

1. Not only does it go to show appellant ~~counsel~~
2 counsel's Ineffectiveness but it also goes
3 to show that counsel was also very deficient
4 Furthermore it also shows that no matter
5 how much you try to get your attorney to ~~get~~
6 file something you ask them to, you really
7 have no control over what is filed unless
8 you are pro se like the petitioner is in
9 post conviction but in Direct appeal which
10 is illegal in Nevada, you must have ~~a~~ counsel
11 in your Direct appeal. Petitioner also had attached
12 Affidavit that he also called counsel on different days asking
13 her to add other issues to my appeal but she didn't.
14 (10) Response to State Response that
15 counsel was Not Ineffective for Not
16 calling Detective Flynn as a witness.
17 The States contention is once again
18 That it was counsel strategic decision
19 Not to call Det Flynn.
20 This habeas can not be made off of
21 assumptions. Although the State would
22 like this court to believe that this
23 was counsel's "strategic" Decision

1 That is only a speculated Assumption.
2
3 We must have a hearing, put counsel on
4 the stand and question him to this issue.
5

6
7 (11) Response to State Response That
8 Counsel ~~was~~ was Ineffective for not
9 calling officer Mohler as a witness.
10
11

12 The State contends That matlock testif-
13 ied once the petitioner was escorted away
14 is when he noticed a blue bag. They also
15 contend That this was also a strategic
16 decision by counsel.
17
18

19 First off the Detective ~~Quentin~~ ~~Quentin~~
20 ~~Quentin~~ ~~Quentin~~ ~~Quentin~~ Didn't
21 say after I was escorted the DA
22 lead to say after the petitioner
23 was escorted, even with that being
24 said If Mohler was there to testify
25 that he searched me and there was
26 nothing, ~~the~~ also matlock specifically
27
28

1 Showed The Jury an video where and how
2 ~~the~~ he say he found this bag. There's
3 no way I got a brite blue bag hanging
4 from my waist and the officer who
5 searched me and actually put me in the
6 car. Didn't see this. If I'm telling
7 my attorney this since I was arrested
8 why wouldn't he subpoena this officer
9 to testify at trial. There's only one
10 reason because he wanted to help the
11 state and NOT the petitioner.
12 Furthermore the state can not once
13 again say ~~that~~ or Assume. This was
14 a strategic decision. We must put
15 counsel on the stand and question
16 him.

17
18
19
20
21
22
23 (2) Response To State Response That
24 counsel was ineffective for ~~not~~
25 failing to investigate as a whole.
26
27
28

1. The state contends that since counsel at
2 trial did a thorough opening statement
3 and closing statement that counsel did
4 his job.

5
6 with respect to the ~~1st~~^{2nd} claim (the phone)
7 petitioner did in fact attach numerous
8 subpoenas with his habeas to get phone
9 bills to prove his claims. petitioner also
10 put a motion to stay so that the state
11 wouldn't have to file two responses once
12 the petitioner's habeas is amended with
13 phone bills. for the state to alledge
14 that ~~there was~~ the petitioner assumes
15 is lie.

16
17
18 with respect to the 3rd claim this "email"
19 the petitioner did in fact attach a exhibit
20 marked Exhibit #4 showing that Richard
21 Tanos did in fact ask for this email.
22 2nd multiple Detective testified to this
23 email being the way they communicated
24 to learn the description of this alleged
25 get away vehicle. (refer to prejudice
26 part in ground #12 (b)) petitioner will not
27
28

1 Keep repeating over and over the same thing.

2
3 With respects to 4th claim The State once
4 again says petitioner has no proof of
5 Affidavit To Show Detective Snooping ~~and~~
6 around apartment. The State fails to
7 say that the petitioner also put in a
8 motion for funding of Investigator to
9 specifically go get affidavits and to
10 serve subpoenas. This affidavits will
11 that he was just going home and just
12 so happen spotted ~~the~~ the suspect vehicle.
13 It would've shown the jury well why is
14 one detective in this apt building looking
15 in the same exact vehicle that the
16 other detective was ~~pulling~~ pulling ~~over~~
17 over. IT would put doubt in the jury
18 mind that the detectives were being
19 honest.

20
21 With respect to the 5th claim and 7th
22 claim The State contends that
23 since the test came back inconclusive

1. Instead of partial match That counsel
2. Did his job also That its ~~und~~ unclear
3. What a 3rd test would have yielded.
4. Also That the petitioner provides no
5. analysis as to what a private foot
6. Impression expert would testify to.
7.
8. The State can not have it both ways
9. They can not at Trial say hey this second
10. Test doesn't supercede this 1st test
11. And that it basically means nothing
12. That ~~the~~ The new test said inconclusive
13. because the petitioner's DNA is still
14. there, and now in this opposition
15. say that due to counsel's efforts
16. The test came back inconclusive.
17. well certainly the State didn't argue
18. That at Trial. Also when it comes
19. to the foot Impression expert, Richard
20. Tanasi is a lawyer not a expert so
21. with that being the case, he relied solely
22. on the states Interpretations on
23. foot Impressions Instead of going getting
24. his own foot expert.

1. with respect to the State's 6th claim ~~that~~
2 about counsel not pre-trialing any witness-
3 es.

4 The State said petitioner has provided no
5 evidence to prove counsel didn't pre-trial
6 any "victims" and also that trial Attorney
7 Did In fact Impeach the victim with
8 ~~the~~ her testimony of the grand jury
9 and her saying she was punched.

10 the State is belied by the record
11 Tamasi only cross examined her as
12 to testimony at the grand jury
13 regarding her knowledge of the
14 difference between a revolver and
15 a Semi Automatic. ^(refer. Vol II Appendix #2558 #259) Tamasi Never
16 questioned her about her testimony
17 at the grand jury about being
18 punched in her stomach. clearly the
19 State is delusional and trying
20 to fabricate a story or evidence.
21 also petitioner asked for exoneratory
22 hearing in habeas to prove his claim
23 with cross examination about pre-trial work

13) Response to State Response That
1 Counsel was not Ineffective for failing
2 To Impeach The DNA expert with an
3 email she sent to Det abell,
4

5 The states contention is The petitioner
6 reasserts issues regarding DNA and
7 there corresponding reports.
8
9

10 This is untrue and belied by the record
11 The petitioner is simply saying that
12 Trial attorney couldve simply Impeached
13 The DNA expert with this email to
14 show the jury that ~~1~~ ~~the~~ The DNA
15 lady being an expert and having the
16 opinion that there was nothing that
17 she found with respects to the vehicle
18 and what was found in the vehicle
19 that linked to any robbery. The
20 petitioner would also point out that
21 this is also after she looked at
22 onbase which is the police website.
23
24
25
26
27
28

14. ~~Response~~ To State Response That
Counsel was NOT Ineffective for failing
To object Jury Instruction 43.

The State contends that the Petitioner's
Claim should be disregarded.

The petitioner would point out that
the language the the petitioner has
~~added~~ added to Instruction 43 came
from footnotes in cases from Supreme
Court, also in *Bonds vs Supreme Court*
of Nevada (An defendant has a right
to an instruction in language chosen
by himself and counsel. The state can not
call such a objection futile because
it wasn't done so ~~that~~ that would
only be an assumption on behalf of
the state. The state is acting as if
the petitioner pulled this language
from out of the sky.

71. Response To States Response That

1 counts 1-10 should have been raised on
2 Direct appeal.
3

4
5 In The State of Nevada Defendants Do NOT
6 have a right to file there own Direct appeal.
7 Also the Defendant has numerous Document.
8 any support proving that he brought several
9 claims to appellate ATTORNEY ATTENTION THAT
10 she did NOT filed furthermore These claims
11 were objected to during Trial and preserved
12 for Direct appeal, but counsel flat out
13 refused to raise them. The petitioner
14 cannot control what ~~the~~ appellate counsel
15 chose to file. The state is arguing
16 that NRS 34.810 Authorized The District
17 court to violate The petitioner's consti-
18 tutional rights, All 10 grounds that the
19 state ~~is~~ has claimed are barred are
20 constitutional violations from 5th and 6th
21 amendment due process violations but
22 also 14th amendment violations. Also under
23 Miranda any state law that offends The
24 US Constitution Right is Void.

11. V. Response To States Response That
2 The Defendant is not entitled to a eviden-
3 tiary Hearing.

4
5 The state contention is that A defendant
6 is entitled to an evidentiary Hearing if
7 his petition is supported by specific factual
8 allegations, which, if true, would entitle him to
9 relief.

10
11
12 The petitioner has shown that each ground
13 could be backed up with subpoenas (that were
14 attached to habeas) and also exhibits and Affidavit
15 (Exhibits also attached to habeas) furthermore the
16 petitioner has also shown in his opposition that
17 the state would go as far as to stop the
18 petitioner from moving forward. Furthermore the
19 states opposition ~~is~~ for the most part ^{based} ~~based~~
20 on off assumptions which require this court
21 to put various people on the stand to get
22 facts not assumptions.

23
24
25 **Relief:** Petitioner has demonstrated that all of
26 his claims are and will be backed up by proof
27 or evidence Therefore the Petitioners writ of
28 habeas should be granted.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

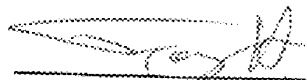
CERTIFICATE OF SERVICE BY MAILING

I, Tony Hobson, hereby certify, pursuant to NRCP 5(b), that on this 4th
day of Feb, 20 18, I mailed a true and correct copy of the foregoing, "opposition to states opposition"
by placing document in a sealed pre-postage paid envelope and deposited said envelope in the
United State Mail addressed to the following:

Steven Ericson
Clark of Nevada
200 Las Vegas Avenue 2nd floor
Las Vegas, NV 89101

CC:FILE

DATED: this 4th day of Feb, 20 18



Tony Hobson
/In Propria Personam
Post Office Box 208, S.D.C.C.
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

1165963
#1165963

All

EXHIBITS

SANDRA L. STEWART

Attorney At Law

140 Rancho Maria Street
Las Vegas, NV 89148
Phone: 702-363-4656 Fax: 702-736-7429
E-Mail: ryatt@jgoud.com

September 28, 2016

Tony Hobson
Inmate No. 1165963
HIGH DESERT STATE PRISON
Post Office Box 650
Indian Springs, NV 89070

Dear Mr. Hobson:

I have been appointed by the court to represent you on appeal. I have filed the following documents on your behalf, copies of which are enclosed for your records:

1. Order Appointing Counsel
2. Notice of Appeal
3. Case Appeal Statement
4. Transcript Requests to Cheryl Carpenter and Christine Erickson
5. Letter to Exhibit Vault requesting all exhibits
6. Stewart Response To Motion To Dismiss Counsel

I have also requested a complete copy of the court's file for your case. These will all be included in the appendix which is filed with the Opening Brief, and you will receive a copy at that time.

Mr. Tanasi provided me a copy of your Motion To Dismiss Counsel. As you know, the judge would not sign the order appointing me as your attorney when we were in court for your sentencing. He wanted to wait until after the Judgment Of Conviction was filed. The Judgment Of Conviction was not filed until September 21, 2016. I did not receive the signed order appointing me until yesterday. Therefore, I was not even appointed to act as your attorney until yesterday when I received the signed Order and filed it. Nevertheless, I DID speak with you when you called me last week, and told you that I would be filing documents on your behalf and sending you a letter explaining the entire appellate process once I was appointed. Legally, I was not your attorney until yesterday when the Order appointing me was filed. I would urge you in the future to try to be a little more patient. The appeal process is a long one that can take as much as a year to complete. There is nothing I can do to speed it up. Be assured that I will keep you up to date whenever anything happens with your case, and will provide you copies of all documents which are filed by me, the court, or opposing counsel. In the meantime, feel free to write or call me whenever you have a question. Now, I will attempt to explain the appeal process for you, as I promised.

Many clients are confused by the difference between an appeal and habeas relief, so I like to take a minute in my initial letter to explain the distinction. An appeal is where we look for errors made by the trial judge. A post conviction habeas petition is where we look for errors made by your attorneys. A post conviction habeas petition should not be filed until after an appeal has been denied. The state must provide an attorney to represent you through appeal. The state may (but is not required to) provide you an attorney to represent you on a post conviction habeas petition. It usually will appoint counsel for a defendant who makes a motion requesting same.

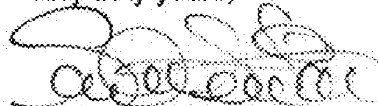
In preparing the opening brief for your appeal, the **only thing** I can use is what is in the record. The record consists of (1) everything in the district court file, (2) transcripts of all hearings and the trial, and (3) trial exhibits offered at trial. For this reason, it is not helpful for me to meet with you in connection with preparing your appeal. I have been doing criminal appeals almost exclusively for ten years, and I have found that in many cases, favorable arguments I could have made based on the record and logical inferences to be drawn from it, are foreclosed where I talk to the client who gives me information from which I know that the argument I could have made, would be a lie. I cannot knowingly make an argument to the court which I know to be untruthful. So, since I cannot use anything favorable you would tell me unless it is in the record, but I could be foreclosed from making favorable arguments on your behalf if you tell me something to the contrary, it is best if I keep my contact with you to a minimum. Believe me, I am sure there is a lot of evidence and information that you have that would be helpful to use for the appeal, but unless it is in the record, I cannot use it. The Nevada Supreme Court will not allow it. It is a Supreme Court rule, which everyone appearing before the Nevada Supreme Court must follow.

I would therefore, urge you not to write me letters stating facts or your version of events. If I have a question I need answered, I will write to you and ask for input. However, if you have any questions about the process of the appeal, or why I have made an argument, please do not hesitate to write to me. I will promptly respond to any letters that you send me, but as I indicated above, be careful what you tell me of a factual nature.

I will be providing you copies of documents that I receive from the court or the state or that I file on your behalf. That way you will know everything that is happening with your case as it proceeds. So that I never have a lag in trying to contact you, please let me know immediately if you are transferred to a different facility.

In closing, I know that these are not the best of circumstances for you, but be assured that I will do everything I can to present all viable arguments on your behalf for the Supreme Court's consideration.

Very truly yours,



SANDRA L. STEWART

To Mrs Stewart from Mary Hobson

I did receive your letter with the Docketing Statement that was attached. I did read all of the statement and understand that I read. I do understand that if its not on the record that you will not be able to file it or include it in my Direct appeal. If I want these # 13 on the Docketing Statement I did agree with the appeal issues that you noted. However I do have additional issues that I would like to go in on my Direct appeal. I know everything is not binding but I would like for you to read each paper I'm sending you on other or ~~similar~~ ^{similar} issues and please make copies and send them back to me. After you read each paper I'm asking that you actually consider these Appeal issues for my Direct appeal. Each issue I have written down is on the record and with reading each one you will see I noted where or when it happen and what pages they were on for example the grand Jury Indictment (pg # 651). I know I might come off as a ~~little~~ ^{less than} excuse my language but I feel like my last attorney didn't do his job so I would like to apologize for any miss understanding and hopefully you can understand that I just got basically life and that I just wanna do everything I can with your help to get back on my appeal.

Thank you

Tony H

Appeal Issue

Grand Jury Indictment #1

§ 37.82 - Detective Abel gave false information to grand jury
§ 37.81 pg 172

Question - And he was able to provide you with details that were consistent with what had occurred in the course of last trial case in (the paper coming on 24th of November or 24th or 25th)
Answer - yes

Question - Did he indicate to you that he in fact received a bribe dollar in the case that he played in that robbery
Answer - well, he said he received some money, a hundred dollars in a check bill

§ 37.82 - and gas

Answer - and gas

2nd Statement From pg 14-28 & read on John's Statement
pg 14 - Dante said that the last robbery that happened before we was called was a payee's on Sullivan (there were a payee that had ever been known buffalo). There was actually a (phone box) which is on buffalo and Chicago Ave.

Question - All right so where did you drop them off at payee?

Answer - Side Street I don't know the Side Street - images

Question - Images? Is that the street

Answer - No it's a name

Question - It's a back alley, so you dropped them off at the back and they walked over to payee's? Is the back close to payee's?

Answer - It's a side street to the back and I am not sure it's across the street

§ 37.82 - and gas

a Buffalo secret from a bar called magoo's. Detective
well testified at the trial that any indication that
it gave him detailed knowledge about the robbery
on vegas at the popeyes that we were later
indicted on, which was In fact Incorrect, and furthermore
he and offered up as proof of a performance. The
the District Attorney and the Detective both know
that Dante never said anything about a popeye
being robbed on vegas. The agreement here is
not to a popeyes was robbed but was the agreement
that we were indicted on the one that
Dante was talking about, which obviously wasn't
because there isn't a popeyes on vegas. The
beginning by a bar called magoo's but ended in
a bar here. At that time we weren't never charged
until months later for a robbery on vegas and
beginning. So with that being said we were
indicted on vegas for robbery. See the
USA vs Ernest Raymond Baluto, et al. Trial and
Wilcox v. Wagoner.

This case was dismissed on appeal for prosecution
for knowing the answer and the Detective knew when
and where the robbery occurred but he just went
on with them to the grand jury instead of making
the case for example (They could have said
that Dante never told them about a popeyes).

vegas. He that he came to but a party as
bullet, but instead they just went along with
this FBI's testimony that he had some
admitted knowledge about the robbery, which he
never did because he is not in there that the
other, he was, telling about was a robbery.
The District Attorney and the Detective both
had David's statement so both the DA and the
Detective had time to cure this problem.

Inthermore

When we are going to trial the DA and the
counsel the attorney that David had a
batter of a long Detective which is a
long time. I am sure that the DA and the
DA (David) did not get a good idea of
what was going to do with the DA and the
DA. The DA and the DA are not the same.
The DA never let the DA know that they
were. It would not be that easy and it
would be already to know that my DA
of what was continuing about it. I already
knew that the DA and the DA do not
know. The DA and the DA are already
knowing it. So he did not
and David have no chance to know
what was going to do with the DA and the
DA.

690'002 2# 100/000

APPEAL ISSUE - MYRA - ^{subject} LAMARCA
Detective abell testified the phones were found.
During trial the District Attorney showed
pictures of galaxy phones and a phone
that was found at the house I allegedly
stayed in. The DA knew that these phones
were never proved to be anybody's phone but
were from the galaxy, also the fact that
a photo that was taken from the house was
from where on the 15th was there any phone
Furthermore had these phones been phones
that was taken from any of the soldiers
then the man would have testified to that
that the Detectives left the phones at
the house, my lawyer was asked someone
to go get the phone from him and
that the phones was indeed my girlfriend's.

APPENDIX 1-200C

I will read in transcripts from the time of our
trial hearing I believe Dec 2nd for the kidnapping
counts that a pregnant woman was punched. The
alleged victim did testify in grand jury that she was
punched in her stomach then testified at trial that
"I wasn't punched in the stomach. I just felt something
rush up against me," is what she said. The District
Attorney viewed the videos and it doesn't take a
genius to see that the girl was never punched.
Furthermore in trial she corrected herself by saying
"She never was hit." Instead of the DA telling the truth
she lied to the jury which prejudiced the jury because
when you hear of a pregnant woman getting punched
you think "wow these men are crazy so right then
the jury is not going to be impartial and no longer
cares if where guilty or not they have it that we are
guilty." Furthermore damn near every court day the
District Attorney kept saying or talking about this
pregnant girl getting punched which clearly never
happened. You will also see my lawyer tried to get
thrown out in a motion to discontinue but it was
denied. Furthermore the problem here is there's a divide
between a punch and something or something being
against you. I think this will fall under medical
prosecution. I believe.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

AFFIDAVIT OF: Tony Hobson

STATE OF NEVADA)
COUNTY OF CLARK) ss:

TO WHOM IT MAY CONCERN:

I, Tony Hobson the undersigned, do hereby swear that all statements, facts and events within my foregoing Affidavit are true and correct of my own knowledge, information and belief, and as to those, I believe them to be True and Correct. Signed under the penalty of perjury, pursuant to, NRS. 29.010; 53.045; 208.165, and state the following:

I Tony Hobson specifically called Sandra L Stewart (Appellate Attorney) on numerous occasions to talk to her about appeal issues that I would like to file on my direct appeal such as prosecutor misconduct, and abuse of discretion. Sandra told me she would review the record and if she thinks it should be filed then she would file it.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

EXECUTED At: Indian Springs, Nevada, this 11 Day Of Feb 2019.

2019.

BY: Tony Hobson 1/65963
Tony Hobson 1/65963
Post Office Box-208 (SDCC)
Indian Springs, Nevada. 89070./
Affiant, In Propria Personam:

The do results, either my own
according to my own. I was
that the 150 of the change
-ro because the do results
basically and called as in 1941
Furrows. I think I was
Furrows. Furthermore, there was a
sum of the Surge, according
and motion is the "A" and
to the Surge results. I think
the Surge ordered the Surge to
selected not (and) selected
to do it. I think my lawyer
around the results was a change
due to new testing done. I
that the 150 of the change. The
old results should have been
shown. That I believe was the
offered up at the Surge. The
or more. I think I believe
not 100% sure.



**EIGHTH JUDICIAL DISTRICT COURT
CLERK OF THE COURT**

REGIONAL JUSTICE CENTER
200 LEWIS AVENUE, 3rd FL.
LAS VEGAS, NEVADA 89155-1160
(702) 671-4554

Steven D. Grierson
Clerk of the Court

Anntoinette Naumec-Miller
Court Division Administrator

February 21, 2019

Re: A-18-784448-W
Tony Hobson, Plaintiff(s)
vs.
State of Nevada, Defendant(s)

Dear Tony Hobson,

This office is in receipt of your SUBPOENAS. We are unable to file the same for the reason(s) stated below:

☒ Our office does not file Subpoenas until after they are issued by clerk and service has been completed.

☒ If you wish to get subpoenas issued please sign on page 2 and resubmit to our office for issuing.

☒ Pursuant to Nevada Statute we are not able to provide legal advice or assistance filling out your forms. You may consult your law library at the correctional facility for any further questions.

Thank you
#11 Deputy Clerk

2-18-19

Please ~~do~~ file all
Subpoena's and
Please send me
a Case Summary
showing that these
subpoenas were
filed Thank you

Tony H

1 CCO3

2
3
4
5
6 DISTRICT COURT
7 CLARK COUNTY, NEVADA

8
9 *Tory Hobson*

10 Plaintiff(s),

11 -vs-

12
13 *The State of Nevada*
14 Defendant(s).

CASE NO. *A-18-78-4448-4*

DEPT. NO. ~~100~~ *XIX*

SUBPOENA - CIVIL

☐ REGULAR ☐ DUCES TECUM

15
16
17 THE STATE OF NEVADA SENDS GREETINGS TO:

(Nevada Energy Company)

18
19 YOU ARE HEREBY COMMANDED that all and singular, business and excuses

20 set aside, you appear and attend on the ____ day of ____, 20__ at the

21 hour of ____ M. in Department No. ____ of the District Court, Clark County, Nevada.

22 The address where you are required to appear is the Regional Justice Center, 200

23 Lewis Avenue, Las Vegas, Nevada. Your attendance is required to give testimony

24 and/or to produce and permit inspection and copying of designated books, documents

25 tangible things in your possession, custody or control, or to permit inspection of

26 premises. You are required to bring with you at the time of your appearance any items

RECEIVED

FEB 2 12 09

CLERK OF THE COURT

Subpoena_CIVIL_Clerk_Issue/7/27/2009

1 set forth below. If you fail to attend, you may be deemed guilty of contempt of Court
2 and liable to pay all losses and damages caused by your failure to appear. Please see
3 Exhibit "A" attached hereto for information regarding the rights of the person subject to
4 this Subpoena.
5

6 Steven D. Grierson, CLERK OF COURT
7

8 By: _____

9 Deputy Clerk

Date

Submitted By: _____
10
11
12
13

14 AFFIDAVIT OF SERVICE

15 STATE OF)

16 COUNTY OF)

ss:

17 _____, being duly sworn says: That at all times herein affiant was over 18 years
18 of age, not a party to nor interested in the proceeding in which this affidavit is made.
19 That affiant received the Subpoena on the _____ day of _____, 20_____, and served
20 the same on the _____ day of _____, 20_____ by delivering a copy to the witness at
21 (state address) _____
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

EXECUTED this ____ day of ____, 20__.

Signature of person making service

ITEMS TO BE PRODUCED

Subpoena Request for Electric bill for
Brianna Rankin from "Nevada Energy"
for the year of 2014. This Information
would help to support
Petitioner's claims of (IAC.) This
Subpoena is to be served at
The "Nevada Energy company"
Address unknown

CERTIFICATE OF SERVICE BY MAILING

I, Tony Hobson, hereby certify, pursuant to NRCP 5(b), that on this 11
day of Feb, 20 19, I mailed a true and correct copy of the foregoing, "

Subpoena To Nevada Energy"

by placing document in a sealed pre-postage paid envelope and deposited said envelope in the
United State Mail addressed to the following:

STEVEN D. GIBSON
clerk of court
200 Lewis Avenue 3rd floor
Las Vegas, NV 89103

CC: FILE

DATED: this 11 day of Feb, 20 19.

Tony Hobson 1165963
Tony Hobson #1165963
/In Propria Personam
Post Office Box 208, S.D.C.C.
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding _____

Subpoena To Nevada energy company
(Title of Document)

filed in District Court Case number H-18-78-4448-W

☒ Does not contain the social security number of any person.

-OR-

☐ Contains the social security number of a person as required by:

A. A specific state or federal law, to wit:

(State specific law)

-or-

B. For the administration of a public program or for an application
for a federal or state grant.

Tony Hobson
Signature

2-11-19
Date

Tony Hobson
Print Name

Title

EXHIBIT "A"
NEVADA RULES OF CIVIL PROCEDURE

Rule 45

(c) Protection of Persons Subject to Subpoena.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party,

the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in Responding to Subpoena.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

EXHIBIT "B"
CERTIFICATE OF CUSTODIAN OF RECORDS

STATE OF NEVADA) Case No.: _____
) ss.
COUNTY OF _____)

NOW COMES _____ (*name of custodian of records*), who after first being duly sworn deposes and says:

1. That the deponent is the _____ (*position or title*) of _____ (*name of employer*) and in his or her capacity as _____ (*position or title*) is a custodian of the records of _____ (*name of employer*).

2. That _____ (*name of employer*) is licensed to do business as a _____ in the State of _____.

3. That on the _____ day of the month of _____ of the year _____, the deponent was served with a subpoena in connection with the above-entitled cause, calling for the production of records pertaining to _____

4. That the deponent has examined the original of those records and has made or caused to be made a true and exact copy of them and that the reproduction of them attached hereto is true and complete.

5. That the original of those records was made at or near the time of the act, event, condition, opinion or diagnosis recited therein by or from information transmitted by a person with knowledge, in the course of a regularly conducted activity of the deponent or _____ (*name of employer*).

Executed on: _____ (*Date*) _____ (*Signature of Custodian of Records*)

SUBSCRIBED AND SWORN to before me this _____ day of _____, 20____.

NOTARY PUBLIC in and for the
County of _____, State of _____.

1 CCO3

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

DISTRICT COURT
CLARK COUNTY, NEVADA

Tony Hobson

Plaintiff(s),

-vs-

The State of Nevada
Defendant(s).

CASE NO. A-18-78-4448-W

DEPT. NO. XIX

SUBPOENA - CIVIL
☐ REGULAR ☐ DUCES TECUM

THE STATE OF NEVADA SENDS GREETINGS TO:

Office of the
District Attorney

YOU ARE HEREBY COMMANDED that all and singular, business and excuses

set aside, you appear and attend on the ____ day of ____, 20__ at the
hour of ____ M. in Department No. ____ of the District Court, Clark County, Nevada.

The address where you are required to appear is the Regional Justice Center, 200
Lewis Avenue, Las Vegas, Nevada. Your attendance is required to give testimony
and/or to produce and permit inspection and copying of designated books, documents
or tangible things in your possession, custody or control, or to permit inspection of
premises. You are required to bring with you at the time of your appearance any items

RECEIVED

FEB 21 2019

CLERK OF THE COURT

Subpoena_CIVIL_Clerk_Issue/7/27/2009

1 set forth below. If you fail to attend, you may be deemed guilty of contempt of Court
2 and liable to pay all losses and damages caused by your failure to appear. Please see
3 Exhibit "A" attached hereto for information regarding the rights of the person subject to
4 this Subpoena.
5

6 Steven D. Grierson, CLERK OF COURT

7 By: _____

8 Deputy Clerk

9 Date

10 Submitted By: _____
11
12
13

14 AFFIDAVIT OF SERVICE

15 STATE OF)

16 COUNTY OF)

ss:

17 _____, being duly sworn says: That at all times herein affiant was over 18 years
18 of age, not a party to nor interested in the proceeding in which this affidavit is made.
19 That affiant received the Subpoena on the _____ day of _____, 20_____, and served
20 the same on the _____ day of _____, 20_____ by delivering a copy to the witness at
21 (state address) _____
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

EXECUTED this ____ day of ____, 20__.

Signature of person making service

ITEMS TO BE PRODUCED

Subpoena Request for any and all Emails
from District Attorney office Regarding
Case NO^s C-14-303022-2 and 14F185088. This
Includes any and all Emails To Richard
Tanasi, Detectives Jeffrey Abell, and
DNA Expert Crystal May. Petitioner
Seeks This Information To Support
his Claims of Prosecutor misconduct.

This Subpoena is To be Served at
The District Attorneys office at
200 Lewis Avenue

PO BOX 552212

Las Vegas, NV 89155-2212

or

200 Lewis Avenue

Las Vegas, NV 89155

CERTIFICATE OF SERVICE BY MAILING

I, Tony Hobson, hereby certify, pursuant to NRCP 5(b), that on this 11
day of Feb, 2019, I mailed a true and correct copy of the foregoing, "

Subpoena To District Attorney"

by placing document in a sealed pre-postage paid envelope and deposited said envelope in the
United State Mail addressed to the following:

STEVEN D. GIBSON
CLERK OF COURT
200 HOWARD AVENUE 3rd floor
Las Vegas, NV 89159

CC:FILE

DATED: this 11 day of Feb, 2019.

Tony Hobson 1165962
/In Propria Personam # 1165963
Post Office Box 208, S.D.C.C.
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding _____

Subpoena to District Attorney office
(Title of Document)

filed in District Court Case number A-18-78-4448-W

☒ Does not contain the social security number of any person.

-OR-

☐ Contains the social security number of a person as required by:

A. A specific state or federal law, to wit:

(State specific law)

-or-

B. For the administration of a public program or for an application
for a federal or state grant.

[Signature]
Signature

2-11-19
Date

Tony H
Print Name

Title

EXHIBIT "A"
NEVADA RULES OF CIVIL PROCEDURE

Rule 45

(c) Protection of Persons Subject to Subpoena.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party,

the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in Responding to Subpoena.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

STATE OF NEVADA)
) ss.
COUNTY OF _____)

Case No.: _____

1. That the deponent is the _____ (position or title) of _____
 _____ (name of employer) and in his or her capacity as _____
 _____ (position or title) is a custodian of the records of _____
 _____ (name of employer).

3. That on the _____ day of the month of _____ of the year _____, the deponent was served with a subpoena in connection with the above-entitled cause, calling for the production of records pertaining to _____

5. That the original of those records was made at or near the time of the act, event, condition, opinion or diagnosis recited therein by or from information transmitted by a person with knowledge, in the course of a regularly conducted activity of the deponent or _____

(name of employer).

SUBSCRIBED AND SWORN to before me this _____ day of _____, 20____.

441

CC03

DISTRICT COURT
CLARK COUNTY, NEVADA

Tary Hobson

Plaintiff(s),

-vs-

The State of Nevada
Defendant(s).

CASE NO. A-18-78-4448-W

DEPT. NO. XIA

SUBPOENA - CIVIL

☐ REGULAR ☐ DUCES TECUM

THE STATE OF NEVADA SENDS GREETINGS TO

(Investigator
Archie Vaughn)

YOU ARE HEREBY COMMANDED that all and singular, business and excuses set aside, you appear and attend on the ____ day of ____, 20__ at the hour of ____ M. in Department No. ____ of the District Court, Clark County, Nevada. The address where you are required to appear is the Regional Justice Center, 200 Lewis Avenue, Las Vegas, Nevada. Your attendance is required to give testimony and/or to produce and permit inspection and copying of designated books, documents or tangible things in your possession, custody or control, or to permit inspection of premises. You are required to bring with you at the time of your appearance any items

RECEIVED

FEB 21 2019

CLERK OF THE COURT

Subpoena_CIVIL_Clerk_Issue/7/27/2009

1 set forth below. If you fail to attend, you may be deemed guilty of contempt of Court
2 and liable to pay all losses and damages caused by your failure to appear. Please see
3 Exhibit "A" attached hereto for information regarding the rights of the person subject to
4 this Subpoena.
5

6 Steven D. Grierson, CLERK OF COURT
7

8 By: _____
9 Deputy Clerk

Date

Submitted By: _____
10
11
12
13

14 AFFIDAVIT OF SERVICE

15 STATE OF)
16 COUNTY OF) ss:

17 _____, being duly sworn says: That at all times herein affiant was over 18 years
18 of age, not a party to nor interested in the proceeding in which this affidavit is made.
19 That affiant received the Subpoena on the _____ day of _____, 20_____, and served
20 the same on the _____ day of _____, 20_____ by delivering a copy to the witness at
21 (state address) _____
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

EXECUTED this ____ day of ____, 20 ____.

Signature of person making service

ITEMS TO BE PRODUCED

Subpoena Request To Investigator "Archie"
for all billing Records filed pursuant
TO NRS 7.135. Involved with criminal
case C-14-303022-2 and 14F183088, Also
for All "work product", case notes and
Interviews of witnesses connected
To petitioner's case. This Evidence
will support petitioner's (I, A, C)
claims, and his Due process 14th
amendment claims.

This subpoena is to be served
at Tanas's law offices, ~~at~~
601 South Seventh St, 2nd floor
Las Vegas, NV 89101

CERTIFICATE OF SERVICE BY MAILING

I, Tony Hobson, hereby certify, pursuant to NRCP 5(b), that on this 71
day of Feb, 2019, I mailed a true and correct copy of the foregoing, "Subpoena To Archie (Investigator)"
by placing document in a sealed pre-postage paid envelope and deposited said envelope in the
United State Mail addressed to the following:

Steven D Giverson
clerk of court
200 Lewis Avenue
Las Vegas, NV 89159

CC:FILE

DATED: this 11 day of Feb, 2019.

Tony Hobson 1165963
In Propria Personam
Post Office Box 208, S.D.C.C.
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding _____

Subpoena To Investigator Archie
(Title of Document)

filed in District Court Case number A-18-78-4448-W

☒ Does not contain the social security number of any person.

-OR-

☐ Contains the social security number of a person as required by:

A. A specific state or federal law, to wit:

(State specific law)

-or-

B. For the administration of a public program or for an application
for a federal or state grant.

[Signature]
Signature

12-11-19
Date

Jerry H
Print Name

Title

EXHIBIT "A"
NEVADA RULES OF CIVIL PROCEDURE

Rule 45

(c) Protection of Persons Subject to Subpoena.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or
- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
- (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party,

the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in Responding to Subpoena.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

EXHIBIT "B"
CERTIFICATE OF CUSTODIAN OF RECORDS

* STATE OF NEVADA) Case No.: _____
) ss.
COUNTY OF _____)

NOW COMES _____ *(name of custodian of records)*, who after first being duly sworn deposes and says:

1. That the deponent is the _____ *(position or title)* of _____
_____ *(name of employer)* and in his or her capacity as _____
_____ *(position or title)* is a custodian of the records of _____
_____ *(name of employer)*.

2. That _____ *(name of employer)* is licensed to do business
as a _____ in the State of _____.

3. That on the _____ day of the month of _____ of the year _____,
the deponent was served with a subpoena in connection with the above-entitled cause, calling for
the production of records pertaining to _____

_____.

4. That the deponent has examined the original of those records and has made or
caused to be made a true and exact copy of them and that the reproduction of them attached
hereto is true and complete.

5. That the original of those records was made at or near the time of the act, event,
condition, opinion or diagnosis recited therein by or from information transmitted by a person
with knowledge, in the course of a regularly conducted activity of the deponent or _____
_____ *(name of employer)*.

Executed on: _____
(Date)

(Signature of Custodian of Records)

SUBSCRIBED AND SWORN to before me this
_____ day of _____, 20_____.

NOTARY PUBLIC in and for the
County of _____, State of _____.

CCO3

DISTRICT COURT
CLARK COUNTY, NEVADA

Tony Hobson Plaintiff(s),

-vs-

The State of Nevada
Defendant(s).

CASE NO. A-18-783448-W

DEPT. NO. XIX

SUBPOENA - CIVIL
☐ REGULAR ☐ DUCES TECUM

THE STATE OF NEVADA SENDS GREETINGS TO:

(Tanas Law)
offices

YOU ARE HEREBY COMMANDED that all and singular, business and excuses
set aside, you appear and attend on the ____ day of ____, 20__ at the
hour of ____ M. in Department No. ____ of the District Court, Clark County, Nevada.

The address where you are required to appear is the Regional Justice Center, 200
Lewis Avenue, Las Vegas, Nevada. Your attendance is required to give testimony
and/or to produce and permit inspection and copying of designated books, documents
tangible things in your possession, custody or control, or to permit inspection of
premises. You are required to bring with you at the time of your appearance any items

RECEIVED

FEB 2 12 2019

CLERK OF THE COURT

Subpoena_CIVIL_Clerk_Issue/7/27/2009

1 set forth below. If you fail to attend, you may be deemed guilty of contempt of Court
2 and liable to pay all losses and damages caused by your failure to appear. Please see
3 Exhibit "A" attached hereto for information regarding the rights of the person subject to
4 this Subpoena.
5

6 Steven D. Grierson, CLERK OF COURT

7 By: _____

8 Deputy Clerk

9 Date

10 Submitted By: _____
11
12
13

14 AFFIDAVIT OF SERVICE

15 STATE OF)

16 COUNTY OF)

ss:

17 _____, being duly sworn says: That at all times herein affiant was over 18 years
18 of age, not a party to nor interested in the proceeding in which this affidavit is made.
19 That affiant received the Subpoena on the _____ day of _____, 20_____, and served
20 the same on the _____ day of _____, 20_____ by delivering a copy to the witness at
21 (state address) _____
22
23
24
25
26
27
28

1
2 I declare under penalty of perjury under the law of the State of Nevada that the
3 foregoing is true and correct.

4 EXECUTED this ____ day of ____, 20 ____.

5
6
7 Signature of person making service
8
9

10
11
12 Subpoena Request for Attorney Richard
13 Tanasi records of All "work product"
14 conducted on case # 14F185088 and
15 C-14-303022-2 To include the
16 billing requests made pursuant to
17 NRS 7.135 showing all billing related
18 to work done on this case. This
19 evidence will support petitioners
20 claim of (I.A.C) and counsels
21 failure to investigate.
22
23
24
25
26
27
28

ITEMS TO BE PRODUCED

② Subpoena Request for Richard Tanasi's Email Records Related To case No. 14F185088 and C-14-303022-2 and The Name of Tony Hobson

This Subpoena Request is limited to only Emails related to petitioner's Name; case No. - petitioner does not seek any e-mail involving any other clients. There are Emails that will show the "work product" related to this case - And/or the lack of work product. They will show communication between the assigned Investigator (Archie) and also any communications with the District Attorney's office. Petitioner seeks this information to support his claim of "failure to investigate" this subpoena is to be served to the custodian of records

AT Tanasi Law Office
601 South Seventh St, 2nd floor
Las Vegas, NV 89101

CERTIFICATE OF SERVICE BY MAILING

I, Tony Hobson, hereby certify, pursuant to NRCP 5(b), that on this 11
day of Feb, 2019, I mailed a true and correct copy of the foregoing, "Suppoeva To Taras' law office"

by placing document in a sealed pre-postage paid envelope and deposited said envelope in the
United State Mail addressed to the following:

Steven Giersen
Clerk of Court
200 Lewis Avenue
Las Vegas, NV 89101

CC:FILE

DATED: this 11 day of Feb, 2019.

Tony Hobson 1165963
1165963
/In Propria Personam
Post Office Box 208, S.D.C.C.
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding _____

Subpoena Tamas, law office
(Title of Document)

filed in District Court Case number A-18-78-4448-W

☒ Does not contain the social security number of any person.

-OR-

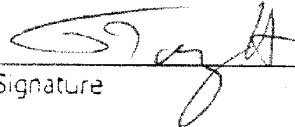
☐ Contains the social security number of a person as required by:

A. A specific state or federal law, to wit:

(State specific law)

-or-

B. For the administration of a public program or for an application
for a federal or state grant.


Signature

11-2-18
Date

Tony H
Print Name

Title

EXHIBIT "A"
NEVADA RULES OF CIVIL PROCEDURE

Rule 45

(c) Protection of Persons Subject to Subpoena.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party,

the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in Responding to Subpoena.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

STATE OF NEVADA)
) ss.
COUNTY OF _____) Case No.: _____

1. That the deponent is the _____ (position or title) of _____
 _____ (name of employer) and in his or her capacity as _____
 _____ (position or title) is a custodian of the records of _____
 _____ (name of employer).

3. That on the _____ day of the month of _____ of the year _____, the deponent was served with a subpoena in connection with the above-entitled cause, calling for the production of records pertaining to _____

5. That the original of those records was made at or near the time of the act, event, condition, opinion or diagnosis recited therein by or from information transmitted by a person with knowledge, in the course of a regularly conducted activity of the deponent or _____

(name of employer).

SUBSCRIBED AND SWORN to before me this _____ day of _____, 20____.

457

CC03

DISTRICT COURT
CLARK COUNTY, NEVADA

Tony Hobson

Plaintiff(s),

-VS-

State of Nevada
Defendant(s).

CASE NO. A-18-78-4448W

DEPT. NO. XIX

SUBPOENA - CIVIL
☐ REGULAR ☐ DUCES TECUM

THE STATE OF NEVADA SENDS GREETINGS TO

(Verbatim Digital
Recording, LLC)

YOU ARE HEREBY COMMANDED that all and singular, business and excuses

set aside, you appear and attend on the ____ day of ____, 20__ at the

hour of ____ M. in Department No. ____ of the District Court, Clark County, Nevada.

The address where you are required to appear is the Regional Justice Center, 200

Lewis Avenue, Las Vegas, Nevada. Your attendance is required to give testimony

and/or to produce and permit inspection and copying of designated books, documents

or tangible things in your possession, custody or control, or to permit inspection of

premises. You are required to bring with you at the time of your appearance any items

RECEIVED

FEB 21 2019

CLERK OF THE COURT

Subpoena_CIVIL_Clerk_Issue/7/27/2009

1 set forth below. If you fail to attend, you may be deemed guilty of contempt of Court
2 and liable to pay all losses and damages caused by your failure to appear. Please see
3 Exhibit "A" attached hereto for information regarding the rights of the person subject to
4 this Subpoena.
5

6 Steven D. Grierson, CLERK OF COURT
7

8 By: _____
9 Deputy Clerk Date

Submitted By:
10 _____
11
12
13

14 AFFIDAVIT OF SERVICE

15 STATE OF)
16 COUNTY OF) ss:

17 _____, being duly sworn says: That at all times herein affiant was over 18 years
18 of age, not a party to nor interested in the proceeding in which this affidavit is made.
19 That affiant received the Subpoena on the _____ day of _____, 20_____, and served
20 the same on the _____ day of _____, 20_____ by delivering a copy to the witness at
21 (state address) _____
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

EXECUTED this ____ day of ____, 20__.

Signature of person making service

ITEMS TO BE PRODUCED

Subpoena To verbatim Digital Recording
LTC for "ALL" video and Audio footage
for petitioner's entire criminal
case proceedings in case NO: 24-3030
22-2 and 14F185088 To Include PETIT-
ioners "Trial" video and Audio footage
recordings. This Evidence will Supp-
ort Petitioners (I.A.C) claims and
Brady and prosecuter misconduct.

CERTIFICATE OF SERVICE BY MAILING

I, Tony Hobson, hereby certify, pursuant to NRCP 5(b), that on this 11
day of Feb, 2019 I mailed a true and correct copy of the foregoing, "Subpoena To Verbatim Digital Recordings"
by placing document in a sealed pre-postage paid envelope and deposited said envelope in the
United State Mail addressed to the following:

Steven D. Giverson
elect el court
200 Lewis Avenue, 3rd floor
Las Vegas, NV 89159

CC:FILE

DATED: this 11 day of Feb, 2019

Tony Hobson 1165963
Tony Hobson #1165963
/In Propria Personam
Post Office Box 208, S.D.C.C.
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding Subpoena

To Verbatim Digital recordings
(Title of Document)

filed in District Court Case number A-15-78-4448-W

☒ Does not contain the social security number of any person.

-OR-

☐ Contains the social security number of a person as required by:

A. A specific state or federal law, to wit:

(State specific law)

-or-

B. For the administration of a public program or for an application
for a federal or state grant.

Tony H
Signature

12-11-19
Date

Tony H
Print Name

Title

EXHIBIT "A"
NEVADA RULES OF CIVIL PROCEDURE

Rule 45

(c) Protection of Persons Subject to Subpoena.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party,

the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in Responding to Subpoena.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

* STATE OF NEVADA) Case No.: _____
) ss. _____
COUNTY OF _____)

NOW COMES _____ (name of custodian of records), who after first

1. That the deponent is the _____ (position or title) of _____

2. That _____ (name of employer) is licensed to do business

3. That on the _____ day of the month of _____ of the year _____,

4. That the deponent has examined the original of those records and has made or

5. That the original of those records was made at or near the time of the act, event,

and on:

DECLARED AND SWORN to before me this _____

RY PUBLIC in and for the

CC03

DISTRICT COURT
CLARK COUNTY, NEVADA

Tony Hobson
Plaintiff(s),

-vs-

The State of Nevada
Defendant(s).

CASE NO. A-18-78-4448-W
DEPT. NO. XIX

SUBPOENA - CIVIL
☐ REGULAR ☐ DUCES TECUM

THE STATE OF NEVADA SENDS GREETINGS TO

(CCDC
Clark County
Detention Center)

YOU ARE HEREBY COMMANDED that all and singular, business and excuses set aside, you appear and attend on the ____ day of ____, 20__ at the hour of ____ M. in Department No. ____ of the District Court, Clark County, Nevada. The address where you are required to appear is the Regional Justice Center, 200 Lewis Avenue, Las Vegas, Nevada. Your attendance is required to give testimony and/or to produce and permit inspection and copying of designated books, documents or tangible things in your possession, custody or control, or to permit inspection of premises. You are required to bring with you at the time of your appearance any items

RECEIVED

FEB 21 2019

CLERK OF THE COURT

Subpoena_CIVIL_Clerk_Issue/7/27/2009

1 set forth below. If you fail to attend, you may be deemed guilty of contempt of Court
2 and liable to pay all losses and damages caused by your failure to appear. Please see
3 Exhibit "A" attached hereto for information regarding the rights of the person subject to
4 this Subpoena.
5

6 Steven D. Grierson, CLERK OF COURT

7
8 By: _____

9 Deputy Clerk

Date

Submitted By:
10 _____
11
12
13

14 AFFIDAVIT OF SERVICE

15 STATE OF)

16 COUNTY OF)

ss:

17 _____, being duly sworn says: That at all times herein affiant was over 18 years
18 of age, not a party to nor interested in the proceeding in which this affidavit is made.
19 That affiant received the Subpoena on the _____ day of _____, 20_____, and served
20 the same on the _____ day of _____, 20_____ by delivering a copy to the witness at
21 (state address) _____
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

EXECUTED this _____ day of _____, 20____.

Signature of person making service

ITEMS TO BE PRODUCED

⑤ subpoena to CDC/sheriff custodian of record for (face to face video and Audio footage) of Tony Harrison #3992420 legal visits with Archie Vaughn his Investigator and his Attorney Richard Tanas. Time period of Nov 2014-sep 2016
This Evidence will support petitioners (I.A.C) claims, and his Due process fourteenth amendment claims.

CERTIFICATE OF SERVICE BY MAILING

I, Tony Hobson, hereby certify, pursuant to NRCP 5(b), that on this 11
day of Feb, 20 19, I mailed a true and correct copy of the foregoing, "Subpoena to (CCRC)"
by placing document in a sealed pre-postage paid envelope and deposited said envelope in the
United State Mail addressed to the following:

Steven D. Giteason
200 Lewis Avenue 3rd floor
Las Vegas, NV 89155

CC:FILE

DATED: this 11 day of Feb, 20 19.

Tony Hobson 1165963
1165963
/s/ Propria Personam
Post Office Box 208, S.D.C.C.
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding _____

Subpoena To (CCDC)
(Title of Document)

filed in District Court Case number A-18-784448-W

☒ Does not contain the social security number of any person.

-OR-

☐ Contains the social security number of a person as required by:

A. A specific state or federal law, to wit:

(State specific law)

-or-

B. For the administration of a public program or for an application
for a federal or state grant.

Tony H
Signature

11-11-19
Date

Tony H
Print Name

Title

EXHIBIT "A"
NEVADA RULES OF CIVIL PROCEDURE

Rule 45

(c) Protection of Persons Subject to Subpoena.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or
- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party,

the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in Responding to Subpoena.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

STATE OF NEVADA) Case No.: _____
) ss.
COUNTY OF _____)

1. That the deponent is the _____ (position or title) of _____
 _____ (name of employer) and in his or her capacity as _____
 _____ (position or title) is a custodian of the records of _____
 _____ (name of employer).

3. That on the _____ day of the month of _____ of the year _____, the deponent was served with a subpoena in connection with the above-entitled cause, calling for the production of records pertaining to _____

5. That the original of those records was made at or near the time of the act, event, condition, opinion or diagnosis recited therein by or from information transmitted by a person with knowledge, in the course of a regularly conducted activity of the deponent or _____
(name of employer).

SUBSCRIBED AND SWORN to before me this _____ day of _____, 20____.

473

CCO3

DISTRICT COURT
CLARK COUNTY, NEVADA

Tony Hobson

Plaintiff(s),

-vs-

The State of Nevada
Defendant(s).

CASE NO. A-18-78-4448-W

DEPT. NO. X1X

SUBPOENA - CIVIL

☐ REGULAR ☐ DUCES TECUM

THE STATE OF NEVADA SENDS GREETINGS TO:

(sprint corp Inc)

YOU ARE HEREBY COMMANDED that all and singular, business and excuses set aside, you appear and attend on the ____ day of ____, 20____ at the hour of ____ M. in Department No. ____ of the District Court, Clark County, Nevada. The address where you are required to appear is the Regional Justice Center, 200 Lewis Avenue, Las Vegas, Nevada. Your attendance is required to give testimony and/or to produce and permit inspection and copying of designated books, documents and tangible things in your possession, custody or control, or to permit inspection of premises. You are required to bring with you at the time of your appearance any items

RECEIVED

FEB 21 2019

CLERK OF THE COURT

Subpoena_CIVIL_Clerk_Issue/7/27/2009

1 set forth below. If you fail to attend, you may be deemed guilty of contempt of Court
2 and liable to pay all losses and damages caused by your failure to appear. Please see
3 Exhibit "A" attached hereto for information regarding the rights of the person subject to
4 this Subpoena.

5
6 Steven D. Grierson, CLERK OF COURT

7
8 By: _____
9 Deputy Clerk

Date

Submitted By:
10 _____
11
12
13

14 AFFIDAVIT OF SERVICE

15 STATE OF)
16 COUNTY OF) ss:

17 _____, being duly sworn says: That at all times herein affiant was over 18 years
18 of age, not a party to nor interested in the proceeding in which this affidavit is made.
19 That affiant received the Subpoena on the _____ day of _____, 20_____, and served
20 the same on the _____ day of _____, 20_____ by delivering a copy to the witness at
21 (state address) _____
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

EXECUTED this _____ day of _____, 20____.

Signature of person making service

ITEMS TO BE PRODUCED

① Subpoena Request To The Sprint corp Inc for the phone Records - Including make & model of phones Assigned To each number and ESN# for (Brianna Rankin) for the following Time period: 8-2012 Through 2-2015 This request should Include photos of each phone assigned To each ESN# This Subpoena should be Served To The custodian of record AT The ("Sprint corp Inc") Address unknown (See motion for appointment of Investigator) These Records will Support Petitioner's (I.A.C) claim - Showing photos of cell phone belonging To brianna and Proving prejudice Suffered by The Petitioner when counsel allowed The Jury To review photos of cell phones That were NOT Booked Into Evidence and allowing The Jury's To draw a Negative "Inference" As To The material Value of the cell phones That were admitted Into Evidence.

CERTIFICATE OF SERVICE BY MAILING

I, Tony Hobson, hereby certify, pursuant to NRCP 5(b), that on this 11
day of Feb, 2017, I mailed a true and correct copy of the foregoing, "Subpoena To Sprint Corp Inc"

by placing document in a sealed pre-postage paid envelope and deposited said envelope in the
United State Mail addressed to the following:

Steven giesen
clerk of court
200 Lewis Avenue, 3rd floor
Las Vegas, NV 89155

CC: FILE

DATED: this 11 day of Feb, 2017.

Tony Hobson 1165963
1165963
In Propria Personam
Post Office Box 208, S.D.C.C.
Indian Springs, Nevada 89018
IN FORMA PAUPERIS

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding _____

Subpoena To Sprint Corp Inc
(Title of Document)

filed in District Court Case number A-18-78-4448-W

☒ Does not contain the social security number of any person.

-OR-

☐ Contains the social security number of a person as required by:

A. A specific state or federal law, to wit:

(State specific law)

-or-

B. For the administration of a public program or for an application
for a federal or state grant.

[Signature]
Signature

2-11-19
Date

Tony Hobson
Print Name

Title

EXHIBIT "A"
NEVADA RULES OF CIVIL PROCEDURE

Rule 45

(c) Protection of Persons Subject to Subpoena.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party,

the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in Responding to Subpoena.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

**PLEADING
CONTINUES
IN NEXT
VOLUME**

IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed
Apr 26 2019 06:51 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 2

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

Lab Item 2.1

The DNA profile obtained from the swabbing of the inside of the right red and black glove (Item 2.1) is consistent with a distinguishable mixture of at least four individuals with at least one being a male. The full major DNA profile obtained is consistent with Brandon Starr (Item 1*). The probability of randomly selecting an unrelated individual from the general population having a DNA profile that is consistent with the full major DNA profile obtained from the evidence sample is approximately 1 in 87.4 quintillion. Donte Johns (Item 2*) and Tony Hobson (Item 3*) are excluded as possible contributors to the full major DNA profile obtained. The full major DNA profile will be searched against the Local DNA Index System (CODIS) and then uploaded to the National DNA Index System (CODIS) for comparison. You will be notified if there is a match. Due to the limited data available, no conclusions can be made regarding the minor component.

Lab Item 2.2

The DNA profile obtained from the swabbing of the inside of the left red and black glove (Item 2.2) is consistent with an indistinguishable mixture of at least three individuals with at least one being male. Due to the limited data available, no additional conclusions can be made regarding this mixture DNA profile.

Lab Item 3

The DNA profile obtained from the swabbing of the inside of the left grey and red glove (Item 3) is consistent with a distinguishable mixture of at least four individuals with at least one being a male. The full major DNA profile obtained is consistent with Brandon Starr (Item 1*). The probability of randomly selecting an unrelated individual from the general population having a DNA profile that is consistent with the full major DNA profile obtained from the evidence sample is approximately 1 in 87.4 quintillion. Donte Johns (Item 2*) and Tony Hobson (Item 3*) are excluded as possible contributors to the full major DNA profile obtained. Due to the limited data available, no conclusions can be made regarding the minor component.

Lab Item 4.1.1

The DNA profile obtained from the swabbing of the outside of one knit glove (Item 4.1.1) is consistent with a distinguishable mixture of at least three individuals with at least one being a male. The full major DNA profile obtained is consistent with Donte Johns (Item 2*). The probability of randomly selecting an unrelated individual from the general population having a DNA profile that is consistent with the full major DNA profile obtained from the evidence sample is approximately 1 in 369 sextillion. Brandon Starr (Item 1*) and Tony Hobson (Item 3*) are excluded as possible contributors to the full major DNA profile obtained. The full major DNA profile will be searched against the Local DNA Index System (CODIS) and then uploaded to the National DNA Index System (CODIS) for comparison. You will be notified if there is a match. Due to the limited data available, no conclusions can be made regarding the minor component.

Lab Item 4.1.2

A DNA profile was not obtained from the swabbing of the inside of one knit glove (Item 4.1.2).

Lab Item 4.2.1

The DNA profile obtained from the swabbing of the outside of one knit glove (Item 4.2.1) is consistent with a distinguishable mixture of at least three individuals with at least one being a male. The partial major DNA profile obtained is consistent with Donte Johns (Item 2*). The probability of randomly selecting an unrelated individual from the general population having a DNA profile that is consistent with the partial major DNA profile obtained from the evidence sample is approximately 1 in 454 million. Brandon Starr (Item 1*) and Tony Hobson (Item 3*) are excluded as possible contributors to the partial major DNA profile obtained. Due to the limited data available, no conclusions can be made regarding the minor component.

Lab Item 4.2.2

A DNA profile was not obtained from the swabbing of the inside of one knit glove (Item 4.2.2).

Lab Item 5

The DNA profile obtained from the swabbing of the yellow mask (Item 5) is consistent with a distinguishable mixture of at least four individuals with at least one being a male. The full major DNA profile obtained is consistent with Brandon Starr (Item 1*). The probability of randomly selecting an unrelated individual from the general population having a DNA profile that is consistent with the full major DNA profile obtained from the evidence sample is approximately 1 in 87.4 quintillion. Donte Johns (Item 2*) and Tony Hobson (Item 3*) are excluded as possible contributors to the full major DNA profile obtained. Due to the limited data available, no conclusions can be made regarding the minor component.

Lab Item 9

The DNA profile obtained from the swabbing of the axe handle (Item 9) is consistent with an indistinguishable mixture of at least three individuals with at least one being male. Due to the limited data available, no additional conclusions can be made regarding this mixture DNA profile.

Lab Item 6

The DNA profile obtained from the swabbing of the inside of the left "Snap-on" glove (Item 6) is consistent with a distinguishable mixture of at least four individuals with at least one being a male. The partial major DNA profile obtained is consistent with Tony Hobson (Item 3*). The probability of randomly selecting an unrelated individual from the general population having a DNA profile that is consistent with the partial major DNA profile obtained from the evidence sample is approximately 1 in 39.5 billion. Brandon Starr (Item 1*) and Donte Johns (Item 2*) are excluded as possible contributors to the partial major DNA profile obtained. Due to the limited data available, no conclusions can be made regarding the minor component.

Lab Item 7

The DNA profile obtained from the swabbing of the yellow mask (Item 7) is consistent with an indistinguishable mixture of at least four individuals with at least one being male. Due to the complexity of the data available, no additional conclusions can be made regarding this mixture DNA profile.

Lab Item 8

The DNA profile obtained from the swabbing of the inside of the right "Snap-on" glove (Item 8) is consistent with a distinguishable mixture of at least three individuals with at least one being a male. The partial major DNA profile obtained is consistent with Tony Hobson (Item 3*). The probability of randomly selecting an unrelated individual from the general population having a DNA profile that is consistent with the partial major DNA profile obtained from the evidence sample is approximately 1 in 400 quintillion. Brandon Starr (Item 1*) and Donte Johns (Item 2*) are excluded as possible contributors to the partial major DNA profile obtained. The partial major DNA profile will be searched against the Local DNA Index System (CODIS) and then uploaded to the National DNA Index System (CODIS) for comparison. You will be notified if there is a match. Due to the limited data available, no conclusions can be made regarding the minor component.

Lab Item 10

The partial DNA profile obtained from the revolver swab (Item 10) is consistent with Brandon Starr (Item 1*). The probability of randomly selecting an unrelated individual from the general population having a DNA profile that is consistent with the partial DNA profile obtained from the evidence sample is approximately 1 in 193 million. Donte Johns (Item 2*) and Tony Hobson (Item 3*) are excluded as possible contributors to the partial DNA profile obtained.

Lab Item 11

The partial DNA profile obtained from the Ruger swab (Item 11) is consistent with originating from a single contributor. Due to the limited data available, no additional conclusions can be made regarding this partial DNA profile.

Lab Item 12

The partial DNA profile obtained from the magazine swab (Item 12) is consistent with originating from a single contributor. Due to the limited data available, no additional conclusions can be made regarding this partial DNA profile.

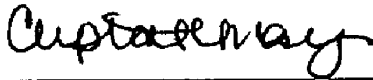
Lab Item 13

The partial DNA profile obtained from the axe swab (Item 13) is consistent with originating from a single contributor. Due to the limited data available, no additional conclusions can be made regarding this partial DNA profile.

Statistical probabilities were calculated using the recommendations of the National Research Council (NRC II) utilizing the FBI database (J Forensic Sci 44 (6) (1999): 1277-1286 and J Forensic Sci doi: 10.1111/1556-4029.12806; J Forensic Sci 46 (3) (2001) 453-489 and Forensic Science Communications 3 (3) (2001)). The probability that has been reported is the most conservative value obtained from the US Caucasian (CAU), African American (BLK), and Southwest Hispanic (SWH) population databases. These numbers are an estimation for which a deviation of approximately +/- 10-fold may exist. All random match probabilities, combined probability of inclusions/exclusions, and likelihood ratios calculated by the LVMPD are truncated to three significant figures.

The evidence is returned to secure storage.

---This report does not constitute the entire case file. The case file may be comprised of worksheets, images, analytical data and other documents.---



Crystal May, #9288
Forensic Scientist II

09/07/2015

- END OF REPORT -

Las Vegas Metropolitan Police Department Forensic Laboratory Report of Examination Biology/DNA Forensic Casework		Distribution Date: May 5, 2016 Agency: LVMPD Location: Robbery/Homicide Bureau Primary Case #: 141125-4029 Additional Cases: 141124-3628 Incident: Robbery, Robbery WDW Requester: Jeffery C Abell Lab Case #: 15-01887.4 Supplemental 1
Subject(s):	Tony Hobson (Suspect) Brandon Starr (Suspect) Donte Johns (Suspect)	

This report does not supercede nor replace the original report dated September 7th, 2015. This report is being issued in compliance with a Court Order issued for Court Case No. C-14-303022-1 and signed by District Judge William Kephart on May 2nd, 2016.

All profiles associated with CODIS entries will stand as they were originally interpreted.

The reinterpreted results are reported below.

Refer to the original report issued by FS II Crystal May P# 9288 dated 9/7/2015 for related information.
*Evidence booked under event 141124-3628

DNA Results and Conclusions:

Lab Item 2.1

The DNA profile obtained from the swabbing of the inside of the right red and black glove (Item 2.1) is consistent with a mixture of four individuals with at least one being a male. Due to the complexity of the data available, no additional conclusions can be made regarding this mixture DNA profile.

Lab Item 2.2

The DNA profile obtained from the swabbing of the inside of the left red and black glove (Item 2.2) is consistent with a mixture of at least three individuals with at least one being male. Due to the limited data available, no additional conclusions can be made regarding this mixture DNA profile.

Lab Item 3

The DNA profile obtained from the swabbing of the inside of the left grey and red glove (Item 3) is consistent with a mixture of four individuals with at least one being a male. The full major DNA profile obtained is consistent with Brandon Starr (Item 1*). The probability of randomly selecting an unrelated individual from the general population having a DNA profile that is consistent with the full major DNA profile obtained from the evidence sample is approximately 1 in 87.4 quintillion. Donte Johns (Item 2*) and Tony Hobson (Item 3*) are excluded as possible contributors to the full major DNA profile obtained. Due to the limited data available, no conclusions can be made regarding the minor component.

Lab Item 4.1.1

The DNA profile obtained from the swabbing of the outside of one knit glove (Item 4.1.1) is consistent with a mixture of three individuals with at least one being a male. The full major DNA profile obtained is consistent with Donte Johns (Item 2*). The probability of randomly selecting an unrelated individual from the general population having a DNA profile that is consistent with the full major DNA profile obtained from the evidence sample is approximately 1 in 369 sextillion. Brandon Starr (Item 1*) and Tony Hobson (Item 3*) are excluded as possible contributors to the full major DNA profile obtained. Due to the limited data available, no conclusions can be made regarding the trace component.

Lab Item 4.1.2

A DNA profile was not obtained from the swabbing of the inside of one knit glove (Item 4.1.2).

Lab Item 4.2.1

The DNA profile obtained from the swabbing of the outside of one knit glove (Item 4.2.1) is consistent with a mixture of three individuals with at least one being a male. Due to the complexity of the data available, no additional conclusions can be made regarding this mixture DNA profile.

Lab Item 4.2.2

A DNA profile was not obtained from the swabbing of the inside of one knit glove (Item 4.2.2).

Lab Item 5

The DNA profile obtained from the swabbing of the yellow mask (Item 5) is consistent with a mixture of four individuals with at least one being a male. Due to the complexity of the data available, no additional conclusions can be made regarding this mixture DNA profile.

Lab Item 9

The DNA profile obtained from the swabbing of the axe handle (Item 9) is consistent with a mixture of at least three individuals with at least one being male. Due to the limited data available, no additional conclusions can be made regarding this mixture DNA profile.

Lab Item 6

The DNA profile obtained from the swabbing of the inside of the left "Snap-on" glove (Item 6) is consistent with a mixture of three individuals with at least one being a male. Due to the complexity of the data available, no additional conclusions can be made regarding this mixture DNA profile.

Lab Item 7

The DNA profile obtained from the swabbing of the yellow mask (Item 7) is consistent with a mixture of at least four individuals with at least one being male. Due to the complexity of the data available, no additional conclusions can be made regarding this mixture DNA profile.

Lab Item 8

The DNA profile obtained from the swabbing of the inside of the right "Snap-on" glove (Item 8) is consistent with a mixture of three individuals with at least one being a male. The partial major DNA profile obtained is consistent with Tony Hobson (Item 3*). The probability of randomly selecting an unrelated individual from the general population having a DNA profile that is consistent with the partial major DNA profile obtained from the evidence sample is approximately 1 in 1.54 quadrillion. Brandon Starr (Item 1*) and Donte Johns (Item 2*) are excluded as possible contributors to the partial major DNA profile obtained. Due to the limited data available, no conclusions can be made regarding the minor component.

Lab Item 10

The partial DNA profile obtained from the revolver swab (Item 10) is consistent with Brandon Starr (Item 1*). The probability of randomly selecting an unrelated individual from the general population having a DNA profile that is consistent with the partial DNA profile obtained from the evidence sample is approximately 1 in 193 million. Donte Johns (Item 2*) and Tony Hobson (Item 3*) are excluded as possible contributors to the partial DNA profile obtained.

Lab Item 11

The partial DNA profile obtained from the Ruger swab (Item 11) is consistent with originating from a single contributor. Due to the limited data available, no additional conclusions can be made regarding this partial DNA profile.

Lab Item 12

The partial DNA profile obtained from the magazine swab (Item 12) is consistent with originating from a single male contributor. Due to the limited data available, no additional conclusions can be made regarding this partial DNA profile.

Lab Item 13

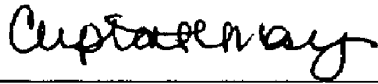
The partial DNA profile obtained from the axe swab (Item 13) is consistent with originating from a single contributor. Due to the limited data available, no additional conclusions can be made regarding this partial DNA profile.

Statistical probabilities were calculated using the recommendations of the National Research Council (NRC II) utilizing the FBI database (J Forensic Sci 44 (6) (1999): 1277-1286 and J Forensic Sci doi: 10.1111/1556-4029.12806; J Forensic Sci 46 (3) (2001) 453-489 and Forensic Science Communications 3 (3) (2001)). The probability that has been reported is the most conservative value obtained from the US Caucasian (CAU), African American (BLK), and Southwest Hispanic (SWH) population databases. These numbers are an estimation for which a deviation of approximately +/- 10-fold may exist. All random match probabilities, combined probability of inclusions/exclusions, and likelihood ratios calculated by the LVMPD are truncated to three significant figures.

---This report does not constitute the entire case file. The case file may be comprised of worksheets, images, analytical data and other documents.---

Supplemental 1

Primary Event #: 141125-4029
Lab Case #: 15-01887.4



Crystal May, #9288
Forensic Scientist II

- END OF REPORT -

Exhibit 13

13

Exhibit 13

1 MS. MERCER: No, Your Honor.

2 MR. TANASI: I don't think so, Your Honor.

3 MR. MANINGO: Well --

4 (Pause in the proceedings)

5 MR. TANASI: Judge, could we the Court's indulgence
6 for one second? We might be able to streamline things.

7 THE COURT: Okay.

8 (Pause in the proceedings)

9 MR. TANASI: Okay. So Judge, I think there is an
10 issue with one witness. I guess, we can put it on the record
11 now and --

12 THE COURT: Okay.

13 MR. TANASI: -- and maybe the defense can figure
14 out a way. But Detective Turner in this case is the
15 detective who impounds the items from the apartment that's
16 ultimately searched, which we haven't gotten to yet, but
17 we're getting there, I think, tomorrow Detective Abell.

18 Detective Turner, in her reports, gives
19 conflicting, contradicting versions of where the Popeye's
20 receipts were found. And so that's a very critical piece of
21 evidence in this case. And so what we have just learned in
22 trying to serve Detective Turner, is that she's out of town,
23 she's in Hawaii until Monday, and I think she's got -- and
24 could be available here on Tuesday of next week.

25 We ran this by the State, and in an effort to see

1 if we could admit those two reports from Detective Turner,
2 which reference statements made by Detective Abell, but also
3 a contradiction made by Detective Flynn as to where --
4 actually, I take that back. Detective Turner notes the
5 receipts are found in two different places, and she says she
6 gets both of them from Detective Abell.

7 THE COURT: Okay, so Detective Abell tells her I
8 found -- or something was found in one place, something was
9 found in another place?

10 MR. TANASI: Same thing was found in two different
11 places.

12 THE COURT: Okay.

13 MR. TANASI: And so the issue, obviously, is now
14 with her not being available to testify, we kind of went into
15 this assuming that Detective Turner would be a critical
16 witness the State would call. We didn't anticipate the
17 travel issue; otherwise, she wouldn't necessarily have been
18 noticed, we at least believe in the State's notice of
19 witnesses. We did notice her on our own as an endorsement,
20 you know, to all of our witnesses as well, but then like I
21 said, we've just now learned that she won't be here until
22 Tuesday. So our request is --

23 THE COURT: Did you subpoena her?

24 MR. TANASI: We did. We served her.

25 THE COURT: Okay. When did you tell her to be

1 here?

2 MR. TANASI: Well, I'd have to defer to --

3 MR. MANINGO: Your Honor, we --

4 MR. TANASI: -- co-counsel on that.

5 MR. MANINGO: -- served her last week. We asked
6 her to be here on the -- be available as of the 16th, today.

7 THE COURT: Uh-huh.

8 MR. MANINGO: She then responded to my office with
9 that she had travel plans from the 16th through the 23rd or
10 24th and she faxed over to my office, and I apologize, I
11 don't have it with me right now, just a confirmation of her
12 unavailability.

13 THE COURT: When did you serve her?

14 MR. MANINGO: We're thinking it was Tuesday of last
15 week, Your Honor.

16 THE COURT: Okay. So what are you proposing?

17 MR. TANASI: I'd like to admit Detective Turner's
18 reports through Detective Abell as --

19 THE COURT: Okay.

20 MR. TANASI: -- substantive evidence and notice --

21 THE COURT: Well, do you think Detective Abell will
22 not -- I mean, will be saying something different than what
23 you would already have from --

24 MR. TANASI: I don't know that. I mean, it's said
25 two different ways in two different reports so I don't know

1 what Detective Abell's --

2 THE COURT: Okay. Well --

3 MR. TANASI: -- what his position is.

4 THE COURT: Okay. Okay, clear me up again.

5 MR. TANASI: Sure.

6 THE COURT: Detective Abell did one report?

7 MS. MERCER: No. Detective Turner authored two
8 reports. She did one property impound report, in which she
9 inverted items 4 and 5. She did an officer's report
10 documenting the search warrant who was present during the
11 execution of the search warrant, what items of evidence were
12 found where, which is correct. The evidence was photographed
13 in place by a crime scene analyst.

14 Detective Abell, I can make representations to the
15 Court, noticed the typo in her property impound report and
16 told her to correct it. So he's aware of the typo.

17 THE COURT: So Detective Abell's --

18 MS. MERCER: And they can question --

19 THE COURT: -- the one that actually did the --

20 MS. MERCER: No, he caught the typo in her --

21 THE COURT: Oh, and he told --

22 MS. MERCER: -- report.

23 THE COURT: -- her to correct it?

24 MS. MERCER: So he can testify to the error --

25 THE COURT: Okay.

1 MS. MERCER: -- but, I mean, the reports themselves
2 are hearsay. That's the State's position.

3 MR. MANINGO: And that's what's going to -- that's
4 what we're going to deal with when we try to get into that
5 discrepancy with Detective Abell, because Detective Flynn,
6 per Turner's report, says that these receipts were found in
7 one place. Detective Abell says they were found in another.
8 Detective Abell, per the State, is the one who says to
9 Detective Turner, you made a mistake, but yet, we haven't
10 heard from Detective Flynn either.

11 THE COURT: Okay. Did Detective Turner find these
12 receipts?

13 MR. MANINGO: Detective Turner, I believe, took a
14 picture of them at the same location, correct me if I'm
15 wrong, that --

16 MS. MERCER: That was a crime scene analyst..

17 MR. TANASI: -- Detective Abell said that they were
18 located at.

19 THE COURT: Okay. So she takes a picture of --

20 MS. MERCER: Your Honor, she does not photograph.

21 The crime scene analyst Vandering (phonetic) --

22 MR. MANINGO: Oh, pardon me, I didn't mean to
23 misspeak.

24 THE COURT: Okay. Okay, so Detective Turner didn't
25 find anything? She didn't --

1 MR. MANINGO: No. But she --
2 THE COURT: She's reporting what someone told her?
3
4 MS. MERCER: Correct.
5 MR. TANASI: Two different ways.
6 THE COURT: Okay, so Detective Flynn told her it
7 was one place --
8 MR. TANASI: Correct.
9 THE COURT: -- Detective Abell told her it was
10 another place.
11 MR. TANASI: Correct.
12 THE COURT: Detective Abell then tells her to
13 correct it?
14 MR. TANASI: We don't know that, Your Honor.
15 MR. MANINGO: That's what we just learned today.
16 MR. TANASI: That's what we just learned --
17 THE COURT: Okay.
18 MR. TANASI: -- but --
19 THE COURT: But you have Detective Flynn coming in?
20 MR. TANASI: We don't. Again --
21 THE COURT: Did you subpoena Detective Flynn?
22 MR. TANASI: We did not. We did not.
23 THE COURT: Because if he's the one telling
24 Detective Turner where the items are, even if Detective
25 Turner was testifying, it would be hearsay.

1 MR. TANASI: But it's Detective Turner's report
2 indicating where she learned and what she discovered.

3 THE COURT: That someone told her.

4 MR. TANASI: Again, it's her report. It would be
5 fair game in her report.

6 THE COURT: Yeah, but would -- does the report say
7 Detective Flynn is the one that found it that told --

8 MR. MANINGO: Yes.

9 THE COURT: -- Detective Turner --

10 MR. MANINGO: Yes.

11 MS. MERCER: I --

12 THE COURT: Then why wouldn't you subpoena
13 Detective Flynn if he's the one that actually found it in
14 another area that's not --

15 MR. TANASI: Because we don't have Detective
16 Flynn's report, we have Detective Turner's report.

17 THE COURT: But doesn't it say in the report that
18 Detective Flynn told me it was here and that's what I wrote?

19 MR. TANASI: All it says is item 4, which is the
20 receipts, was located by Detective Flynn from a nightstand
21 drawer in the master bedroom.

22 THE COURT: Okay.

23 MR. TANASI: It doesn't get into the conversation.
24 And again, substantively, as a report from Detective Turner,
25 we could have admitted both and had her explain how she got

1 this information.

2 THE COURT: Have you done anything at all to try to
3 contact Detective Flynn?

4 MR. MANINGO: Not yet.

5 MR. TANASI: We have not, Your Honor.

6 THE COURT: Is Detective Flynn available, do you
7 know?

8 MS. MERCER: I don't know. We didn't subpoena him,
9 to my knowledge. And if we did, we didn't pretrial him
10 because we didn't plan on calling him.

11 THE COURT: Reach out to him tonight, if you can.
12 I'm going to ask the State to try to help you with that. And
13 see if you can get Detective Flynn in here because, I mean,
14 if Detective Flynn's the one that actually saying he found
15 it --

16 MR. TANASI: And I understand the Court's position.
17 I guess, I would just point out, though, if Detective Flynn
18 turns around and says no, that's not true, that's not what I
19 said, I can't --

20 THE COURT: Okay.

21 MR. TANASI: -- impeach Detective Flynn with
22 Detective Turner's --

23 THE COURT: Well, I think you can -- I will --
24 under these circumstances --

25 MR. TANASI: Unless Your Honor allows it.

1 THE COURT: -- let's see whether or not you have
2 Detective Flynn, fir of all, okay?

3 MR. TANASI: Okay.

4 THE COURT: Let's go from there.

5 MR. TANASI: Okay.

6 THE COURT: I think I -- my position would be that
7 I think you'd be able to ask him if it would surprise him to
8 know that -- you know, okay, I'll give you how I would do it.

9 MR. TANASI: Okay.

10 THE COURT: Detective Flynn, we heard your
11 testimony, DA, DA, DA, DA, DA. You said you found something
12 in a nightstand. Did you tell anybody that? No, I didn't
13 find it in the nightstand. No, I didn't tell anybody that.
14 Well, who is Detective Turner?

15 MR. TANASI: Turner.

16 MR. MANINGO: Turner.

17 THE COURT: Well, were you aware that she made a
18 report in this -- did you make a report, Detective Flynn?
19 No, I didn't. So Detective Turner would have been making the
20 report. Were you aware that she said that you told her that
21 she found it in a nightstand? You know, that's --

22 MR. TANASI: If Your Honor --

23 THE COURT: -- the way you get it.

24 MR. TANASI: If Your Honor's okay with that line of
25 questioning with Detective Flynn --

1 THE COURT: I --

2 MR. TANASI: -- but I think --

3 THE COURT: But see if you can get him.

4 MR. TANASI: Sure, sure.

5 THE COURT: I think that would be the most
6 appropriate person, though, to talk to anyhow because he'd be
7 the one to be saying whether or not he found it there or he
8 didn't or and he told her something to that effect. I don't
9 know what -- I mean, that's the -- I think that's the best --
10 let's see if you can get him first.

11 MR. TANASI: Okay.

12 THE COURT: All right? And --

13 MS. MERCER: For the record, I -- Detective Abell's
14 the one that found the receipts, which is the one that --

15 THE COURT: No, no, no, no, I understand that, but
16 if somebody's saying another detective found it, I think you
17 have a right to ask him, did you find -- no, I didn't -- you
18 know, I -- that's what I anticipate is probably going to say
19 no, I didn't find it. Were you aware that Detective Turner
20 did a report saying you found it?

21 MR. TANASI: Right. If Your Honor's okay with that
22 line of questioning, that solves the problem.

23 THE COURT: Well, I think since you were already
24 talking about who's doing reports and not doing reports and
25 they rely on other individuals doing the reports, I think

1 that's fair.

2 MR. TANASI: Okay.

3 THE COURT: So I -- let's --

4 MR. MANINGO: We'll start there.

5 THE COURT: -- go from -- let's step over that
6 hurdle first. Let's see if he's even here.

7 MR. TANASI: Okay.

8 THE COURT: I mean, and if not, then we may be
9 waiting until next week.

10 MR. TANASI: Okay.

11 MR. MANINGO: Thank you, sir.

12 MR. TANASI: Thank you, Judge.

13 THE COURT: We're offer the record.

14 (Court recessed at 4:52 P.M., until Tuesday,
15 May 17, 2016, at 11:32 A.M.)

16 * * * * *

17 CERTIFICATE

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

21

22

23

24

25

Julie Lord

JULIE LORD, INDEPENDENT TRANSCRIBER

Exhibit 14

14

Exhibit 14

1 A. He was.

2 Q. Did he acknowledge that he understood those
3 rights?

4 A. Yes.

5 Q. During the course of that interview did he
6 indicate to you that he had in fact been the get-away
7 driver in the Popeye's robbery?

8 A. Yes.

9 Q. And he was able to provide you with details
10 that were consistent with what had occurred in the
11 course of that robbery; correct?

12 A. Yes.

13 Q. Did he indicate to you that he in fact
14 received a hundred dollars for the role that he played
15 in that robbery?

16 A. Well, he said he received some money, a
17 hundred dollars for a phone bill.

18 Q. And gas?

19 A. And gas.

20 Q. One second please.

21 The photographs that were shown on the
22 second page of that exhibit of the suspects, those were
23 photographs taken on November 25, 2014, correct? The
24 seconds page of Grand Jury Exhibit 21. Top row right
25 photograph and bottom.

000073

Exhibit 15

15

Exhibit 15

1 (Pause in the proceedings)

2 MR. MANNINGO: I'll make a record, briefly, Your
3 Honor.

4 THE COURT: Okay.

5 MR. MANNINGO: I believe there was question and
6 answer while Ms. Lobo was questioning Detective Weirauch
7 going into the Donte Johns' interview. Ms. Mercer for the
8 State objected, I believe. I believe her only objection at
9 the time was to hearsay. The question and answer with the
10 witness on the stand proceeded. I asked and interrupted Ms.
11 Lobo to approach the bench where I suggested to the Court
12 that the sustained objections should have been overruled
13 because per hearsay, it was not hearsay because it was not
14 necessarily being offered for the truth of the matter
15 asserted, but was going towards the effect on the listener
16 and how the conversation was progressing during the
17 interview.

18 I also threw in there that it shouldn't have been
19 precluded testimony because Donte Johns at one point was an
20 alleged co-conspirator in his testimony. I mean, reference
21 as to what he said during that interview would have been
22 appropriate. And you then overruled my statements.

23 MS. MERCER: And Your Honor, it was State's
24 position that it wasn't being offered for the effect it had
25 on the listener because Detective Weirauch wasn't even the

1 lead investigating detective on this case, (A).

2 (B), as to co-conspirator statements, we -- at this
3 point, they were all in custody because the conspiracy ended.
4 So those statements were no longer statements of a
5 co-conspirator in furtherance of that conspiracy, which is
6 the hearsay exception that we were referring to.

7 THE COURT: Okay. Yeah, I sustained the objection;
8 however, we had a discussion at the bench with regards to the
9 specific questioning that Mr. Tanasi had. Questions that he
10 had requested about statements made by Mr. Johns that went to
11 the fact that he was in the military. And then later there
12 was -- he was going to be asking questions about having a
13 discussion with the JAG officer.

14 So I sustained that objection in light of the fact
15 that it would have been hearsay for Mr. Johns. It's somewhat
16 different than the hearsay that was being elicited by Ms.
17 Lobo. However, I think that because we had a bench
18 conference, Mr. Manningo actually was addressing the issue
19 involving the statement made about the JAG officer as well.

20 So are you --

21 MR. MANNINGO: I think I addressed both things,
22 Your Honor. And I'll let --

23 THE COURT: Okay.

24 MR. MANNINGO: -- I'll let Mr. Tanasi follow up --

25 THE COURT: Okay.

1 MR. MANNINGO: -- but I believe we had that
2 discussion, and my recollection is, Your Honor, that we are
3 at liberty to call back Detective Weirauch in the event that
4 Donte Johns takes the stand and testifies that he had no
5 communications with a JAG officer or that Mr. Johns never
6 denied the events of this case.

7 In that event, I -- if that were to happen, I think
8 Your Honor gave us leave to call Detective Weirauch back.

9 THE COURT: Yeah, my understanding was, is that the
10 statement was made to him and that Detective Weirauch
11 actually contacted the JAG officer or the JAG officer
12 contacted Weirauch?

13 MR. TANASI: Yeah, the JAG officer relayed what was
14 told to him by Donte Johns, which was denying --

15 THE COURT: Okay.

16 MR. TANASI: -- his involvement in the case.

17 MS. MERCER: For the --

18 MR. TANASI: And I'd -- we'll just put --

19 MS. MERCER: I'm sorry.

20 MR. TANASI: -- for the record, sorry, that it's
21 the same basis, legal basis, in that it's the effect of the
22 listener and not offered for the truth of the matter
23 asserted. So it's not hearsay.

24 THE COURT: Well --

25 MS. MERCER: And I would just object because I

1 don't believe that it is effect on the listener. It doesn't
2 explain why he did anything, A.

3 B, it's still hearsay. If he wants to get into the
4 prior inconsistent statement, I provided him the name and
5 contact information of the JAG officer who Donte Johns
6 actually spoke to, and he should have subpoenaed him.

7 THE COURT: Yeah. Well, I'm going to allow you
8 because I do believe it will be a prior inconsistent
9 statement. The difference in between that statement and what
10 was -- what Ms. Lobo was eliciting had to do with the actual
11 statement involving his involvement in the crime so that's
12 why I sustained it as a hearsay.

13 But I'm going to allow you to -- if in the event
14 Mr. Johns testifies and you ask him those questions and he
15 denies it, I'll allow you for impeachment purposes to elicit
16 the statement that was made. Although, I know the State's
17 objection is it's hearsay from the JAG officer, but under the
18 circumstances, I believe under a general exception, I believe
19 that the JAG officer making that statement to the detective,
20 I believe, would be -- there's sufficient grounds that it
21 would be truthful. So that's why I do believe it is hearsay,
22 but I do believe there's a exception to it as well.

23 So I will allow you to question -- either of you
24 question Mr. Johns in that regard.

25 MR. TANASI: Okay.

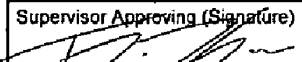
Exhibit 16

16

Exhibit 16

LAS VEGAS METROPOLITAN
POLICE DEPARTMENT
PROPERTY REPORT

Date of LVMPD Possession	Time of LVMPD Possession	Page(s)
11-26-14	2330	1 OF 1

Incident Search Warrant		Event# LLV 1 4 1 1 2 6 — 3 0 9 1									
<input checked="" type="checkbox"/> EVIDENCE <input type="checkbox"/> Felony <input type="checkbox"/> Gross Misd <input type="checkbox"/> Misd List Other Related Event #'s (if any)		<input type="checkbox"/> NO EVIDENTIARY VALUE <input type="checkbox"/> No Owner Identified <input type="checkbox"/> Destroy <input type="checkbox"/> Return to DMV		<input type="checkbox"/> SAFEKEEPING Must Provide Owner Info in Persons Section and Identify Owner # For Each Item Listed.		FIREARM IMPOUNDED DUE TO <input type="checkbox"/> Temporary Protective Order (TPO) <input type="checkbox"/> Extended Order of Protection					
Impounding Officer (Print Name) L. Turner		Unit R08	P# / Initials I6015t		Task Force Officers from Other Jurisdictions PRINT LVMPD SGT Name & P#						
Supervisor Approving (Signature) 		Unit 679R	P# / Initials T7167K								

PERSONS: (S)SUSPECT / (V)VICTIM / (O)OWNER / (F)FINDER							
<input checked="" type="checkbox"/> S <input type="checkbox"/> V	<input type="checkbox"/> O <input type="checkbox"/> F	Last Name Hobson	First Name, MI Tony	DOB 7-7-89	Phone # Unknown	Charge(s) RWDW, Burglary W/ Firearm, Conspiracy Robbery, Kidnap	
# 1		Street Address 3955 E. Charleston #250		City LV	State NV	Zip Code 89104	Arrest Date 11-25-14
							ID# 5992420
<input checked="" type="checkbox"/> S <input type="checkbox"/> V	<input type="checkbox"/> O <input type="checkbox"/> F	Last Name Starr	First Name, MI Brandon	DOB 5-29-88	Phone # Unknown	Charge(s) RWDW, Burglary W/ Firearm, Conspiracy Robbery, Kidnap	
#		Street Address 269 Pictorial St		City Palmdale	State CA	Zip Code 93550	Arrest Date 11-25-14
							ID# 7014732
<input checked="" type="checkbox"/> S <input type="checkbox"/> V	<input type="checkbox"/> O <input type="checkbox"/> F	Last Name Johns	First Name, MI Donte	DOB 3-22-94	Phone # Unknown	Charge(s) RWDW, Burglary W/ Firearm, Conspiracy Robbery, Kidnap	
#		Street Address 5563 Oarvin Faus CT		City LV	State NV	Zip Code 89148	Arrest Date 11-25-14
							ID# 7014733
FIELD RELEASE ONLY		Released Item(s) #	By Officer P# & Initials	Date Released	Released to Owner (Above Person) #	Owner's Signature	

Remarks (Relating to Impound)

All items recovered from inside 3955 E. Charleston #250 Las Vegas, NV. 89104 during the execution of a lawful search warrant. Item #1 was located in living room by Detective Abell. Items #2 & #3 were located by Detective Scimienti from a hallway cabinet. Item #4 was located by Detective Flynn from a nightstand drawer in the master bedroom. Item #5 was located by Detective Abell in the kitchen garbage can.

PKG #	ITEM #	OWNER #	MAKE OR BRAND	MODEL	COLOR	SERIAL # / OAN State & Gov. Issued ID #s	QTY	PROPERTY DESCRIPTION <small>*If Firearms MUST List:</small> 1) Barrel Length 2) Country Made / Importer 3) Caliber 4) Action Type (S/A: Auto, Bolt, Revolver, Etc.)
1	1		Shaka		Gry		1	Hooded jacket
2	2				Blk &		1	Pittsburgh Pirates Baseball cap
2	3				Red		1	Cincinnati Reds Baseball cap
2	4						3	Popeye's receipts
2	5						1	Paperwork in name Tony Hobson

Exhibit 17

17

Exhibit 17

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

INST

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-vs-
TONY LEE HOBSON,
BRANDON STAR, and
DONTÉ JOHNS.

Defendants.

GRAND JURY INSTRUCTIONS

000087

EXH. 2

12-11-14

1 a co-conspirator that follows as one of the probable and natural consequences of the object
2 of the conspiracy even if it was not intended as part of the original plan and even if he was
3 not present at the time of the commission of such act.
4

5 **Aiding and Abetting**

6 - Anyone who knowingly & with criminal intent aids and abets in the commission of
7 the crime with the intent that the crime be committed is regarded as a principal in the crime.

8 - A person aids and abets the commission of a crime if he knowingly & with criminal
9 intent aids, promotes, encourages or instigates by act and/or advice, the commission of such
10 crime with the intention that the crime be committed.
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

000089

1 **Deadly Weapon**

2 "Deadly weapon" means any instrument which, if used in the ordinary manner
3 contemplated by its design and construction, will or is likely to cause substantial bodily harm
4 or death; any weapon, device, instrument, material or substance which, under the
5 circumstances in which it is used, attempted to be used or threatened to be used, is readily
6 capable of causing substantial bodily harm or death.

7
8 **Deadly Weapon**

9 You are instructed that a firearm is a deadly weapon.

10
11 **Firearm**

12 You are instructed that "firearm" includes any firearm that is loaded or unloaded and
13 operable or inoperable. "Firearm" includes:

14 1. Any device designed to be used as a weapon from which a projectile may be
15 expelled through the barrel by the force of any explosion or other form of combustion.

16 2. Any device used to mark the clothing of a person with paint or any other
17 substance; and

18 3. Any device from which a metallic projectile, including any ball bearing or pellet,
19 may be expelled by means of spring, gas, air or other force.

20
21
22
23
24
25
26
27
28
000090

1 **Robbery**

2 Robbery is the unlawful taking of personal property from the person of another, or in
3 his presence, against his will, by means of force or violence or fear of injury, immediate or
4 future, to his person or property, or the person or property of a member of his family, or of
5 anyone in his company at the time of the robbery. Such force or fear must be used to obtain
6 or retain possession of the property, to prevent or overcome resistance to the taking, or to
7 facilitate escape, in either of which cases the degree of force is immaterial if used to compel
8 acquiescence to the taking of or escaping with the property.

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

000091

1 **Burglary**

2
3 Every person who, by day or night, enters any automobile, with the intent to commit a
4 robbery therein is guilty of Burglary.

5 Every person who commits the crime of burglary, who has in his possession or gains
6 possession of any deadly weapon at any time during the commission of the crime, at any
7 time before leaving the structure, or upon leaving the structure, is guilty of burglary while in
8 possession of a deadly weapon.
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

000092

1 **Attempt**

2 The elements of an attempt to commit a crime are:

- 3 (1) The intent to commit the crime;
- 4 (2) Performance of some act towards its commission; and
- 5 (3) Failure to consummate its commission.

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

000093

1 **Conspiracy**

2 Conspiracy is an agreement or mutual understanding between two or more persons to
3 commit a crime. To be guilty of conspiracy, a defendant must intend to commit, or to aid in
4 the commission of, the specific crime agreed to. The crime is the agreement to do something
5 unlawful; it does not matter whether it was successful or not.

6 Conspiracy is an agreement or mutual understanding between two or more persons to
7 commit a crime. To be guilty of conspiracy, a defendant must intend to commit, or to aid in
8 the commission of, the specific crime agreed to. The crime is the agreement to do something
9 unlawful; it does not matter whether it was successful or not.

10 It is not necessary in proving a conspiracy to show a meeting of the alleged
11 conspirators or the making of an express or formal agreement. The formation and existence
12 of a conspiracy may be inferred from all circumstances tending to show the common intent
13 and may be proved in the same way as any other fact may be proved, either by direct
14 testimony of the fact or by circumstantial evidence, or by both direct and circumstantial
15 evidence.

16 Evidence of the commission of an act which furthered the purpose of an alleged
17 conspiracy is not, in itself, sufficient to prove that the person committing the act was a
18 member of such a conspiracy.

19 If a number of persons enter into an agreement to commit an illegal act then that
20 agreement is known in law as a conspiracy. If a conspiracy is established, and the purpose
21 thereof is to commit a dangerous felony, then each member of the conspiracy is responsible
22 and liable for the acts of the other member or members.

23 Each member of a criminal conspiracy is liable for each act and bound by each
24 declaration of every other member of the conspiracy if the act or the declaration is in
25 furtherance of the object of the conspiracy.

26 The act of one conspirator pursuant to or in furtherance of the common design of the
27 conspiracy is the act of all conspirators. Every conspirator is legally responsible for an act of
28

000088

Exhibit 18

18 ^{pages}

Exhibit 18

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

VOLUNTARY STATEMENT

PAGE 14

EVENT #: LLV141124003628

STATEMENT OF: DONTE JOHNS

A: I have no idea what they're doing.

TW: You know they're doing a robbery. I know you're not stupid. He got outta that car with a mask tonight. Wearin' the same stuff he does every night. Nothin' would've been different. The only thing woulda been different - why it didn't happen is 'cause the cops were there. You're not showing any remorse, Donte. You're also not owning up for your responsibility, for your actions. It's childlike. What's the last one you guys did?

A: Buffalo, I believe, it was, um, what the hell was that - Popeye's.

TW: Popeye's?

A: Was it Popeye's?

TW: How much money did you guys get?

A: I have no idea. I don't talk about it.

TW: Where did you park at?

A: On the street.

TW: Do you remember what street it was? Was it a house, like a residential street or a business street?

A: It was business.

TW: How far away from the store? Like a football field? Two football fields? Super close?

A: Mm-hm.

TW: Do you remember what time that happened? You said Buffalo, do you know

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

VOLUNTARY STATEMENT

PAGE 15

EVENT #: LLV141124003628
STATEMENT OF: DONTE JOHNS

what the cross street was on Buffalo?

A: I do not.

TW: All right. What happened before that?

A: That goes blank.

Q: No, it doesn't. People don't suffer from am- amnesia at your age.

TW: Tell him about that one then, how long were they outta the car?

A: 20 seconds.

TW: Can you actually see 'em the entire time?

A: No.

TW: How did they break the window?

A: I have no idea.

TW: What were they carrying with them when they get outta the car?

A: I don't know. They - it's not in my car, or, well at least I thought, right?

TW: It's your car.

A: Yeah, supposed to know what's in it.

TW: Exactly. They - okay. So, when they're comin' out of the place, they walkin' casually or are they runnin'?

A: Mm, I just have my doors unlocked, and I don't - I'm faced the other way.

TW: Always the same people, right?

A: I'm sorry?

TW: Always the same people, right?

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

VOLUNTARY STATEMENT

PAGE 16

EVENT #: LLV141124003628

STATEMENT OF: DONTE JOHNS

A: No more, no less.

TW: Okay. How many you think you've done?

A: It's probably been the second, or third. Third.

TW: Third that night?

A: No. Third.

TW: Total? You're lying. You lie again, I walk outta that door. You're wasting my time if you're lying. You think we're good enough to catch you on the second one? No. Do you think we're good enough to figure out, hey, that's the car let's wait for them to do one on the second one? No. We're not that good. We know how many you've done. We can show you pictures, we're not gonna play that route because we're not gonna pull remorse out of you. I'm not gonna try to help you look like you're sorry. If none of that comes freely, you're not sorry. You're calculated and planning. So far, you haven't shown any remorse. You've shown respect, but not remorse. Does that make sense?

A: Yes, sir.

TW: Okay. People that feel sorry for what they did, they're like, it flows. It just comes out. They tell the truth, like, they're just pukin' the truth out. They tell how many they've done. They explain why and they just, and they let it flow 'cause they're honestly sorry. That - you've been in custody now for a while, that should start sinkin' in if you're ever gonna be sorry. Nobody's coming back tomorrow to get this from you. I can't tell if you're slightly sorry because you got caught or sorry

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

VOLUNTARY STATEMENT

PAGE 17

EVENT #: LLV141124003628

STATEMENT OF: DONTE JOHNS

because of whatcha did. How many have you done?

A: Um, it has to be three or four, that's all I can remember.

TW: I'm a man of my word, man. I'm walkin' out. You wanna talk to me before tomorrow's (unintelligible).

Q: This is your opportunity to tell the truth, man.

A: I'm counting backwards. I'm trying to figure that out.

Q: Because this is the only (unintelligible). We're not doing this, you know. Um, he's right, y- y- this is your opportunity to be honest.

A: All right. I am, sir.

Q: Totally, straight up honest.

A: I'm being honest.

Q: Easier to get it all out of the way at once, uh, then for us to come back and start just poundin' you later with the charges for other stuff. Just put it all together, that way we can tell the DAs and the judges he was honest, straightforward, sorry for what he did. Are you sorry?

A: Yes, sir. Completely.

Q: Well, then. Help me paint that picture, because right now, I can't - I can't see that picture of you being sorry. Um, this is your opportunity to give us your side of the story and what - what occurred, why, uh, was it your brother? Was it his plan? Did he drag you into this? 'Cause I don't think you planned it, 'cause you're in the military, right?

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

VOLUNTARY STATEMENT

PAGE 18

EVENT #: LLV141124003628
STATEMENT OF: DONTÉ JOHNS

A: Yes, sir.

Q: Who's your first sergeant? You got a gunny sergeant?

A: First Sgt. Gunner Burney

Q: Burney? Okay. 'Cause I was in the military for 23 years. I know bein' in the military you gotta have some moral compass, right?

A: Yes, sir.

Q: You gotta be an upstanding individual for them to even take you in the military. You know, you show respect loyalty, and I know it's your brother, but somehow you got dragged into this. Um, so, right now I'm giving you that opportunity to be remorseful, tell me the truth, what occurred. We - we know what occurred, but it's - it's better coming from you, it really is. Because we can paint the picture from our picture, 'cause our picture is very bad. So, I need your side of the story because if I just write my side of the story, as my partner said, it's awful. Okay? 'Cause what they did inside was horrible. So, I need to know what, totally honest from you, what occurred and what happened so I can paint your picture and not just what I know and what I've read, and what I've talked to. 'Cause I talked to all the victims. You know, I talked to all the people that were in the store. I've heard what their side of the story, the terror that they went through. You know, their tears when they're trying to re-live what just happened to 'em. You know, it's not good gettin' a gun pointed straight for your head and you think your life's over. You know, you're not gonna see your kids again. So what happens if he

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT

PAGE 19

EVENT #: LLV141124003628
STATEMENT OF: DONTE JOHNS

accidentally discharged that firearm and puts a bullet in her head? Then you're goin' down for murder. Luckily, that didn't happen in this case. So that's why I need your side of the story so I can - I can write what you tell me, because if I - I don't want to write just what I know of all the things, because then it makes you look really, really, really bad. So I need your side of the story so at least I can write your side of the story. 'Cause there's two sides to every story, you know that, right?

A: Yes, sir.

Q: Okay. So, I need you to dig down deep in that military, when you went in the military, you know, you made pledges, right?

A: Yes, sir.

Q: To be honest, trustworthy, loyal, right?

A: Yes, sir.

Q: Respectful, fight for your country, right?

A: Yes, sir.

Q: Well, I need you to be that person now and tell me the truth, all right? And we'll go through 'em, one at a time. And then, if you would like, I'll - I'll even let you write your apology letter to the victims, which looks really good, especially if you're really sorry. If you're not sorry, then don't do it. You know, that's up to you. Um, so, let's start with the one last night at Buffalo. That was at which one? Popeye's?

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

VOLUNTARY STATEMENT

PAGE 20

EVENT #: LLV141124003628

STATEMENT OF: DONTE JOHNS

A: I believe it was Popeye's.

Q: Okay. What time of day was that?

A: After 10.

Q: After 10? Okay - pm or am?

A: pm.

Q: And you said Buffalo?

A: Yes.

Q: You know - you know what side of Buffalo?

A: I do not.

Q: East side of town? Middle town? West side of town? How did you get there?

A: 95 North.

Q: You took 95 North?

A: Yes, sir.

Q: Where is your house at?

A: Um, I actually go to my brother's, 'cause he just had his baby. So I'm usually over there a lot.

Q: Over at - and that was Tony?

A: Yes.

Q: Is that his real name, Tony Hopkins?

A: Yes.

Q: Okay. And where does Tony live? Which part of town.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT

PAGE 21

EVENT #: LLV141124003628
STATEMENT OF: DONTE JOHNS

- A: Um, off Charleston.
- Q: Charleston? You know where at off Charleston?
- A: Mm, 95.
- Q: Charleston and 95?
- A: Mm-hm.
- Q: Is it an apartment complex or a house?
- A: Apartment.
- Q: Okay. So you were at his house? Does he got kids?
- A: Yes.
- Q: How many kids he got?
- A: Three.
- Q: Three? Has he been in trouble before?
- A: Yes.
- Q: Okay. So you were over at his house and you all left his house and went straight to Popeye's?
- A: Yes.
- Q: Okay. And what happened - what occurred at Popeye's?
- A: Just, they went in, they came out, and I drove them home.
- Q: Okay, who went in?
- A: Um, two individuals. Him and another - another guy.
- Q: Tony and the other guy - what's his name?

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT

PAGE 22

EVENT #: LLV141124003628
STATEMENT OF: DONTE JOHNS

A: I have no idea. Bo.

Q: Huh?

A: Bo.

Q: Bo?

A: I think Frebow.

Q: Frebow?

A: Bo.

Q: B-O-W?

A: B-O, I believe.

Q: Is that a street name?

A: I think so.

Q: Who's friends with Bo? Tony?

A: Mm-hm. I don't know him, but I only know him by Bo.

Q: Okay. So, how long have you known Bo?

A: Six years.

Q: Six years? And Tony, you all have the same mother?

A: Yes.

Q: Okay. Okay, so Tony and Bo go in to the Popeye's. Uh, what are they wearing last night?

A: Black.

Q: Black?

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

VOLUNTARY STATEMENT

PAGE 23

EVENT #: LLV141124003628
STATEMENT OF: DONTE JOHNS

A: Black (unintelligible)

Q: Black what?

A: Mm.

Q: What's Tony wearing?

A: Black hoodie, black pants. Same thing as always.

Q: Same thing he's wearing tonight?

A: Yes.

Q: Exactly?

A: I don't really (unintelligible) to be honest, I really don't pay attention to that. Try
not to - I don't want to be involved, I just don't wanna do it.

Q: Okay. How about Bo, what was he wearing? Same thing as he's wearing
tonight?

A: Yes.

Q: Okay. What, uh, what weapons did each one have? Tony had what?

A: I don't know. They, um, I just got a knife in my pocket that I always carry.

Q: You got a knife in your pocket?

A: Yes. It's a small, in my palm. As far as they, uh - I ain't - I don't see weapons at
all.

Q: Well, the weapons come from the car. They're in your car, so where do - where
do they keep the weapons at?

A: Perhaps in the trunk.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT

PAGE 24

EVENT #: LLV141124003628
STATEMENT OF: DONTE JOHNS

- Q: Okay. So, when you leave the house, do they put the weapons in the trunk?
- A: Uh, they usually take, uh, yeah, probably.
- Q: You know.
- A: Yes.
- Q: Okay. So, does Tony keep the weapons at his house or does Bo keep the weapons at his house?
- A: I'm not sure.
- Q: Or does each one keep their weapons.
- A: I have no idea where they keep those things.
- Q: Okay, but you go straight from Tony's house to Popeye's, right? Do you pick up Bo, or is Bo at Tony's house?
- A: He's at Tony's house.
- Q: Does Bo live there, or does he just...
- A: I believe he lives somewhere else.
- Q: He lives somewhere else?
- A: I believe so.
- Q: Is Bo always at Tony's house when you pick him up, or do you have to go pick up Bo?
- A: He's always there.
- Q: He's always there? Okay. So the weapons come out of Tony's house. Obviously, they have to, right? 'Cause you don't keep 'em in your car, right?

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

VOLUNTARY STATEMENT

PAGE 25

EVENT #: LLV141124003628

STATEMENT OF: DONTE JOHNS

A: No.

Q: All right, so they transport the weapons out of his house, his apartment, right?

A: Mm-hm.

Q: And they put 'em in your trunk?

A: Yes.

Q: 'Cause I know you've seen 'em right?

A: Yes.

Q: Seen 'em actually put 'em in the trunk.

A: I've seen 'em go through the trunk and then they ask me to pop the trunk.

Q: Okay, so every time you all leave to go do one of these licks, they pop the trunk?

A: Yes.

Q: Okay. All right. And, on all the events, did you all switch up cars a lot, or did you always use your car, or did you use somebody else's car?

A: Always from my, when I drove, which I can only remember four - four or five.

Q: Well, there's more. Four or five.

A: It would only be my car for the four.

Q: Or five.

A: Four or five.

Q: Okay. Well, there's actually more than that. So...

A: Is there?

Q: Yes.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

VOLUNTARY STATEMENT

PAGE 26

EVENT #: LLV141124003628
STATEMENT OF: DONTE JOHNS

A: I have no idea of those.

Q: Okay, so we'll get through the ones you do know, and then, uh, so they went into Pop- Tony and Bo went into Popeye's. How long were they in the store?

A: 30 seconds.

Q: 30 seconds?

A: 30 to 60.

Q: All right.

A: I don't know when they actually go in.

Q: All right, so where did you drop them off at at Popeye's?

A: Side street. I don't know the side street - Magoo's?

Q: Magoo's? Is that the street?

A: No, it's a bar.

Q: It's a bar? Okay. Okay, so you dropped them off at the bar and they walk over to Popeye's? So the bar close to Popeye's? Pretty close.

A: It's a side street to the bar, and then Popeye's is across the street.

Q: Okay, the bar's across the street from Popeye's. So they went across the street?

A: I parked on the Popeye's, I was just saying Magoo's 'cause I don't know the street name. I just remember Magoo's being right there.

Q: Okay. So you parked on the street? And then they walked over to Popeye's?

A: Mm-hm.

Q: Okay. And then when they came back, what did they have? How much?

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT

PAGE 27

EVENT #: LLV141124003628
STATEMENT OF: DONTE JOHNS

A: I don't know about the amount of money.

Q: You don't know?

A: That's for gas and to pay the phone bill.

Q: You asked for gas money? So how much did they give you total?

A: 100 dollars.

Q: That's it?

A: I don't - I don't wanna be a part of this.

Q: Okay, so they give you 100 dollars for gas and a phone bill?

A: Mm-hm.

Q: Okay.

A: I don't tell 'em it's for that.

Q: Huh?

A: I don't tell them that.

Q: Right, but that's what it's for, right?

A: Mm-hm.

Q: Okay. I mean, you gotta have gas to get around, right? It's all the way over on Buffalo, is it? 95 and Buffalo, right?

A: Mm-hm. Somewhere around there.

Q: Somewhere around there. You get off of 95 though, right, somewhere right?

You remember the street you got off on?

A: Mm, I don't.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT

PAGE 28

EVENT #: LLV141124003628
STATEMENT OF: DONTE JOHNS

- Q: Okay.
- A: Could be Cheyenne.
- Q: Cheyenne? That's way over on the west end side of town, right.
- A: Close to Summerlin?
- Q: To Cimarron?
- A: I have no i- I don't know my way around Vegas.
- Q: 1412 E. Hacienda. Where is - where is exactly is Ha- where's that at?
- A: Mm, UNLV.
- Q: Oh, downtown? Down off the strip?
- A: Mm-hm.
- Q: Okay. All right, I know what you're talkin' about now. Is that an apartment?
- A: Yes, unit C.
- Q: Were they carrying anything else besides, uh, weapons?
- A: No.
- Q: Did they, uh, what kind - what kind of gloves were they wearing?
- A: Black.
- Q: Black? Any other colors?
- A: Not that I could tell. Maybe black and gray.
- Q: All right, after the Popeye's, what did you all do?
- A: Went home.
- Q: Okay. Well, then how about before the Popeye's?

Exhibit 19

19

Exhibit 19

PETITIONER'S Brother POSE charges



No Black stripe No Blk rims

Black
Stripe



See report from (Exhibit
L)
robbery after El polo
loco witness describe
white charger black
stripe black rims

Charger from video footage
El polo loco

CERTIFICATE OF SERVICE BY MAILING

I, Tony Hobson, hereby certify, pursuant to NRCP 5(b), that on this 8th
day of Nov, 2018, I mailed a true and correct copy of the foregoing, "writ of Habeas ~~corpus~~ ^{post conviction}"
by placing document in a sealed pre-postage paid envelope and deposited said envelope in the
United State Mail addressed to the following:

STEVEN D GRIERSON
Chief of Court
700 Lewis Avenue 3rd floor
Las Vegas, NV 89155

CC: FILE

DATED: this 8th day of Nov, 2018.

Tony Hobson
/s/ Tony Hobson

1168963
#1165963

/In Propria Personam
Post Office Box 208, S.D.C.C.
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

THIS SEALED
DOCUMENT,
NUMBERED PAGE(S)
295 - 306
WILL FOLLOW VIA
U.S. MAIL

FILED

NOV 13 2018

John L. Johnson
CLERK OF COURT

1 Tony Hobson 1165963
2 SDCC
3 PO Box 208
4 Indian Springs, NV 89070

5 In The 8th Judicial District Court
6 In and for The County of Clark

7 Tony Hobson 1165963
8 Petitioner,

9 vs. Warden Jerry Howell
10 State of Nevada

11 Respondent.

Case No.

A-18-784448-W

XLX

12 **MOTION TO STAY PROCEEDINGS**

13 Comes now the Petitioner, Tony Hobson, and moves this court
14 for an order staying these proceedings.

15 This motion is made and based upon the attached memorandum of points and
16 authorities and pursuant to Rudin v. Myles, 2014 US App LEXIS 17520 (9th
17 Circuit, September 10, 2010).

18
19 Dated this 6 day of November, 2018

20 Submitted by:

21 Tony Hobson 1165963

22 Tony H 1165963
23
24

RECEIVED
NOV 13 2018

CLERK OF THE COURT

-1-

A-18-784448-W
MSTY
Motion to Stay
4798287



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

POINTS AND AUTHORITIES

The petitioner Tony Hobson, hereby respectfully requests that this Court enter an order staying these proceedings.

Petitioner was convicted in state court, and the Judgment of Conviction was filed on _____. The conviction was affirmed by the Nevada Supreme Court on _____. A petition for writ of habeas corpus was filed in the state court on _____.

On September 10, 2014, the Ninth Circuit Court of Appeals published an opinion in Rudin v. Myles, 2014 US App LEXIS 17520 (9th Circuit, September 10, 2014). In their majority opinion, the panel suggests that a protective federal petition should be filed in any post-conviction case pending in the state court whether or not timeliness of that petition is at issue or has been raised as a defense by the state. For this reason, Petitioner filed a "protective federal petition" on today's date.

The Petition filed herein cannot be resolved at this time because the claims in the state court petition have not been resolved. Once those claims are resolved by the trial court either party will likely appeal adding another layer of procedure that must be completed prior to litigating the claims before this Court. Accordingly, Petition requests that this Court stay these proceedings and enter an order directing counsel to reopen the case within 60 days after the conclusion of Petitioner's litigation in state court.

Dated this ____ day of _____, 201__

Submitted by:

1 In the Interest of Judicial economy
2 it would be best to allow the peti-
3 tioner to serve subpoenas, obtain
4 information pertaining to the peti-
5 tioner's case that will help prove
6 the petitioner's claims of Ineffec-
7 tive assistance of counsel, and
8 prosecuter misconduct, and then
9 amend this petition. Then this way
10 the state will not have to file 2
11 different answers to this petition,
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I, Gerry Harrison, hereby certify that I am the
Petitioner in this matter and I am representing myself *in propria persona*.

On this 6th day of November, 2018, I served copies of
the Motion To Stay / Motion for Abeyance

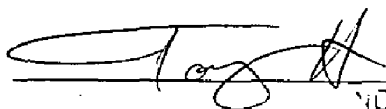
in Case No. 170000, and placed said document(s) in the United States
Mail, first-class postage prepaid, addressed as follows:

STEVEN D. GRIFFIN
CLERK OF COURT
200 LEWIS AVENUE 3rd floor
Las Vegas, NV 89155-1160

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that he is the Petitioner in the
above-entitled action, and he has read this Certificate of Service and the information
contained therein is true and correct.

Executed pursuant to 28 U.S.C. § 1746 and 18 U.S.C. § 1621 at
SDCC Southern Desert on this 8 day of
November, 2018



NOCC No 165963

Petitioner - *In Propria Persona*

THIS SEALED
DOCUMENT,
NUMBERED PAGE(S)
311 - 316
WILL FOLLOW VIA
U.S. MAIL

THIS SEALED
DOCUMENT,
NUMBERED PAGE(S)
317 - 333
WILL FOLLOW VIA
U.S. MAIL

27

FILED
NOV 28 2018
CLERK OF COURT

1 PPOW

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5 Tony Hobson,

6 Petitioner,

7 vs.

8 State of Nevada; Warden Jerry Howell,

9 Respondent,

Case No: A-18-784448-W
Department 19

ORDER FOR PETITION FOR
WRIT OF HABEAS CORPUS

10
11 Petitioner filed a Petition for Writ of Habeas Corpus (Post-Conviction Relief) on
12 November 13, 2018. The Court has reviewed the Petition and has determined that a response would assist
13 the Court in determining whether Petitioner is illegally imprisoned and restrained of his/her liberty, and
14 good cause appearing therefore,

15 IT IS HEREBY ORDERED that Respondent shall, within 45 days after the date of this Order,
16 answer or otherwise respond to the Petition and file a return in accordance with the provisions of NRS
17 34.360 to 34.830, inclusive.

18 IT IS HEREBY FURTHER ORDERED that this matter shall be placed on this Court's

19 Calendar on the 28th day of JANUARY, 2019, at the hour of

20 8:30 A.M.
21 o'clock for further proceedings.

22
23
24
25 RECEIVED
26 NOV 28 2018
27 CLERK OF THE COURT
28

24
25 Walt Krost
26 District Court Judge

27
28 A-18-784448-W
OPWH
Order for Petition for Writ of Habeas Corpus
4799123



Tony Hobson ID NO. 11659163

FILED

DEC 11 2018

CLERK OF COURT

SOUTHERN DESERT CORRECTIONAL CTN.
20825 COLD CREEK RD.
P.O. BOX 208
INDIAN SPRINGS, NV 89010

In The 5th Judicial District Court of
The State of Nevada in and for the
County of Clark

Tony Hobson
penitoner

v.

State of Nevada
respondent

CASE NO.: A-18-784448-W

DEPT. NO.: XIX

DOCKET:

status check for pending motions
(motion to stay, motion for funding
for investigator, and subpoena's) ^{ex parte} motions

COMES NOW penitoner Tony Hobson, herein above respectfully
moves this Honorable Court for an status check / update
on when ex parte motions will be
heard.

This Motion is made and based upon the accompanying Memorandum of Points and
Authorities,

DATED: this 3 day of Dec, 2018

BY: Tony Hobson
Tony Hobson # 11659163
Defendant In Proper Personam

CLERK OF THE COURT

RECEIVED
DEC 18 2018

ADDITIONAL FACTS OF THE CASE:

The petitioner has recently filed numerous documents with the courts in particular a motion to stay, motion for funding for investigator, and a Habeas corpus for DNA retesting, and a separate writ of habeas corpus for different grounds, also several subpoenas. All of the petitioner's motions were filed on 11-13-18. The petitioner would like for the courts to schedule a date to hear all pending ex-parte motions if not all ready scheduled. Also the petitioner would like for the court to send the petitioner any and all information on when and where the courts will hear the petitioner's Ex-parte motions in particular motion to stay, motion for appointment of investigator and funds, writ for retest of DNA, and all subpoenas. Petitioner also ask that he be present when all ex-parte motions are being heard.

CERTIFICATE OF SERVICE BY MAILING

I, Tony Hobson, hereby certify, pursuant to NRCP 5(b), that on this 3
day of Dec, 2018, I mailed a true and correct copy of the foregoing, "motion
for status check on all aparte motions"
by placing document in a sealed pre-postage paid envelope and deposited said envelope in the
United State Mail addressed to the following:

Steven O. Grier
Clark County
2500 Lewis Avenue 3rd floor
Las Vegas, NV 89155-1165

CC:FILE

DATED: this 3 day of Dec, 2018.

Tony Hobson 1165965
/In Propria Personam #1165963
Post Office Box 208, S.D.C.C.
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

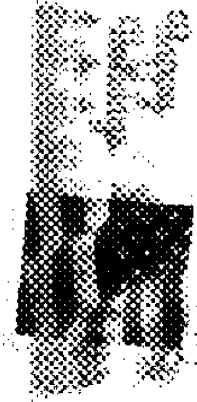
Tony Hobson 1165463
SPDC
PO Box 208
Indian Springs, NV 89070

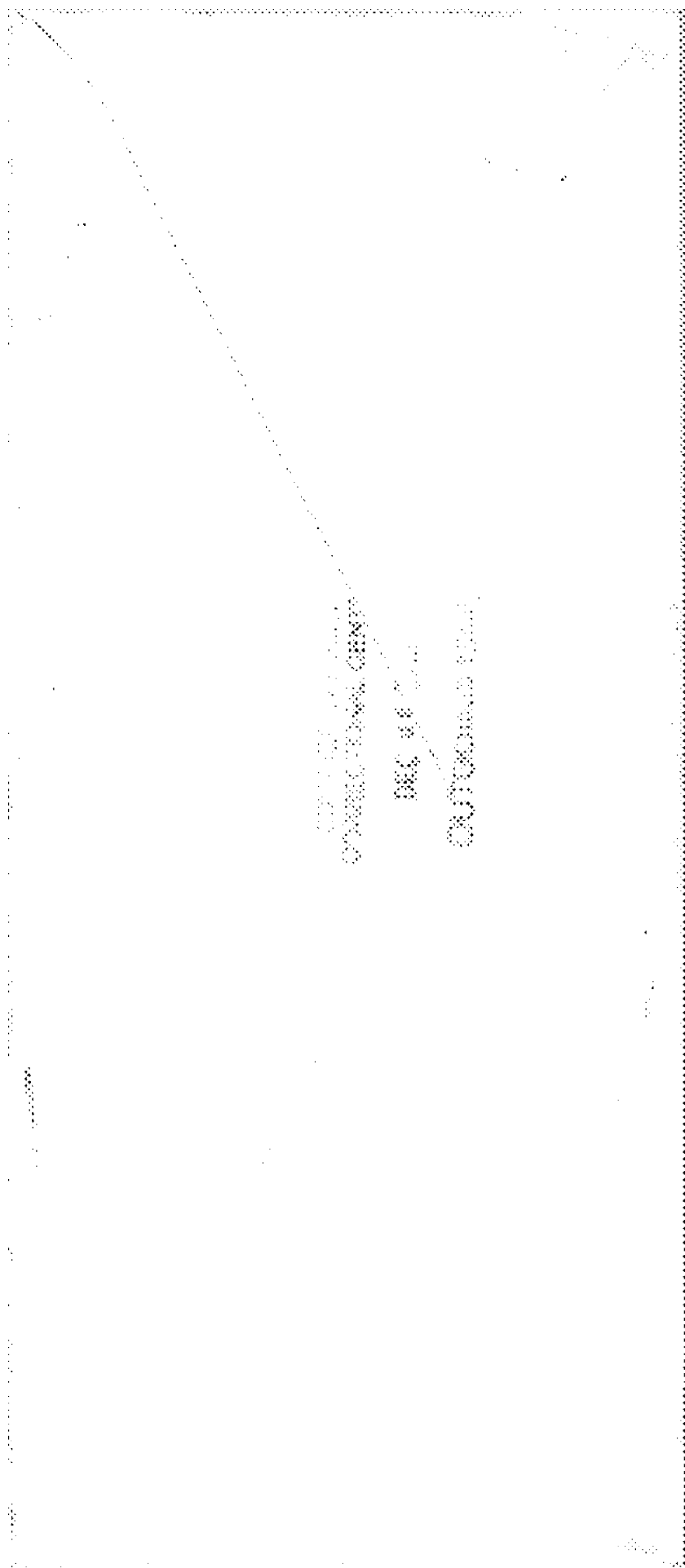
Legal mail
1/1/91

Steven D. Levenson
debt of 2085
200 Leans Avenue 3034
10550 S. Highway 111, Suite 111, Henderson, NV 89015

Legal mail
1/1/91

1165463
1165463





23

FILED

DEC 17 2018

CLERK OF COURT

Tony Hobson
NDOC No. 1162963

In proper person

IN THE 8TH JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR THE
COUNTY OF clark

Tony Hobson)
)
Petitioner,)

v.)

Case No. A-18-784448-W


State of Nevada)
Et. Al Respondent.)

Dept. No. 19

MOTION AND ORDER FOR TRANSPORTATION
OF INMATE FOR COURT APPEARANCE
OR, IN THE ALTERNATIVE,
FOR APPEARANCE BY TELEPHONE OR VIDEO CONFERENCE

Petitioner, Tony Hobson, proceeding pro se, requests
that this Honorable Court order transportation for his personal appearance or, in the
alternative, that he be made available to appear by telephone or by video conference
at the hearing in the instant case that is scheduled for 1-28-19

RECEIVED
DEC 17 2018
CLERK OF THE COURT

A-18-784448-W
MOT
Motion
4804055


8

1 In support of this Motion, I allege the following:

2 1. I am an inmate incarcerated at SDCC (Southern Desert)
3 My mandatory release date is 2051
4

5 2. The Department of Corrections is required to transport offenders to and
6
7 from Court if an inmate is required or requests to appear before a Court in this state.
8

9 NRS 209.274 Transportation of Offender to Appear Before Court states:

10 "1. Except as otherwise provided in this section, when an offender is
11 required or requested to appear before a Court in this state, the
12 Department shall transport the offender to and from Court on the day
13 scheduled for his appearance.

14 2. If notice is not provided within the time set forth in NRS 50.215, the
15 Department shall transport the offender to Court on the date scheduled
16 for his appearance if it is possible to transport the offender in the usual
17 manner for the transportation of offenders by the Department. If it is
18 not possible for the Department to transport the offender in the usual
19 manner:

20 (a) The Department shall make the offender available on the date scheduled
21 for his appearance to provide testimony by telephone or by video conference,
22 if so requested by the Court.

23 (b) The Department shall provide for special transportation of the offender to

24 and from the Court, if the Court so orders. If the Court orders special
25 transportation, it shall order the county in which the Court is located to
26 reimburse the Department for any cost incurred for the special transportation.

27 (c) The Court may order the county sheriff to transport the offender to and
28 from the Court at the expense of the county."

29 3. My presence is required at the hearing because:

☐ I AM NEEDED AS A WITNESS.

My petition raises substantial issues of fact concerning events in which I participated and about which only I can testify. *See U.S. v. Hayman*, 342 U.S. 205 (1952) (District Court erred when it made findings of fact concerning Hayman's knowledge and consent to his counsel's representation of a witness against Hayman without notice to Hayman or Hayman's presence at the evidentiary hearing).

☒ THE HEARING WILL BE AN EVIDENTIARY HEARING.

My petition raises material issues of fact that can be determined only in my presence. *See Walker v. Johnston*, 312 U.S. 275 (1941) (government's contention that allegations are improbable and unbelievable cannot serve to deny the petitioner an opportunity to support them by evidence). The Nevada Supreme Court has held that the presence of the petitioner for habeas corpus relief is required at any evidentiary hearing conducted on the merits of the claim asserted in the petition. *See Gebers v. Nevada*, 118 Nev. 500 (2002).

4. The prohibition against ex parte communication requires that I be present at any hearing at which the state is present and at which issues concerning the claims raised in my petition are addressed. U.S. Const. amends. V, VI.

5. If a person incarcerated in a state prison is required or is requested to appear as a witness in any action, the Department of Corrections must be notified in writing not less than 7 business days before the date scheduled for his appearance in Court if the inmate is incarcerated in a prison located not more than 40 miles from Las Vegas. NRS 50.215(4). If a person is incarcerated in a prison located 41 miles or

more from Las Vegas, the Department of Corrections must be notified in writing not less than 14 business days before the date scheduled for the person's appearance in Court.

6. Southern Desert Corrections is located approximately 30 to 40 miles from Las Vegas, Nevada.

1

7. If there is insufficient time to provide the required notice to the Department

2

of Corrections for me to be transported to the hearing, I respectfully request that this

3

Honorable Court order the Warden to make me available on the date of the

4

scheduled appearance, by telephone, or video conference, pursuant to NRS

5

209.274(2)(a), so that I may provide relevant testimony and/or be present for the

6

evidentiary hearing.

7

8. The rules of the institution prohibit me from placing telephone calls from

8

the institution, except for collect calls, unless special arrangements are made with

9

prison staff. Nev. Admin. Code DOC 718.01. However, arrangements for my

10

telephone appearance can be made by contacting the following staff member at my

11

institution: Stephanie Cook AA2, Southern Desert

12

whose telephone number is 702 679 3800

13

14

Dated this 10th day of December, 2018.

15

16

Tony Hobson 1165963

17

18

19

Tony Hobson 1165963

20

21

22

23

24

25

26

27

28

29

CERTIFICATE OF SERVICE BY MAILING

I, Tony Hobson, hereby certify, pursuant to NRCP 5(b), that on this 10
day of Dec, 2018, I mailed a true and correct copy of the foregoing, "Motion
for Transportation"

by placing document in a sealed pre-postage paid envelope and deposited said envelope in the
United State Mail addressed to the following:

STEVEN D. GRIFFIN
CLERK OF COURT
200 LEWIS AVENUE 3rd Floor
Las Vegas, NV 89155-1160

CC: FILE

DATED: this 10 day of Dec, 2018.

Tony Hobson 1165963
/In Propria Personam #1165963

Post Office Box 208, S.D.C.C.
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding _____

Motion in order for Transportation
(Title of Document)

filed in District Court Case number A-18-784448-0

☒ Does not contain the social security number of any person.

-OR-

☐ Contains the social security number of a person as required by:

A. A specific state or federal law, to wit:

(State specific law)

-or-

B. For the administration of a public program or for an application
for a federal or state grant.

[Signature]
Signature

12-10-18
Date

Tony Hobson
Print Name

Title

Things to Consider When Making a Motion for Transport of Inmate for Court Appearance

I. General rule.

The Nevada Department of Corrections is required to transport the inmate to and from the courthouse if the inmate is required or requested to appear before the court per NRS 209.274. If it is not possible for the Department to transport the inmate on the scheduled date, the Department shall make the inmate available to provide testimony by telephone or video to the court.

II. When is an inmate required or requested to appear before the court?

Generally, an inmate is "required or requested" to be present when:

- His presence is required as a WITNESS if the hearing involves substantial issues of fact in which the inmate participated in and only he can testify about. In the United State Supreme Court's ruling in U.S. v. Hayman, 342 U.S. 205 (1942), the Court held that district court erred when it made findings of fact concerning Hayman's ineffective assistance of counsel claim without his presence.
- The hearing will be an EVIDENTIARY HEARING. Any time a court will evaluate material issues of fact, the inmate is entitled to be present. Walker v. Johnson, 312 U.S. 275 (1941).
- The ethical rules for lawyers prohibit ex parte communication. SCR 174.
- Allowing the state to be present and not the inmate may violate the due process right of the inmate. U.S. Const. amends V, VI.
- This is not a complete list, but it should give you a general idea.

III. What is the Judge worried about when evaluating the motion?

The Judge does not want to violate the rule made in Gebers v. Nevada, 50 P.3d 1092 (2002). In Gebers, the state argued that an inmate's presence was not necessary in an evidentiary hearing because the court could rely on the record. The Nevada Supreme Court overruled this decision, and held that Gebers's presence was necessary to "deny, controvert, or present evidence that her imprisonment was unlawful" at her habeas evidentiary hearing. Id. at 504.

IV. Why might the Judge not grant the motion?

The State would probably rather not go to the trouble of transporting the inmate to the court unless the inmate is entitled to be present. The Judge will deny the motion unless the motion convinces the Judge that his presence is required.

V. Can the state prevent an inmate from attending a hearing?

Yes, if the state can convince the Judge that the hearing is *purely procedural* so that the inmate's presence would be a waste of state resources. In other words, the state is arguing that the hearing only involves issues of law that can be decided by only looking at the record.

VIII. What can you do as an inmate law to make sure you have the best chance to attend all hearings you are entitled to attend?

- Explain with particularity why the inmate's presence is required. For example, merely stating that "I am needed as a witness" does not provide the Judge with a compelling reason to grant the motion. Instead, the motion could state that "I am needed as a witness in the hearing because issues of fact will be decided. I can testify about my former counsel's conduct relating to...."

Tony Hobson 1165963

SDCC

PO Box 208

Indian Springs, NV 89070

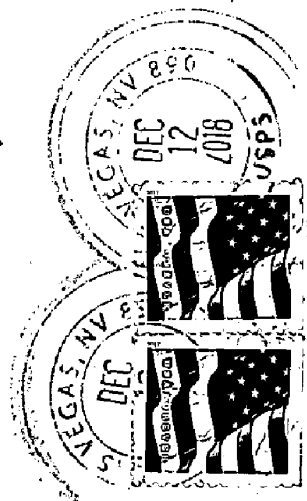
Steven D Grierson

clerk of court

200 Lewis Avenue, 3rd floor

Las Vegas, NV 89101

89101-1200



1165963

OUTGOING MAIL

DEC 12 2018

SOUTHERN DESERT
CORRECTIONAL CENTER



1 **RSPN**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 CAL THOMAN
6 Chief Deputy District Attorney
7 Nevada Bar #12649
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,
10 Plaintiff,

11 -vs-

12 TONY LEE HOBSON,
13 #5992420

14 Defendant.

CASE NO: A-18-784448-W

DEPT NO: XIX

15 **STATE'S RESPONSE TO DEFENDANT'S POST-CONVICTION**
16 **PETITION FOR WRIT OF HABEAS CORPUS**

17 DATE OF HEARING: February 25, 2019
18 TIME OF HEARING: 08:30 AM

19 COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County
20 District Attorney, through CHARLES W. THOMAN, Chief Deputy District Attorney, and
21 hereby submits the attached Points and Authorities in Response to Defendant's Post-
22 Conviction Petition for Writ of Habeas Corpus.

23 This response is made and based upon all the papers and pleadings on file herein, the
24 attached points and authorities in support hereof, and oral argument at the time of hearing, if
25 deemed necessary by this Honorable Court.

26 //

27 //

28 //

//

POINTS AND AUTHORITIES
STATEMENT OF THE CASE

On December 12, 2014, Tony Lee Hobson (“Defendant”), Brandon Starr (“Defendant Starr”), and Donte Johns (“Defendant Johns”) (collectively, “Defendants”) were charged by way of Indictment as follows: Conspiracy to Commit Robbery (Category B Felony - NRS 200.380, 199.480); Burglary While in Possession of a Firearm (Category B Felony - NRS 205.060); First Degree Kidnapping (Category A Felony - NRS 200.310, 200.320); and Robbery With Use of a Deadly Weapon (Category B Felony - NRS 200.380, 193.165), for a single armed robbery incident that occurred on November 24, 2014. Bail was set at \$1,000,000.00 for each of the Defendants.

On February 20, 2015, the State filed an eighty-two (82) count Superseding Indictment. On April 24, 2015, the State filed a Second Superseding Indictment charging Defendant with the following: Counts 1, 8, 11, 16, 22, 26, 33, 37, 44, 48, 60, and 68, – Burglary While In Possession Of A Deadly Weapon; Counts 2, 9, 12, 17, 23, 27, 34, 38, 45, 49, 52, 54, 61, 69, and 81 – Conspiracy to Commit Robbery; Counts 3-7, 10, 13-15, 18-21, 24-25, 28-32, 39-43, 46-47, 50-51, 56-59, 64, 66, 72, 74, 76, 78, and 80 – Robbery With Use of a Deadly Weapon; Counts 35-36, and 82 – Attempt Robbery With Use of a Deadly Weapon (Category B Felony - NRS 200.380, 193.330, 193.165); Counts 53, 62, and 70 – Conspiracy to Commit Kidnapping (Category B Felony - NRS 200.310, 200.320, 199.480); Counts 55, 63, 65, 71, 73, 75, 77, and 79 – First Degree Kidnapping With Use of a Deadly Weapon (Category A Felony - NRS 200.310, 200.320, 193.165); and Count 67 – Attempt First Degree Kidnapping With Use of a Deadly Weapon (Category B Felony - NRS 200.310, 200.320, 193.330, 193.165). The Superseding Indictments covered a series of fourteen (14) armed robberies that occurred on or between October 28, 2014, and November 25, 2014.

On March 18, 2015, Defendant filed a Pre-trial Petition for Writ of Habeas Corpus. The State filed a return on April 17, 2015. Defendant’s Petition was denied on May 18, 2015.

//

//

1 After several continuances due to discovery issues, trial commenced on May 5, 2016,
2 before the Honorable William Kephart. On May 25, 2016, the jury returned a guilty verdict on
3 69 felony and 2 gross misdemeanor counts.¹

4 Defendant was sentenced on September 8, 2016 and a Judgment of Conviction was
5 entered on September 20, 2016, in which Defendant was adjudicated guilty as follows:
6 COUNTS 1, 8, 11, 16, 22, 33, 37, 44, 48, 52, 60, and 68 BURGLARY WHILE IN
7 POSSESSION OF A DEADLY WEAPON (Category B Felony); COUNTS 2, 9, 12, 17, 23,
8 34, 38, 45, 49, 54, 61, 69 and 81 CONSPIRACY TO COMMIT ROBBERY (Category B
9 Felony); COUNTS 3, 4, 5, 6, 7, 10, 13, 14, 15, 18, 19, 20, 21, 24, 25, 39, 40, 41, 42, 43, 46,
10 47, 50, 51, 56, 57, 58, 59, 64, 66, 72, 74, 76, 78 and 80 ROBBERY WITH USE OF A
11 DEADLY WEAPON (Category B Felony); COUNTS 35, 36, and 82 ATTEMPT ROBBERY
12 WITH USE OF A DEADLY (Category B Felony); COUNT 55 FALSE IMPRISONMENT
13 WITH USE OF A DEADLY WEAPON (Category B Felony); COUNTS 63 and 65 SECOND
14 DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON (Category B Felony);
15 COUNTS 71, 73, 75, 77 and 79 FALSE IMPRISONMENT (Gross Misdemeanor).

16 Defendant was sentenced as follows: as to COUNT 1 - 12-84 months; as to COUNT 2
17 - 12-36 months; as to COUNT 3 - 24-84 months; plus a CONSECUTIVE term of 12-60
18 months for use of a deadly weapon; as to COUNT 4 -24-84 months; plus a CONSECUTIVE
19 12-60 months for use of a deadly weapon; as to COUNT 5 - 24-84 months; plus a
20 CONSECUTIVE 12-60 months for use of a deadly weapon; as to COUNT 6 - 24-84 months;
21 plus a CONSECUTIVE term of 12-60 months for use of a deadly weapon; as to COUNT 7 -
22 24-84 months; plus a CONSECUTIVE term 12-60 months for use of a deadly weapon;
23 COUNTS 1- 7 CONCURRENT with EACH OTHER; COUNT 8 - 12-84 months; as to
24 COUNT 9 - 12-36 months; as to COUNT 10 - 24-84 months; plus a CONSECUTIVE term
25 of 12-60 months for use of a deadly weapon; COUNTS 8-10 CONCURRENT with EACH
26 OTHER and CONSECUTIVE to COUNT 7; as to COUNT 11 - 12-84 months; as to COUNT
27 12 - 12-36 months; as to COUNT 13 - 24-84 months; plus a CONSECUTIVE term of a 12-

28 ¹ Defendant was found not guilty of the following counts: 26-32, 53, 62, 67, and 70.

1 60 months for use of a deadly weapon; as to COUNT 14 – 24-84 months; plus a
2 CONSECUTIVE term of 12-60 months for use of a deadly weapon; as to COUNT 15 – 24-84
3 months; plus a CONSECUTIVE term of 12 to 60 months for use of a deadly weapon;
4 COUNTS 11-15 CONCURRENT with EACH OTHER and CONSECUTIVE to COUNT 10;
5 as to COUNT 16 – 12-84 months; as to COUNT 17 – 12-36 months; as to COUNT 18 – 24-
6 84 months; plus a CONSECUTIVE term of 12-60 months for use of a deadly weapon; as to
7 COUNT 19 – 24-84 months; plus a CONSECUTIVE term of 12-60 months for use of a deadly
8 weapon; as to COUNT 20 – 24-84 months; plus a CONSECUTIVE term 12-60 months for use
9 of a deadly weapon; as to COUNT 21 – 24-84 months; plus a CONSECUTIVE term of 12-60
10 months for use of a deadly weapon; COUNTS 16-21 CONCURRENT with EACH OTHER
11 and CONSECUTIVE to COUNT 15; as to COUNT 22 – 12-84 months; as to COUNT 23 –
12 12-36 months; as to COUNT 24 – 24-84 months; plus a CONSECUTIVE term 12-60 months
13 for use of a deadly weapon; as to COUNT 25 – 24-84 months; plus a CONSECUTIVE term
14 of 12-60 months for use of a deadly weapon; COUNTS 22-25 CONCURRENT with EACH
15 OTHER and CONSECUTIVE to COUNT 21; as to COUNT 33 – 12-84 months; as to COUNT
16 34 – 12-36 months; as to COUNT 35 – 24-84 months; plus a CONSECUTIVE term of a
17 MINIMUM 12-60 months for use of a deadly weapon; as to COUNT 36 – 24-84 months; plus
18 a CONSECUTIVE term of 12-60 months for use of a deadly weapon; COUNTS 33-36
19 CONCURRENT with EACH OTHER and CONSECUTIVE to COUNT 25; as to COUNT 37
20 – 12-84 months; as to COUNT 38 – 12-36 months; as to COUNT 39 – 24-84 months; plus a
21 CONSECUTIVE term of 12-60 months for use of a deadly weapon; as to COUNT 40 – 24-84
22 months; plus a CONSECUTIVE term of 12-60 months for use of a deadly weapon; as to
23 COUNT 41 -24-84 months; plus a CONSECUTIVE term of 12-60 month for use of a deadly
24 weapon; as to COUNT 42 – 24-84 months; plus a CONSECUTIVE term of a 12-60 months
25 for use of a deadly weapon; as to COUNT 43 – 24-84 months; plus a CONSECUTIVE term
26 of 12-60 months for use of a deadly weapon; COUNTS 37-43 CONCURRENT with EACH
27 OTHER and CONSECUTIVE to COUNT 36; as to COUNT 44 – 12-84 months; as to COUNT
28 45 – 12-36 months; as to COUNT 46 – 24-84 months; plus a CONSECUTIVE term of 12-60

1 months for use of a deadly weapon; as to COUNT 47 – 24-84 months; plus a CONSECUTIVE
2 term of 12-60 months for use of a deadly weapon; COUNTS 44-47 CONCURRENT with
3 EACH OTHER and CONSECUTIVE to COUNT 43; as to COUNT 48 – 12-84 months; as to
4 COUNT 49 – 12-36 months; as to COUNT 50 – 24-84 months; plus a CONSECUTIVE term
5 of 12-60 months for use of a deadly weapon; as to COUNT 51 - 24-84 months; plus a
6 CONSECUTIVE term of 12-60 month for use of a deadly weapon; COUNTS 48-51
7 CONCURRENT with EACH OTHER and CONSECUTIVE to COUNT 47; as to COUNT 52
8 – 12-84 months; as to COUNT 54 -12-36 months; as to COUNT 55 - 12-36 months; as to
9 COUNT 56 – 24-84 months; plus a CONSECUTIVE term 12-60 months for use of a deadly
10 weapon; as to COUNT 57 – 24-84 months; plus a CONSECUTIVE term of 12-60 months for
11 use of a deadly weapon; as to COUNT 58 – 24-84 months; plus a CONSECUTIVE term of
12 12-60 months for use of a deadly weapon; as to COUNT 59 – 24-84 months; plus a
13 CONSECUTIVE term of 12-60 months for use of a deadly weapon; COUNTS 52-59
14 CONCURRENT with EACH OTHER and CONSECUTIVE to COUNT 51; as to COUNT 60
15 – 12-84 months; as to COUNT 61 – 12-36 months; as to COUNT 63 – 24-84 months; plus a
16 CONSECUTIVE term of a 12-60 month for use of a deadly weapon; as to COUNT 64 – 24-
17 84 months; plus a CONSECUTIVE term of 12-60 months for use of a deadly weapon; as to
18 COUNT 65 – 24-84 months; plus a CONSECUTIVE term of a MINIMUM of 12-60 months
19 for use of a deadly weapon; as to COUNT 66 – 24-84 months; plus a CONSECUTIVE term
20 of 12-60 months for use of a deadly weapon; COUNTS 60-66 CONCURRENT with EACH
21 OTHER and CONSECUTIVE to COUNT 59; as to COUNT 68 - 12-84 months; as to COUNT
22 69 – 12-36 months; as to COUNT 71 - 364 days in the Clark County Detention Center; as to
23 COUNT 72 - to 24-84 months; plus a CONSECUTIVE term of 12-60 months for use of a
24 deadly weapon; as to COUNT 73 – 24-84 months; plus a CONSECUTIVE term of a 12-60
25 months for use of a deadly weapon; as to COUNT 74 – 24-84 months; plus a CONSECUTIVE
26 term of 12-60 month for use of a deadly weapon; as to COUNT 75 - 364 days in the Clark
27 County Detention Center; as to COUNT 76 – 24-84 months; plus a CONSECUTIVE term of
28 12-60 months for use of a deadly weapon; as to COUNT 77 – 364 days in the Clark County

1 Detention Center; as to COUNT 78 – 24-84 months; plus a CONSECUTIVE term of 12-60
2 months for use of a deadly weapon; as to COUNT 79 – 364 day in the Clark County Detention
3 Center; as to COUNT 80 – 24-84 months; plus a CONSECUTIVE term of 12-60 months for
4 use of a deadly weapon; COUNTS 68-80 CONCURRENT with EACH OTHER and
5 CONSECUTIVE to COUNT 66; as to COUNT 81 - 12-36 months; as to COUNT 82 – 24-84
6 months; plus a CONSECUTIVE term of 12-60 months for use of a deadly weapon; COUNTS
7 81 and 82 CONCURRENT with EACH OTHER and CONSECUTIVE to COUNT 80; with
8 six hundred fifty four (654) days of credit for time served. Defendant was sentenced to the
9 Nevada Department of Corrections to an aggregate term of 1,824 months with a minimum
10 parole eligibility of 444 months. A Judgment of Conviction (“JOC”) was filed on September
11 20, 2016.²

12 On October 5, 2016, Defendant filed a Notice of Appeal. On April 26, 2017, Defendant
13 filed his opening brief. On August 24, 2017, the State filed its answering brief. On June 1,
14 2018, the Nevada Supreme Court affirmed in part and reversed in part Defendant’s Judgment
15 of Conviction. The Nevada Supreme Court reversed three of Defendant’s robbery counts (25,
16 39, and 66). Remittitur was issued on June 26, 2018.

17 On November 13, 2018, Defendant filed the instant Petition for Writ of Habeas Corpus
18 (“Petition”). The State responds herein.

19 **STATEMENT OF THE FACTS**

20 Beginning in October of 2014, Las Vegas Metropolitan Police Department (“Metro”)
21 detectives began investigating a series of armed robbery incidents with similar M.O. and
22 suspect descriptions. See Defendant’s Presentence Investigation Report (“PSI”), filed August
23 23, 2016, at 5-6. On October 28, 2014, two suspects entered an El Pollo Loco restaurant

24
25 ² A clerical error was later noted, and an Amended Judgment of Conviction was filed January
26 9, 2017 reflecting that he was sentenced as to Count 36- sixty (60) months with a minimum
27 parole eligibility of twelve (12) months, plus a consecutive sentence of sixty (60) months with
28 a minimum parole eligibility of twelve (12) months. The error did not affect his aggregate
sentence.

1 through an open rear door and ordered all the employees to the ground. Id. The suspects took
2 approximately \$1,000 in cash from a safe. Id. They also pistol whipped an employee, punched
3 a pregnant female in the side of the stomach, and punched another employee in the back of the
4 neck. Id.

5 On October 29, 2014, two suspects entered a 7-11 and took \$100 in cash out of the
6 registers. Id. On November 1, 2014, two male suspects entered a Pizza Hut and ordered the
7 employees to the ground. Id. One of the suspects took the entire register off the counter and
8 both suspects then fled from the business. Id. The employees estimated there was a total of
9 \$160 in the register. Id. A review of surveillance footage later revealed a third suspect entered
10 the business and acted as a lookout. Id. On November 3, 2014, two male suspects entered a
11 Pizza Hut, jumped over the counter and forced all the employees to the ground. Id. They then
12 took approximately \$200 in cash from the register, along with an employee's cell phone, cash
13 and pocket knife. Id. One of the suspects pistol whipped the manager before they both fled out
14 the rear door of the business. Id. Surveillance video from a nearby business showed a gray
15 Dodge Charger pull into the complex and park just east of the Pizza Hut. Id. On November 4,
16 2014, two male suspects entered a Little Caesar's and demanded the safe to be opened. Id. The
17 employee advised the suspects he did not have access to the safe. Id. One of the suspects then
18 took the employee's cell phone. Id. A gray Charger was once again seen near the business and
19 was no longer present after the robbery. Id.

20 On November 15, 2014, a male suspect entered a Popeyes by kicking in a glass door,
21 armed with a handgun. Id. An employee attempted to flee out a back door and was confronted
22 by a second male suspect. Id. The first suspect ordered the manager to open the safe at
23 gunpoint. Id. The suspect then took approximately \$2,000 in cash before fleeing. Id. On
24 November 17, 2014, a male suspect entered a Burger King by breaking the window to the front
25 door. Id. The employees ran out the back door where one of the employees was hit in the face
26 and knocked to the ground by a second male suspect. Id. The second suspect then produced a
27 revolver, held an employee down on the ground and stated, "Where is the money at? I'm gonna
28 kill him if I don't get the money." Id. The manager ran out of the business and contacted police.

1 Id. The first suspect, along with a third suspect, then grabbed one of the employees and
2 demanded the money from the safe and registers. Id. Ultimately, the suspects left by running
3 out the back door without any money. Id. That same day, three suspects entered a Wendy's by
4 breaking the side glass door of the business. Id. One of the suspects approached a female sitting
5 in the lobby, grabbed her by sweatshirt and forced her to the back area. Id. The store manager
6 was struck in the head with a handgun and forced to open the safe. Id. The manager then
7 removed the cash and placed it in the bag the suspects had brought with them. Id. All three
8 suspects then ran out the side emergency exit. Id.

9 On November 21, 2014, two male suspects entered a Wendy's by breaking the glass
10 door to the business. Id. Both suspects gathered the employees and moved them to the office.
11 Id. One of the suspects approached the manager placed the revolver to her head and had her
12 empty approximately \$200 in cash from the safe. Id. On November 23, 2014, two male
13 suspects entered an El Pollo Loco by breaking the glass door. Id. One of the employees fled
14 out the back door and was met by the second male suspect who then forced the employee back
15 inside the business. Id. The suspects forced the manager to open the safe and took
16 approximately \$2,050 in cash. Id. Later that day, two male suspects entered a Taco Bell by
17 breaking the glass door. Id. The employees fled to the rear exit door where they were stopped
18 by one of the suspects. Id. However, one of the employees was able to escape while two other
19 employees were forced into the office at gunpoint. Id. The first suspect told the employee to
20 "open the fucking safe," while pointing his handgun at her head. Id. Both employees told the
21 suspects they did not have access. Id. The two suspects then fled the area in a Dodge Charger.
22 Id. Lastly, on November 24, 2014, a male suspect broke the front door of a Popeyes location
23 and entered with a handgun. Id. The employees immediately ran to the back exit and were met
24 by a second suspect who forced them back into the business at gunpoint. Id. The first suspect
25 gave the manager a bag and demanded she fill it with the money from the safe and cash
26 registers. Id. The suspects then took the bag along with the manager's cell phone as they ran
27 out the emergency door. Id.

1 On November 25, 2014, a detective familiar with the investigation observed a gray
2 Dodge Charger matching the suspect vehicle pull into a Taco Bell parking lot. Id. A short time
3 later a male, later identified as the Defendant Starr, exited the rear passenger side of the vehicle
4 wearing a mask covering his face. Id. Defendant Starr then opened the trunk and was standing
5 next to it when patrol units arrived. Id. Defendant Starr was taken into custody, along with the
6 Defendant and Defendant Johns. Id. In the open trunk of the Charger the detective observed a
7 two-foot long ax and a semi-automatic firearm. Id. Several other items were later located in
8 the vehicle including a Smith and Wesson revolver, gloves, surgical masks, folding pocket
9 knives and clothing which matched the suspects' clothing in the robberies. Id.

10 Upon questioning, Defendant Johns confessed to being the getaway driver for several
11 robberies. Id. He also admitted that Defendant Starr and Defendant would enter the businesses
12 and conduct the robberies. Id. Defendant Johns told authorities that he stayed in the vehicle at
13 all times and never entered any of the businesses during the robberies. Id. Defendant Johns
14 had detailed knowledge of the robberies and stated that Defendant and Defendant Starr showed
15 him the firearms used in the robberies. Id. Defendant and Defendant Starr were uncooperative
16 and refused to speak with detectives. Id. Defendant and Defendant Starr were both wearing
17 clothing which matched the suspects' clothing seen on surveillance videos from multiple
18 robbery events. Id. Based on the above facts, Defendant was arrested, transported to the Clark
19 County Detention Center, and booked accordingly.

20 ARGUMENT

21 In his Petition Defendant claims that counsel was ineffective for (1) not objecting and
22 not seeking a mistrial regarding incriminating receipts found at Defendant's residence; (2)
23 failing to raise the issue that accomplice testimony was not corroborated under NRS
24 175.291(1) in a pre-trial Petition; (3) not arguing that there were inconsistencies between
25 Defendant Johns' statements to police and Detective Abell's testimony at the first grand jury
26 proceeding; (4) not objecting to two DNA reports that were offered into evidence; (5) failing
27 to object to the admission of photographs; (6) not independently testing DNA or hiring a DNA
28 expert; (7) failing to subpoena all the alleged victims; (8) not subpoenaing a JAG officer; (9)

1 not raising a violation of the Confrontation Clause issue on direct appeal; (10) failing to
2 subpoena Detective Flynn; (11) not subpoenaing Officer Mohler; (12) failing to investigate;
3 (13) failing to impeach the DNA expert with an email she sent Detective Abell; and (14) failing
4 to challenge jury instruction 43 regarding the corroboration of accomplice testimony.

5 **I. STANDARD OF REVIEW FOR INEFFECTIVE ASSISTANCE OF**
6 **COUNSEL**

7 The Sixth Amendment to the United States Constitution provides that, “[i]n all criminal
8 prosecutions, the accused shall enjoy the right . . . to have the Assistance of Counsel for his
9 defense.” The United States Supreme Court has long recognized that “the right to counsel is
10 the right to the effective assistance of counsel.” Strickland v. Washington, 466 U.S. 668, 686,
11 104 S. Ct. 2052, 2063 (1984); see also State v. Love, 109 Nev. 1136, 1138, 865 P.2d 322, 323
12 (1993).

13 To prevail on a claim of ineffective assistance of trial counsel, a defendant must prove
14 he was denied “reasonably effective assistance” of counsel by satisfying the two-pronged
15 Strickland test. 466 U.S. at 686-87, 104 S. Ct. at 2063-64. See also Love, 109 Nev. at 1138,
16 865 P.2d at 323. Under the Strickland test, a defendant must show first that his counsel's
17 representation fell below an objective standard of reasonableness, and second, that but for
18 counsel's errors, there is a reasonable probability that the result of the proceedings would have
19 been different. 466 U.S. at 687-88, 694, 104 S. Ct. at 2065, 2068; Warden, Nevada State
20 Prison v. Lyons, 100 Nev. 430, 432, 683 P.2d 504, 505 (1984) (adopting the Strickland two-
21 part test). “[T]here is no reason for a court deciding an ineffective assistance claim to approach
22 the inquiry in the same order or even to address both components of the inquiry if the defendant
23 makes an insufficient showing on one.” Strickland, 466 U.S. at 697, 104 S. Ct. at 2069.

24 The court begins with the presumption of effectiveness and then must determine
25 whether the defendant has demonstrated by a preponderance of the evidence that counsel was
26 ineffective. Means v. State, 120 Nev. 1001, 1011, 103 P.3d 25, 32 (2004). “Effective counsel
27 does not mean errorless counsel, but rather counsel whose assistance is ‘[w]ithin the range of
28

1 competence demanded of attorneys in criminal cases.” Jackson v. Warden, 91 Nev. 430, 432,
2 537 P.2d 473, 474 (1975).

3 “There are countless ways to provide effective assistance in any given case. Even the
4 best criminal defense attorneys would not defend a particular client in the same way.”
5 Strickland, 466 U.S. at 689, 104 S. Ct. at 689. “Strategic choices made by counsel after
6 thoroughly investigating the plausible options are almost unchallengeable.” Dawson v. State,
7 108 Nev. 112, 117, 825 P.2d 593, 596 (1992); see also Ford v. State, 105 Nev. 850, 853, 784
8 P.2d 951, 953 (1989). In essence, the court must “judge the reasonableness of counsel’s
9 challenged conduct on the facts of the particular case, viewed as of the time of counsel’s
10 conduct.” Strickland, 466 U.S. at 690, 104 S. Ct. at 2066. Counsel cannot be ineffective for
11 failing to make futile objections or arguments. See Ennis v. State, 122 Nev. 694, 706, 137 P.3d
12 1095, 1103 (2006). Trial counsel has the “immediate and ultimate responsibility of deciding if
13 and when to object, which witnesses, if any, to call, and what defenses to develop.” Rhyne v.
14 State, 118 Nev. 1, 8, 38 P.3d 163, 167 (2002).

15 Based on the above law, the role of a court in considering allegations of ineffective
16 assistance of counsel is “not to pass upon the merits of the action not taken but to determine
17 whether, under the particular facts and circumstances of the case, trial counsel failed to render
18 reasonably effective assistance.” Donovan v. State, 94 Nev. 671, 675, 584 P.2d 708, 711
19 (1978). This analysis does not mean that the court should “second guess reasoned choices
20 between trial tactics nor does it mean that defense counsel, to protect himself against
21 allegations of inadequacy, must make every conceivable motion no matter how remote the
22 possibilities are of success.” Id. To be effective, the constitution “does not require that counsel
23 do what is impossible or unethical. If there is no bona fide defense to the charge, counsel
24 cannot create one and may disserve the interests of his client by attempting a useless charade.”
25 United States v. Cronin, 466 U.S. 648, 657 n.19, 104 S. Ct. 2039, 2046 n.19 (1984).

26 Even if a defendant can demonstrate that his counsel’s representation fell below an
27 objective standard of reasonableness, he must still demonstrate prejudice and show a
28 reasonable probability that, but for counsel’s errors, the result of the trial would have been

1 different. McNelson v. State, 115 Nev. 396, 403, 990 P.2d 1263, 1268 (1999) (citing
2 Strickland, 466 U.S. at 687, 104 S. Ct. at 2064). “A reasonable probability is a probability
3 sufficient to undermine confidence in the outcome.” Id. (citing Strickland, 466 U.S. at 687-89,
4 694, 104 S. Ct. at 2064-65, 2068). “The defendant carries the affirmative burden of
5 establishing prejudice.” Riley v. State, 110 Nev. 638, 646, 878 P.2d 272, 278 (1994). A
6 habeas corpus petitioner must prove the factual allegations underlying his ineffective-
7 assistance claim by a preponderance of the evidence. Means v. State, 120 Nev. 1001, 1012,
8 103 P.3d 25, 33 (2004).

9 Further, there is a strong presumption that appellate counsel's performance was
10 reasonable and fell within “the wide range of reasonable professional assistance.” See United
11 States v. Aguirre, 912 F.2d 555, 560 (2nd Cir. 1990); citing Strickland, 466 U.S. at 689, 104
12 S. Ct. at 2065. A claim of ineffective assistance of appellate counsel must also satisfy the two-
13 prong test set forth by Strickland. Kirksey v. State, 112 Nev. 980, 998, 923 P.2d 1102, 1114
14 (1996). In order to satisfy Strickland’s second prong, the defendant must show that the omitted
15 issue would have had a reasonable probability of success on appeal. Id.

16 The professional diligence and competence required on appeal involves “winnowing
17 out weaker arguments on appeal and focusing on one central issue if possible, or at most on a
18 few key issues.” Jones v. Barnes, 463 U.S. 745, 751-52, 103 S. Ct. 3308, 3313 (1983). In
19 particular, a “brief that raises every colorable issue runs the risk of burying good arguments .
20 . . in a verbal mound made up of strong and weak contentions.” Id. at 753, 103 S. Ct. at 3313.
21 For judges to second-guess reasonable professional judgments and impose on appointed
22 counsel a duty to raise every ‘colorable’ claim suggested by a client would disserve the very
23 goal of vigorous and effective advocacy.” Id. at 754, 103 S. Ct. at 3314.

24 Lastly, the Nevada Supreme Court has held “that a habeas corpus petitioner must prove
25 the disputed factual allegations underlying his ineffective-assistance claim by a preponderance
26 of the evidence.” Id. Furthermore, claims of ineffective assistance of counsel asserted in a
27 petition for post-conviction relief must be supported with specific factual allegations, which if
28 true, would entitle the petitioner to relief. Hargrove v. State, 100 Nev. 498, 502, 686 P.2d 222,

1 225 (1984). “Bare” and “naked” allegations are not sufficient, nor are those belied and repelled
2 by the record. Id. NRS 34.735(6) states in relevant part, “[Petitioner] *must* allege specific facts
3 supporting the claims in the petition[.] . . . Failure to allege specific facts rather than just
4 conclusions may cause your petition to be dismissed.” (emphasis added).

5 A defendant who contends his attorney was ineffective because he did not adequately
6 investigate must show how a better investigation would have rendered a more favorable
7 outcome probable. Molina v. State, 120 Nev. 185, 192, 87 P.3d 533, 538 (2004).

8 **II. DEFENDANT DID NOT RECEIVE INEFFECTIVE ASSISTANCE OF** 9 **COUNSEL**

10 Defendant raises 14 claims regarding ineffective assistance of counsel in his Petition.
11 Therefore, each argument is addressed in turn.

12 **1. Counsel was not ineffective for not objecting or seeking a mistrial.**

13 Defendant argues that counsel was ineffective because he failed to call Detective Flynn
14 as a witness. Petition at 1. Defendant avers that calling Detective Flynn as a witness was
15 necessary because an alleged discrepancy existed between the detectives. Id. Specifically,
16 Defendant claims that Detective Abell said the receipts were found in the “trash can” while,
17 according to Defendant, Detective Turner and Flynn would have testified that the receipts were
18 found elsewhere in the home. Id. at 2-3. Defendant’s arguments are unpersuasive.

19 Here, Defendant’s argument assumes rather than demonstrates that calling the other
20 detectives would have rendered favorable testimony for his case. Under Hargrove, Defendant’s
21 claim is thus a bare and naked assertion that is suitable for summary denial. 100 Nev. at 502,
22 686 P.2d at 225. Further, objecting or moving for mistrial would have been futile. Assuming
23 counsel would have been successful at impeaching each of the detectives, the impeachment
24 value would have been extremely minimal. This is particularly true because, ultimately, the
25 receipts were found where Defendant was staying. Therefore, the exact location where they
26 were found would have been immaterial. Moreover, the location of where the receipts were
27 found in the home would not have made the evidence inadmissible and would not have
28

1 changed the fact that numerous pieces of evidence were also found in the home linking
2 Defendant to the crimes.

3 As such, Defendant's bare and naked assertions regarding trial counsel's performance
4 fail to show that counsel, by a preponderance of evidence, was deficient in his performance
5 and Defendant was prejudiced by such performance. Indeed, any objection by trial counsel
6 would have been futile, and counsel cannot be ineffective for failing to raise futile issues or
7 motions. Ennis, 122 Nev. at 706, 137 P.3d at 1103. Therefore, Defendant's bare and naked
8 assertions fail under Hargrove. 100 Nev. at 502, 686 P.2d at 225. Accordingly, because
9 Defendant fails to meet either Strickland prong, his claims should be denied.

10 **2. Counsel was not ineffective for not raising NRS 175.291 in a pre-trial petition.**

11 Next, Defendant argues counsel was ineffective because he failed to raise NRS 175.291
12 in a pre-trial Petition. Petition at 4-7. Defendant argues that if counsel had raised this issue the
13 Court would have found that Defendant John's testimony was not corroborated. Id. Defendant's
14 argument lacks merit.

15 Here, Defendant ignores that aside from accomplice testimony, which is alleged to be
16 uncorroborated by a defendant, the State can satisfy the statutory requirement by showing that
17 a substantial amount of evidence tends to connect the defendant to the crime. See Cutler v.
18 State, 566 P.2d 809, 93 Nev. 329 (1977); Evans v. State, 944 P.2d 253, 113 Nev. 885 (1997).
19 In this case, there were numerous pieces of evidence connecting Defendant to the crime. These
20 included evidence gathered from the Dodge Charger, Defendant's home, and the still images
21 from the surveillance videos. Further, counsel filed a 32-page pre-trial petition with numerous
22 exhibits. See Pretrial Petition, filed March 18, 2015. This lengthy petition raised several claims
23 that were more meritorious than the issue Defendant, in hindsight, wanted raised. In fact, in
24 Defendant's Petition, he concedes that counsel raised "numerous issues" and challenged the
25 following: the kidnapping charge, lack of probable cause, hearsay testimony, best evidence,
26 and "many other issues." Petition at 4. Claims of ineffective assistance of counsel asserted in
27 a petition for post-conviction relief must be supported with specific factual allegations, which
28 if true, would entitle the defendant to relief. Hargrove, 100 Nev. at 502, 686 P.2d at 225.

1 Defendant's claims that NRS 175.291 would have been successful if it was raised in a pre-trial
2 petition are simply bare and naked allegations that are insufficient to warrant relief. Id.
3 Therefore, because counsel's strategy was a reasonably objective one and Defendant fails to
4 demonstrate that he was prejudiced by counsel's strategy, this Court should deny this claim in
5 its entirety.

6 **3. Counsel was not ineffective for failing to raise perjury of Detective Abell during**
7 **his testimony at the first grand jury proceeding.**

8 Next, Defendant argues that counsel was ineffective for not challenging, in the pre-trial
9 petition, the fact that Detective Abell presented the grand jury with "perjured false testimony."
10 Petition at 9. Defendant claims that there were inconsistencies between Defendant Johns'
11 statements to police and Detective Abell's testimony at trial. Id. at 9-12.

12 Here, Defendant boldly asserts that Detective Abell provided the grand jury with
13 perjured testimony. However, Defendant provides no evidence to support his assertion.
14 Therefore, this is a bare and naked claim that is suitable for denial under Hargrove. Moreover,
15 raising this argument would have been futile because Detective Abell's testimony was not
16 false. See Ennis (reasoning that counsel cannot be ineffective for failing to make futile
17 arguments). 122 Nev. at 706, 137 P.3d at 1103. Rather, this was general testimony regarding
18 the extensive robbery series that focused on the similarities in suspect description, clothing,
19 vehicles, and Modus Oprendi. Therefore, Defendant's bare and naked assertions that Detective
20 Abell presented false testimony are insufficient to warrant relief. Additionally, Defendant fails
21 to show, by a preponderance of evidence, that trial counsel was deficient in his decision not to
22 raise a futile argument. Accordingly, Defendant fails to meet either Strickland prong and his
23 claims should be denied.

24 **4. Counsel was not ineffective for not objecting to the introduction of the DNA**
25 **reports.**

26 Next, Defendant argues that counsel was ineffective because he failed to object to two
27 DNA reports that were admitted at trial. Petition at 15. Defendant claims that prior to trial
28 counsel was successful in filing a motion asking for a retest of the DNA that had come back
as a "positive partial" match. Id. Once retested, the DNA came back as "inconclusive." Id.

1 Here, counsel made a strategic decision to allow two conflicting DNA reports into
2 evidence in an effort to establish reasonable doubt. Counsel's strategy was reasonable because
3 by admitting the two reports the jury could have concluded that the State's own DNA evidence
4 was conflicted. See Doyle v. State, 116 Nev. 148, 160, 995 P.2d 465, 473 (2000) (reasoning
5 that "[c]ounsel's strategy decisions are not subject to challenge absent extraordinary
6 circumstances."). Additionally, Defendant's assertion is bare and naked because he fails to
7 allege on what basis counsel should have objected and that such objection had a reasonable
8 likelihood of success. This is particularly significant because both reports were admissible and,
9 ultimately, admitted. Since Defendant has failed to show that counsel's performance was
10 deficient, and does not demonstrate how the result of the trial would have been more favorable
11 had counsel objected, his claim fails under either Strickland prong. Accordingly, this claim
12 should be denied.

13 **5. Counsel was not ineffective for failing to object to the admission of a**
14 **photograph**

15 Next, Defendant appears to argue that counsel was ineffective because he should have
16 objected to the admission of series of photographs depicting various cellphones and several
17 hundreds of dollars. Petition, 17-21; Petition, Exhibit 7. Defendant maintains that the
18 cellphones belonged to his girlfriend and other family members. Id. With respect to the money
19 depicted in Exhibit 7, Defendant appears to claim that it was his and that he gave it to his
20 girlfriend to take care of his children. Id. Defendant concludes that counsel was ineffective for
21 not subpoenaing records from cellphone companies that would have demonstrated that the
22 cellphones were not stolen. Further, Defendant also avers counsel was ineffective for not filing
23 a motion to suppress the photographs of the cellphones and money. Defendant's arguments
24 are unpersuasive.

25 Preliminarily, a defendant who contends his attorney was ineffective because he did not
26 adequately investigate must show how a better investigation would have rendered a more
27 favorable outcome probable. Molina, 120 Nev. at 192, 87 P.3d at 538. Here, it is unclear what
28 further investigation would have yielded with respect to the photographs depicting the

1 cellphones and money. Again, Defendant's arguments *assume* rather than *demonstrate* that if
2 counsel had reached out to T-Mobile or Sprint, he would have confirmed Defendant's theory
3 that the cellphones found at his home belonged to his "girlfriend and family members" and
4 thus, a more favorable outcome would have been probable. Petition at 17. However,
5 Defendant, in his Petition, did not include any cellphone records from T-Mobile or Sprint
6 indicating that the phones belonged to his girlfriend and family members. Therefore,
7 Defendant's claim is a bare and naked assertion that should preclude review by this Court
8 under Hargrove and Molina. Lastly, Defendant fails to state a basis for an objection and the
9 likelihood of success had counsel objected. Accordingly, because Defendant has not shown
10 that further investigation regarding the photographs would have rendered a more favorable
11 outcome, Defendant's claim should be denied.

12 **6. Counsel was not ineffective for not independently testing the DNA or hiring a**
13 **DNA expert to testify.**

14 Next, Defendant appears to argue that counsel was ineffective because he should have
15 tested the DNA independently and hired a DNA expert to rebut the State's DNA expert's
16 testimony. Petition at 22-24. Defendant's argument lacks merit and should be disregarded.

17 Here, as discussed supra in Section II, 4, counsel was successful in filing a motion to
18 retest the DNA. The retested DNA results concluded that the DNA evidence was conflicting.
19 In light of this fact, counsel likely made a reasonably strategic decision to not hire a DNA
20 expert or independently retest the evidence. Indeed, counsel likely concluded that doing so
21 would have yielded inculpatory results rather than conflicting reports based on the State's
22 evidence. As Defendant mentioned in his Petition, counsel instead relied on cross-examination
23 to address the differences in the DNA test results. Petition at 22-24. Moreover, this is a bare
24 and naked assertion as Defendant fails to allege what retesting would have yielded, what an
25 expert would have testified to, and that having such expert testimony would have rendered a
26 more favorable outcome at trial. As Defendant has not retested the DNA and provided such
27 results to the Court, this claim should be precluded from review under Hargrove and Molina.
28 Accordingly, Defendant's claim should be denied.

1 **7. Counsel was not ineffective for not subpoenaing all the alleged victims.**

2 Next, Defendant claims that counsel was ineffective because he failed to call every
3 alleged victim in this case. Petition at 25-26. Defendant claims that the victims only testified
4 about some, but not all of the evidence and that counsel should have subpoenaed victims that
5 were unavailable or were not called by the State. Id. Defendant's arguments are unpersuasive.

6 Here, Defendant's claim is bare and naked and should be denied under Hargrove and
7 Molina. This is particularly true because Defendant does not present any evidence
8 demonstrating that if counsel called other witnesses their testimony would have been
9 instrumental in rendering a more favorable outcome at trial. In fact, Defendant fails to identify
10 which witnesses he would have called and what evidence each witness would have testified
11 to. Bare claims, such as this one, are insufficient to demonstrate that a petitioner is entitled to
12 relief. See Molina, 120 Nev. at 192, 87 P.3d at 538 (a defendant claiming counsel did not
13 conduct an adequate investigation must specify what a more thorough investigation would
14 have uncovered); see also Hargrove, 100 Nev. at 502-03, 686 P.2d at 225 (explaining that bare
15 and naked claims are insufficient to demonstrate that a petitioner is entitled to relief). Lastly,
16 counsel probably chose not to call such witnesses as they were likely going to provide
17 testimony that would have negatively impacted Defendant's interests. See Doyle, 116 Nev. at
18 160, 995 P.2d at 473. Therefore, without a showing of extraordinary circumstances, counsel's
19 strategic decisions are not subject to challenge. Id. As such Defendant fails to demonstrate his
20 counsel's performance was deficient or resulting prejudice. Accordingly, this Court should
21 deny Defendant's claim.

22 **8. Counsel was not ineffective for failing to subpoena a JAG Officer.**

23 Next, Defendant argues that counsel was ineffective when he failed to subpoena a JAG
24 Officer. Petition at 28. Defendant argues that the JAG Officer should have been subpoenaed
25 at trial because Defendant overheard counsel say that Defendant Johns had a conversation with
26 an alleged JAG Officer that would have benefited Defendant. Id. Specifically, Defendant
27 claims that days after Defendant Johns gave the police his statement, Defendant Johns had a
28 conversation with a JAG Officer where he admitted that he "had nothing to do with the

1 robbery's [sic] and that he didn't in fact take the [Defendant] and [Defendant] Starr to any of
2 the robbery's [sic]." Id. Defendant's argument lacks merit.

3 Hearsay is an out-of-court statement that is offered to prove "the truth of the matter
4 asserted" in the statement. NRS 51.035. Generally, hearsay is inadmissible at trial, unless an
5 exception to the hearsay rule is applicable. NRS 51.065. Here, it is unclear what Defendant
6 overheard. Defendant describes in his Petition the incident where he overheard his attorney,
7 allegedly, talking about a conversation between Defendant Johns and the JAG Officer as:
8 counsel "mentioned something about a JAG Officer." Petition at 28. Defendant then goes on
9 to conclude that if the JAG Officer was subpoenaed he would have testified to the details of
10 the conversation first-hand. Petition at 29. Defendant is mistaken because the rules of evidence
11 would not allow this testimony. Indeed, the self-serving out-of-court statement of a co-
12 conspirator to a JAG officer is inadmissible hearsay. Defendant does not provide any exception
13 to the hearsay rules and one is not applicable. Asking counsel to subpoena the JAG Officer
14 would have been futile and, therefore, counsel cannot be ineffective. Ennis, 122 Nev. at 706,
15 137 P.3d at 1103. Accordingly, Defendant's claim should be denied.

16 **9. Appellate counsel was not ineffective for not raising an alleged violation of the**
17 **Confrontation Clause on appeal.**

18 Next, Defendant claims trial counsel moved to dismiss all counts regarding victims that
19 did not appear to testify at trial. Petition at 30-31. Specifically, Defendant claims that appellate
20 counsel was ineffective because she failed to raise this issue that was preserved on appeal.³ Id.

21 Under NRS 34.735, a petition for post-conviction relief must set forth specific
22 allegations. "Bare" and "naked" allegations are not sufficient to warrant post-conviction relief,
23 nor are those belied and repelled by the record. Hargrove, 100 Nev. at 502, 686 P.2d at 225.
24 Moreover, under Molina, a defendant who contends his attorney was ineffective because he

25
26
27 ³ To clarify, Defendant frames his claim as a violation of the Confrontation Clause. However,
28 this is not a Confrontation Clause issue. Rather, it appears that Defendant, on direct appeal,
wanted counsel to raise the issue that the district court abused its discretion when it denied
Defendant's motion for mistrial.

1 did not adequately investigate must show how a better investigation would have rendered a
2 more favorable outcome probable. 120 Nev. at 192, 87 P.3d at 538.

3 Here, Defendant makes a bare and naked assertion and his claim is suitable for summary
4 denial under Hargrove. This is particularly true because Defendant fails to identify the
5 witnesses, testimony, and counts in question that should have been included in his direct
6 appeal. Further, Defendant's claim also fails to meet the two-prong Strickland test. Defendant
7 has not shown that appellate counsel was deficient nor has Defendant demonstrated that the
8 omission of this issue would have had a reasonable probability of success on appeal. Kirksey,
9 112 Nev. at 998, 923 P.2d at 1114. Accordingly, Defendant's claim fails under either
10 Strickland prong and this Court should deny his claim.

11 **10. Counsel was not ineffective for not calling Detective Flynn as a witness.**

12 Next, Defendant argues that counsel was ineffective because he should have
13 subpoenaed Detective Flynn as a witness. Petition at 32-34. Defendant avers that Detective
14 Flynn found incriminating receipts in Defendant's home while executing a search warrant and
15 his testimony could have been used to discredit Detective Abell. Id. Specifically, Defendant
16 maintains that Detective Flynn would have testified that he found the receipts in the bedroom
17 instead of the trashcan located in the home. Id. Defendant's arguments are unpersuasive.

18 Here, Defendant reasserts his ineffective assistance of counsel argument raised above
19 in Section II, 1. As discussed supra, Defendant assumes that Detective Flynn would have
20 testified that he found the receipts in a different location within the home. At most, this
21 testimony would have provided minimal impeachment value. Primarily, because the receipts
22 were ultimately found in the home within a trashcan located in the kitchen. See Trial
23 Transcript, Day 10, at 148-149. Therefore, this claim is a bare and naked assertion that is
24 suitable for summary denial under Hargrove. 100 Nev. at 502, 686 P.2d at 225. Additionally,
25 it is likely that counsel made a strategic decision when he opted not to call Detective Flynn
26 because he knew there was minimal impeachment value in the fact that the receipts were found
27 in a trashcan rather than in the bedroom. See Doyle, 116 Nev. at 160, 995 P.2d at 473.
28 Defendant's bare and naked assertions regarding trial counsel's performance fail to show that

1 counsel, by a preponderance of evidence, was deficient in his performance and Defendant was
2 prejudiced by such performance. Indeed, any objection by trial counsel would have been futile
3 because the location of where the receipts were found is immaterial to the question of whether
4 such evidence, along with other incriminating evidence found in the home, was admissible.
5 Ennis, 122 Nev. at 706, 137 P.3d at 1103. Therefore, Defendant's bare and naked assertions
6 fail under Hargrove. 100 Nev. at 502, 686 P.2d at 225. Accordingly, because Defendant fails
7 to meet either Strickland prong, his claims should be denied.

8 **11. Counsel was not ineffective for not calling Officer Mohler as a witness.**

9 Next, Defendant argues counsel was ineffective because he failed to subpoena Officer
10 Mohler. Petition at 35-36. Defendant claims that Officer Mohler was the one who searched
11 Defendant during his arrest and found a blue bag. Id. Defendant concludes by arguing that if
12 Officer Mohler testified he would have discredited Detective Matlock who testified that he
13 searched Defendant and found the blue bag. Id. Defendant's arguments are meritless and are
14 belied by the record.

15 Here, similar to claims 1 and 10, Defendant attempts to show that counsel was
16 ineffective by arguing a minor detail. However, Defendant's claim is a bare and naked one
17 that should be denied under Hargrove. At trial, Detective Matlock testified that *after* Defendant
18 was arrested and once he was being escorted away, Detective Matlock noticed that Defendant
19 "had a blue bag in his front waistband." Trial Transcript, Day 8, at 38:17. Therefore,
20 Defendant's claim that Detective Matlock searched him is belied by the record.

21 Additionally, counsel made a strategic choice not to call Officer Mohler. This is
22 particularly true because on cross-examination counsel spent a considerable amount of time
23 attempting to undermine Detective Matlock's testimony regarding the blue bag. Id. at 54-59.
24 In fact, the first line of questioning on cross-examination involved the details of when the
25 Detective saw the blue bag. Id. Lastly, this minor detail does not alter the fact that Defendant
26 was arrested and found in possession of the blue bag. Consequently, counsel's strategic
27 decision to thoroughly cross-examine Detective Matlock and not call the arresting officer does
28 not prove he was ineffective. Rather, it shows counsel made a reasonable strategic decision

1 that, absent extraordinary circumstances, is not challengeable by Defendant. See Doyle, 116
2 Nev. at 160, 995 P.2d at 473. Accordingly, Defendant's claim fails.

3 **12. Counsel was not ineffective for allegedly failing to investigate as a whole.**

4 Next, Defendant argues that counsel was ineffective because he failed to adequately
5 investigate certain issues that Defendant allegedly raised with counsel prior to trial. Petition at
6 37-42. First, Defendant argues that counsel was ineffective for failing to investigate and solely
7 relied on the State's version of events. Id. Second, Defendant reasserts his earlier claim that
8 counsel was ineffective for failing to acquire phone bills that proved that the cellphones located
9 in his home belonged to his girlfriend and other family members. Id. Third, Defendant claims
10 he was prejudiced when counsel failed to get a copy of an alleged email that was sent to
11 detectives describing the gray Dodge Charger. Id. Fourth, Defendant claims counsel was
12 ineffective for not talking to a witness who allegedly saw Detective Abell "snooping around"
13 Defendant's apartment prior to Defendant's arrest. Id. Fifth, Defendant, for a third time, claims
14 counsel as ineffective for not retesting the State's DNA evidence. Id. Sixth counsel was
15 ineffective for failing to pre-trial any of the alleged victims. Id. Seventh, counsel was
16 ineffective for not hiring a foot impression expert to rebut the State's expert. Id. Eighth,
17 counsel was ineffective for not "putting on a proper defense." Id. All of Defendant's claims
18 are meritless as he fails to demonstrate his counsel's performance was deficient and resulted
19 in prejudice.

20 A defendant who contends his attorney was ineffective because he did not adequately
21 investigate must show how a better investigation would have rendered a more favorable
22 outcome probable. Molina, 120 Nev. at 192, 87 P.3d at 538. Here, Defendant's first and eighth
23 claims should be dismissed under Hargrove because they are belied by the record. Defendant
24 overlooks the fact that counsel delivered a thorough opening statement where he methodically
25 attacked the State's theory of the case and evidence. See Trial Transcript, Day 4, at 25-31.
26 Indeed, during his opening counsel emphasized that there were no eyewitnesses that could
27 identify Defendant as the perpetrator. Id. at 26. Moreover, the record reveals that during
28 closing argument counsel attempted to stir reasonable doubt in the minds of the jury and

1 continued to reject the State's theory of the case. Trial Transcript, Day 12, at 108-128. As
2 demonstrated by the record, to argue that counsel simply accepted the State's theory of the
3 case or that he failed to present a "proper defense" is disingenuous. Therefore, this Court
4 should deny these claims.

5 With respect to his second claim, under Molina Defendant bears the burden of showing
6 how a better investigation would have rendered a more favorable outcome. As discussed supra,
7 it is unclear what further investigation regarding the cellphones would have revealed. Again,
8 Defendant *assumes* that if counsel had contacted the cellphone companies they would have
9 provided counsel with ownership information regarding the various cellphones. Defendant
10 does not even provide this Court with documentation that counsel could have deduced
11 ownership over the cellphones by simply subpoenaing "phone bills." Therefore, he fails to
12 show that a more favorable outcome would have been probable and his argument is a bare and
13 naked assertion that fails under Hargrove and Molina.

14 Regarding the third claim, Defendant fails to satisfy his burden as he has not provided
15 this Court with a copy of what Defendant describes in his Petition as an "alleged email."
16 Petition at 37. Defendant does not show that this "alleged email" would have been admissible
17 as evidence nor does he demonstrate that had the email been admitted it would have assisted
18 in rendering a more favorable outcome for Defendant at trial. Molina, 120 Nev. at 192, 87 P.3d
19 at 538.

20 Defendant's fourth claim also fails. Defendant asserts, without presenting any evidence,
21 that Detective Abell was "snooping around" his apartment and that had counsel investigated
22 there would have been a witness to testify as such. Petition at 40. Defendant further avers that
23 such witness would have discredited the detective's testimony and shown to the jury that the
24 detectives were "fabricating evidence." Id. Again, Defendant bears the burden of showing how
25 this witness would have led to a more favorable outcome at trial. However, this is a bare and
26 naked assertion. For example, Defendant does not provide a sworn affidavit from such witness
27 or any supporting evidence to prove that the detectives fabricated evidence. As such, this claim
28 fails under Hargrove and Molina.

1 Defendant's fifth and seventh claims also lack merit. This is particularly true because,
2 as addressed supra, counsel filed a motion to retest the DNA and it was retested. Due to
3 counsel's efforts the DNA results came back as inconclusive rather than a "positive partial"
4 match. Therefore, it is unclear that retesting the DNA for a third time could have yielded a
5 more favorable result for Defendant. Similarly, Defendant argues that counsel should have
6 hired a foot impression expert, however, Defendant provides no analysis as to what exactly a
7 private expert would have testified to.⁴ Therefore, Defendant's claims should be denied as he
8 fails to satisfy his burden under Molina.

9 Regarding, Defendant's sixth claim, Defendant provides no evidence to support his
10 claim that counsel never pre-trialed any witnesses. Defendant appears to argue that counsel
11 simply "sat down" during Jamie Schoebel's ("Jaime") testimony and did not cross-examine
12 her in an effort to impeach her credibility. Petition at 41-42. However, this is belied by the
13 record. The record demonstrates that counsel did cross-examine her about her prior grand jury
14 testimony. Contrary to Defendant's bare and naked assertion counsel was able to get Jaime to
15 admit that she had inconsistently testified between the grand jury and trial. Trial Transcript,
16 Day 4, at 85-86. Therefore, because Defendant's claim is predicated on bare and naked
17 assertions that are repelled by the record, his claim must fail under Hargrove. Overall,
18 Defendant fails to demonstrate his counsel's performance was deficient or resulting prejudice.
19 Moreover, Defendant fails to satisfy burden under Molina. Accordingly, this Court should
20 deny Defendant's claims in their entirety.

21 //

22 //

23 //

24
25 ⁴ It is likely that counsel made a strategic decision not to hire a foot impression expert. This is
26 supported by the fact that the record demonstrates that counsel spent a considerable amount of
27 time cross-examining the State's forensic examiner of footwear and tire evidence, Mr.
28 Gilkerson. Trial Transcript, Day 8, at 136-156; See Doyle, 116 Nev. at 160, 995 P.2d at 473
(reasoning that "[c]ounsel's strategy decisions are not subject to challenge absent
extraordinary circumstances.").

1 **13. Counsel was not ineffective for failing to impeach the DNA expert with an email**
2 **she sent to Detective Abell.**

3 Next, Defendant argues counsel was ineffective because he should have impeached the
4 DNA expert with an email in which she stated that she could not find “anything linking the
5 car to a Robbery or the items recovered from the car to the robbery.” Petition at 69-70; Petition
6 Exhibit 8. Defendant concludes by arguing that if the jury had seen this email they would have
7 concluded that Detective Abell influenced the DNA expert’s report. Id.

8 Here, Defendant reasserts the issue regarding DNA and their corresponding reports. As
9 discussed supra, counsel was not ineffective regarding the DNA reports. Counsel’s strategy
10 was a reasonably objective one as he filed a motion to retest the DNA. The retested DNA
11 rendered a favorable result for Defendant as it came back inconclusive. Therefore, counsel
12 strategically decided that admitting the two conflicting DNA reports would have value because
13 the jury could determine if the State’s DNA evidence was reliable. As such, absent an
14 extraordinary circumstance, counsel’s strategic decisions are not subject to challenge. Doyle,
15 116 Nev. at 160, 995 P.2d at 473. Assuming, *arguendo*, that counsel was deficient because he
16 failed to impeach the detective with this email, Defendant fails to show that “but for” counsel’s
17 error there is a reasonable probability that the result of trial would have been different.
18 McNelson, 15 Nev. at 403, 990 P.2d at 1268. Defendant cannot bear his burden of
19 demonstrating prejudice under Strickland. Riley, 110 Nev. at 646, 878 P.2d at 278 (reasoning
20 that defendants carry the “affirmative burden of establishing prejudice.”). Defendant provides
21 no evidence that had the jury considered this email the outcome at trial would have been
22 different. This is particularly true considering that there was a significant amount of evidence
23 tying Defendant to the robberies. In fact, the Nevada Supreme Court affirmed all, but three, of
24 Defendant’s convictions on a sufficiency of the evidence claim on direct appeal. See Hobson
25 v. State, Docket No. 71419 (Order of Affirmance, June 1, 2018).

26 **14. Counsel was not ineffective for failing to object jury instruction 43.**

27 Lastly, Defendant argues that counsel was ineffective for failing to object to jury
28 instruction 43 which addressed the corroboration of accomplice testimony. Petition at 71-73.
Defendant’s argument should be disregarded.

1 Here, Defendant fails to present a cogent argument as to how counsel should have
2 challenged the jury instruction. Additionally, jury instruction 43 is a standard instruction.
3 Therefore, counsel cannot be deemed ineffective for failing to lodge a futile objection to such
4 instruction. Ennis, 122 Nev. at 706, 137 P.3d at 1103. As such, Defendant's claim fails.

5 **III. DEFENDANT'S REMAINING CLAIMS ARE IMPROPERLY RAISED IN A**
6 **POST-CONVICTION PETITION FOR WRIT OF HABEAS CORPUS**
7 **AND/OR BARRED BY THE LAW OF THE CASE**

8 In addition to the ineffective assistance of counsel claims raised above, Defendant
9 improperly raises the following claims in his Petition: (1) the district court abused its discretion
10 by allowing hearsay; (2) the district court abused its discretion when it allowed trial to
11 commence without Detective Flynn and Detective Turner available to testify; (3) that the
12 district court erred in denying Defendant's pre-trial Petition for Writ of Habeas Corpus; (5)
13 that the district court abused its discretion in denying Defendant's proposed jury instructions;
14 (6) that the district court abused its discretion in denying Defendant's Motion to Dismiss
15 during trial; (7) that there was prosecutorial misconduct; (8) that there was a Brady violation
16 with respect to cash seized from Defendant's home; (9) that there was prosecutorial
17 misconduct in not giving the Grand Jury a kidnapping instruction; and (10) that the State used
18 all of the DNA evidence during testing and fabricated a DNA report.

19 Defendant's remaining claims, one-ten, are waived because Defendant failed to raise
20 them on direct appeal. NRS 34.810(1) reads:

21 The court shall dismiss a petition if the court determines that:

22 (a) The petitioner's conviction was upon a plea of guilty or guilty
23 but mentally ill and the petition is not based upon an allegation
24 that the plea was involuntarily or unknowingly or that the plea was
25 entered without effective assistance of counsel.

24 (b) The petitioner's conviction was the result of a trial and the
25 grounds for the petition could have been:

26 (2) Raised in a direct appeal or a prior petition for a writ of habeas
27 corpus or postconviction relief.
28

1 The Nevada Supreme Court has held that “challenges to the validity of a guilty plea and claims
2 of ineffective assistance of trial and appellate counsel must first be pursued in post-conviction
3 proceedings.... [A]ll other claims that are appropriate for a direct appeal must be pursued on
4 direct appeal, or they will be *considered waived in subsequent proceedings*.” Franklin v. State,
5 110 Nev. 750, 752, 877 P.2d 1058, 1059 (1994) (emphasis added) (disapproved on other
6 grounds by Thomas v. State, 115 Nev. 148, 979 P.2d 222 (1999)). “A court must dismiss a
7 habeas petition if it presents claims that either were or could have been presented in an earlier
8 proceeding, unless the court finds both cause for failing to present the claims earlier or for
9 raising them again and actual prejudice to the petitioner.” Evans v. State, 117 Nev. 609, 646-
10 47, 29 P.3d 498, 523 (2001). Defendant cannot establish good cause because the facts and law
11 were available for his direct appeal. Additionally, he cannot establish prejudice to ignore his
12 procedural default because the underlying claims are meritless. Defendant’s claims are nothing
13 more than naked assertions under Hargrove. He has done nothing to demonstrate that he could
14 not pursue any particular claim on direct appeal because of a deficient record.

15 IV. DEFENDANT IS NOT ENTITLED TO AN EVIDENTIARY HEARING

16 NRS 34.770 determines when a defendant is entitled to an evidentiary hearing. It reads:

- 17 1. The judge or justice, upon review of the return, answer and all
18 supporting documents which are filed, shall determine whether an
19 evidentiary hearing is required. A petitioner must not be
20 discharged or committed to the custody of a person other than the
21 respondent unless an evidentiary hearing is held.
- 22 2. If the judge or justice determines that the petitioner is not
23 entitled to relief and an evidentiary hearing is not required, he shall
dismiss the petition without a hearing.
- 24 3. If the judge or justice determines that an evidentiary hearing is
25 required, he shall grant the writ and shall set a date for the hearing.

26 The Nevada Supreme Court has held that if a petition can be resolved without
27 expanding the record, then no evidentiary hearing is necessary. Marshall v. State, 110 Nev.
28 1328, 885 P.2d 603 (1994); Mann v. State, 118 Nev. 351, 356, 46 P.3d 1228, 1231 (2002). A
defendant is entitled to an evidentiary hearing if his petition is supported by specific factual
allegations, which, if true, would entitle him to relief unless the factual allegations are repelled

1 by the record. Marshall, 110 Nev. at 1331, 885 P.2d at 605; see also Hargrove, 100 Nev. at
2 503, 686 P.2d at 225 (holding that “[a] defendant seeking post-conviction relief is not entitled
3 to an evidentiary hearing on factual allegations belied or repelled by the record”). “A claim is
4 ‘belied’ when it is contradicted or proven to be false by the record as it existed at the time the
5 claim was made.” Mann, 118 Nev. at 354, 46 P.3d at 1230 (2002). It is improper to hold an
6 evidentiary hearing simply to make a complete record. See State v. Eighth Judicial Dist.
7 Court, 121 Nev. 225, 234, 112 P.3d 1070, 1076 (2005) (“The district court considered itself
8 the ‘equivalent of . . . the trial judge’ and consequently wanted ‘to make as complete a record
9 as possible.’ This is an incorrect basis for an evidentiary hearing.”).

10 Further, the United States Supreme Court has held that an evidentiary hearing is not
11 required simply because counsel’s actions are challenged as being unreasonable strategic
12 decisions. Harrington v. Richter, 131 S. Ct. 770, 788 (2011). Although courts may not indulge
13 post hoc rationalization for counsel’s decisionmaking that contradicts the available evidence
14 of counsel’s actions, neither may they insist counsel confirm every aspect of the strategic basis
15 for his or her actions. Id. There is a “strong presumption” that counsel’s attention to certain
16 issues to the exclusion of others reflects trial tactics rather than “sheer
17 neglect.” Id. (citing Yarborough v. Gentry, 540 U.S. 1, 124 S. Ct. 1 (2003)). Strickland calls
18 for an inquiry in the objective reasonableness of counsel’s performance, not counsel’s
19 subjective state of mind. 466 U.S. at 688, 104 S. Ct. at 2065.

20 Here, trial counsel was not ineffective. Moreover, Defendant’s ineffective assistance of
21 counsel claims are not complex. Regarding Defendant’s other claims, most of them are
22 improperly raised in his Petition because such claims were either previously considered on
23 direct appeal or were waived. Therefore, there is no need to expand the record and Defendant’s
24 request for an evidentiary should be denied.

25 //

26 //

27 //

28 //

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CONCLUSION

For all the foregoing, the State respectfully requests that Defendant's Petition for Writ of Habeas Corpus be DENIED.

DATED this 25th day of January, 2019.

Respectfully submitted,

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #01565

BY /s// CHARLES W. THOMAN
CHARLES W. THOMAN
Chief Deputy District Attorney
Nevada Bar #12649

CERTIFICATE OF MAILING

I hereby certify that service of the above and foregoing was made this 25th day of January, 2019, by depositing a copy in the U.S. Mail, postage pre-paid, addressed to:

TONY HOBSON, #1165963
S.D.C.C.
PO BOX 208
INDIAN SPRINGS, NV 89070

BY /s// E. DEL PADRE
E. DEL PADRE
Secretary for the District Attorney's Office

27

FILED
FEB 01 2019
CLERK OF COURT

Tony Hobson ID NO. 1165963

SOUTHERN DESERT CORRECTIONAL CTN.
20825 COLD CREEK RD.
P.O. BOX 208
INDIAN SPRINGS, NV 89070

In The 8th Judicial District Court
of The State of Nevada In
and for The county of Clark

Tony Hobson
petitioner

v.

The State of Nevada
respondent

CASE NO.: A-18-784448-W

DEPT. NO.: 19

DOCKET: _____

Motion for Judicial action on petition

COMES NOW, Tony Hobson, herein above respectfully
moves this Honorable Court for an Judicial action on
petition, based upon NRS 34.740
and NRS 34.745 and follow points
Authorities.

This Motion is made and based upon the accompanying Memorandum of Points and
Authorities,

DATED: this 26 day of Jan, 2019

BY: [Signature] 1165963
Tony Hobson 1165963
Defendant In Proper Personam

RECEIVED
FEB 01 2019
CLERK OF THE COURT

A-18-784448-W
MOT
Motion
4814240



ADDITIONAL FACTS OF THE CASE:

1 POINTS AND AUTHORITIES
2 The petition for writ of habeas
3 corpus was filed on 11-13-18 along
4 with motion to stay, motion for
5 funding ex-parte, and ~~motion~~ also
6 a separate writ ex-parte motion
7 to retest DNA and numerous subpe
8 eds. Filing occurred over 3 months
9 ago, however, the court has yet
10 to take any action on neither
11 writs or ex-parte motions as
12 contemplated by NRS 34.740 and NRS
13 34.745, which require, inter alia,
14 that the petition must be examined
15 expediently. NRS 34.740, followed
16 by a direction to respondent to
17 respond or answer the petition,
18 NRS 34.745(1) & (2). This requirement
19 of speed is not only a statutory
20 command, but is recognized by the
21 courts towards the effective and
22 prompt adjudication of habeas
23 actions and the serious questions
24 they present. *Caracas v Jarallie*, 391
25 U.S. 234, 88 S.Ct. 1556, 1360 (1968).
26 See also *Peyton v Rowe*, 391 U.S. 54,
27 88 S.Ct. 1349, 1552 (1968) (habeas

1 requires a "prompt adjudication"
2 Smith vs Idaho, 392 F.3d 330, 336
3 (9th Cir 2004) (prompt resolution of
4 prisoners' claims is a principle fun-
5 ction of habeas).

6 This ~~court~~ court is therefore moved
7 to expeditiously order respondents
8 to file a response or answer and
9 a return to the instant petition
10 so as to satisfy the Authorities
11 above, and as Justice requires.

14 Conclusion

15 This court should promptly take
16 judicial action on the pending
17 petitions and motions (ex parte)
18 in accordance with NRS 34.240 and
19 NRS 34.245.

CERTIFICATE OF SERVICE BY MAILING

I, Tony Hobson, hereby certify, pursuant to NRCP 5(b), that on this 26
day of Jan, 2019, I mailed a true and correct copy of the foregoing, "motion for judicial action on petition"
by placing document in a sealed pre-postage paid envelope and deposited said envelope in the
United State Mail addressed to the following:

Steven D. Grierson
Clerk of Court
200 Lewis Avenue 3rd floor
Las Vegas, NV 89158-1160

CC:FILE

DATED: this 26 day of Jan, 2019

Tony Hobson 1165963
/In Propria Personam
Post Office Box 208, S.D.C.C.
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

CC03

DISTRICT COURT
CLARK COUNTY, NEVADA

Plaintiff(s),

-vs-

Defendant(s).

CASE NO.

DEPT. NO.

SUBPOENA - CIVIL

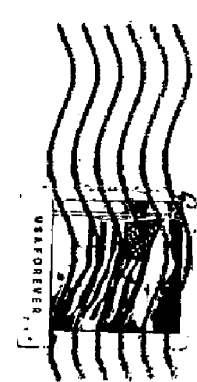
☐ REGULAR ☐ DUCES TECUM

THE STATE OF NEVADA SENDS GREETINGS TO:

YOU ARE HEREBY COMMANDED that all and singular, business and excuses set aside, you appear and attend on the _____ day of _____, 20____ at the hour of _____ M. in Department No. _____ of the District Court, Clark County, Nevada. The address where you are required to appear is the Regional Justice Center, 200 Lewis Avenue, Las Vegas, Nevada. Your attendance is required to give testimony and/or to produce and permit inspection and copying of designated books, documents or tangible things in your possession, custody or control, or to permit inspection of premises. You are required to bring with you at the time of your appearance any items

Tony Holson HB5463
PO Box 206
Indian Springs, NV 89070
SPC

LAS VEGAS NV 890
29 JAN 2019 PM 5 L



Legal mail

Steven D Grierson
Clerk of Court
200 Lewis Avenue 3rd Floor
Bldg 2-33000 / NV 89000

Legal mail

0000000000

JAN 29 2019

COMMUNICATIONS SECTION

FILED

FEB 14 2019

[Signature]
CLERK OF COURT

Tony Hobson ID NO. 1163963

SOUTHERN DESERT CORRECTIONAL CTN.
23825 COLD CREEK RD.
P.O. BOX 208
INDIAN SPRINGS, NV 89010

In The 8th Judicial District Court of
the State of Nevada in and for the
County of Clark

Tony Hobson
Plaintiff

v.

The State of Nevada
Respondent

CASE NO.: A-18-78448-W

DEPT. NO.: XIX

DOCKET: _____

opposition to states response to
Defendant's ~~petition~~ petitioners post
conviction petition for writ of habeas corpus

COMES NOW, petitioner Tony Hobson, herein above respectfully
moves this Honorable Court for an _____

This Motion is made and based upon the accompanying Memorandum of Points and
Authorities,

DATED: this 4 day of Feb, 2019

BY: Tony Hobson 1163963
Tony Hobson 1163963
Defendant In Proper Personam

RECEIVED
FEB 14 2019

CLERK OF THE COURT

ADDITIONAL FACTS OF THE CASE:

1 response To States response That
2 ① counsel was not Ineffective for not
3 objecting or seeking a mistrial.
4 The state contends That the petitioner's
5 argument assumes rather than demon-
6 strates that calling Det Flynn would
7 have rendered favorable testimony for his
8 case, and That even if the petitioner's
9 trial attorney did in fact get to impeach
10 each detectives, That this impeachment
11 value would have been extremely minimal.
12 The state also contends That these receipts
13 were found in the petitioner's home
14 along with numerous pieces of evidence
15 "linking" the petitioner to the crime.

16
17 The states contention That the peti-
18 tioner "assumes" furthermore goes to
19 the petitioner's argument of (IAC)
20 because had Richard Tanasi called
21 Detective Flynn then surely 1 of
22 the many discrepancies involving these
23 receipts would have been solved.
24 Surely you cant find the same exact
25 item in 2 different places. So had
26 Det Flynn been called to testify to
27 ~~disputed~~ her own "allegedly" findings

1 Then per her findings and per DET Andra
2 report somebody would be lying now
3 whether it was abell, Turner, or Flynn
4 This by itself couldve not only put
5 doubt in the Jury's mind but it couldve
6 made anybody let alone the Jury believe
7 or think hey is this even true did
8 they even find "receipts" in the house
9 or was there some type of lubrication
10 Furthermore there is nothing on the
11 record that proves the petitioner stayed
12 in the house. Also the petitioner's
13 sister also testified that he stayed
14 with her. Had Richard Torres called
15 Kranna which is the petitioner's
16 girlfriend/kid's mother who was infected
17 on the witness call on list then
18 she wouldve testified the petitioner
19 didn't stay there to. (petitioner
20 will get affidavit) This is why petitioner
21 er Petition for funding of Investigator
22 (check case summary). The petitioner would
23 like to also point out that there is
24 nothing that was found in the house that
25 was tested or proving to link the peti-
26 tioner to this crime or any crime
27 for that matter.

1 The state pointed out in p. 13 5-7 that
2 a defendant who contends his Attorney
3 was Ineffective, because he did not
4 adequately Investigate must show a
5 better investigation would have rendered
6 a more favorable outcome probable.
7 *Molina vs State*, 120 Nev. 185, 192, 87 P.2d 532 (2004)
8 This can only be done by this court
9 granting the petitioners ex-parte motion
10 for funding for Investigation, and DNA test-
11 ing, and several subpoenas to factually develop
12 the record, not only would this back up
13 the petitioners (L.A.C.) because he
14 asked counsel to do things that any
15 Attorney in his right mind would do
16 to defend his client, but it would also
17 show that him not doing these things
18 prejudiced the petitioners.

19
20 Response to States Response

21 ② Counsel was not Ineffective for not
22 raising NRS 175.291 in a pre-Trial petition.
23 The state contends that they have
24 satisfied the statutory requirement by
25 showing a substantial amount of evidence
26 tends to connect the defendant to
27 the crime. The state also contends

1 That there were numerous pieces
2 of evidence that connected the
3 petitioner to the crime. The State
4 also calls the petitioner's claims
5 base rated allegations.

6
7 First off There was nothing that was
8 shown at the Indictment that conne-
9 cted or tended to connect the petitioner
10 to the crime In fact if this court look
11 at Exhibit (1) on the petitioners writ
12 of habeas corpus the court will see the
13 only thing that was shown to the jury
14 or grand jury was still photos of
15 unidentified unknown suspects, pic-
16 tures of gloves, medical masks, cigarettes
17 and guns. So when going back and looking
18 at the states contentions that they
19 satisfied ORS 125.291 you will see
20 still photos of unidentified unknown
21 suspects cannot connect or tend to
22 connect the petitioner to anything.
23 2) gloves cannot connect the petitioner
24 to the crime because 1) there was no
25 glove left at any scene 2) there was no
26 DNA test done on anything let alone a
27 glove to show to the grand jury that

1 the petitioner had even wore the gloves.
2 1) plus there was no showing that the
3 gloves belonged to the petitioner.
4 3) medical mask also cannot connect
5 the petitioner to the crime or tend
6 to connect the petitioner to the
7 crime. There was no DNA that even
8 showed that the petitioner even
9 wore or owned this mask. Furthermore
10 there was no masks left or found
11 at any scene. 4) axe could not tend
12 to connect the petitioner to nothing
13 there was nothing that was presented
14 to the grand jury that shows the
15 axe was even used in a crime. 5)
16 receipts cannot tend to or connect
17 the defendant/petitioner to the
18 crime. 1) There was nothing shown
19 to the grand jury to even prove or show
20 that the petitioner even stayed at the
21 house that the detectives "Allegedly"
22 found these "receipts". So the state
23 speculated that the petitioner
24 stayed at the house. 2) There were
25 too many discrepancies with these
26 receipts. 1) The "receipts" were found here
27 then there is that one discrepancy.
28 Then after the fact the receipts

1 was written in on the impound sheet
2 afterwards in pen. who knows who
3 wrote that for all we know the DA
4 wrote it to help their case. b) guns
5 cannot tend to or connect the defendant
6 to anything. 1) There was no DNA or
7 fingerprinting done on the guns to show
8 that the petitioner had touched
9 or even passed. 2) for the state to
10 contend that any of the items shown
11 to the grand jury was as far as to connect
12 to the defendant, the state is delusional.
13 That's like saying anybody caught with a
14 gun in the car that's a charger is
15 guilty. in the state my say that it is
16 suspicious but mere suspicion is not
17 enough to satisfy NRS 175.291 the courts
18 has held that corroborative evidence is
19 insufficient when it merely casts a
20 grave suspicion upon the accused.
21 Edward D. Eckert vs State 533 2d 468
22 also Austin vs State 441 p. 2d 724.
23 So since the state has not satisfied
24 their obligations all of these claims
25 are not only speculation but "bare
26 naked" allegations.

③ Response To States Response That
counsel was not ineffective for failing
to raise perjury of Det Ahell during
his testimony at first grand jury.

The state contends that the petitioner
provided no evidence to support
his claim, and that Det Ahell's test-
imony was not false.

The petitioner has attached to
his habeas numerous exhibits to back
up his claims. Not only is the state
delusional ~~but~~ also belied by the
record, please refer to grounds 13
in the petitioner's habeas.

④ Response To States Response That
counsel was not ineffective for not
objecting to introduction of the
DA's reports.

The state contention is that Tamas
made a strategic decision to not object
to both reports being shown and that
it could've caused reasonable doubt.

First off the states response can

1. Not be made up off assumptions. Although
2. The state would like this court to assume
3. what counsels strategic decisions were
4. based on. That goes against the holding in
5. Mann vs State only way to factually determine
6. what counsels strategic reason was
7. based on, would be to put him on the
8. stand at an evidentiary hearing.

10. The petitioner would also point out that
11. if there's allegations against you why
12. not prove these allegations wrong and
13. show hey ~~but~~ my DNA is not in
14. anything versus hey it was his DNA
15. first and now its not. Any lawyer defend
16. ing his client in his right mind would
17. just show 1 report obviously the one that
18. benefits his client.

20.
21. (5) Response To States Response That
22. counsel was not ineffective for
23. failing to object to the admissions of
24. a photograph.

1. The states contention are That it is
2. unclear to what more Investigation
3. would have yielded with respects to
4. photos, also the State contends That
5. the petitioner also didn't attach
6. any phone bills to his petition to
7. prove his claims.
8.
9.

10. First off more Investigation would
11. Definitely clearly show That these phones
12. ~~belonged~~ obviously belonged To the petitioners
13. girlfriend and other family members, also
14. IT wouldve proving That Not only did
15. Estianna have a job but That the money
16. found was hers along with some money
17. The petitioner had given her for his
18. kids from his check. The State is
19. making it seem as if it is impossible
20. for anybody who works a job to have
21. 1000 and galaxy phones, which is very
22. wrong. Furthermore the State failed to
23. mention That the petitioner did in fact
24. attach numerous of subpoenas to
25. Sprint and T-Mobile To obtain phone bills.
26.
27.
28.

1. Surely the petitioner could've called his family
2. and kids mother to go and get bills there
3. self but that would only lead to the state
4. saying "well we don't know if this is real or
5. Did it come from the custodian of the records
6. This is why petitioner attached subpoenas
7. to his tubers to get bills straight from
8. company.

10
11 ⑥ Response to states response that
12 counsel was not ineffective for
13 not independently testing the DNA
14 or hiring a DNA expert to testify.
15
16 The states contention is that it was
17 counsels strategic decision not to hire a
18 DNA expert or independently test the
19 DNA. The state also contends that counsel
20 likely concluded that doing so would have
21 yielded inculpatory results rather than
22 conflicting reports.
23
24 Once again the state is assuming
25 that counsel likely concluded that doing so
26 would have yielded inculpatory results.

1. The states petition can not be made off of
2. assumption. Furthermore ~~any~~ any ATTORNEY
3. That genuinely wants to defend his client
4. That allegedly has DNA evidence against
5. him would contest it, not take the states
6. word for it even if it was a retest.
7. The petitioner would also point out that the
8. states expert testified she didn't re-test
9. the DNA she just reintroduced it.
10. She also testified that ~~the~~ the retest doesn't
11. supersede the 1st test. So with that being
12. said if Tanasi had got his own independent
13. test done then it would be our test versus
14. theirs - are DNA experts vs theirs. Instead
15. it was the states test and the states
16. results ~~vs~~ and the states DNA expert
17. vs the petitioner's expert, no test, no
18. results. Richard Tanasi basically allowed
19. the state to railroad me, because he
20. works for the state.

1 ⑦ Response To States Response That
2 Counsel was not Ineffective for Not Sub
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

6 The State contends That Since The petitioner
7 Didnt Specifically present evidence That If
8 Counsel Did call other witnesses Their Test-
9 imony would have been Instrumental in rend-
10 ering a more favorable outcome at Trial.

14 Petitioner repeatedly Talk to Counsel on
15 numerous occasions and ask him to make
16 sure That I get to cross examine all
17 alleged "victims", 1) This could not only
18 make sure the petitioner confrontational
19 clause right wasnt violated, but also 2)
20 catch these so called "victims" in lies so they
21 get Jure There self, for example the one
22 girl who said she got punched in the
23 Indictment, and Then at Trial switch
24 and said she didnt. which is perjury
25 which can also discredit any of these
26 her's or any other victims Testimony
27 If they would've Testified.

1 Furthermore Richard Tanasi Specifically Told the
2 Petitioner that To subpoena the "Victims"
3 Wasn't his Job and that it was The DA's Job.
4 The Petitioner will point out that he has
5 Subpoenas for visits and phone calls to help
6 prove claims.

7
8
9
10 **Response to State Response That**
11 **Counsel was NOT Ineffective for failing**
12 **to subpoena a Jag officer.**
13
14 The State contention is that the Petitioner-
15 er allegedly overheard a conversation between
16 Dante and the Jag officer.

17
18 First to clarify a little the Petitioner never
19 in no shape or form ever said anything about
20 overhearing any conversation. The Petitioner
21 simply said that Richard Tanasi was given
22 some information from District Attorney
23 Vizmer about the fact that Dante had
24 an conversation with a Jag officer in
25 which he admitted to this Jag officer
26 that he in fact had nothing to do with

1 Any of the Robberys, and That he didn't Take
2 The Petitioner or codefendant Starr to any
3 robberys. Judge Keplehart allowed a Det who
4 wasn't present during this conversation between
5 Dante and the Sag officer Testify to what
6 was said in that conversation, which is hear
7 say and avilation of NRS 21.035, 21.065.
8 This is why Trial Attorney is Ineffective
9 for not subpoenaing the Sag officer because
10 he could Testify to the conversation he
11 In fact had with mr Johns. The state also
12 raises the fact That the petitioner is
13 mistaken because the rules of evidence
14 would NOT allow this Testimony. This is
15 NOT TRUE The Sag officer and Dante had
16 a conversation with each other, the Sag
17 officer or Dante both could have Testified
18 To exactly what was said because both
19 had 1st hand knowledge, they wouldn't be
20 Testifying to something someone else Told
21 Them about something else. Therefore the
22 Sag officer's Testimony would've ben 100%
23 admissible. Furthermore make the

1. Fact That Tarasi Didnt Subpoena The Sag
2. officer Ineffective.

3.
4. 9 Response To State Response That
5. Appellate Attorney was NOT Ineffective for not
6. raising an alleged violation of confrontation
7. clause on appeal.

8.
9.
10. The states contention is that Defendant has
11. not shown that appellate counsel was deficient

12.
13. Trial Attorney Richard Tarasi filed a motion
14. or verbally tried during trial to dismiss all
15. counts that pertained to all victims that
16. was not called to testify, which violated
17. the petitioners confrontational clause.

18. whether this was ~~successful~~ successful or not
19. (which it wasnt) Attorney still preserved
20. this issue to be filed on Direct appeal.
21. Petitioner on numerous occasions over
22. the phone and through letter communica-
23. tion attempted to get ~~attorney~~
24. appellant counsel to file this in
25. Direct appeal. see Exhibit ~~1000~~ 1000