

Electronically Filed  
Jun 05 2019 09:18 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**NOAS**

DARIN F. IMLAY, PUBLIC DEFENDER  
NEVADA BAR No. 5674  
309 South Third Street, Suite 226  
Las Vegas, Nevada 89155  
(702) 455-4685  
Attorney for Defendant

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,	)	
	)	
Plaintiff,	)	CASE NO. C-17-327439-1
	)	
v.	)	DEPT. NO. XVII
	)	
ANTONIO MIXON,	)	
	)	
Defendant.	)	
	)	<b><u>NOTICE OF APPEAL</u></b>

TO: THE STATE OF NEVADA

STEVEN WOLFSON, DISTRICT ATTORNEY, CLARK COUNTY, NEVADA  
and DEPARTMENT NO. XVII OF THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF  
CLARK.

NOTICE is hereby given that Defendant, Antonio Mixon,  
presently incarcerated in the Nevada State Prison, appeals to the  
Supreme Court of the State of Nevada from the judgment entered  
against said Defendant on the 21 day of May, 2019 whereby he was  
convicted of Attempt Possession or Control of Dangerous Weapon or  
Facsimile by an Incarcerated Person and sentenced to \$25 Admin.

1 Fee; \$3 DNA collection fee; 12-30 months in NDC, consecutive to  
2 C277977 with 0 days CTS. DNA fee and testing waived.

3 DATED this 23 day of May, 2019.

4 DARIN F. IMLAY  
5 CLARK COUNTY PUBLIC DEFENDER

6  
7 By: /s/ Howard S. Brooks  
8 HOWARD S. BROOKS, #3374  
9 Deputy Public Defender  
309 S. Third Street, Ste. 226  
Las Vegas, Nevada 89155  
(702) 455-4685

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1                                    **CERTIFICATE OF ELECTRONIC FILING**

2                    I hereby certify that service of the above and foregoing  
3 was made this 23 day of May, 2019, by Electronic Filing to:

4                                    District Attorneys Office  
5                                    E-Mail Address:

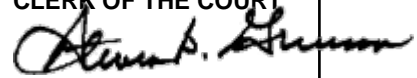
6                                    [PDMotions@clarkcountyda.com](mailto:PDMotions@clarkcountyda.com)

7                                    [Jennifer.Garcia@clarkcountyda.com](mailto:Jennifer.Garcia@clarkcountyda.com)

8                                    [Eileen.Davis@clarkcountyda.com](mailto:Eileen.Davis@clarkcountyda.com)

9                                    [ckallas@ag.nv.gov](mailto:ckallas@ag.nv.gov)

10  
11                                    /s/ Carrie M. Connolly  
12                                    Secretary for the  
13                                    Public Defender's Office



**CAS**

DARIN F. IMLAY, PUBLIC DEFENDER  
NEVADA BAR No. 5674  
309 South Third Street, Suite 226  
Las Vegas, Nevada 89155  
(702) 455-4685  
Attorney for Defendant

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,	)	
	)	
Plaintiff,	)	CASE NO. C-17-327439-1
	)	
v.	)	DEPT. NO. XVII
	)	
ANTONIO MIXON,	)	
	)	
Defendant.	)	
	)	

**CASE APPEAL STATEMENT**

1. Appellant filing this case appeal statement:  
Antonio Mixon.

2. Judge issuing the decision, judgment, or order  
appealed from: Elissa Cadish.

3. All parties to the proceedings in the district  
court (the use of et al. To denote parties is prohibited): The  
State of Nevada, Plaintiff; Antonio Mixon, Defendant.

4. All parties involved in this appeal (the use of  
et. al. to denote parties is prohibited): Antonio Mixon,  
Appellant; The State of Nevada, Respondent.

1                   5.    Name, law firm, address, and telephone number of  
2 all counsel on appeal and party or parties whom they represent:

3 DARIN F. IMLAY  
4 Clark County Public Defender  
309 South Third Street, #226  
5 Las Vegas, Nevada 89155-2610

STEVEN B. WOLFSON  
Clark County District Attorney  
200 Lewis Avenue, 3<sup>rd</sup> Floor  
Las Vegas, Nevada 89155

6 Attorney for Appellant

ADAM LAXALT  
Attorney General  
100 North Carson Street  
8 Carson City, Nevada 89701-4717  
(702) 687-3538

9 Counsel for Respondent

10                   6.    Whether appellant was represented by appointed or  
11 retained counsel in the district court: Appointed.

12                   7.    Whether appellant is represented by appointed or  
13 retained counsel on appeal: Appointed.

14                   8.    Whether appellant was granted leave to proceed in  
15 forma pauperis, and the date of entry of the district court  
16 order granting such leave: N/A.

17                   9.    Date proceedings commenced in the district court  
18 (e.g., date complaint, indictment, information, or petition was  
19 filed): Information filed 10/25/17.

20 DATED this 23rd day of May, 2019.

21 DARIN F. IMLAY  
22 CLARK COUNTY PUBLIC DEFENDER

23  
24 By: /s/ Howard S. Brooks  
25 HOWARD S. BROOKS, #3374  
26 Deputy Public Defender  
309 S. Third Street, Ste. 226  
27 Las Vegas, Nevada 89155  
(702) 455-4685



## EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY****CASE NO. C-17-327439-1**

**State of Nevada**  
**vs**  
**Antonio Mixon**

§  
§  
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§  
§

Location: **Department 17**  
 Judicial Officer: **Villani, Michael**  
 Filed on: **10/24/2017**  
 Cross-Reference Case Number: **C327439**  
 Defendant's Scope ID #: **1968172**  
 ITAG Booking Number: **0**  
 ITAG Case ID: **1943959**  
 Lower Court Case # Root: **17F14741**  
 Lower Court Case Number: **17F14741X**  
 Supreme Court No.: **77206**

**CASE INFORMATION**

Offense	Statute	Deg	Date	Case Type:	Felony/Gross Misdemeanor
Jurisdiction: <b>District Court</b>					
1. ATTEMPT POSSESSION OR CONTROL OF DANGEROUS WEAPON OR FACSIMILE BY AN INCARCERATED PERSON PCN: 0030270532 ACN: 0 <i>Filed As:</i> BATTERY BY A PRISONER Arrest: 12/04/2015 MET - Metro	212.185	F	12/04/2015	Case Status:	<b>05/28/2019 Closed</b>
2. POSSESSION OR CONTROL OF DANGEROUS WEAPON OR FACSIMILE BY INCARCERATED PERSON	212.185	F	12/04/2015		

**Statistical Closures**

05/28/2019 Guilty Plea with Sentence (before trial) (CR)


**DATE****CASE ASSIGNMENT****Current Case Assignment**


Case Number C-17-327439-1  
 Court Department 17  
 Date Assigned 10/24/2017  
 Judicial Officer Villani, Michael


**PARTY INFORMATION**

		Lead Attorneys
<b>Defendant</b>	<b>Mixon, Antonio Lee</b>	
<b>Plaintiff</b>	<b>State of Nevada</b>	<b>Pro Se</b> <b>Ford, Aaron D.</b> 775-684-1100(W)

**DATE****EVENTS & ORDERS OF THE COURT****INDEX****EVENTS**

10/24/2017  Criminal Bindover Packet Las Vegas Justice Court

10/24/2017  Criminal Bindover - Confidential

10/25/2017  Information  
Party: Plaintiff State of Nevada  
*Information*



# CASE SUMMARY

CASE NO. C-17-327439-1

11/14/2017	 Motion to Compel <i>Motion to Compel Production of Discovery &amp; Brady Material</i>
12/01/2017	 Opposition Filed By: Plaintiff State of Nevada <i>State's Opposition to Defendant's Motion to Compel Discovery &amp; Brady Material</i>
12/13/2017	 Notice Filed By: Plaintiff State of Nevada <i>Notice of Intent to Use COR Affidavit and/or Unsworn Declaration</i>
12/15/2017	 Notice of Witnesses and/or Expert Witnesses Filed By: Plaintiff State of Nevada <i>State's Notice of Witnesses and / or Expert Witnesses</i>
12/15/2017	 Motion <i>Motion to Withdraw and Allow Defendant to Represent Himself Pursuant to Faretta v. California with Exhibits</i>
12/15/2017	 Motion <i>Motion to Withdraw and Allow Defendant to Represent Himself Pursuant to Faretta v. California with Exhibits</i>
12/15/2017	 Re-Notice <i>Renotice of Hearing on Motion to Withdraw and Allow Defendant to Represent himself Pursuant to Faretta v California</i>
12/22/2017	 Notice <i>Defendant's Notice of Witnesses, Pursuant to NRS 174.234</i>
12/29/2017	 Motion for Withdrawal Filed By: Defendant Mixon, Antonio Lee <i>Defendant's Motion for Withdrawal of Attorney of Record, Request to Obtain Copy of Defendant's File, and Request for Self-Representation</i>
12/29/2017	 Motion Filed By: Plaintiff State of Nevada <i>Motion In Limine to Exclude Defense Witnesses from Testifying</i>
01/02/2018	 Jury List
01/04/2018	 Order <i>Discovery Order</i>
01/25/2018	 Order <i>Order for Transcript</i>
02/01/2018	 Recorders Transcript of Hearing <i>Recorder's Transcript of Hearing Jury Trial - Day 1 (State's Opening; Direct and Cross-Examination of Dean Ontiveros Heard on January 2, 2018)</i>
02/09/2018	 Motion <i>Motion for Clarification on Last Ruling and Order</i>

**CASE SUMMARY**  
**CASE NO. C-17-327439-1**

03/05/2018	 Motion Filed By: Defendant Mixon, Antonio Lee <i>Motion To Dismiss Based Upon Vindictive Prosecution</i>
03/05/2018	 Motion Filed By: Defendant Mixon, Antonio Lee <i>Motion To Disqualify The Attorney General's Office</i>
03/05/2018	 Motion Filed By: Defendant Mixon, Antonio Lee <i>Defendant's Motion To Dismiss With Prejudice</i>
03/12/2018	 Opposition to Motion <i>State's Opposition to Defendant's Motion to Dismiss Based Upon Vindictive Prosecution</i>
03/12/2018	 Opposition to Motion Filed By: Plaintiff State of Nevada <i>State's Opposition to Defendant's Motion to Disqualify the Attorney General's Office</i>
03/13/2018	 Opposition Filed By: Plaintiff State of Nevada <i>State's Amended Opposition to Defendant's Motion to Dismiss Based Upon Vindictive Prosecution</i>
03/13/2018	 Opposition Filed By: Plaintiff State of Nevada <i>State's Amended Opposition to Defendant's Motion to Disqualify the Attorney General's Office</i>
03/14/2018	 Opposition to Motion Filed By: Plaintiff State of Nevada <i>State's Opposition to Defendant's Motion to Dismiss with Prejudice</i>
03/28/2018	 Motion for Withdrawal Filed By: Defendant Mixon, Antonio Lee <i>Defendant's Motion for Withdrawal of Attorney of Record, Request to Obtain Copy of Defendant's File, and Request for Self- Representation</i>
04/04/2018	 Notice of Hearing <i>Notice of Hearing</i>
05/14/2018	 Motion Filed By: Defendant Mixon, Antonio Lee <i>Defendant's Motion for Expert Witnesses/Transport Order</i>
08/08/2018	 Notice of Motion Filed By: Defendant Mixon, Antonio Lee <i>Notice of Motion</i>
08/08/2018	 Motion <i>Motion for Status Check; Trial Readiness; Discovery Issue; Transportation Order; Oral Agreement Requested</i>
08/27/2018	 Motion for Discovery







**CASE SUMMARY**

**CASE NO. C-17-327439-1**

	Filed By: Defendant Mixon, Antonio Lee <i>Motion for Discovery, for Trial Date to be Reset and for Order Transporting Inmate for Oral Argument at the Time of the Hearing</i>
09/19/2018	 Motion Filed By: Defendant Mixon, Antonio Lee <i>Motion to Suppress and or Pursuant to NRS 47.090</i>
09/19/2018	 Notice of Motion Filed By: Defendant Mixon, Antonio Lee
09/19/2018	 Motion Filed By: Defendant Mixon, Antonio Lee <i>Motion for Expert Witness</i>
09/19/2018	 Notice of Motion Filed By: Defendant Mixon, Antonio Lee
09/26/2018	 Opposition to Motion Filed By: Plaintiff State of Nevada <i>Opposition to Defendant's Motion for Expert Witnesses</i>
09/26/2018	 Opposition to Motion Filed By: Plaintiff State of Nevada <i>Opposition to Defendant's Motion to Suppress</i>
10/01/2018	 Motion Filed By: Defendant Mixon, Antonio Lee <i>Motion for Leave to File an Amended Motion to Support and Motion for Expert Witnesses</i>
10/01/2018	 Notice of Motion Filed By: Defendant Mixon, Antonio Lee
10/09/2018	 Reply Filed by: Defendant Mixon, Antonio Lee <i>Reply to State's opposition to Defendant's Motion for Expert Witnesses</i>
10/09/2018	 Reply to Opposition Filed by: Defendant Mixon, Antonio Lee <i>Reply to State's Opposition to Defendant's Motion to Suppress</i>
10/15/2018	 Notice of Appeal (criminal) <i>Notice of Appeal</i>
10/15/2018	 Motion <i>Motion for Extension of Time</i>
10/15/2018	 Motion Filed By: Defendant Mixon, Antonio Lee <i>Motion for Extension of Time</i>
10/17/2018	 Case Appeal Statement Filed By: Defendant Mixon, Antonio Lee

**CASE SUMMARY**  
**CASE NO. C-17-327439-1**







*Case Appeal Statement*

10/22/2018	 Order Denying Filed By: Plaintiff State of Nevada <i>Order Denying Defendant's Motion to Suppress</i>
10/29/2018	 Motion Filed By: Defendant Mixon, Antonio Lee <i>Motion for Leave to Amend</i>
10/29/2018	 Motion Filed By: Defendant Mixon, Antonio Lee <i>Amended Motion for Extension of Time</i>
10/30/2018	 Notice of Motion Filed By: Defendant Mixon, Antonio Lee <i>Notice of Motion</i>
11/02/2018	 Motion Filed By: Defendant Mixon, Antonio Lee <i>Motion for Jury Instructions</i>
11/02/2018	 Motion Filed By: Defendant Mixon, Antonio Lee <i>Motion for Voir Dire</i>
11/02/2018	 Motion to Dismiss Filed By: Defendant Mixon, Antonio Lee
11/02/2018	 Notice of Motion Filed By: Defendant Mixon, Antonio Lee
11/02/2018	 Notice of Motion Filed By: Defendant Mixon, Antonio Lee
11/02/2018	 Notice of Motion Filed By: Defendant Mixon, Antonio Lee
11/15/2018	 Opposition to Motion Filed By: Plaintiff State of Nevada <i>State's Opposition to Defendant's Amended Motion for Extension of Time</i>
11/16/2018	 Motion to Stay Filed By: Defendant Mixon, Antonio Lee <i>Motion for Stay of Trial Setting and or Motion for Time Extension</i>
11/19/2018	 Opposition to Motion Filed By: Plaintiff State of Nevada <i>State's Opposition to Defendant's Motion for Jury Instructions</i>
11/29/2018	 NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed</i>

**CASE SUMMARY**  
**CASE NO. C-17-327439-1**

12/04/2018	 Supplement Filed by: Defendant Mixon, Antonio Lee <i>Supplement to Motion to Dismiss and Supplement to Jury Instructions</i>
12/10/2018	 Motion to Continue Trial Filed By: Defendant Mixon, Antonio Lee <i>Defendant's Motion to Continue Trial Setting</i>
12/11/2018	 Motion to Amend Filed By: Defendant Mixon, Antonio Lee <i>Motion for Leave to Amend</i>
12/18/2018	 Motion Filed By: Defendant Mixon, Antonio Lee <i>Motion to Place on Calendar</i>
01/03/2019	 Notice Filed By: Defendant Mixon, Antonio Lee <i>Notice of Intent to Use Citation Memorandum of Law Points and Authority</i>
01/14/2019	 Application to Proceed in Forma Pauperis Filed By: Defendant Mixon, Antonio Lee
01/15/2019	 Opposition to Motion Filed By: Plaintiff State of Nevada <i>State's Opposition to Defendant's Motion to Dismiss, Supplemental Motion to Dismiss and Supplement to Jury Instructions</i>
01/18/2019	 Notice Filed By: Defendant Mixon, Antonio Lee <i>Notice of Defense</i>
02/04/2019	 Reply to Opposition Filed by: Defendant Mixon, Antonio Lee <i>Reply to State's Opposition to Defendant's Motion to Dismiss</i>
02/04/2019	 Supplemental Filed by: Defendant Mixon, Antonio Lee <i>Supplemental to Jury Instructions</i>
02/21/2019	 Notice Filed By: Defendant Mixon, Antonio Lee
02/21/2019	 Notice of Motion Filed By: Plaintiff State of Nevada <i>State's Notice of Motion and Motion to Place on Calendar</i>
02/27/2019	 Amended Notice Filed By: Plaintiff State of Nevada <i>State's First Amended Notice of Witnesses and/or Expert Witnesses</i>
03/18/2019	 Motion to Increase Filed By: Plaintiff State of Nevada <i>Motion to Increase Bail</i>

**CASE SUMMARY**  
**CASE NO. C-17-327439-1**

03/19/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
03/21/2019	 Notice Filed By: Defendant Mixon, Antonio Lee <i>Notice of Witness and or Expert Witness</i>
03/26/2019	 Amended Information <i>Amended Information</i>
03/26/2019	 Guilty Plea Agreement
03/28/2019	 Opposition to Motion Filed By: Defendant Mixon, Antonio Lee <i>Defendant's Opposition to Plaintiff's Motion to Increase Bail</i>
04/05/2019	 Motion to Withdraw Plea Filed By: Defendant Mixon, Antonio Lee
04/16/2019	 Motion Filed By: Plaintiff State of Nevada <i>Motion For An Extension of Time</i>
04/16/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
04/18/2019	 Recorders Transcript of Hearing <i>Recorder's Transcript of Hearing: State's Motion to Increase Bail Heard on March 26, 2019</i>
04/25/2019	 Opposition to Motion Filed By: Plaintiff State of Nevada <i>Opposition to Defendant's Motion to Withdraw Guilty Plea</i>
04/26/2019	 PSI
05/16/2019	 Reply to Opposition Filed by: Defendant Mixon, Antonio Lee <i>Defendant's Reply to State's Opposition to Defendant's Motion to Withdraw Guilty Plea</i>
05/23/2019	 Notice of Appeal (criminal) <i>Notice of Appeal</i>
05/23/2019	 Case Appeal Statement <i>Case Appeal Statement</i>
05/28/2019	 Judgment of Conviction <i>Judgment of Conviction (Plea of Guilty)</i>

**DISPOSITIONS**

03/26/2019	<b>Disposition</b> (Judicial Officer: Villani, Michael) 2. POSSESSION OR CONTROL OF DANGEROUS WEAPON OR FACSIMILE BY
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**CASE SUMMARY**  
**CASE NO. C-17-327439-1**

INCARCERATED PERSON

Amended Information Filed/Charges Not Addressed

PCN: Sequence:

**HEARINGS**

11/01/2017



**Initial Arraignment** (10:00 AM) (Judicial Officer: De La Garza, Melisa)

Plea Entered;

Journal Entry Details:

*DEFT. MIXON ARRAIGNED, PLED NOT GUILTY, and INVOKED the 60-DAY RULE. COURT ORDERED, matter set for trial. COURT FURTHER ORDERED, pursuant to Statute, Counsel has 21 days from today for the filing of any Writs; if the Preliminary Hearing Transcript has not been filed as of today, Counsel has 21 days from the filing of the Transcript. Ms. Sisolak advised for the record there will not be any transcripts. CUSTODY (COC-NDC) 12/12/17 8:30 AM CALENDAR CALL (DEPT 17) 01/02/18 JURY TRIAL (DEPT 17);*

12/05/2017



**Motion to Compel** (8:30 AM) (Judicial Officer: Villani, Michael)

*Defendant's Motion to Compel Production of Discovery & Brady Material*

Matter Heard;

Journal Entry Details:

*Court noted this was Defendant's Motion for Discovery and inquired as to Ms. Sisolak request for items 43-49 regarding electronic devices. Ms. Sisolak noted that was an error. COURT ORDERED, Request 43-49 DENIED. Court stated if Ms. Sisolak learn those items existed to re-file the matter. Ms. Kallas advised it was her understanding there were none used. Ms. Sisolak noted the Attorney General turned over a disk of documents as well as her office picked up documents, this was their standard motion. Court stated it prepared a minute order entry and the Court would forward to counsel this afternoon. Ms. Sisolak was to prepare a formal Order with the Court's decision and submit to opposing counsel to sign off as to form and content. NIC (COC-NDC) CLERK'S NOTE: Subsequent to Court, via e-mail the Department XVII Law Clerk forwarded the minute order entry to Ms. Kallas and Ms. Sisolak.//ob/12/6/17.;*

12/12/2017



**Calendar Call** (8:30 AM) (Judicial Officer: Villani, Michael)

Matter Heard;

Journal Entry Details:

*Ms. Sisolak advised she was prepared to announce ready; however, Ms. Sisolak further advised she received a letter from Defendant requesting her to file a motion based on the denial of his ability to represent himself. Ms. Sisolak noted in Justice Court Judge Bennett conducted a Faretta Canvas and determined Defendant could not represent himself thereafter the Public Defender's Office was appointed. Ms. Sisolak advised Defendant stated he would like to represent himself. Ms. Kallas announced ready for trial. Court noted Defendant had a trial date set for January 2nd and inquired as to Defendant being ready for trial if he represented himself. Defendant stated he would not be ready for trial. Further statements by Defendant. Upon Court's inquiry, Ms. Sisolak advised Defendant had not requested to represent himself since arriving in District Court. Ms. Sisolak further advised she received a letter from Defendant yesterday stating he was entitled to represent himself based on the denial from Justice Court. Court stated based upon counsel's representation and Defendant stating he would not be ready to go forward, COURT ORDERED, Defendant's request DENIED as that would cause his trial to be continued; Trial date STANDS. Counsel estimated 2 to 3 witnesses and 1 day for trial. NIC (COC-NDC) ;*

01/02/2018



**Motion to Withdraw as Counsel** (8:30 AM) (Judicial Officer: Villani, Michael)

*Motion to Withdraw and Allow Defendant to Represent Himself Pursuant to Faretta v. California with Exhibits*

*Per Email Rcvd. 12-15-17 From Dept. XVII LC F. Ghadiri Re: Rescheduling 01-09-18 MWAC to 01-02-18*

Withdrawn;

Journal Entry Details:

*Deft. present in custody on other charges. Attorney General not present. Upon Court's inquiry, Deft. stated he wanted Ms. Sisolak to continue representing him on this matter. COURT SO ACKNOWLEDGE and ADVISED the Jury Trial currently set today at 10:30 AM stands. NIC*



**CASE SUMMARY****CASE NO. C-17-327439-1***(COC-NDC) 1/2/18 - 10:30 AM - JURY TRIAL;*

01/02/2018

**Jury Trial (10:30 AM)** (Judicial Officer: Villani, Michael)

Mistrial;

Mistrial

Journal Entry Details:

*PROSPECTIVE JURY PANEL PRESENT: Role Call. Voir Dire Oath administered. Introduction by the Court and counsel. CONFERENCE AT THE BENCH. General Voir Dire conducted. Jurors excused. Voir Dire Continued. OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL: Ms. Machnich stated she made a timely objection with regards to the jury poll, and argued as to the systematic exclusion of African Americans and requested an evidentiary hearing with the Jury Commissioner regarding the process. If not, they would make an offer. Upon Court's inquiry, counsel stated her information was based upon prior trials and testimony. Ms. Kallis objected as they have already heard from the Commissioner and the answer is going to be same. Counsel requested the Court take judicial notice of her testimony from within that transcript to show there is no systematic exclusion with the jury. Court stated its findings and ORDERED, Motion for Evidentiary Hearing DENIED. PROSPECTIVE JURY PANEL PRESENT: Voir Dire Continued. CONFERENCE AT THE BENCH. Additional Panel Members excused for cause and for Peremptory Challenges during discussions at the Bench. Twelve jurors and one alternate selected and sworn. Jury list FILED IN OPEN COURT. Clerk read the Information to the jury and stated the defendant's plea thereto. Court instructed the jury. OUTSIDE THE PRESENCE OF THE JURY: Upon Court's inquiry, Ms. Machnich stated depending on what comes out on State's opening, they may reserve. State objected to Defense providing a proffer, in camera. Statement by the Court. Exclusionary Rule INVOKED. COURT ORDERED, hearing sealed. Hearing conducted and outside the presence of the Attorney General. JAVS FILE SEALED from 3:40:11 to 3:53:14. Following closed hearing, Court advised State he met with defense in a closed hearing, and the transcript of the hearing was going to be sealed. At this time, Defense reserved their opening. Colloquy regarding jury instructions. Based upon stipulation Defense had no objection to reading the instruction to the jury relating to Defendant's custody status. INSIDE THE PRESENCE OF THE JURY: Opening Statement by Mr. Gunnell. Testimony and Exhibits. CONFERENCES AT THE BENCH. Court advised the jury a legal issue has arisen in this case which is requiring the Court to declare a Mistrial. Court thanked and EXCUSED the Jury. Ms. Sisolak requested the Court issue a mistrial with prejudice based on the fact there was a statement on a C-1 form, that was filled out by Officer Ontiveros, that should have been turned over in discovery. Ms. Kallis objected as the first time they heard about a worker's comp claim was when Officer Ontiveros testified on the stand today. They reached out to the Inspector General's office and were informed they had everything. Officer Ontiveros never discussed injuries; therefore, they did not have any reason to believe he would have to make worker's comp claim. Ms. Kallis stated it was not exculpatory, nor a Brady violation, and thinks a curative instructive could cure any type of prejudice. COURT ADVISED it does not find any egregious conduct or recklessness on behalf of the State. Court stated the C-I form was strictly a worker's comp form and has to be filed anytime someone is injured. It was not part of the investigation file, more administrative. However, the Court did order that all statements by the witnesses be turned over. Court does not believe the State was aware that there was C-I form; therefore, Court is not dismissing the case with prejudice. Court advised if counsel has any evidence this was intentional or a gross negligence act they can file the appropriate motion. COURT ORDERED, matter SET for status check. CUSTODY 1/4/18 8:30 AM STATUS CHECK: RESET TRIAL ;*

01/04/2018

**Status Check (8:30 AM)** (Judicial Officer: Villani, Michael)*STATUS CHECK: RESET TRIAL*

Trial Date Set;

Journal Entry Details:

*Ms. Sisolak noted she did receive the C1 form on a disk. Ms. Sisolak further noted the State had offered Defendant negotiations; however, Defendant was not inclined to accept the negotiations. Ms. Sisolak placed the offer on the record. Defendant concurred. Following representations by Ms. Sisolak, COURT ORDERED, matter SET for trial. CUSTODY (COC-NDC) 03/20/18 8:30 AM CALENDAR CALL 03/26/18 9:00 AM JURY TRIAL;*



01/23/2018

**CANCELED Motion for Withdrawal (8:30 AM)** (Judicial Officer: Villani, Michael)*Vacated*




*Defendant's Motion for Withdrawal of Attorney of Record, and Request for Self-Representation; Submission of the Motion*



**CASE SUMMARY**  
**CASE NO. C-17-327439-1**

02/08/2018	 <b>Status Check</b> (8:30 AM) (Judicial Officer: Villani, Michael) <i>Status Check: Pre-Trial Motions</i> Matter Heard; Journal Entry Details: <i>CONFERENCE AT BENCH. Court noted the Defendant's upcoming trial date. Upon Court's inquiry, Ms. Sisolak confirmed she had received the CI form and noted her upcoming motion practice. COURT SO NOTED. NIC (COC-NDC);</i>
02/15/2018	<b>CANCELED Motion for Clarification</b> (8:30 AM) (Judicial Officer: Villani, Michael) <i>Vacated - per Law Clerk</i> <i>Defendant's Motion for Clarification on Last Ruling and Order</i>
03/15/2018	<b>Motion to Dismiss</b> (8:30 AM) (Judicial Officer: Villani, Michael) <b>03/15/2018, 03/29/2018, 04/05/2018-04/06/2018</b> <i>Defendant's Motion to Dismiss Base Upon Vindictive Prosecution</i> Matter Continued; Continued; Matter Continued; Continued;
03/15/2018	<b>Motion to Disqualify Attorney</b> (8:30 AM) (Judicial Officer: Villani, Michael) <i>Defendant's Motion to Disqualify the Attorney General's Office</i> Motion Denied;
03/15/2018	<b>Motion to Dismiss</b> (8:30 AM) (Judicial Officer: Villani, Michael) <i>Defendant's Motion to Dismiss with Prejudice</i> Motion Denied;
03/15/2018	 <b>All Pending Motions</b> (8:30 AM) (Judicial Officer: Villani, Michael) Matter Heard; Journal Entry Details: <i>DEFENDANT'S MOTION TO DISMISS WITH PREJUDICE Arguments by counsel regarding the merit of the motion. COURT stated its FINDINGS and ORDERED, Motion DENIED. DEFENDANT'S MOTION TO DISQUALIFY THE ATTORNEY GENERAL'S OFFICE Arguments by counsel regarding the merit of the motion. COURT stated its FINDINGS and ORDERED, Motion DENIED. DEFENDANT'S MOTION TO DISMISS BASE UPON VINDICTIVE PROSECUTION Arguments by counsel regarding the merit of the motion. Statement by Defendant. Court instructed Defendant several times to be quiet as counsel were arguing the motions. Defendant escorted out of the courtroom. COURT ORDERED, Motion CONTINUED; Trial date VACATED and Status Check SET for resetting the trial. NIC (COC-NDC) 03/29/18 8:30 AM - DEFENDANT'S MOTION TO DISMISS BASE UPON VINDICTIVE PROSECUTION...STATUS CHECK: RESET TRIAL ;</i>
03/20/2018	<b>CANCELED Calendar Call</b> (8:30 AM) (Judicial Officer: Villani, Michael) <i>Vacated - per Judge</i>
03/26/2018	<b>CANCELED Jury Trial</b> (9:00 AM) (Judicial Officer: Villani, Michael) <i>Vacated - per Judge</i>
03/29/2018	<b>Status Check</b> (8:30 AM) (Judicial Officer: Villani, Michael) <b>03/29/2018, 04/05/2018-04/06/2018</b> <i>Status Check: Trial Setting</i> Matter Continued; Matter Continued; Trial Date Set; Matter Continued; Matter Continued; Trial Date Set; Matter Continued; Matter Continued;

**CASE SUMMARY**  
**CASE NO. C-17-327439-1**

	Trial Date Set;
03/29/2018	 <b>All Pending Motions</b> (8:30 AM) (Judicial Officer: Becker, Nancy) Matter Heard; Journal Entry Details: <i>STATUS CHECK: TRIAL SETTING...DEFENDANT'S MOTION TO DISMISS BASED UPON VINDICTIVE PROSECUTION Ms. Kallas stated there was a tortured history with this case and noted during the trial the Defense gave an in-camera review where they gave a proffer of their defense and there was a mistrial for an unrelated issue. Ms. Kallas further noted after the mistrial the Court instructed the defense to file this motion and requested a continuance for the sitting Judge to hear the motion. COURT ORDERED, matters CONTINUED. CUSTODY (COC-NDC) CONTINUED TO: 04/05/18 8:30 AM;</i>
04/05/2018	<b>Motion to Withdraw as Counsel</b> (8:30 AM) (Judicial Officer: Villani, Michael) <b>04/05/2018-04/06/2018</b> <i>Defendant's Motion for Withdrawal of Attorney of Record, Request to Obtain Copy of Defendant's File, and Request for Self- Representation</i> Matter Continued; Matter Continued; Matter Continued; Matter Continued;
04/05/2018	 <b>All Pending Motions</b> (8:30 AM) (Judicial Officer: Villani, Michael) Matter Heard; Journal Entry Details: <i>STATUS CHECK: TRIAL SETTING...DEFENDANT'S MOTION TO DISMISS BASED UPON VINDICTIVE PROSECUTION...DEFENDANT'S PRO PER MOTION FOR WITHDRAWAL OF ATTORNEY OF RECORD, REQUEST TO OBTAIN COPY OF DEFENDANT'S FILE, AND REQUEST FOR SELF-REPRESENTATION Ms. Sisolak gave a background of the previous hearing and noted at the last hearing Judge Becker was not willing to make a ruling and continued the matter. Ms. Sisolak further noted since then Defendant filed a Motion to Withdraw counsel and represent himself. Ms. Kallas concurred. Upon Court s inquiry, Defendant stated he could not afford to hire his own attorney. Ms. Sisolak advised Defendant just wanted to represent himself and didn't believe he had an issue with her personally. COURT ORDERED, matters CONTINUED; Faretta Canvass SET. COURT FURTHER ORDERED, Defendant s Pro Per Motion for Withdrawal of Attorney of Record ADVANCED and CONTINUED. 04/06/18 9:00 AM FARETTA CANVASS...DEFENDANT'S MOTION TO DISMISS BASED UPON VINDICTIVE PROSECUTION...DEFENDANT'S PRO PER MOTION FOR WITHDRAWAL OF ATTORNEY OF RECORD, REQUEST TO OBTAIN COPY OF DEFENDANT S FILE, AND REQUEST FOR SELF-REPRESENTATION...STATUS CHECK: TRIAL SETTING ;</i>
04/06/2018	<b>Faretta Canvass</b> (9:00 AM) (Judicial Officer: Villani, Michael) Matter Heard;
04/06/2018	 <b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Villani, Michael) Matter Heard; Journal Entry Details: <i>Upon Court's inquiry, Defendant advised he wanted to withdraw his attorney from representation and proceed pro se. Court provided notice to the Defendant of constitutional right of self-representation and advised of the risks involved in self-representation. Court inquired as to the reason Defendant did not want Ms. Sisolak to remain as his counsel. Defendant stated Ms. Sisolak did not file his motion to dispute the Court's jurisdiction in this matter. Ms. Sisolak stated she reviewed Defendant's motion, saw no basis for Defendant's argument and decided not to file the frivolous motion. Court advised Defendant that in the past, similar motions had been filed and the Court had denied those motions. FARETTA CANVAS was Administered by the Court. CONFERENCE AT BENCH. Colloquy regarding trial dates. COURT FURTHER ORDERED, matter SET for JURY TRIAL. AS TO DEFENDANT'S PRO PER MOTION FOR WITHDRAWAL OF ATTORNEY OF RECORD, REQUEST TO OBTAIN COPY OF DEFENDANT'S FILE, AND REQUEST FOR SELF-REPRESENTATION, COURT ORDERED, Motion GRANTED; Ms. Sisolak to forward a copy of discovery to Defendant. AS TO DEFENDANT'S MOTION TO DISMISS BASED UPON</i>

# CASE SUMMARY

CASE NO. C-17-327439-1

VINDICTIVE PROSECUTION, COURT ORDERED, motion CONTINUED. CUSTODY (COC-NDC) 8/21/18 8:30 AM CALENDAR CALL...DEFENDANT'S MOTION TO DISMISS BASED UPON VINDICTIVE PROSECUTION 8/27/18 9:00 AM JURY TRIAL;

06/05/2018



**Motion** (8:30 AM) (Judicial Officer: Villani, Michael)

*Defendant's Motion for Expert Witnesses/Transport Order*  
Granted;

Journal Entry Details:

*Martin Hart, Esq. also present. Upon Court's inquiry, Defendant requested a private investigator and paralegal. Defendant stated he did not have an investigator in mind. Court noted it could not pick an investigator for Defendant. Mr. Hart noted Mark Prusch from Global Reliance for a private investigator was who Drew Christensen used for Pro Se Defendants. COURT ORDERED, Motion for Private Investigator GRANTED. Defendant inquired as to a paralegal. Court noted Defendant was representing himself. Defendant stated he has been denied access to the law library. Court instructed the State to follow up with the prison system and inquiry why Defendant has been denied. COURT FURTHER ORDERED, Status Check SET as to Defendant's library privilege. CUSTODY (COC-NDC) 06/19/18 8:30 AM STATUS CHECK: DEFENDANT'S LIBRARY PRIVILEGE;*

06/19/2018



**Status Check** (8:30 AM) (Judicial Officer: Villani, Michael)

*Status Check: Library Privilege*

Matter Heard;

Journal Entry Details:

*Court noted at the previous hearing there was an issue with Defendant's library privilege as well as an investigator. Mr. Gunell advised he contacted the High Desert Prison law library supervisor and they stated Defendant was in housing where he couldn't go to the library they brought the documents to Defendant. Mr. Gunell further advised the law library gave Defendant a number of documents but the Defendant refused the documents. Defendant stated he received the documents but it wasn't complete so he refused to sign it and there was no where to note that on the documents. Court suggested putting in a requesting advising the law library it was incomplete. Court stated it was not going to order special transport and the issue was resolved. As to the investigator, Court stated it would resend the minutes from the previous hearing with the investigator name. Defendant requested an Order to allow the investigator to visit. Mr. Gunnell noted the investigator was allowed to visit. At the request of Defendant COURT ORDERED, Trial dates VACATED and RESET. CUSTODY (COC-NDC) 10/23/18 8:30 AM CALENDAR CALL 10/29/18 9:00 AM JURY TRIAL CLERK'S NOTE: The above minute order has been distributed to: ANTONIO MIXON #1019828 PO Box 650 Indian Springs, NV 89070 //ob/06/20/18 ;*

08/21/2018

**CANCELED Calendar Call** (8:30 AM) (Judicial Officer: Villani, Michael)

*Vacated - per Judge*

08/27/2018

**CANCELED Jury Trial** (9:00 AM) (Judicial Officer: Villani, Michael)

*Vacated - per Judge*

08/30/2018



**Motion** (8:30 AM) (Judicial Officer: Villani, Michael)

*Defendant's Pro Per Motion for Status Check; Trial Readiness; Discovery Issue; Transportation Order; Oral Agreement Requested*

Granted;

Journal Entry Details:

*Colloquy regarding Motions. At request for Defendant, COURT ORDERED, Motion GRANTED; 09/18/18 Motion VACATED; trial dates VACATED and RESET. State noted a Transport Order will be prepared. CUSTODY (NDC) 01/03/19 8:30 CALENDAR CALL 01/07/19 9:00 AM JURY TRIAL;*

09/18/2018

**CANCELED Motion for Discovery** (8:30 AM) (Judicial Officer: Hardcastle, Kathy)

*Vacated - per Judge*

*Defendant's Motion for Discovery, for Trial Date to be Reset and for Order Transporting Inmate for Oral Argument at the Time of the Hearing*




10/11/2018

**Motion** (8:30 AM) (Judicial Officer: Villani, Michael)

*Defendant's Pro Per Motion to Suppress and or Pursuant to NRS 47.090*

# CASE SUMMARY



CASE NO. C-17-327439-1

	Denied;
10/11/2018	<b>Motion</b> (8:30 AM) (Judicial Officer: Villani, Michael) <i>Defendant's Pro Per Motion for Expert Witness</i> Granted;
10/11/2018	 <b>All Pending Motions</b> (8:30 AM) (Judicial Officer: Villani, Michael) Matter Heard; Journal Entry Details: <i>DEFENDANT'S PRO PER MOTION TO SUPPRESS AND OR PURSUANT TO NRS 47.090 ... DEFENDANT'S PRO PER MOTION FOR EXPERT WITNESS At request of the Defendant, COURT ORDERED, Motion for Expert Witness GRANTED. Court inquired as to what expert witness the Defendant is wanting to retain. Defendant advised he is in communication with his private investigator with regards to who to retain. Court directed the Defendant to submit the appropriate Order. As to the Motion to Suppress, Defendant submitted. Mr. Gunnell argued in regards to the Motion to Suppress. COURT ORDERED, Motion to Suppress DENIED; State to prepare Order. Upon Court's inquiry, Defendant announced not ready and will file a Motion for an Extension of Time. Court stated that Motion will be dealt with in due course. CUSTODY (COC-NDC);</i>
10/23/2018	<b>CANCELED Calendar Call</b> (8:30 AM) (Judicial Officer: Villani, Michael) <i>Vacated - per Judge</i>
10/25/2018	<b>Motion</b> (8:30 AM) (Judicial Officer: Villani, Michael) <i>Defendant's Pro Per Motion for Leave to File an Amended Motion to Support and Motion for Expert Witnesses</i>
10/25/2018	<b>Motion</b> (8:30 AM) (Judicial Officer: Villani, Michael) <i>Defendant's Motion for Extension of Time</i>
10/25/2018	<b>Motion</b> (8:30 AM) (Judicial Officer: Villani, Michael) <i>Motion for Extension of Time</i>
10/25/2018	 <b>All Pending Motions</b> (8:30 AM) (Judicial Officer: Villani, Michael) Matter Heard; Journal Entry Details: <i>DEFENDANT'S PRO PER MOTION FOR LEAVE TO FILE AN AMENDED MOTION TO SUPPORT AND MOTION FOR EXPERT WITNESSES ... DEFENDANT'S MOTION FOR EXTENSION OF TIME ... MOTION FOR EXTENSION OF TIME COURT ORDERED, Motion for Expert Witness MOOT as it was previously granted; Motion to File an Amended Motion to Suppress DENIED; Motion for Extension of Time DENIED. Court directed the Defendant to be prepared for trial as trial is not going to be continued; trial is going forward. CUSTODY (COC);</i>
10/29/2018	<b>CANCELED Jury Trial</b> (9:00 AM) (Judicial Officer: Villani, Michael) <i>Vacated - per Judge</i>
11/20/2018	<b>Motion</b> (8:30 AM) (Judicial Officer: Villani, Michael) Events: 10/30/2018 Notice of Motion <i>Defendant's Notice of Motion</i>
11/20/2018	<b>Motion</b> (8:30 AM) (Judicial Officer: Villani, Michael) Events: 10/29/2018 Motion <i>Defendant's Amended Motion for Extension of Time</i> Matter Heard;
11/20/2018	 <b>All Pending Motions</b> (8:30 AM) (Judicial Officer: Villani, Michael) Matter Heard; Journal Entry Details: <i>DEFT'S MOTION FOR EXTENSION OF TIME DEFT'S NOTICE OF MOTION Defendant argued to continue the trial for a private investigator and forensic expert to testify that his</i>

# CASE SUMMARY

CASE NO. C-17-327439-1




*prints were not on the shank. State advised it was not going to bring in the finger prints as there was a witness to the incident. Defendant disputed that he ever had the shank. Colloquy regarding trial. Court advised the Defendant that the Jury Instructions and Voir Dire will be dealt with at the start of trial. Trial date RESET. CUSTODY (NDC) 3/5/19 8:30AM CALENDAR CALL 3/11/19 9:00AM JURY TRIAL;*

11/27/2018	<b>CANCELED Motion</b> (8:30 AM) (Judicial Officer: Villani, Michael) <i>Vacated</i> <i>Motion for Jury Instructions</i>
11/27/2018	<b>CANCELED Motion</b> (8:30 AM) (Judicial Officer: Villani, Michael) <i>Vacated</i> <i>Motion for Voir Dire</i>
12/11/2018	 <b>Motion For Stay</b> (8:30 AM) (Judicial Officer: Villani, Michael) <i>Motion for Stay of Trial Setting and or Motion for Time Extension</i> Motion Denied; Motion for Stay of Trial Setting and or Motion for Time Extension Journal Entry Details: <i>Ms. Kallas advised extended to March and believes issue is with handwriting expert. Deft. stated he has had no success with investigator. Colloquy. Ms. Kallas further stated she believes Deft. is requesting to take classes to become educated in finger prints. COURT ORDERED, request DENIED as to taking classes and motion DENIED. Trial date STANDS. CUSTODY (COC-NDC);</i>
01/03/2019	<b>CANCELED Calendar Call</b> (8:30 AM) (Judicial Officer: Villani, Michael) <i>Vacated</i>
01/07/2019	<b>CANCELED Jury Trial</b> (9:00 AM) (Judicial Officer: Villani, Michael) <i>Vacated</i>
01/08/2019	<b>Motion to Continue Trial</b> (8:30 AM) (Judicial Officer: Villani, Michael) Denied;
01/08/2019	<b>Motion for Leave</b> (8:30 AM) (Judicial Officer: Villani, Michael) <i>Motion for Leave to Amend</i> Denied;
01/08/2019	 <b>All Pending Motions</b> (8:30 AM) (Judicial Officer: Villani, Michael) Matter Heard; Journal Entry Details: <i>MOTION FOR LEAVE TO AMEND ... MOTION TO CONTINUE TRIAL Upon Court's inquiry, Defendant noted he is missing 37 articles and/or documents. Colloquy regarding discovery. Mr. Gunnell advised a complete copy of what the State has can be provided to the Defendant's investigator. COURT SO NOTED. Court suggested the State complete an index of everything that is being provided to the Defendant. Colloquy regarding the Defendant serving subpoenas. Court directed the Defendant to utilize the court appointed investigator to serve subpoenas. COURT FURTHER ORDERED, Motion to Continue Trial DENIED; Motion for Leave to Amend DENIED; Motion to Place on Calendar set for 01/10/19 VACATED. Colloquy regarding Motion to Dismiss that is being heard on 03/05/19. COURT ORDERED, Hearing for Motion to Dismiss STANDS; Defendant is to file supplemental briefs he believes it to be appropriate and the State is to respond. CUSTODY (COC);</i>
01/10/2019	<b>CANCELED Motion</b> (8:30 AM) (Judicial Officer: Villani, Michael) <i>Vacated - per Judge</i> <i>Motion to Place on Calendar</i>
03/05/2019	<b>Motion to Dismiss</b> (8:30 AM) (Judicial Officer: Villani, Michael) Denied;
03/05/2019	<b>Calendar Call</b> (8:30 AM) (Judicial Officer: Villani, Michael) Matter Heard;



# CASE SUMMARY

CASE NO. C-17-327439-1


03/05/2019	<p><b>Motion</b> (8:30 AM) (Judicial Officer: Villani, Michael)  <i>State's Notice of Motion and Motion to Place on Calendar</i></p>
03/05/2019	<p> <b>All Pending Motions</b> (8:30 AM) (Judicial Officer: Villani, Michael)  Matter Heard;  Journal Entry Details:  <i>Mark Perch, Investigator also present on behalf of Defendant. MOTION TO DISMISS...STATE'S NOTICE OF MOTION AND MOTION TO PLACE ON CALENDAR...CALENDAR CALL CONFERENCE AT BENCH. Upon Court's inquiry, Defendant stated he had nothing to add to his motion. Ms. Kallas submitted. COURT ORDERED, Motion DENIED as there was no legal bases set forth to dismiss the case. Court stated it had been advised Defendant had been sending the prosecutor love letters. Court ADMONISHED Defendant regarding sending inappropriate letters to counsel. Upon Ms. Kallas inquiry, Court stated it had not reviewed the State's motion but would review it before trial. Court noted there was a private investigator recently retained. Upon Court's inquiry, Defendant stated he just talked to him and requested a trial continuance to finger print the knife. Defendant requested a Court Order to allow the Nevada Department of Corrections to send the investigator the knife to be tested. State had no objection to the continuance; however, Ms. Kallas requested a status check set. Upon Court's inquiry, Mr. Perch advised the lab was located out of state, Ron Smith and Associates. Mr. Perch further stated the cost was \$1600.00 and it would take eight hours to perform the test and two weeks to return. COURT FURTHER ORDERED, Oral Witness Motion GRANTED to pay for expert fees of \$1600.00. Court stated it would advised Drew Christensen's office and instructed Mr. Perch to contact his office to obtain the check. Court instructed counsel to prepare a stipulation that the knife would be retested and chain of custody. Court further instructed Defendant to sign the stipulation once received and send it back to counsel. COURT ORDERED, Trial date VACATED; Status Check SET to reset trial. CUSTODY (COC-NDC) 04/04/19 8:30 AM STATUS CHECK: TRIAL SETTING CLERK'S NOTE: The above minute order has been distributed to: ANTONIO MIXON #1019828 HDSP P O BOX 650 INDIAN SPRINGS, NV 89070//ob/03/06/19;</i></p>
03/11/2019	<p><b>CANCELED Jury Trial</b> (9:00 AM) (Judicial Officer: Villani, Michael)  <i>Vacated - per Judge</i></p>
03/26/2019	<p> <b>Motion to Increase</b> (8:30 AM) (Judicial Officer: Villani, Michael)  <i>State's Motion to Increase Bail</i>  Off Calendar; State's Motion to Increase Bail  Journal Entry Details:  <i>Amended Information FILED IN OPEN COURT...NEGOTIATIONS are as contained in the Guilty Plea Agreement FILED IN OPEN COURT DEFT. MIXON ARRAIGNED AND PLED GUILTY to ATTEMPT POSSESSION OR CONTROL OF DANGEROUS WEAPON OR FACSIMILE BY AN INCARCERATED PERSON (F). Court ACCEPTED plea and ORDERED, matter referred to the Division of Parole and Probation (P &amp; P) and set for sentencing. FURTHER ORDERED, State's Motion OFF CALENDAR and status check set for April 4, 2019, VACATED. CUSTODY (COC-NDC) 5/21/19 8:30 AM SENTENCING;</i></p>
04/04/2019	<p><b>CANCELED Status Check: Trial Setting</b> (8:30 AM) (Judicial Officer: Villani, Michael)  <i>Vacated - per Judge</i></p>
04/30/2019	<p><b>Motion to Withdraw Plea</b> (8:30 AM) (Judicial Officer: Bell, Linda Marie)  <b>04/30/2019, 05/21/2019</b>  <i>Motion to Withdraw Guilty Plea</i></p>
04/30/2019	<p><b>Motion</b> (8:30 AM) (Judicial Officer: Villani, Michael)  <i>State's Motion For An Extension of Time</i></p>
04/30/2019	<p> <b>All Pending Motions</b> (8:30 AM) (Judicial Officer: Villani, Michael)  Matter Heard;  Journal Entry Details:  <i>STATE'S MOTION FOR AN EXTENSION OF TIME...MOTION TO WITHDRAW GUILTY PLEA Ms. Kallas advised Defendant didn't received the opposition which was filed on Thursday. Upon Court's inquiry, Defendant confirmed he wanted an opportunity to reply.</i></p>

**CASE SUMMARY**

**CASE NO. C-17-327439-1**

*COURT ORDERED, matter CONTINUED. CUSTODY (COC-NDC) CONTINUED TO: 05/21/19 8:30 AM CLERK'S NOTE: The above minute order has been distributed to: ANTONIO MIXON #1968172 330 S. CASINO CENTER BLVD LAS VEGAS, NV 89101//ob/05/01/19;*

05/21/2019 **Sentencing (8:30 AM)** (Judicial Officer: Bell, Linda Marie)

05/21/2019  **All Pending Motions (8:30 AM)** (Judicial Officer: Bell, Linda Marie)

Matter Heard;

Journal Entry Details:

*MOTION TO WITHDRAW GUILTY PLEA...SENTENCING Arguments by parties regarding the merit of the motion. Court stated it appeared the plea was knowingly and voluntarily entered. Court further stated Defendant was aware of the evidence prior to entering the plea. COURT ORDERED, Motion DENIED; State to prepare the Order. Upon Court's inquiry, Defendant confirmed he was ready to be sentenced today. Ms. Kallas advised Defendant never received the Pre- Sentence Investigation (PSI) report. Upon Court's further inquiry, Defendant confirmed he went over the PSI today and wished to go forward today. Defendant requested appellate counsel regarding the matter. DEFT MIXON ADJUDGED GUILTY of ATTEMPT POSSESSION OR CONTROL OF DANGEROUS WEAPON OR FACSIMILE BY AN INCARCERATED PERSON (F). State submitted. Statement by Defendant. Pursuant to NRS 176.063, COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee and \$3.00 DNA Collection fee, Deft. SENTENCED to a MINIMUM of TWELVE (12) MONTHS and a MAXIMUM of THIRTY (30) MONTHS in the Nevada Department of Corrections (NDC), CONSECUTIVE TO C277977 with ZERO (0) credit for time served. COURT FURTHER ORDERED, DNA fee and testing WAIVED, having been previously submitted. COURT ORDERED, Public Defender's Office APPOINTED for Defendant's appeal. NDC;*

*Steven D. Grierson*

JOCP

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,

*Plaintiff,*

-vs-

ANTONIO LEE MIXON  
#1968172

*Defendant.*

CASE NO: C-17-327439-1

DEPT NO: XVII

**JUDGMENT OF CONVICTION  
(PLEA OF GUILTY)**

The Defendant previously appeared before the Court with counsel and entered a plea of guilty to the crime of ATTEMPT POSSESSION OR CONTROL OF DANGEROUS WEAPON OR FACSIMILE BY AN INCARCERATED PERSON (Category C Felony) in violation of NRS 212.185(d), 193.330; thereafter, on the 21<sup>st</sup> day of May, 2019, the Defendant Pro Se was present in court for sentencing, and good cause appearing,

THE DEFENDANT IS HEREBY ADJUDGED guilty of said offense and, in addition to \$25.00 Administrative Assessment Fee plus \$3.00 DNA Collection Fee, the Defendant is sentenced to a MAXIMUM of THIRTY (30) MONTHS and a MINIMUM of TWELVE (12) MONTHS in the Nevada Department of Corrections (NDC), CONSECUTIVE to C277977; with ZERO (0) DAYS credit for time served. As the \$150.00 DNA Analysis Fee and Genetic Testing have been previously imposed, the Fee and Testing in the current case are WAIVED.

DATED this 22 day of May, 2019.

*Linda Bell* *for*  
DISTRICT COURT JUDGE *UTB*

<input type="checkbox"/> Nolle Prosequi (before trial)	<input type="checkbox"/> Bench (Non-Jury) Trial
<input type="checkbox"/> Dismissed (after diversion)	<input type="checkbox"/> Dismissed (during trial)
<input type="checkbox"/> Dismissed (before trial)	<input type="checkbox"/> Acquittal
<input checked="" type="checkbox"/> Guilty Plea with Sent. (before trial)	<input type="checkbox"/> Guilty Plea with Sent. (during trial)
<input type="checkbox"/> Transferred (before/during trial)	<input type="checkbox"/> Conviction
<input type="checkbox"/> Other Manner of Disposition	

RECEIVED BY  
DEPT 17 ON  
MAY 23 2019



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**November 01, 2017**

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C-17-327439-1      State of Nevada  
                                 vs  
                                 Antonio Mixon

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**November 01, 2017      10:00 AM      Initial Arraignment**

**HEARD BY:** De La Garza, Melisa

**COURTROOM:** RJC Lower Level Arraignment

**COURT CLERK:** Kimberly Estala  
                         Lauren Kidd

**RECORDER:** Kiara Schmidt

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Kallas, Chelsea	Attorney
	Mixon, Antonio Lee	Defendant
	Sisolak, Ashley L.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- DEFT. MIXON ARRAIGNED, PLED NOT GUILTY, and INVOKED the 60-DAY RULE. COURT ORDERED, matter set for trial. COURT FURTHER ORDERED, pursuant to Statute, Counsel has 21 days from today for the filing of any Writs; if the Preliminary Hearing Transcript has not been filed as of today, Counsel has 21 days from the filing of the Transcript. Ms. Sisolak advised for the record there will not be any transcripts.

CUSTODY (COC-NDC)

12/12/17 8:30 AM CALENDAR CALL (DEPT 17)

01/02/18 JURY TRIAL (DEPT 17)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**December 05, 2017**

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C-17-327439-1      State of Nevada  
                                 vs  
                                 Antonio Mixon

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**December 05, 2017      8:30 AM      Motion to Compel**

**HEARD BY:** Villani, Michael

**COURTROOM:** RJC Courtroom 11A

**COURT CLERK:** Olivia Black

**RECORDER:** Cynthia Georgilas

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Kallas, Chelsea	Attorney
	Mixon, Antonio Lee	Defendant
	Sisolak, Ashley L.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Court noted this was Defendant's Motion for Discovery and inquired as to Ms. Sisolak request for items 43-49 regarding electronic devices. Ms. Sisolak noted that was an error. COURT ORDERED, Request 43-49 DENIED. Court stated if Ms. Sisolak learn those items existed to re-file the matter. Ms. Kallas advised it was her understanding there were none used. Ms. Sisolak noted the Attorney General turned over a disk of documents as well as her office picked up documents, this was their standard motion. Court stated it prepared a minute order entry and the Court would forward to counsel this afternoon. Ms. Sisolak was to prepare a formal Order with the Court's decision and submit to opposing counsel to sign off as to form and content.

NIC (COC-NDC)

CLERK'S NOTE: Subsequent to Court, via e-mail the Department XVII Law Clerk forwarded the minute order entry to Ms. Kallas and Ms. Sisolak.//ob/12/6/17.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****December 12, 2017**

C-17-327439-1      State of Nevada  
vs  
Antonio Mixon

**December 12, 2017      8:30 AM      Calendar Call**

**HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Olivia Black**RECORDER:** Cynthia Georgilas**REPORTER:****PARTIES**

<b>PRESENT:</b>	Kallas, Chelsea	Attorney
	Mixon, Antonio Lee	Defendant
	Sisolak, Ashley L.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Ms. Sisolak advised she was prepared to announce ready; however, Ms. Sisolak further advised she received a letter from Defendant requesting her to file a motion based on the denial of his ability to represent himself. Ms. Sisolak noted in Justice Court Judge Bennett conducted a Faretta Canvas and determined Defendant could not represent himself thereafter the Public Defender's Office was appointed. Ms. Sisolak advised Defendant stated he would like to represent himself. Ms. Kallas announced ready for trial. Court noted Defendant had a trial date set for January 2nd and inquired as to Defendant being ready for trial if he represented himself. Defendant stated he would not be ready for trial. Further statements by Defendant. Upon Court's inquiry, Ms. Sisolak advised Defendant had not requested to represent himself since arriving in District Court. Ms. Sisolak further advised she received a letter from Defendant yesterday stating he was entitled to represent himself based on the denial from Justice Court. Court stated based upon counsel's representation and Defendant stating he would not be ready to go forward, COURT ORDERED, Defendant's request DENIED as that would cause his trial to be continued; Trial date STANDS. Counsel estimated 2 to 3 witnesses and 1 day for trial.

NIC (COC-NDC)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**January 02, 2018**

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C-17-327439-1      State of Nevada  
                                 vs  
                                 Antonio Mixon

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**January 02, 2018      8:30 AM      Motion to Withdraw as  
Counsel**

**HEARD BY:** Villani, Michael

**COURTROOM:** RJC Courtroom 11A

**COURT CLERK:** Louisa Garcia  
Andrea Natali

**RECORDER:** Cynthia Georgilas

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Gunnell, Jason	Attorney
	Kallas, Chelsea	Attorney
	Machnich, Tegan	Attorney
	Mixon, Antonio Lee	Defendant
	Sisolak, Ashley L.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Deft. present in custody on other charges. Attorney General not present. Upon Court's inquiry, Deft. stated he wanted Ms. Sisolak to continue representing him on this matter. COURT SO ACKNOWLEDGE and ADVISED the Jury Trial currently set today at 10:30 AM stands.

NIC (COC-NDC)

1/2/18 - 10:30 AM - JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****January 02, 2018**

C-17-327439-1      State of Nevada  
vs  
Antonio Mixon

**January 02, 2018      10:30 AM      Jury Trial**

**HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Louisa Garcia**RECORDER:** Cynthia Georgilas**REPORTER:****PARTIES**

<b>PRESENT:</b>	Gunnell, Jason	Attorney
	Kallas, Chelsea	Attorney
	Machnich, Tegan	Attorney
	Mixon, Antonio Lee	Defendant
	Sisolak, Ashley L.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- PROSPECTIVE JURY PANEL PRESENT: Role Call. Voir Dire Oath administered. Introduction by the Court and counsel. CONFERENCE AT THE BENCH. General Voir Dire conducted. Jurors excused. Voir Dire Continued.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL: Ms. Machnich stated she made a timely objection with regards to the jury poll, and argued as to the systematic exclusion of African Americans and requested an evidentiary hearing with the Jury Commissioner regarding the process. If not, they would make an offer. Upon Court's inquiry, counsel stated her information was based upon prior trials and testimony. Ms. Kallis objected as they have already heard from the Commissioner and the answer is going to be same. Counsel requested the Court take judicial notice of her testimony from within that transcript to show there is no systematic exclusion with the jury. Court stated its findings and ORDERED, Motion for Evidentiary Hearing DENIED.

PROSPECTIVE JURY PANEL PRESENT: Voir Dire Continued. CONFERENCE AT THE BENCH. Additional Panel Members excused for cause and for Peremptory Challenges during discussions at the Bench. Twelve jurors and one alternate selected and sworn. Jury list FILED IN OPEN COURT. Clerk read the Information to the jury and stated the defendant's plea thereto. Court instructed the jury.

OUTSIDE THE PRESENCE OF THE JURY: Upon Court's inquiry, Ms. Machnich stated depending on what comes out on State's opening, they may reserve. State objected to Defense providing a proffer, in camera. Statement by the Court. Exclusionary Rule INVOKED. COURT ORDERED, hearing sealed. Hearing conducted and outside the presence of the Attorney General. JAVS FILE SEALED from 3:40:11 to 3:53:14. Following closed hearing, Court advised State he met with defense in a closed hearing, and the transcript of the hearing was going to be sealed. At this time, Defense reserved their opening. Colloquy regarding jury instructions. Based upon stipulation Defense had no objection to reading the instruction to the jury relating to Defendant's custody status.

INSIDE THE PRESENCE OF THE JURY: Opening Statement by Mr. Gunnell. Testimony and Exhibits. CONFERENCES AT THE BENCH. Court advised the jury a legal issue has arisen in this case which is requiring the Court to declare a Mistrial. Court thanked and EXCUSED the Jury.

Ms. Sisolak requested the Court issue a mistrial with prejudice based on the fact there was a statement on a C-1 form, that was filled out by Officer Ontiveros, that should have been turned over in discovery. Ms. Kallis objected as the first time they heard about a worker's comp claim was when Officer Ontiveros testified on the stand today. They reached out to the Inspector General's office and were informed they had everything. Officer Ontiveros never discussed injuries; therefore, they did not have any reason to believe he would have to make worker's comp claim. Ms. Kallis stated it was not exculpatory, nor a Brady violation, and thinks a curative instructive could cure any type of prejudice. COURT ADVISED it does not find any egregious conduct or recklessness on behalf of the State. Court stated the C-I form was strictly a worker's comp form and has to be filed anytime someone is injured. It was not part of the investigation file, more administrative. However, the Court did order that all statements by the witnesses be turned over. Court does not believe the State was aware that there was C-I form; therefore, Court is not dismissing the case with prejudice. Court advised if counsel has any evidence this was intentional or a gross negligence act they can file the appropriate motion. COURT ORDERED, matter SET for status check.

CUSTODY

1/4/18 8:30 AM STATUS CHECK: RESET TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****January 04, 2018**

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C-17-327439-1      State of Nevada  
                                 vs  
                                 Antonio Mixon

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**January 04, 2018      8:30 AM      Status Check**

**HEARD BY:** Villani, Michael

**COURTROOM:** RJC Courtroom 11A

**COURT CLERK:** Olivia Black

**RECORDER:** Cynthia Georgilas

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Kallas, Chelsea	Attorney
	Mixon, Antonio Lee	Defendant
	Sisolak, Ashley L.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Ms. Sisolak noted she did received the C1 form on a disk. Ms. Sisolak further noted the State had offered Defendant negotiations; however, Defendant was not inclined to accept the negotiations. Ms. Sisolak placed the offer on the record. Defendant concurred. Following representations by Ms. Sisolak, COURT ORDERED, matter SET for trial.

CUSTODY (COC-NDC)

03/20/18 8:30 AM CALENDAR CALL

03/26/18 9:00 AM JURY TRIAL



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**February 08, 2018**

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C-17-327439-1      State of Nevada  
                                 vs  
                                 Antonio Mixon

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**February 08, 2018      8:30 AM      Status Check**

**HEARD BY:** Villani, Michael

**COURTROOM:** RJC Courtroom 11A

**COURT CLERK:** Olivia Black

**RECORDER:** Cynthia Georgilas

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Engler, Alissa	Attorney
	Mixon, Antonio Lee	Defendant
	Sisolak, Ashley L.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- CONFERENCE AT BENCH. Court noted the Defendant's upcoming trial date. Upon Court's inquiry, Ms. Sisolak confirmed she had received the C1 form and noted her upcoming motion practice. COURT SO NOTED.

NIC (COC-NDC)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**March 15, 2018**

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C-17-327439-1      State of Nevada  
                                 vs  
                                 Antonio Mixon

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

**HEARD BY:** Villani, Michael      **COURTROOM:** RJC Courtroom 11A

**COURT CLERK:** Olivia Black  
                                 Vanessa Medina

**RECORDER:** Cynthia Georgilas

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Kallas, Chelsea	Attorney
	Mixon, Antonio Lee	Defendant
	Sisolak, Ashley L.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

**- DEFENDANT'S MOTION TO DISMISS WITH PREJUDICE**

Arguments by counsel regarding the merit of the motion. COURT stated its FINDINGS and ORDERED, Motion DENIED.

**DEFENDANT'S MOTION TO DISQUALIFY THE ATTORNEY GENERAL'S OFFICE**

Arguments by counsel regarding the merit of the motion. COURT stated its FINDINGS and ORDERED, Motion DENIED.

**DEFENDANT'S MOTION TO DISMISS BASE UPON VINDICTIVE PROSECUTION**

Arguments by counsel regarding the merit of the motion. Statement by Defendant. Court instructed Defendant several times to be quiet as counsel were arguing the motions. Defendant escorted out of the courtroom. COURT ORDERED, Motion CONTINUED; Trial date VACATED and Status Check SET for resetting the trial.

NIC (COC-NDC)

03/29/18 8:30 AM - DEFENDANT'S MOTION TO DISMISS BASE UPON VINDICTIVE  
PROSECUTION...STATUS CHECK: RESET TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**March 29, 2018**

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C-17-327439-1      State of Nevada  
                                 vs  
                                 Antonio Mixon

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

**HEARD BY:** Becker, Nancy      **COURTROOM:** RJC Courtroom 11A

**COURT CLERK:** Olivia Black  
                                 Vanessa Medina

**RECORDER:** Cynthia Georgilas

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Kallas, Chelsea	Attorney
	Machnich, Tegan	Attorney
	Mixon, Antonio Lee	Defendant
	Sisolak, Ashley L.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- STATUS CHECK: TRIAL SETTING...DEFENDANT'S MOTION TO DISMISS BASED UPON VINDICTIVE PROSECUTION

Ms. Kallas stated there was a tortured history with this case and noted during the trial the Defense gave an in-camera review where they gave a proffer of their defense and there was a mistrial for an unrelated issue. Ms. Kallas further noted after the mistrial the Court instructed the defense to file this motion and requested a continuance for the sitting Judge to hear the motion. COURT ORDERED, matters CONTINUED.

CUSTODY (COC-NDC)

CONTINUED TO: 04/05/18 8:30 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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

C-17-327439-1      State of Nevada  
vs  
Antonio Mixon

**April 05, 2018****8:30 AM****All Pending Motions****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Olivia Black**RECORDER:** Cynthia Georgilas**REPORTER:****PARTIES****PRESENT:**

**JOURNAL ENTRIES**

- STATUS CHECK: TRIAL SETTING...DEFENDANT'S MOTION TO DISMISS BASED UPON VINDICTIVE PROSECUTION...DEFENDANT'S PRO PER MOTION FOR WITHDRAWAL OF ATTORNEY OF RECORD, REQUEST TO OBTAIN COPY OF DEFENDANT'S FILE, AND REQUEST FOR SELF-REPRESENTATION

Ms. Sisolak gave a background of the previous hearing and noted at the last hearing Judge Becker was not willing to make a ruling and continued the matter. Ms. Sisolak further noted since then Defendant filed a Motion to Withdraw counsel and represent himself. Ms. Kallas concurred. Upon Court s inquiry, Defendant stated he could not afford to hire his own attorney. Ms. Sisolak advised Defendant just wanted to represent himself and didn't believe he had an issue with her personally. COURT ORDERED, matters CONTINUED; Faretta Canvass SET. COURT FURTHER ORDERED, Defendant s Pro Per Motion for Withdrawal of Attorney of Record ADVANCED and CONTINUED.

04/06/18 9:00 AM FARETTA CANVASS...DEFENDANT'S MOTION TO DISMISS BASED UPON VINDICTIVE PROSECUTION...DEFENDANT'S PRO PER MOTION FOR WITHDRAWAL OF ATTORNEY OF RECORD, REQUEST TO OBTAIN COPY OF DEFENDANT S FILE, AND REQUEST FOR SELF-REPRESENTATION...STATUS CHECK: TRIAL SETTING

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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

C-17-327439-1      State of Nevada  
vs  
Antonio Mixon

**April 06, 2018****9:00 AM****All Pending Motions****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Lauren Kidd**RECORDER:** Cynthia Georgilas**REPORTER:****PARTIES**

<b>PRESENT:</b>	Kallas, Chelsea	Attorney
	Mixon, Antonio Lee	Defendant
	Sisolak, Ashley L.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Upon Court's inquiry, Defendant advised he wanted to withdraw his attorney from representation and proceed pro se. Court provided notice to the Defendant of constitutional right of self-representation and advised of the risks involved in self-representation. Court inquired as to the reason Defendant did not want Ms. Sisolak to remain as his counsel. Defendant stated Ms. Sisolak did not file his motion to dispute the Court's jurisdiction in this matter. Ms. Sisolak stated she reviewed Defendant's motion, saw no basis for Defendant's argument and decided not to file the frivolous motion. Court advised Defendant that in the past, similar motions had been filed and the Court had denied those motions. FARETTA CANVAS was Administered by the Court. CONFERENCE AT BENCH. Colloquy regarding trial dates. COURT FURTHER ORDERED, matter SET for JURY TRIAL.

AS TO DEFENDANT'S PRO PER MOTION FOR WITHDRAWAL OF ATTORNEY OF RECORD, REQUEST TO OBTAIN COPY OF DEFENDANT'S FILE, AND REQUEST FOR SELF-REPRESENTATION, COURT ORDERED, Motion GRANTED; Ms. Sisolak to forward a copy of discovery to Defendant.

AS TO DEFENDANT'S MOTION TO DISMISS BASED UPON VINDICTIVE PROSECUTION,  
COURT ORDERED, motion CONTINUED.

CUSTODY (COC-NDC)

8/21/18 8:30 AM CALENDAR CALL...DEFENDANT'S MOTION TO DISMISS BASED UPON  
VINDICTIVE PROSECUTION

8/27/18 9:00 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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

C-17-327439-1      State of Nevada  
vs  
Antonio Mixon

**June 05, 2018****8:30 AM****Motion****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Olivia Black**RECORDER:** Cynthia Georgilas**REPORTER:****PARTIES****PRESENT:**

Gunnell, Jason  
Mixon, Antonio Lee  
State of Nevada

Attorney  
Defendant  
Plaintiff

**JOURNAL ENTRIES**

- Martin Hart, Esq. also present.

Upon Court's inquiry, Defendant requested a private investigator and paralegal. Defendant stated he did not have an investigator in mind. Court noted it could not pick an investigator for Defendant. Mr. Hart noted Mark Prusch from Global Reliance for a private investigator was who Drew Christensen used for Pro Se Defendants. COURT ORDERED, Motion for Private Investigator GRANTED. Defendant inquired as to a paralegal. Court noted Defendant was representing himself. Defendant stated he has been denied access to the law library. Court instructed the State to follow up with the prison system and inquiry why Defendant has been denied. COURT FURTHER ORDERED, Status Check SET as to Defendant's library privilege.

CUSTODY (COC-NDC)

06/19/18 8:30 AM STATUS CHECK: DEFENDANT'S LIBRARY PRIVILEGE



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****June 19, 2018**

C-17-327439-1      State of Nevada  
vs  
Antonio Mixon

**June 19, 2018      8:30 AM      Status Check**

**HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Olivia Black**RECORDER:** Cynthia Georgilas**REPORTER:****PARTIES**

<b>PRESENT:</b>	Gunnell, Jason	Attorney
	Mixon, Antonio Lee	Defendant
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Court noted at the previous hearing there was an issue with Defendant's library privilege as well as an investigator. Mr. Gunell advised he contacted the High Desert Prison law library supervisor and they stated Defendant was in housing where he couldn't go to the library they brought the documents to Defendant. Mr. Gunell further advised the law library gave Defendant a number of documents but the Defendant refused the documents. Defendant stated he received the documents but it wasn't complete so he refused to sign it and there was no where to note that on the documents. Court suggested putting in a requesting advising the law library it was incomplete. Court stated it was not going to order special transport and the issue was resolved. As to the investigator, Court stated it would resend the minutes from the previous hearing with the investigator name. Defendant requested an Order to allow the investigator to visit. Mr. Gunnell noted the investigator was allowed to visit. At the request of Defendant COURT ORDERED, Trial dates VACATED and RESET.

CUSTODY (COC-NDC)

10/23/18 8:30 AM CALENDAR CALL

10/29/18 9:00 AM JURY TRIAL

CLERK'S NOTE: The above minute order has been distributed to:

ANTONIO MIXON #1019828

PO Box 650

Indian Springs, NV 89070 //ob/06/20/18

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**August 30, 2018**

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C-17-327439-1      State of Nevada  
                                 vs  
                                 Antonio Mixon

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**August 30, 2018      8:30 AM      Motion**

**HEARD BY:** Villani, Michael      **COURTROOM:** RJC Courtroom 11A

**COURT CLERK:** Haly Pannullo

**RECORDER:** Cynthia Georgilas

**REPORTER:**

**PARTIES**

**PRESENT:**      Gunnell, Jason      Attorney  
                                 Mixon, Antonio Lee      Defendant  
                                 State of Nevada      Plaintiff

**JOURNAL ENTRIES**

- Colloquy regarding Motions. At request for Defendant, COURT ORDERED, Motion GRANTED; 09/18/18 Motion VACATED; trial dates VACATED and RESET. State noted a Transport Order will be prepared.

CUSTODY (NDC)

01/03/19 8:30 CALENDAR CALL

01/07/19 9:00 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****October 11, 2018**

C-17-327439-1      State of Nevada  
vs  
Antonio Mixon

**October 11, 2018      8:30 AM      All Pending Motions**

**HEARD BY:** Villani, Michael      **COURTROOM:** RJC Courtroom 11A

**COURT CLERK:** Haly Pannullo

**RECORDER:** Cynthia Georgilas

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Gunnell, Jason	Attorney
	Mixon, Antonio Lee	Defendant
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- DEFENDANT'S PRO PER MOTION TO SUPPRESS AND OR PURSUANT TO NRS 47.090 ...  
DEFENDANT'S PRO PER MOTION FOR EXPERT WITNESS

At request of the Defendant, COURT ORDERED, Motion for Expert Witness GRANTED. Court inquired as to what expert witness the Defendant is wanting to retain. Defendant advised he is in communication with his private investigator with regards to who to retain. Court directed the Defendant to submit the appropriate Order. As to the Motion to Suppress, Defendant submitted. Mr. Gunnell argued in regards to the Motion to Suppress. COURT ORDERED, Motion to Suppress DENIED; State to prepare Order. Upon Court's inquiry, Defendant announced not ready and will file a Motion for an Extension of Time. Court stated that Motion will be dealt with in due course.

CUSTODY (COC-NDC)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**October 25, 2018**

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C-17-327439-1      State of Nevada  
                                 vs  
                                 Antonio Mixon

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**October 25, 2018      8:30 AM      All Pending Motions**

**HEARD BY:** Villani, Michael      **COURTROOM:** RJC Courtroom 11A

**COURT CLERK:** Haly Pannullo

**RECORDER:** Cynthia Georgilas

**REPORTER:**

**PARTIES**

**PRESENT:**      Kallas, Chelsea      Attorney  
                                 Mixon, Antonio Lee      Defendant  
                                 State of Nevada      Plaintiff

**JOURNAL ENTRIES**

- DEFENDANT'S PRO PER MOTION FOR LEAVE TO FILE AN AMENDED MOTION TO SUPPORT AND MOTION FOR EXPERT WITNESSES ... DEFENDANT'S MOTION FOR EXTENSION OF TIME ... MOTION FOR EXTENSION OF TIME

COURT ORDERED, Motion for Expert Witness MOOT as it was previously granted; Motion to File an Amended Motion to Suppress DENIED; Motion for Extension of Time DENIED. Court directed the Defendant to be prepared for trial as trial is not going to be continued; trial is going forward.

CUSTODY (COC)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**November 20, 2018**

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C-17-327439-1      State of Nevada  
vs  
Antonio Mixon

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**November 20, 2018      8:30 AM**

**All Pending Motions**

**HEARD BY:** Villani, Michael

**COURTROOM:** RJC Courtroom 11A

**COURT CLERK:** Alice Jacobson

**RECORDER:** Cynthia Georgilas

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Kallas, Chelsea	Attorney
	Mixon, Antonio Lee	Defendant
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- DEFT'S MOTION FOR EXTENSION OF TIME

DEFT'S NOTICE OF MOTION

Defendant argued to continue the trial for a private investigator and forensic expert to testify that his prints were not on the shank. State advised it was not going to bring in the finger prints as there was a witness to the incident. Defendant disputed that he ever had the shank. Colloquy regarding trial. Court advised the Defendant that the Jury Instructions and Voir Dire will be dealt with at the start of trial. Trial date RESET.

CUSTODY (NDC)

3/5/19 8:30AM CALENDAR CALL

3/11/19 9:00AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****December 11, 2018**

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C-17-327439-1      State of Nevada  
vs  
Antonio Mixon

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<b>December 11, 2018</b>	<b>8:30 AM</b>	<b>Motion For Stay</b>	<b>Motion for Stay of Trial Setting and or Motion for Time Extension</b>
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**HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Haly Pannullo  
April Watkins**RECORDER:** Cynthia Georgilas**REPORTER:****PARTIES**

<b>PRESENT:</b>	Kallas, Chelsea	Attorney
	Mixon, Antonio Lee	Defendant
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Ms. Kallas advised extended to March and believes issue is with handwriting expert. Deft. stated he has had no success with investigator. Colloquy. Ms. Kallas further stated she believes Deft. is requesting to take classes to become educated in finger prints. COURT ORDERED, request DENIED as to taking classes and motion DENIED. Trial date STANDS.

CUSTODY (COC-NDC)



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****January 08, 2019**

C-17-327439-1      State of Nevada  
vs  
Antonio Mixon

**January 08, 2019      8:30 AM      All Pending Motions**

**HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A

**COURT CLERK:** Olivia Black  
Haly Pannullo

**RECORDER:** Cynthia Georgilas**REPORTER:****PARTIES**

<b>PRESENT:</b>	Gunnell, Jason	Attorney
	Mixon, Antonio Lee	Defendant
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- MOTION FOR LEAVE TO AMEND ... MOTION TO CONTINUE TRIAL

Upon Court's inquiry, Defendant noted he is missing 37 articles and/or documents. Colloquy regarding discovery. Mr. Gunnell advised a complete copy of what the State has can be provided to the Defendant's investigator. COURT SO NOTED. Court suggested the State complete an index of everything that is being provided to the Defendant. Colloquy regarding the Defendant serving subpoenas. Court directed the Defendant to utilize the court appointed investigator to serve subpoenas. COURT FURTHER ORDERED, Motion to Continue Trial DENIED; Motion for Leave to Amend DENIED; Motion to Place on Calendar set for 01/10/19 VACATED. Colloquy regarding Motion to Dismiss that is being heard on 03/05/19. COURT ORDERED, Hearing for Motion to Dismiss STANDS; Defendant is to file supplemental briefs he believes it to be appropriate and the State is to respond.

CUSTODY (COC)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****March 05, 2019**

C-17-327439-1      State of Nevada  
vs  
Antonio Mixon

**March 05, 2019      8:30 AM      All Pending Motions**

**HEARD BY:** Villani, Michael      **COURTROOM:** RJC Courtroom 11A

**COURT CLERK:** Olivia Black

**RECORDER:** Cynthia Georgilas

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Kallas, Chelsea	Attorney
	Mixon, Antonio Lee	Defendant
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Mark Perch, Investigator also present on behalf of Defendant.

MOTION TO DISMISS...STATE'S NOTICE OF MOTION AND MOTION TO PLACE ON  
CALENDAR...CALENDAR CALL

CONFERENCE AT BENCH. Upon Court's inquiry, Defendant stated he had nothing to add to his motion. Ms. Kallas submitted. COURT ORDERED, Motion DENIED as there was no legal bases set forth to dismiss the case. Court stated it had been advised Defendant had been sending the prosecutor love letters. Court ADMONISHED Defendant regarding sending inappropriate letters to counsel. Upon Ms. Kallas inquiry, Court stated it had not reviewed the State's motion but would review it before trial. Court noted there was a private investigator recently retained. Upon Court's inquiry, Defendant stated he just talked to him and requested a trial continuance to finger print the knife. Defendant requested a Court Order to allow the Nevada Department of Corrections to send the investigator the knife to be tested. State had no objection to the continuance; however, Ms. Kallas requested a status check set. Upon Court's inquiry, Mr. Perch advised the lab was located out of

state, Ron Smith and Associates. Mr. Perch further stated the cost was \$1600.00 and it would take eight hours to perform the test and two weeks to return. COURT FURTHER ORDERED, Oral Witness Motion GRANTED to pay for expert fees of \$1600.00. Court stated it would advised Drew Christensen's office and instructed Mr. Perch to contact his office to obtain the check. Court instructed counsel to prepare a stipulation that the knife would be retested and chain of custody. Court further instructed Defendant to sign the stipulation once received and send it back to counsel. COURT ORDERED, Trial date VACATED; Status Check SET to reset trial.

CUSTODY (COC-NDC)

04/04/19 8:30 AM STATUS CHECK: TRIAL SETTING

CLERK'S NOTE: The above minute order has been distributed to:

ANTONIO MIXON #1019828

HDSP

P O BOX 650

INDIAN SPRINGS, NV 89070//ob/03/06/19

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****March 26, 2019**

C-17-327439-1      State of Nevada  
vs  
Antonio Mixon

**March 26, 2019****8:30 AM****Motion to Increase****State's Motion to  
Increase Bail****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:**

April Watkins

**RECORDER:** Cynthia Georgilas**REPORTER:****PARTIES****PRESENT:**

Kallas, Chelsea  
Mixon, Antonio Lee  
State of Nevada

Attorney  
Defendant  
Plaintiff

**JOURNAL ENTRIES**

- Amended Information FILED IN OPEN COURT...NEGOTIATIONS are as contained in the Guilty Plea Agreement FILED IN OPEN COURT

DEFT. MIXON ARRAIGNED AND PLED GUILTY to ATTEMPT POSSESSION OR CONTROL OF DANGEROUS WEAPON OR FACSIMILE BY AN INCARCERATED PERSON (F). Court ACCEPTED plea and ORDERED, matter referred to the Division of Parole and Probation (P & P) and set for sentencing. FURTHER ORDERED, State's Motion OFF CALENDAR and status check set for April 4, 2019, VACATED.

CUSTODY (COC-NDC)

5/21/19 8:30 AM SENTENCING

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**April 30, 2019**

C-17-327439-1      State of Nevada  
vs  
Antonio Mixon

**April 30, 2019**

**8:30 AM**

**All Pending Motions**

**HEARD BY:** Villani, Michael

**COURTROOM:** RJC Courtroom 11A

**COURT CLERK:** Olivia Black

**RECORDER:** Sandra Pruchnic

**REPORTER:**

**PARTIES**

**PRESENT:**

Kallas, Chelsea  
Mixon, Antonio Lee  
State of Nevada

Attorney  
Defendant  
Plaintiff

**JOURNAL ENTRIES**

- STATE'S MOTION FOR AN EXTENSION OF TIME...MOTION TO WITHDRAW GUILTY PLEA

Ms. Kallas advised Defendant didn't received the opposition which was filed on Thursday. Upon Court's inquiry, Defendant confirmed he wanted an opportunity to reply. COURT ORDERED, matter CONTINUED.

CUSTODY (COC-NDC)

CONTINUED TO: 05/21/19 8:30 AM

CLERK'S NOTE: The above minute order has been distributed to:

ANTONIO MIXON #1968172  
330 S. CASINO CENTER BLVD  
LAS VEGAS, NV 89101//ob/05/01/19

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****May 21, 2019**

C-17-327439-1      State of Nevada  
vs  
Antonio Mixon

**May 21, 2019****8:30 AM****All Pending Motions****HEARD BY:** Bell, Linda Marie**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Olivia Black**RECORDER:** Renee Vincent**REPORTER:****PARTIES****PRESENT:**

Kallas, Chelsea  
Mixon, Antonio Lee  
State of Nevada

Attorney  
Defendant  
Plaintiff

**JOURNAL ENTRIES**

**- MOTION TO WITHDRAW GUILTY PLEA...SENTENCING**

Arguments by parties regarding the merit of the motion. Court stated it appeared the plea was knowingly and voluntarily entered. Court further stated Defendant was aware of the evidence prior to entering the plea. COURT ORDERED, Motion DENIED; State to prepare the Order.

Upon Court's inquiry, Defendant confirmed he was ready to be sentenced today. Ms. Kallas advised Defendant never received the Pre- Sentence Investigation (PSI) report. Upon Court's further inquiry, Defendant confirmed he went over the PSI today and wished to go forward today. Defendant requested appellate counsel regarding the matter. DEFT MIXON ADJUDGED GUILTY of ATTEMPT POSSESSION OR CONTROL OF DANGEROUS WEAPON OR FACSIMILE BY AN INCARCERATED PERSON (F). State submitted. Statement by Defendant. Pursuant to NRS 176.063, COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee and \$3.00 DNA Collection fee, Deft. SENTENCED to a MINIMUM of TWELVE (12) MONTHS and a MAXIMUM of THIRTY (30) MONTHS in the Nevada Department of Corrections (NDC), CONSECUTIVE TO

C277977 with ZERO (0) credit for time served. COURT FURTHER ORDERED, DNA fee and testing WAIVED, having been previously submitted. COURT ORDERED, Public Defender's Office APPOINTED for Defendant's appeal.

NDC

## EXHIBIT(S) LIST

Case No.: **C327439-1**

Trial Date:

1/2/2018

Dept. No.: **17**

**Judge:**

Michael Villani

Court Clerk:

LOUISA Garcia

**PLAINTIFF'S: STATE OF NEVADA**

Recorder:

Cynthia Georgilas

Counsel for Plaintiff:

Jason Gunnell,

**VS.**

**DEFENDANT'S: ANTONIO MIXON**

## Chelsea Kallas

**Counsel for Defendant:**

Tegan Machnich

Ashley Sisolak

## TRIAL BEFORE THE COURT

## STATE'S EXHIBITS

[illegible]



# Certification of Copy

State of Nevada }  
County of Clark } SS:

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

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

STATE OF NEVADA,

Plaintiff(s),

vs.

ANTONIO LEE MIXON,

Defendant(s).

Case No: C-17-327439-1

Dept No: XVII

now on file and of record in this office.

**IN WITNESS THEREOF**, I have hereunto  
Set my hand and Affixed the seal of the  
Court at my office, Las Vegas, Nevada  
This 28 day of May 2019.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk