vegas Blvd LV, NV 89116 Clark USA
Business 4011 E Charleston Blvd LV, NV 89104 Clark USA

Phones

Cellular (702) 504-7668
Business/Work (702) 437-8328

Email

Offender Relationships

S - Unknown None

S - Unknown None

Domestic Violence Information

Relationship to Suspect Primary Aggressor Determined
Intimate Relationship Drug/Alcohol Involvement
Voluntary Statement DV Information Provided
Injury Severity Medical Attention
Photos Taken

Notes:

Name: Caballero, David

Victim Type Individual Written Statement Yes Can ID Suspect Yes
Victim of 50201 - Assault, W/Dw(F)-NRS 200.471.2B Domestic Battery No

SSN 762-69-9981 DOB 08/27/1991 Age 23 Sex Male Race White
Height 5' 8" Weight 190 Hair Color Brown Eye Color Brown
Employer/School El Pollo Loco Occupation/Grade Cook Work Schedule
DLN 1604445864 DL State Nevada DL Country USA
Resident Resident Tourist Departure Date
Injury None Observed Injury Weapons Firearm - Automatic (Type Not Stated)
Handgun
Knife/Cutting Instrument (Icepick, Ax, Etc.)

Addresses

Residence 3682 Summer Picnic Ct LV, NV 89147 Clark USA
Business 4011 E Charleston Blvd LV, NV 89104 Clark USA

Phones

Cellular (805) 616-1215
Business/Work (702) 437-8328

Email

Offender Relationships

S - Unknown None

S - Unknown None

Domestic Violence Information

Relationship to Suspect Primary Aggressor Determined
Intimate Relationship Drug/Alcohol Involvement
Voluntary Statement DV Information Provided
Injury Severity Medical Attention
Photos Taken

Notes:

Suspects

Name: Unknown

Written Stmt. Alerts Non-English Language

Aliases
Moniker

Scope ID DOB Age 20-26 SSN
Race Black or African American Build Thin Handedness Right
Sex Male Height 6' 0" - 6' 2" Weight 135 - 145 Hair Color Black Eye Color Brown

Employer/School Occupation/Grade
Hair Length Hair Style Eyes Normal
Complexion Dark Facial hair Teeth
Appearance Bandana mask Injury/Condition
Casual Clothes

Speech manner Speech Characteristics
DLN DL State DL Country

1/7/2015 11:03 AM

11/24/20001240

0 1 1 1

Resident Tourist Departure MO Factors Place of Birth
 Habitual Offender Status
 Primary Means of Attack/Weapon **Firearm - Automatic (Type Not Stated)** Weapon Features **Automatic Small Frame**
 Employer/School Occupation/Grade

Scars, Marks and Tattoos
 Addresses

Phones

Domestic Violence Information
 TPO in Effect Drug/Alcohol Involvement Voluntary Statement
 Injury Severity Medical Attention DV Info provided
 Photos Taken Suspect Demeanor

Notes:

Name: **Unknown**

Written Stmt. Alerts Non-English Language

Aliases
 Moniker

Scope ID DOB Age **20-26** SSN
 Race **Black or African American** Build **Thin** Handedness **Right**
 Sex **Male** Height **5' 6" - 5' 8"** Weight **135 - 145** Hair Color **Black** Eye Color **Brown**

Employer/School Occupation/Grade
 Hair Length Hair Style Eyes **Normal**
 Complexion **Dark** Facial hair Teeth

Appearance Injury/Condition
 Speech manner Speech Characteristics
 DLN DL State DL Country
 Resident **Unknown** Tourist Departure Place of Birth
 Habitual Offender Status MO Factors

Primary Means of Attack/Weapon **Knife/Cutting Instrument (Icepick, Ax, Etc.)** Weapon Features
 Employer/School Occupation/Grade

Scars, Marks and Tattoos
 Addresses

Phones

Domestic Violence Information
 TPO in Effect Drug/Alcohol Involvement Voluntary Statement
 Injury Severity Medical Attention DV Info provided
 Photos Taken Suspect Demeanor

Notes:

Arrestees

Witnesses

Other Entities

Properties

Type: **Currency, Coins, Securities, Cash**

Status **Stolen** Quantity **1000** Value **1,000.00** Color
 Description **\$1000 Misc cash**
 Manufacturer Model Serial No./WIN
 Vehicle Year Body Type
 Lic Plate # Lic Plate State Lic Plate Exp
 Insurance Company
 Owner **V - El Pollo Loco**
 Notes:

Detailed Property Information

Length
Horse Power
Caliber
Features

Width
Propulsion Serial #
Barrel Length

Height

Recovered Property Information

Recovered Date
Recovered Location
Recovered By
Owner Type
Insurance Rep.

Recovered Value
Recovered Reason
Recovered Stock #
Released To
Tow Company

Type: **Currency, Coins, Securities, Cash**

Status **Stolen And Recovered (Also Used To Update Prev. Stolen)** Quantity **6** Value **60.00** Color

Description **6 rolls of quarters \$10 each**

Manufacturer
Vehicle Year
Lic Plate #
Insurance Company
Owner **V - El Pollo Loco**

Model
Body Type
Lic Plate State

Serial No./VIN
Lic Plate Exp

Notes: **Items were dropped outside of business by suspects.**

Detailed Property Information

Length
Horse Power
Caliber
Features

Width
Propulsion Serial #
Barrel Length

Height

Recovered Property Information

Recovered Date **10/29/2014** Recovered Value **60.00**

Recovered Location **4011 E CHARLESTON BLVD** Recovered Reason

Recovered By **08427 - Felabom, Adam M** Recovered Stock #

Owner Type Released To **Schoebal, Jamie**

Insurance Rep. Tow Company

Solvability

Criminalistics Work Was Performed
Physical Evidence is Present
Stolen Property is Traceable, (Identifiable)
Suspect Can Be Described
Suspect Can Be Identified
Witness Present - Victim

Modus Operandi

MO General
Occupied? **Yes** Surrounding Area **Middle of Block**
General Premise **Restaurant** Specific Premise **Other**

MO Against Property
Entry Point Exit Point Entry Location
Entry/Attempt Method Entry Tool Vehicle Entry
Safe Entry Suspect Actions Additional Factors
Victim Location Electronic Locks Video Surveillance **Yes**
Maid Inspectress

MO Against People
Victim-Suspect Relationship Pre-Incident Contact **None**
Victim Condition **Other** Suspect Solicited/Offered
Suspect Pretended to Be Suspect Actions **Had Victim Lie Down
Hit/Assaulted During Act
Multiple Suspects
Suspect's Face Concealed**

Sexual Acts Vehicle Involvement

Narrative

On 10/28/14 Officers responded to a Robbery at the El Pollo Loco at 4011 E. Charleston. Upon arrival contact was made with 5 employees, who were inside of the business and were identified as Jamie Schoebel DOB 7/19/92, Diana Mena DOB 5/1/95, Jose Borja DOB 2/27/82, Jennifer Hernandez DOB 4/9/81 and David Coballero DOB 8/27/91. All of the victims stated that Mena and Borja were in the back of the business taking out the trash and had the back door open. Mena and Borja were approached by 2 Black males, who walked up from the direction of the Santa Fe Apartments. One of the suspect was wearing a gray hoodie, red bandana mask, black gloves and armed with a silver semi auto handgun. The other suspect was wearing a black hoodie, red bandana mask, black gloves and was armed with a small blade knife. The suspects ordered all of the employees into the business and made them lay on the floor. The suspects grabbed Schoebel, who is the store manager and ordered her to open the safe. Victims stated that the suspect became angry because Schoebel was having a hard time opening the safe and one of the suspects pistol whipped Borja, causing minor injuries to his head and arms. The other suspect punched Schoebel, who is 4 months pregnant in the side of her stomach and also punched Mena in the back of the neck. Victims said the suspect took approximately \$1000 from the safe and left out of the back door of the business in an unknown direction.

Patrol Follow-Up

Medic West Unit# 641 and Rescue 16 responded and treated all three victims, however no one was transported to the hospital.

Officers located 6 rolls of quarters outside of the rear of the business that were dropped by the suspects.

Id responded and photographed the scene and the victims injuries and released the rolls of quarters back the business.

Robbery Det. R. Matlock P# 6708 responded to scene.

Video will be available later today (during business hours) per management.



Arrest / Detective Report

Administrative

Location **4581 E Charleston Las Vegas Nv., 89104** Sector /Beat **G4**
 Occurred On (Date / Time) **Wednesday 10/29/2014 11:01:00 PM** Or Between (Date / Time) **Wednesday 10/29/2014 11:03:00 PM**
 Reporting Officer **09791 - Ramirez, J.** Reported On **10/29/2014**
 Entered By **09791 - Ramirez, J.** Entered On **10/29/2014 11:35:00 PM**
 Supervisor **07322 - Reese, S.** Follow Up Pro Squad **NE 12** Follow Up
 Jurisdiction **Clark County** Report Type **Officer Created - Sgt Approval** Disposition **Active**
 Route To: **Related Cases**
 Connecting Reports **Victim Information Guide**
Voluntary Statement

Assisting Officers:

Offenses

Robbery(F)-NRS 200.380
 Completed **Yes** Hate/Bias **Unknown (Offenders Motivation Not Known)** Domestic Violence **No**
 Entry Premises Entered Type Security Tools
 Weapons **Handgun - Automatic** Location Type **Convenience Store**
Knife/Cutting Instrument (Icepick, Ax, Etc.)
 Criminal Activities **None/Unknown**

Victims

Name: **7 Eleven**

Victim Type **Business** Written Statement
 Victim of **50137 - Robbery(F)-NRS 200.380** Car ID Suspect
 Domestic Battery
 SSN DOB Age Sex Eye Color Race
 Height Weight Hair Color
 Employer/School Work Schedule
 Occupation/Grade DLN DL State DL Country
 Resident Tourist Departure Date
 Injury Injury Weapons

Addresses
Business 4581 E Charleston Lv Nv., 89104 Clark USA

Phones
Business/Work (702) 459-4179

Email

Offender Relationships
 Domestic Violence Information
 Relationship to Suspect Primary Aggressor Determined
 Intimate Relationship Drug/Alcohol Involvement
 Voluntary Statement DV Information Provided
 Injury Severity Medical Attention
 Photos Taken

Notes:

Suspects

Name: **#1, Unknown Suspect**

Written Stmt. Alerts Non-English Language

Aliases
 Moniker

Scope ID DOB Age **20-26** SSN
 Race **Black or African American** Build **Medium**
 Sex **Male** Height **5' 11"** Weight **185** Hair Color **Black** Handedness **Right**
 Eye Color **Brown**

Employer/School
 Hair Length
 Complexion
 Appearance
 Speech manner
 DLN
 Resident

Hair Style
 Facial hair
Goatee

Occupation/Grade
 Injury/Condition
 Speech Characteristics

Eyes
 Teeth

DL State
 Tourist Departure

DL Country
 Place of Birth

Habitual Offender Status

MO Factors
Suspect Armed
Suspect Wore Gloves
Wore Mask

Primary Means of Attack/Weapon
 Employer/School

Firearm - Automatic
(Type Not Stated)

Weapon Features
 Occupation/Grade

Blue Steel
Automatic

Scars, Marks and Tattoos
 Addresses

Phones

Domestic Violence Information
 TPO in Effect
 Injury Severity
 Photos Taken

Drug/Alcohol Involvement
 Medical Attention
 Suspect Demeanor

Voluntary Statement
 DV Info provided

Notes:

Name: **#2. Unknown Suspect**

Written Stmt. Alerts Non-English Language

Aliases
 Moniker

Scope ID DOB Age **20-26** SSN
 Race **Black or African American** Build **Medium** Handedness **Right**
 Sex **Male** Height **6' 1"** Weight **195** Hair Color **Black** Eye Color **Brown**
 Employer/School Occupation/Grade

Hair Length
 Complexion
 Appearance
 Speech manner
 DLN
 Resident

Hair Style
 Facial hair
Goatee

Occupation/Grade
 Injury/Condition
 Speech Characteristics

Eyes
 Teeth

DL State
 Tourist Departure

DL Country
 Place of Birth

Habitual Offender Status

MO Factors
Suspect Armed
Suspect Wore Gloves
Wore Mask

Primary Means of Attack/Weapon
 Employer/School

Firearm - Automatic
(Type Not Stated)

Weapon Features
 Occupation/Grade

Blue Steel
Automatic

Scars, Marks and Tattoos
 Addresses

Phones

Domestic Violence Information
 TPO in Effect
 Injury Severity
 Photos Taken

Drug/Alcohol Involvement
 Medical Attention
 Suspect Demeanor

Voluntary Statement
 DV Info provided

Notes:

Arrestees

Witnesses

Witness Name: **Darnell, Butler**

Written Statement **Yes** Can ID Suspect **No** Testify

SSN **558-79-4166** DOB **02/14/1984** Age **30** Race **Black or African American**
 Sex **Male** Height **5' 10"** Weight **185** Hair Color **Black** Eye Color **Hazel**

Addresses
 Residence **141 Alpine Ct Henderson Nv., 89074 Clark USA**

Phones
Cellular (702) 273-5823

Notes:

Other Entities

Properties

Type: **Currency, Coins, Securities, Cash**

Status	Stolen	Quantity	100.00	Value	100.00	Color	Green
Description	US CURRENCY						
Manufacturer	US	Model		Serial No.	WIN		
Vehicle Year		Body Type		Lic Plate Exp			
Lic Plate #		Lic Plate State					
Insurance Company							
Owner	V - 7 Eleven						
Notes:	MIXED US CURRENCY STOLEN DURING THE COMMISSION OF THIS CRIME.						

Detailed Property Information

Length	Width	Height
Horse Power	Propulsion	Serial #
Caliber	Barrel Length	
Features		

Recovered Property Information

Recovered Date	Recovered Value
Recovered Location	Recovered Reason
Recovered By	Recovered Stock #
Owner Type	Released To
Insurance Rep.	Tow Company

Solvability

Criminalistics Work Was Performed
Witness Present - Other

Modus Operandi

MO General		Surrounding Area	Corner
Occupied?	Yes	Specific Premise	Parking Lot
General Premise	Convenience Store		
MO Against Property			
Entry Point	Door	Exit Point	Door
			North
Entry/Attempt Method		Entry Tool	
Safe Entry		Suspect Actions	Covered
			Hands(Gloves, etc)
			Selective in Loot
Victim Location		Electronic Locks	
Maid		Inspectress	
			Video Surveillance
			Yes
MO Against People			
Victim-Suspect Relationship		Pre-Incident Contact	
Victim Condition		Suspect Solicited/Offered	
Suspect Pretended to Be		Suspect Actions	
Sexual Acts		Vehicle Involvement	

Narrative

At approximately 2301 hours on today's date the 7 Eleven convenience store located at 4581 E. Charleston was robbed. Two unknown black male adults entered this business and held the store clerk at this time, a Darnell Butler at Gun and knife point. The first suspect was wearing gray footwear, black pants, black t-shirt, gray hooded sweatshirt with an imitation "Burberry" type pattern lining, red banana wrapped around his face/neck area, wearing red gloves, armed with a black semi-auto handgun with what appeared to be a stainless steel barrel, standing approximately 5' 10" tall. The second subject was a black male adult wearing black footwear, pants t-shirt, hooded sweatshirt, gray and red

gloves, red bandana around his face, armed with what appeared to be a knife according to Butler. Both subjects entered the business from the front north facing store doors. the first subject entered the business with out the red bandana covering his face. this first subject wearing the gray hooded sweatshirt appeared to have a goatee with sharp facial features. This first suspect immediately instructed the clerk who was present in the store that, " This is a stick-up give me all the money." Then clerk was then directed to around the front of the register area to behind the register area and told to open the register drawer which Butler did.

The suspects then grabbed approximately \$100.00 in mixed U.S. Currency from the register drawer of this 7 Eleven location. The suspects then exited the business and headed eastbound towards an unknown location. Butler then pushed the store panic alarm and contacted LVMPD Dispatch to advised them of this incident and to have officers respond. Patrol officers and Robbery responded to this location. Store owner notified and reviewed the store surveillance cameras of captured evidence of this robbery. Criminalistics technician W. Speas P#5228 responded and photographed the scene of this crime. Robbery will be gathering video evidence the following business day.

Patrol Follow-Up

Officer J. Vance P#9004, was attempting to locate any potential suspect "lay-off" vehicles in the immediate vicinity of the victim business to this event. Officer Vance contacted a suspicious black male adult at Wisconsin and Lucky Street, just south of the 7 Eleven. This black male adult was later identified as Wesley, Juan Ma Gale (DOB:08/17/74, NV DL- 1402389367). Wesley attempted to avoid officer contact by parking his cold plated vehicle in the driveway of 4841 Wisconsin. Wesley stated that he knew the family of the address where he parked his vehicle. However, contacted was made with the residence of this address and the residence stated that they did not know Wesley. Wesley later admitted that he was parked at this address to avoid police contact due to his vehicle being "cold plated." Consent to search Wesley's vehicle was obtained and no articles related to the robbery were located with in Wesley's 1998 Cadillac Deville.



Arrest / Detective Report

Administrative

Location **6130 W Lake Mead Blvd Las Vegas, NV 89108** Sector /Beat **V6**
 Occurred On (Date / Time) **Saturday 11/01/2014 11:02:00 PM** Or Between (Date / Time)
 Reporting Officer **14082 - Forson, C.** Reported On **11/01/2014**
 Entered By **14082 - Forson, C.** Entered On **11/01/2014 11:27:43 PM**
 Supervisor **08880 - Houchen, J.** Follow Up Pro Squad **NW 12** Follow Up
 Jurisdiction **Las Vegas, City of** Report Type **Officer Created - Sgt Approval** Disposition **Active**
 Route To:
 Connecting Reports **Voluntary Statement** Related Cases

Assisting Officers:
08880 - Houchen, Joshua M SGT
14073 - Pearson, Kyle S Officer
08744 - Abel, Jeffery C Detective
14402 - Tucker, Kristen ID Specialist
06015 - Turner, Linda A Detective

Offenses

Robbery, E/DW(F)-NRS 200.380
 Completed **Yes** Hate/Bias **None (No Bias)** Domestic Violence **No**
 Entry Premises Entered Type Security Tools
 Weapons **Handgun** Location Type **Restaurant**
Knife/Cutting Instrument (Icepick, Ax, Etc.)
 Criminal Activities **None/Unknown**

Victims

Name: **Poole, Shannon**

Victim Type **Individual** Written Statement **Yes** Can ID Suspect **No**
 Victim of **50138 - Robbery, E/DW(F)-NRS 200.380** Domestic Battery **No**
 SSN DOB **04/14/1971** Age **43** Sex **Female** Race **White**
 Height **5' 6"** Weight **185** Hair Color **Blond** Eye Color **Brown**
 Employer/School **Pizza Hut**
 Occupation/Grade Work Schedule
 DLN DL State DL Country
 Resident **Resident** Tourist Departure Date
 Injury **None Observed** Injury Weapons **Handgun**
Knife/Cutting Instrument (Icepick, Ax, Etc.)

Addresses
Residence **2437 Charteroak St Las Vegas, NV 89108 Clark USA**
Business **6130 W. Lk Mead Las Vegas, NV 89108 Clark USA**

Phones
Cellular **(702) 286-3125**
Business/Work **(702) 648-9011**

Email

Offender Relationships
S - Unknown **None**
S - Unknown **None**
S - Unknown **None**

Domestic Violence Information
 Relationship to Suspect Primary Aggressor Determined
 Intimate Relationship Drug/Alcohol Involvement
 Voluntary Statement DV Information Provided
 Injury Severity Medical Attention
 Photos Taken

Notes:

Injury Severity
Photos Taken

Medical Attention

Notes:

Suspects

Name: Unknown

Written Stmt. Alerts Non-English Language

Aliases

Moniker

Scope ID DOB Age **20-30** SSN
Race **Black or African American** Build **Thin** Handedness
Sex **Male** Height **6' 3" - 6' 4"** Weight **160 - 190** Hair Color **Bald** Eye Color

Employer/School Occupation/Grade
Hair Length Hair Style Eyes
Complexion Facial hair Teeth
Appearance Injury/Condition
Speech manner Speech Characteristics
DLN DL State DL Country
Resident Tourist Departure Place of Birth
Habitual Offender Status MO Factors
Primary Means of Attack/Weapon Weapon Features
Employer/School Occupation/Grade

Scars, Marks and Tattoos

Addresses

Phones

Domestic Violence Information

TPO in Effect Drug/Alcohol Involvement Voluntary Statement
Injury Severity Medical Attention DV Info provided
Photos Taken Suspect Demeanor

Notes:

Name: Unknown

Written Stmt. Alerts Non-English Language

Aliases

Moniker

Scope ID DOB Age **20-30** SSN
Race **Black or African American** Build **Thin** Handedness
Sex **Male** Height **5' 8" - 5' 10"** Weight **150 - 175** Hair Color Eye Color

Employer/School Occupation/Grade
Hair Length Hair Style Eyes
Complexion Facial hair Teeth
Appearance Injury/Condition
Speech manner Speech Characteristics
DLN DL State DL Country
Resident Tourist Departure Place of Birth
Habitual Offender Status MO Factors
Primary Means of Attack/Weapon **Knife/Cutting Instrument (Icepick, Ax, Etc.)** Weapon Features
Employer/School Occupation/Grade

Scars, Marks and Tattoos

Addresses

Phones

Domestic Violence Information

TPO in Effect Drug/Alcohol Involvement Voluntary Statement
Injury Severity Medical Attention DV Info provided
Photos Taken Suspect Demeanor

Notes:

Name: Unknown

Written Stmt. Alerts Non-English Language

Aliases
Moniker

Scope ID DOB Age 00-100 SSN
Race Black or African American Build Heavy
Sex Male Height Weight 200 - 250 Hair Color Handedness
Employer/School Occupation/Grade Eye Color
Hair Length Hair Style Eyes
Complexion Facial hair Teeth
Appearance Injury/Condition
Speech manner Speech Characteristics
DLN DL State DL Country Place of Birth
Resident Tourist Departure
Habitual Offender Status MO Factors
Primary Means of Attack/Weapon Weapon Features
Employer/School Occupation/Grade

Scars, Marks and Tattoos
Addresses

Phones

Domestic Violence Information
TPO in Effect Drug/Alcohol Involvement Voluntary Statement
Injury Severity Medical Attention DV Info provided
Photos Taken Suspect Demeanor

Notes:

Arrestees

Witnesses

Other Entities

Properties

Type: Currency, Coins, Securities, Cash

Status Stolen Quantity 1 Value 160.00 Color
Description \$160 In US currency/Various denominations
Manufacturer Model Serial No./VIN
Vehicle Year Body Type Lic Plate Exp
Lic Plate # Lic Plate State
Insurance Company
Owner
Notes:

Detailed Property Information

Length Width Height
Horse Power Propulsion Serial #
Caliber Barret Length
Features

Recovered Property Information

Recovered Date Recovered Value
Recovered Location Recovered Reason
Recovered By Recovered Stock #
Owner Type Released To
Insurance Rep. Tow Company

Type: Computers and Office Equipment

Status Stolen Quantity 1 Value 1,000.00 Color

Description **Rectangular mechanical cash drawer**
 Manufacturer _____ Model _____ Serial No. WIN _____
 Vehicle Year _____ Body Type _____
 Lic Plate # _____ Lic Plate State _____ Lic Plate Exp _____
 Insurance Company _____
 Owner _____
 Notes: _____

Detailed Property Information

Length _____ Width _____ Height _____
 Horse Power _____ Propulsion Serial # _____
 Caliber _____ Barrel Length _____
 Features _____

Recovered Property Information

Recovered Date _____ Recovered Value _____
 Recovered Location _____ Recovered Reason _____
 Recovered By _____ Recovered Stock # _____
 Owner Type _____ Released To _____
 Insurance Rep. _____ Tow Company _____

Solvability

Criminalistics Work Was Performed
Significant MO Is Present
Stolen Property Is Traceable, (Identifiable)
Suspect Can Be Described
Witness Present - Victim

Modus Operandi

MO General		Surrounding Area	Middle of Block
Occupied? Yes		Specific Premise	Room
General Premise Fast Food Restaurant			
MO Against Property			
Entry Point	Exit Point		Entry Location
Entry/Attempt Method	Entry Tool		Vehicle Entry
Safe Entry	Suspect Actions		Additional Factors
Victim Location	Electronic Locks		Video Surveillance
Maid	Inspectress		
MO Against People		Pre-Incident Contact	None
Victim-Suspect Relationship		Suspect Solicited/Offered	
Victim Condition		Suspect Actions	Had Victim Lie Down
Suspect Pretended to Be			Multiple Suspects
			Pulled/Held/Grabbed Victim
			Suspect's Face Concealed
Sexual Acts		Vehicle Involvement	

Narrative

On 11/11/14 at 2302 Hrs, I, Officer C. Forson, P# 14082, while operating as marked patrol unit 1V12, was dispatched to a silent robbery alarm from the Pizza Hut located at 6130 W. Lake Mead Blvd, Las Vegas Nv 89108. Upon recall to the business it was confirmed to be an actual robbery.

Upon making contact with the employees, Shannon Poole DOB 4/14/71, Daniel Hefner DOB 11/15/79 and George Thimakis 1/28/84 stated that they were all present and victims of the robbery. Shannon, Daniel and George were in the rear of the business finishing orders. No one heard anyone enter the business, and all three were taken by surprise when 2 black males began yelling and knocking things over in the business. Suspect #1 was described as in his 20's, 6'3- 6'4, thin build, wearing a black bandana over his face, a black hat with a yellow 'P' on it and a red brim, and dark clothing on. He was also wearing white, possible motorcycle type gloves. Suspect #1 had a small black revolver, and yelled at all three employees to get down on the ground, advising that no one would get hurt so long as no one tried anything. Suspect #2 was described as a black male, in his 20's, 5'8- 5'10, also thin build wearing a black hoodie, a dark bandana over his face, and black and red leather gloves. Suspect #2 was in possession of a large knife, possibly a construction or dry wall type of knife, not a kitchen knife with a approximately 6' blade.

As suspect #1 was ordering the employees to the floor, suspect #2 physically grabbed Shannon by the arm to force her to her knees. Suspect #1 then demanded access to that safe, however they were advised that the manager was not present and no one there had access.

Suspect #2 then moved around to the front of the store to the register as suspect # 1 demanded a key for the register. Again he was advised that the manager had the only key and the present employees did not. They then heard a loud crashing noise coming from the register area as suspect #2 took the entire register from the counter, causing the rest of the equipment to fall to the ground. Suspect # 2 then called for suspect #1 and they both left the store. Daniel got up to see which way they went, and did not see them in the area. The only thing of note Daniel observed was a gold or champagne Ford vehicle (possibly a Taurus) leaving the parking lot, travelling north bound on Jones. Daniel stated the vehicle did not stop at the edge of the parking lot and instead rolled out, but was not travelling at a high rate of speed.

Daniel advised that there was \$160 in the register, and the register itself is of unknown value, possible approximately \$1000. ID specialist K. Meckler P# 14402 responded to process the scene. A shoe foot print was found on the front counter where one of the suspects jumped the counter to the register.

Robbery Detectives L. Turner P# 6015 and J. Abell P# 8744 responded to further the investigation. Upon review of the business' video, a third suspect was seen out front of the business acting as a lookout. Suspect #3 was described as a heavysset black male wearing a white bandana over his face, and a gray zip up hoodie sweater, black pants and black shoes. He also had blue latex gloves on.

Patrol Follow-Up



Arrest / Detective Report

Administrative

Location **5105 E.sahara Ave LV, NV 89121** Sector /Beat **J2**
 Occurred On (Date / Time) **Monday 11/03/2014 10:55:00 PM** Or Between (Date / Time)
 Reporting Officer **13582 - Viray, L.** Reported On **11/03/2014**
 Entered By **13582 - Viray, L.** Entered On **11/03/2014 11:26:41 PM**
 Supervisor **07938 - Auten, I.** Follow Up Pro Squad **SE 13** Follow Up
 Jurisdiction **Clark County** Report Type **Officer Created - Sgt Approval** Disposition **Active**
 Route To: **Officer Created - Sgt Approval** Related Cases **UNK**
 Connecting Reports **Victim Information Guide**
Voluntary Statement

Assisting Officers:
07938 - Auten, Isaac E SGT
09003 - Moore, William M Officer
08427 - Felabom, Adam M ID Specialist
06845 - Long, Kristen Detective
07465 - Weirauch, Theodore P Detective

Offenses

Robbery, E/DW(F)-NRS 200.380

Completed **Yes** Hate/Bias **Unknown (Offenders Motivation Not Known)** Domestic Violence **No**
 Entry Premises Entered Type Security Tools
 Weapons **Handgun** Location Type **Other/Unknown**
Knife/Cutting Instrument (Icepick, Ax, Etc.)
 Criminal Activities

Battery W/Dw(F)-NRS 200.481.2E

Completed **Yes** Hate/Bias **Unknown (Offenders Motivation Not Known)** Domestic Violence **No**
 Entry Premises Entered Type Security Tools
 Weapons **Handgun** Location Type **Other/Unknown**
 Criminal Activities

Victims

Name: **PIZZA HUT**

Victim Type **Business** Written Statement Can ID Suspect
 Victim of **50138 - Robbery, E/DW(F)-NRS 200.380** Domestic Battery

SSN DOB Age Sex Eye Color Race
 Height Weight Hair Color Eye Color
 Employer/School Work Schedule
 Occupation/Grade DL State DL Country
 DLN Tourist Departure Date
 Resident Injury Weapons

Addresses
Business 5105 E.sahara Ave LV, NV 89121

Phones
Business/Work (702) 457-2634

Email

Offender Relationships
 Domestic Violence Information
 Relationship to Suspect Primary Aggressor Determined
 Intimate Relationship Drug/Alcohol Involvement
 Voluntary Statement DV Information Provided
 Injury Severity Medical Attention
 Photos Taken

Notes:

Name: **FARAONE, TREVOR**

Victim Type **Individual** Written Statement **No** Can ID Suspect **No**
Victim of **50223 - Battery W/Dw(F)-NRS 200.481.2E** Domestic Battery **No**

SSN _____ DOB **08/26/1979** Age **35** Sex **Male** Race **White**
Height **6' 2"** Weight **177** Hair Color **Brown** Eye Color **Blue**
Employer/School **PIZZA HUT**
Occupation/Grade **MANAGER** Work Schedule _____
DLN _____ DL State _____ DL Country _____
Resident **Resident** Tourist Departure Date _____
Injury **Apparent Minor Injury** Injury Weapons **Handgun**

Addresses
Business **5105 E.sahara Ave LV, NV 89121**

Phones
Business/Work **(702) 457-2634**

Email

Offender Relationships
Domestic Violence Information
Relationship to Suspect
Intimate Relationship
Voluntary Statement
Injury Severity
Photos Taken
Primary Aggressor Determined
Drug/Alcohol Involvement
DV Information Provided
Medical Attention

Notes:

Name: CARMICHAEL, ASHLEY

Victim Type **Individual** Written Statement **Yes** Can ID Suspect **No**
Victim of **50138 - Robbery, E/DW(F)-NRS 200.380** Domestic Battery **No**

SSN _____ DOB **12/22/1993** Age **20** Sex **Female** Race **White**
Height **5' 6"** Weight **120** Hair Color **Brown** Eye Color **Blue**
Employer/School **PIZZA HUT**
Occupation/Grade **CLERK** Work Schedule _____
DLN _____ DL State _____ DL Country _____
Resident **Resident** Tourist Departure Date _____
Injury **None Observed** Injury Weapons **Handgun**

Addresses
Business **5105 E.sahara Ave LV, NV 89121**

Phones
Business/Work **(702) 457-2634**

Email

Offender Relationships
Domestic Violence Information
Relationship to Suspect
Intimate Relationship
Voluntary Statement
Injury Severity
Photos Taken
Primary Aggressor Determined
Drug/Alcohol Involvement
DV Information Provided
Medical Attention

Notes:

Name: BROWN, GUY

Victim Type **Individual** Written Statement **No** Can ID Suspect **No**
Victim of **50138 - Robbery, E/DW(F)-NRS 200.380** Domestic Battery **No**

SSN _____ DOB **08/02/1962** Age **52** Sex **Male** Race **White**
Height **5' 11"** Weight **195** Hair Color **Brown** Eye Color **Green**
Employer/School **PIZZA HUT**
Occupation/Grade **DELIVERY** Work Schedule _____
DLN _____ DL State _____ DL Country _____
Resident **Resident** Tourist Departure Date _____
Injury **None Observed** Injury Weapons **Knife/Cutting Instrument (Icepick, Ax, Etc.)**

Addresses

Business 5105 E.sahara Ave LV, NV 89121

Phones
Business/Work (702) 457-2634

Email

Offender Relationships

Domestic Violence Information
Relationship to Suspect
Intimate Relationship
Voluntary Statement
Injury Severity
Photos Taken

Primary Aggressor Determined
Drug/Alcohol Involvement
DV Information Provided
Medical Attention

Notes:

Suspects

Arrestees

Witnesses

Witness Name: **BAGWELL, THOMAS**

Written Statement	Yes	Can ID Suspect	No	Testify
SSN	DOB	07/01/1992	Age	22
Sex	Male	Height	5' 11"	Weight
		280	Hair Color	Blond
			Race	White
			Eye Color	Blue

Addresses
Business 5105 E.sahara Ave LV, NV 89121

Phones
Business/Work (702) 457-2634

Notes:

Other Entities

Properties

Type: **Currency, Coins, Securities, Cash**

Status	Stolen	Quantity	\$260.	Value	260.00	Color
Description	CASH					
Manufacturer		Model		Serial No./VIN		
Vehicle Year		Body Type		Lic Plate Exp		
Lic Plate #		Lic Plate State				
Insurance Company						
Owner	V - PIZZA HUT					

Notes:

Detailed Property Information

Length	Width	Height
Horse Power	Propulsion Serial #	
Caliber	Barrel Length	
Features		

Recovered Property Information

Recovered Date	Recovered Value
Recovered Location	Recovered Reason
Recovered By	Recovered Stock #
Owner Type	Released To
Insurance Rep.	Tow Company

Type: **Misc. (Cell Phones, Ammo, Worthless Doc, items not listed)**

Status **Stolen** Quantity **1** Value **140.00** Color **Black**
 Description **CELLPHONE**
 Manufacturer **APPLE** Model **IPHONE 4S** Serial No./WIN
 Vehicle Year Body Type
 Lic Plate # Lic Plate State Lic Plate Exp
 Insurance Company
 Owner **V - CARMICHAEL, ASHLEY**
 Notes:

Detailed Property Information

Length Width Height
 Horse Power Propulsion Serial #
 Caliber Barrel Length
 Features

Recovered Property Information

Recovered Date Recovered Value
 Recovered Location Recovered Reason
 Recovered By Recovered Stock #
 Owner Type Released To
 Insurance Rep. Tow Company

Solvability

Criminalistics Work Was Performed
Physical Evidence is Present

Modus Operandi

MO General
 Occupied? **Yes** Surrounding Area **Other**
 General Premise **Other** Specific Premise **Other**
MO Against Property
 Entry Point **Door** Exit Point **Door** Entry Location **Door North**
 Entry/Attempt Method **Open for Business** Entry Tool **Other** Vehicle Entry
 Safe Entry **Other** Suspect Actions **Covered Hands(Gloves, etc)** Additional Factors **Victim of Similar Crime**
 Victim Location **On the Premises** Electronic Locks **No** Video Surveillance **Yes**
 Maid Inspectress
MO Against People
 Victim-Suspect Relationship Pre-Incident Contact **None**
 Victim Condition **Other** Suspect Solicited/Offered
 Suspect Pretended to Be Suspect Actions **Had Victim Lie Down Hit/Assaulted During Act Multiple Suspects**
 Sexual Acts Vehicle Involvement

Narrative

On 11/03/14 at approximately 2255 hours, PR Trevor Faraone ,while working as manager of Pizza Hut located at 5101 E. Sahara Ave. LV NV 89121 was in the back kitchen area of the business with other two employees, Ashley Carmichael and Thomas Bagwell when he heard a male voice yelled " Get in the ground " at least three times. Faraone said at this point he saw a male subject with all black clothing and a red bandana over his face standing in the kitchen. Faraone said the suspect then yelled "Where's the safe?". Faraone then pointed to the suspect where the location of the safe is. Faraone said the suspect pointed a dark gray handgun, unknown type, to his head and told him to open the safe. Faraone walked over to the safe and that's when he noticed a second male subject wearing all dark clothing, standing over where Carmichael and Bagwell were laying down. Faraone tried to open the safe and told the first suspect that the safe is a time lock safe. Suspect one then hit Faraone twice in the back of his head with the handgun and told him to open the cash drawer. Faraone opened the cash drawer then suspect one flipped the trash can , took the plastic liner and ordered Faraone to place the cash in the plastic bag, the cash was approximately \$200.00 . Suspect one then yelled at suspect two to empty the pockets of all the victims. Suspect two took Carmichael's Iphone 4's from her pants pocket. At this point , another employee, Guy Brown just came back from delivery, and was surprised to see the suspects inside the store and the employees were on the ground. Brown said the second suspect pointed a small silver pocket knife towards him and demanded money. Second suspect then reached inside Brown's pants pocket and took approximately \$60.00 cash from his delivery. Suspect then left towards the back door of the store.

First suspect was described as tall, skinny, dark skin black male adult, black hoody, red bandana over his face, black jeans and black boots , wearing black gloves ,armed with unknown type of dark gray handgun. Second suspect was a black male adult, 6'0 , 200 lbs. wearing all dark clothing, wearing a black ski mask, wearing black gloves with red on the palm side, armed with a silver pocket knife.

Patrol Follow-Up

Robbery arrived on scene and ID also processed the scene. Video will be available at a later time.



Arrest / Detective Report

Administrative

Location **4258 E Charleston Blvd LV, NV 89110** Sector/Beat **G1**
 Occurred On (Date / Time) **Tuesday 11/04/2014 12:00:00 AM** Or Between (Date / Time)
 Reporting Officer **14731 - Dulatre, S.** Reported On **11/04/2014**
 Entered By **14731 - Dulatre, S.** Entered On **11/04/2014 12:47:37 AM**
 Supervisor **08272 - Oliveri, F.** Follow Up Pro Squad **NE 14** Follow Up
 Jurisdiction **Las Vegas, City of** Report Type **Officer Created - Sgt Approval** Disposition **Active**
 Route To:
 Connecting Reports **Body Camera Video**
Voluntary Statement
Victim Information Guide

Assisting Officers:
13751 - Hearrell, Charles E Officer
07917 - Shrum, Shelley K ID Specialist
07465 - Weirauch, Theodore P Detective

Offenses

Robbery, E/DW(F)-NRS 200.380
 Completed **Yes** Hate/Bias **Unknown (Offenders Motivation Not Known)** Domestic Violence **No**
 Entry Premises Entered Type Security Tools
 Weapons **Handgun** Location Type **Restaurant**
 Criminal Activities

Kidnapping, 1st Degree(F)-NRS 200.310.1
 Completed **Yes** Hate/Bias Domestic Violence **No**
 Entry Premises Entered Type Security Tools
 Weapons Location Type **Restaurant**
 Criminal Activities

Victims

Name: **Sacba, Idania**

Victim Type **Individual** Written Statement **No** Can ID Suspect **No**
 Victim of **50051 - Kidnapping, 1st Degree(F)-NRS 200.310.1** Domestic Battery **No**
50138 - Robbery, E/DW(F)-NRS 200.380

SSN DOB **05/16/1982** Age **32** Sex **Female** Race **White**
 Height **5' 2"** Weight **140** Hair Color **Brown** Eye Color **Brown**
 Employer/School **Little Caesars**
 Occupation/Grade **Manager** Work Schedule
 DLN DL State DL Country
 Resident **Resident** Tourist Departure Date
 Injury **None Observed** Injury Weapons **Handgun**

Addresses
Residence 2272 S Nellis Blvd LV, NV 89122 Clark USA

Phones
 Cellular **(702) 379-1061**
 Business/Work **(702) 438-7422**

Email

Offender Relationships
S - Unknown None
S - Unknown None

Domestic Violence Information
 Relationship to Suspect Primary Aggressor Determined
 Intimate Relationship Drug/Alcohol Involvement
 Voluntary Statement DV Information Provided
 Injury Severity Medical Attention
 Photos Taken

Notes:

Name: Dorame, James

Victim Type **Individual** Written Statement **No** Can ID Suspect **No**
Victim of **50051 - Kidnapping, 1st Degree(F)-NRS 200.310.1** Domestic Battery **No**

SSN **601-92-6507** DOB **09/24/1972** Age **42** Sex **Male** Race **White**
Height **6' 1"** Weight **180** Hair Color **Black** Eye Color **Brown**
Employer/School Occupation/Grade Work Schedule
DLN DL Country
Resident **Nonresident** Tourist Departure Date
Injury Injury Weapons

Addresses
Residence **15620 N 25th Ave #6208 Phoenix, AZ 85023**

Phones

Email

Offender Relationships

Domestic Violence Information
Relationship to Suspect Primary Aggressor Determined
Intimate Relationship Drug/Alcohol Involvement
Voluntary Statement DV Information Provided
Injury Severity Medical Attention
Photos Taken

Notes:

Suspects

Name: Unknown

Written Stmt. **No** Alerts Non-English Language

**Aliases
Moniker**

Scope ID DOB Age **00** SSN
Race **Black or African American** Build **Thin** Handedness
Sex **Male** Height **6' 0" - 6' 1"** Weight **150 - 170** Hair Color Eye Color

Employer/School Occupation/Grade
Hair Length Hair Style Eyes
Complexion Facial hair Teeth
Appearance Injury/Condition
Speech manner Speech Characteristics
DLN DL State DL Country Place of Birth
Resident Tourist Departure
Habitual Offender Status MO Factors

Primary Means of Attack/Weapon **Handgun** Weapon Features **Large Frame Revolver**
Employer/School Occupation/Grade

**Scars, Marks and Tattoos
Addresses**

Phones

Domestic Violence Information
TPO in Effect Drug/Alcohol Involvement Voluntary Statement
Injury Severity Medical Attention DV Info provided
Photos Taken Suspect Demeanor

Notes:

Name: Unknown

Written Stmt. **No** Alerts Non-English Language

**Aliases
Moniker**

Modus Operandi

MO General			
Occupied?	Yes	Surrounding Area	Middle of Block
General Premise	Restaurant	Specific Premise	Room
MO Against Property			
Entry Point	Door	Exit Point	Door
			South
Entry/Attempt Method	Other	Entry Tool	Vehicle Entry
Safe Entry		Suspect Actions	Additional Factors
		Covered	
		Hands(Gloves, etc)	
		Used	
		Lookout/Accomplice	
Victim Location	Work/School	Electronic Locks	Video Surveillance
Maid		Inspectress	Yes
		No	
MO Against People			
Victim-Suspect Relationship		Pre-Incident Contact	
Victim Condition		Suspect Solicited/Offered	
Suspect Pretended to Be		Suspect Actions	Had Victim Lie Down
			Moved Victim's Location
			Suspect's Face Concealed
Sexual Acts		Vehicle Involvement	

Narrative

On 11/04/14 at approximately 0000 hours Idania Sacba and Jesus Dorame were inside of the Little Caesars located at 4258 E. Charleston LV, NV 89110 conducting paperwork and receiving deliveries, when two unknown black male adults walked into the restaurant. The first subject was described as a black male 6'0 - 6'1 thin build approximately 150-170 pounds wearing a black beanie, black sweatshirt, black gloves, unknown colored pants, and a black cloth covering his face. The second subject was described as a black male 6'0 -6'4 thin build approximately 150-170 pounds wearing a multi colored long sleeve shirt, unknown pants, and covering his face with a black cloth and black gloves.

After entering the store through the front door which was propped open, the second male pointed a large frame black revolver handgun to the side of Jesus and walked him around to the area near the registered and told him to not look at him and get down on the ground. Jesus stated he complied with the demands.

The first subject then walked to the back of the store to the area that Idania was sitting completing paperwork. Idania stated the the male walked up to her and pointed a large framed black revolver type handgun at her and told her, "Give me the money, all I want is the money." Idania told the male that she does not have any access to the safe at this time. The male then noticed Idania's white Samsung Galaxy S5 on the table and grabbed it and told Idania to walk toward the safe. Idania complied with the demands but was unable to open the safe.

After taking Idania's Samsung and realizing that the safe was not going to open both males left the store in an unknown direction or mode of travel.

Patrol Follow-Up

Robbery detective responded and conducted taped interview with Idania.
 ID responded and processed the scene.
 VIG given to victim.



Arrest / Detective Report

Administrative

Location **4505 E Bonanza Las Vegas, NV 89110** Sector /Beat **G2**
 Occurred On (Date / Time) **Saturday 11/15/2014 10:42:00 PM** Or Between (Date / Time)
 Reporting Officer **14721 - Van Dyke, J.** Reported On **11/15/2014**
 Entered By **14721 - Van Dyke, J.** Entered On **11/15/2014 11:20:05 PM**
 Supervisor **08456 - Valdez, C.** Follow Up Pro Squad **NE 14** Follow Up
 Jurisdiction **Las Vegas, City of** Report Type **Officer Created - Sgt Approval** Disposition **Active**
 Route To: **Related Cases**
 Connecting Reports **Body Camera Video**
Victim Information Guide
Voluntary Statement

Assisting Officers:
13510 - Rocha, Bryan Officer
14402 - Tucker, Kristen ID Specialist
08744 - Abell, Jeffery C Detective
05297 - De Palma, Phillip H Detective

Offenses

Robbery, E/DW(F)-NRS 200.380
 Completed **Yes** Hate/Bias **None (No Bias)** Domestic Violence **No**
 Entry Premises Entered Type Security Tools
 Weapons **Handgun** Location Type **Restaurant**
 Criminal Activities **None/Unknown**

Victims

Name: **Urbina, Jeronimo**

Victim Type **Individual** Written Statement **Yes** Can ID Suspect **No**
 Victim of **50138 - Robbery, E/DW(F)-NRS 200.380** Domestic Battery **No**
 SSN **530-97-4504** DOB **10/19/1996** Age **18** Sex **Male** Race **White**
 Height **5' 7"** Weight **147** Hair Color **Black** Eye Color **Brown**
 Employer/School **Popeyes**
 Occupation/Grade **Shift Manager** Work Schedule
 DLN DL Country
 Resident **Resident** Tourist Departure Date
 Injury **None Observed** Injury Weapons **Handgun**

Addresses
 Residence **579 Roxella Ln Apt B Las Vegas, NV 89110 Clark USA**

Phones
 Cellular **(702) 408-5692**

Email

Offender Relationships
S - Suspect, #1 **Victim Was Stranger**

S - Suspect, #2 **Victim Was Stranger**

Domestic Violence Information
 Relationship to Suspect **Primary Aggressor Determined**
 Intimate Relationship **Drug/Alcohol Involvement**
 Voluntary Statement **DV Information Provided**
 Injury Severity **Medical Attention**
 Photos Taken

Notes:

Name: **Aguilar, Karina**

Victim Type **Individual** Written Statement **Yes** Can ID Suspect **Yes**
 Victim of **50138 - Robbery, E/DW(F)-NRS 200.380** Domestic Battery **No**

SSN **608-98-1928** DOB **04/26/1997** Age **17** Sex **Female** Race **White**
 Height **5' 2"** Weight **138** Hair Color **Brown** Eye Color **Green**
 Employer/School **Popeyes** Occupation/Grade **Employee** Work Schedule
 DLN DL State DL Country
 Resident **Resident** Tourist Departure Date
 Injury **Apparent Minor Injury** Injury Weapons **Handgun**
Personal Weapons (Hands, Feet, Teeth, etc.)

Addresses
 Residence **2751 E Bonanza Rd Apt 104h Las Vegas, NV 89101 Clark USA**

Phones

Email

Offender Relationships
S - Suspect, #1 **Victim Was Stranger**
S - Suspect, #2 **Victim Was Stranger**

Domestic Violence Information
 Relationship to Suspect Primary Aggressor **Determined**
 Intimate Relationship **Drug/Alcohol Involvement**
 Voluntary Statement **DV Information Provided**
 Injury Severity **Medical Attention**
 Photos Taken

Notes:

Name: Popeyes

Victim Type **Business** Written Statement Can ID Suspect
 Victim of **50138 - Robbery, E/DW(F)-NRS 200.380** Domestic Battery

SSN DOB Age Sex Eye Color Race
 Height Weight Hair Color
 Employer/School Occupation/Grade Work Schedule
 DLN DL State DL Country
 Resident Tourist Departure Date
 Injury Injury Weapons

Addresses
Business **4505 E Bonanza Las Vegas, NV 89110 Clark USA**

Phones
Business/Work **(702) 531-8441**

Email

Offender Relationships
 Domestic Violence Information
 Relationship to Suspect Primary Aggressor **Determined**
 Intimate Relationship **Drug/Alcohol Involvement**
 Voluntary Statement **DV Information Provided**
 Injury Severity **Medical Attention**
 Photos Taken

Notes:

Suspects

Name: Suspect, #1

Written Stmt. **No** Alerts Non-English **No** Language

Aliases
 Moniker

Scope ID DOB Age **25-30** SSN
 Race **Black or African American** Build **Medium** Handedness
 Sex **Male** Height **6' 0" - 6' 2"** Weight **170 - 180** Hair Color **Black** Eye Color
 Employer/School Occupation/Grade

Hair Length
 Complexion **Medium**
 Appearance
 Speech manner
 DLN
 Resident **Unknown**

Hair Style
 Facial hair

Injury/Condition
 Speech Characteristics **Not Unusual**

Eyes
 Teeth

DL State
 Tourist Departure

DL Country
 Place of Birth
**Entered Building Known to Be Occupied
 Forced Victim to Ground or Floor
 Inflicted Injury
 Suspect Armed
 Suspect Wore Gloves
 Vandalized Premises
 Wore Mask**

Habitual Offender Status

MO Factors

Primary Means of Attack/Weapon
 Employer/School **Handgun**

Weapon Features
 Occupation/Grade **Revolver**

Scars, Marks and Tattoos
 Addresses

Phones

Domestic Violence Information
 TPO in Effect
 Injury Severity
 Photos Taken

Drug/Alcohol Involvement
 Medical Attention
 Suspect Demeanor

Voluntary Statement
 DV Info provided

Notes:

Name: **Suspect #2**

Written Stmt. **No** Alerts Non-English Language

**Aliases
 Moniker**

Scope ID
 Race **Unknown**
 Sex **Unknown**
 Employer/School
 Hair Length
 Complexion
 Appearance
 Speech manner
 DLN
 Resident
 Habitual Offender Status
 Primary Means of Attack/Weapon
 Employer/School

DOB
 Height
 Weight
 Hair Style
 Facial hair
 DL State
 Tourist Departure

Age **0**
 Build
 Hair Color
 Occupation/Grade
 MO Factors
 Weapon Features
 Occupation/Grade

SSN
 Handedness
 Eye Color
 Eyes
 Teeth
 DL Country
 Place of Birth

**Scars, Marks and Tattoos
 Addresses**

Phones

Domestic Violence Information
 TPO in Effect
 Injury Severity
 Photos Taken

Drug/Alcohol Involvement
 Medical Attention
 Suspect Demeanor

Voluntary Statement
 DV Info provided

Notes:

No description on Suspect #2

Arrestees

Witnesses

Witness Name: **Yazquez, Johana**

Written Statement **Yes** Can ID Suspect **No** Testify

SSN **680-05-5664** DOB **02/16/1997** Age **17** Race **White**

Sex **Female** Height **5' 8"** Weight **150** Hair Color **Brown** Eye Color **Brown**

Addresses
 Residence **801 Hyattsville St Las Vegas, NV 89110 Clark USA**

Phones
Cellular (702) 981-9164

Notes:

Witness Name: Ornelas, Angelica

Written Statement Yes Can ID Suspect No Testify
SSN 621-76-8487 DOB 10/11/1994 Age 20 Race White
Sex Female Height 5' 5" Weight 140 Hair Color Brown Eye Color Brown

Addresses
Residence 2252 Castleberry Ln Las Vegas, NV 89156 Clark USA

Phones
Cellular (702) 542-4672

Notes:

Witness Name: Taingo, Juan

Written Statement No Can ID Suspect No Testify
SSN DOB 07/03/1964 Age 50 Race White
Sex Male Height 5' 9" Weight 160 Hair Color Brown Eye Color Brown

Addresses
Business 4505 E Bonanza Las Vegas, NV 89110 Clark USA

Phones
Business/Work (702) 531-8441

Notes:

Other Entities

Properties

Type: Misc. (Cell Phones, Ammo, Worthless Doc, Items not listed)

Status Destroyed/Damaged/Vandalized Quantity 1 Value 500.00 Color Silver or Aluminum

Description Exterior building door (Glass)
Manufacturer Model Serial No. WIN
Vehicle Year Body Type
Lic Plate # Lic Plate State Lic Plate Exp
Insurance Company
Owner V - Popeyes
Notes:

Detailed Property Information

Length Width Height
Horse Power Propulsion Serial #
Caliber Barrel Length
Features

Recovered Property Information

Recovered Date Recovered Value
Recovered Location Recovered Reason
Recovered By Recovered Stock #
Owner Type Released To
Insurance Rep. Tow Company

Type: Currency, Coins, Securities, Cash

Status Stolen Quantity 1 Value 2,000.00 Color
Description Cash stolen from safe
Manufacturer Model Serial No. WIN
Vehicle Year Body Type

sustained minor injuries. Aguilar states that she was afraid for her safety, and she was crying and still visibly shaken up while I was talking to her.

Jeronimo Urbina DOB 10/19/96, the shift manager, states he was in the rear of the business when he heard what sounded like dishes breaking, and he started to come towards the front to see what happened, when he saw Aguilar and other employees running towards him shouting "He's got a gun!" Urbina states that he also attempted to run away from the Suspect, but when the Suspect pointed the gun at him and shouted "Where's the fucking safe open the fucking safe," he felt his life was in danger and was fearful for his safety. Out of fear, Urbina went towards the safe and opened it for the Suspect. The Suspect demanded that Urbina put the money in a bag, pointing towards a plastic grocery bag from Cardenas Grocery Store. Urbina placed the cash from the safe into the plastic bag, approximately \$1,000-2,000 and the Suspect took the bag and yelled for everyone to get on the ground. He then left the store through the rear (south) exit. Urbina stated that while the Suspect was running out, he was shouting something like "Let's go let's go let's get outta here" indicating he may have been shouting towards an accomplice who was outside the store, perhaps a lookout or getaway driver.

Officers also spoke to the restaurant cook, Juan Talngo DOB 7/3/64, who stated he was attempting to run out the back door after he heard the other employees shouting about a Suspect with a gun. He attempted to exit through the rear (south) door, but felt there was somebody braced up against the door preventing it from opening so he could not get out. Talngo did not see the second suspect outside.

Other employees Johana Vasquez DOB 2/16/97 and Angelica Ornelas DOB 10/11/94 were also present inside the store and witnessed the Robbery.

Patrol Follow-Up

ID responded and processed the scene. Robbery Detectives Abell P# 8744 and De Palma P# 5297 also responded.

Video surveillance is available, just needs to be burned to DVD by Store Manager. Video should be available tomorrow (11/16/14), or Monday (11/17/14). Video is only inside the store; no cameras outside the store.



Arrest / Detective Report

Administrative

Location **2599 S Nellis Blvd Las Vegas, NV 89121** Sector /Beat **J1**
 Occurred On (Date / Time) **Sunday 11/16/2014 12:42:35 AM** Or Between (Date / Time)
 Reporting Officer **09828 - Walt, M.** Reported On **11/16/2014**
 Entered By **09828 - Walt, M.** Entered On **11/16/2014 10:53:35 PM**
 Supervisor **07938 - Auten, I.** Follow Up Pro Squad **SE 13** Follow Up
 Jurisdiction **Clark County** Report Type **Officer Created - Sgt Approval** Disposition **Active**
 Route To: Related Cases
 Connecting Reports **Voluntary Statement**

Assisting Officers:
13572 - Charlton, Noreen B ID Specialist

Offenses

ROBBERY WITH A DEADLY WEAPON

Completed **Yes** Hate/Bias Domestic Violence **No**
 Entry Premises Entered Type Security Tools
 Weapons Location Type **Restaurant**
 Criminal Activities

Att Kidnapping, 1st Degree, E/DW(F)-NRS 200.310.1

Completed **Yes** Hate/Bias **Unknown (Offenders Motivation Not Known)** Domestic Violence **No**
 Entry Premises Entered Type Security Tools
 Weapons **Handgun** Location Type **Restaurant**
 Criminal Activities

Victims

Name: **Burger King**

Victim Type **Business** Written Statement Can ID Suspect
 Victim of **200.380B - ROBBERY WITH A DEADLY WEAPON** Domestic Battery
 SSN DOB Age Sex Race
 Height Weight Hair Color Eye Color
 Employer/School
 Occupation/Grade Work Schedule
 DLN DL State DL Country
 Resident Tourist Departure Date
 Injury Injury Weapons

Addresses
Business 2599 S Nellis Blvd Las Vegas, NV 89121 Clark USA

Phones
Business/Work (702) 432-1168

Email

Offender Relationships
 Domestic Violence Information
 Relationship to Suspect
 Intimate Relationship
 Voluntary Statement
 Injury Severity
 Photos Taken

Primary Aggressor Determined
 Drug/Alcohol Involvement
 DV Information Provided
 Medical Attention

Notes:

Name: **Soto De Mason, Sonia**

Victim Type **Individual** Written Statement **Yes** Can ID Suspect **No**
 Victim of **200.380B - ROBBERY WITH A DEADLY WEAPON** Domestic Battery **No**
50086 - Att Kidnapping, 1st Degree, E/DW(F)-NRS 200.310.1

SSN **602-30-8915** DOB **08/14/1957** Age **57** Sex **Female** Race **White**
 Height **5' 3"** Weight **160** Hair Color **Black** Eye Color **Brown**

1/7/2015 11:07 PM

LLV141117000096

Employer/School **Burger King** Work Schedule
Occupation/Grade DL State DL Country
DLN Tourist Departure Date
Resident **Resident** Injury Weapons **Handgun**
Injury **None Observed**

Addresses
Residence **4801 E Sahara #63 Las Vegas, NV 89121 Clark USA**

Phones
Cellular **(702) 772-6768**

Email

Offender Relationships
S - Unknown **None**
S - Unknown **None**
S - Unknown **None**

Domestic Violence Information
Relationship to Suspect Primary Aggressor Determined
Intimate Relationship Drug/Alcohol Involvement
Voluntary Statement DV Information Provided
Injury Severity Medical Attention
Photos Taken

Notes:

Name: **Combs, Cornell**

Victim Type **Individual** Written Statement **Yes** Can ID Suspect **No**
Victim of **200.380B - ROBBERY WITH A DEADLY WEAPON** Domestic Battery **No**
50086 - Att Kidnapping, 1st Degree, E/DW(F)-NRS 200.310.1

SSN **566-79-7651** DOB **03/30/1980** Age **34** Sex **Male** Race **Black or African American**
Height **5' 9"** Weight **165** Hair Color **Black** Eye Color **Brown**
Employer/School **Burger King**
Occupation/Grade Work Schedule
DLN DL State DL Country
Resident **Resident** Tourist Departure Date
Injury **None Observed** Injury Weapons **Handgun**

Addresses
Residence **5075 Spyglass Dr #8 Las Vegas, NV 89142 Clark USA**

Phones

Email

Offender Relationships
S - Unknown **None**
S - Unknown **None**
S - Unknown **None**

Domestic Violence Information
Relationship to Suspect Primary Aggressor Determined
Intimate Relationship Drug/Alcohol Involvement
Voluntary Statement DV Information Provided
Injury Severity Medical Attention
Photos Taken

Notes:

Name: **Romero-Catano, Jose**

Victim Type **Individual** Written Statement **Yes** Can ID Suspect **No**
Victim of **200.380B - ROBBERY WITH A DEADLY WEAPON** Domestic Battery **No**
50086 - Att Kidnapping, 1st Degree, E/DW(F)-NRS 200.310.1

SSN DOB **04/13/1996** Age **18** Sex **Male** Race **White**
Height **5' 6"** Weight **140** Hair Color **Black** Eye Color **Brown**

Employer/School **Burger King** Work Schedule
 Occupation/Grade DL State DL Country
 DLN Tourist Departure Date
 Resident **Resident** Injury Weapons **Handgun**
 Injury **None Observed**

Addresses
 Residence **4767 Sacks Las Vegas, NV 89122 Clark USA**

Phones

Email

Offender Relationships
S - Unknown **None**
S - Unknown **None**
S - Unknown **None**

Domestic Violence Information
 Relationship to Suspect Primary Aggressor **Determined**
 Intimate Relationship Drug/Alcohol Involvement
 Voluntary Statement DV Information Provided
 Injury Severity Medical Attention
 Photos Taken

Notes:

Suspects

Name: **Unknown**

Written Stmt. **No** Alerts Non-English **No** Language

Aliases
 Moniker

Scope ID DOB Age **20-30** SSN
 Race **Black or African American** Build **Thin** Handedness
 Sex **Male** Height **6' 4"** Weight **220** Hair Color **Black** Eye Color **Brown**
 Employer/School Occupation/Grade
 Hair Length Hair Style Eyes
 Complexion Facial hair Teeth
 Appearance **Casual Clothes** Injury/Condition
Coat/Jacket
Bandana mask

Speech manner **Not Unusual** Speech Characteristics **Not Unusual**
 DLN DL State DL Country

Resident **Unknown** Tourist Departure Place of Birth
 Habitual Offender Status MO Factors **Forced Victim to Ground or Floor**
Suspect Armed
Suspect Wore Gloves
Vandalized Premises

Primary Means of Attack/Weapon **Knife/Cutting Instrument (Icepick, Ax, Etc.)** Weapon Features

Employer/School Occupation/Grade

Scars, Marks and Tattoos
 Addresses

Phones

Domestic Violence Information
 TPO in Effect Drug/Alcohol Involvement Voluntary Statement
 Injury Severity Medical Attention DV Info provided
 Photos Taken Suspect Demeanor

Notes:

Name: **Unknown**

Written Stmt. **No** Alerts Non-English **No** Language

Other Entities

Properties

Type: **Misc. (Cell Phones, Ammo, Worthless Doc, Items not listed)**

Status	Destroyed/Damaged/Vandalized	Quantity	1	Value	500.00	Color
Description	Front glass door					
Manufacturer		Model		Serial No./VIN		
Vehicle Year		Body Type				
Lic Plate #		Lic Plate State		Lic Plate Exp		
Insurance Company						
Owner	V - Burger King					
Notes:						

Detailed Property Information

Length		Width		Height	
Horse Power		Propulsion Serial #			
Caliber		Barrel Length			
Features					

Recovered Property Information

Recovered Date		Recovered Value	
Recovered Location		Recovered Reason	
Recovered By		Recovered Stock #	
Owner Type		Released To	
Insurance Rep.		Tow Company	

Solvability

Significant MO is Present
Suspect Can Be Described
Criminalistics Work Was Performed
Witness Present - Victim

Modus Operandi

MO General

Occupied?	Yes	Surrounding Area Specific Premise	Middle of Block Room
General Premise	Fast Food Restaurant		
MO Against Property			
Entry Point	Door	Exit Point	Door
		Entry Location	Rear West
Entry/Attempt Method		Entry Tool	
Safe Entry		Suspect Actions	Covered Hands(Gloves, etc) Malicious Damage
		Electronic Locks	No
Victim Location	Work/School	Video Surveillance	Yes
Maid		Inspectress	

MO Against People

Victim-Suspect Relationship		Pre-Incident Contact	None
Victim Condition		Suspect Solicited/Offered	
Suspect Pretended to Be		Suspect Actions	Forced Entry
			Had Victim Lie Down
			Hit/Assaulted During Act
			Malicious Damage
			Multiple Suspects
			Moved Victim's Location
			Suspect's Face Concealed
Sexual Acts		Vehicle Involvement	Suspect A Pedestrian
			Victim A Pedestrian

Narrative

On 0042 hrs Employees of Burger King at 2599 S Nellis Blvd Las Vegas, NV 89121 heard the front south door window get smashed out. Romero-Catano told his coworkers, Combs and Soto De Mason to go out the back employee exit doors. As Combs opened the door he was punched in the face and forced back inside by a suspect holding a revolver handgun. As Combs went to the ground Romero-Catano saw the male with the handgun and hit Combs so he turned around and ran outside to the front of the store and called 911. While the first suspect had Combs at gunpoint two other suspects enter the back employee exit doors. The two suspects went to the front of the store to see if there was anymore employees. Both of them return to the back and found Soto De Mason hiding in a back room. While one of the suspect was holding a large knife both subjects had Soto De Mason walk up to the front but Soto De Mason told them she was not able to get into any of the registers both suspects went to the back where the third suspect was holding Combs at gunpoint still and all three suspects left the Burger King. Robbery Det Nelson P#6825 responded and advised was related to Windbreaker series. ID responded and took digitals.

Patrol Follow-Up



Arrest / Detective Report

Administrative

Location **990 N Nellis Las Vegas, NV 89110** Sector /Beat **G3**
 Occurred On (Date / Time) **Monday 11/17/2014 12:57:00 AM** Or Between (Date / Time)
 Reporting Officer **13658 - Robinson, J.** Reported On **11/17/2014**
 Entered By **13658 - Robinson, J.** Entered On **11/17/2014 1:21:24 AM**
 Supervisor **08272 - Oliver, F.** Follow Up Pro Squad **NE 14** Follow Up
 Jurisdiction **Clark County** Report Type **Officer Created - Sgt Approval** Disposition **Active**
 Route To:
 Connecting Reports **Voluntary Statement**
Victim Information Guide

Assisting Officers:
13819 - Franco, Michael Officer
07917 - Shrum, Shelley K ID Specialist
06708 - Matlock, Ronald S Detective

Offenses

Robbery, E/DW(F)-NRS 200.380
 Completed **Yes** Hate/Bias **Unknown (Offenders Motivation Not Known)** Domestic Violence **No**
 Entry **Yes** Premises Entered Type Security Tools
 Weapons **Handgun** Location Type **Restaurant**
Blunt Object (Club, Hammer, etc.)
 Criminal Activities

Battery W/Dw(F)-NRS 200.481.2E
 Completed **Yes** Hate/Bias **Unknown (Offenders Motivation Not Known)** Domestic Violence **No**
 Entry **Yes** Premises Entered Type Security Tools
 Weapons **Handgun** Location Type **Restaurant**
 Criminal Activities

Burglary While Poss Of Gun/Dw(F)-NRS 205.060.4
 Completed **Yes** Hate/Bias **Unknown (Offenders Motivation Not Known)** Domestic Violence **No**
 Entry **Forcible** Premises Entered Type Security **Dead Bolts** Tools
Camera
Exterior Lights
 Weapons Location Type **Restaurant**
 Criminal Activities

Kidnapping, 1st Degree, E/DW(F)-NRS 200.310.1
 Completed **Yes** Hate/Bias **Unknown (Offenders Motivation Not Known)** Domestic Violence **No**
 Entry **Yes** Premises Entered Type Security Tools
 Weapons **Blunt Object (Club, Hammer, etc.)** Location Type **Restaurant**
Handgun
 Criminal Activities

Victims

Name: **Wendy's**

Victim Type **Business** Written Statement Can ID Suspect
 Victim of **50138 - Robbery, E/DW(F)-NRS 200.380** Domestic Battery
50426 - Burglary While Poss Of Gun/Dw(F)-NRS 205.060.4

SSN DOB Age Sex Race
 Height Weight Hair Color Eye Color
 Employer/School
 Occupation/Grade Work Schedule
 DLN DL State DL Country
 Resident Tourist Departure Date
 Injury Injury Weapons

Addresses
Business 990 N Nellis Las Vegas, NV 89110

Phones
Cellular (702) 452-9990

Email

Offender Relationships
Domestic Violence Information
Relationship to Suspect
Intimate Relationship
Voluntary Statement
Injury Severity
Photos Taken

Primary Aggressor Determined
Drug/Alcohol Involvement
DV Information Provided
Medical Attention

Notes:

Name: Morrquin, Noemy

Victim Type **Individual** Written Statement **Yes** Can ID Suspect **No**
Victim of **50138 - Robbery, E/DW(F)-NRS 200.380** Domestic Battery **No**
50055 - Kidnapping, 1st Degree, E/DW(F)-NRS 200.310.1

SSN **623-86-3498** DOB **10/19/1995** Age **19** Sex **Female** Race **White**
Height **4' 11"** Weight **130** Hair Color **Black** Eye Color **Brown**
Employer/School
Occupation/Grade
DLN
Resident **Resident** DL State
Injury **None Observed** Work Schedule
DL Country
Tourist Departure Date
Injury Weapons **Blunt Object (Club, Hammer, etc.)
Handgun**

Addresses
Residence **5900 W Tropicana # 143 Las Vegas, NV 89103**

Phones
Cellular **(702) 622-8790**

Email

Offender Relationships
S - Unknown 1 **None**
S - Unknown 2 **None**
S - Unknown 3 **None**

Domestic Violence Information
Relationship to Suspect
Intimate Relationship
Voluntary Statement
Injury Severity
Photos Taken

Primary Aggressor Determined
Drug/Alcohol Involvement
DV Information Provided
Medical Attention

Notes:

Name: Fannon, Janie

Victim Type **Individual** Written Statement **Yes** Can ID Suspect **No**
Victim of **50138 - Robbery, E/DW(F)-NRS 200.380** Domestic Battery **No**
50055 - Kidnapping, 1st Degree, E/DW(F)-NRS 200.310.1

SSN **453-25-8013** DOB **09/27/1973** Age **41** Sex **Female** Race **White**
Height **5' 4"** Weight **120** Hair Color **Brown** Eye Color **Brown**
Employer/School **Wendys**
Occupation/Grade
DLN
Resident **Resident** DL State
Injury **None Observed** Work Schedule
DL Country
Tourist Departure Date
Injury Weapons **Blunt Object (Club, Hammer, etc.)
Handgun**

Addresses
Residence **5369 Floating Flower Ave Las Vegas, NV 89139**

Phones
Cellular **(469) 203-3608**
Business/Work **(702) 452-9990**

Email

Offender Relationships

Phones
Cellular (702) 531-5784
Business/Work (702) 452-9990

Email

Offender Relationships
S - Unknown 1 None
S - Unknown 2 None
S - Unknown 3 None

Domestic Violence Information
Relationship to Suspect Intimate Relationship Primary Aggressor Determined
Intimate Relationship Drug/Alcohol Involvement
Voluntary Statement DV Information Provided
Injury Severity Medical Attention
Photos Taken

Notes:

Name: Mendoza, Juan

Victim Type Individual Written Statement Yes Can ID Suspect No
Victim of 50138 - Robbery, E/DW(F)-NRS 200.380 Domestic Battery No
50223 - Battery W/Dw(F)-NRS 200.481.2E
50055 - Kidnaping, 1st Degree, E/DW(F)-NRS 200.310.1

SSN 615-58-0176 DOB 08/12/1992 Age 22 Sex Male Race White
Height 6' 0" Weight 202 Hair Color Brown Eye Color Brown
Employer/School Wendys
Occupation/Grade Work Schedule
DLN DL Country
Resident Resident Tourist Departure Date
Injury Apparent Minor Injury Injury Weapons Blunt Object (Club, Hammer, etc.)
Handgun

Addresses
Residence 3055 S Nellis #1109 Las Vegas, NV 89121

Phones
Cellular (702) 234-6501
Business/Work (702) 452-9990

Email

Offender Relationships
S - Unknown 1 None
S - Unknown 2 None
S - Unknown 3 None

Domestic Violence Information
Relationship to Suspect Intimate Relationship Primary Aggressor Determined
Intimate Relationship Drug/Alcohol Involvement
Voluntary Statement DV Information Provided
Injury Severity Medical Attention
Photos Taken

Notes:

Suspects

Name: Unknown 1

Written Stmt. Alerts Non-English Language

Aliases
Moniker

Scope ID DOB Age 20-30 SSN
Race Black or African American Build Thin Handedness
Sex Male Height 5' 7" Weight Hair Color Eye Color

Employer/School Occupation/Grade
 Hair Length Hair Style Facial hair Eyes
 Complexion Teeth
 Appearance Injury/Condition
 Speech manner Speech Characteristics
 DLN DL State DL Country
 Resident Tourist Departure Place of Birth
 Habitual Offender Status MO Factors
 Primary Means of Attack/Weapon **Blunt Object (Club, Hammer, etc.)** Weapon Features
 Employer/School Occupation/Grade

Scars, Marks and Tattoos
 Addresses

Phones

Domestic Violence Information
 TPO in Effect Drug/Alcohol Involvement Voluntary Statement
 Injury Severity Medical Attention DV Info provided
 Photos Taken Suspect Demeanor

Notes:

Name: Unknown 2

Written Stmt. Alerts Non-English Language

Aliases
 Moniker

Scope ID DOB Age **20-30** SSN
 Race **Black or African American** Build **Thin**
 Sex **Male** Height **6' 1"** Weight Hair Color Handedness
 Employer/School Occupation/Grade Eye Color **Brown**
 Hair Length Hair Style Facial hair Eyes
 Complexion Teeth
 Appearance Injury/Condition
 Speech manner Speech Characteristics
 DLN DL State DL Country
 Resident Tourist Departure Place of Birth
 Habitual Offender Status MO Factors
 Primary Means of Attack/Weapon **Blunt Object (Club, Hammer, etc.)** Weapon Features
 Employer/School Occupation/Grade

Scars, Marks and Tattoos
 Addresses

Phones

Domestic Violence Information
 TPO in Effect Drug/Alcohol Involvement Voluntary Statement
 Injury Severity Medical Attention DV Info provided
 Photos Taken Suspect Demeanor

Notes:

Name: Unknown 3

Written Stmt. Alerts Non-English Language

Aliases
 Moniker

Scope ID DOB Age **20-30** SSN
 Race **Black or African American** Build **Heavy**
 Sex **Female** Height **5' 6"** Weight Hair Color Handedness
 Employer/School Occupation/Grade Eye Color **Brown**
 Hair Length Hair Style Facial hair Eyes
 Complexion Teeth
 Appearance Injury/Condition
 Speech manner Speech Characteristics
 DLN DL State DL Country
 Resident Tourist Departure Place of Birth
 Habitual Offender Status MO Factors

Victim Location	On the Premises	Electronic Locks	Hands(Gloves, etc) No	Video Surveillance	Neighborhood Yes
Maid		Inspectress			
MO Against People			Pre-Incident Contact	None	
Victim-Suspect Relationship			Suspect Solicited/Offered		
Victim Condition			Suspect Actions	Forced Entry	
Suspect Pretended to Be				Had Victim Lie Down	
				Hit/Assaulted During Act	
				Moved Victim's Location	
				Multiple Suspects	
				Pulled/Held/Grabbed Victim	
				Suspect's Face Concealed	
Sexual Acts			Vehicle Involvement		

Narrative

On 11-17-14 at 00:57 hours Morroquin was sitting inside the Wendy's lobby on her phone awaiting her boyfriend (Lopez) to get off. The lobby was closed and secure as the business was closing down. While Morroquin was on her phone Suspect #1 had a black metal object, pointed it at her, and told her to get up. Morroquin was in disbelief at what was occurring and did not move. Suspect #1 then pulled her up out of her chair and shoved her escorting her to the back of the business behind the counter. Once behind the door they encountered Fannon, Lopez, and Maddaford who were working. Fannon, Lopez, and Maddaford noticed at this time that there were two additional suspects Unknown #2 and Unknown #3 all wearing gloves.

Suspects #1 and #2 the worked together to control Morroquin, Fannon, Lopez, and Maddaford by forcing them over near the stove and deep fryer and ordering them to lay down. Mendoza is the night manager and was coming out of the business as this was occurring. Mendoza was then confronted by Unknown #2 and #3 at gun point and ordered to get back in the office and open the safe. Mendoza was shocked at what was occurring and unable to process the order initially. At this time Unknown 2 yelled, "You think this is a game?" and demand Mendoza to open the safe. Unknown #3 then pistol whipped Mendoza in the face causing a laceration to his upper right eyebrow. Once struck, Mendoza complied and went back into the office as Unknown #2 and #3 followed. Mendoza opened the safe and tried to put the money into a bag for them. Unknown #2 pushed Mendoza out of the way reached in and grabbed the money (approximately \$1,000) and loaded it into a blue duffle style bag.

All suspects then exited the business through the rear Northeast corner exit near the managers office. They then left the area in an unknown direction with an unknown mode of travel. At this time Morroquin phoned police to report the crime.

Officer Franco and I responded to the scene. Upon arrival the front common access doors were closed and locked. We walked around and discovered the Southeast side rear glass door smashed out (entry point). We entered the business and began clearing it. Inside the business we located Morroquin, Fannon, Lopez, Maddaford, and Mendoza hidden in the back of the business.

Patrol Follow-Up

Related to robbery at 2599 S. Nellis (Burger King) under LVMPD event # LLV141117000090. C17 responded and processed the scene. R13 also advised and responded. Video was able to be viewed but is of very poor quality.



Arrest / Detective Report

Administrative

Location **7150 W. Lk Mead Las Vegas, NV 89128** Sector / Beat **V6**
 Occurred On (Date / Time) **Friday 11/21/2014 12:55:00 AM** Or Between (Date / Time)
 Reporting Officer **08716 - Hager, D.** Reported On **11/21/2014**
 Entered By **08716 - Hager, D.** Entered On **11/21/2014 1:52:21 AM**
 Supervisor **07071 - Hansen, J.** Follow Up Pro Squad **NW 13** Follow Up
 Jurisdiction **Las Vegas, City of** Report Type **Officer Created - Sgt Approval** Disposition **Active**
 Route To:
 Connecting Reports **Voluntary Statement** Related Cases

Assisting Officers:
07626 - Robertson, Jeremy P Officer
13177 - Klosterman, Olivia J ID Specialist

Offenses

Robbery, E/DW(F)-NRS 200.380

Completed **Yes** Hate/Bias **None (No Bias)** Domestic Violence **No**
 Entry Premises Entered Type Security Tools
 Weapons **Handgun** Location Type **Restaurant**
 Criminal Activities

Assault, W/Dw(F)-NRS 200.471.2B

Completed **Yes** Hate/Bias **None (No Bias)** Domestic Violence **No**
 Entry Premises Entered Type Security Tools
 Weapons **Handgun** Location Type **Restaurant**
 Criminal Activities

Kidnapping, 1st Degree(F)-NRS 200.310.1

Completed **Yes** Hate/Bias Domestic Violence **No**
 Entry Premises Entered Type Security Tools
 Weapons Location Type **Restaurant**
 Criminal Activities

Victims

Name: **Wendy's**

Victim Type **Business** Written Statement Can ID Suspect
 Victim of **50138 - Robbery, E/DW(F)-NRS 200.380** Domestic Battery

SSN DOB Age Sex Race
 Height Weight Hair Color Eye Color
 Employer/School Occupation/Grade Work Schedule
 DLN DL State DL Country Tourist Departure Date
 Resident Injury Weapons

Addresses
Residence 7150 W. Lk Mead Las Vegas, NV 89128 Clark USA

Phones
Business/Work (702) 363-1895

Email

Offender Relationships
 Domestic Violence Information
 Relationship to Suspect Primary Aggressor Determined
 Intimate Relationship Drug/Alcohol Involvement
 Voluntary Statement DV Information Provided
 Injury Severity Medical Attention
 Photos Taken

Notes:

Name: **Hubbard, Jessica**
 1/7/2015 11:08 PM

Victim Type **Individual** Written Statement **Yes** Can ID Suspect **Yes**
 Victim of **50201 - Assault, W/Dw(F)-NRS 200.471.2B** Domestic Battery **No**
50138 - Robbery, E/DW(F)-NRS 200.380
50051 - Kidnapping, 1st Degree(F)-NRS 200.310.1

SSN **479-17-8965** DOB **07/18/1989** Age **25** Sex **Female** Race **White**
 Height **5' 4"** Weight **226** Hair Color **Blond** Eye Color **Green**
 Employer/School **Wendy's** Occupation/Grade **Manager** Work Schedule
 DLN DL State DL Country
 Resident **Resident** Tourist Departure Date
 Injury **None Observed** Injury Weapons **Handgun**

Addresses
 Residence **2881 Rancho, Apt 1002 Las Vegas, NV 89130 Clark USA**

Phones
 Cellular **(702) 752-9047**
 Business/Work **(702) 363-1895**

Email

Offender Relationships
 S - Unknown 1 **None**
 S - Unknown 2 **None**

Domestic Violence Information
 Relationship to Suspect **Primary Aggressor Determined**
 Intimate Relationship **Drug/Alcohol Involvement**
 Voluntary Statement **DV Information Provided**
 Injury Severity **Medical Attention**
 Photos Taken

Notes:

Suspects

Name: Unknown 1

Written Stmt. **No** Alerts Non-English Language

Aliases
 Moniker

Scope ID DOB Age **25-30** SSN
 Race **Black or African American** Build Handedness **Right**
 Sex **Male** Height **6' 0"** Weight Hair Color **Black** Eye Color **Brown**
 Employer/School Occupation/Grade
 Hair Length **Medium** Hair Style **Curly** Eyes
 Complexion **Dark** Facial hair **Full Beard** Teeth
 Appearance Injury/Condition
 Speech manner Speech Characteristics
 DLN DL State DL Country
 Resident Tourist Departure Place of Birth
 Habitual Offender Status MO Factors
 Primary Means of Attack/Weapon **Handgun** Weapon Features **Revolver**
 Employer/School Occupation/Grade

Scars, Marks and Tattoos
 Addresses

Phones

Domestic Violence Information
 TPO in Effect Drug/Alcohol Involvement Voluntary Statement
 Injury Severity **Medical Attention** DV Info provided
 Photos Taken Suspect Demeanor

Notes:

Name: Unknown 2

Written Stmt. **No** Alerts Non-English Language

Aliases

Moniker

Scope ID
 Race **Black or African American** DOB
 Sex **Male** Height **5' 8"** Weight
 Age **25-30** SSN
 Build
 Hair Color **Black** Handedness
 Eye Color **Brown**
 Occupation/Grade
 Employer/School
 Hair Length
 Hair Style
 Facial hair
 Eyes
 Teeth
 Complexion **Dark**
 Appearance
 Injury/Condition
 Speech Characteristics
 Speech manner
 DLN
 DL State
 DL Country
 Resident
 Tourist Departure
 Place of Birth
 Habitual Offender Status
 MO Factors
 Primary Means of Attack/Weapon **None** Weapon Features
 Occupation/Grade
 Employer/School

Scars, Marks and Tattoos

Addresses

Phones

Domestic Violence Information

TPO in Effect
 Injury Severity
 Photos Taken
 Drug/Alcohol Involvement
 Medical Attention
 Suspect Demeanor
 Voluntary Statement
 DV Info provided

Notes:

Arrestees

Witnesses

Witness Name: Morales, Jorge

Written Statement **Yes** Can ID Suspect **No** Testify
 SSN **618-90-4546** DOB **05/22/1996** Age **18** Race **Unknown**
 Sex **Male** Height **5' 11"** Weight **230** Hair Color **Brown** Eye Color **Brown**

Addresses

Residence **4833 Integrity Las Vegas, NV 89128 Clark USA**

Phones

Cellular **(702) 330-2867**

Notes:

Other Entities

Properties

Type: **Currency, Coins, Securities, Cash**

Status **Stolen** Quantity **1** Value **200.00** Color
 Description **US Currency**
 Manufacturer Model Serial No./VIN
 Vehicle Year Body Type
 Lic Plate # Lic Plate State Lic Plate Exp
 Insurance Company
 Owner **V - Wendy's**
 Notes:

Detailed Property Information

Length Width Height
 Horse Power Propulsion Serial #
 Caliber Barrel Length
 Features

Recovered Property Information

Recovered Date	Recovered Value
Recovered Location	Recovered Reason
Recovered By	Recovered Stock #
Owner Type	Released To
Insurance Rep.	Tow Company

Type: **Misc. (Cell Phones, Ammo, Worthless Doc, items not listed)**

Status	Destroyed/Damaged/Vandalized	Quantity	1	Value	400.00	Color	
Description	Glass Panel Door						
Manufacturer		Model		Serial No.	WIN		
Vehicle Year		Body Type					
Lic Plate #		Lic Plate State		Lic Plate Exp			
Insurance Company							
Owner	V - Wendy's						
Notes:							

Detailed Property Information

Length		Width		Height	
Horse Power		Propulsion	Serial #		
Caliber		Barrel Length			
Features					

Recovered Property Information

Recovered Date	Recovered Value
Recovered Location	Recovered Reason
Recovered By	Recovered Stock #
Owner Type	Released To
Insurance Rep.	Tow Company

Solvability

Suspect Can Be Described
Physical Evidence is Present
Witness Present - Other

Modus Operandi

MO General			
Occupied?	Yes	Surrounding Area	Corner
General Premise	Fast Food Restaurant	Specific Premise	Room
MO Against Property			
Entry Point	Door	Exit Point	Door
Entry/Attempt Method		Entry Tool	Rock/Brick
Safe Entry		Suspect Actions	Malicious Damage
			Selective in Loot
Victim Location	On the Premises	Electronic Locks	Video Surveillance
Maid		Inspectress	Yes
MO Against People			
Victim-Suspect Relationship		Pre-Incident Contact	Opening/Closing-Business
Victim Condition		Suspect Solicited/Offered	
Suspect Pretended to Be		Suspect Actions	Forced Entry
			Hit/Assaulted During Act
			Multiple Suspects
			Suspect's Face Concealed
Sexual Acts		Vehicle Involvement	

Narrative

On 11-21-14, at approximately 0055 hours, a call was received at LVMPD dispatch in reference to two subjects were seen breaking the glass door to the Wendy's located at 7150 W. Lake Mead, Las Vegas, NV, 89128.

At approximately 0057 hours, Officer J. Robertson P#7628, working as marked unit 1V, arrived at the 7150 W. Lake Mead location. Upon arrival Officer Robertson made contact with the manager the Wendy's identified as, Jessica Hubbard, 07-18-89. Hubbard stated that at approximately 0055 hours, she was in the main office area and heard glass breakage. Shortly after she was approached by two black male adults. One of the suspects was described as: in his mid twenties, 6', medium build, wearing a black and yellow surgical mask, grey hooded

sweatshirt, black pants, and armed with a black revolver. The other suspect was described as: being in his mid twenties, wearing a red bandana, blue sweatshirt, 5'8, medium build, and carrying a cardboard box. Both suspects gathered up all the employees from the store and moved them to the Office. The suspect with the revolver then approached Hubbard, placed the revolver to her head, and had her empty the cash from the safe and place it into the cardboard box totaling approximately 200.00 in US currency. Both suspects then told the employees to remain in the office, and they ran from the store northbound through the parking lot towards the apartment complex located at 2150 N. Tenaya, Las Vegas, NV, 89128. No vehicle was seen leaving the area with the suspects inside. Hubbard also stated the suspects took the phones inside the business and dropped them in the chili pot, so the employees could not call the police.

ID Specialist O. KLOSTERMAN P#13177, responded and processed the scene.

Patrol Follow-Up
Detective Candela P#5116 was notified in reference to the robbery. A voicemail message was also left with SGT Krumba P#7167. This event is possibly related to the "windbreaker" series. The business does have video but, it will not be available till after 0800 hours.



Arrest / Detective Report

Administrative

Location **7380 W Cheyene Las Vegas, NV 89128** Sector /Beat **X1**
 Occurred On (Date / Time) **Sunday 11/23/2014 11:07:27 PM** Or Between (Date / Time)
 Reporting Officer **06062 - Cahoon, G.** Reported On **11/23/2014**
 Entered By **06062 - Cahoon, G.** Entered On **11/23/2014 11:57:34 PM**
 Supervisor **08090 - Meyers, R.** Follow Up Pro Squad **NW 11** Follow Up
 Jurisdiction **Las Vegas, City of** Report Type **Officer Created - Sgt Approval** Disposition **Active**
 Route To: **Las Vegas, City of** Related Cases **LLV141123003630**
 Connecting Reports **Victim Information Guide**
Voluntary Statement

Assisting Officers:
13451 - Grego-Smith, Malik O Officer
14302 - Carter, Jason L Officer
05746 - Lorson, Karl J Detective
14402 - Tucker, Kristen ID Specialist

Offenses

Robbery, E/DW(F)-NRS 200.380
 Completed **Yes** Hate/Bias **Unknown (Offenders Motivation Not Known)** Domestic Violence **No**
 Entry Premises Entered Type Security Tools
 Weapons **Handgun** Location Type **Restaurant**
Handgun - Automatic
 Criminal Activities

Victims

Name: **El Pollo Loco**

Victim Type **Business** Written Statement Can ID Suspect
 Victim of **50138 - Robbery, E/DW(F)-NRS 200.380** Domestic Battery

SSN DOB Age Sex Race
 Height Weight Hair Color Eye Color
 Employer/School Occupation/Grade Work Schedule
 DLN DL State DL Country
 Resident Tourist Departure Date
 Injury Injury Weapons

Addresses
Business **7380 W Cheyene Las Vegas, NV 89128 Clark USA**

Phones
Business/Work **(702) 658-6564**

Email

Offender Relationships
 Domestic Violence Information
 Relationship to Suspect Primary Aggressor Determined
 Intimate Relationship Drug/Alcohol Involvement
 Voluntary Statement DV Information Provided
 Injury Severity Medical Attention
 Photos Taken

Notes:

Name: **Lopez, Laura**

Victim Type **Individual** Written Statement **Yes** Can ID Suspect **No**
 Victim of **50138 - Robbery, E/DW(F)-NRS 200.380** Domestic Battery **No**

SSN **530-83-2523** DOB **03/22/1994** Age **20** Sex **Female** Race **Unknown**
 Height Weight Hair Color Eye Color
 Employer/School **El Pollo Loco** Work Schedule
 Occupation/Grade **Manager**

11/23/2016 11:09 PM

LLV141123003576

DLN Resident **Resident** DL State DL Country
 Injury **None Observed** Tourist Departure Date
 Injury Weapons **Handgun**
Handgun - Automatic

Addresses
Business 7380 W Cheyene Las Vegas, NV 89128 Clark USA
Residence 1832 Double Delight NLV, NV 89030 Clark USA

Phones
Business/Work (702) 658-6564
Cellular (702) 815-6237

Email

Offender Relationships
 Domestic Violence Information
 Relationship to Suspect Primary Aggressor Determined
 Intimate Relationship Drug/Alcohol Involvement
 Voluntary Statement DV Information Provided
 Injury Severity Medical Attention
 Photos Taken

Notes:

Name: Silva-Rios, Yanais

Victim Type **Individual** Written Statement **Yes** Can ID Suspect **Yes**
 Victim of **50138 - Robbery, E/DW(F)-NRS 200.380** Domestic Battery **No**

SSN DOB **12/06/1992** Age **21** Sex **Female** Race **Unknown**
 Height Weight Hair Color Eye Color
 Employer/School **El Pollo Loco**
 Occupation/Grade Work Schedule
 DLN DL State DL Country
 Resident **Resident** Tourist Departure Date
 Injury **None Observed** Injury Weapons **Handgun**
Handgun - Automatic

Addresses
Business 7380 W Cheyene Las Vegas, NV 89128 Clark USA
Residence 4124 Maple HI Las Vegas, NV 899128 Clark USA

Phones
Business/Work (702) 658-6564
Cellular (702) 403-7428

Email

Offender Relationships
 Domestic Violence Information
 Relationship to Suspect Primary Aggressor Determined
 Intimate Relationship Drug/Alcohol Involvement
 Voluntary Statement DV Information Provided
 Injury Severity Medical Attention
 Photos Taken

Notes:

Name: Lopez, Luis

Victim Type **Individual** Written Statement **Yes** Can ID Suspect **No**
 Victim of **50138 - Robbery, E/DW(F)-NRS 200.380** Domestic Battery **No**

SSN **530-87-8122** DOB **05/06/1995** Age **19** Sex **Male** Race **Unknown**
 Height Weight Hair Color Eye Color
 Employer/School **El Pollo Loco**
 Occupation/Grade Work Schedule
 DLN DL State DL Country
 Resident **Resident** Tourist Departure Date
 Injury **None Observed** Injury Weapons **Handgun**
Handgun - Automatic

Addresses
Business 7380 W Cheyene Las Vegas, NV 89128 Clark USA

Residence 1832 Double Delight NLV, NV 89030 Clark USA

Phones
Business/Work (702) 658-6564
Cellular (702) 689-0345

Email

Offender Relationships

Domestic Violence Information

Relationship to Suspect

Primary Aggressor Determined

Intimate Relationship

Drug/Alcohol Involvement

Voluntary Statement

DV Information Provided

Injury Severity

Medical Attention

Photos Taken

Notes:

Name: Bautista, Hernandez Sergio

Victim Type **Individual** Written Statement **Yes** Can ID Suspect **Yes**
Victim of **50138 - Robbery, E/DW(F)-NRS 200.380** Domestic Battery **No**

SSN _____ DOB **09/08/1988** Age **26** Sex **Male** Race **Unknown**
Height _____ Weight _____ Hair Color _____ Eye Color _____
Employer/School **El Pollo Loco** Work Schedule _____
Occupation/Grade _____ DL Country _____
DLN _____ DL State _____ Tourist Departure Date _____
Resident **Resident** Injury Weapons **Handgun**
Injury **None Observed** **Handgun - Automatic**

Addresses

Business 7380 W Cheyene Las Vegas, NV 89128 Clark USA
Residence 1001 N Pecos. Apt 51 Las Vegas, NV 89101 Clark USA

Phones
Business/Work (702) 658-6564
Cellular (702) 612-4847

Email

Offender Relationships

Domestic Violence Information

Relationship to Suspect

Primary Aggressor Determined

Intimate Relationship

Drug/Alcohol Involvement

Voluntary Statement

DV Information Provided

Injury Severity

Medical Attention

Photos Taken

Notes:

Suspects

Name: Unknown

Written Stmt. **No** Alerts _____ Non-English _____ Language _____

Aliases

Moniker

Scope ID _____ DOB _____ Age **20** SSN _____
Race **Black or African American** Build **Medium** Handedness _____
Sex **Male** Height **5' 9"** Weight _____ Hair Color _____ Eye Color _____
Employer/School _____ Occupation/Grade _____
Hair Length _____ Hair Style _____ Eyes _____
Complexion _____ Facial hair _____ Teeth _____
Appearance _____ Injury/Condition _____
Speech manner **Profane / Abusive** Speech Characteristics _____
DLN _____ DL State _____ DL Country _____
Resident _____ Tourist Departure _____ Place of Birth _____
Habitual Offender Status _____ MO Factors _____
Primary Means of Attack/Weapon **Handgun - Automatic** Weapon Features _____
Employer/School _____ Occupation/Grade _____

Scars, Marks and Tattoos
Addresses

Phones

Domestic Violence Information

TPO in Effect
Injury Severity
Photos Taken

Drug/Alcohol Involvement
Medical Attention
Suspect Demeanor

Voluntary Statement
DV Info provided

Notes:

Name: Unknown

Written Stmt. **No** Alerts Non-English Language

Aliases

Moniker

Scope ID DOB Age **20** SSN
Race **Black or African American** Build **Medium** Handedness
Sex **Male** Height **5' 9"** Weight Hair Color Eye Color
Employer/School Occupation/Grade
Hair Length Hair Style Eyes
Complexion Facial hair Teeth
Appearance Injury/Condition
Speech manner Speech Characteristics
DLN DL State DL Country
Resident Tourist Departure Place of Birth
Habitual Offender Status MO Factors
Primary Means of Attack/Weapon **Handgun** Weapon Features **Revolver**
Employer/School Occupation/Grade

Scars, Marks and Tattoos
Addresses

Phones

Domestic Violence information

TPO in Effect
Injury Severity
Photos Taken

Drug/Alcohol Involvement
Medical Attention
Suspect Demeanor

Voluntary Statement
DV Info provided

Notes:

Arrestees

Witnesses

Other Entities

Properties

Type: **Currency, Coins, Securities, Cash**

Status **Stolen** Quantity **1** Value **1,750.00** Color
Description **Currency**
Manufacturer Model Serial No./VIN
Vehicle Year Body Type
Lic Plate # Lic Plate State Lic Plate Exp
Insurance Company
Owner **V - El Pofio Loco**
Notes: **Currency was both cash and change.**

Detailed Property Information

Length Width Height
Horse Power Propulsion Serial #
Caliber Barrel Length
Features

Recovered Property Information

Recovered Date	Recovered Value
Recovered Location	Recovered Reason
Recovered By	Recovered Stock #
Owner Type	Released To
Insurance Rep.	Tow Company

Type: **Misc. (Cell Phones, Ammo, Worthless Doc, Items not listed)**

Status	Stolen	Quantity	1	Value	00.00	Color
Description	cell phone					
Manufacturer	Apple	Model	I-Phone	Serial No./VIN		
Vehicle Year		Body Type				
Lic Plate #		Lic Plate State		Lic Plate Exp		
Insurance Company						
Owner	V - Lopez, Laura					
Notes:	Cell phone taken from victim, the phone number is 702-815-5237					

Detailed Property Information

Length	Width	Height
Horse Power	Propulsion Serial #	
Caliber	Barrel Length	
Features		

Recovered Property Information

Recovered Date	Recovered Value
Recovered Location	Recovered Reason
Recovered By	Recovered Stock #
Owner Type	Released To
Insurance Rep.	Tow Company

Solvability

Criminalistics Work Was Performed
Significant MO is Present
Physical Evidence is Present
Suspect Can Be Described
Witness Present - Victim

Modus Operandi

MO General		Surrounding Area	Middle of Block
Occupied?	Yes	Specific Premise	Room
General Premise	Restaurant		
MO Against Property			
Entry Point	Door	Exit Point	Door
Entry/Attempt Method	Bodily Force	Entry Tool	Door
Safe Entry		Suspect Actions	Covered Hands(Gloves, etc) Cut/Discon, Phone Cord Selective in Loot
Victim Location	On the Premises	Electronic Locks	Video Surveillance
Maid		Inspectress	Yes
MO Against People		Pre-Incident Contact	Opening/Closing-Business
Victim-Suspect Relationship		Suspect Solicited/Offered	Forced Entry
Victim Condition		Suspect Actions	Had Victim Bag Property
Suspect Pretended to Be			Moved Victim's Location
			Multiple Suspects
			Picked Pocket
			Suspect's Face Concealed
Sexual Acts		Vehicle Involvement	

Narrative

On 11-23-14 at about 2309 hours I Officer G. Cahoon P#6062 who was operating as marked patrol unit 1x31 responded to 7380 W. Cheyenne Las Vegas, Nevada, 89128 (El Polo Loco) in reference to a robbery call. Officer Grego-Smith P# 13451 who was operating as marked patrol unit 1x24, as well as Officer J. Carter P#14302 who was operating as marked patrol unit 1v45 also responded.

Upon our arrival we made contact with the 4 employee's who were at the business cleaning up after closing. I spoke to El Pollo Loco Manager Laura Lopez. She stated to me the business had been closed about an hour. She stated that employee Silva-Rios, Yanais had exited out a rear door to go to her vehicle. While Silva-Rios stepped out, Lopez said she heard a crash and thought it was the ice machine. Lopez looked around the counter towards the front door when she observed the glass door was shattered and suspect 1 a BMA in dark clothing and a surgical mask and a semi-auto pistol jumping over the counter yelling for everyone to get on the floor. This suspect also smashed the telephone that was in the office

At that same time a second BMA came in the back door with Silva-Rios, he was wearing a grey hoody and black pants he was brandishing a revolver. Both suspects cursed at the 4 employees yelling at them to get on the ground. Employee Bautista-Hernandez, Sergio stated the second BMA with the revolver pointed it at his head telling him to get on the ground. All employees then got on the ground. The first BMA that had come over the counter took the manager Lopez to the officer and made her open the safe, to which she complied, Lopez stated she was scared for her life. Lopez stated that the suspect had a blue bag (reusable from Walmart) in which she placed the money into. She stated he even scooped some of the money out. He then told stated to open the register but the Lopez told him there was no money in it. The BMA suspect then patted down Lopez and removed her cell phone. Both suspects then ran out the back door in a unknown direction. The four employees waited about one minute before calling police.

Upon our arrival I checked the interior of the business. ID was contacted and did respond. The El Pollo Loco does have video inside the business but they won't be able to access it till tomorrow. Officer Grego-Smith check with the storage business behind the El Pollo Loco for video they might have. Robbery Detective Lorson responded to the call. While on this call at about 2327 a second robbery came out to a Taco Bell located at Lake Mead and Del Webb with the same suspect descriptions.

Patrol Follow-Up

Officer Grego-Smith watched video from the Storage business. He observed a light colored vehicle pull onto the cur de sac adjacent to the El Pollo Loco and park with the lights out at 2251 hours. The vehicle is seen leaving the area and heading Westbound on Cheyenne at about 2307 hours. Officer Grego-Smith stated that you can't see what type of vehicle it is. You could not identify the suspects.

ID tech stated she was able to get 3 really good shoe prints from the counter where suspect one jumped across.

Victim Lopez did not have a tracking device on her phone, so it was unable to be tracked.



Arrest / Detective Report

Administrative

Location **9480 W Lake Mead Blvd LVN, 89134** Sector /Beat **V2**
 Occurred On (Date / Time) **Sunday 11/23/2014 11:27:00 AM** Or Between (Date / Time)
 Reporting Officer **14302 - Carter, J.** Reported On **11/23/2014**
 Entered By **14302 - Carter, J.** Entered On **11/23/2014 11:58:03 PM**
 Supervisor **08090 - Meyers, R.** Follow Up Pro Squad **NW 12** Follow Up
 Jurisdiction **Las Vegas, City of** Report Type **Officer Created - Sgt Approval** Disposition **Active**
 Route To: **Related Cases**
 Connecting Reports

Assisting Officers:
08073 - Landers, Jeremy A Officer

Offenses

Robbery(F)-NRS 200.380
 Completed **Yes** Hate/Bias **Unknown (Offenders Motivation Not Known)** Domestic Violence **No**
 Entry **Yes** Premises Entered Type Security Toots
 Weapons **Handgun** Location Type **Restaurant**
 Criminal Activities

Kidnapping, 1st Degree(F)-NRS 200.310.1
 Completed **Yes** Hate/Bias Domestic Violence **No**
 Entry **Yes** Premises Entered Type Security Toots
 Weapons Location Type **Restaurant**
 Criminal Activities

Burglary, (1st)(F)-NRS 205.060.2
 Completed **Yes** Hate/Bias **Unknown (Offenders Motivation Not Known)** Domestic Violence
 Entry **Forcible** Premises Entered Type Security **Alarm System** Toots **Other**
Dead Bolts
Exterior Lights
 Weapons Location Type **Restaurant**
 Criminal Activities

Victims

Name: **Taco Bell**

Victim Type **Business** Written Statement Can ID Suspect
 Victim of **50424 - Burglary, (1st)(F)-NRS 205.060.2** Domestic Battery

SSN DOB Age Sex Race
 Height Weight Hair Color Eye Color
 Employer/School Occupation/Grade Work Schedule
 DLN DL State DL Country
 Resident Tourist Departure Date
 Injury Injury Weapons

Addresses
Business 9480 W Lake Mead Blvd LVN, 89134

Phones
Business/Work (702) 360-8085

Email

Offender Relationships
 Domestic Violence Information
 Relationship to Suspect Primary Aggressor Determined
 Intimate Relationship Drug/Alcohol Involvement
 Voluntary Statement DV Information Provided
 Injury Severity Medical Attention
 Photos Taken

Notes:

Name: GONZALEZ-APARICIO, VANESSA MARIE

Victim Type **Individual** Written Statement Can ID Suspect
Victim of **50137 - Robbery(F)-NRS 200.380** Domestic Battery **No**
50051 - Kidnapping, 1st Degree(F)-NRS 200.310.1

SSN **613-32-4778** DOB **08/01/1989** Age **25** Sex **Female** Race **White**
Height Weight Hair Color Eye Color
Employer/School **Taco Bell @ 9480 W Lake Mead Blvd**
Occupation/Grade Work Schedule
DLN **1602343868** DL State **Nevada** DL Country
Resident **Resident** Tourist Departure Date
Injury **None Observed** Injury Weapons **Handgun**

Addresses
Residence **1801 Amboy Dr 89108**

Phones

Email

Offender Relationships
Domestic Violence Information
Relationship to Suspect Primary Aggressor Determined
Intimate Relationship Drug/Alcohol Involvement
Voluntary Statement DV Information Provided
Injury Severity Medical Attention
Photos Taken

Notes:

Name: WARD, JAMMIE RASHONE

Victim Type **Individual** Written Statement Can ID Suspect
Victim of **50137 - Robbery(F)-NRS 200.380** Domestic Battery **No**

SSN **530-62-3861** DOB **01/24/1978** Age **35** Sex **Female** Race **Black or African American**
Height Weight Hair Color Eye Color
Employer/School **Taco Bell @ 9480 W LAKE MEAD BLVD**
Occupation/Grade Work Schedule
DLN **2600640698** DL State **Nevada** DL Country
Resident **Resident** Tourist Departure Date
Injury **None Observed** Injury Weapons **Handgun**

Addresses
Residence **1555 Balzar Ave Apt 123 LVN, 89108**

Phones

Email

Offender Relationships
Domestic Violence Information
Relationship to Suspect Primary Aggressor Determined
Intimate Relationship Drug/Alcohol Involvement
Voluntary Statement DV Information Provided
Injury Severity Medical Attention
Photos Taken

Notes:

Name: HADEED, HOLLY KATHERINE

Victim Type **Individual** Written Statement Can ID Suspect
Victim of **50137 - Robbery(F)-NRS 200.380** Domestic Battery **No**
50051 - Kidnapping, 1st Degree(F)-NRS 200.310.1

SSN **530-83-2370** DOB **09/25/1994** Age **20** Sex **Female** Race **White**
Height Weight Hair Color Eye Color
Employer/School **Taco Bell @ 9480 W LAKE MEAD BLVD**
Occupation/Grade Work Schedule
DLN **1404465739** DL State **Nevada** DL Country
Resident **Resident** Tourist Departure Date
Injury **None Observed** Injury Weapons **Handgun**

Addresses

Residence 6209 Don Gaspar LVN, 89108

Phones

Email

Offender Relationships

Domestic Violence Information

Relationship to Suspect

Intimate Relationship

Voluntary Statement

Injury Severity

Photos Taken

Primary Aggressor Determined

Drug/Alcohol Involvement

DV Information Provided

Medical Attention

Notes:

Suspects

Name: #1, Suspect

Written Stmt. Alerts Non-English Language

Aliases

Moniker

Scope ID DOB Age 20-30 SSN
Race Black or African American Build Thin
Sex Male Height 6' 0" Weight Hair Color Black Handedness
Employer/School Occupation/Grade Eye Color Brown
Hair Length Hair Style Facial hair Eyes
Complexion Facial hair Teeth
Appearance Injury/Condition
Speech manner Speech Characteristics
DLN DL State Tourist Departure DL Country Place of Birth
Resident MO Factors
Habitual Offender Status Weapon Features Blue Steel
Primary Means of Attack/Weapon Handgun Occupation/Grade
Employer/School

Scars, Marks and Tattoos

Addresses

Phones

Domestic Violence Information

TPO in Effect

Injury Severity

Photos Taken

Drug/Alcohol Involvement

Medical Attention

Suspect Demeanor

Voluntary Statement

DV info provided

Notes:

Name: #2, Suspect

Written Stmt. Alerts Non-English Language

Aliases

Moniker

Scope ID DOB Age 20-30 SSN
Race Black or African American Build Thin
Sex Male Height 5' 5" Weight Hair Color Black Handedness
Employer/School Occupation/Grade Eye Color Brown
Hair Length Hair Style Facial hair Eyes
Complexion Facial hair Teeth
Appearance Injury/Condition
Speech manner Speech Characteristics
DLN DL State Tourist Departure DL Country Place of Birth
Resident MO Factors
Habitual Offender Status Weapon Features Blue Steel
Primary Means of Attack/Weapon Handgun Occupation/Grade
Employer/School

Scars, Marks and Tattoos

Addresses

Phones

Domestic Violence Information

TPO in Effect
injury Severity
Photos Taken

Drug/Alcohol Involvement
Medical Attention
Suspect Demeanor

Voluntary Statement
DV Info provided

Notes:

Arrestees

Witnesses

Other Entities

Properties

Type: Misc. (Cell Phones, Ammo, Worthless Doc, items not listed)

Status	Stolen	Quantity	1	Value	200.00	Color
Description	Smart Phone					
Manufacturer	Apple	Model	iPhone	Serial No./VIN		
Vehicle Year		Body Type				
Lic Plate #		Lic Plate State		Lic Plate Exp		
Insurance Company						
Owner	V - GONZALEZ-APARICIO, VANESSA MARIE					
Notes:						

Detailed Property Information

Length	Width	Height
Horse Power	Propulsion Serial #	
Caliber	Barrel Length	
Features		

Recovered Property Information

Recovered Date	Recovered Value
Recovered Location	Recovered Reason
Recovered By	Recovered Stock #
Owner Type	Released To
Insurance Rep.	Tow Company

Type: Electronics (TV, Music, CD/DVD Players, etc...)

Status	Destroyed/Damaged/Vandalized	Quantity	1	Value		Color
Description	land line telephone					
Manufacturer		Model		Serial No./VIN		
Vehicle Year		Body Type				
Lic Plate #		Lic Plate State		Lic Plate Exp		
Insurance Company						
Owner	V - Taco Bell					
Notes:						

Detailed Property Information

Length	Width	Height
Horse Power	Propulsion Serial #	
Caliber	Barrel Length	
Features		

Recovered Property Information

Recovered Date	Recovered Value
Recovered Location	Recovered Reason
Recovered By	Recovered Stock #
Owner Type	Released To
Insurance Rep.	Tow Company

Type: Misc. (Cell Phones, Ammo, Worthless Doc, items not listed)

Status	Destroyed/Damaged/Vandalized	Quantity	1	Value	Color
Description	plate glass door				
Manufacturer		Model		Serial No./VIN	
Vehicle Year		Body Type			
Lic Plate #		Lic Plate State		Lic Plate Exp	
Insurance Company					
Owner	V - Taco Bell				
Notes:					

Detailed Property Information

Length	Width	Height
Horse Power	Propulsion Serial #	
Caliber	Barrel Length	
Features		

Recovered Property Information

Recovered Date	Recovered Value
Recovered Location	Recovered Reason
Recovered By	Recovered Stock #
Owner Type	Released To
Insurance Rep.	Tow Company

Solvability

Criminalistics Work Was Performed
Physical Evidence Is Present
Significant MO is Present
Suspect Can Be Described
Witness Present - Victim

Modus Operandi

MO General		Surrounding Area	Middle of Block
Occupied?	Yes	Specific Premise	Room
General Premise	Fast Food Restaurant		
MO Against Property			
Entry Point	Door	Exit Point	Door
			East
Entry/Attempt Method	Smash and Grab	Entry Tool	
Safe Entry		Suspect Actions	Used
			Lookout/Complice
Victim Location	On the Premises	Electronic Locks	
Maid		Inspectress	
MO Against People			
Victim-Suspect Relationship		Pre-Incident Contact	None
Victim Condition		Suspect Solicited/Offered	
Suspect Pretended to Be		Suspect Actions	Forced Entry
			Moved Victim's Location
			Multiple Suspects
			Pulled/Held/Grabbed Victim
Sexual Acts		Vehicle Involvement	

Narrative

On November 23rd, 2014 at approximately 2320 hours, three female employees, Vanessa Gonzalez, Jammie Ward and Holly Hadeed, were working the night shift at the Taco Bell located at 9480 W Lake Mead BLVD, Las Vegas, NV 89135. The three were cleaning the restaurant after closing at 2300 hours. The business was locked and secured.

The three women were located within the kitchen and office area of the restaurant when they heard a loud crashing sound coming from the restaurant's lobby. Gonzalez went to investigate the source of the noise. Once she entered the lobbies register area, she came face to face with suspect #1; a black male, approximately 6' tall, thin build, 20s, wearing a grey hoodie and black work style pants. He was wearing a white cloth workshop or medical style respirator mask over his face, and was carrying a black and silver automatic handgun. He stated "Open the safe," which alerted the two other women that they were being robbed.

Immediately, the three women ran to the rear exit door located at the back of the kitchen. When they opened the rear door to escape, they were stopped by a second black male; suspect #2, described as approximately 5'5" tall, thin build, 20s, wearing similar clothing and mask and carrying a similarly style handgun. He grabbed Gonzalez' sweat shirt, ordered them back into the business, and pulled Gonzalez back through the door along with Hadeed. While suspect #2 had a hold of Gonzalez, Ward was able to make an escape on foot where she hid in bushes next to the Fresh & Easy located east of the Taco Bell.

The two subjects forced Gonzalez and Hadeed into the office while pointing their handguns at them. Suspect #1 stated "Open the fucking safe," while pointing his handgun at her head. Gonzales and Hadeed told the suspects only the morning manager had access to the safe. Suspect #1 stated "Stop fucking playing with me" several times while suspect #2 stated "I know she knows how to open it."

Although Gonzales did not know the code for the safe, she attempted to buy time and tried several codes to no avail. While she attempted to miracle the safe open, suspect #2 made statements they were running out of time. While suspect #1 held the women at gunpoint, suspect #2 destroyed the business' land line phone, and took Gonzalez' cell phone from her. After it was obvious the safe could not be opened, the two suspects fled the area in a white late model Dodge Charger, with black stripes and black rims.

It should be noted that the suspects description, modus operandi and vehicle matched the robbery suspects from a previous robbery which occurred approximately 20 minutes earlier at the El Polo Loco located at 7380 W Cheyenne under event #141123003576.

Patrol Follow-Up
ID and Robbery Det.'s responded to and processed the scene.



Arrest / Detective Report

Administrative

Location **6121 Vegas Dr LVN, 89108** Sector / Beat **V5**
 Occurred On (Date / Time) **Monday 11/24/2014 11:01:00 PM** Or Between (Date / Time)
 Reporting Officer **10065 - Bone, A.** Reported On **11/24/2014**
 Entered By **10065 - Bone, A.** Entered On **11/24/2014 11:40:51 PM**
 Supervisor **07071 - Hansen, J.** Follow Up Pro Squad **NW 12** Follow Up
 Jurisdiction **Las Vegas, City of** Report Type **Officer Created - Sgt Approval** Disposition **Active**
 Route To: **Related Cases**
 Connecting Reports **Photo Attached**
Victim Information Guide
Voluntary Statement

Assisting Officers:
08167 - Reiner, Jennifer C ID Specialist
09884 - Marty-Pagan, Jorge J Officer
04774 - Spiotto, Lance L Detective

Offenses

Robbery, E/DW(F)-NRS 200.380
 Completed **Yes** Hate/Bias **None (No Bias)** Domestic Violence **No**
 Entry Premises Entered Type Security Location Type **Restaurant** Tools
 Weapons **Handgun**
 Criminal Activities

Victims

Name: **Popeves**
 Victim Type **Business** Written Statement Can ID Suspect
 Victim of **50138 - Robbery, E/DW(F)-NRS 200.380** Domestic Battery
 SSN DOB Age Sex Eye Color Race
 Height Weight Hair Color
 Employer/School Work Schedule
 Occupation/Grade DL State DL Country Tourist Departure Date
 DLN Injury Weapons
 Resident
 Injury

Addresses
Business 6121 Vegas Dr LVN, 89108 clark USA

Phones

Email

Offender Relationships
 Domestic Violence Information
 Relationship to Suspect Primary Aggressor Determined
 Intimate Relationship Drug/Alcohol Involvement
 Voluntary Statement DV Information Provided
 Injury Severity Medical Attention
 Photos Taken

Notes:

Suspects

Name: **Unknown**
 Written Stmt. **No** Alerts Non-English Language
 Aliases
 Moniker

Witness Name: Abrego, Angelica

Written Statement **Yes** Can ID Suspect **No** Testify
SSN **550-09-7202** DOB **02/19/1997** Age **17** Race **White**
Sex **Female** Height **5' 4"** Weight Hair Color **Brown** Eye Color **Brown**

Addresses
Business **6121 Vegas Dr LVN, 89108 clark USA**
Residence **6701 Burgundy Way LVN, 89107 clark USA**

Phones

Notes:

Witness Name: Oyague, Gabriela

Written Statement **Yes** Can ID Suspect Testify
SSN DOB **05/17/1997** Age **17** Race **White**
Sex **Female** Height **5' 1"** Weight **135** Hair Color **Brown** Eye Color **Brown**

Addresses
Residence **6300 Bristol Way LVN, 89107 clark USA**
Business **6121 Vegas Dr LVN, 89108 clark USA**

Phones
Cellular **(702) 822-1618**

Notes:

Witness Name: Velazquez-Borragen, Rafael

Written Statement **Yes** Can ID Suspect Testify
SSN **680-01-3837** DOB **05/27/1997** Age **17** Race **White**
Sex **Male** Height **5' 10"** Weight **155** Hair Color **Brown** Eye Color **Brown**

Addresses
Business **6121 Vegas Dr LVN, 89108 clark USA**
Residence **6313 Mint Frost Way LVN, 89108 clark USA**

Phones
Cellular **(702) 647-2341**
Business/Work **(702) 631-1975**

Notes:

Witness Name: Espinoza, Jose

Written Statement **Yes** Can ID Suspect Testify
SSN DOB **04/21/1996** Age **18** Race **White**
Sex **Male** Height Weight **175** Hair Color **Black** Eye Color **Black**

Addresses
Business **6121 Vegas Dr LVN, 89108 clark USA**
Residence **6727 Vegas Dr LVN, 89108 clark USA**

Phones
Cellular **(702) 272-6458**

Notes:

Witness Name: Gomez, Alma

Written Statement **Yes** Can ID Suspect Testify
SSN DOB **07/29/1992** Age **22** Race **White**
Sex **Female** Height **5' 1"** Weight **142** Hair Color **Brown** Eye Color **Brown**

Addresses
Business **6121 Vegas Dr LVN, 89108 clark USA**

Residence 3308 N Pecos Rd #d LVN, 89115 clark USA

Phones
Cellular (702) 408-1581

Notes:

Other Entities

Properties

Type: Misc. (Cell Phones, Ammo, Worthless Doc, Items not listed)

Status	Stolen	Quantity	1	Value	200.00	Color	
Description	Smart Phone						
Manufacturer		Model	Galaxy	Serial No./VIN			
Vehicle Year		Body Type					
Lic Plate #		Lic Plate State		Lic Plate Exp			
Insurance Company							
Owner	W - Gomez, Alma						
Notes:							

Detailed Property Information

Length		Width		Height	
Horse Power		Propulsion Serial #			
Caliber		Barrel Length			
Features					

Recovered Property Information

Recovered Date		Recovered Value	
Recovered Location		Recovered Reason	
Recovered By		Recovered Stock #	
Owner Type		Released To	
Insurance Rep.		Tow Company	

Type: **Currency, Coins, Securities, Cash**

Status	Stolen	Quantity	?	Value	2,088.59	Color	Green
Description	a total of \$2088.59						
Manufacturer	US Govt.	Model		Serial No./VIN			
Vehicle Year		Body Type					
Lic Plate #		Lic Plate State		Lic Plate Exp			
Insurance Company							
Owner	V - Popeyes						
Notes:	\$800 from the safe and \$1288.59 from the registers.						

Detailed Property Information

Length		Width		Height	
Horse Power		Propulsion Serial #			
Caliber		Barrel Length			
Features					

Recovered Property Information

Recovered Date		Recovered Value	
Recovered Location		Recovered Reason	
Recovered By		Recovered Stock #	
Owner Type		Released To	
Insurance Rep.		Tow Company	

Solvability

- Criminalistics Work Was Performed**
- Physical Evidence Is Present**
- Significant MO Is Present**
- Stolen Property is Traceable, (Identifiable)**
- Suspect Can Be Described**
- Witness Present - Other**

Modus Operandi

MO General				
Occupied?	Yes		Surrounding Area	Corner
General Premise	Fast Food Restaurant		Specific Premise	
MO Against Property				
Entry Point	Door	Exit Point	Door	Entry Location
				Door Front South Rear West
Entry/Attempt Method	Bodily Force Climbed In/Over/Thru Other	Entry Tool		Vehicle Entry
Safe Entry		Suspect Actions	Covered Hands(Gloves, etc) Knew Loc./Hidden Valuables Malicious Damage Ransacked Selective in Loot Took Time/Methodical	Additional Factors
				Similar Crimes in Neighborhood
Victim Location	Work/School	Electronic Locks	No	Video Surveillance
Maid		Inspector		
MO Against People				
Victim-Suspect Relationship		Pre-Incident Contact		Opening/Closing-Business
Victim Condition		Suspect Solicited/Offered		
Suspect Pretended to Be		Suspect Actions		Forced Entry Had Victim Lie Down Had Victim Bag Property Malicious Damage Multiple Suspects Suspect's Face Concealed
Sexual Acts			Vehicle Involvement	

Narrative

On 11/24/14 at 2300 hours, 1 black male adult broke the front south door to the Popeyes fast food restaurant on 6121 Vegas Dr, LVN 89108. The male suspect had a silver handgun in his hand as he made his way into the business. 5 employees were inside closing the store and cleaning. The Manager Alma heard the glass break on the door and ran back to the other employees. Alma told them somebody broke in and she was telling them to go out of the back emergency door. They tried to open the door but it wasn't opening. They pushed harder and there was another black male waiting for the door to open. The male suspect grabbed one of the employees and pushed them all back in.

They all started walking towards the front as the 2nd suspect had them all at gun point. The 1st suspect made his way behind the counter and had Alma show him where the safe was. He gave alma the blue bag and told her to open the bag and fill it with the money from the safe and the cash registers. As Alma was getting the cash, one suspect was down with her and the other suspect was standing up. They had the other employees get down on the ground. When the suspects got the bag back, they took Alma's cell phone and ran out of the emergency door. The employees waited for them to leave then called 911.

Patrol Follow-Up

One of the employees stated in their statement that the suspect that entered from the front, was carrying an ax along with his handgun. ID responded and took photos of the scene. Due to the suspects wearing gloves, no finger/hand prints were retrieved. There was no surveillance video. The suspects got \$800 from the safe and \$1288.59 from the register totaling \$2088.59.

Exhibit 12

12

Exhibit 12

Las Vegas Metropolitan Police Department Forensic Laboratory Report of Examination Biology/DNA Forensic Casework		Distribution Date: September 9, 2015 Agency: LVMPD Location: Robbery/Homicide Bureau Primary Case #: 141125-4029 Additional Cases: 141124-3628 Incident: Robbery, Robbery WDW Requester: Jeffery C Abell Lab Case #: 15-01887.2
Subject(s):	Tony Hobson (Suspect) Brandon Starr (Suspect) Donte Johns (Suspect)	

The following evidence was examined and results are reported below.

Lab Item #	Impound Pkg #	Impound Item #	Description	
Item 2	013572 - 8	9	Red and black gloves	
Item 2.1			• Right glove – Swabbing of the inside	
Item 2.2			• Left glove – Swabbing of the inside	
Item 3		013572 - 8	10	Left grey & red glove – Swabbing of the inside
Item 4			11	Knit gloves
Item 4.1				• One glove – Swabbing of the outside
Item 4.1.1				– Swabbing of the inside
Item 4.1.2				• One glove – Swabbing of the outside
Item 4.2				– Swabbing of the inside
Item 4.2.1				• One glove – Swabbing of the outside
Item 4.2.2	– Swabbing of the inside			
Item 5	12			Yellow mask – Swabbing of the entire item
Item 9	013572 - 5		3	Axe – Swabbing of the handle
Item 6	013572 - 10	15	Left "Snap-on" glove – Swabbing of the inside	
Item 7		16	Yellow mask – Swabbing of the entire item	
Item 8		17	Right "Snap-on" glove – Swabbing of the inside	
Item 10	013572 - 13	22	Revolver swab	
Item 11		23	Ruger swab	
Item 12		24	Magazine swab	
Item 13		25	Axe swab	
Item 1*	008744 - 1	1	Reference standard from Brandon Starr	
Item 2*	008744 - 1	1	Reference standard from Donte Johns	
Item 3*	008744 - 1	1	Reference standard from Tony Hobson	
*Evidence booked under event 141124-3628				

DNA Results and Conclusions:

Item 2.1, Item 2.2, Item 3, Item 4.1.1, Item 4.1.2, Item 4.2.1, Item 4.2.2, Item 5, Item 9, Item 6, Item 7, Item 8, Item 10, Item 11, Item 12, Item 13, Item 1*, Item 2*, and Item 3* were subjected to PCR amplification at the following STR genetic loci: D8S1179, D21S11, D7S820, CSF1PO, D3S1358, TH01, D13S317, D16S539, D2S1338, D19S433, vWA, TPOX, D18S51, D5S818, and FGA. The sex-determining Amelogenin locus was also examined.

**PLEADING
CONTINUES
IN NEXT
VOLUME**

IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed
Apr 25 2019 10:11 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

TONY LEE HOBSON,
Appellant(s),

vs.

THE STATE OF NEVADA,
Respondent(s),

Case No: A-18-784448-W

Docket No: 78528

**RECORD ON APPEAL
VOLUME
1**

ATTORNEY FOR APPELLANT
TONY HOBSON #1165963,
PROPER PERSON
P.O. BOX 208
INDIAN SPRINGS, NV 89070

ATTORNEY FOR RESPONDENT
STEVEN B. WOLFSON,
DISTRICT ATTORNEY
200 LEWIS AVE.
LAS VEGAS, NV 89155-2212

I N D E X

<u>VOLUME:</u>	<u>PAGE NUMBER:</u>
1	1 - 240
2	241 - 480
3	481 - 720
4	721 - 902

I N D E X

<u>VOL</u>	<u>DATE</u>	<u>PLEADING</u>	<u>PAGE NUMBER:</u>
4	04/03/2019	(NOTICE OF APPEAL)	895 - 897
3	03/01/2019	1ST AMENDED PETITION FOR WRIT OF HABEAS CORPUS; PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION); PETITIONER REQUEST EVIDENTIARY HEARING (CONTINUED)	508 - 720
4	03/01/2019	1ST AMENDED PETITION FOR WRIT OF HABEAS CORPUS; PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION); PETITIONER REQUEST EVIDENTIARY HEARING (CONTINUATION)	721 - 835
4	04/05/2019	CASE APPEAL STATEMENT	898 - 899
4	04/25/2019	CERTIFICATION OF COPY AND TRANSMITTAL OF RECORD	
4	04/25/2019	DISTRICT COURT MINUTES	900 - 902
2	11/13/2018	EX PARTE PLEADING (TO BE FILED UNDER SEAL) MOTION REQUESTING FUNDING FOR APPOINTMENT OF INVESTIGATOR (CONFIDENTIAL)	311 - 316
4	03/21/2019	FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER	836 - 864
2	12/17/2018	MOTION AND ORDER FOR TRANSPORTATION OF INMATE FOR COURT APPEARANCE OR, IN THE ALTERNATIVE, FOR APPEARANCE BY TELEPHONE OR VIDEO CONFERENCE	340 - 347
2	02/01/2019	MOTION FOR JUDICIAL ACTION ON PETITION	377 - 382
2	11/13/2018	MOTION TO STAY PROCEEDINGS	307 - 310
4	03/25/2019	NOTICE OF ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER	865 - 894
2	02/14/2019	OPPOSITION TO STATES RESPONSE TO DEFENDANT / PETITIONER'S POST CONVICTION PETITION FOR WRIT OF HABEAS CORPUS	383 - 423
2	11/28/2018	ORDER FOR PETITION FOR WRIT OF HABEAS CORPUS	334 - 334
2	11/13/2018	PETITION FOR WRIT OF HABEAS CORPUS (POST-	295 - 306

I N D E X

<u>VOL</u>	<u>DATE</u>	<u>PLEADING</u>	<u>PAGE NUMBER:</u>
		CONVICTION); EX PARTE PLEADING (TO FILED UNDERSEAL) (CONFIDENTIAL)	
1	11/13/2018	PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION); PETITIONER REQUEST EVIDENTIARY HEARING (CONTINUED)	1 - 240
2	11/13/2018	PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION); PETITIONER REQUEST EVIDENTIARY HEARING (CONTINUATION)	241 - 294
2	01/25/2019	STATE'S RESPONSE TO DEFENDANT'S POST-CONVICTION PETITION FOR WRIT OF HABEAS CORPUS	348 - 376
2	12/11/2018	STATUS CHECK FOR PENDING MOTIONS (MOTION TO STAY, MOTION FOR FUNDING FOR INVESTIGATOR, SUBPOENA'S) EX PARTE MOTIONS	335 - 339
2	02/21/2019	UNFILED DOCUMENT(S) - INMATE CORRESPONDENCE W/COPIES OF UNFILED SUBPOENAS - CIVIL (UNABLE TO PROCESS: RETURN LETTER, MISSING SIGNATURE) (CONTINUED)	424 - 480
3	02/21/2019	UNFILED DOCUMENT(S) - INMATE CORRESPONDENCE W/COPIES OF UNFILED SUBPOENAS - CIVIL (UNABLE TO PROCESS: RETURN LETTER, MISSING SIGNATURE) (CONTINUATION)	481 - 507
2	11/13/2018	UNFILED DOCUMENT(S) - UNISSUED SUBPOENA - CIVIL DUCES TECUM (CONFIDENTIAL)	317 - 333

Tony Hobson, 1165963
Petitioner/In Propria Persona
Post Office Box 208, SDCC
Indian Springs, Nevada 89070

FILED

NOV 13 2018

Alan Johnson
CLERK OF COURT

7

IN THE 8th JUDICIAL DISTRICT COURT OF
THE STATE OF NEVADA IN AND FOR THE
COUNTY OF Clark

Tony Hobson
Petitioner,

vs.
State of Nevada
Warden Jerry Howell
Respondent(s).

A-18-784448-W
Case No. _____
Dept. No. XLX
Docket _____

Petitioner Request Evidentiary Hearing

PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)

INSTRUCTIONS:

- (1) This petition must be legibly handwritten or typewritten signed by the petitioner and verified.
- (2) Additional pages are not permitted except where noted or with respect to the facts which you rely upon to support your grounds for relief. No citation of authorities need be furnished. If briefs or arguments are submitted, they should be submitted in the form of a separate memorandum.
- (3) If you want an attorney appointed, you must complete the Affidavit in Support of Request to Proceed in Forma Pauperis. You must have an authorized officer at the prison complete the certificate as to the amount of money and securities on deposit to your credit in any account in the institution.
- (4) You must name as respondent the person by whom you are confined or restrained. If you are in a specific institution of the department of corrections, name the warden or head of the institution. If you are not in a specific institution of the department within its custody, name the director of the department of corrections.
- (5) You must include all grounds or claims for relief which you may have regarding your conviction and sentence.

RECEIVED
NOV 13 2018
CLERK OF DISTRICT COURT

A-18-784448-W
IPWHC
Inmate Filed - Petition for Writ of Habeas
4796282



296

1 Failure to raise all grounds in this petition may preclude you from filing future petitions
2 challenging your conviction and sentence.

3 (6) You must allege specific facts supporting the claims in the petition you file seeking relief
4 from any conviction or sentence. Failure to allege specific facts rather than just conclusions may
5 cause your petition to be dismissed. If your petition contains a claim of ineffective assistance of
6 counsel, that claim will operate to waive the attorney-client privilege for the proceeding in which
7 you claim your counsel was ineffective.

8 (7) If your petition challenges the validity of your conviction or sentence, the original and one
9 copy must be filed with the clerk of the district court for the county in which the conviction
10 occurred. Petitions raising any other claim must be filed with the clerk of the district court for the
11 county in which you are incarcerated. One copy must be mailed to the respondent, one copy to the
12 attorney general's office, and one copy to the district attorney of the county in which you were
13 convicted or to the original prosecutor if you are challenging your original conviction or sentence.
14 Copies must conform in all particulars to the original submitted for filing.

15 **PETITION**

16 1. Name of institution and county in which you are presently imprisoned or where and who you
17 are presently restrained of your liberty: Southern Desert Corrections

18 2. Name the location of court which entered the judgment of conviction under attack: _____

19 STEVEN D GRIERSON 200 LEWIS AVE, LAS VEGAS, NV 89155-1160

20 3. Date of judgment of conviction: 9-20-16

21 4. Case number: C303022 and CJT# 14845009

22 5. (a) Length of sentence: 36 TO 155 years

23 (b) If sentence is death, state any date upon which execution is scheduled: _____

24 6. Are you presently serving a sentence for a conviction other than the conviction under attack in
25 this motion:

26 Yes ___ No X If "Yes", list crime, case number and sentence being served at this time: _____

27 7. Nature of offense involved in conviction being challenged: PWDW, BUCG,

28 False Imprisonment, conspiracy,

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8. What was your plea? (Check one)

- (a) Not guilty
- (b) Guilty _____
- (c) Nolo contendere _____

9. If you entered a guilty plea to one count of an indictment or information, and a not guilty plea to another count of an indictment or information, or if a guilty plea was negotiated, give details: _____

None

10. If you were found guilty after a plea of not guilty, was the finding made by: (check one)

- (a) Jury
- (b) Judge without a jury _____

11. Did you testify at trial? Yes _____ No

12. Did you appeal from the judgment of conviction?

Yes No _____

13. If you did appeal, answer the following:

- (a) Name of court: Supreme Court (Nevada)
- (b) Case number or citation: 71419
- (c) Result: reverse and remand in part, affirmed
- (d) Date of appeal: _____

(Attach copy of order or decision, if available). one is attached as exhibit

14.) If you did not appeal, explain briefly why you did not: Attorney advised me to move on to (IAC) in habeas petition. Didn't believe I would win on cert appeal.

15. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications or motions with respect to this judgment in any court, state or

federal? Yes _____ No

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16. If your answer to No 15 was "Yes", give the following information:

(a) (1) Name of court: _____

(2) Nature of proceedings: _____

(3) Grounds raised : _____

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes ___ No ___

(5) Result: _____

(6) Date of result: _____

(7) If known, citations of any written opinion or date of orders entered pursuant to each result: _____

(b) As to any second petition, application or motion, give the same information:

(1) Name of Court: _____

(2) Nature of proceeding: _____

(3) Grounds raised: _____

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes ___ No ___

(5) Result: _____

(6) Date of result: _____

(7) If known, citations or any written opinion or date of orders entered pursuant to each result: _____

(c) As to any third or subsequent additional application or motions, give the same information as above, list them on a separate sheet and attach.

1 (d) Did you appeal to the highest state or federal court having jurisdiction, the result or action
2 taken on any petition, application or motion?

3 (1) First petition, application or motion?

4 Yes ___ No

5 Citation or date of decision: _____

6 (2) Second petition, application or motion?

7 Yes ___ No

8 Citation or date of decision: _____

9 (e) If you did not appeal from the adverse action on any petition, application or motion,
10 explain briefly why you did not. (You may relate specific facts in response to this question. Your
11 response may be included on paper which is 8 1/2 x 11 inches attached to the petition. Your response
12 may not exceed five handwritten or typewritten pages in length). _____

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15 17. Has any ground being raised in this petition been previously presented to this or any other
16 court by way of petition for habeas corpus, motion or application or any other post-conviction
17 proceeding? If so, identify:

18 (a) Which of the grounds is the same: _____

19 _____

20 (b) The proceedings in which these grounds were raised: _____

21 _____

22 (c) Briefly explain why you are again raising these grounds. (You must relate specific facts
23 in response to this question. Your response may be included on paper which is 8 1/2 x 11 inches
24 attached to the petition. Your response may not exceed five handwritten or typewritten pages in
25 length). _____

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1 18. If any of the grounds listed in Nos. 23(a), (b), (c), and (d), or listed on any additional pages
2 you have attached, were not previously presented in any other court, state or federal, list briefly what
3 grounds were not so presented, and give your reasons for not presenting them. (You must relate
4 specific facts in response to this question. Your response may be included on paper which is 8 1/2 x
5 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten
6 pages in length). all grounds were IAC, prosecutorial misconduct
7 and abuse of discretion could be raised on direct appeal

8 19. Are you filing this petition more than one (1) year following the filing of the judgment of
9 conviction or the filing of a decision on direct appeal? If so, state briefly the reasons for the delay.
10 (You must relate specific facts in response to this question. Your response may be included on
11 paper which is 8 1/2 x 11 inches attached to the petition. Your response may not exceed five
12 handwritten or typewritten pages in length). NO

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15 20. Do you have any petition or appeal now pending in any court, either state or federal, as to the
16 judgment under attack?
17 Yes ___ No X
18 If "Yes", state what court and the case number: _____
19 _____

20 21. Give the name of each attorney who represented you in the proceeding resulting in your
21 conviction and on direct appeal: Richard Taras, Sandra
22 L STEWART

23
24 22. Do you have any future sentences to serve after you complete the sentence imposed by the
25 judgment under attack?
26 Yes ___ No X If "Yes", specify where and when it is to be served, if you know: _____
27 _____

Petitioner request an
Evidentiary Hearing accord-
ing to ruling in

Mann vs State
118 Nev 354 (2002)

ALL URS'
Are ATTACHED
for each ground
Petitioner applies
URS

175.291. Testimony of accomplice must be corroborated; sufficiency of corroboration; accomplice defined.

1. A conviction shall not be had on the testimony of an accomplice unless the accomplice is corroborated by other evidence which in itself, and without the aid of the testimony of the accomplice, tends to connect the defendant with the commission of the offense; and the corroboration shall not be sufficient if it merely shows the commission of the offense or the circumstances thereof.

2. An accomplice is hereby defined as one who is liable to prosecution, for the identical offense charged against the defendant on trial in the cause in which the testimony of the accomplice is given.

HISTORY:

1967, p. 1429.

Editor's note.

Some of the following cases were decided under former similar statutes.

NOTES TO DECISIONS

- I. General Consideration.
- II. Corroborating Evidence.
- III. Insufficient Corroborating Evidence.
- IV. Status as an Accomplice.

I. General Consideration.

Corroboration is not a constitutional requirement.

This section, which requires that the testimony of an accomplice be corroborated, is statutory in nature and does not arise from any constitutional mandate. *Gebert v. State*, 85 Nev. 331, 454 P.2d 897, 1969 Nev. LEXIS 367 (Nev. 1969).

Federal constitutional law does not require corroboration of an accomplice's testimony as a prerequisite for admissibility. State procedural error is not a proper ground for federal habeas relief, unless that error results in a denial of due process. *Castellon v. Whitley*, 739 F. Supp. 526, 1990 U.S. Dist. LEXIS 6971 (D. Nev. 1990), *aff'd*, 976 F.2d 736, 1992 U.S. App. LEXIS 34305 (9th Cir. Nev. 1992).

When error under state law cognizable under habeas petition.

If the exclusion or admission of testimony was erroneous under state law, the argument is cognizable under a habeas petition only if the exclusion or admission of the testimony rendered his trial so "fundamentally unfair as to violate federal due process." "Fundamentally unfair" in a trial setting means:

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1

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the exclusion or admission was so prejudicial as to erode the standard of proof beyond a reasonable doubt and cast doubt on the conviction. *Castellon v. Whitley*, 739 F. Supp. 526, 1990 U.S. Dist. LEXIS 6971 (D. Nev. 1990), *aff'd*, 976 F.2d 736, 1992 U.S. App. LEXIS 34305 (9th Cir. Nev. 1992).

Legislative intent.

By this section, the Legislature has declared that one who has participated criminally in a given criminal venture shall be deemed to have such character, and such motives, that his testimony alone shall not rise to the dignity of proof beyond a reasonable doubt. *Austin v. State*, 87 Nev. 578, 491 P.2d 724, 1971 Nev. LEXIS 482 (Nev. 1971).

The underlying purpose of the accomplice statute, requiring corroborative evidence, is to prevent false accusations as well as false convictions. *State v. Wyatt*, 84 Nev. 731, 448 P.2d 827, 1968 Nev. LEXIS 446 (Nev. 1968); *Eckert v. State*, 91 Nev. 183, 533 P.2d 468, 1975 Nev. LEXIS 584 (Nev. 1975).

This section requires that corroborative evidence must, without the aid of the accomplice, tend to connect the defendant with the commission of the offense; it is insufficient if it merely shows the commission of the offense or the circumstances thereof. *Lamb v. Bennett*, 87 Nev. 89, 482 P.2d 298, 1971 Nev. LEXIS 359 (Nev. 1971); *Austin v. State*, 87 Nev. 578, 491 P.2d 724, 1971 Nev. LEXIS 482 (Nev. 1971); *Eckert v. State*, 91 Nev. 183, 533 P.2d 468, 1975 Nev. LEXIS 584 (Nev. 1975).

The testimony of a feigned accomplice need not be corroborated. *Eckert v. Sheriff, Clark County*, 93 Nev. 323, 565 P.2d 335, 1977 Nev. LEXIS 555 (Nev. 1977).

Preliminary hearings.

The requirement that the testimony of an accomplice be corroborated is applicable to preliminary hearings. *State v. Wyatt*, 84 Nev. 731, 448 P.2d 827, 1968 Nev. LEXIS 446 (Nev. 1968); *Lamb v. Bennett*, 87 Nev. 89, 482 P.2d 298, 1971 Nev. LEXIS 359 (Nev. 1971); *Weilman v. Sheriff, Clark County*, 90 Nev. 174, 521 P.2d 365, 1974 Nev. LEXIS 350 (Nev. 1974).

Juvenile delinquency proceedings.

The accomplice corroboration requirement of this section applies to proceedings wherein minors are adjudged juvenile delinquents. *A Minor v. Juvenile Dep't Fourth Judicial Dist. Court*, 96 Nev. 332, 608 P.2d 509, 1980 Nev. LEXIS 585 (Nev. 1980).

The accomplice corroboration rule was incorporated in the general evidentiary standards imposed by subsections 4 and 5 of NRS 62.193 and is applicable to juvenile delinquency proceedings independent of the operation of this section, notwithstanding the general exception provided in NRS 169.025 for proceedings against children. *A Minor v. Juvenile Dep't Fourth Judicial Dist. Court*, 96 Nev. 485, 611 P.2d 624, 1980 Nev. LEXIS 627 (Nev. 1980).

II. Corroborating Evidence.

Corroborating evidence need not establish guilt.

The evidence necessary to corroborate an accomplice need not in itself be sufficient to establish guilt; it may be slight in its probative effect, yet its weight is for the jury, and if it tends to connect the accused with the commission of the offense, it will satisfy the statute. *State v. Hilbish*, 59 Nev. 469, 97 P.2d 435,

1940 Nev. LEXIS 39 (Nev. 1940).

There was independent, implicating evidence that corroborated the version of events recounted by the witnesses, who were allegedly also the accomplices, which was not equally consonant with the defendant's version of the events, and even if the jury found that the witnesses were also accomplices, there was sufficient corroborating evidence to sustain the convictions. *Evans v. State*, 113 Nev. 885, 944 P.2d 253, 113 Nev. Adv. Rep. 98, 1997 Nev. LEXIS 123 (Nev. 1997).

Corroborating evidence must independently connect the defendant with the offense; evidence does not suffice as corroborative if it merely supports the accomplice's testimony. If there is no independent, inculpatory evidence, evidence tending to connect the defendant with the offense, there is no corroboration. *Heglemeier v. State*, 111 Nev. 1244, 903 P.2d 799, 111 Nev. Adv. Rep. 137, 1995 Nev. LEXIS 136 (Nev. 1995).

But must convince jury to believe the accomplice.

All the statute requires is that the corroborating circumstances should be such as to convince the jury and to make them believe that the accomplice has sworn truly and that the charge was true, and if the jury are satisfied with the weight of the corroborating circumstances, it is enough. *State v. Streeter*, 20 Nev. 403, 22 P. 758, 1889 Nev. LEXIS 19 (Nev. 1889); *State v. Williams*, 35 Nev. 276, 129 P. 317, 1912 Nev. LEXIS 21 (Nev. 1912).

The necessary corroboration need not be found in a single fact or circumstance, rather several circumstances in combination may satisfy this section; if circumstances and evidence from sources other than the testimony of the accomplice tend on the whole to connect the accused with the crime charged, it is enough. *La Pena v. Sheriff, Clark County*, 91 Nev. 692, 541 P.2d 907, 1975 Nev. LEXIS 752 (Nev. 1975); *LaPena v. State*, 92 Nev. 1, 544 P.2d 1187, 1976 Nev. LEXIS 501 (Nev. 1976).

Inferences are permitted in the corroboration of accomplice testimony. *La Pena v. Sheriff, Clark County*, 91 Nev. 692, 541 P.2d 907, 1975 Nev. LEXIS 752 (Nev. 1975).

Need not link crime to state.

This section requires only that accomplice testimony be corroborated by other evidence linking the accused to the crime; there is no additional requirement of corroborative evidence linking the crime to the state. *Cavanaugh v. State*, 102 Nev. 478, 729 P.2d 481, 1986 Nev. LEXIS 1616 (Nev. 1986).

Instructions concerning testimony of accomplice.

The granting of an instruction that the testimony of an accomplice ought to be viewed with distrust is required only when an accomplice's testimony is uncorroborated. *Howard v. State*, 102 Nev. 572, 729 P.2d 1341, 1986 Nev. LEXIS 1589 (Nev. 1986), cert. denied, 484 U.S. 872, 108 S. Ct. 203, 98 L. Ed. 2d 154, 1987 U.S. LEXIS 3863 (U.S. 1987).

Accomplice testimony corroborated.

Where independent evidence showed where the robbery-murder was committed and approximately when, the defendant's own testimony placed him in the presence of the murderers at the scene of the crime immediately before and after the crime was committed, and in possession of money after the crime, there was sufficient evidence to corroborate the accomplice testimony. *Cheatham v. State*, 104 Nev. 500,

NV CODE

3

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761 P.2d 419, 1988 Nev. LEXIS 74 (Nev. 1988).

Grand jury indictment sufficient.

sufficient evidence supported defendant's indictment for pandering because the State presented the grand jury all of the text messages between defendant and a witness, corroborating the witness's testimony, and defendant did not file a writ of habeas corpus challenging the alleged error prior to trial, thereby failing to preserve the argument on appeal; even if the district court erred, the jury's finding of guilt after a fair trial rendered that alleged error harmless. *Teagues v. State*, 2016 Nev. App. LEXIS 241 (Nev. Ct. App. May 26, 2016).

III. Insufficient Corroborating Evidence.

Evidence insufficient as a matter of law.

This case presented a particularly close issue with regard to corroboration. Although the state did introduce some evidence that might be construed as tending to connect the defendant with the crime, the evidence was insufficient, as a matter of law, to corroborate the accomplice's testimony. *Heglemeier v. State*, 111 Nev. 1244, 903 P.2d 799, 111 Nev. Adv. Rep. 137, 1995 Nev. LEXIS 136 (Nev. 1995).

Casting grave suspicion on the defendant.

Evidence to corroborate accomplice testimony does not suffice if it merely casts grave suspicion on the defendant. *Austin v. State*, 87 Nev. 578, 491 P.2d 724, 1971 Nev. LEXIS 482 (Nev. 1971); *Eckert v. State*, 91 Nev. 183, 533 P.2d 468, 1975 Nev. LEXIS 584 (Nev. 1975).

Showing that the defendant was near the scene of the crime.

In a prosecution for burglary the testimony of an accomplice was not sufficiently corroborated, even to show probable cause to hold for trial, merely by showing the defendant was with the accomplice near the scene of the crime on the night it was committed, at the time the accomplice testified they committed it in concert. *O'Donnell v. Sheriff, Washoe County*, 91 Nev. 754, 542 P.2d 733, 1975 Nev. LEXIS 766 (Nev. 1975).

Witnesses whose testimony requires corroboration may not corroborate each other.

A party may not be tried on a pandering charge if the indictment is supported only by the uncorroborated testimony of the victim, the person upon whom the offense was allegedly committed, or the uncorroborated testimony of an accomplice; witnesses whose testimony requires corroboration may not corroborate each other. *Sheriff, Clark County v. Gordon*, 96 Nev. 205, 606 P.2d 533, 1980 Nev. LEXIS 551 (Nev. 1980).

A defendant may not be tried on a pandering charge if the indictment is supported only by the testimony of accomplices, because witnesses whose testimony requires corroboration may not corroborate each other. *Sheriff, Clark County v. Horner*, 96 Nev. 312, 608 P.2d 1106, 1980 Nev. LEXIS 580 (Nev. 1980).

This section was not applicable in a murder trial in which the defendant alleged that the victim's mother was an accomplice and therefore her uncorroborated testimony was prejudicial to him, because the prosecution's position was that the mother was not an accomplice and because the defendant

undermined his position on the issue by disavowing any involvement in brutalizing the victim. *Lopez v. State*, 105 Nev. 68, 769 P.2d 1276, 1989 Nev. LEXIS 17 (Nev. 1989).

IV. Status as an Accomplice.

An accomplice is one who is liable to prosecution for the identical offense charged against the defendant, or who is culpably implicated in, or unlawfully cooperates, aids or abets in the commission of the crime charged. *Potter v. State*, 96 Nev. 875, 619 P.2d 1222, 1980 Nev. LEXIS 733 (Nev. 1980).

Evidence sufficient to establish accomplice status

Witness's own testimony, properly corroborated by that of other inmate witnesses, fully established his status as an accomplice, where he admitted, among other things, (1) standing as a lookout while defendant and others committed robbery and murder and (2) helping defendant and the others carry the victim's property out of his cell. *Rowland v. State*, 118 Nev. 31, 39 P.3d 114, 118 Nev. Adv. Rep. 4, 2002 Nev. LEXIS 6 (Nev. 2002).

Federal court did not need to decide whether witness was accomplice.

The United States District Court did not need to decide whether the witness was an accomplice or not, because federal constitutional law does not require the testimony of an accomplice be corroborated. *Castellon v. Whitley*, 739 F. Supp. 526, 1990 U.S. Dist. LEXIS 6971 (D. Nev. 1990), *aff'd*, 976 F.2d 736, 1992 U.S. App. LEXIS 34305 (9th Cir. Nev. 1992).

Testimony of juvenile accomplices not exempt.

Exempting the testimony of juvenile accomplices from the requirements of this section would contravene the policy embodied in the statute. In enacting this section, the Legislature intended that one who has participated criminally in a given criminal venture shall be deemed to have such character, and such motives, that his testimony alone shall not rise to the dignity of proof beyond a reasonable doubt. The testimony of a juvenile accomplice is as suspect as that of an adult accomplice. *Ramirez-Garza v. State*, 108 Nev. 376, 832 P.2d 392, 108 Nev. Adv. Rep. 63, 1992 Nev. LEXIS 81 (Nev. 1992).

Witness still accomplice despite certification as juvenile.

Where witness was liable to prosecution—in a juvenile forum—on identical offenses charged against the appellant, and the evidence demonstrated that the witness culpably cooperated, aided, and abetted in the commission of the crimes charged against the appellant, the witness was an accomplice despite the fact that she had been certified as a juvenile. *Ramirez-Garza v. State*, 108 Nev. 376, 832 P.2d 392, 108 Nev. Adv. Rep. 63, 1992 Nev. LEXIS 81 (Nev. 1992).

Fourteen year old boy with whom the defendant committed the infamous crime against nature, oral copulation, was not liable to prosecution for the identical offense under NRS 201.190 and as such was not an accomplice under subsection 2 of this section. *Allan v. State*, 91 Nev. 650, 541 P.2d 656, 1975 Nev. LEXIS 739 (Nev. 1975).

In a prosecution for living from the earnings of a prostitute, the testimony of the prostitute who provided the earnings did not need to be corroborated because she was not an accomplice to the crime of living from the earnings of a prostitute. *Sheriff, Clark County v. Horner*, 96 Nev. 312, 608 P.2d 1106, 1980 Nev. LEXIS 580 (Nev. 1980).

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5

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A buyer of narcotics is not an accomplice to the act of selling and neither is a person who is furnished contraband for cash or gratuitously; thus, it is not required that the testimony of either one be corroborated. *Tellis v. State*, 84 Nev. 587, 445 P.2d 938, 1968 Nev. LEXIS 415 (Nev. 1968), overruled in part, *Gonzalez v. State*, 366 P.3d 680, 131 Nev. Adv. Rep. 99, 2015 Nev. LEXIS 120 (Nev. 2015); *Pickard v. Sheriff, Mineral County*, 93 Nev. 107, 560 P.2d 912, 1977 Nev. LEXIS 487 (Nev. 1977).

Circumstantial evidence from which lack of participation inferred.

A witness to a murder who was with the group charged with the murder was not an accomplice where the witness abandoned the group at the first opportunity, led police to the victim, and implicated others in the group. Witness's acts were sufficient circumstantial evidence from which lack of participation in the criminal intent can be inferred, therefore his uncorroborated testimony was properly used as a basis for defendant's conviction. *Orfield v. State*, 105 Nev. 107, 771 P.2d 148, 1989 Nev. LEXIS 25 (Nev. 1989).

Where it was far from clear whether the defendant's companion was an accomplice, it was not error for the trial court not to give an instruction directing the jury to consider her as an accomplice as a matter of law. *Howard v. State*, 102 Nev. 572, 729 P.2d 1341, 1986 Nev. LEXIS 1589 (Nev. 1986), cert. denied, 484 U.S. 872, 108 S. Ct. 203, 98 L. Ed. 2d 154, 1987 U.S. LEXIS 3863 (U.S. 1987).

Cited in:

Fish v. Sheriff of Clark County, 89 Nev. 250, 510 P.2d 1370, 1973 Nev. LEXIS 482 (1973); *Pineda v. Sheriff, White Pine County*, 89 Nev. 426, 514 P.2d 651, 1973 Nev. LEXIS 544 (1973); *Babich v. Sheriff, Lander County*, 89 Nev. 474, 514 P.2d 1293, 1973 Nev. LEXIS 560 (1973); *Geddes v. State*, 90 Nev. 367, 526 P.2d 1180, 1974 Nev. LEXIS 398 (1974); *Marquette v. State*, 91 Nev. 696, 541 P.2d 1099, 1975 Nev. LEXIS 753 (1975); *Chandler v. State*, 92 Nev. 299, 550 P.2d 159, 1976 Nev. LEXIS 596 (1976); *Farmer v. Sheriff, Clark County*, 93 Nev. 535, 569 P.2d 939, 1977 Nev. LEXIS 617 (1977); *Franklin v. State*, 94 Nev. 220, 577 P.2d 860, 1978 Nev. LEXIS 526 (1978); *A Minor v. Mineral County Juvenile Dept*, 95 Nev. 248, 592 P.2d 172, 1979 Nev. LEXIS 578 (1979); *La Pena v. State*, 96 Nev. 43, 604 P.2d 811, 1980 Nev. LEXIS 519 (1980); *Globensky v. State*, 96 Nev. 113, 605 P.2d 215, 1980 Nev. LEXIS 532 (1980); *Gallego v. State*, 101 Nev. 782, 711 P.2d 856, 1985 Nev. LEXIS 507 (1985); *Brooks v. State*, 103 Nev. 611, 747 P.2d 893, 1987 Nev. LEXIS 1881 (1987); *Almond v. State*, 105 Nev. 904, 785 P.2d 217, 1989 Nev. LEXIS 320 (1989).

Research References and Practice Aids

Propriety of specific jury instructions as to credibility of accomplices. 4 A.L.R.3d 351.

Receiver of stolen goods as accomplice of thief for purposes of corroboration. 74 A.L.R.3d 560.

NV CODE

6-

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48.025. Relevant evidence generally admissible; irrelevant evidence inadmissible.

1. All relevant evidence is admissible, except:

- (a) As otherwise provided by this Title;
- (b) As limited by the Constitution of the United States or of the State of Nevada; or
- (c) Where a statute limits the review of an administrative determination to the record made or evidence offered before that tribunal.

2. Evidence which is not relevant is not admissible.

HISTORY:

1971, p. 780.

NOTES TO DECISIONS

Justice courts.

Justice courts had express authority to suppress illegally obtained evidence during preliminary hearings. *Grace v. Eighth Judicial Dist. Court*, 375 P.3d 1017, 132 Nev. Adv. Rep. 51, 2016 Nev. LEXIS 639 (Nev. 2016).

Capital penalty hearing.

Under NRS 175.552, evidence which may or may not ordinarily be admissible under the rules of evidence may be admitted in the penalty phase of a capital trial as long as the questioned evidence is not supported solely by impalpable or highly suspect evidence. *Homick v. State*, 108 Nev. 127, 825 P.2d 600, 108 Nev. Adv. Rep. 23, 1992 Nev. LEXIS 18 (Nev. 1992).

Evidence found relevant.

Recordings were relevant and not overly prejudicial because the purpose of the recordings was to get the managers of the club to corroborate defendant's claim that he was supposed to beat up the victim, not kill him, and the central issue was defendant's intent before and during the shooting. Any evidence allowing the jurors to ascertain his intent was extremely probative, the jury heard the proper context for the statements — that the tapes were made as part of the investigation, defendant wore the wire to get incriminating information from the other players, and his statements were fabrications. *Carroll v. State*, 371 P.3d 1023, 132 Nev. Adv. Rep. 23, 2016 Nev. LEXIS 274 (Nev. 2016).

Gang-affiliation evidence relevant and not substantially outweighed by unfair prejudice when it tends to prove motive. *Lay v. State*, 110 Nev. 1189, 886 P.2d 448, 110 Nev. Adv. Rep. 139, 1994 Nev. LEXIS 146 (Nev. 1994).

Irrelevant Evidence.

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1

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At defendant's trial for kidnapping, rape, armed robbery, burglary, two murders, and attempted murder, the district court did not err in denying him the opportunity to introduce evidence of his accomplice's bad acts and upbringing to present a proportionality argument. The evidence was not relevant, because proportionality of sentences between similarly situated defendants was not constitutionally mandated. *Hover v. State*, 2016 Nev. Unpub. LEXIS 468 (Nev. Feb. 19, 2016), cert. denied, 137 S. Ct. 72, 196 L. Ed. 2d 67, 2016 U.S. LEXIS 5812 (U.S. 2016).

Corpus delicti.

Evidence considered in establishing corpus delicti must be relevant to and probative on the question of the corpus delicti. *Sheriff, Washoe County v. Middleton*, 112 Nev. 956, 921 P.2d 282, 112 Nev. Adv. Rep. 125, 1996 Nev. LEXIS 120 (Nev. 1996).

Collateral source evidence should not be admitted because of the potential that the jury will misuse the evidence in a manner that is prejudicial to the plaintiff. It should not matter that the stated purpose of introducing the evidence is, arguably, probative. The excessive prejudicial nature of the evidence mandates its exclusion. That is, no matter how probative the evidence of a collateral source may be, it will never overcome the substantially prejudicial danger of the evidence. *Proctor v. Castelletti*, 112 Nev. 88, 911 P.2d 853, 112 Nev. Adv. Rep. 15, 1996 Nev. LEXIS 15 (Nev. 1996).

Evidence connecting defendant to crime scene.

Brief testimony concerning baby booties murder victim had been knitting and which were found in the defendant's apartment was admissible to connect the defendant to the crime scene and did not unfairly prejudice the defendant. *Castillo v. State*, 114 Nev. 271, 956 P.2d 103, 114 Nev. Adv. Rep. 33, 1998 Nev. LEXIS 33 (Nev. 1998), cert. denied, 526 U.S. 1031, 119 S. Ct. 1280, 143 L. Ed. 2d 373, 1999 U.S. LEXIS 2103 (U.S. 1999).

Gruesome photographs.

District court did not abuse its discretion in admitting gruesome photographs of the victim's decomposed body where the photographs showed only the victim's head were shown to aid the jury in understanding how the plastic bag was tied on the victim's head and what parts of the victim's face the plastic bag covered; it was reasonable for the jury to see the photograph of the victim taken when she was alive because her body was severely decomposed. *West v. State*, 119 Nev. 410, 75 P.3d 808, 119 Nev. Adv. Rep. 49, 2003 Nev. LEXIS 63 (Nev. 2003).

Personal injury plaintiff's prescription medications.

Cross examination of personal injury plaintiff's physician concerning plaintiff's prescription medications to suggest that plaintiff had illegally obtained the medication was of negligible relevance and due to its inflammatory nature, the probative value of the evidence was substantially outweighed by the danger of unfair prejudice. *Holderer v. Aetna Cas. & Sur. Co.*, 114 Nev. 845, 963 P.2d 459, 114 Nev. Adv. Rep. 93, 1998 Nev. LEXIS 103 (Nev. 1998), amended, 1998 Nev. LEXIS 137 (Nev. Dec. 2, 1998).

Hearsay evidence held admissible.

Where a plastic surgeon brought suit for defamation against another doctor who told his patient that the plastic surgeon was under investigation for killing a woman during surgery, the trial court did not err by

admitting hearsay testimony concerning other disparaging or defamatory remarks the defendant made about other doctors; the evidence was admissible under NRS 48.045 to show the defendant's mental state, motive and intent. *Bongiovi v. Sullivan*, 122 Nev. 556, 138 P.3d 433, 122 Nev. Adv. Rep. 52, 2006 Nev. LEXIS 69 (Nev. 2006).

Victim's Injuries.

In a kidnapping case, the trial court did not err when it admitted photographs of the victim's injuries. Evidence was relevant to prove that defendant forced the victim into her car. *Thompson v. State*, 125 Nev. 807, 221 P.3d 708, 125 Nev. Adv. Rep. 59, 2009 Nev. LEXIS 74 (Nev. 2009).

Victim's suicide attempts.

Trial court did not err by allowing the State to introduce evidence of the victim's two suicide attempts because the evidence was relevant, as it had a tendency to establish that it was more probable than not that defendant had sexually assaulted the victim and that the abuse had occurred for several years. *Vega v. State*, 126 Nev. 332, 236 P.3d 632, 126 Nev. Adv. Rep. 33, 2010 Nev. LEXIS 35 (Nev. 2010).

Blood alcohol level.

Retrograde extrapolation evidence was relevant under Nev. Rev. Stat. § 48.025 to the two theories of driving under the influence charged in defendant's case, as it has a tendency to make the existence of a consequential fact -- the level of alcohol in a defendant's blood at a certain point in time -- more probable than it would be without the evidence. *State v. Eighth Judicial Dist. Court of Nev.*, 127 Nev. 927, 267 P.3d 777, 127 Nev. Adv. Rep. 84, 2011 Nev. LEXIS 117 (Nev. 2011).

Since the police department lacked other evidence suggesting the driver's intoxication at the time of the accident, the district court properly excluded evidence of his BAC. *Las Vegas Metro. Police Dep't v. Yeghiazarian*, 312 P.3d 503, 129 Nev. Adv. Rep. 81, 2013 Nev. LEXIS 96 (Nev. 2013).

Expert testimony relating to sex offender grooming.

During defendant's trial for lewdness with a minor and sexual assault of a minor, expert testimony related to sex offender grooming behavior and the effect that behavior had on a child victim was relevant and admissible because it helped the jury assess the victim's credibility. *Perez v. State*, 313 P.3d 862, 129 Nev. Adv. Rep. 90, 2013 Nev. LEXIS 110 (Nev. 2013).

Text messages from victim's phone.

Two text messages from a robbery victim's stolen phone were properly admitted as relevant under Nev. Rev. Stat. § 48.025(2) because the State authenticated them as being authored by defendant. *Rodriguez v. State*, 128 Nev. 155, 273 P.3d 845, 128 Nev. Adv. Rep. 14, 2012 Nev. LEXIS 30 (Nev. 2012).

Cited in:

Jacobs v. State, 91 Nev. 155, 532 P.2d 1034, 1975 Nev. LEXIS 572 (1975); *Coombs v. State*, 91 Nev. 489, 538 P.2d 162, 1975 Nev. LEXIS 684 (1975); *Barker v. State*, 95 Nev. 309, 594 P.2d 719, 1979 Nev. LEXIS 614 (1979); *Abram v. State*, 95 Nev. 352, 594 P.2d 1143, 1979 Nev. LEXIS 620 (1979); *Bushnell v. State*, 95 Nev. 570, 599 P.2d 1038, 1979 Nev. LEXIS 686 (1979); *Weakland v. State*, 96 Nev.

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3

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699, 615 P.2d 252, 1980 Nev. LEXIS 685 (1980); Turner v. State, 98 Nev. 103, 641 P.2d 1062, 1982 Nev. LEXIS 399 (1982); Pasgove v. State, 98 Nev. 434, 651 P.2d 100, 1982 Nev. LEXIS 495 (1982); Folsom v. Woodburn, Wedge, Blakey & Jeppson, 100 Nev. 331, 683 P.2d 9, 1984 Nev. LEXIS 381 (1984); Culley v. County of Elko, 101 Nev. 838, 711 P.2d 864, 1985 Nev. LEXIS 518 (1985); Desert Cab Inc. v. Marino, 108 Nev. 32, 823 P.2d 898, 1992 Nev. LEXIS 6 (1992); Sterling v. State, 108 Nev. 391, 834 P.2d 400, 1992 Nev. LEXIS 85 (1992); Prabhu v. Levine, 112 Nev. 1538, 930 P.2d 103, 1996 Nev. LEXIS 180 (1996); Lisle v. State, 113 Nev. 679, 941 P.2d 459, 1997 Nev. LEXIS 78 (1997); Williams v. State, 118 Nev. 536, 50 P.3d 1116, 2002 Nev. LEXIS 67 (2002); Estes v. State, 122 Nev. 1123, 146 P.3d 1114, 2006 Nev. LEXIS 127 (2006); In re Assad, 185 P.3d 1044, 2008 Nev. LEXIS 43 (2008); FGA, Inc. v. Giglio, 278 P.3d 490, 2012 Nev. LEXIS 65 (June 14, 2012).

Research References and Practice Aids

Admissibility of computer-generated animation. 111 A.L.R.5th 529.

50.025. Lack of personal knowledge.

1. A witness may not testify to a matter unless:

(a) Evidence is introduced sufficient to support a finding that the witness has personal knowledge of the matter; or

(b) The witness states his or her opinion or inference as an expert.

2. Evidence to prove personal knowledge may, but need not, consist of the testimony of the witness.

HISTORY:

1971, p. 788.

NOTES TO DECISIONS

Opinion testimony held improper.

The opinion testimony of two individuals, who were not present at the time of the alleged sexual assault, that the complainants consented to the acts was neither legal nor the best evidence. Lane v. Second Judicial Dist. Court, 104 Nev. 427, 760 P.2d 1245, 1988 Nev. LEXIS 57 (Nev. 1988).

Research References and Practice Aids

Review of Selected Nevada Legislation, Evidence, 1987 Pac. L.J. Rev. Nev. Legis. 107.

51.035. “Hearsay” defined.

“Hearsay” means a statement offered in evidence to prove the truth of the matter asserted unless:

1. The statement is one made by a witness while testifying at the trial or hearing;
2. The declarant testifies at the trial or hearing and is subject to cross-examination concerning the statement, and the statement is:
 - (a) Inconsistent with the declarant’s testimony;
 - (b) Consistent with the declarant’s testimony and offered to rebut an express or implied charge against the declarant of recent fabrication or improper influence or motive;
 - (c) One of identification of a person made soon after perceiving the person; or
 - (d) A transcript of testimony given under oath at a trial or hearing or before a grand jury; or
3. The statement is offered against a party and is:
 - (a) The party’s own statement, in either the party’s individual or a representative capacity;
 - (b) A statement of which the party has manifested adoption or belief in its truth;
 - (c) A statement by a person authorized by the party to make a statement concerning the subject;
 - (d) A statement by the party’s agent or servant concerning a matter within the scope of the party’s agency or employment, made before the termination of the relationship; or
 - (e) A statement by a coconspirator of a party during the course and in furtherance of the conspiracy.

HISTORY:
1971, p. 793.

NOTES TO DECISIONS

Reason for exclusion of hearsay evidence.

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1

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Hearsay evidence has been excluded because it is not subject to the usual tests to show the credibility of the declarant; lacking is cross-examination to ascertain a declarant's perception, memory and truthfulness. *Deutscher v. State*, 95 Nev. 669, 601 P.2d 407, 1979 Nev. LEXIS 640 (Nev. 1979).

A statement merely offered to show that the statement was made and the listener was affected by the statement, and which is not offered to show the truth of the matter asserted, is admissible as nonhearsay. *Wallach v. State*, 106 Nev. 470, 796 P.2d 224, 106 Nev. Adv. Rep. 88, 1990 Nev. LEXIS 90 (Nev. 1990).

Statements made by another.

This statute specifically addresses statements made by another which the party has adopted, and there is no legislative prohibition against admitting statements made by the party and adopted by a witness who heard the statements. *Cunningham v. State*, 113 Nev. 897, 944 P.2d 261, 113 Nev. Adv. Rep. 99, 1997 Nev. LEXIS 119 (Nev. 1997).

Statement offered to explain detective's action.

The district court erred by excluding victim's statement that the assailant "tore off her clothes" where the statement should have been admitted not to show the truth of the statement, but rather to explain why the detective examined the clothes. *Wallach v. State*, 106 Nev. 470, 796 P.2d 224, 106 Nev. Adv. Rep. 88, 1990 Nev. LEXIS 90 (Nev. 1990).

Purpose of proposed testimony.

In an action to recover the balance owed on a note which was used to purchase a jet, the trial court erred in excluding the testimony of a photographer who attended the repossession auction on hearsay grounds, where the purpose of the proposed testimony was to show that the auctioneer was deprecating the jet, thereby stifling interest and making the sale commercially unreasonable; however, this error did not warrant reversal, because the auctioneer's disclosing defects alone did not make the sale commercially unreasonable. 103 Nev. 374, 741 P.2d 806, 1987 Nev. LEXIS 1654.

Wire recordings were admissible because there was no evidence indicating the police directly instructed defendant what to say, and the recordings were admissible because defendant's statements were not offered to prove their truth. *Carroll v. State*, 371 P.3d 1023, 132 Nev. Adv. Rep. 23, 2016 Nev. LEXIS 274 (Nev. 2016).

Prior consistent statement admissible.

District court did not err by allowing hearsay testimony from the victim's parent, as to what the victim told the parent soon after the disputed incident between defendant and the victim, because the court allowed the testimony as a prior consistent statement of the victim to rebut a claim by defendant that the victim fabricated the victim's testimony at trial. *Mekonnen v. State*, 2016 Nev. App. Unpub. LEXIS 90 (Nev. Ct. App. Apr. 20, 2016).

Prior inconsistent statements made at a preliminary hearing were admissible for all purposes where the witnesses were under oath and subject to cross-examination by the defendant's counsel at the preliminary hearing and at the trial. *Levi v. State*, 95 Nev. 746, 602 P.2d 189, 1979 Nev. LEXIS 648 (Nev. 1979).

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2

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Witness's failure to recall might be construed as a denial of a prior statement, and, as such, the court may admit a prior statement as inconsistent with the presumed lack of memory at trial. *Crowley v. State*, 120 Nev. 30, 83 P.3d 282, 120 Nev. Adv. Rep. 6, 2004 Nev. LEXIS 5 (Nev. 2004).

When a trial witness fails, for whatever reason, to remember a previous statement made by that witness, the failure of recollection constitutes a denial of the prior statement that makes it a prior inconsistent statement pursuant to subdivision 2(a) of this section; the previous statement is not hearsay and may be admitted both substantively and for impeachment. *Crowley v. State*, 120 Nev. 30, 83 P.3d 282, 120 Nev. Adv. Rep. 6, 2004 Nev. LEXIS 5 (Nev. 2004).

Trial court did not err by admitting defendant's wife's previous statement to an investigator that her husband acted inappropriately when intoxicated; since she did not remember making the statement, it was admissible under subdivision 2(a) of this section as a prior inconsistent statement. *Crowley v. State*, 120 Nev. 30, 83 P.3d 282, 120 Nev. Adv. Rep. 6, 2004 Nev. LEXIS 5 (Nev. 2004).

Explanation of prior inconsistent statement.

Extrinsic evidence of a prior inconsistent statement may be introduced and the witness may thereafter address it. Although the witness need not be confronted with the statement at the time of his examination, this section makes clear that there should be some opportunity, at some point in the trial, for the witness to explain, repudiate or deny the statement. *Atkins v. State*, 112 Nev. 1122, 923 P.2d 1119, 112 Nev. Adv. Rep. 140, 1996 Nev. LEXIS 135 (Nev. 1996), cert. denied, 520 U.S. 1126, 117 S. Ct. 1267, 137 L. Ed. 2d 346, 1997 U.S. LEXIS 1799 (U.S. 1997), overruled as stated in *Bejarano v. State*, 122 Nev. 1066, 146 P.3d 265, 122 Nev. Adv. Rep. 92, 2006 Nev. LEXIS 122 (Nev. 2006).

The statements qualified as prior inconsistent statements that were properly admitted under this section. *Atkins v. State*, 112 Nev. 1122, 923 P.2d 1119, 112 Nev. Adv. Rep. 140, 1996 Nev. LEXIS 135 (Nev. 1996), cert. denied, 520 U.S. 1126, 117 S. Ct. 1267, 137 L. Ed. 2d 346, 1997 U.S. LEXIS 1799 (U.S. 1997), overruled as stated in *Bejarano v. State*, 122 Nev. 1066, 146 P.3d 265, 122 Nev. Adv. Rep. 92, 2006 Nev. LEXIS 122 (Nev. 2006).

A prior inconsistent statement of a witness need not be given under oath to be admissible as substantive evidence. *Dorsey v. State*, 96 Nev. 951, 620 P.2d 1261, 1980 Nev. LEXIS 745 (Nev. 1980).

Prior inconsistent statements are admissible where it affirmatively appears that the prior consistent statement was made at a time when the declarant had no motive to fabricate. *Gibbons v. State*, 97 Nev. 299, 629 P.2d 1196, 1981 Nev. LEXIS 513 (Nev. 1981); *Daly v. State*, 99 Nev. 564, 665 P.2d 798, 1983 Nev. LEXIS 493 (Nev. 1983), overruled in part, *Richmond v. State*, 118 Nev. 924, 59 P.3d 1249, 118 Nev. Adv. Rep. 94, 2002 Nev. LEXIS 107 (Nev. 2002); *Cunningham v. State*, 100 Nev. 396, 683 P.2d 500, 1984 Nev. LEXIS 396 (Nev.), cert. denied, 469 U.S. 935, 105 S. Ct. 336, 83 L. Ed. 2d 272, 1984 U.S. LEXIS 4184 (U.S. 1984); *Smith v. State*, 100 Nev. 471, 686 P.2d 247, 1984 Nev. LEXIS 408 (Nev. 1984).

Inconsistent statements admissible.

Where both the witness' statement to police and his preliminary hearing testimony unequivocally indicated that the witness was an eyewitness to the murder and that he identified the defendant as the killer, but at trial the witness testified that he was not present at the time of the murder and did not know who killed the victim, the statements were admissible as evidence pursuant to subdivision 2(a) of this section. *Hardison v. State*, 104 Nev. 530, 763 P.2d 52, 1988 Nev. LEXIS 82 (Nev. 1988).

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3

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A declarant's out-of-court statements were not inadmissible because he was in effect unavailable for cross-examination because of his persistence in refusing to testify about the statements and in refusing to acknowledge that he remembered the statements, where he testified as to the underlying facts of the robbery and murder and was not ordered by the court to testify about the prior inconsistent statements. *Cheatham v. State*, 104 Nev. 500, 761 P.2d 419, 1988 Nev. LEXIS 74 (Nev. 1988).

Prior inconsistent statement by witness to be impeached.

The rule permitting the admission of impeaching prior inconsistent statements requires that the impeaching prior inconsistent statements be statements made by the witness to be impeached; therefore the district court erred in admitting the co-defendant's suicide note as a prior inconsistent statement for the purpose of impeaching the co-defendant's cellmate's testimony. *Summers v. State*, 102 Nev. 195, 718 P.2d 676, 1986 Nev. LEXIS 1128 (Nev. 1986).

Prior inconsistent statements.

Defendant, who was charged with sex crimes against a child, was entitled to pre-trial habeas relief because, inter alia, testimony about the child's out-of-court statements of abuse was inadmissible before the grand jury as non-hearsay inconsistent with the child's grand jury testimony because the child was not subject to cross-examination concerning the statements, so the statements were not excluded from hearsay under Nev. Rev. Stat. § 51.035(2)(a). *Rugamas v. Eighth Judicial Dist. Court of Nev.*, 305 P.3d 887, 129 Nev. Adv. Rep. 46, 2013 Nev. LEXIS 56 (Nev. 2013).

Refusing to let defendant present evidence of a victim's inconsistent statement through an officer did not violate defendant's confrontation rights because (1) defendant was able to cross-examine the victim, and (2) defendant's question of the officer elicited hearsay, as defendant did not ask the victim about the inconsistent statement. *Baker v. State*, 2016 Nev. App. Unpub. LEXIS 93 (Nev. Ct. App. Apr. 20, 2016).

Effect of motive to fabricate.

If prior consistent statements are made when the witness had a motive to fabricate, the statements do not rehabilitate credibility but only reinforce trial testimony claimed to be false. *Cunningham v. State*, 100 Nev. 396, 683 P.2d 500, 1984 Nev. LEXIS 396 (Nev.), cert. denied, 469 U.S. 935, 105 S. Ct. 336, 83 L. Ed. 2d 272, 1984 U.S. LEXIS 4184 (U.S. 1984); *Smith v. State*, 100 Nev. 471, 686 P.2d 247, 1984 Nev. LEXIS 408 (Nev. 1984).

Since subdivision 2(b) of this section was designed to rebut charges of fabrication or improper influencing arising after a prior consistent statement was made, the rationale or purpose behind the statute was clearly served by the introduction of a prior consistent statement to rebut a latter charge of improper influencing; the fact that there was another motivation to fabricate, which happened to arise before the prior consistent statement had been made, does not diminish the rehabilitative value of the statement. *Cunningham v. State*, 100 Nev. 396, 683 P.2d 500, 1984 Nev. LEXIS 396 (Nev.), cert. denied, 469 U.S. 935, 105 S. Ct. 336, 83 L. Ed. 2d 272, 1984 U.S. LEXIS 4184 (U.S. 1984).

Where at the time the police informant made his statement, his arrangement with the police had yet to be consummated, he clearly had a motive to fabricate and his statement was not admissible; however, the statement was properly admitted to rehabilitate the informant's testimony for, since the defense counsel read from the statement to attack the informant's testimony, the prosecution was entitled to introduce the statement into evidence to clarify the inconsistencies pointed out by counsel; moreover,

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4

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most of the informant's testimony was consistent with the statement and, the inconsistencies went only to details. The defendant cannot be permitted to use parts of a prior statement to impeach the declarant's testimony and then to withhold that same statement from the jury on grounds of unreliability. *Crew v. State*, 100 Nev. 38, 675 P.2d 986, 1984 Nev. LEXIS 315 (Nev. 1984).

To be admissible, prior consistent hearsay statements must have been made before the witness had a motive to lie. *Peterson v. State*, 103 Nev. 455, 744 P.2d 1259, 1987 Nev. LEXIS 1855 (Nev. 1987).

The lower court erred in admitting the officers' testimony concerning a conversation with the undercover narcotic officer as prior consistent statements, where the narcotics officer's comments to the three officers were made after the occasion for the allegedly jealous feelings and vendetta arose. *Peterson v. State*, 103 Nev. 455, 744 P.2d 1259, 1987 Nev. LEXIS 1855 (Nev. 1987).

Based upon the defendant's attribution to the victim of falsification of the charges, the state had the burden to show that the prior consistent statements were made before a motive to fabricate arose. Because the victim's alleged status as a troubled, disturbed child would have existed at the time she first went to the investigator, the state did not support its burden to show that the victim's previous statements were made prior to her motive to fabricate. Therefore, the prior consistent statements constituted inadmissible hearsay. *Patterson v. State*, 111 Nev. 1525, 907 P.2d 984, 111 Nev. Adv. Rep. 180, 1995 Nev. LEXIS 181 (Nev. 1995).

Defendant's statement to his girlfriend a few days after the shooting that he shot in self-defense was not admissible as a prior consistent statement to his trial testimony given that the statement was not made at a time when he had no motive to fabricate since he had such motive as soon as the shooting occurred. *Runion v. State*, 116 Nev. 1041, 13 P.3d 52, 116 Nev. Adv. Rep. 111, 2000 Nev. LEXIS 126 (Nev. 2000).

Statement properly admitted in absence of motive to fabricate.

Where a tape recording was of a sub rosa, barely audible conversation between two persons, both accused of the same murder charge that the defendant was facing and under circumstances in which neither party reasonably could have believed he or she was being overheard, there was no apparent motive to fabricate on the part of either declarant and the statement was properly admissible. *Cheatham v. State*, 104 Nev. 500, 761 P.2d 419, 1988 Nev. LEXIS 74 (Nev. 1988).

Prior consistent statements that exceed scope of direct examination are inadmissible.

Where prior consistent statements of defendant's five-year-old son, who witnessed the murder of his mother, exceeded in scope the testimony elicited during direct examination, his statements were inadmissible, even if he had been available for cross-examination under subdivision 2(b) of this section. *Jacobs v. State*, 101 Nev. 356, 705 P.2d 130, 1985 Nev. LEXIS 430 (Nev. 1985).

Statement of identification.

Where the declarant's identification of the defendant, upon seeing him emerge from the bar, as the individual who had robbed him was a statement of identification, the declarant testified at the trial, and was subject to cross-examination concerning the statement, the statement fell within the identification exception to the statutory definition of hearsay. *Jones v. State*, 95 Nev. 154, 591 P.2d 263, 1979 Nev. LEXIS 549 (Nev. 1979).

Party admission.

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5

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A party's admission is relevant, and admissible, if at the trial, it is inconsistent with the contention of the party who made the statement. *Turner v. State*, 98 Nev. 103, 641 P.2d 1062, 1982 Nev. LEXIS 399 (Nev. 1982).

A respondent in a license revocation case was probably correct when she argued that the hearsay statements made by a passenger to a policeman were not substantial evidence sufficient to support the finding of the hearing officer that the defendant was driving at the time of the accident. Nevertheless, the statements of the defendant were clearly party admissions (and therefore not hearsay), which are admissible under NRS 51.035(3). 107 Nev. 257, 810 P.2d 1201, 1991 Nev. LEXIS 46.

Testimony by the girlfriend of defendant charged with robbery and murder that days before the offense he "wanted to rob a store and get some money to buy a car so he could come back down" and "he wanted to shoot the police and leave in the car they had come in" after the murder, was admissible under both subsection (3)(a) of this section as statements offered against a party and NRS 51.105(1) as statements conveying the defendant's then existing intent, plan, motive or design. *Elvik v. State*, 114 Nev. 883, 965 P.2d 281, 114 Nev. Adv. Rep. 98, 1998 Nev. LEXIS 102 (Nev. 1998).

Defendant's remarks were statements by a party opponent under subsection (3)(a), but were also inadmissible hearsay; error was harmless where evidence of defendant's remarks was properly introduced by one of the victims, who was subject to cross-examination. *Weber v. State*, 121 Nev. 554, 119 P.3d 107, 121 Nev. Adv. Rep. 57, 2005 Nev. LEXIS 71 (Nev. 2005), cert. denied, 546 U.S. 1216, 126 S. Ct. 1433, 164 L. Ed. 2d 136, 2006 U.S. LEXIS 1873 (U.S. 2006), overruled in part, *Farmer v. State*, 405 P.3d 114, 2017 Nev. LEXIS 116 (Nev. 2017).

Trial court did not abuse its discretion by admitting into evidence lyrics from a rap song defendant wrote in jail because they included details that matched the crime charged, including the robbery, a stolen necklace, and ski masks and the trial court gave a limiting instruction stating that the jury could not use the lyrics as evidence of bad character or criminal propensity. *Holmes v. State*, 306 P.3d 415, 129 Nev. Adv. Rep. 59, 2013 Nev. LEXIS 69 (Nev. 2013).

Conduct can constitute a party admission.

A defendant's conduct, such as flight from the scene of the crime, generally is considered a party admission, and will be admitted if the actions have probative value. *Turner v. State*, 98 Nev. 103, 641 P.2d 1062, 1982 Nev. LEXIS 399 (Nev. 1982).

Employee's testimony.

The defendant's employees' statements were relevant to the issue of whether the defendant had constructive notice of a hazardous condition, therefore, the statements concerned matters within the scope of the workers' employment and were admissible as statements against the defendant's interest. *Paul v. Imperial Palace*, 111 Nev. 1544, 908 P.2d 226, 111 Nev. Adv. Rep. 182, 1995 Nev. LEXIS 177 (Nev. 1995).

Silence does not constitute a party admission.

An accused has a constitutional right to remain silent and to avoid self-incrimination; no adverse inference may be drawn from his silence when he is confronted with an inculpatory statement. The inculpatory statement and the accused silence are inadmissible. *Harrison v. State*, 96 Nev. 347, 608 P.2d

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6

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1107, 1980 Nev. LEXIS 591 (Nev. 1980).

Statements made by a coconspirator.

Hearsay statements may be admitted into evidence, where the statement is made by a coconspirator of a party during the course and in furtherance of the conspiracy; however, application of the coconspirator exception is contingent upon a showing, by independent evidence, that a conspiracy existed. The amount of independent evidence necessary to prove the existence of a conspiracy may be slight, and it is enough that only prima facie evidence of the fact is produced. *Fish v. State*, 92 Nev. 272, 549 P.2d 338, 1976 Nev. LEXIS 585 (Nev. 1976); *Peterson v. Sheriff, Clark County*, 95 Nev. 522, 598 P.2d 623, 1979 Nev. LEXIS 597 (Nev. 1979); *Carr v. State*, 96 Nev. 238, 607 P.2d 114, 1980 Nev. LEXIS 560 (Nev. 1980).

Trial court did not commit plain error by admitting one accomplice's testimony that another accomplice told him after the crime that defendant "went off" and "just started shooting" because there was no record discussion of the "during the course and in furtherance of the conspiracy" requirements, it was not possible to say whether the conversation was made in furtherance of the conspiracy. *Holmes v. State*, 306 P.3d 415, 129 Nev. Adv. Rep. 59, 2013 Nev. LEXIS 69 (Nev. 2013).

Statement being offered in favor of co-conspirator.

Where co-conspirator's statement was being offered for, not against, appellant, the co-conspirator exception does not apply. *Guy v. State*, 108 Nev. 770, 839 P.2d 578, 108 Nev. Adv. Rep. 126, 1992 Nev. LEXIS 149 (Nev. 1992), cert. denied, 507 U.S. 1009, 113 S. Ct. 1656, 123 L. Ed. 2d 275, 1993 U.S. LEXIS 2499 (U.S. 1993).

Statements made by a co-conspirator.

Pursuant to this section, in determining the admissibility of the extra-judicial statements of co-conspirator, it is necessary that the co-conspirator who uttered the statement be a member of the conspiracy at the time the statement was made; it does not require the co-conspirator against whom the statement is offered to have been a member at the time the statement was made. *McDowell v. State*, 103 Nev. 527, 746 P.2d 149, 1987 Nev. LEXIS 1868 (Nev. 1987).

The witness need not be a coconspirator.

Subdivision 3(e) of this section does not require that the witness be a coconspirator, but only that the statement in question be by a coconspirator. *Fish v. State*, 92 Nev. 272, 549 P.2d 338, 1976 Nev. LEXIS 585 (Nev. 1976).

And there need be no conspiracy charge against the defendant.

The admissibility of testimony under the coconspirator exception is not predicated upon a conspiracy charge against the defendant. *Carr v. State*, 96 Nev. 238, 607 P.2d 114, 1980 Nev. LEXIS 560 (Nev. 1980).

Existence of conspiracy.

The preliminary question of the existence of a conspiracy for purposes of subdivision 3(e) of this section need only be established by "slight evidence." *McDowell v. State*, 103 Nev. 527, 746 P.2d 149,

1987 Nev. LEXIS 1868 (Nev. 1987).

Duration of a conspiracy.

Since the duration of a conspiracy is not limited to the commission of the principal crime, but extends to affirmative acts of concealment, the coconspirator's plan to move the bodies was intended to avoid detection in case the defendant divulged the location of the bodies to the police and was in furtherance of the conspiracy to commit the crime and to get away with it; therefore, statements made in the course of carrying out the plan were properly admitted under subdivision 3(e) of this section. *Crew v. State*, 100 Nev. 38, 675 P.2d 986, 1984 Nev. LEXIS 315 (Nev. 1984).

Sufficient independent evidence of a conspiracy.

Testimony of the former roommate of the coconspirator was properly admitted under subdivision 3(e) of this section, since the testimony of the police informant provided sufficient independent evidence of a conspiracy between the defendant and the coconspirator. *Crew v. State*, 100 Nev. 38, 675 P.2d 986, 1984 Nev. LEXIS 315 (Nev. 1984).

The district court did not err by permitting the state to offer testimony of various witnesses recounting statements made to them by the defendant while permitting the state to attack the credibility of the defendant's testimony concerning those same events. *Shaw v. State*, 104 Nev. 100, 753 P.2d 888, 1988 Nev. LEXIS 19 (Nev. 1988), overruled, *Alford v. State*, 111 Nev. 1409, 906 P.2d 714, 111 Nev. Adv. Rep. 163, 1995 Nev. LEXIS 161 (Nev. 1995).

Pursuant to the prohibition against hearsay evidence, defendant argued that officer should not have been allowed to tell the hearing officer that he was summoned to the area because other individuals had seen defendant drive his car into another automobile. However, the officer's testimony that witnesses had reported an accident was properly allowed by the hearing officer, not as proof that defendant had driven his car, but to indicate why the officer was investigating an accident. 107 Nev. 288, 810 P.2d 771, 1991 Nev. LEXIS 42.

Testimony concerning the defendant's statements over the telephone were properly admitted since they were statements of a party offered against that party. *Shaw v. State*, 104 Nev. 100, 753 P.2d 888, 1988 Nev. LEXIS 19 (Nev. 1988), overruled, *Alford v. State*, 111 Nev. 1409, 906 P.2d 714, 111 Nev. Adv. Rep. 163, 1995 Nev. LEXIS 161 (Nev. 1995).

Message left on a pager was defendant's own statement.

Message allegedly left by defendant on a pager was not hearsay because it was admitted against the defendant as his own incriminating statement and there was credible testimony of the message's content and that defendant was the source of the message. *Leonard v. State*, 117 Nev. 53, 17 P.3d 397, 117 Nev. Adv. Rep. 6, 2001 Nev. LEXIS 5 (Nev. 2001).

Inadmissible personal opinion.

In a medical malpractice action, where the statement that the declarant doctor would not let the defendant doctor treat his dog was intended to opine that the defendant doctor was a poor surgeon, it was inadmissible hearsay. *Mishler v. McNally*, 102 Nev. 625, 730 P.2d 432, 1986 Nev. LEXIS 1600 (Nev. 1986).

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8

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No record of evidence in traffic citation case.

When a person forfeits bail under a traffic citation, there is no recorded interchange between a court and an alleged traffic offender to ascertain why he or she chose not to contest the charges, therefore, the evidence, standing alone, is equivocal, supporting both an admission of guilt and an inference that the party forfeited bail as a matter of convenience or sound economics; because the evidence is so ambivalent, that it is not admissible against the forfeiting party as an admission that he or she committed the traffic offense charged in the citation. *Mendez v. Brinkerhoff*, 105 Nev. 157, 771 P.2d 163, 1989 Nev. LEXIS 33 (Nev. 1989).

Testimony admitted as relevant to victim's credibility.

District court did not violate the hearsay rule when it admitted testimony of officer who testified that wife of defendant made allegations of physical abuse against the defendant where the defendant was being prosecuted for larceny of wife's property; officer's testimony was admissible to address defendant's attacks on the wife's credibility. *Collins v. State*, 113 Nev. 1177, 946 P.2d 1055, 113 Nev. Adv. Rep. 132, 1997 Nev. LEXIS 140 (Nev. 1997).

Conversations with informants.

Where a confidential informant's statements on a tape recorded conversation with a defendant are introduced solely to provide a context for the defendant's statements and not to prove the truth of the matter asserted, the tapes are nonhearsay and their admission into evidence does not violate the defendant's confrontation rights. 114 Nev. 102, 966 P.2d 160.

Hearsay testimony violated the Confrontation Clause of the Sixth Amendment to the U.S. Constitution and was admitted in error where the out-of-court statement was not made in furtherance of the conspiracy, did not qualify as a statement against interest under NRS 51.345, and provided no particularized guarantee of trustworthiness as required for admission under the Confrontation Clause. *Wood v. State*, 115 Nev. 344, 990 P.2d 786, 115 Nev. Adv. Rep. 51, 1999 Nev. LEXIS 66 (Nev. 1999).

Prior grand jury testimony.

Where witness testified at trial and was subject to cross-examination, her grand jury testimony was not hearsay and was therefore properly admitted. *Mulder v. State*, 116 Nev. 1, 992 P.2d 845, 116 Nev. Adv. Rep. 1, 2000 Nev. LEXIS 1 (Nev.), cert. denied, 531 U.S. 843, 121 S. Ct. 110, 148 L. Ed. 2d 67, 2000 U.S. LEXIS 5432 (U.S. 2000).

Former testimony of co-defendant was admissible under this section where the declarant was unavailable due to invocation of his Fifth Amendment right not to testify, the issues in both trials were the same, and the party against whom the prior testimony was offered was the State, a former party. *Byford v. State*, 116 Nev. 215, 994 P.2d 700, 116 Nev. Adv. Rep. 23, 2000 Nev. LEXIS 23 (Nev.), cert. denied, 531 U.S. 1016, 121 S. Ct. 576, 148 L. Ed. 2d 493, 2000 U.S. LEXIS 7872 (U.S. 2000), limited, *Guy v. State*, 2011 Nev. Unpub. LEXIS 903 (Nev. Feb. 24, 2011), writ denied sub. nom., *Williams v. Eighth Judicial Dist. Court of the State*, 2012 Nev. Unpub. LEXIS 1534 (Nev. Nov. 14, 2012).

Statements hearsay but admission held not prejudicial

Statements were offered for the truth of the matter asserted for purposes of this section, but any

prejudice resulting from the admission of the statements was minimal because the same evidence was introduced through another's testimony. *Weber v. State*, 121 Nev. 554, 119 P.3d 107, 121 Nev. Adv. Rep. 57, 2005 Nev. LEXIS 71 (Nev. 2005), cert. denied, 546 U.S. 1216, 126 S.Ct. 1433, 164 L. Ed. 2d 136, 2006 U.S. LEXIS 1873 (U.S. 2006), overruled in part, *Farmer v. State*, 405 P.3d 114, 2017 Nev. LEXIS 116 (Nev. 2017).

Text messages from victim's phone were not hearsay.

Two text messages from a robbery victim's stolen phone were properly admitted as relevant because the State authenticated them as being authored by defendant; the text messages were not hearsay pursuant to Nev. Rev. Stat. § 51.035(3)(b). *Rodriguez v. State*, 128 Nev. 155, 273 P.3d 845, 128 Nev. Adv. Rep. 14, 2012 Nev. LEXIS 30 (Nev. 2012).

Cited in:

Marquette v. State, 91 Nev. 696, 541 P.2d 1099, 1975 Nev. LEXIS 753 (1975); *Foss v. State*, 92 Nev. 163, 547 P.2d 688, 1976 Nev. LEXIS 552 (1976); *Maginnis v. State*, 93 Nev. 173, 561 P.2d 922, 1977 Nev. LEXIS 503 (1977); *Johnstone v. State*, 93 Nev. 427, 566 P.2d 1130, 1977 Nev. LEXIS 584 (1977); *Beddow v. State*, 93 Nev. 619, 572 P.2d 526, 1977 Nev. LEXIS 646 (1977); *La Pena v. State*, 96 Nev. 43, 604 P.2d 811, 1980 Nev. LEXIS 519 (1980); *Moore v. State*, 96 Nev. 220, 607 P.2d 105, 1980 Nev. LEXIS 555 (1980); *Aguilar v. State*, 98 Nev. 18, 639 P.2d 533, 1982 Nev. LEXIS 378 (1982); *Sheriff, Clark County v. Blasko*, 98 Nev. 327, 647 P.2d 371, 1982 Nev. LEXIS 465 (1982); *Ressler v. Mahony*, 99 Nev. 352, 661 P.2d 1294, 1983 Nev. LEXIS 439 (1983); *Kaplan v. State*, 99 Nev. 449, 663 P.2d 1190, 1983 Nev. LEXIS 472 (1983); *Dearing v. State*, 100 Nev. 590, 691 P.2d 419, 1984 Nev. LEXIS 442 (1984); *Woods v. State*, 101 Nev. 128, 696 P.2d 464, 1985 Nev. LEXIS 378 (1985); *Miranda v. State*, 101 Nev. 562, 707 P.2d 1121, 1985 Nev. LEXIS 468 (1985); *A.L.M.N., inc. v. Rosoff*, 104 Nev. 274, 757 P.2d 1319, 1988 Nev. LEXIS 34 (1988); *Cranford v. Sumner*, 672 F. Supp. 453, 1987 U.S. Dist. LEXIS 9864 (D. Nev. 1987); *LaPierre v. State*, 108 Nev. 528, 836 P.2d 56, 1992 Nev. LEXIS 110 (1992); *Brust v. State*, 108 Nev. 872, 839 P.2d 1300, 1992 Nev. LEXIS 159 (1992); *Colon v. State*, 113 Nev. 484, 938 P.2d 714, 1997 Nev. LEXIS 56 (1997); *Leonard v. State*, 114 Nev. 639, 958 P.2d 1220, 1998 Nev. LEXIS 78 (1998); *Wade v. State*, 115 Nev. 290, 986 P.2d 438, 1999 Nev. LEXIS 54 (1999); *Goodson v. State*, 115 Nev. 443, 991 P.2d 472, 1999 Nev. LEXIS 75 (1999); *Rodriguez v. State*, 117 Nev. 800, 32 P.3d 773, 2001 Nev. LEXIS 70 (2001); *Carter v. State*, 121 P.3d 592, 2005 Nev. LEXIS 90 (Oct. 20, 2005); *In re N.D.O.*, 115 P.3d 223, 2005 Nev. LEXIS 39 (July 11, 2005); *Medina v. State*, 122 Nev. 346, 143 P.3d 471, 2006 Nev. LEXIS 112 (2006).

Research References and Practice Aids

Cross references.

As to prior statements of a witness, see NRS 50.135.

Review of Selected Nevada Legislation, Evidence, 1985 Pac. L.J. Rev. Nev. Legis. 141.

ALR –

Propriety of considering hearsay or other incompetent evidence in establishing probable cause for issuance of search warrant. 10 A.L.R.3d 359.

Admissibility, as against hearsay objection, of report of tests or experiments carried out by

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10

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independent third party. 19 A.L.R.3d 1008.

Comment note on hearsay evidence in proceedings before state administrative agencies. 36 A.L.R.3d 12.

Admissibility of newspaper article as evidence of the truth of the facts stated therein. 55 A.L.R.3d 663.

Admissibility in evidence of sound recording as affected by hearsay and best evidence rules. 58 A.L.R.3d 598.

Admissibility of hearsay evidence in probation revocation hearings. 11 A.L.R.4th 999.

Admissibility of testimony concerning extrajudicial statements made to, or in presence of, witness through an interpreter. 12 A.L.R.4th 1016.

Admissibility of evidence concerning words spoken while the declarant was asleep or unconscious. 14 A.L.R.4th 802.

Admissibility of hearsay evidence in student disciplinary proceedings. 30 A.L.R.4th 935.

Admissibility of testimony of expert, as to basis of his opinion, to matters otherwise excludible as hearsay—state cases. 89 A.L.R.4th 456.

1 Ground 81

2 Trial Attorney Richard Tanasi was Ineffective
3 for failing to object or ask for mistrial ~~one~~
4 During Trial on Issue about receipts. In
5 violation of petitioners 6th and 14th
6 amendment to the United States Constitution

7
8 Statement of facts

9 During petitioners Trial Richard Tanasi
10 notified Judge Kephart about the discrepan-
11 cys that were present involving
12 the receipts and where they were found.
13 (See Exhibit 13) A week prior to trial
14 Richard Tanasi subpoenaed Detective
15 Linda Turner who actually wrote the report
16 to come and testify, but not Detective Flynn
17 who allegedly found the receipts in the
18 "bedroom". We also had Detective Jeffrey
19 Cyabell testify that he had actually
20 found the same exact receipts (which
21 is impossible) but in the "trash can".
22 All of Detective Jeffrey Cyabell's testimony
23 is contradicting Linda Turners report
24 (See Exhibit 16) ~~Richard Tanasi~~ Richard Tanasi
25 argued that he didn't subpoena Detective
26 Flynn because he didn't make the report
27 saying the receipts were found in the
28 "bedroom" and that it would be hearsay

1 If we questioned him with regards to
2 the report and what was put on the report
3 about where Detective Flynn allegedly
4 found these receipts per Detective
5 Linda Turners report. Judge Kephart told
6 District Attorney Liz Mercer and Richard
7 Tanasi to get together and try and
8 contact Detective Flynn to come and
9 that Richard Tanasi would be allowed to
10 question her in regards to if she did
11 actually find some receipts. The same
12 alleged receipts Detective Jeffrey
13 Abell found allegedly in the "kitchen"
14 but in the "bedroom". Judge Kephart
15 also said that if not, then we may be
16 waiting until next week. See Exhibits 16
17 PETITIONERS trial kept going with no more
18 mentioning of either Detective's or
19 receipts. Richard Tanasi never objected
20 or asked for a mistrial due to a 6th
21 amendment violation of the confront-
22 ation clause or 14th amendment violation
23 of due process. Detective Linda Turner
24 never showed up because she allegedly
25 went to Hawaii, and Detective Flynn
26 never came neither. There is nothing
27 on the record that shows District
28 Attorney Liz Mercer or Richard Tanasi.

1 (trial counsel) ever attempted to contact
2 Detective Flynn.

3
4 PREJUDICE (A)

5 petitioner was prejudiced when counsel's
6 performance fell below the reasonable
7 standards of his profession citing:
8 Strickland vs Washington

9 (B) As a result of counsel's actions peti-
10 tioner was also prejudiced. When the
11 jury was allowed to take the word of
12 Detective abell's and only Detective abell
13 at face value. Had Detective Flynn been
14 actually called to rebut Detective abell's
15 testimony that he found these alleged
16 receipts then the jury would've been
17 able to weigh the credibility of Detect-
18 ive abell testimony in face of contra-
19 dictory testimony. Specifically (A) Detective
20 Flynn saying he found the same receipts
21 in another room (B) Detective Linda Turner
22 report saying Detective Flynn found the
23 receipts in the bedroom.

24
25 Relief:

26 for the above-listed reasons the court
27 should grant petitioner's habeas petition
28 and dismiss all counts.

1 Ground 2

2 Trial Attorney Richard Tanasi was Ineffec-
3 tive for failing to raise the ISSUE During
4 pre-trial Habeas on NRS 175.291(1) on ~
5 co-defendant testimony and corroboration
6 in violation of petitioner's 6th and 14th
7 Amendments to the United States Constitution
8

9 Statement of facts

10 petitioner was Indicted 3 Times within
11 a 6 month Time Span. After the last
12 Indictment was done petitioner was
13 allowed to challenge each count and grand
14 in all 3 Indictments with a pre-trial
15 habeas. Richard Tanasi raised numerous
16 ISSUES that he felt were good enough
17 to get Mr Hobson's Indictment thrown
18 out like kidnapping, probable cause,
19 Hearsay testimony, best evidence and
20 many other ISSUES. Mr Tanasi failed
21 to raise or even mention the one thing
22 that should have gotten Mr Hobson's Indict-
23 ment overturned which is NRS 175.291(1)
24 which states - A conviction shall not be
25 had on testimony of an accomplice
26 unless he is corroborated. Citing
27 Austin vs State 491 p. 2d 724 (An
28 accomplice Incrimination of another

1 is not corroborated simply because
2 he accurately describes the crime or
3 circumstances thereof. Also citing
4 Hutchinson vs State 76 Nev 357 P.2d 589
5 That an accomplice was not sufficient-
6 ly corroborated even to show probable
7 cause to hold for trial merely by show-
8 ing the defendant was with accomp
9 near the scene of the crime on the
10 night it was committed at the time
11 the accomplice testified they committed
12 it. under statutes such as Nev. Stat
13 175.291 it is commonly held that cor-
14 roborative evidence is insufficient when
15 it merely casts a grave suspicion upon
16 the accused. First the court must elimin-
17 ate from the case the evidence of the
18 accomplice and then examine the ev-
19 idence of the remaining witness
20 or witnesses with the view to ascertain
21 if there be inculpatory evidence.
22 Citing: Edward P Eckert vs State 533
23 2d 468 (Harold W Mitchell Sr vs Montana
24 625 p.2d 1155) (Paul Robert Heglemeier Jr
25 vs State 903 p.2d 799) Though the
26 accomplice may be corroborated in
27 regards to any number of facts sworn
28 to him, where the connecting evidence

1 Shows no more than an opportunity to
2 commit a crime, simply proves suspicion
3 or is equally consonant with a reasonable
4 explanation pointing toward innocent
5 conduct on the part of the defendant.
6 The evidence is to be deemed insuffi-
7 cient. With these cases and ORS 175.291
8 you will see that they all apply to
9 the petitioner's case. All 5 cases
10 mirror the petitioner's case and also
11 all 5 cases were reversed and remanded.
12 Each case involves a codefendant
13 who either testifies on his alleged
14 accomplice or makes a statement
15 on his alleged accomplice. ~~at the~~
16 When looking at the petitioner's
17 case during all 3 indictments you
18 will see the only thing that was
19 shown to the grand jury was still
20 photos of a video, pictures of
21 gloves, medical masks (which was tested
22 and was negative for petitioner's DNA)
23 and guns (which were also tested and
24 came back negative for petitioner's
25 DNA) (None of the DNA evidence was shown
26 to grand jury) (see Exhibit 1 for photos) also
27 photos of receipts that was allegedly found
28 in the apartment on Charleston (for only

1 | 1 of the Indictments were photos shown
2 | of receipts). There was no DNA no
3 | hair follicles or fingerprints or alien
4 | witnesses who put petitioner at any
5 | seen. Furthermore the State later on
6 | down the road obtained foot impre-
7 | ssion's that also was not shown to
8 | the grand jury. To add on to everyth-
9 | ing petitioner was merely sitting
10 | in the vehicle when he was arrested.
11 | When you take away Dante Johns
12 | testimony all you have left is guns
13 | sold world wide, hats, masks, and
14 | gloves also sold world wide. which
15 | the courts might believe is suspicious
16 | but is not enough to corroborate
17 | or satisfy ORS-175,291(1) (grave suspicion
18 | is not enough)

19 |
20 | prejudice (A)

21 | petitioner was prejudiced when
22 | counsels performance fell below the
23 | reasonable standards of his profes-
24 | sion citing: Strickland vs Washington
25 | (B) AS a result of counsels actions
26 | petitioner was also prejudiced
27 | when Richard Tanasi never applied

1 of mentioned NRS 175.291 During PETIT-
2 ioners pre-Trial habeas. Surely had
3 McTanas, brought up NRS 175.291 and
4 the 5 cases. The petitioner has cited
5 in this habeas by law per NRS 175.291
6 The petitioner would be entitled to
7 relief.

8 (C) petitioner was also prejudice when
9 Richard Tanasi didn't preserve this
10 issue for petitioner to file an direct
11 appeal due to Richard Tanasi never
12 mentioning or bringing it up in
13 District court.

14
15 Relief:
16 for the above listed reasons the court
17 should grant petitioners habeas petition
18 and dismiss all counts.

1 Ground: 3

2 Trial Attorney Richard Tanasi was Ineff-
3 ective for failing to raise perjury
4 of Detective abell During his testi-
5 mony at The first grand Jury Indictment.
6 In violation of petitioners 5th and 14th
7 amendment to The united states constitution.

8
9 Statement of facts

10 petitioners Attorney Richard Tanasi
11 was able to do a pre-trial habeas to
12 challenge every count and ground
13 alleged at mcHobson first grand Jury
14 Indictment. During petitioners first
15 grand Jury Indictment (see Exhibits 14
16 Detective Jeffrey abell gave the grand
17 Jury false pressured testimony. It all
18 started when The District Attorney
19 Liz Mercer asked Detective abell a
20 question regarding Dante Johns (co-
21 Defendant) testimony/statement reya-
22 cing pappeyes robbery (The pappeyes
23 on Vegas Dr in which petitioner was
24 being indicted on) See Exhibit: GJT #1 Pg 73)
25 (M) Question and he was able to provide
26 you with details that were consistent
27 with what had occurred in the course

1 of That robbery correct (Popeyes on Vegas Dr)

2 Answer: yes

3 Question: Did he indicate to you that
4 he in fact received a hundred dollars
5 for the roll that he played in the robbery?
6

7 Answer: well he said he received some
8 money a hundred dollars for a phone bill.

9 Question: and gas

10 Answer: and gas

11 ~~When you read Dante Johns statement~~

12 When you read Dante Johns statement
13 from pgs 14-28 See Exhibit 18)

14 Dante said that the last robbery that
15 happen before we was arrested was a
16 Popeyes on Buffalo (No robbery ever
17 happen at Popeyes on Buffalo) see
18 Exhibit 18) ^{pg 26} (There was an El polo loco
19 on Buffalo and Cheyenne).

20 Question: alright so where did you drop
21 them off at Popeyes

22 Answer: side street I don't know The
23 side street Mageo's

24 Question: Mageo's? is that the street

25 Answer: No it's a Bar

26 Question: It's a bar? okay, okay, so
27 you dropped them off at the bar

1 and they walked over to Popeyes? so
2 the bar is close to Popeyes.

3 Answer: It's a side street to the bar
4 and then Popeyes is across the street.

5 Question: I mean you gotta have gas to
6 get around right? It's all the way over
7 on Buffalo is it 95 and Buffalo right?

8 Answer: Somewhere around there.

9 Question: you get off on 95 though right
10 somewhere right you remember the
11 street you got off on?

12 Answer: I can't.

13 Question: okay.

14 Answer: could be Cheyenne.

15 Question: Cheyenne? That's way over on
16 the other side of town right.

17
18 Dante did In fact tell the Detective that
19 he drove to a robbery at Popeyes, but
20 there is no way Dante could've given
21 details consistent with what had
22 occurred at that robbery when there's
23 no Popeyes on Buffalo and Cheyenne
24 but In fact a El Polo loco (see exhibit
25 b) The Popeyes the petitioner was
26 was Indicted on in the first Indic-
27 tment was In fact on Vegas Drive.

28

1 NO where in Dante's statement Does he
2 say anything about a robbery at Popeyes
3 that was on Vegas Drive. In fact Dante
4 Does mention a robbery at El Palaloco on
5 Buffalo across the street from a bar
6 called mego's. The District Attorney, Liz
7 Mercer and Detective abell both had
8 capable knowledge of each robbery
9 Detective abell had prepared numerous
10 reports with dates and addresses
11 (See Exhibit 7 & 11) of each robbery that
12 he also gave to Liz Mercer prior to
13 the first indictment. This issue
14 could've been cured before the indict-
15 ment happen (Citing US vs Ernest Ray-
16 mond BAS 110 497 F.2d 781 US app 1974)
17 A conviction obtained through use of
18 false testimony known to be such by
19 representative of the state must fall
20 under the 14th and 5th amendment. The
21 same results obtains when the state
22 although not soliciting false evidence
23 allows it to go uncorrected. The
24 principle that a state may not
25 knowingly use false evidence includ-
26 ing false testimony, to obtain a
27 tainted conviction is implicit

1 in any concept of ordered liberty. Also
2 citing *Napue vs Illinois* & money holder
3 like in this case at hand and the
4 above cited cases the state didn't
5 correct the false testimony.

6
7 (A) Prejudice:

8 petitioner was prejudiced when counsel
9 performance fell below the reasonable
10 standards of his profession citing
11 *Strickland vs Washington*

12 (B) AS a result of counsel's action pet
13 itioner was also prejudiced when
14 Richard Terasi failed to challenge in
15 petitioner's pre-trial habeas the use
16 of perjured testimony.

17 (C) petitioner was also prejudiced
18 when Richard Terasi didn't preserve
19 this issue for petitioner's direct
20 appeal because it was never brou-
21 ght up during pre-trial habeas or
22 in district court.

23 (D) petitioner was also prejudiced
24 because Richard Terasi was
25 able to rebut the credibility
26 of Detective abell but it was never
27 done

1 (E) petitioner was prejudiced
2 also when his pre trial habeas
3 was denied by Judge Kephart.

4
5 Relief:

6 For the above listed reasons the
7 court should grant petitioner's
8 habeas petition and dismiss all
9 counts as it pertains to the first
10 indictment.

1 Ground 4
2 Trial Attorney Richard Tanasi was Ine-
3 ffective for failing to object to the
4 District Attorney showing and Admitt-
5 ing 2 Different contradicting DNA reports
6 In violation of petitioners 6th and 14th
7 amendment to the United States constitution.

8
9 Statement of facts

10 prior to trial there was a motion filed
11 by Richard Tanasi to retest the DNA
12 in particular items 6 and 8 (see Exhibit
13 R) do to metro's new testing policy
14 the results would change. Judge Kep-
15 ert granted the motion. As Richard
16 Tanasi argued the results did In fact
17 change from positive partial match
18 to Inconclusive. During trial the
19 states DNA expert crystal may took
20 the stand to testify about all items
21 tested pertaining to DNA. During direct
22 examination District Attorney Liz
23 Mercer went to admit both DNA reports.
24 when the judge asked if there's
25 any objection to both new and
26 old DNA reports being Admitted
27 Into evidence Mr Tanasi never

1 objected to it being admitted. (citing:
2 Chatham vs White, 858 F.2d 1479) ATTOR-
3 ney failure to object to introduction
4 of scientific evidence.

5
6 prejudice: (A)

7 petitioner was extremely prejudiced
8 when counsels performance fell below
9 the reasonable standards of his
10 profession (citing: Strickland vs Washington)

11 (B) As a result of counsels actions PET-
12 itioner was also prejudiced when
13 counsel failed to object during trial
14 to both DNA Reports being shown.

15 (C) petitioner was also prejudiced
16 when the jury was allowed to see
17 two different forensic reports 1 parti-
18 ting petitioners DNA (partial) in one
19 glove and then 1 report showing
20 petitioners DNA wasnt in the glove.

21 Relief:

22 for the above listed reasons the
23 court should grant petitioners
24 habeas petition and Dismiss
25 all counts

1 Grounds:

2 Trial Attorney Richard Tanasi was
3 Ineffective for failing to object
4 to photos of phones being
5 admitted into evidence and
6 photos of money being admitted
7 into evidence. In violation of
8 ~~the~~ the ~~petitioner's~~ petitioner's 6th and 14th
9 amendment to the United States
10 constitution.

11 Statement of Facts

12 months prior to trial on numerous
13 occasions the petitioner repeat-
14 edly asked Richard Tanasi to
15 go and get phone bills from
16 Sprint and T-Mobile to show
17 that phones that was found
18 in the house on Charleston
19 belonged to the petitioner's
20 girlfriend and family members
21 Also the petitioner on numer-
22 ous occasions asked Richard
23 Tanasi to file a motion to
24 suppress pictures of phones
25 and money (see Exhibit 7) Do
26 to the fact that petitioner
27

1 could not only show who's phones
2 and money it was, but also didn't
3 want the jury to be led to the
4 conclusion that the galaxy phones
5 (see exhibit 1?) and money was
6 any alleged victim's phones
7 or money taken from the "Wind-
8 Breaker series". Richard Terasi
9 would repeatedly tell the petition-
10 er that if the phones didn't
11 belong to any of the victims you
12 have nothing to worry about
13 and that he would be able to
14 cross examine the detectives
15 on the issues regarding the
16 phones at trial. This is one (3) ^{see Exhibit 1}
17 reason the petitioner contacted
18 the Nevada State Bar and the
19 courts with regards to Mr Terasi
20 filing motions on the petition-
21 er's behalf. The petitioner also
22 asked Richard Terasi to send
23 his investigator to the metro
24 head quarters to get the 30
25 day notice. The petitioner's
26 girlfriend had put in showing
27 sent hadn't been paid. petitioner

1 also asked Richard Tanasi To go and
2 get the petitioner's girlfriends check
3 stubs to show that she had just gotten
4 paid and that she was employed. PETIT-
5 ioner also Told Richard Tanasi To go
6 get his check stubs to show he had
7 a job at Pep Boys. petitioner was
8 willing to testify that he had also
9 just been paid and that he had
10 just given his girlfriend some
11 money for his children. Furthermore
12 these (Galaxy phones) (see Exhibit: 07)
13 were never even taken from the
14 petitioner's girlfriend's house. (see
15 Exhibit: 5) these phones should never
16 had been admitted into evidence.
17 District attorney Liz merced went
18 to admit photos of money and phones
19 when the judge kept asking Richard
20 Tanasi if there was any objection
21 Richard Tanasi Didn't object.

22
23 prejudice: (A) petitioner was extremely
24 prejudiced when counsels performance
25 fell below the reasonable standards
26 of his profession (citing: Strickland
27 vs Washington (counsel has a duty

1 To make a reasonable investigation or
2 to make a reasonable decision that
3 make particular investigation unnec-
4 essary.

5 (B) AS A RESULT of counsel's actions PET-
6 itioner was also prejudiced when coun-
7 sel failed to ^{obscure} photos of money and
8 phones being admitted into evidence.

9 (C) PETITIONER was also prejudiced when
10 the jury was allowed to see both money
11 and phones and they were allowed
12 to infer or come to a conclusion
13 that these galaxy phones and money
14 were victims galaxy phones (see Exhibits
15 7) and money stolen during "windbreak-
16 er series".

17 (D) PETITIONER was also prejudiced when
18 counsel didn't after repeatedly being
19 asked go and get phone bills, check
20 stubs, and 30 Day notice, and also
21 bribe petitioner's girlfriend to
22 testify on his behalf when the
23 proof was available.

24 (E) PETITIONER was also prejudiced
25 when the supreme court also
26 negatively inferred that these phones
27 were the victims when they

1 mentioned it in there order affirming
2 and reversing in part, despite there
3 being no evidence of these phones
4 belonging to any alleged victims or
5 customers. (see Exhibits 2) (p910).

6
7 Relief:
8 for the above listed reasons the
9 court should grant petitioners
10 habeas petition and Dismiss all counts

11
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27

ADDITIONAL FACTS OF THE CASE:

1 Grand

2 Trial Attorney Richard Tanasi was
3 Ineffective for failing to get his
4 own independent testing on all
5 items pertaining to DNA and for
6 not getting a DNA expert to come
7 and testify on the petitioners
8 behalf to rebut the states DNA expert.
9 In violation of the petitioners 6th and
10 14th amendment to the United States
11 constitution.

12
13 Statement of facts

14 Before trial the state had numerous
15 items tested for DNA. After the results
16 came back Mr Tanasi went and
17 allegedly got a DNA expert but
18 never had the DNA expert do her
19 own independent testing on the
20 petitioners behalf. When trial started
21 the state had their DNA expert
22 testify to everything regarding DNA.
23 When the petitioner asked Richard
24 Tanasi about the DNA expert on
25 his behalf to rebut what the state
26 DNA expert was saying the only
27 thing Mr Tanasi said was he was

ADDITIONAL FACTS OF THE CASE:

1 going to use his notes from the DNA
2 expert (citing Miller vs Anderson 255,
3 F.3d 455 7th circuit counsel failure to
4 present expert testimony concerning
5 footprint, hair, and DNA was ineffective
6 ine.

7
8 prejudice (A) petitioner was prejudiced
9 when counsel's performance fell below
10 the reasonable standards of his
11 profession (citing Strickland vs Washington

12 B) As a result of counsel's actions peti-
13 tioner was also prejudiced when
14 counsel failed to get his own indepen-
15 dent testing on all items, and also
16 have the DNA expert ~~testify~~ testify on
17 the petitioner's behalf.

18 C) petitioner was also prejudiced
19 when the jury was allowed to
20 hear only the state's expert when
21 it came to DNA, and not the defense's.
22 Surely had Mr. Tang's early on gotten
23 every item tested by a defense DNA
24 expert there's a good probable chance
25 that DNA results would have been
26 different as to all items from
27 the beginning. Do to the New Policy

ADDITIONAL FACTS OF THE CASE:

1 for metro on testing DNA. Furthermore
2 had mr Janasi had his DNA expert
3 testify on the petitioners behalf
4 There's no telling what impact he or she
5 would've had on the jury. At least the
6 jury would've been able to weigh both
7 experts testimony and make a decision
8 on who's expert they thought were
9 more credible.

10
11 Relief:

12 for the above listed reasons the court
13 should grant the petitioners
14 habeas petition and dismiss all counts.

ADDITIONAL FACTS OF THE CASE:

1 Ground 7

2 Trial Attorney Richard Tanasi was Ineffect-
3 ive for failing to subpoena all alleged
4 victims. In violation of the petition-
5 er's 6th and 14th amendment to the United
6 States constitution.

7
8 Statement of facts

9 prior to starting trial the petitioner
10 and Richard Tanasi had numerous
11 conversations about making sure
12 that the petitioner would be able
13 to cross examine all alleged victims.
14 Richard Tanasi assured the petitioner
15 that he would make sure that it is
16 possible to face all his accusers once
17 trial started the petitioner once
18 again asked Richard Tanasi if all
19 the victims were going to show up
20 and Mr. Tanasi's response was that the
21 District Attorney Liz Mercer should
22 call all the alleged victims because
23 "that's her job" and that if she didn't
24 that he would have to dismiss all
25 the counts that doesn't show up.

26
27 prejudice (A) the petitioner was

ADDITIONAL FACTS OF THE CASE:

1 prejudiced when counsels performance
2 fell below the reasonable standards
3 of his profession citing Strickland vs
4 Washington

5 B) As a result of counsels actions the
6 petitioner was also prejudiced when
7 the jury only heard some testimony
8 about each robbery instead of all
9 testimony from each alleged victim.

10 C) petitioner was also prejudiced when
11 counsel didn't show that they were
12 unavailable to call or to testify.

13 Relief:

14 for the above listed reasons the court
15 should grant the petitioners habeas
16 petition and Dismiss all counts.
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ADDITIONAL FACTS OF THE CASE:

1 Grounds

2 Trial Attorney Richard Terasi was Ineffect-
3 ive for failing to subpoena the Jag officer
4 In violation of the petitioners 6th and 14th
5 amendment to the United States consti-
6 tution.

7
8 Statement of Facts:

9 During Trial on a recess break Richard
10 Terasi mentioned something about a
11 Jag officer who had talked with Dante
12 days after he gave his statement to the
13 metro detectives (see Exhibit 15) During
14 this conversation between Dante and
15 the Jag officer, when asked about his
16 participation Dante allegedly told the
17 Jag officer he had nothing to do with
18 any robbery's and that he didn't intent
19 take the petitioners and Brandon Starr
20 to any robbery's. Without the Jag officer
21 present no matter who Richard Terasi
22 cross examined unless they were
23 physically present when Dante ~~gave~~
24 gave his statement to the Jag
25 officer it would be hearsay and
26 a violation of NR 51,035. In stead
27 of Richard Terasi just subpoena

ADDITIONAL FACTS OF THE CASE:

1 ing The Sag ~~officer~~ officer from The
2 beginning so The Jury could hear
3 first hand and not hear say about
4 what was Told To Jeffrey abell.
5 Richard Tarasi Instead waited
6 until Trial To address The ISSUE
7 concerning The Sag officer and Dante

8
9 prejudiced (A) petitioner was prejudiced
10 when counsels performance fell
11 below The reasonable standards of
12 his profession (citing: Strickland vs
13 Washington)

14 (B) As a results of counsels actions
15 The Jury was allowed To hear not only
16 hearsay but testimony from someone
17 else about what conversation The Sag
18 officer had With Dante Instead ~~with~~
19 of 1st hand personal knowledge about
20 what was said. The only person with
21 this knowledge was The Sag officer and
22 Dante, who knows what impact The
23 Sag officers testimony would've had
24 on The Jury had Mr Tarasi subpoenaed
25 him minus his testimony. The peti-
26 tioner was prejudiced because
27 Tarasi allowed Detective Jeffrey

ADDITIONAL FACTS OF THE CASE:

§ Weirauch

1 shall be the sole evidence as
2 opposed to the JAG officer.
3

4 Relief:

5 for the above listed reasons the
6 court should grant the petitioners
7 habeas petition and dismiss
8 all counts.
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1 Ground: 9
2 Appellant Attorney Sandra L Stewart. was
3 Ineffective when she failed to raise
4 The violation of confrontational clause
5 That Trial Attorney Richard Tanasi raised
6 During trial. In violation of the petition-
7 ners 6th and 14th amendment to the
8 United States constitution.
9
10

11 Statement of facts

12 Appellant Attorney Sandra L Stewart
13 Filed the petitioner Direct appeal.
14 During this appeal Sandra had the
15 opportunity to raise any issues that
16 were either objected to during District
17 court or any motions that were denied
18 during District court. Trial Attorney
19 Richard Tanasi raised a motion in
20 the middle of trial to dismiss all
21 counts of the witnesses who didn't
22 show up. In doing that Tanasi pers-
23 erred this issue for the petition-
24 er to raise in his Direct appeal
25
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28

1 prejudice (A)

2 The petitioner was prejudiced when
3 Sandra L Stewart had the opportunity
4 to raise the violation of confrontation
5 clause that was preserved by trial
6 attorney, but never did. ~~Q~~

8 (B) The petitioner was also prejudiced
9 because had she filed this issue in
10 the petitioners direct appeal then
11 petitioner wouldnt have to raise it
12 in this petition. The petitioner his
13 self wouldve filed this as a ground
14 in his direct appeal if he was able
15 but the state of Nevada doesnt
16 allow for you to file your own direct
17 appeal.
18

19
20 Relief:

21 For the above reasons listed the court
22 should grant petitioner habeas petition
23 and dismiss all counts,
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1 Ground: 10

2 Trial Attorney Richard Tanasi was Ineffective for
3 failing to subpoena Detective Flynn. In violation
4 of the petitioners 6th and 14th amendments
5 to the United States Constitution.

6

7 Statement of facts (see Exhibits B)

8 During Trial there was a conversation during
9 a recess between Defense counsel and the
10 Judge regarding receipts that were allegedly
11 found in the APT on Charleston in 2 different
12 places by 2 different Detectives (which is impossible
13 Detective Flynn is the Detective who allegedly
14 found the receipts in the Bedroom per Detective
15 Linda Turner's report. Richard Tanasi subpoenaed
16 Detective Linda Turner but rather than show
17 up she went on a vacation to Hawaii. Richard
18 Tanasi didn't subpoena Detective Flynn because
19 he said she never wrote a report and that
20 Detective Linda Turner made the report about
21 what Detective Flynn allegedly found. yes it
22 is true Detective Turner made a report
23 about where Detective Flynn allegedly found
24 these "receipts" the same "receipts" Detective
25 Jeffrey abell allegedly found in the trash and
26 yeah sure enough Mr Tanasi wouldn't be able
27 to cross examine Detective Flynn about a report
28 that she didn't write or it would be hearsay

1 but had Richard Tanasi subpoenaed Detective Flynn
2 he definitely could've cross examined Det Flynn
3 with regards to if he actually found some
4 "receipts" in the bedroom
5

6 PREJUDICE (A)

7 PETITIONER WAS PREJUDICED WHEN COUNSEL'S PER-
8 FORMANCE FELL BELOW THE REASONABLE STANDARDS
9 OF HIS PROFESSION (CITING: STRICKLAND VS WASHINGTON
10 (B) AS A RESULT OF COUNSEL'S ACTION THE
11 PETITIONER WAS PREJUDICE WHEN THE JURY
12 WAS ALLOWED TO HEAR TESTIMONY AND SEE
13 PHOTOS (SEE EXHIBIT 81) REGARDING RECEIPTS FROM
14 THE STATE AND THE STATES WITNESS DETECTIVE
15 ABELL, BUT NOT DETECTIVE FLYNN ~~OR~~ OR
16 DETECTIVE LINDA TURNER WHO CONTRADICTS
17 DETECTIVE ABELL REPORT AND TESTIMONY. HED
18 DETECTIVE FLYNN AND TURNER BEN CALLED TO
19 REBUT DETECTIVE ABELL'S TESTIMONY THAT HE
20 ALLEGEDLY FOUND SOME RECEIPTS ~~IN THE BEDROOM~~
21 THEN THE JURY WOULD HAVE BEN ABLE TO
22 WEIGH THE CREDIBILITY OF DETECTIVE ABELL
23 TESTIMONY IN FACE OF CONTRADICTORY TESTIMONY
24 SPECIFICALLY DETECTIVE FLYNN SAYING HE IN FACT
25 FOUND THE SAME RECEIPTS IN ANOTHER ROOM
26 WHICH IS IMPOSSIBLE.

27

28 Relief:

1 For the above listed reasons the court should
2 grant petitioners habeas petition and Dismiss
3 all counts.

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1 Ground: 10

2 Richard Taras, Trial Attorney was Ineffective for
3 failing to subpoena officer Mohler. In violation
4 of the petitioners 6th and 14th amendment to
5 The United States Constitution.
6

7 Statement of Facts

8 During Trial there was a lot of testimony
9 about a blue bag that was allegedly found
10 on the petitioner on the night he was arrested.
11 On numerous occasions the petitioner
12 communicated to Richard Taras; that this
13 Blue Bag was never found on him. Detective
14 Matlock testified that he was the one who
15 searched and allegedly found the bag on the
16 petitioner, which is a lie because the
17 petitioner was already put in cuffs and
18 searched and inside a vehicle before the
19 Detective ever even talked to the petitioner.
20
21

22 prejudice: (A)

23 petitioner was prejudiced when counsel's
24 performance fell below the reasonable standards
25 of his profession (citing Strickland vs Washington
26 (B)) As a result of counsel's actions the jury
27 was allowed and left with no choice but to
28 believe Detective Matlock and his testimony.

1 had Richard Tanasi subpoena'd officer Mohler the
2 arresting officer who put the petitioner in
3 his vehicle and the officer who actually searched
4 ed the petitioner. The jury would have caught
5 Detective in a lie because Detective Matlock
6 never searched the petitioner.

7

8 Relief:

9 for the above listed reasons this court should
10 grant petitioner's habeas petition and
11 Dismiss all counts.

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1 Ground: 12
2 Trial Attorney Richard Tanasi was Ineffective
3 when He failed to Investigate Defense
4 theory or Investigate as a whole. In violation
5 of The Petitioner's 6th and 14th Amendment to
6 The United States Constitution.
7

8 Statement of facts

9 Before Trial The Petitioner on numerous
10 occasions During phone calls and occasional
11 visits with Richard Tanasi has tried to
12 Tell and get Mr Tanasi to try and get pieces
13 of evidence on his behalf such as phone
14 bills, Independent DNA Testing, Independent
15 foot impression experts, video footage from
16 body cams or vehicle cams, also various
17 witnesses that could testify to Detective
18 abell snooping around Apartment on Charleston
19 Days before The Petitioner was arrested.
20 also The Petitioner has asked Mr Tanasi
21 to get this alleged "Email" that the
22 Detective says he learned about the
23 Discription of the Silver or grey charger.
24 There was also numerous people that the
25 Petitioner tried to get subpoenas for
26 character witnesses that Tanasi never called.
27
28
37) Neither did He Pre Trial any alleged victims.

1 Tamas; failed To Investigate any one of
2 PETITIONERS DEFENSES which could have
3 lead to Discrediting The Detectives or
4 ~~OR~~ possible perjury, and also possibly a
5 Not guilty verdict. (Citing: US vs Borrow
6 872 F.2d, 915, 918 9th cir also (Citing: EVANS vs
7 Lewis, 855 F.2d 631 9th cir 1988. Holding that
8 A failure To Investigate possible evidence
9 could NOT be deemed a Trial Tactic where
10 lawyer didnt view relevant evidence that
11 was available. (Citing: US vs chronic 466 US 648,
12 80 Fed 2d 657, 1045. Ct 2039 1/2 US vs Ash 413, US 300,
13 309, 37 LED 2d 619, 97 (1973) If no actual "Assistance"
14 "for" the accused "defense" is provided then
15 The constitutional guarantee has been violated.
16 Similarly; If counsel entirely fails To subject
17 The states case To meaningful adversarial
18 Testing then there has been a Denial of the
19 6th amendment right that makes the adversary
20 process itself presumptively unreliable w/o
21 specific showing of prejudice is required.
22 (Citing: Davis vs Alaska 413 US 308, 39 (1974)
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1. Standards of his profession (EITING: STRICKLAND VS WASHINGTON
2 (B) The petitioner was also prejudiced when Richard Tanas
3 failed to investigate and Relied solely on the states
4 version of events without investigating any of clients
5 defense theories that were presented to counsel
6 (C) The petitioner was also prejudiced when Richard
7 Tanas; failed to get phone bills to prove that phones
8 found in apartment on Charleston belonged to the
9 petitioner's girlfriend and other family members.
10 (Not any victims)
11

12 (D) The petitioner was also prejudiced because not
13 only did Mr. Tanas not get a copy of this alleged
14 "email" that Detective Weirauch said he learned
15 the description of this gray charger from but also
16 because Richard Tanas failed to investigate on
17 who sent Detective Weirauch this alleged "Email"
18 and how that person learned this description
19 of the grey charger. Had Mr. Tanas investigated
20 this alleged email then it is a great possibility
21 that his investigation could've lead to perjured
22 testimony and impeachment of the detective.
23 Reason being is because if who ever sent this
24 email to Detective Weirauch would've testified
25 that he or she learned the description of this
26 charger thru a report the petitioner has all
27 report prior to his arrest date and there was
28 only one description given on a charger and
- (34)

1 it wasn't grey it was white with a black stripe and black
2 rims (see Exhibit 11) (all reports done prior to arrest) and if
3 this detective who emailed Detective Weirauch say they
4 learned of this charger threw photos or video the petition-
5 er has also attached photos of alleged vehicle during
6 robbery (see Exhibit 11) the court will see that this
7 vehicle is a charger but the court will also see that this
8 vehicle also has a black stripe on the side, the petition-
9 er's brother's charger does not have a stripe at all.
10 which furthermore goes to show that if Detective Weirauch
11 was looking for a car that matched the description of
12 the suspect vehicle then it would never pulled us over.
13 not only ~~the~~ ~~state~~ ~~are~~ ~~fabricating~~ ~~evidence~~ would this prove that the
14 police and the state are fabricating evidence
15 but it would also go to the petitioners other (IAC)
16 for counsel failing to send investigator to speak
17 with neighbor in apartment who seen ~~and~~ also
18 described Detective abell to a tee ~~and~~ days prior
19 to the petitioners arrest.

19 (E) The petitioner was also prejudiced when counsel
20 failed to send his investigator to apartment on
21 charleston to talk to Kevin (Brianna's neighbor) who seen
22 and who described to the petitioners girlfriend
23 Detective abell to a tee snapping around nights
24 before petitioner was arrested, which could've
25 showed the detectives where already following
26 the petitioners brother's car when he would
27 go and see his nephew, which would also
28 discredit the Detective and show how they
are fabricating evidence when they say

1 They learned the description of the charger threat
2 This "Email" of even when Detective Weirauch
3 said he was going home but decided to just look for
4 the gray charger on a whole nother side of town
5 No where near his house, and he just so happen
6 to find it. (They're no way it just happened that way)
7 (Kevin specifically told the petitioners girlfriend
8 Brianna that the police was looking in grey charger)

9 (F) The petitioner was prejudiced when counsel
10 failed to send items to his own DNA lab to
11 see if the states test was accurate from
12 the beginning, before he even filed a motion
13 to get DNA retested, had counsel obtained an
14 independent DNA report the jury could have
15 learned that the state first DNA test was
16 later determined to be false.

17 (G) The petitioner was also prejudiced when
18 counsel failed to pre-trial any alleged
19 victims, if counsel pre-trialed these
20 victims then counsel could've later on at
21 trial impeached and discredited his other
22 testimony for example when this pregnant
23 woman said she was punched in the
24 stomach during the grand jury indictment
25, but at trial she recanted that statement
26 and said that no she wasn't punched

1 in her stomach and that she just kinda
2 felt something brush up against her. (which
3 the video footage clearly shows no one punched
4 this woman) counsel never impeached this
5 woman with her past testimony about
6 this issue he just sat down which
7 furthermore shows his ineffectiveness.

8 (H) The petitioner was also prejudiced when
9 counsel failed to investigate or test the
10 foot impression on an independent scale.
11 The state brought all their experts to
12 testify on their behalf, but instead of
13 getting his own expert to testify and
14 actually do their own independent test
15 counsel failed to subject the prosecution
16 case to meaningful ~~adversarial~~ adversarial
17 testing, and the jury was only allowed
18 to hear the state's position and
19 experts on foot impression, and DNA.

20 (I) The petitioner was also prejudiced
21 when he wasn't able to put on a proper
22 defense and rebut the state's whole case.
23 Relief!

24 For the above listed reasons the court should
25 grant the petitioner's habeas petition and dismiss
26 all counts.

1 for the above listed reasons the court should
2 grant petitioners habeas petition and
3 Dismiss all counts.
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(44)

1 Ground: 14

2 Judge Kephart abused his Discretion when he
3 allowed the petitioners Trial to continue
4 without making Detective Flynn or Det-
5 ective Turner show up at a later date
6 to be cross examined regarding the
7 Issue on Receipts. In violation of the
8 petitioners 6th ~~and 14th~~ amendment
9 confrontation clause and his 5th and 14th
10 Due process,
11.

12 Statement of facts

13 During Trial Judge Kephart abused his Dis-
14 cretion because Detective Flynn, and Turner
15 never showed up. Richard Tanas; Brought the
16 whole Issue up regarding both Detectives.
17 Judge Kephart told the District Attorney
18 and Defense counsels to reach out to Detec-
19 tive Flynn tonight (see Exhibit 13) and
20 that the Defense would be able to cross
21 examine him as to if he actually found
22 some receipts or not or per Judge Kephart
23 words (see Exhibit 13) I mean if not then
24 we maybe waiting until next week. (Citing:
25 Crawford vs Washington violation of confront-
26 ational clause undoubtedly fall within the
27 category of "Improper and prejudicial."
28

1 The confrontation clause bars the introduction
2 of testimonial out of court statements when
3 the defendant cannot confront the declarant
4 in court.
5

6 Prejudice: (A)

7 The petitioner was clearly prejudiced when
8 Judge Kephart abused his discretion by not
9 either stopping the trial or by not making
10 sure Detective Flynn and Turner were
11 available at a later date to be cross exam-
12 ined about these "receipts" and reports.
13 Even Judge Kephart said that the petitioner
14 had that right (see Exhibit: 13) to ask.
15

16 (B) The petitioner was also prejudiced
17 because the jury never got to hear Detec-
18 tive Flynn or Turner testimony regarding
19 these "receipts" which is a big part in this
20 case. All we have is Detective Abell's
21 testimony and other contradicting evidence
22 like Detective putting in after the fact
23 on ~~the~~ what was taken from the
24 house 3 receipts (see exhibit: 5) or Det-
25 ective Turner's report, and Detective
26 Flynn allegedly findings of these "receipts".
27

28 Relief:

1 for The above listed Reasons the court
2 should grant the petitioners habeas
3 petition and Dismiss all counts.

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(47)

1 Ground: 15

2 Judge Keprasi abused his Discretion when
3 He Denied the petitioners pre-trial Habeas
4 petition as it relates to the probable cause
5 Determination presented to the grand jury
6 Indictment. In violation of the petitioners
7 5th, 6th and 14th amendment to the United States
8 Constitution.
9

10 STATEMENT OF FACTS

11 During all 3 Indictments (See Exhibit: 1)
12 Pictures Exhibits and still photos of videos
13 shown to all 3 grand juries, BUT there was
14 nothing admitted or shown to the grand jury
15 that implicated or shown to the grand jury
16 ment. Furthermore Mr Hobson BUT Johns state-
17 was arrested the night the petitioner
18 sitting in the vehicle when the police
19 pulled up and drew there weapons on him.
20 IT IS NOT A crime to sit in a vehicle in
21 a park in lot. Furthermore when you apply
22 the NRS (75.291) corroboration rule with
23 the Indictment there was never any
24 probable cause for a arrest or a Indictment
25
26
27
28

(48)

1 Prejudice (A)

2 The petitioner was prejudiced when District
3 Court Denied the petitioners pre-trial
4 habeas petition contesting all counts,
5 and Allowed the petitioner to proceed to
6 trial on several Robbery, Kidnap, Burg, consp
7 counts without the State producing
8 sufficient evidence that the petitioner
9 committed these robberies resulting in
10 the petitioner being convicted of several
11 Robbery counts - In violation of the peti-
12 tioners due process rights to a fair trial.
13

14 Relief:

15 for the above listed reasons the court
16 should grant petitioners habeas petition
17 and dismiss all counts.
18

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(49)

1 (Ground) 16
2 Judge Keenan abused his discretion
3 when he denied/~~refused~~ refused to
4 allow the petitioners proposed Jury
5 Instruction. In violation of the
6 petitioners 6th and 14th amendments
7 to the United States Constitution.

8
9 Statement of facts

10 At the end of trial before the jury
11 went to deliberate there was a
12 discussion about possible jury
13 instructions. Richard Turas, (Trial
14 Attorney) proposed numerous jury ins-
15 tructions on the petitioners behalf
16 that was denied like

- 17 1) Testimony of witnesses involving special
18 circumstances immunity, benefits, accomplice
- 19 2) accomplice witness
- 20 3) credibility of accomplice testimony/
21 Alternative
- 22 4) Inverse flight instruction
- 23 5) Dual role
- 24 6) circumstantial evidence

25 (See exhibit 9)

1 prejudiced (A)

2 The petitioner was ~~very~~ highly prejudiced
3 when Judge Kephart abused his discretion
4 and ~~did not~~ denied the petitioners proposed
5 Jury Instructions.
6

7 (B) The petitioner was also prejudiced
8 because 2 different jury members expressed
9 their desire to know this type of informa-
10 tion. (See Exhibits 10) in particular
11 Jury member Vince Gaeta badge # 19
12 and Judge Greenbough even though
13 Judge Greenbough wasn't picked to be
14 a jurymember Vince Gaeta was and
15 this goes to show how just a little
16 extra language in this jury instruct-
17 ion would have cured this desire
18 to know if Dante was getting immo-
19 nity and what he would get in
20 exchange for his testimony.
21 Vince Gaeta in particular expressed
22 that if Dante punishment was going
23 to be light and the petitioner and
24 Mr. S. Farris was substantial
25
26
27
28

1 That this would trouble him. also Jury member
2 NO# 23 (ori owen agreed They would want
3 know what would happen with Johns.
4 had the petitioners proposed Instruction
5 been given IT is a great possibility that
6 This could've cured the Jury member
7 thoughts or desire to know. because
8 in the petitioners proposed Instruction
9 it clearly says: (see Exhibit 9)
10 you have heard testimony from Dante Johns
11 a witness who will receive a benefit for
12 his testimony. That testimony was given
13 in exchange for a promise by the State
14 that the testimony will not be used
15 in any case against him and a promise
16 that he will receive favored treatment
17 from the State in connection with
18 this case.

19 This language is clear and understand-
20 able also (citing Buckley vs State 95 Nev 602
21 1979) the Instruction to consider accomplice
22 testimony with "greater caution" is appropia-
23 te regardless the accomplice testimony
24 favors ~~the~~ the defense or the state.

1 Also (citing US vs Tiranda, 394 F3)
2 683 2005 the committee recommends
3 giving this instruction whenever
4 it is ~~being~~ requested.

5
6 (c) (citing Jesse Bonds vs Nevada
7 (Nev 33 1885, Nev Lexis 4) when a defen-
8 dant in an indictment asks for
9 an instruction which is clearly
10 law the court should give it.
11 also a defendant has a right to
12 and instruction in the language
13 chosen by himself and counsel if
14 the language is free from ambiguity
15 and expresses only a legal proposition
16 applicable to the case on trial.
17 All of the petitioners proposed
18 jury instructions that ~~was~~ were
19 denied all had legal authority
20 cited within them. They were also
21 free from ambiguity.

22
23
24 Relief: for the above listed reason
25 this court should grant the petition-
26 ers ~~petition~~ petition and dismiss all
27 courts

1 Ground: 17

2 Judge Kephart abused his Discretion when
3 He Denied The Petitioner's motion During
4 Trial To Dismiss courts Due To confrontatio-
5 nal clause. In violation of The petitioners
6 6th and 14th amendment To The United States
7 Constitution.

9 Statement of facts.

10 ~~During trial~~
11 During Trial Trial Attorney Richard Texas;
12 moved for a motion To Dismiss courts
13 when The District Attorney failed To call
14 all alleged victims, The District Attorneys
15 reason behind failing To call These Alleged
16 victims was "JUST for the sake of time"

17
18
19 prejudiced (A)

20 The petitioner was prejudiced when
21 The Judge abused his Discretion and
22 Denied The petitioner's motion To
23 Dismiss courts for violation of confront
24 ation clause.

25 (B) petitioner was also prejudiced when
26 there was No showing that these
27 "witnesses" was not available To come
28 and testify. The District Attorney
(P994)

1 Argued That she doesn't have to drag every
2 single witness in to testify which is ~~to~~
3 true, ~~but~~ she also argues that there was
4 no statements admitted into evidence
5 which is also true, but when you have
6 other witnesses testifying to how another
7 person feels or felt that's when the violation
8 comes in. Also in (Nolan vs Palmer)
9 there needs to be a showing that the
10 witness is unavailable to testify.
11 which Judge Kephart and the District
12 Attorney Liz Mercer just totally has
13 disregarded.
14

15 Relief:

16 for the above listed reasons the court
17 should grant petitioners habeas petition
18 and dismiss all counts.
19

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(55)

1 Ground: 18

2 District Attorney Liz Mercer committed prosecutor
3 misconduct when she knowingly used and allowed
4 perjured testimony in the first indictment.
5 In violation of the petitioners 6th and 14th
6 amendment to the United States constitution.

8 Statement of facts

9 During the first indictment District Attorney
10 Liz Mercer had Detective abell testify as lead
11 Detective to what Dante Johns had told him
12 during an interview (see Exhibit 14) During
13 this testimony Detective abell said that
14 Dante Johns had given him details consist-
15 ant with what had happen in that exact
16 robbery (Pepejes Vegas Drive) which was untrue,
17 (see Exhibit 18) when reading Dante's state-
18 ment in particular pag 14 ~~28~~ This when
19 Dante is ask about the last robbery before
20 we were arrested (Pg 26) (Q: all right where
21 did you drop them off at Pepejes (A:) side
22 street I dont know the side street megoos.
23 (Q:) I mean you gotta have gas to get around
24 right ITS all the way over on Buffalo is it
25 95 and Buffalo.

1 as you can see when reading Donite's Statement
2 & from pg's 14-28 1/2 The 1st grand Jury Indictment Pg 73
3 you will see that Donite never gave him details
4 consistent with that robbery because there
5 is no robbery at a Popeye's on Buffalo and 95,
6 BUT ~~the~~ In fact ~~at~~ el polo loco (see exhibit: b)
7 ~~and~~ the District Attorney had capable know-
8 ledge before the 1st gJI because she had
9 numerous reports from Detectives with address
10 of each robbery Furthermore she also had Donite
11 Statement. The District Attorney should've
12 corrected this false testimony. (Citing: Ernest
13 Raymond Busuto: A conviction obtained through
14 false testimony known to be such by a repres-
15 entative of the state must fall under the 14th
16 and 5th, and 6th amendment. The same results
17 obtains when the state although NOT solicit-
18 ing false evidence allows it to go uncorrected.
19 Also (Citing) Napue vs Illinois; Mooney vs Holohan)

21
22 Prejudice: (A)

23 The petitioner was prejudiced when Miz Mercer
24 committed prosecuter misconduct when she
25 knowingly used perjured testimony and allowed it
26 to go uncorrected, and also when she allowed the
27 jury to hear and consider the perjured testimony
28 before they deliberated. (57)

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Relief:

for the above listed reason this court should
grant this petition and dismiss all counts.

1 Ground: 19

2 The petitioners 14th amendment Right To Due
3 Process and a fair trial was violated when the
4 State committed a Brady violation.

5
6 Statement of facts

7 When the petitioner was arrested the
8 petitioners girlfriends house was raided.
9 During the raid there was numerous items
10 taken. (See Exhibit: B) one item in particular
11 was 1,000 Dollars in cash. The petitioners
12 girlfriend returned home and noticed cash
13 was missing and immediately took a 30
14 Day notice along ~~with~~ with her check stubs
15 showing that she had just recently gotten
16 paid and that there was no rent paid to metro.
17 she also notified Detective Linda Turner
18 that the petitioner had also just gotten
19 paid and ~~she~~ also showed her ^{his} check stubs
20 she had gotten from the petitioners job.
21 She also told Linda Turner that the
22 petitioner had given her some money
23 for his newly born daughter and son.
24 This information was communicated
25 between the petitioner and ~~the~~ counsel.

1 But There was no Information in petitions
2 Discovery about or regarding this Inform-
3 ation which is a brady violation.
4

5 prejudice: (A)

6 The petitioner was prejudiced when
7 Detective Linda Turner never relayed
8 this exculpatory Evidence to District
9 Attorney Liz Mercer
10

11 (B) The petitioner was also prejudiced
12 when the Jury ^{was allowed} to see and take
13 photos of money taken as evidence
14 allowing possible Inference that it
15 was money taken from robbery's.
16

17 (C) The petitioner was also prejudiced
18 when he wasn't allowed to present this
19 evidence on part of his defense to
20 why there was 1,000 Dollars cash in his
21 girlfriend's house.
22

23 Relief:

24 for the above listed reason the court
25 should grant the petitioners habeas
26 petition and dismiss all counts.
27

28

1 Grounds: 20

2 District Attorney Liz Mercer committed prosecuter
3 misconduct when she violated FRS 44.025 and
4 showed the jury pictures of phones that
5 were totaly Irrelavent to the case. In
6 violation to the petitioners 6th, and 14th
7 amendment to the united states constitution.
8

9 Statement of facts

10 During trial District Attorney Liz Mercer
11 went to admit pictures of phones that
12 was never taken from the house on charle-
13 stan or even booked into evidence by the
14 police (see Exhibit 5) Also Liz Mercer had
15 capable knowledge that these phones
16 werent any of the victims per reports
17 and also through her communication with
18 lead Detective Jeffrey abell. There is no
19 way any photos of galaxy phones or
20 let alone testimony about galaxy phones
21 found in the Apartment should be even
22 been presented to the jury. The only
23 reason Liz Mercer moved to admit these
24 photos is to lead the jury into believing
25 these phones ~~were there~~ were there
26
27
28

1 Galaxy phones that was taken during
2 WindBreaker series robberies, otherwise
3 they were irrelevant and a violation
4 of NRS 48.025

5
6 Prejudice: (A)

7 The petitioner was clearly prejudiced
8 when Liz Mercer committed prosecuter
9 misconduct and admitted irrelevant
10 photos into evidence allowing the jury
11 to take them to the back during deliber-
12 ations and also allowing them to infer that
13 these were the phones taken from the
14 robberies. Evidence of this negative
15 inference can be viewed in the Supreme
16 Court's order reversing in part and Affir-
17 ming in part, (see Exhibit 2) Plus these phones
18 were never booked into evidence by Detetives
19
20 Relief:

21 For the above listed reasons the court
22 should grant petitioners habeas petition
23 and Dr. Smiliss all courts.
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1 Grand: 21

2 The petitioners 14th amendment Right to Due
3 process and a fair trial was violated when the
4 state committed a Brady violation.
5

6
7 Statement of facts

8 about 6 months after the petitioner was arres-
9 ted trial counsel Richard Tanasi sent the PET-
10 itioner and also the District Attorney a copy
11 of a request for discovery (see Exhibit: 4)

12 In particular #s 16, 22, 28, 32, and 39 Each
13 number is asking Basically for Reports, phone
14 TEXT messages that have to do with case and
15 any investigation done, personnel case file
16 from law enforcement, and all emails between
17 officers referenced in the GJT. P. 37.

18
19 To the petitioners knowledge Mr Tanasi
20 was never provided with any emails
21 pertaining to this case or investigation.
22 Yet the Detective in particular Weirauch
23 Testify's to this alleged "email" where he
24 allegedly learn's the Description of
25 This grey or silver charger.
26
27
28

(63)

1 Prejudice: (A)

2
3 The petitioner was prejudiced when the
4 state failed to turn over "emails" of how
5 detectives "learned" the description of vehicle.
6 This evidence was ~~not~~ exculpatory
7 evidence, but it also would have been
8 beneficial to the defense because
9 1) trial counsel could've impeached detective
10 at trial 2) this evidence could've led to
11 perjured testimony which could've discredi-
12 ed the detective and even the state's
13 whole case. when you take away the
14 still photos of videos of vehicle, and
15 take away reports, there's only one
16 way the original person who sent this
17 alleged "email" could've gotten this
18 description of a vehicle and that is by
19 fabricating evidence because 1) all reports
20 that was given to the defense and there
21 is no description of a grey or silver charger
22 but there is a description of a white one
23 with black stripes and black rims. 2) the

1 PHOTOS OF STILL SHOTS FROM VIDEO CLEARLY
2 SHOWS A CHARGER WITH A BLACK STRIPE (see Exhibit 19)
3 SO NOT ONLY DOES THE PHOTO ~~AND~~ CORROBORATE
4 WITNESSES' DESCRIPTION OF THE VEHICLE BUT
5 IT GOES TO SHOW DETECTIVE WEIRAUCH WAS NOT
6 BEING TRUTHFUL ABOUT SEEING A SUSPECT
7 VEHICLE THAT MATCHED THE DESCRIPTION
8 HE WAS GIVEN.

9
10 Relief:

11 For the above listed reasons the court should
12 grant the petitioners habeas petition
13 and dismiss all counts.
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(6s)

1 Ground: 022

2 District Attorney Liz Mercer committed pro-
3 ceedings misconduct when she knowingly didn't
4 give the grand jury at first indictment
5 a kidnapping instruction but allowed the
6 grand jury to return an indictment
7 against the petitioner. In violation of
8 the petitioner's 6th and 14th amendment
9 to the United States constitution.
10
11

12 Statement of facts

13 During the first indictment the PETIT-
14 ioner was charged with 5 counts of (RWDW)
15 5 counts of kidnapping 1 count of (burglary), and
16 1 count of conspiracy. The grand jury were
17 given an instruction per law as to
18 each element of each offense except
19 kidnapping. There's no way the PETITION-
20 ER should've been indicted on kidnapping
21 period. ^(refer to record) ~~(per Liz Mercer)~~
22 per Liz Mercer
23 During the petitioner's pre-trial habeas
24 also per the petitioner's Discovery (see
25 Exhibit: 17) there was no kidnapping
26 instruction given.
27
28

1 PREJUDICE(A)

2 PETITIONER WAS PREJUDICED WHEN THE DISTRICT
3 ATTORNEY LIZ MERCER KNOWINGLY ALLOWED THE
4 GRAND JURY TO RETURN AN INDICTMENT
5 WARRANT ON KIDNAPPING WHEN 1) THERE WAS
6 NO KIDNAPPING INSTRUCTION GIVEN AND 2) PER
7 LIZ MERCER ^(REFER TO TRANSCRIPT ON DAY OF PRETRIAL HABEAS)
~~(SEE ATTACHED DOCUMENTS)~~ BY LAW SHE HAS
8 TO AT LEAST GIVE THE GRAND JURY THE
9 ELEMENTS OF EACH OFFENSE AND SHE DIDNT.
10

11 Relief:

12 FOR THE ABOVE LISTED REASONS THE COURT SHOULD
13 GRANT PETITIONERS HABEAS PETITION AND
14 DISMISS ALL COUNTS AS IT PERTAINS TO THE
15 FIRST INDICTMENT.
16

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(b6)

1 Grand: 23

2 The State violated The petitioners 14th and 5th
3 amendment To Due process and fair Hearing
4 when they ~~used~~ ^{used all DNA} Evidence and fabricat-
5 ed a DNA report. ~~used~~

6
7 Statement of facts

8 After the petitioner was Indicted on 82
9 counts, the District Attorney Liz Mercer
10 and lead Detective sent all items pertain-
11 ing to the petitioners case to get test-
12 ed for DNA evidence, guns, axe, mask, gloves
13 etc. right before trial the petitioners
14 Trial Attorney Richard Tanasi filed a motion
15 to get DNA retested which the Judge
16 granted, once the new test came back
17 before trial as to items retested
18
19 It ~~was~~ specifically said (Due to

20 The complexity of the data available,
21 no additional conclusions can be made
22 regarding this mixture DNA profile ^{(see EX(14)}
23 which means that the state used ^{amended}
24 all of the DNA from the first test ^{DNA}
25 and there was nothing else to test

1 which furthermore shows the (IAC) on trial
2 counsel Richard Tanas, This is the reason
3 he never had his own independent test
4 done because the limited amount of
5 data available, so the state simply
6 (reinterpreted the test instead
7 of retest the DNA like Judge Kephart
8 ordered. (Citing: Crockett vs State Nev
9 1979 and Sparks vs State. 1988)

12 Prejudice: The petitioner was
13 prejudiced when the state knowingly
14 used all DNA evidence and not only
15 fabricated a false DNA report but
16 also took the petitioner to trial
17 with this report and also allowed
18 the jury to see this 1st false DNA
19 report. Which allowed the jury to infer
20 that there was DNA evidence against
21 the petitioner

23 Relief:
24 for the above listed reasons this
25 court should grant the petitioners
26 habeas and dismiss all counts.

27
28 (68)

1 Ground: 24

2 Trial Attorney Richard Tanas' was Ineffective
3 for failing to Impeach the States DNA expert
4 with email to Detective Jeffrey abell
5 and information pertaining to the peti-
6 tioners case in particular that she (Crystal
7 May) tried to find something, but was
8 unable to find anything linking the car
9 (charger) to a robbery or items recovered
10 from car to robbery. In violation of
11 petitioners 6th and 14th amendment to
12 the United States constitution.
13
14

15 Statement of fact

see Exhibit: (8)

16 on Monday August the 10th, 2015 Crystal
17 May sent a email to lead Detective
18 Jeffrey abell regarding the petitioners
19 case and how she tried to find something
20 in onbase but was unable to find
21 anything linking the car (charger) or the
22 items recovered from car to any robbery.
23 This email was provided to Richard Tanas,
24 but was NEVER used to impeach the
25 DNA expert with.
26
27

28 prejudice: (A)

(69)

1. PETITIONER was prejudiced when counsel's
2 performance fell below the reasonable stand-
3 ards of his profession (citing: Strickland
4 vs Washington.

5 (B) AS a result of counsel's action the
6 petitioner was also prejudiced because
7 the jury should have seen and heard about
8 this email. Not only could this expert's
9 opinion persuade the jury to way the
10 states forensic expert credibility specifically
11 as it relates to her email to the Detective
12 abell seeking a connection to DNA evidence
13 to crimes ~~as~~ as a pose to submitting a
14 totally independent forensic report, the
15 jury could reasonably infer that the Det
16 ective influenced her DNA report to match
17 the petitioners and the petitioners co-defen-
18 dants DNA ~~on~~ on certain items recovered
19 from charger. Evidence of this can be
20 viewed when looking at amended DNA
21 report which is negative for petitioner
22 DNA.

23 Relief:

24 for the above listed reasons this court should grant
this petition and Dismiss all counts

ADDITIONAL FACTS OF THE CASE:

1 Ground: 7.5

2 Trial Attorney Richard Tunasi, was
3 Ineffective for failing to challenge
4 Jury Instruction 43 because it
5 failed to instruct the jury that
6 ~~there was no evidence~~ though the accomplice
7 may be corroborated in regards to
8 any number of facts ~~about~~ sworn
9 to him, where the connecting Evid-
10 ence shows no more than an opportunity
11 to commit a crime, simply proves
12 suspicion or is equally consonant
13 with reasonable explanation pointing
14 toward innocent conduct on the part
15 of the defendant. The evidence is
16 to be deemed insufficient, in viola-
17 tion of petitioners 6th and 14th
18 amendment to the United States
19 Constitution.

20
21 Statement of facts

22 During trial there was a dis-
23 cussion about jury instructions.
24 Trial Attorney Richard Tunasi had
25 numerous opportunities to object
26 to any instruction that deemed
27 necessary, but instead he only

1 objected to ~~the~~ Jury Instruction
2 that he proposed because the Judge
3 didn't wanna give the Instruction
4 the way it was writing or layed
5 out.

6
7 (A) prejudiced
8 petitioner was prejudiced when
9 counsels performance fell below
10 the reasonable standards of his
11 profession (CIT Strickland vs Washington)

12
13 (B) AS a RESULT of counsels action
14 the petitioner was also prejudiced
15 because this whole case was totally
16 circumstantial until it came to the
17 testimony and corroboration of Darle
18 Johns testimony. Instructing the Jury
19 that where the connecting evidence shows
20 no more than a opportunity to commit
21 a crime, simply proves suspicion or
22 is equally consonant with reasonable
23 explanation pointing towards innocent
24 conduct on the part of the defendant.
25 Then the evidence is to be deemed
26 insufficient. This language is free
27 from ambiguity and expresses only

ADDITIONAL FACTS OF THE CASE:

1 a legal proposition applicable to
2 the case on trial (Citing Jesse
3 Bonds vs Supreme Court of Nevada
4 1 Nev 33 1865 Nat. ex. 54) An defend-
5 ant has a right to an instruction
6 in language chosen by himself and
7 counsel.

8
9 Relief:

10 for the above listed reasons this court
11 should grant this petition and dismiss
12 all counts

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Exhibit 1

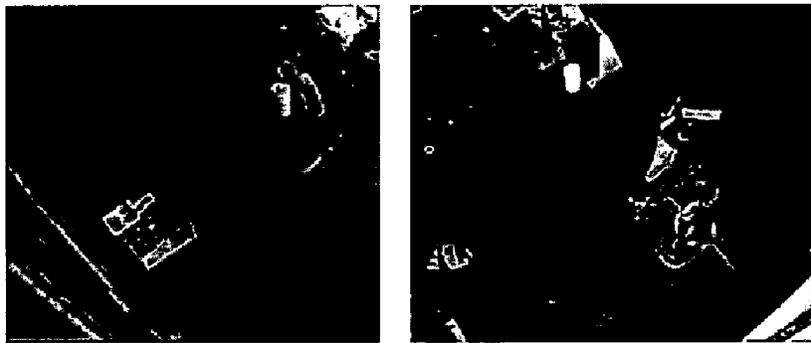
1

Exhibit 1

141104-0062: 4258 E Charleston Blvd, Little Caesars, NE/G1, Tuesday, 00:00hrs.



141115-3869: 4505 E Bonanza Rd, Popeye's, NE/G2, Saturday, 22:45hrs.



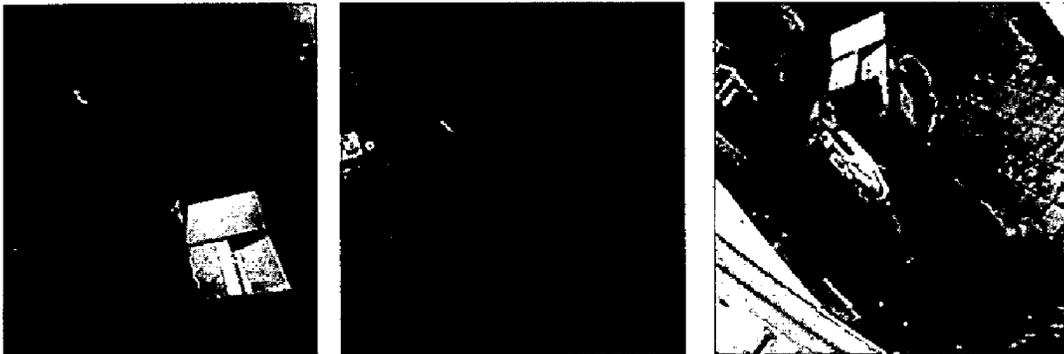
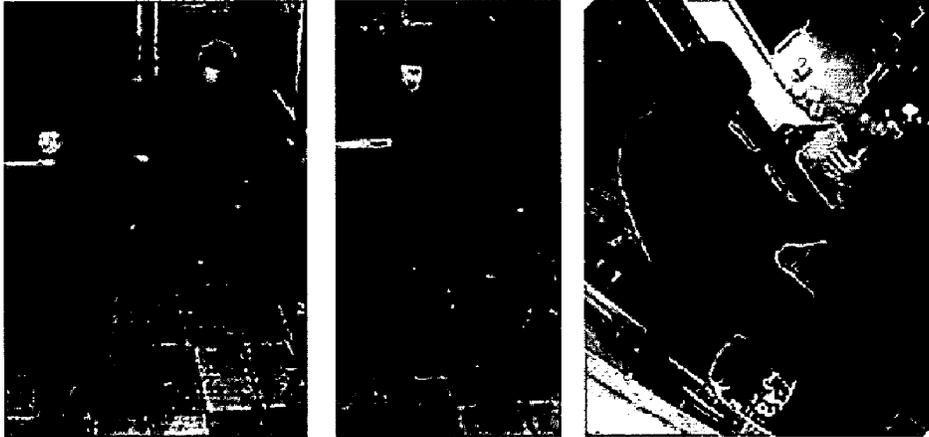
141117-0096: 2599 S Nellis Blvd, Burger King, SE/J1, Monday, 00:43hrs.



141117-0114: 990 N Nellis Blvd, Wendy's, NE/G2, Monday, 00:57hrs.

- No video available at this time.

141121-0119: 7150 W Lake Mead Blvd, Wendy's, NW/V6, Friday, 00:55hrs.



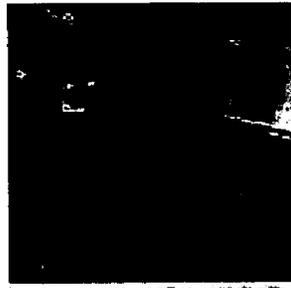
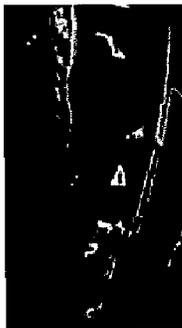
141123-3576: 7380 W. Cheyenne Ave, El Polo Loco, NW/X1, Sunday, 23:07hrs.



141123-3630: 9480 W. Lake Mead, Taco Bell, NW/V2, Sunday, 23:27hrs.



141124-3628: 6121 Vegas Dr. Popeyes, NW/V5, Monday, 23:01hrs.



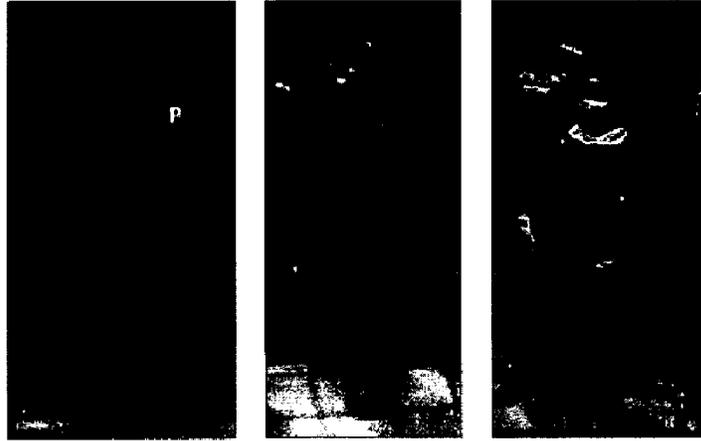
141028-4219: 4011 E Charleston Blvd, El Pollo Loco, NE/G4, Tuesday, 2330hrs.



141029-4075: 4581 E Charleston Blvd, Seven Eleven, NE/G4, Wednesday, 2302hrs.

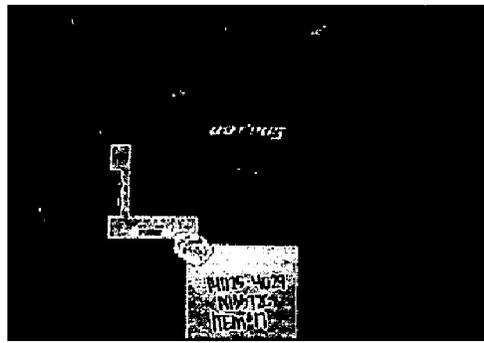
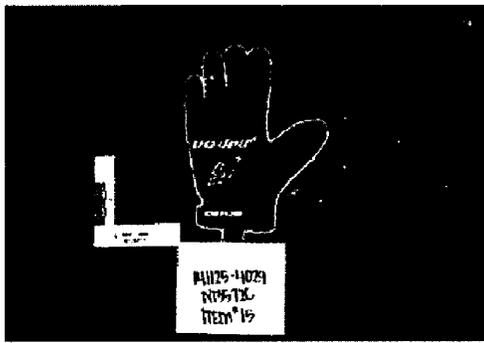
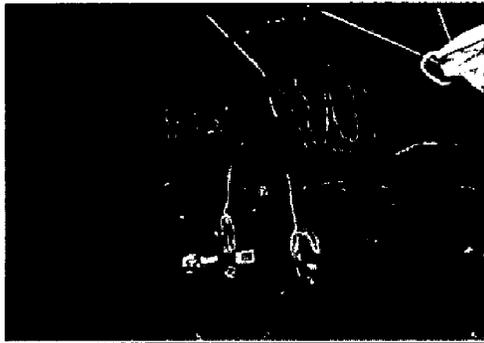


141101-4101: 6130 W Lake Mead Blvd, Pizza Hut, NW/V6, Saturday, 2302hrs.

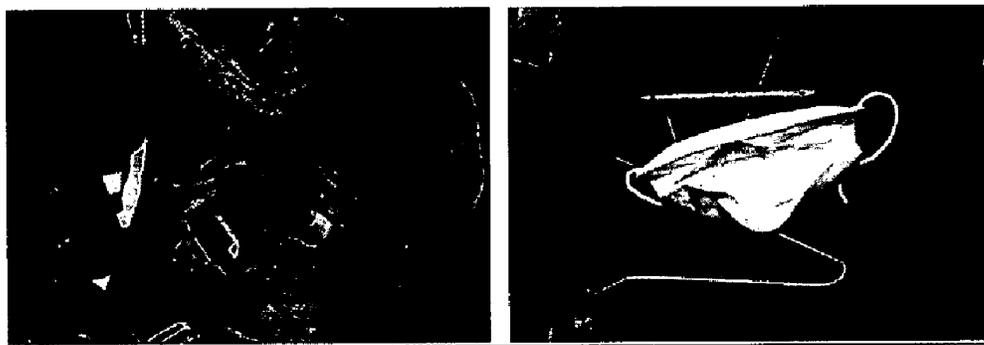
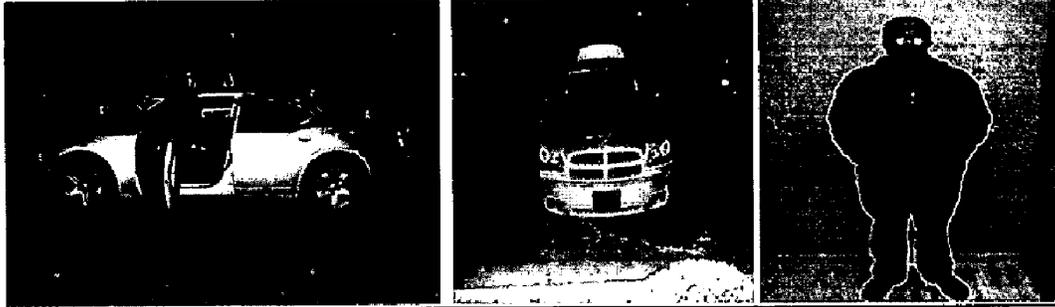


141103-3888: 5105 E Sahara Ave, Pizza Hut, SE/J2, Monday, 22:55hrs.





141125-4029: 3264 S. Nellis Blvd. Taco Bell, SE/J3, Tuesday, 23:06hrs.



286.14

POPEYES CHICKEN STORE 10558

702-631-1975
TEST BEGN 01
SUM BEGN 01
CSHR X1 2889

NET SALE 0
TAX 0
GROSS 28.70
GRAND TL 383.01
CASH TO 307.21
CRD CARD 190.2
CASH DWR 307.21
VOID 5
EMP 0
GRAND TL 0
CASH TO 30
CRD CAR 6
CASH DWR 30
VOID 7
EAT-IN 7
TAKE-OUT 29
DARK 80
WHITE 59
ALL CHIK 139
AVTL 13.03

POPEYES CHICKEN STORE 10558

702-631-1975
TEST BEGN 01
SUM BEGN 01
CSHR X1

NET SALE 0
TAX 0
GROSS 28.70
GRAND TL 383.01
CASH TO 307.21
CRD CARD 190.2
CASH DWR 307.21
VOID 5
EMP 0
GRAND TL 0
CASH TO 30
CRD CAR 6
CASH DWR 30
VOID 7
EAT-IN 7
TAKE-OUT 29
DARK 80
WHITE 59
ALL CHIK 139
AVTL 13.03

POPEYES CHICKEN STORE 10558

702-631-1975
TEST BEGN 01
SUM BEGN 01
CSHR X1

NET SALE 0
TAX 0
GROSS 28.70
GRAND TL 383.01
CASH TO 307.21
CRD CARD 190.2
CASH DWR 307.21
VOID 5
EMP 0
GRAND TL 0
CASH TO 30
CRD CAR 6
CASH DWR 30
VOID 7
EAT-IN 7
TAKE-OUT 29
DARK 80
WHITE 59
ALL CHIK 139
AVTL 13.03



NOTHING TO WORRY ABOUT
FROM MICHIGAN

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750-288-0087
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and the people who love you
and the people who love you
and the people who love you

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TEST BEGN 01
SUM BEGN 01
CSHR X1

NET SALE 0
TAX 0
GROSS 28.70
GRAND TL 383.01
CASH TO 307.21
CRD CARD 190.2
CASH DWR 307.21
VOID 5
EMP 0
GRAND TL 0
CASH TO 30
CRD CAR 6
CASH DWR 30
VOID 7
EAT-IN 7
TAKE-OUT 29
DARK 80
WHITE 59
ALL CHIK 139
AVTL 13.03

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and the people who love you
and the people who love you
and the people who love you

Exhibit 2

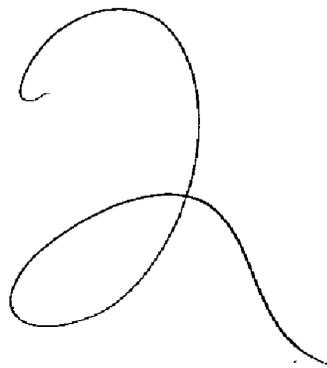


Exhibit 2

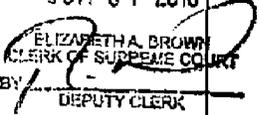
IN THE SUPREME COURT OF THE STATE OF NEVADA

TONY LEE HOBSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 71419

FILED

JUN 01 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER AFFIRMING IN PART AND REVERSING IN PART

This is an appeal from a judgment of conviction, pursuant to jury verdict, of 12 counts of burglary with use of a deadly weapon, 35 counts of robbery with use of a deadly weapon, 13 counts of conspiracy to commit robbery, 2 counts of attempted robbery, 1 count of false imprisonment with use of a deadly weapon, 2 counts of kidnapping with use of a deadly weapon, 5 counts of false imprisonment, and 1 count of attempted robbery with use of a deadly weapon. Eighth Judicial District Court, Clark County; William D. Kephart, Judge.

Between October 28 and November 24, 2014, appellant Tony Hobson participated in a series of late-night robberies of fast food restaurants.¹ Some commonalities of the robberies were that two individuals wore surgical masks and commonly used a small orange-handled hatchet to gain entry into the restaurants. The individuals would force the employees to remain in the restaurant, identify the manager of the restaurants, and demand that the manager give them money from the

¹While Hobson disputes the sufficiency of the evidence on several counts related to this series of robberies, he does not dispute the evidence of his involvement in the robberies generally.

restaurants' safes at gunpoint or knifepoint. In addition to (or in lieu of) money from the safes, the individuals sometimes stole employees' phones.

On November 25, 2014, a police officer identified a vehicle parked at a Taco Bell as the suspect vehicle in the preceding robbery series. Three individuals, including Hobson, sat in the vehicle. The officer saw one individual exit the car from the rear passenger seat wearing a surgical mask and black windbreaker. After conducting a felony stop, the officer discovered surgical masks, a small orange-handled hatchet, and a gun in the trunk of the vehicle. A grand jury indicted Hobson on 82 criminal counts related to the robberies and attempted robbery, and the jury found him guilty on 71 counts. This appeal followed.

Notice of intent to seek indictment

Hobson argues that the district court erred in refusing to grant a pretrial habeas petition to dismiss counts 33-36 because the State failed to provide adequate notice of the April 23, 2015, grand jury hearing on those counts.

"This court reviews issues of statutory construction de novo." *Sonia F. v. Eighth Judicial Dist. Court*, 125 Nev. 495, 499, 215 P.3d 705, 707 (2009). NRS 172.241(1) provides that "[a] person whose indictment the district attorney intends to seek . . . may testify before the grand jury if the person requests to do so and executes a valid waiver in writing of the person's constitutional privilege against self-incrimination." A district attorney must serve "reasonable notice" of their intent to indict the defendant. NRS 172.241(1)-(2).² Notice must:

²NRS 172.241 was recently amended, however, the amendment does not affect our analysis here. See 2015 Nev. Stat., ch. 158, §10 at 580.

(a) [Be] given to the person, the person's attorney of record or an attorney who claims to represent the person and give[] the person not less than 5 judicial days to submit a request to testify to the district attorney; and

(b) Advise[] the person that the person may testify before the grand jury only if the person submits a written request to the district attorney and include[] an address where the district attorney may send a notice of the date, time and place of the scheduled proceeding of the grand jury.

NRS 172.241(2).

Here, counts 33-36 dealt with burglary and attempted robbery of a Burger King restaurant on November 17, 2014. The State served Hobson a grand jury indictment notice on December 3, 2014, far more than five days before the April 23, 2015, hearing on counts 33-36. The notice encompassed the Burger King incident, specifically providing (1) potential indictment for burglary while in possession of a deadly weapon, conspiracy to commit robbery, and "ANY OTHER CHARGES ARISING OUT OF THE INCIDENTS OCCURRING ON OR BETWEEN" dates including the date of the Burger King incident; and (2) a police event number that corresponded to the incident. Further, the notice explicitly stated that Hobson must request to testify in writing; execute a waiver of his right against self-incrimination; and submit a written request to the district attorney with an address where they may send a notice of the date, time, and place of the proceeding. Therefore, we conclude that the State abided by the requirements of NRS 172.241 in its original notice, and the district court did not err by finding adequate notice of the grand jury hearing on counts 33-36.

Fair cross-section of the community

Hobson claims that the district court erred by failing to strike his jury venire for lack of African American representation, as it constituted a violation of his right to a fair cross-section of the community. He further argues that this court should require jury commissioners to pull potential jurors from postal records in order to ensure a fair cross-section.

This court reviews constitutional issues de novo. *Jackson v. State*, 128 Nev. 598, 603, 291 P.3d 1274, 1277 (2012). A defendant is entitled to a jury selected from a fair cross-section of the community under the Sixth and Fourteenth Amendments of the United States Constitution. *Evans v. State*, 112 Nev. 1172, 1186, 926 P.2d 265, 274 (1996). To establish a prima facie violation of the fair-cross-section requirement, the defendant has the burden to show:

(1) that the group alleged to be excluded is a distinctive group in the community; (2) that the representation of this group in venires from which juries are selected is not fair and reasonable in relation to the number of such persons in the community; and (3) that this underrepresentation is due to systematic exclusion of the group in the jury-selection process.

Williams v. State, 121 Nev. 934, 940, 125 P.3d 627, 631 (2005) (internal quotation marks and emphasis omitted).

Here, we conclude that Hobson's argument is unpersuasive. Regardless of whether a distinctive group was underrepresented, Hobson fails to demonstrate systematic exclusion. The jury commissioner testified about the method used and the two sources from which the jurors' names are selected, Nevada DMV and Nevada Energy records. Despite variation resulting in a high comparative disparity, variations are a normal part of constitutional systems. To the extent that a third source could be used for

jury selection, this court has never held that a jury pool must be drawn from three sources in order to constitute a fair cross-section of the community. Therefore, we conclude that Hobson fails to meet his burden of demonstrating a prima facie violation of the fair-cross-section requirement, and the district court did not err by refusing to dismiss the venire.³

Prosecutorial misconduct

Hobson claims that the district court erred by denying his motion for a new trial, as the State impermissibly precluded his alleged co-conspirator/getaway driver, Donte Johns, from testifying on Hobson's behalf due to a restrictive plea agreement. Hobson further argues that the district court should have allowed the defense attorney to speak with Johns in a way that would not be viewed as a violation of the plea agreement.

We review a district court's denial of a motion for a new trial for an abuse of discretion, *Maestas v. State*, 128 Nev. 124, 138, 275 P.3d 74, 76 (2012), and constitutional issues de novo, *Jackson*, 128 Nev. at 603, 291 P.3d at 1277.

This court has held that prosecutorial interference with a potential defense witness that "effectively dr[ives] that witness off the stand" violates a defendant's due process rights. *Leslie v. State*, 114 Nev. 8, 18, 952 P.2d 966, 973 (1998) (quoting *Webb v. Texas*, 409 U.S. 95, 98 (1972)); see also *Rippo v. State*, 113 Nev. 1239, 1251, 946 P.2d 1017, 1025

³Hobson also argues that the district court erred because it interpreted this issue under *Batson v. Kentucky*, 476 U.S. 79 (1986). To the extent that the district court erred in this regard, however, it is of no consequence given Hobson's failure to make a prima facie case under the correct analysis. See *Williams*, 121 Nev. at 940, 125 P.3d at 631 (determining that a district court did not violate defendant's right to a fair cross-section by failing to dismiss a venire, notwithstanding the court's failure to evaluate the argument).

(1997) (“Witness intimidation by a prosecutor can warrant a new trial if it results in a denial of the defendant’s right to a fair trial.”). Other courts have held that “[i]n order to demonstrate [the requisite] substantial government interference [with a witness], the defendant must show a causal connection between the governmental action and the witness’ decision not to testify.” See, e.g., *United States v. Anderson*, 755 F.3d 782, 792 (5th Cir. 2014) (internal quotation marks omitted).

Here, Johns’ plea agreement with the State merely provided that he was to have no contact with Hobson and would cooperate with the State. Thereafter, Johns’ attorney advised Johns not to meet with Hobson’s attorney. However, nothing in the plea agreement forced Johns to avoid meeting with Hobson’s attorney when developing his defense. Further, despite the recommendation of Johns’ attorney, Hobson points to no evidence in the record showing that the State interfered with a requested meeting. Finally, while Hobson argues that the district court should have allowed him to meet with Johns and ordered that such a meeting would not be viewed as a lack of cooperation, he cites to no Nevada authority compelling courts to take such measures. Therefore, we conclude that the State did not commit prosecutorial misconduct, and the district court did not abuse its discretion in this regard.

Sufficiency of evidence

Hobson argues that the State presented insufficient evidence of his guilt for two counts of second-degree kidnapping with use of a deadly weapon, one count of false imprisonment with use of a deadly weapon, five counts of false imprisonment, eighteen counts of robbery with the use of a deadly weapon, one count of conspiracy to commit robbery, and one count of attempted robbery.

"[T]he test for sufficiency upon appellate review is not whether this court is convinced of the defendant's guilt beyond a reasonable doubt, but whether the jury, acting reasonably, could be convinced to that certitude by evidence it had a right to accept." *Edwards v. State*, 90 Nev. 255, 258-59, 524 P.2d 328, 331 (1974). Therefore, "the relevant inquiry is whether, after viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt." *Milton v. State*, 111 Nev. 1487, 1491, 908 P.2d 684, 686-87 (1995) (internal quotation marks omitted).

Kidnapping and false imprisonment charges

Hobson avers that his convictions for second-degree kidnapping and false imprisonment stemming from three restaurant robberies lacked sufficient evidence, as the required restraint for each count was incidental to the robberies.

Second-degree kidnapping is the unconsented-to detainment of another "willfully and without authority." NRS 200.310(2). Similarly, "[f]alse imprisonment . . . consists in confinement or detention without sufficient legal authority." NRS 200.460(1).

A defendant may be convicted of robbery and either kidnapping or false imprisonment arising out of the same course of events, however, the restraint necessary for kidnapping or false imprisonment "must stand alone with independent significance from the act of robbery itself, create a risk of danger to the victim substantially exceeding that necessarily present in the crime of robbery, or involve movement, seizure or restraint substantially in excess of that necessary to its completion." *Mendoza v. State*, 122 Nev. 267, 275, 130 P.3d 176, 181 (2006) (analyzing the issue in the context of robbery and kidnapping); see also *Garcia v. State*, 121 Nev. 327, 334-35, 113 P.3d

836, 840-41 (2005) (applying similar analysis in the context of robbery and false imprisonment), *modified on other grounds by Mendoza*, 122 Nev. at 267, 130 P.3d at 181. "Whether the movement of the victim is incidental to the associated offense and whether the risk of harm is substantially increased thereby are questions of fact to be determined by the trier of fact in all but the clearest cases." *Stewart v. State*, 133 Nev., Adv. Op. 20, 393 P.3d 685, 687-88 (2017) (internal quotation marks omitted).

Here, the jury heard evidence that, in three restaurant robberies, Hobson and/or his accomplice kept employees from leaving the restaurants or held employees at gunpoint while directing the restaurant managers to open the safe. A reasonable jury could conclude either that (1) guarding the victims at gunpoint substantially increased the harm to the victims; or (2) forcing the victims to remain in, or return to, the restaurant substantially exceeded the movement necessary to complete the robberies. Because this case does not present one of the clearest cases showing jury unreasonableness, we conclude that sufficient evidence supported each of Hobson's convictions for kidnapping and false imprisonment.

Robbery charges

Hobson argues that there was insufficient evidence to convict him of 18 counts of robbery because the victims lacked a possessory interest in the stolen property. As to 16 counts, Hobson argues that this court should reverse convictions for robbery of fifteen employees and one of the employee's significant other where he only stole from restaurant safes and the individuals lacked access or control over that property. As to the remaining two counts, Hobson claims that this court should reverse the convictions of robbery of two employees where he only stole non-victims' cell phones.

Robbery includes “the unlawful taking of personal property . . . in the person’s presence, against his or her will, by means of force or violence or fear of injury.” NRS 200.380(1). “[A] thing is in the presence of a person . . . [when it] is so within his reach, inspection, observation or control, that he could, if not overcome by violence or prevented by fear, retain his possession of it.” *Phillips*, 99 Nev. 693, 695, 669 P.2d 706, 707 (1983) (emphasis added) (internal quotation marks omitted).

Where co-employees have joint possession of company property, multiple counts of robbery can be sustained. *Klein v. State*, 105 Nev. 880, 885, 784 P.2d 970, 973 (1989) (citing *People v. Ramos*, 639 P.2d 908, 927-29 (Cal. 1982) (“conviction for two separate counts of robbery was proper where [business’s] property was taken from co-employees who had joint possession of property”), *rev’d on other grounds*, 463 U.S. 992 (1983)). Moreover, an employee can be a robbery victim where they maintain “constructive possession of their employer’s property,” through a “special relationship with the owner of the property sufficient to demonstrate that the victim had authority or responsibility to protect the stolen property on behalf of the owner.” *See People v. Scott*, 200 P.3d 837, 844 (Cal. 2009) (internal quotation marks omitted).

Here, despite not maintaining direct control of an employer’s property, employees possess an implied authority to act on the employer’s behalf to protect the employer’s property when it is threatened by a robbery. Given the implied authority of the restaurant employees to protect employer’s property, we conclude that the employees may properly be considered robbery victims through their constructive possession of the safe money, regardless of their ability to directly access it. Therefore, we affirm

those convictions. However, and as the State conceded at oral argument, we must reverse three of Hobson's robbery convictions—counts 25, 39, and 66—based on (1) a non-employee where the only property stolen was from the restaurant's safe, and (2) two employees where Hobson merely stole cell phones belonging to others. Nothing in the record demonstrates that the employee's significant other maintained possession of the restaurant's property, constructive or otherwise. Further, it is undisputed that the cell phones were not the two employees' property, nor does the record provide any evidence that they maintained any sort of possessory interest in the cell phones belonging to others. Accordingly, we conclude that insufficient evidence supported Hobson's convictions for those counts, and we reverse counts 25, 39, and 66.

Conspiracy and attempted robbery charges

Hobson claims that there was insufficient evidence to convict him of conspiracy or attempted robbery, as (1) Johns provided testimony that conclusively established that there was no agreement to rob the Taco Bell, and (2) Hobson made no movement toward commission of its robbery. We disagree.

"[T]o prove conspiracy to commit robbery, the State must show that [the defendant] and another agreed to take . . . property by force, fear, or threat." *Garcia v. State*, 121 Nev. 327, 343, 113 P.3d 836, 846 (2005), *holding modified on other grounds by Mendoza v. State*, 122 Nev. 267, 130 P.3d 176 (2006). To prove attempted robbery, "the prosecution must establish (1) the intent to commit the crime; (2) performance of some act towards its commission; and (3) failure to consummate its commission." *Moffett v. State*, 96 Nev. 822, 824, 618 P.2d 1223, 1224 (1980); NRS

193.330(1) ("An act done with the intent to commit a crime, and tending but failing to accomplish it, is an attempt to commit that crime.").

Here, Johns testified that he, Hobson, and another individual sat in the Taco Bell parking lot and considered robbing the Taco Bell. In his later testimony, however, he stated that they agreed to rob the Taco Bell after leaving a Burger King, arriving in its parking lot thereafter. Given Johns' testimony, a rational trier of fact could find that Hobson and Johns entered the necessary agreement for Hobson's conviction for conspiracy to commit the robbery. As to attempted robbery, Johns' testimony not only provided enough evidence for a reasonable trier of fact to determine that Hobson intended to rob the Taco Bell, but their arrival at the restaurant could be viewed as the performance of an act towards the commission of the robbery. This conclusion is bolstered by evidence that, like in prior robberies, the vehicle contained surgical masks, a small orange-handled hatchet, and a gun. Because the prosecution presented sufficient evidence to determine that Hobson committed conspiracy to commit robbery and attempted robbery, we affirm those convictions. Based on the foregoing, we

ORDER the judgment of the district court AFFIRMED IN PART AND REVERSED IN PART.

Cherry, J.
Cherry

Parraguirre, J.
Parraguirre

Stiglich, J.
Stiglich

cc: Hon. William D. Kephart, District Judge
Sandra L. Stewart
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

Exhibit 3

3

Exhibit 3

STATE BAR OF NEVADA



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www.nvbar.org

March 2, 2016

Tony Hobson, #5992420
Clark County Detention Center
330 S. Casino Center Boulevard
Las Vegas, NV 89101

RE: Grievance / Richard Tanasi, Esq.
Reference No. OBC16-0242

Dear Mr. Hobson:

Please allow this letter to acknowledge receipt of your grievance regarding attorney Richard Tanasi in connection with your ongoing criminal case.

Court records show that *State of Nevada vs. Tony Hobson*, Case No. C303022, remains pending in the Eighth Judicial District Court. A review of court records and the information provided indicates that your grievance involves issues and questions best addressed in the appropriate court settings.

The Office of Bar Counsel and the disciplinary boards of the State Bar are not substitutes for the court system. Accordingly, your allegations are, at this time, more appropriately handled in the proper judicial forums. Therefore, no further action shall be taken in this matter.

If a court makes any findings regarding this matter, please re-submit that information for our reconsideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Phillip J. Pattee".

Phillip J. Pattee
Assistant Bar Counsel

Bar of Nevada

Thank you for concern in foregoing, my name is Tony Hobson and I am coming forward to assert claims of Ineffectiveness in regards to current counsel. In continuance I'd ask that your viewpoints remain unarbitrary and professionally liable as I express my discern in my counsel's wholly Inadequate actions.

On dates in question I was apprehended on 12 counts of robberies and kidnapping with deadly weapon enhancements, to which now has changed to over 80 counts. I've maintained my Innocence in all charges. Since appointment of counsel, specifically (Richard Tanasi) I've yet to be provided vital information in pertainment to my case such as notice of marcum indictment for my other indictments as inquired. plus I've also asked mr Tanasi to file certain motions and get certain parts of evidence or should I say discovery that will definitely help my defense. mr Tanasi will not file the motions on my behalf and keeps making excuses on why he hasn't yet got the discovery. I've tried to express my concerns with counsel off the record however, most attempts of communication would appear futile as counsel is "on his way out" or just leaving the

office" During brief court appearances, and
brief contact visits (which is the only time me
and counsel have time to communicate) I try
over and over to discuss evidence on my behalf
and various trial defenses however, Tanesi seems
only interested in me taking a deal that I'm
not willing to take or going to trial without
putting together the best defense. I've been
pretty patient about this situation but now
trial is getting closer and I do not want
go to trial until I finish putting together
my defense. In order for me to do so I need
effective counsel which I do not have.

In conclusion I've come to feel our
relationship cannot be reconciled. If no
action is taken I'd at very least appreciate
proper recorded documentation of my troubles.
In closing thank you for your review and your
consideration.

Regards,

To Judge Kephart

I'd first like to thank you for your time, recourse, and concern taken in the current matter. Hopefully your role as an outside entity will help to bring about an unprejudiced, unbiased, as well as an commendable resolution. For the record my name is Tony Hobson, I.D. 5992420 and I openly assert to the following:

Since appointed counsel in particular (Richard Tancsi) I've tried many times to get him to file motions on my behalf that he will not do, me and tancsi has ben back in forth over and over about this situation, so instead of filling a motion to dismiss I wanna adress the court about this problem. I'm trying to be patient and understanding, but trail is getting closer and closer. I can not go to trail without a defense and in order to do so I used mr tancsi to file the motions and for him to get other parts of my discovery that I have asked for such as (cameras off of the police vehicle's). I would like for you to schedule a court date within the next 2 weeks so we can adress this situation. If I do not get a response in an appropriate time then I will write the bar of course. my Trail should start in 2 months. So please put me on

on calendar, so we can come to some
type of agreement before trial gets
here. Thanks for your review, and Time

regards,

Exhibit 4

4

Exhibit 4



TANASI LAW OFFICES

a Professional Corporation

Criminal Defense

Car Accidents

Richard E. Tanasi, Esq.*
601 S. Seventh St., 2nd Floor
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Phone: 702-906-2411
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Email: rtanasi@tanasilaw.com
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*Licensed to practice in Nevada

May 7, 2015

Via Regular U.S. Mail

Tony Hobson
#05992420
Clark County Detention Center
330 South Casino Center Blvd.
Las Vegas, NV 89101

Re: State of Nevada v. Tony Hobson
Case No.: 14F18508A

Dear Mr. Hobson:

Enclosed, please find a copy of a letter I've sent to the District Attorney requesting discovery in your case. As always, please feel free to contact me with any questions or concerns.

Sincerely,

Richard E. Tanasi, Esq.

RET/ea

Cc: Brianna Rankin via Email - antndmommy@gmail.com



statements, promises, proposals or attempts to exert influence on behalf of the persons mentioned in this paragraph or any other form of compensation given, or to be given, to any of the above named persons whether they be a witness or an informant.

11. Records of any and all felony convictions sustained by a witness expected to testify in this case.

12. Records of all criminal matters pending against a person expected to testify so the defense can discern if the person has a motive to fabricate.

13. The names and addresses of any and all persons who transported any physical evidence in the case against DEFENDANT as well as the names and addresses of all persons to whom such object or objects were deposited.

14. The names and addresses of all persons believed to be potential witnesses so the defense can pursue its own investigation concerning preparation of a defense, presentation of evidence, and proper cross-examination.

15. The names and addresses of all persons interviewed by law enforcement officers or members of the District Attorneys' Office in relation to the instant case so that the defense can pursue its own investigation concerning the preparation of a defense, presentation of evidence, and proper cross-examination.

16. All reports, statements, correspondence, notes, memoranda transcriptions, stenographic reports and taped statements of interviews mentioned above so that the defense can pursue its own investigation concerning preparation of a defense, presentation of evidence, and proper cross-examination.

17. The name and address of each and every, all and singular, of the persons in possession of knowledge concerning the instant case that is or would be favorable to the defense of DEFENDANT.

18. A list and present location of all physical and intangible evidence that is, or may be, favorable to DEFENDANT at the time of trial.

19. All statements of admission or confession by a party other than DEFENDANT concerning the instant case.

20. All investigative reports of suspects other than DEFENDANT who were targets of the investigation of this offense.

21. All records of arrests of the victim in the instant case as they relate to crimes of violence so the defense can properly prepare the defense.

22. All police reports prepared in the instant case.

23. Promptly notify the defense and the court of the existence of additional material that is subject to the discovery order of the Court.
24. Any and all NCIC reports and rap sheets in the possession of the District Attorney's office in regards to any and all co-defendants or witnesses.
25. Any and all tape and transcript 911 call and/or dispatch logs.
26. Any and all searches warrants for the search of the subject property(s) and/or vehicle(s).
27. Any and all warrants obtained for any purpose in connection with the investigation and prosecution of DEFENDANT.
28. Any and all phone records, including but not limited to text messages, obtained for any purpose in connection with the investigation and prosecution of DEFENDANT.
29. Reports of consented searches obtained for any purpose in connection with the investigation and prosecution of DEFENDANT.
30. Any and all photographs of items impounded into evidence in this case.
31. Reports and results of any and all forensic laboratory testing, including but not limited to, DNA testing, fingerprint testing and fiber testing.
32. Names, notes reports and identification numbers for all law enforcement involved in the investigation of DEFENDANT'S case.
33. Any and all other reports, witness statements, affidavits, declarations, video or other material the State is relying upon or plans to present in its case in chief.
34. The personnel file for any and all law enforcement investigating DEFENDANT in this case.
35. Any and all documents related to any form of compensation and/or payment made to any witness in this case for any reason.
36. Any and all video surveillance from Popeye's that detectives viewed.
37. Popeye receipts from Tony's search (GJT1 Ex. 6).
38. All color photos pasted into the Windbreaker series .pdf.
39. All emails between officers referenced in the GJT, p.37.

Exhibit 5

5

Exhibit 5