

IN THE SUPREME COURT OF THE STATE OF NEVADA

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Elizabeth A. Brown
Clerk of Supreme Court

RICHARD ALLAN NEWSOME, JR.,
Appellant(s),

vs.

THE STATE OF NEVADA,
Respondent(s),

Case No: C-17-321043-1

Docket No: 79044

RECORD ON APPEAL VOLUME 2

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1 Alicia and Carlos arrived at Oniesha's residence. Once there, Alicia contacted Oniesha
2 via cellular phone. Oniesha advised Alicia that she was not home and that Alicia was not
3 welcome at her residence. Carlos and Alicia then split up. Alicia remained in the area and
4 met up with Defendant, Co-Defendant and their family in the parking lot south of the
5 residence.

6 Later, Alicia saw Carlos near the intersection of Tropicana Avenue and Sacks Drive,
7 and motioned for Carlos to join Defendant, Co-Defendant and their family in the parking lot.
8 Upon arrival, Defendant confronted Carlos by pointing a firearm at Carlos' chest. Defendant
9 was upset that Carlos let Imunique get off the bus by herself. While pointing the firearm at
10 Carlos, Defendant stated "Nigga give me two reason why I shouldn't put two holes in you."

11 Minutes later, Alicia observed Oniesha and Brooke in a vehicle parked in front of the
12 Oniesha's residence. Alicia approached the vehicle, grabbed Oniesha by the hair in an attempt
13 to remove Coleman from the vehicle. As Oniesha was being pulled out of the car, Alicia and
14 Oniesha tripped over a curb causing Oniesha to fall on the ground on top of Alicia. Defendant,
15 Co-Defendant, Imunique and their family responded. Co-Defendant yelled at Oniesha to get
16 off of Alicia and punched Oniesha in the face with a closed fist. Defendant began to kick and
17 strike Oniesha while yelling that Oniesha was not going to get away with calling Imunique a
18 bitch.

19 During the altercation, several family members of Oniesha, including the victim,
20 Richard, exited the residence to render aid and assistance to Oniesha. Roxanne struck Alicia
21 and Douglas retreated. Richard approached Defendant and began pushing him off his sister
22 Oniesha. As Defendant retreated, Defendant produced a firearm and fired several shots,
23 striking Richard. After the shooting, Defendant, Co-Defendant, and the rest of their family
24 fled in a Silver Nissan Altima driven by Co-Defendant. During the getaway, Defendant
25 admitted he had shot Richard. Near the intersection of Tropicana Avenue and Mountain Vista
26 Street, Defendant opened the car door and fled on foot. In an effort to hide his crime,
27 Defendant took a series of RTC busses throughout the greater Las Vegas area. Defendant
28 disassembled the gun and disposed of the pieces in separate locations throughout the city.

1 **VICTIM RICHARD NELSON**

2 At eighteen years of age, Richard's promising life was tragically brought to an end by
3 Defendant's callous and vindictive actions. Described as a "walking giant," Richard was
4 known as an all-around good guy with a warm and loving personality. According to Paul
5 Nihipali, Richard's high school football coach, "Everyone wanted to rally around Richard
6 because he had that personality and everyone kind of migrated towards him because of that
7 leadership not just on the field but in the classroom." (See Exhibit 1, photo of Richard with
8 friends). At Chaparral High School, Richard had success in both academics and athletics. In
9 academics, Richard was an "A" student. (See Exhibits 2 and 3, photos of Richard at
10 Graduation). In athletics, Richard was a standout football player, basketball player, and track
11 athlete. (See Exhibits 4 and 5, photos of Richard). Richard was a second-team all-state
12 player in Football, and also won two state titles in track.

13 None of this success was guaranteed as Richard faced many obstacles in his life,
14 including being sent from Missouri to Las Vegas as a seventh-grader to live with his
15 grandmother. While Richard himself battled depression after the move, he was determined to
16 meet his goal - obtaining an athletic scholarship. Richard's determination was noticed by
17 those around him. In 2016, at the Best of Nevada Preps awards banquet which honors the top
18 athletes in Nevada, Richard won the Las Vegas Review Journal's Courage Award. (See
19 Exhibit 6, photo of Richard accepting the Courage Award). Richard was given an ovation by
20 more than 1,000 people when he accepted the award.

21 After graduating from Chaparral, Richard joined the Missouri State University football
22 team - on scholarship. (See Exhibits 7 and 8, photos of Richard on signing day). Missouri
23 State University football coach Dave Steckel expressed his feelings for Richard in a release
24 sent out by Missouri State, "Our Missouri State football family is in shock and mourning at
25 the loss of one of our family members," Steckel said in the statement. "Richard is like a son
26 and a brother. It is a tragedy that he lost his life defending what is right."

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1 sentencing for his murder. Defendant is the individual that arrived at Richard and Oniesha's
2 house, with a firearm, to confront Oniesha for an act of teenage name-calling. Defendant is
3 the one who waited for Oneisha to arrive at the house. Defendant is the one that points a
4 firearm at Carlos, threatening to kill Carlos for letting Imunique get off the bus by herself.
5 Defendant is the one who began kicking and striking Oniesha. Defendant is the one who shot
6 Richard four times. Defendant is the one who should serve Eighteen (18) years to Life with
7 the Possibility of Parole for his crimes.

8 **CONCLUSION**


9 Based on the foregoing, the State of Nevada respectfully requests that this Honorable
10 Court sentence Defendant to a total aggregate sentence of Eighteen (18) years to Life with
11 the Possibility of Parole.

12 DATED this 5th day of February, 2018.


13 Respectfully submitted,

14 STEVEN B. WOLFSON
15 Clark County District Attorney
16 Nevada Bar #001565

17 BY


18 GIANCARLO PESCI
19 Chief Deputy District Attorney
20 Nevada Bar #07135

21 BY


22 JOHN JONES
23 Chief Deputy District Attorney
24 Nevada Bar #09598

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CERTIFICATE OF ELECTRONIC FILING

I hereby certify that service of Sentencing Memorandum, was made this 5th day of February, 2018, by Electronic Filing to:

JOHN JOSEPH MOMOT, ESQ.
Email: momotlawfirm@gmail.com


Secretary for the District Attorney's Office

17F00941X/16BGJ059X: JTJ/ckb/L4

EXHIBIT # 1



EXHIBIT # 2

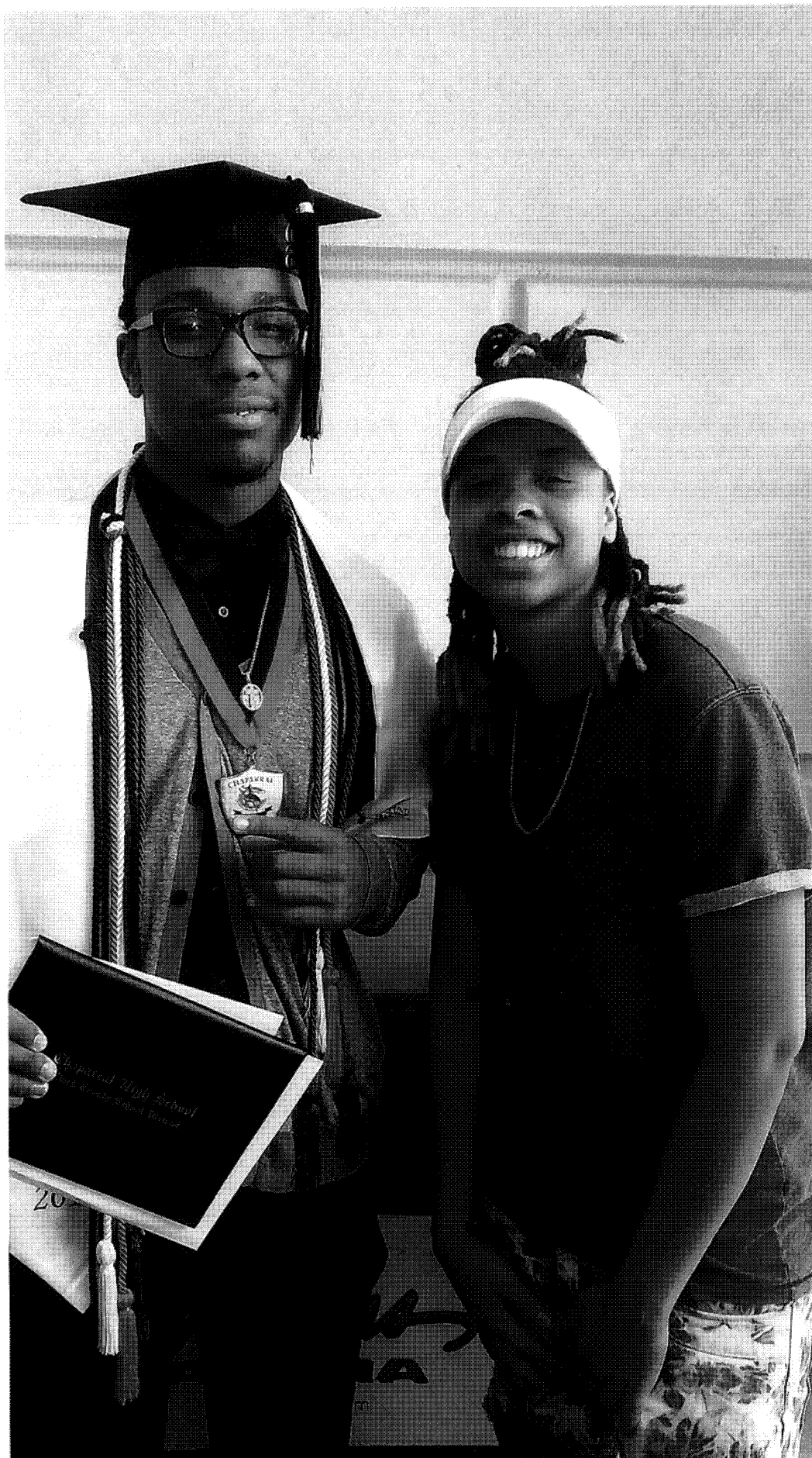


EXHIBIT # 3



EXHIBIT # 4

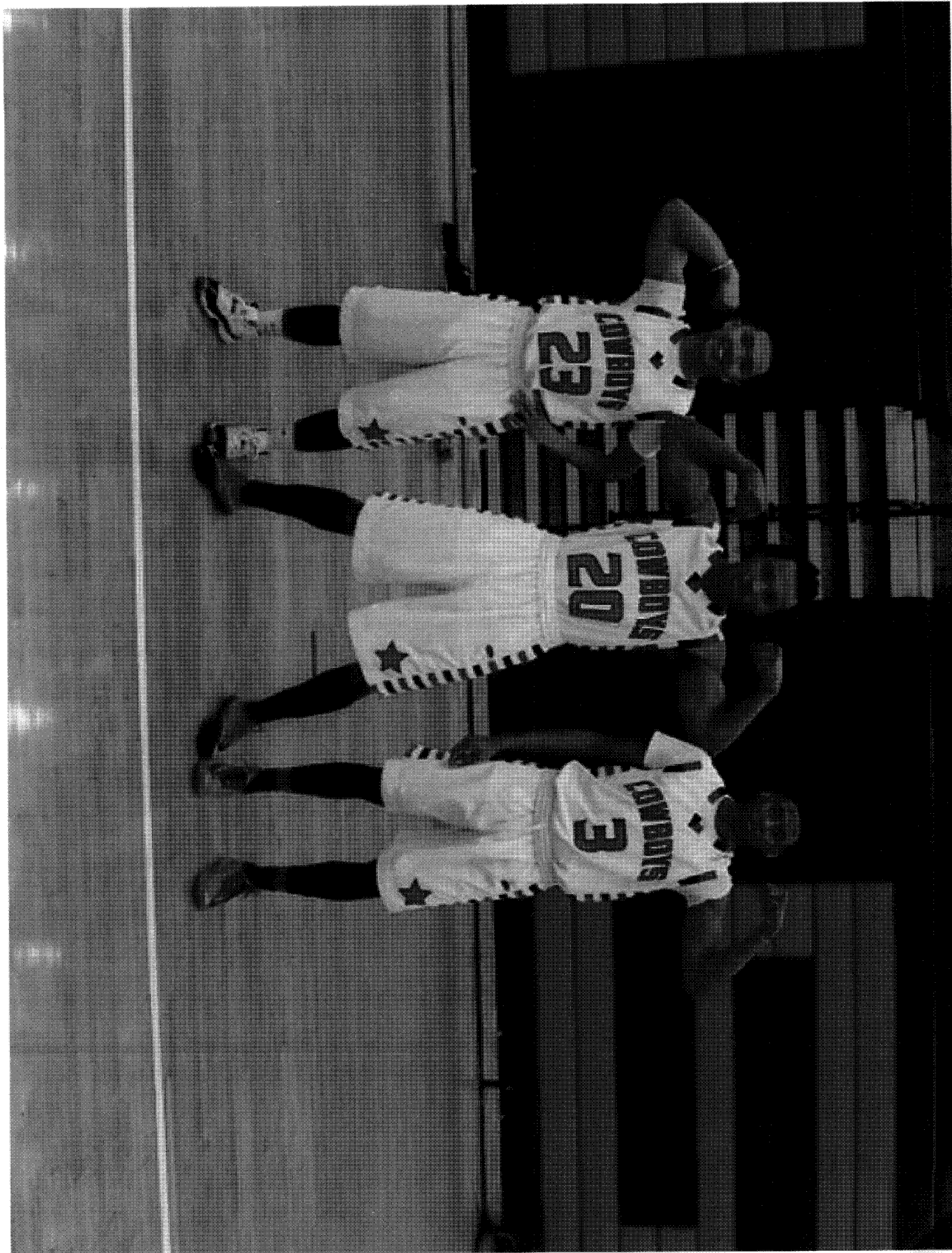


EXHIBIT # 5



EXHIBIT # 6



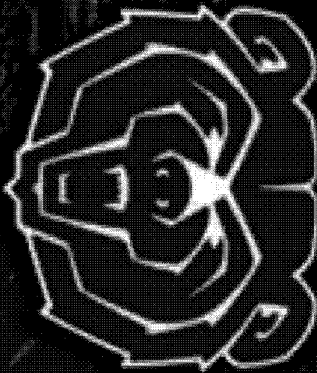
EXHIBIT # 7

RICHARD

NELSON

NATIONAL SIGNING

DAY 2016



6'1"

205 lbs

Chaparral HS

Las Vegas

Nevada

BEAR

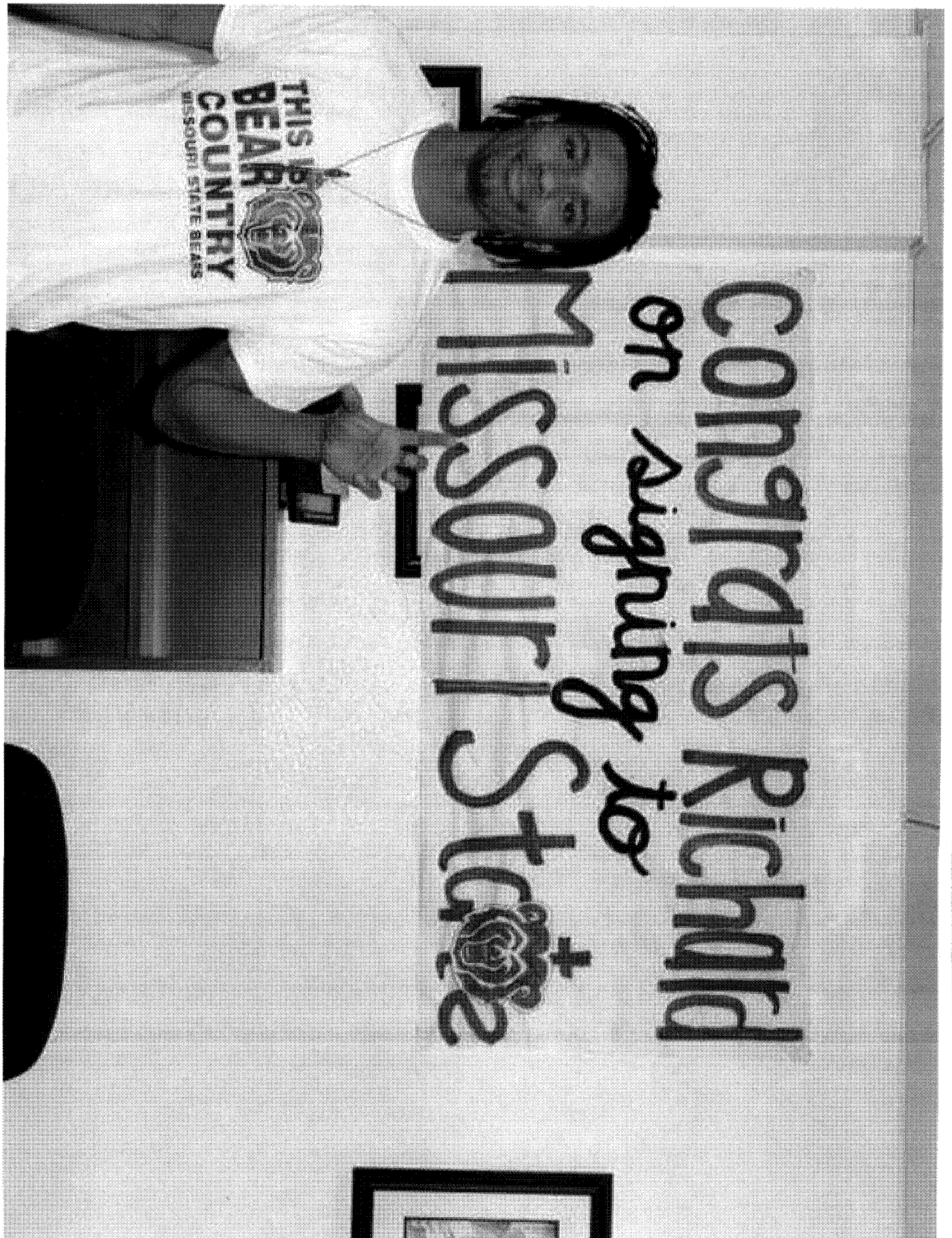
UP

MISSOURI STATE
20

#MSUBears

@MStateFootball

EXHIBIT # 8



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EXH

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EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

RICHARD NEWSOME,

Defendant.

Case No. C-17-321043-1
Dept. No. XXI

Date and Time of Sentencing:
February 8, 2018 @ 9:30 a.m.

DEFENDANT'S SENTENCING MEMORANDUM AND
EXHIBITS IN AID OF SENTENCING

COMES NOW the Defendant, RICHARD NEWSOME, by and through his attorneys,
JOHN J. MOMOT, ESQ. and YI LIN ZHENG, ESQ., of the Law Office of Momot & Zheng,
and presents the following Sentencing Memorandum and Exhibits in Aid of Sentencing for this
Honorable Court's consideration at his sentencing, currently scheduled for February 8, 2018 at
9:30 a.m.

Respectfully submitted this 7th day of February, 2018.



JOHN J. MOMOT, ESQ.

REQUESTED DISPOSITION

Counsel, the Defendant, RICHARD ALLEN NEWSOME, his family and friends would respectfully beg for mercy and request this Honorable Court to sentence him in accordance with the recommendations of the Pre-Sentence Investigation Report (PSI), as follows:

MURDER (SECOND DEGREE) – Life with the possibility of parole after ten (10) years has been served;

USE OF DEADLY WEAPON ENHANCEMENT – a consecutive term of 24-120 months/2-10 years;

RESTITUTION - \$21,477.08 jointly and severally with co-defendant Tianna M. Douglas.

The Division of Parole and Probation's recommendation is an appropriate and reasonable sentence, balancing the need to punish Mr. Newsome for his illegal conduct and providing a future chance at redemption. The author of the PSI arrived at that recommendation by reviewing Mr. Newsome's PSI packet, interviewing Mr. Newsome, and calculating the Probation Success Probability (PSP) Score, which takes into account defendant's prior criminal history, facts of the present offense, defendant's social history, and pre-sentence adjustments. That PSP Score is then applied to the sentence recommendation selection scale to arrive at the recommended total aggregate sentence of Twelve (12) years to Life with the Possibility of Parole.

While the State's Sentencing Memorandum requests the maximum sentence against Mr. Newsome, which is understandably the reflection of an emotional plea for retribution from the decedent's family, the maximum sentence in this case will not achieve the purpose of a fair and balanced sentence. Sentences imposed should be sufficient, but not greater than necessary to achieve the purposes of sentencing, to-wit: punishment, deterrence, and rehabilitation.

CLARIFICATION OF THE STATE'S RECITATION OF FACTS

In general, the State's recitation of the Statement of the Facts in its Sentencing Memorandum is accurate. On January 14, 2017, a group of young people, who were all

1 connected either as friends, by their music, or through dating relationships, were supposed to get
2 together. In the midst of miscommunications, social media messages, and slighted feelings,
3 conflicts began to arise between different members within the group. Those disputes turned into
4 physical altercations between the different factions that grew into a melee as more and more
5 people got involved. The growing brawl, at one point involved at least nine (9) people, including
6 Oniesha Coleman (decedent's sister), Alicia Agudo (Oniesha's ex-girlfriend), Imunique
7 Newsome (Mr. Newsome's sister), Tianna Douglas (Mr. Newsome's mother), Mr. Newsome
8 himself, two other males, Roxanne Bruce (decedent's mother) and Richard Nelson (victim).
9 Amongst the commotion and confusion of the affray, Mr. Newsome discharged a gun that he had
10 on him, which resulted in Richard Nelson sustaining several gunshot wounds that he ultimately
11 and tragically succumbed to.
12

13 However, the defense offers a clarification to the State's recitation of facts because it is
14 inaccurate to assert that "Imunique, Co-Defendant (Imunique's brother) and a few other of
15 Imunique's family drove to Oniesha's residence on Sack Drive in an attempt to locate and
16 confront Oniesha. Defendant wanted to confront Oniesha for calling Imunique a name." *See*
17 State's Sentencing Memorandum, p. 3, ln. 15-17 (hereinafter NV Memo, 3/15-17). Based on the
18 voluntary statement and grand jury testimony of Roxanne Bruce (Oniesha and decedent's
19 mother), that assertion is not supported.
20

21 During Mrs. Bruce's voluntary statement on January 14, 2017, the night of the incident,
22 she said:
23

24 And my son and his girlfriend and my husband was with me as we walked
25 outside. As we's walkin' outside, you know, they were backin' up or whatever.
26 And, um, they were just tellin' me, ..., that their beef wasn't with Smiley a.k.a.
27 Oniesha.
28

Voluntary Statement of Roxanne Bruce, p. 2.

1 She is the sister of the three males that came over to the home. And her mother
came to my home as well. Me and her mother had a good conversation.

2 Voluntary Statement of Roxanne Bruce, p. 6.

3 And they were real respectful. They didn't disrespect me at all when they came
4 to my house. At first when they knocked on the door I'm like, "Hey, what's
5 goin' on?" and then they explained to me what was goin' on. So it wasn't
about my daughter.

6 Voluntary Statement of Roxanne Bruce, p. 24.

7 At the grand jury proceedings, Mrs. Bruce's testimony was similar, stating: "Yeah. And
8 when I walked down my driveway there was a lady and then Imunique was in the car cause I
9 wanted to know what was going on. So Imunique got out and explained to me, she wasn't rude,
10 she wasn't nasty, neither was the mom, they were very polite. It was just the young men were
11 like oh, you know the F she is and da da da da, they were very rude so. (GJT, 49/21-50/2).

12 When the Newsome family went to over to Oniesha's residence, it was not to confront
13 her, it was not to start any trouble, it was not to look for an argument or a fight. The events
14 leading up to the tragic loss of Richard Nelson were never anticipated or intended. Mr. Newsome
15 disputes the State's argument that he came to the residence with a firearm to confront Oniesha
16 for an act of teenage name-calling or that he waited for Oneisha to arrive home. (NV Memo, p.
17 7). The Newsome family had already left the residence when the initial fight, that escalated
18 everything, between Oniesha and her ex-girlfriend Alicia Agudo started at almost the same time
19 within the immediate vicinity of the residence. As more and more people became involved in the
20 ongoing fight, the events quickly escalated to an end that Mr. Newsome never imagined.

21 Despite the remainder of the charges being dismissed, pursuant to the negotiations, Mr.
22 Newsome disputes the State argument that he pointed a firearm at Carlos Hernandez, threatening
23 to kill Carlos for letting Imunique get off the bus by herself. (NV Memo, p. 7). Mr. Newsome
24 was unhappy that Carlos neglected to see that Imunique was not stranded alone and placed in
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1 risk of danger, and he concedes that they did exchange words about Carlos' treatment of
2 Imunique. But Mr. Newsome vehemently denies that he used a gun to threaten to kill him. Other
3 than his use of the gun that resulted in the shooting death of Richard Nelson, Mr. Newsome did
4 not take his gun out at any other time on that day/evening.

5 Additionally, Mr. Newsome wants to clarify that while it is true that, after the shooting,
6 he eventually exited the vehicle and fled on foot, it was not his intent to do so to hide his crime.
7 While in the car, he acknowledged and admitted that he shot Mr. Nelson, he knew he was in
8 trouble with the law, and was scared for what he had done, and the consequence of his actions.
9 But more so, he was afraid that he had implicated his family and wanted to distance himself from
10 them. He disassembled the gun and disposed the pieces in separate locations because he wanted
11 to be certain that the same gun could never be used again to do anymore harm. He agrees now
12 that none of those decisions were sensible or wise, but it is also important to note that Mr.
13 Newsome was but 17 years old at the time. While it is no excuse for what he did, this Court
14 should consider the differences between a juvenile and an adult offender, including the generally
15 diminished culpability of juveniles as compared to that of adults, and the typical characteristics
16 of youth. The entirety of what occurred on January 14, 2017, on Mr. Newsome's part, was a
17 lapse in judgment. If there was any way to take it all back, there is no question that he would.

18 There is also no denying that despite his youth, Mr. Newsome made a very grown up
19 mistake. Perhaps Mr. Newsome should not be judged solely by the mistakes that he made on that
20 day. Rather the way that he acknowledged his mistakes, accepted responsibility, and faced those
21 consequences must also be considered. To that end, on January 17, 2017, counsel's office
22 received a call from Mr. Newsome's family stating that he and his mother wanted to turn
23 themselves in. Both Mr. Newsome and his mother came to counsel's office, who then contacted
24 Homicide detectives and made arrangements to effectuate a self-surrender for both of them.
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1 Knowing that he would face a lengthy term of incarceration, Mr. Newsome was cooperative with
2 law enforcement, peaceably taken into custody, and transported for booking.

3 While en route to Clark County Juvenile Hall, Mr. Newsome stated that he just reacted,
4 albeit terribly, in an effort to protect his family. He believed that the victim, Richard Nelson, who
5 is described as a "walking giant," was charging at them. (NV Memo, p. 5). He also told the
6 officers that when he engaged in the physical altercation with Oneisha Coleman, based on her
7 appearance, he thought she was a male.

8
9 On January 18, 2018, Mr. Newsome was certified as an adult and transported to Clark
10 County Detention Center, where he has remained in continuous custody and will continue to do
11 so until he has served the sentence that this Court will render.

12 **DISCUSSION**

13 There is no dispute that the victim Richard Nelson was an exceptional young man whose
14 promising life was tragically cut short. For causing the death of Mr. Nelson and the pain and
15 suffering that has been inflicted and continues to afflict his family, Mr. Newsome and his entire
16 family could not be any more sorry than they already are. Mr. Newsome has on numerous
17 occasions confessed and cried over the fact that he will forever be tortured by the knowledge that
18 he was responsible for taking Mr. Nelson's life. Mr. Newsome knows that tears and apologies
19 from him and his family are insufficient to conciliate the victim's family; he knows he must be
20 punished; and he will face a lengthy prison sentence. However, he and his family would beg the
21 Court for leniency by sentencing him in accordance with the PSI recommendation to a total
22 aggregate sentence of Twelve (12) years to Life with the Possibility of Parole.

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25 Admittedly, it is difficult not to compare and contrast the life of Mr. Newsome to that of
26 Mr. Nelson. While Mr. Newsome did not rise to the same level of accolades as Mr. Nelson did, it
27 does not mean that his life is any less significant or that his life is any less promising in the
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1 future. Imposing the maximum sentence of 18 years to take away as much life as possible from
2 Mr. Newsome does little, if anything at all, to honor the life of Mr. Nelson.

3 Mr. Newsome has overcome significant challenges in his life. Despite his mistakes, his
4 actions demonstrate his character and his desire to be better. He offers the following facts for the
5 Court's consideration:

6 Mr. Newsome is the second eldest of the four children born to Tianna Douglas, who had
7 to raise her four children as a single mother. She did so with little to no support from the
8 children's father, after they separated when Mr. Newsome was six years old. His father was
9 absentee in his life, as he was in and out of prison and is currently serving time in prison.
10

11 When Mr. Newsome was just four (4) years old, he was the victim of a violent crime. In
12 2003, he was visiting his grandfather in Fresno, California, when during a home invasion he was
13 shot twice in his leg/feet by stray bullets when two robbers entered the home and open fired on
14 the family dog. Because of his injuries, Mr. Newsome endured painful rehabilitation to regain
15 mobility and had to relearn how to walk.
16

17 Then in the next year, at five (5) years old, Mr. Newsome began experiencing symptoms
18 that often caused him to be hospitalized for months at a time. He would experience prolonged
19 high fevers, fluid would fill his lungs, he would experience bouts of pneumonia. He was resistant
20 to antibiotics and required prolonged intravenous medication through a PICC line to treat his
21 symptoms. His condition would not be diagnosed for another few years. In the meantime, Mr.
22 Newsome experienced multiple hospital stays, rounds of injections, and rounds of medications
23 with side effects that would make him even sicker, causing body aches, headache, sweats,
24 amongst other things. At nine (9) years old, they believed that his condition was terminal and the
25 Make-a-Wish Foundation got involved to grant him his last wish.
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1 It was around that time that the doctors finally diagnosed Mr. Newsome with Chronic
2 Granulomatous Disease (CGD), a rare genetic disorder that afflicts about 1/250,000 births.
3 CGD causes the immune system to malfunction, resulting in a form of immunodeficiency. His
4 immune system is not able to protect his body from foreign invaders such as bacteria and fungi.
5 As such, Mr. Newsome has and will experience a lifetime of severe and recurrent bacterial and
6 fungal infections. There is only treatment to manage the condition, there is no cure without a
7 bone marrow or stem-cell transplant.
8

9 Because of his illness and frequent hospitalizations, he was forced to be absent from
10 school far too frequently. As a result, he was held back in the second grade. He was bullied by
11 the other kids for being slow, sick, and absent. He suffered from learning disabilities and
12 required special education classes. He completed 11th grade but eventually dropped out of
13 school. With his father in prison and his single-mother working to support four kids, Mr.
14 Newsome got a job to help support his family. Prior to his arrest, he worked as a part-time tile
15 setter at Mr. Kitchen's Tile from June 2016-January 2017.
16

17 Following the unfortunate events that resulted in the demise of Mr. Nelson, upon learning
18 that he caused the death of Mr. Nelson, he acknowledged his fault by seeking the assistance of
19 counsel to effectuate a self-surrender. On January 17, 2017, he presented to counsel's office,
20 scared and remorseful, knowing that he would not see freedom for a very long time, accepting
21 that prison was a certainty, and a consequence of what he had done, and the pain he had caused
22 Mr. Nelson's family. Mr. Newsome left counsel's office in tears, shed not just for his own fate
23 but for the life of Mr. Nelson and the loss that his family has and will continue to suffer.
24

25 Mr. Newsome was 17 years old when this crime occurred, and he will be punished to
26 grow up, reach adulthood, and become a man in prison. While that is very little consolation to a
27 family that lost such a promising son, all that Mr. Newsome can do now is to act to become a
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1 better person to fulfill some of the promise that was lost in this world with the demise of Mr.
2 Nelson. Because of his learning and health limitations, Mr. Newsome did not have the same
3 academic ability and athletic prowess as Mr. Nelson. However, Mr. Newsome can and is
4 working to move beyond his mistakes to become a better individual that can one day soon
5 reintegrate back into society to become a lawful abiding citizen. To that end, Mr. Newsome is
6 currently enrolled in high school to complete his education while in custody to earn both his
7 GED and high school diploma. He is programming, attending religious services, and doing what
8 he can to proactively work on improving himself. He plans to utilize his time in custody to
9 further his education and to possibly learn a trade that he can utilize when he is eventually
10 released from prison.
11

12 Throughout this case and upon his release, Mr. Newsome has had and will have the
13 unwavering support of his family, friends, fellow parishioners, and the leaders of his church to
14 help guide him. Their collective pleas of mercy for a sooner chance at redemption, knowing that
15 punishment is a certainty, are presented in the enclosed letters submitted for the Court's
16 consideration.
17

18 **EXHIBITS IN AID OF SENTENCING**

- 19 A. Letter from Tianna Douglas, Mr. Newsome's mother.
20 B. Letters from Arlene Bayreder, APRN at Children's Specialty Center of Nevada, Mr.
21 Newsome's treating healthcare center regarding his chronic granulomatosis (GCD)
22 diagnosis, complications, and treatment.
23 C. Letter from Eric R. Kitchen, Director of Help Parents Save Their Kids, a nonprofit
24 organization, regarding Mr. Newsome's work and participation in the organization, dated
25 May 26, 2017.
26 D. Letter from Joseph E. Terry, Ms. Newsome's family friend, dated January 29, 2018.
27 E. Letter from Rev. Raymond L. Giddens Sr., Unity Baptist Church, dated January 16, 2018.
28 F. Letter from Ariel Douglas, Mr. Newsome's little sister.
G. Letter from Ascension Newsome, Mr. Newsome's little brother.

- H. Letter from Imunique Newsome, Mr. Newsome's older sister.
- I. Letter from Deacon Charles Williams, Unity Baptist Church, dated January 19, 2018.
- J. Letter from Marie Edmond, Mr. Newsome's grandmother.
- K. Letter from Monique Armstrong, Ms. Newsome's family friend.

CONCLUSION

For the reasons stated herein, because of Mr. Newsome's youth, his acknowledgment of his wrongdoing, his self-surrender, his acceptance of responsibility through his timely guilty plea, and his desire to improve himself, we request this Honorable Court to punish him in accordance with the recommendations of the PSI for a total aggregate sentence of Twelve (12) years to Life with the Possibility of Parole. This sentence is sufficient but not greater than necessary to punish Mr. Newsome and deter further criminal conduct, and it is balanced with a sooner chance of redemption in the foreseeable future.

DATED this 7th day of February, 2018.

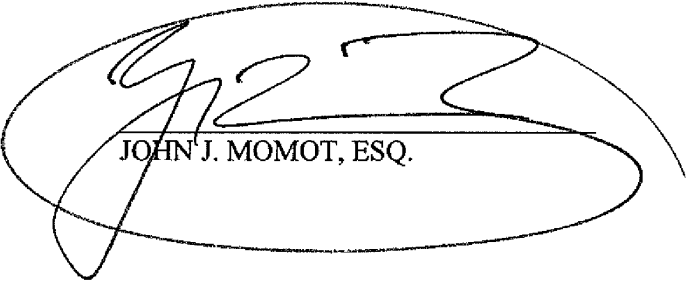

JOHN J. MOMOT, ESQ.

EXHIBIT “A”

①

Judge Your Honor Valerie Addair,

I Trianna Douglas-Thomas is writing you this letter in regards to my son Richard A. Newsome Jr. I am a single mother of 4 children, I did the best I could by myself with no support at all from my first 3 childrens father Richard A. Newsome Sr. My children are my wor ld, my heart, my everything. Richard has had a very rough, trying childhood with fighting for his life several times. Richard was shot in both his feet in a home invasion at his grandparents home in Fresno, CA. That was a tragedy for us and always made Richard feel unsafe at home and especially at other people's home so he always stayed home with me. When he was 5yrs old he started getting hospitalized for 3 months at a time with very high fevers over 106, fluid in his lungs, and Pneumonia. They would give Richard strong antibiotics to cure pneumonia would nothing help him it would get worse they would run test on him give him procedures to put him to sleep to suck out fluids to give him relief. Doctors did studies they finally found ^{two} ~~one~~ strong I.V only medications that would help clear up his lungs and after 3months in hospital they would send him on with a I.V pick line so I can give him medication through it, This happened 3 times for 3yrs he was hospitalized for 3months each time and home with pick line for 6-8 weeks. Richard

(2)

missed lots of school were it ~~caused~~ caused him to get put back in 2nd grade which caused other kids to bully him in school. Richard finally got diagnosed with his chronic disorder called Chronic Granulomatous disease after 3yrs of research from doctors to study his symptoms and send his blood out to a specialty lab. This disorder requires Richard to take lots of medications including a injection 3 times weekly for the rest of his life he takes 5 different medications two times a day. Richard never wanted to share his disorder with anyone he hated it in fact the medication would make him sick his body ache, headache, sweats and all. Doctors at times didn't think Richard would make it the Doctor referred Richard for Make-A-Wish foundation and Richard was granted a wish at age 9yrs old. When Richard got well enough he decided on his own to give his life to God be baptised and participate in activities at church he was a junior Usher, Sunday school member, attended Vacation bible study etc. Richard loved working for the Lord. Even when he was sick he would push himself to do all activities. Richard is my hero he is a strong young man. Your Honor this is truly a tragedy for both sides we are dealing with my heart and prayers goes out to victims family not one day goes by I don't think about what happened and the hurt she is feeling the whole family is feeling. We feel it too my baby is going away too but I ask your mercy to please bring him home

(3)

to be able to save someone elses life. I want Richard to prove himself as a good man and have a family of his own he deserves that Your Honor with all he has gone through. I was trying to get my kids into the car that night to leave and we were leaving and someone ran up to our car towards kids side of car and I never knew Richard had a gun I would never ride around with a gun I hate guns terrified of them. This is something that should of never happened and my heart hurts every single day that it did. I am truly sorry. I have not been the same since Your Honor spending 30 days in jail was hell for me being away from my children wondering if they are ok because there is nobody to look after them keep a roof and food for them. My disabled mother moved in with us recently last October due to not being able to live alone no more from her senior dependent apartment. My mother cant cook, wash her clothes nor clean anymore someone has to do for her. I been working at Walmart Deli and taking care of my kids and mother thats all I do. I been on house arrest for almost a year I cant do anything with my kids and mother anymore. I never been in trouble I truly learned my lesson Your Honor please give me a chance as well to prove that to you. We are not bad people Our Pastor and ~~deacons~~ deacons been attending our court hearings with us our Church has been a blessing. We attend church we love the Lord. I pray you take all this into consideration for both Richard and I at sentencing we beg for your Mercy and are truly deeply sorry Judge Valerie Alder

(4)

Thank You for your time. God bless!

Tionna Douglas-Thomas

EXHIBIT “B”

3121 S. Maryland Pkwy., Suite 300
Las Vegas, NV 89109
Tel: (702) 732-1493
Fax: (702) 732-1080

ALLIANCE FOR CHILDHOOD DISEASES

Re: Newsome, Richard

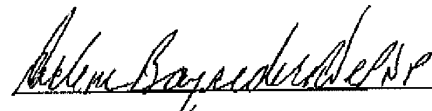
DOB: 6/23/1999

Booking # 54371116

To Whom It May Concern,

Richard Newsome is a patient under my care at Children's Specialty Center of Nevada since March of 2013 for a diagnosis of chronic granulomatosis disease. This is a chronic genetic disorder and requires multiple medications. He requires routine clinic visits every three months for maintenance of his illness and management of any potential side effects of medications. He has not been seen since 11/7/2016. Despite his incarceration he deserves quality healthcare with a provider knowledgeable of his diagnosis and treatment plan. Please contact our office at (702) 732-1493 to schedule him for follow up and labs and to discuss the long term care he needs during his incarceration.

Thank you,


Arlene Bayreder, APRN

12-21-17
Date

CHILDREN'S
SPECIALTY
CENTER
OF NEVADA



ACCREDITED BY THE
JOINT COMMISSION

CURE 4
THE KIDS
FOUNDATION



HEMOPHILIA
TREATMENT
CENTER
OF NEVADA



Jan. 31, 2018 1:54PM

3121 S. Maryland Pkwy., Suite 300
Las Vegas, NV 89109
Tel: (702) 732-1493
Fax: (702) 732-1080

No. 8652 P. 3
ALLIANCE FOR CHILDHOOD DISEASES

26 October 2017

Re: Richard Newsome Jr.

DOB: 6/23/1999

Booking # 54371116

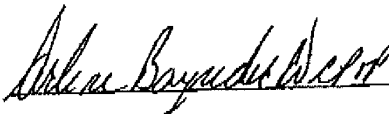
Richard is a now 17 year 6 month old male well known to our clinic for the diagnosis of chronic granulomatosis Disease (GCD), that was diagnosed at the age of 8 years old. GCD is a genetic disorder in which the white blood cells called phagocytes are unable to kill certain bacteria and fungi. Affected individuals have an increased risk for infections. The current treatment for GCD includes preventative (prophylactic) antibiotics and antifungals on a long-term basis, as they are the mainstay of treatment; aggressive and timely infections management with antibacterial or antifungal medications; gamma-interferon therapy to help boost the immune system to help fight infections. Surgery may be used to relieve obstruction from granulomas, drain abscesses or remove established infections. The goal of therapy is to prevent infections and complications.

Richard is currently on Actimmune 2000000/0.5 mL, he injects 0.395 mL three times per week on Monday, Wednesday, and Friday. At this time, Actimmune is the only FDA approved medication for treatment of GCD. Although he injects less than full dose for his size, it has prevented recurrence of Sino-pulmonary or skin infections. When without medications he will usually present with sinusitis or skin infections, abscessed or granulomas. He is to be taking Bactrim two times daily to prevent infections with pneumocystis as well as Voriconazole daily to help prevent fungal infections. Please allow the parents to provide his medication from home so that doses are not missed.

A copy of Richard's current medication list is attached to this communication. At his last visit, he was found to have some iron deficiency as well and he was started on iron supplements. During a hospitalization over a year ago (1/2016), he was found to be blood culture positive with methicillin resistant staphylococcus aureus for which he was treated with antibiotics. A subsequent blood culture obtained on 8/2016 was found to be negative although a nasal passage-screening test was found to be positive. He and his immediate contacts were to shower with Hibiclens and apply bacitracin to intranasal passages. Since his treatment, he has had one subsequent negative MRSA nasal screening test on 11/7/16. He was last seen in clinic on 11/7/16.

If you have any further questions regarding Richard's diagnosis or treatment, please do not hesitate to contact me at the office.

Sincerely,

 10.26.17

Arlene Bayreder, APRN

*Please call to
schedule an appointment
for him
702 732-1493*

CHILDREN'S
SPECIALTY
CENTER
OF NEVADA



ACCREDITED BY THE
JOINT COMMISSION

CURE 4
THE KIDS
FOUNDATION

HEMOPHILIA
TREATMENT
CENTER
OF NEVADA



Children's Specialty Center of Nevada

3121 S Maryland Pkwy Ste 300
Las Vegas, NV 89109-2302
Phone: (702) 732-1493
Fax: (702) 732-1080

Richard Newsome, Jr

Patient #: 2268

DOB: 06/23/1999 (18 years)

Date Printed: 10/26/2017

Regular Medications

He has been refusing due to severe reaction making him very weak

Actimmune 2000000UNIT/0.5ML Solution
Note: Please provide appropriate syringe and needles for administration.
Walgreen specialty Pharmacy 888-347-3416 spoke with missy delivery will be thursday @ dark county detention center. spoke with grandma inform delivery will be thursday
330 casino center las vegas, nv 89016
#5437116

Dosage: 1 (one) Solution (Subcutaneous) 0.395cc daily x 3 x per week
Start Date: 03/06/2017;

Bactrim DS 800-160MG Tablet

Dosage: 1 (one) Tablet (Oral) two times daily
Start Date: 03/06/2017;

Voriconazole 200MG Tablet

Dosage: 2 Tablet (Oral) daily
Start Date: 03/06/2017;

Iron 325 (65 Fe)MG Tablet

Dosage: 1 (one) Tablet (Oral) two times daily
Start Date: 11/07/2016;

Hibiclens 4% Liquid

Dosage: 1 (one) external application external application (External) per regiment
Start Date: 08/26/2016;

Bactroban Nasal 2% Ointment

Dosage: 1 (one) Ointment Ointment (Nasal) two times daily
Start Date: 08/26/2016;

As Needed Medications (PRN)

Ibuprofen 600MG Tablet
Note: PRN pain

Dosage: 600 Milligram (Oral) every eight hours, as needed
Start Date: 04/07/2017;

Ondansetron HCl 8MG Tablet

Dosage: 1 (one) Tablet (Oral) every six hours as needed for nausea
Start Date: 03/06/2017;

Bacitracin 500UNIT/GM Ointment
Note: Apply to affected area two times/day

Dosage: 1 (one) Application (External) two times daily, as needed
Start Date: 02/07/2017;

Zyrtec Allergy 10MG Tablet
Note: as needed
Note (Mail Order): as needed

Dosage: 1 tab (Oral) daily PRN

NexIUM 40MG Capsule DR

Dosage: 1 cap (Oral) as needed

Cetirizine HCl 10MG Tablet
Note: as needed
Note (Mail Order): as needed

Dosage: 1 tab (Oral) at bedtime PRN

Richard Newsome, Jr

Patient #: 2268

DOB: 06/23/1999 (18 years)

Thursday, October 26, 2017

Page 1 / 2

Jan. 31, 2018 1:55PM

No. 8652 P. 5

Aleve 220MG Tablet

Dosage: 1 tab (Oral) as needed

Phenergan

Dosage: specific dose unknown (Oral) as needed

Albuterol Sulfate (2.5 MG/3ML)0.083% Nebulized Soln **Dosage:** 1 (Inhalation) as needed

Note: Reported

Note (Mail Order): Reported

Patient/Parent/Guardian Signature: _____

Date: _____

Verification: _____

Robert Newsome, Jr.

Richard Newsome, Jr

Patient #: 2268

DOB: 06/23/1999 (18 years)

Thursday, October 26, 2017

Page 2 / 2

EXHIBIT “C”

HPSTK ~ ~ ~ Help Parents Save Their Kids A nonprofit organization since 1998.

705 Aleandro Daniel Avenue, North Las Vegas, NV 89031

May 26, 2017

To Whom It May Concern:

Richard Allen Newsome Jr. worked with us for about six months. During that short period of time I observed Richard to possess excellent leadership skills. He was also, considerate of others, used good organizational and good communication skills. I noticed he could be quiet or out spoken when necessary.

At the job site, Richard learned to install hardwood floors.

I believe he will prove to become a productive member of society, if give the opportunity. If you need further assistance regarding Mr. Newsome, please contact me at (323) 228-9899.

Sincerely,



Eric R. Kitchen
Director

EXHIBIT “D”

January 29, 2018

Joseph E. Terry
412 Parrot Hill
North Las Vegas, NV 89032
702-592-6540

Concerning Defendant
Richard A. Newsome
Case #5437116

Honorable Judge Valerie Adair
Courtroom 11C
Las Vegas Justice Court
200 Lewis Ave.
Las Vegas, NV 89101

Greetings Judge Adair,

I'm compelled to write and share my experience with you concerning Richard A. Newsome. I pray all is well with you, and I would like to express my heartfelt sympathy, compassion and care for the family of the young man who lost his life. Well your honor, I recall observing Richard Newsome just about 10 years ago participating in a general worship service as he served along with other young people as junior ushers. It's very clear to me and others who really understand the principles of self preservation, and your honor I believe you are one of the main figures when it comes to understanding how fear can lead to tremendous lapses of judgment. I'm convinced that the young man in question didn't wake up on that dreadful day and decide to take another person's life. Instead, some turn of events led to the unbearable and unacceptable loss of life that occurred, but it was clearly out of fear that Richard Newsome responded the way he did on that day.

Taking into consideration the possibilities of what may have happened on that dreadful day if Richard had not responded the way he ultimately did, although Richard regrets what happened. Maybe the victim would have been on trial, and some family member of Richard or himself may have been the victim. Is this an attempt to justify the actions that Richard took on that day? Absolutely not! Richard says he realizes that he didn't quite handle the situation the way he should have, but he maintains the position of only doing what anyone would do if they believed their life was being threatened or their family's lives were being threatened.

What a tragedy that a young man with such a promising future lost his life on that dreadful day. My son actually coached the victim in the 707 Football League here in Las Vegas at Chaparral High School. I know that Richard is going to be sentenced to do prison time, but what I'm struggling with is shouldn't a young person with character and morals be given a chance to redeem himself? Richard does not display anti-social behavior, and I'm suggesting only that the circumstances of what occurred be taken into consideration so that Richard will be in a position to possibly help some unsuspecting young person to avoid making the mistake he made. If Richard receives the harshest penalty that won't bring the young man back that lost his life. If on the other hand Richard has an opportunity to be a catalyst for avoiding violence then society has gained an advocate. Thank you so much your honor for taking time to read this letter, and I pray you'll take into consideration what I've shared with you concerning Richard A. Newsome. God bless and keep you is my prayer!

Sincerely,

Rev. Joseph E. Terry, MACCM

EXHIBIT “E”



Unity Baptist Church
Rev. Raymond L. Giddens Sr., Pastor

Anders Denson
Chairman,
Deacon Board

January 16, 2018

SUBJECT: Letter of Reference

Gilbert Moore
Chairman,
Trustee Board

TO: Judge Valerie Adair

Helen Rivers
Church Secretary

FROM: Rev. Raymond L. Giddens Sr.
Unity Baptist Church
543 Marion Drive
Las Vegas, NV 89110
(702) 459-2263/2350

Alfretta Nunley
Church Clerk

Richard A. Newsome Jr. was a member of Unity Baptist Church, in good standing. While at Unity he served on the Junior Usher Board along with his brother and sister. I have known his family for the past ten years. It was through his grandmother that I came to know this family. Life has not been easy for Richard and I do know that he struggled in his inter-actions with adults and other children his age. He was sometimes bullied by kids at school and in his neighborhood. His mother was always trying to hold a job to provide for her family. It was his grandmother that kept all the children in church. Praise God for Grandmothers! I have had the opportunity to visit with Richard when he was first arrested and along with our Deacon Family Ministry Team, make most of his court appearances.

We know that justice must be served and all we can do is petition the court for mercy. I Believe Richard understands and is Godly sorry for the mistake he made. I also believe that Richard has the ability to get his life together and will set the proper example in conduct as a model prisoner. As the pastor of Unity Baptist Church, I request that every consideration should be given to Richard at this difficult time in his life.

Respectfully,


Rev. Raymond L. Giddens Sr.

543 Marion Drive, Las Vegas, NV 89110 Pk: (702) 459-2263 Fax: 459-4463
Eager to maintain the Unity of the Spirit in Bond and Peace.....

EXHIBIT “F”

Dear Your Honor,

My name is Ariel Douglass. I am Richard Newsomes little sister. When I was a baby Richard always made me bottles and change my diapers and when my mom will wake up my brother would be holding me and giving me my bottles. He is the best brother I could ever have. And my brother is not a criminal. And he is a strong man, when he was little he got shot when he was four ~~years~~ old that is very sad and he also had health issues ^{years} he had to go to hospitals and he does not deserve to be in jail. I know he shot someone but he is truly sorry but I want my brother home soon. I miss him so much. He is my hero and when I was scared he would make me feel better. He would always be my hero. And please do not have him in jail for a long time please. He is a good boy and he is very very very strong to suffer ~~from~~ asthma and other stuff. And he will always protect his family. Thanks for your time

love Ariel Douglass

EXHIBIT “G”

Dear your Honor,

My name is Alexander Williams, I'm trying to find the right words to describe my time growing up with my brother Richard. From sharing a room to all the brotherly lessons he has taught me along the way, as I am his little brother and he is my best friend. I can remember growing up my brother and I always shared a room so I was with him 80% of the time. We never had a problem sharing a room for the fact we were so close. Having separate rooms would be hard. We would always talk, laugh, show each other funny things on social media. My brother and I been sharing a room since I was 4 or 5. We had arguments and fights but we would be talking 20 minutes later. We never took arguments and fights to a serious level like, hitting in the face or not talking to each other. We always went to sleep on a good note. At night I would more than often get woke up to him for 2 reasons, one reason is because he has a bad cold, and he has side effects from his medicine, but he really doesn't like to talk about it. I hear my brother moaning in pain and crying at night and sometimes throw the day. The second reason my brother wakes me up at night in a cold sweat asking if "I heard that" referring to noises in the house. Most the time it's the TV, but I really knew something was wrong when I was up late on my phone, and everyone was sleep the house was quiet and he jumped and

Sat up and said "You heard that. Someone's trying to get in" then I'd have to go with him to make sure and lock all doors. My brother got shot in a home invasion at 4 years old and he remembers what happened where he was sitting at when he got shot. Even with everything he goes through he stays strong and worries about his family more than himself.

Thank You for your time
Ascension Newsroom

EXHIBIT “H”

Dear gone Honor;

My name is Dominique Newsome and I'm writing this letter on behalf of my little brother Richard Newsome. Growing up he was always my protector, even if I am the oldest. He always said "I'm gone daddy!"

When I was 5, and my brother Rich was 4 we were involved in a home invasion in our grandparents home in Fresno, California. Leaving Rich and our childhood dog shot. That was our safe place. After the invasion it was a constant battle to make him feel even the slightest bit safe. He never left home much stayed close to his family. To this day I have anxiety. No where is really safe to us.

Later down the road Rich becomes ill, in and out of hospitals (he learned how to lie his face was a hospital bed) for long periods of time. Caused him to be held back a year in school. Our father never was around so my mom did it. But she told us she was working while being there for Rich.

Due to our absent father being absent during the most critical parts of my brother's life, my brother's

to figure out what it was and
what it is to be a man. No
positive male role models in their
life. All I'm asking is you take
it not all but some of these
things into consideration during
the time of sentencing. We need our
brothers on lines. We have and
will forever pay for Mr. Nelson's death,
and I know that will never be
enough but life shouldn't equal
life.

Thank you

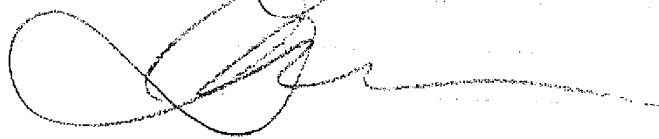
A stylized, cursive handwritten signature, possibly reading "D. Brown", written in dark ink.

EXHIBIT “I”



Unity Baptist Church
Rev. Raymond L. Giddens Sr., Pastor

Anders Denson
Chairman,
Deacon Board

Gilbert Moore
Chairman,
Trustee Board

Helen Rivers
Church Secretary

Alfretta Nunley
Church Clerk

January 19, 2018

SUBJECT: Richard A Newsome Jr.

TO: Judge Valerie Adair

FROM: Deacon Charles Williams
1415 Stonehouse Street
Las Vegas, NV 89110

I'm writing this on behalf of Richard A. Newsome Jr. Richard has served on the Youth Usher Board at Unity Baptist Church. Richard attended Sunday School and participated in Many activities at our church. As a young person, Richard attended church regularly and was willing to work for the Lord. Though his works, you could see that he was a child of God and believed in Him.

I'm asking for the mercy of the court. Richard has made a mistake that I feel he is truly sorry for and has dedicated his life to God and supporting others.

I believe that Richard is ready to spread the good word of our Lord and Savior Jesus Christ.

Richard has been a model person while serving time at the Clark County Detention Center, with his illnesses he still found time to talk to others about the bible and God.

I thank you for this consideration.

Sincerely,

Charles A. Williams

Charles Williams, Deacon
Unity Baptist Church

543 Marion Drive, Las Vegas, NV 89110 Ph: (702) 459-2283 Fax: 459-4463
Eager to maintain the Unity of the Spirit in Bond and Peace.....

EXHIBIT “J”

Honorable Judge Valarie Adair
District Court in Nevada
Sept 21

Judge Adair,

Today as a Grandmother of 21 grandchildren and 2 Great Grandchildren I address this court in an appeal for the consideration of leniency in regards to my Grand son Richard Newsome!

Richard was born with the Granulomatous disorder, that causes the immune system to malfunction, resulting in a form of immunodeficiency.

We as Parents face the many challenges raising our children in this hostile environment where social media has become the norm and many situations get misinterpreted then misunderstanding and violence find its way literally over nothing; to get attention.

Personally I don't condone any act of violence, but when it hits your home, the first thing you do is pray that everyone is alright.

But the horror of knowing one
your children might be involved
in the taking of another child's
life is heartbreaking and unsettling!

To the Parents who lose a child
in the violence of today my heart-
felt sincerity goes out to them.
The healing will take time of
course but we stay strong to continue
to find the answers that will no
doubt save other children lives
in the future.

Could Social Media subconsciously
be breeding acts of violence in
our children subliminally and we
as Parents have no idea how to
combat the situation?

At this time I want to thank
the Court for allowing me to ask for
my grandson consideration for
leniency.

Sincerely,
Marie Edmond

EXHIBIT “K”

Monique Armstrong.

To whom it may concern my name is Monique Armstrong and I have known Richard Newsom from the day he was born. I know that Richard has done something that he can't take back but Remorseful He is. I know that he regrets what happen from his soul he really is a good kid that just made a bad decision he knows he has to do some time for. I've watched Richard and his siblings grow up personally along with my children that are the same age. I also have a son Richards age and they are cousins not By Blood But By U 25 years of friendship with tianna Thomas. I truly believe that a child Richards age can change with alot of help from the people in his community. Children his age minds are not fully aware of the bad choices that can be made in a quick second. Richard has always been a quiet

Church going child. And at some point in these young men life they will grow to be great Community leaders to share His and all other testimonies. I write to you to please consider that He is now a child in the jail system that will not grow to be a productive citizen unless given a slight chance to grow into a man that is not locked down or locked up for the rest of his life or half of his life.

Thank You

Monique Armstrong

JOHN J. MOMOT, ESQ.
SUITE 300
520 SOUTH FOURTH STREET
LAS VEGAS, NEVADA 89101
(702) 385-7170

ROC
JOHN J. MOMOT ESQ.
Nevada Bar No. 1700
YI LIN ZHENG
Nevada Bar No. 10811
MOMOT & ZHENG
520 So. Fourth Street, Ste. 300
Las Vegas, Nevada 89101
(702) 385-7170
MOMOTLAWFIRM@GMAIL.COM
Attorney for Defendant
RICHARD NEWSOME

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

RICHARD NEWSOME,

Defendant.

Case No. C-17-321043-1
Dept. No. XXI

Date and Time of Sentencing:
February 8, 2018 @ 9:30 a.m.

RECEIPT OF COPY

RECEIPT OF COPY of the foregoing DEFENDANT'S SENTENCING

MEMORANDUM AND EXHIBITS IN AID OF SENTENCING is hereby acknowledged this

7 day of February, 2018.

CLARK COUNTY DISTRICT ATTORNEY

By: 



JOCP

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

RICHARD ALLAN NEWSOME JR.
aka RICHARD NEWSOME
#5437116

Defendant.

CASE NO. C-17-321043-1

DEPT. NO. XXI

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 MURDER (SECOND DEGREE) WITH USE OF A DEADLY WEAPON (Category A Felony) in violation of NRS 200.010, 200.030.2, 193.165; thereafter, on the 8th day of February, 2018, the Defendant was present in court for sentencing with counsel YI ZHENG, ESQ., and good cause appearing,

THE DEFENDANT WAS ADJUDGED guilty of said offense and, in addition to the \$25.00 Administrative Assessment Fee, \$20,612.47 Restitution payable to the victim's family, \$864.61 payable to Victims of Crime, (all Restitution to be paid Jointly

1 and Severally with Co-Defendant) and \$150.00 DNA Analysis Fee including testing to
2 determine genetic markers plus \$3.00 DNA Collection Fee, the Defendant is sentenced
3 as follows: a MAXIMUM of LIFE with a MINIMUM parole eligibility of TEN (10)
4 YEARS in the Nevada Department of Corrections (NDC) with a CONSECUTIVE term
5 of a MAXIMUM of TWO HUNDRED AND FORTY (240) MONTHS with a
6 MINIMUM parole eligibility of NINETY-SIX (96) MONTHS for the Use of a Deadly
7 Weapon.
8

10 THEREAFTER, on the 15th day of February, 2018, the Defendant was present in
11 court with counsel YI ZHENG, ESQ., and pursuant to a Further Proceedings – Add
12 Credit Time Served to Sentence hearing; COURT ORDERED, Motion GRANTED.
13 Defendant to receive a TOTAL of THREE HUNDRED NINETY-FOUR (394) DAYS
14 credit for time served.
15

16 DATED this 20th day of February, 2018
17

18
19 
20 VALERIE P. ADAIR
21 DISTRICT COURT JUDGE 
22
23
24
25
26
27
28

COSCC

FILED

MAR 05 2018

Alma L. Adams
CLERK OF COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

STATE OF NEVADA

CASE NO.: C-17-321043-1

VS

DEPARTMENT 21

RICHARD NEWSOME, JR.

CRIMINAL ORDER TO STATISTICALLY CLOSE CASE

Upon review of this matter and good cause appearing,

IT IS HEREBY ORDERED that the Clerk of the Court is hereby directed to statistically close this case for the following reason:

DISPOSITIONS:

- ☐ Nolle Prosequi (before trial)
- ☐ Dismissed (after diversion)
- ☐ Dismissed (before trial)
- ☒ Guilty Plea with Sentence (before trial)
- ☐ Transferred (before/during trial)
- ☐ Bench (Non-Jury) Trial
 - ☐ Dismissed (during trial)
 - ☐ Acquittal
 - ☐ Guilty Plea with Sentence (during trial)
 - ☐ Conviction
- ☐ Jury Trial
 - ☐ Dismissed (during trial)
 - ☐ Acquittal
 - ☐ Guilty Plea with Sentence (during trial)
 - ☐ Conviction
- ☐ Other Manner of Disposition

DATED this 23rd day of February, 2018.

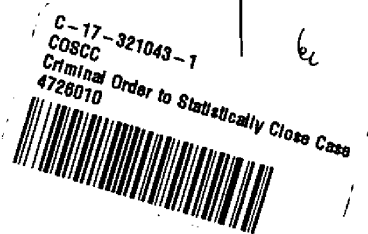
Valerie Adair

VALERIE ADAIR
DISTRICT COURT JUDGE

RECEIVED

MAR 05 2018

CLERK OF THE COURT



RECEIVED
SEP 17 2018

CLERK OF THE COURT

1 Richard Allan Newsome #1194269
2 /In Propria Personam
3 Post Office Box 650 [HDSP]
4 Indian Springs, Nevada 89018

FILED
SEP 17 2018
[Signature]
CLERK OF COURT

5 IN THE 8th JUDICIAL DISTRICT COURT OF THE
6
7 STATE OF NEVADA IN AND FOR THE COUNTY OF CLARK

8 Richard Allan Newsome
9 Defendant

10 vs.

11 STATE of NEVADA
12 Plaintiff

Case No. C-17-321043-1
Dept. No. 21
Docket _____

14 **MOTION TO WITHDRAW COUNSEL**

15 Date of Hearing: October 18, 2018

16 Time of Hearing: 9:30 AM

17 'ORAL ARGUMENT REQUESTED, Yes X No _____"

18 **COMES NOW**, Defendant, Richard Allan Newsome, proceeding in proper person,
19 moves this Honorable Court for an ORDER Granting him permission to withdraw his present counsel
20 of record in the proceeding action, namely,

21 John Momot

22 This Motion is made and based on all papers and pleadings on file with the Clerk of the Court
23 which are hereby incorporated by this reference, the Points and Authorities herein, and attached
24 Affidavit of Defendant.

25 **DATED:** this 13 day of SEPTEMBER, 2018.

26 **BY:** Richard Allan Newsome
27 1194269 #
28 /In Propria Personam

1

C-17-321043-1
MWCH
Motion to Withdraw As Counsel
4780077



1 **POINTS AND AUTHORITIES**

2 NRS 7.055 states in pertinent part:

- 3 1. An attorney who has been discharged by his client shall upon demand and payment of the fee
4 due from the client, immediately deliver to the client all papers, documents, pleadings and items
5 of tangible personal property which belong to or were prepared for that client.
6
7 2. . . If the court finds that an attorney has, without just cause, refused or neglected to obey its
8 order given under this section, the court may, after notice and fine or imprison him until the
9 contempt purged. If the court finds that the attorney has, without just cause, withheld the
10 client's papers, documents, pleadings, or other property, the attorney is liable for costs and
11 attorney's fees.

12 Counsel in the above-entitled case was court-appointed due to Defendant's indigence. Defendant
13 does not owe counsel any fees.

14 **WHEREFORE**, Defendant prays this Honorable Court, Grant his Motion to Withdraw Counsel
15 and that counsel deliver to Defendant all papers, documents, pleadings, discovery and any other
16 tangible property which belong to or were prepared for the Defendant to allow Defendant the proper
17 assistance that is needed to insure that justice is served.

18 **DATED:** this 13 day of SEPTEMBER, 2018.

19 Respectfully submitted,

20 BY: Richard Allan Newsome
21 1194269 #
22 /In Propria Personam
23 Post Office Box 650 [HDSP]
24 Indian Springs, Nevada 89018
25
26
27
28

NAME: Richard Allan Newsome, # 1194269

HIGH DESERT STATE PRISON
P.O. BOX 650
INDIAN SPRINGS, NEVADA 89018

DATE: 9-13-2018

TO: John momot
530 S. 7th St.
LAS VEGAS, NV. 89101

SUBJECT: TERMINATION OF COUNSEL/TRANSFER OF RECORDS

CASE NO.: C-17-321043-1

DEPT. NO.: 21

CASE NAME: RICHARD ALLAN NEWSOME V. STATE OF NEVADA.

Please be advised that from this date forward, your authority as Attorney of Record in the above-stated action is hereby terminated. All of the professional relations of Attorney and Client do hereby cease.

Please enter your withdrawal from this action with the Court immediately.

Pursuant to NRS 7.055, I respectfully request that you deliver to me, forthwith, all documents, papers, pleadings and tangible personal property that is in your possession that relates to the above-named action.

Your prompt attention to this request is genuinely appreciated.

Respectfully,

Richard Allan Newsome

/////

/////

/////

CERTIFICATE OF SERVICE BY MAILING

I, Richard Allan Newsome, hereby certify, pursuant to NRCP 5(b), that on this 13
day of September, 2018, I mailed a true and correct copy of the foregoing, "Motion
to Withdraw Counsel"

by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid,
addressed as follows:

STEVEN D. GRIERSON

200 LEWIS AVE. 3rd FLOOR

LAS VEGAS, NV. 89155-1166

STEVEN B. WOLFSON

200 LEWIS AVENUE

PO BOX 552212

LAS VEGAS, NV. 89155-2212

CC:FILE

DATED: this 13 day of September, 2018.

Richard Allan Newsome

1194269

#

/In Propria Personam

Post Office box 650 [HDSP]

Indian Springs, Nevada 89018

IN FORMA PAUPERIS:

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding "motion

to withdraw Counsel

(Title of Document)

filed in District Court Case number 17-321043-1

☒ 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.

Richard A. Newsome
Signature

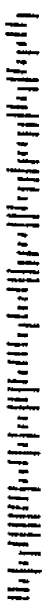
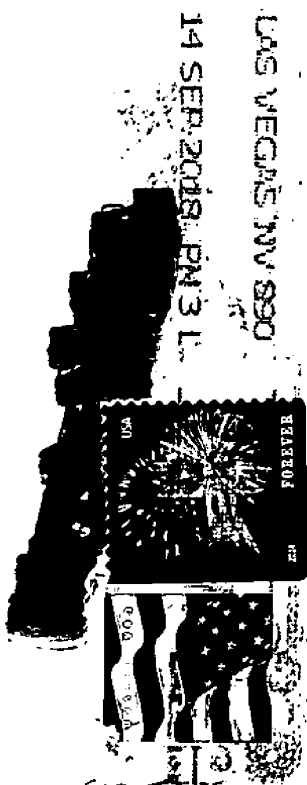
9-13-2018
Date

Richard Allen Newsome
Print Name

Title

Richard Allen Newsome # 1194269
HDSO
PO BOX # 650
Indian Springs, NV, 89070

STEVEN D. GRIERSON
200 LEWIS AVE, 3RD FLOOR
LAS VEGAS, NV, 89155-1160.



HIGH DESERT STATE PRISON

SEP 11 2018

UNIT 8 A/B

pp
DA
AON

1 Richard Allan Newsome
2 / In Propria Personam
3 Post Office Box 650 [HDSP]
4 Indian Springs, Nevada 89018

FILED
SEP 17 2018

7

Alvin L. Johnson
CLERK OF COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

8 Richard Allan Newsome
9 Defendant
10 vs.
11 State of Nevada
12 Plaintiff

Case No. C-17-321043-1
Dept No. 21
Docket _____

NOTICE OF MOTION

YOU WILL PLEASE TAKE NOTICE, that motion to withdraw Counsel

will come on for hearing before the above-entitled Court on the 18 day of October, 20 18
at the hour of 9:30 clock A. M. In Department _____ of said Court.

CC:FILE

DATED: this 13 day of SEPTEMBER, 20 18.

BY: Richard Allan Newsome
1194269 #
/In Propria Personam

RECEIVED
SEP 17 2018

CLERK OF THE COURT

C-17-321043-1
NOTM
Notice of Motion
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DISTRICT COURT

CLARK COUNTY, NEVADA

Richard Allan Newsome
Defendant

vs.

STATE OF NEVADA.
Plaintiff.

Case No. C-17-321043-1

Dept. No. 21

Docket _____

ORDER

Upon reading the motion of defendant, Richard Allan Newsome, requesting withdrawal of counsel, John momot, Esq., of the Clark county Public Defender's Office, and Good Cause Appearing,

IT IS HEREBY ORDERED that defendant's Motion for Withdrawal of Counsel is GRANTED.

IT IS HEREBY FURTHER ORDERED that Counsel deliver to defendant at his address, all documents, papers, pleadings, discovery and any other tangible property in the above-entitled case.

DATED and DONE this 13 day of _____, 20__.

DISTRICT COURT JUDGE

C-17-321043-1
LSF
Left Side Filing
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RECEIVED
SEP 17 2018

CLERK OF THE COURT



1 RTRAN

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7
8 THE STATE OF NEVADA,
9 Plaintiff,

CASE#: C-17-321043-1
DEPT. XXI

10 vs.

11 RICHARD NEWSOME, JR.,
12 Defendant.

13
14 BEFORE THE HONORABLE VALERIE ADAIR, DISTRICT COURT JUDGE
15 THURSDAY, FEBRUARY 8, 2018

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

18 APPEARANCES:

19 For the State:

GIANCARLO PESCI, ESQ.
Chief Deputy District Attorney

21 For the Defendant:

YI LIN ZHANG, ESQ.

22
23
24
25 RECORDED BY: SUSAN SCHOFIELD, COURT RECORDER

1 Las Vegas, Nevada, Thursday, February 8, 2018

2 [Hearing began at 10:17 A.M.]

3 THE COURT: State versus Richard Newsome and Tianna
4 Douglas.

5 All right. Mr. Newsome is present in custody; Ms. Douglas is
6 present out of custody. We have Mr. Pesci representing the State. This
7 is the time set for the rendition of sentence. Are both sides ready to go
8 forward?

9 MR. PESCI: Yes, Your Honor.

10 THE COURT: And we did receive the State's sentencing
11 memorandum. Did you get that?

12 MS. ZHENG: I did receive that, Your Honor. I also filed a
13 sentencing memorandum.

14 THE COURT: When was that filed?

15 MS. ZHENG: I filed it yesterday at about Noon. I did drop off
16 a courtesy copy at the department at 1:00.

17 THE COURT: Did you put it in the box or did you –

18 MS. ZHENG: I did. I contacted your –

19 THE COURT: -- let my JEA – did you bring it back into
20 chambers?

21 MS. ZHENG: I called to see if they wanted me to walk back.
22 They asked me to put it in –

23 THE COURT: Who did you talk to? Was it a woman or a
24 man?

25 MS. ZHENG: It was a woman.

1 THE COURT: Was it a runner or was it you?
2 MS. ZHENG: It was me. I personally --
3 THE COURT: I apologize. My JEA just says she cleaned
4 everything out of the box and there was nothing in the box.
5 MR. PESCI: We can wait if you need to review it.
6 THE COURT: No, I want to review it, obviously, before -- I did,
7 of course, review Mr. Pesci's sentencing memorandum which I don't
8 have a file-stamped copy so I'm assuming this is a courtesy copy.
9 MR. PESCI: Yeah.
10 And I believe that you called and my JEA verifies it, of course.
11 I don't know what happened, why I don't have that.
12 All right. She's getting that. Why don't you folks have a seat
13 and there may be some other matters that are ready.
14 [Proceeding trailed and recalled at 10:23 A.M.]
15 THE COURT: All right. The Court is going to recall the
16 Newsome/Douglas matter.
17 And just to clarify, the Court had received your sentencing
18 memorandum in support of Ms. Douglas. It was the sentencing
19 memorandum in support of Mr. Newsome that for some reason was not
20 provided to me. I just have, as you saw it sitting up here, and I've
21 reviewed it, and, essentially, the dispute was about the six years on the
22 bottom so.
23 Mr. Pesci, you have retained the right to argue. We did
24 receive notification that there would be five victim speakers, and I'm
25 assuming, pursuant to statute, you would like all five to address the

1 Court last; is that correct?

2 MR. PESCI: There will only be two but, yes, we're asking that
3 they be last, Your Honor.

4 THE COURT: All right. Very well.

5 And, Mr. Pesci, have you – have both sides had an
6 opportunity to review each other's sentencing memorandum?

7 MS. ZHENG: We have, Your Honor, but in light of the fact
8 that you did not receive Mr. Newsome's sentencing memorandum, it is –
9 it's lengthier in nature –

10 THE COURT: Well, it's ten pages which I read, and then
11 there are numerous letters here attached to it which I'm, you know,
12 going over, including one from his mother.

13 MS. ZHENG: Should I trail this to the end of the calendar so
14 that you can do this? I mean, outside of that – I mean, I'd ask for a
15 continuance but –

16 THE COURT: I mean, I read the whole sentencing
17 memorandum and the letters.

18 **[Bench Conference – Not Recorded]**

19 THE COURT: The Court feels comfortable that it's reviewed
20 everything, and as I said at the outset, Mr. Pesci is arguing for a
21 sentence of 18 to life based – and according to, as to Mr. Newsome, the
22 defense is urging the Court to follow the recommendation of a 12-to-life.

23 MS. ZHENG: Yes.

24 THE COURT: And so it's really the six years between 12 and
25 18 that, I think, is what is being disputed between the State and the

1 defense.

2 And so because there are speakers who will be going last,
3 we'll begin with Mr. Newsome and, Mr. Pesci, your argument as to Mr.
4 Newsome, unless you'd like to argue as to both defendants at once.

5 MR. PESCI: I could.

6 THE COURT: All right. And then Mr. Newsome will address
7 the Court. And then – if you're comfortable with that, Ms. Douglas, or
8 would you rather Mr. Newsome address the Court, you can argue on
9 behalf of Mr. Newsome, and then Ms. Douglas can address the Court.
10 You can argue on behalf of Ms. Douglas, and then we'll hear from the
11 speakers. Is that satisfactory to the defense?

12 MS. ZHENG: Yes, Your Honor.

13 THE COURT: All right. Very well.

14 Mr. Pesci.

15 MR. PESCI: Thank you very much, Your Honor.

16 I'd like to start with Ms. Douglas, Your Honor. This is the adult
17 in this situation. This is the individual who should be mature. This is the
18 individual who should use more discretion, have a better thought
19 process, because there's arguments made about the co-defendant being
20 young, and taking that into consideration.

21 Ms. Douglas went to this location. Ms. Douglas, after the
22 shooting occurs, took her son and fled from this area. Now, I
23 understand in looking at the defense's memorandum about how they
24 turned themselves in, that's all well and good. But at the time this all
25 happened, the adult here took her son who just shot a young man in

1 cold blood and fled the scene. And as I see it, she's done one day; one
2 day's time for that crime.

3 She has to do time, Judge. There has to be a consequence
4 for this kind of an action. I understand she doesn't have a criminal
5 history, but this is a really serious situation, and I think that she should
6 do the maximum under the law in this particular case.

7 Now, switching over to Richard Newsome. When you look at
8 the reports, when you look at what was –

9 THE COURT: So, in other words, you're asking for the 364
10 days.

11 MR. PESCI: Yes, Your Honor.

12 Looking at Mr. Richard Newsome, this is an individual, per the
13 reports and the witness statements, who was mad about how his sister
14 was treated. And so decides to take a gun and go to the location where
15 this dispute is continuing at this point.

16 And this individual starts to beat on a girl, on a woman, and
17 our victim in this case did what every brother should do for his sister. He
18 came to defend and protect his sister. That's the most innate feeling
19 within a family. And he paid with his life.

20 This defendant, I don't agree with the Department of Parole &
21 Probation, should get the low end on the weapon's enhancement. This
22 is not a newbie to the criminal justice system, Your Honor.

23 If you look at the PSI, this is an individual who, as a juvenile, is
24 charged with disorderly conduct in 2015, and then charged with three
25 counts of robbery in 2015.

1 Now, he gets formal probation and it's amended to a
2 conspiracy to commit larceny from the person. Does he learn from that?
3 No. He continues on. There's a curfew violation in 2016. Then there's
4 a petit larceny and trespass in 2016, and then we get to our crime.

5 So this is someone where the system has tried to work with.
6 This is someone who has been given opportunities that the juvenile
7 justice system provides for serious charges. And he takes out a gun and
8 shoots a young man who had the brightest future going for him and took
9 him from this planet with no good reason.

10 For that, Judge, he should do the maximum under the
11 sentence so we'd ask that the speakers be able to speak last.

12 THE COURT: All right. Thank you, Mr. Pesci.

13 Mr. Newsome, your lawyer will have an opportunity to speak
14 on your behalf, but what if anything would you like to state to the Court
15 before the Court pronounces sentence against you.

16 THE DEFENDANT NEWSOME: Yeah, I have a letter that I
17 want to read to 'em and to everybody.

18 THE COURT: Okay.

19 THE DEFENDANT NEWSOME: First, I'd like to apologize to
20 the victim, Richard Nelson. My actions were wrong and I'm sorry, I
21 made a mistake.

22 I also want to apologize to the family of Richard Nelson. I
23 caused you guys a lot of pain, mentally and physically, and I'm sorry; I
24 truly am.

25 And I know it will be hard for any one of you guys to forgive

1 me, and I understand that. I hope one day you do find it in your hearts
2 to forgive me for what I did. I never had the intentions of doin' what I did.
3 It was a split-second, stupid mistake that caused our world to change in
4 seconds.

5 Richard Nelson had a future ahead of him. My mistakes
6 caused that to end early. I'm sorry for what I did. If I could turn back, I
7 would do it over. I deserve to be punished for what my actions.

8 I want to apologize to my mom, too, for the pain I caused you
9 growing up. But out of everything, this is the worst. I'm sorry I put you in
10 this situation and caused you to be standin' there and not sittin' over
11 there. You raised me the best way you could and I know it hurts seeing
12 me go down this road.

13 MS. ZHENG: And I think it goes without saying that in this
14 case, early on as we've been coming to court that there are no winners,
15 and it is undoubtedly tragic, and I know that from the defense side, there
16 are no apologies that are sufficient for the life that was lost and the life
17 that was taken.

18 I don't agree, as stated in the memorandum, with the reasons
19 why it was portrayed by the State that that was the reason why they
20 went over.

21 As it is with these cases because attorneys' offices were
22 involved very early on, the fact is that both of these individuals contacted
23 our office to say that there was an active investigation. They knew that
24 they would be looked for and they knew that they needed to answer to
25 the charges.

1 They called our office, they came into our office, we called the
2 homicide detectives that were on the case, had them come down to the
3 office and effectuate a self-surrender. But as it is with attorneys who
4 generally tell them no statements, please don't ask them any questions.
5 And as a result of that, none of their statements have ever been taken in
6 this case, and neither their side of the story.

7 That night what happened was undoubtedly a tragedy for
8 everybody, particularly for the Nelson family. But that was not the way
9 any of this was to have started or was supposed to have ended.

10 And I think the facts as we all know is that there was a large
11 group of people, the victim's sister was in a music group, there was
12 supposed to be a meeting, all of these people were supposed to come
13 over. In the midst of all of this, I guess the simplest way to between
14 social media messages that were being said, things that were said to
15 each other, feelings that were hurt, some people split off and then
16 ultimately all congregated.

17 Mr. Newsome's sister, Ms. Douglas' daughter, was one of the
18 people that was supposed to go over. She had at one point gotten off
19 the bus that they were on; they went to pick her up.

20 What was not so was that they did go over to the house. They
21 were actually over at the house, they had a conversation with Mr.
22 Nelson's mother. That was amicable, actually. They had discussed the
23 reasons why they were there. There was a sweatshirt, a hoodie, that
24 was left at Oneisha Coleman's home, the victim's family's home, that
25 they were asking to retrieve; they were there. As a result, as they were

1 leaving, there was a fight that broke up – broke out between Oneisha
2 Coleman and her ex-girlfriend. As a result of that, this fight was just
3 something that happened very near to the vicinity of the home, and it
4 continued to grow as people got involved in it.

5 Understandably, Mr. Nelson exited the house and also got
6 involved and tried to help his sister. Because there were so many
7 people, at one point we were up to nine people that was involved in this
8 altercation, everyone including Oneisha Coleman, the ex-girlfriend, Ms.
9 Douglas, Mr. Newsome, two other males, Mr. Nelson's mother.

10 As all of this was happening, they were getting to break up
11 and leave, and Mr. Nelson had – Mr. Newsome had told the officers that
12 he misunderstood. Based on appearance and gait, he believed that Ms.
13 Coleman was a male and believes that as his sister was involved in this
14 altercation, he also tried to come to the aid of his sister. As they were
15 leaving, Mr. Nelson was there. Mr. Nelson is much larger in stature than
16 compared to Mr. Newsome. He thought that they were being charged.

17 That being said, he reacted, and there is no question at the
18 end of the day that the reactions were bad. The decisions were bad. It
19 is – there's no doubt that these are mistakes and that there is no doubt
20 that it was tragic.

21 But underlying all of this, at least from our side what we want
22 to present, is in the event that one day the Nelson family can find it in
23 their hearts to give forgiveness to these people and peace to move on, is
24 that despite the fact that there is no apology that is enough in this world,
25 is that all of this was unintended. There was no thought that day to go

1 over there with a gun to cause an argument, to cause a fight, to cause
2 trouble, or to cause this end.

3 And in regards to that, know that he is undoubtedly in the adult
4 system for the severity of this crime, at some point when rendering
5 punishment, punishment is going to be had. He was 17 at the time that
6 this event happened, and there is no sentence that this court is going to
7 render today that does not anticipate that he will not be in prison for
8 more than what has been half of his current life.

9 There's no sentence today that we're going to give, and that in
10 itself is a form of punishment, the fact that he lives with the knowledge to
11 know that he ended the life of someone that had such a promising
12 future.

13 But that doesn't mean that he should never have a future in
14 regards to that. And that difference of six years is a big spread for
15 someone who is currently just 17.

16 He didn't have the background and he didn't have the physical
17 ability or the mental ability to rise to the accolades that Mr. Nelson did.
18 And for that, Mr. Nelson should be commended.

19 But to the extent that we look to punish someone, we also
20 have to look in the system as to how it is that they're going to handle
21 themselves and what it's going to indicate in the future. In this case, he
22 was 17.

23 This happened, he knew that he did something wrong, he
24 knew that he needed to turn himself in, and that's what he did. He
25 accepted responsibility for this. He has been remorseful about this

1 crime from the day that he walked into my office to his statement in court
2 today. That remains unwavering.

3 He knows that he's going to be punished. He knows that he's
4 going to have to live with this for the rest of his life. And to that end, we
5 have to look at also the struggles that he's had. He's faced certain
6 troubles in his life. The question is how are we going to correct those
7 mistakes?

8 He cooperated with the authorities, he surrendered. The entry
9 of plea in this case is timely. We've had so many murder cases come
10 before this Court today, and we're talking about cases that have been
11 trailing in the system from 2012, '13, and onwards.

12 This happened as soon as the negotiations were extended to
13 us, and having considered the circumstances of the case, he entered a
14 timely plea knowing that he's going to go to prison. And for those
15 reasons, he's doing everything that he can while he is in custody to
16 better himself.

17 He didn't have the ability to do so. His mom was a single
18 mother that was raising four children. He had difficulties in school; he
19 has a series of learning disabilities. Because of his disability and
20 because of his health condition, he ended up completing the 11th grade
21 and he didn't finish. He's currently enrolled in CCDC to complete both
22 his GED and his high school diploma.

23 He continues to do programming. He knows that he's going to
24 go away for a long time. He's going to use that as an opportunity to
25 program, to advance his education, and possibly to learn a trade. And I

1 know that that's not a consolation for the family that lost a son that had
2 such a promising future, but to the extent that we have someone who is
3 still surviving, who is also equally young, who potentially one day could
4 have a future. I'd ask to take that into consideration.

5 He's going to be punished. I'm asking for the 12-to-life. I
6 understand that the family wants retribution, but beyond what was being
7 recommended and the PSI, it really becomes retribution. Taking as
8 much life away from him will not bring Mr. Nelson back.

9 But to allow him to have a chance at redemption one day, I
10 think that serves a balance for what we seek in the justice system in
11 terms of sentencing, that a person be punished and that one day, at the
12 end of it, that there is a silver lining and that there is some chance at
13 rehabilitation and some chance at redemption. And this is a young man
14 that shows all the earmarks of being able to do that.

15 So I'm asking for the Court to follow the recommendation in
16 the PSI. And as often as it is – it's often rare that the defense is asking
17 for that. So often we come in here and we hear the State say, well, the
18 PSI got it, follow the recommendations in the PSI, Your Honor, because
19 generally it comes back with the PSI as much harsher for the defense
20 than it is for the State. But in this case, the State is asking the Court to
21 go far and beyond what the PSI does.

22 And as the PSIs now do, they take the probation success
23 probability scale into account, they take into account his background, his
24 criminal history, his social history, the facts of the case, and any other
25 adjusting factors. And in light of all of that, they're asking you to render

1 a sentence of 2 to 10 years on the gun enhancement, and the 10-to-life
2 on the second degree murder. I'd ask the Court to follow that.

3 THE COURT: All right. Thank you.

4 Ms. Douglas, obviously, your lawyer will have an opportunity
5 to speak on your behalf, but what if anything would you like to state to
6 the Court before the Court pronounces sentence against you?

7 THE DEFENDANT DOUGLAS: I would like to apologize to
8 the family. I mean, it wasn't supposed to be like that that night. You
9 know, I was trying to break up everything, I was trying to diffuse the
10 situation, get everybody into the car, and just other prides escalated in
11 the middle of that. And then Richard Nelson ran out as we were
12 approaching the car and it just happened so fast.

13 I never knew my son ever purchased a gun because I don't
14 like guns, I never have. I'm not a violent person. I raised my kids in the
15 church along with my mother, my disabled mother I take care of, and this
16 has been, like, really hard on me since day one. If I bothered – I hurt for
17 both sides, you know what I'm saying, because they lost their child.

18 And I could never understand that but I'm losing mine too,
19 you know. Richard is not a bad person. He's been in a home invasion
20 when he was four years old, he's been chronically ill all his life. He's
21 been in and out of hospitals with three months at a time, and he has a
22 chronic disorder that he's going to face for the rest of his life as well.

23 And I just ask for another chance for him to be able to one
24 day have a family and change because he's worked for the congregation
25 of the church. He's just got into that, you know, as we being a single

1 mother, I don't understand raising young boys. You know what I'm
2 saying? It's just, I guess they have their own little thing they gotta go
3 through and what they get involved in, you know. But it's not easy, you
4 know.

5 And that night, I was never intending to go over there to hurt
6 anybody. That wasn't the intention. And I just ask that mercy and
7 forgiveness that the family one day can forgive and just let them know
8 that it's not like we're not hurting, we have to live with this for the rest of
9 our lives as well, because we do.

10 THE COURT: All right. Thank you.

11 MS. ZHENG: And I have to – she is the adult in this
12 situation. But I think in regards to her statement is that, again, I can only
13 underscore the fact that none of this was intended to happen and as
14 tragic as it is, these are the outcomes and the consequences that we
15 deal with. But they did not go over there that day looking for a fight,
16 looking for an argument.

17 And as the adult, maybe the fault is that maybe she should
18 have known, but she didn't know that Richard had a gun on him. She
19 reacted to the fact that there was gunfire, they were trying to leave, she
20 ushered everyone in the car; they left. That's what happened. And as
21 the adult, she should have made the decision to stay there.

22 But to the extent that that mistake was made and that it was
23 not supposed to have happened that way, she's accepting responsibility
24 for that.

25 I know that the State is asking for you to impose a 364-day

1 sentence. I would ask the Court to suspend that sentence. I think one
2 of the things – and actually, she has more than one day in custody. She
3 was arrested – well, we had her self-surrender; that's the one day in
4 custody. She posted bail originally at \$5,000 when it was set in Justice
5 Court.

6 Subsequent to that, the State received a grand jury indictment.
7 She was rearrested on the grand jury indictment, and she remained in
8 custody until we were able to have several returns on a bail hearing.
9 So she actually has, I think, 31 days in custody, but as that goes, I'm
10 sure later on we can subpoena the jail.

11 But in regards to that, she was let out on additional bail with
12 the condition of house arrest, and she has been on house arrest since
13 the start of this case. And as we have come back to court previously for
14 an opportunity to have that amended and that condition modified, house
15 arrest has sent a letter saying that for the entire duration that she has
16 been on, she is in perfect compliance.

17 And that's relatively rare in regards to that. This is someone
18 who was facing this care, she is taking care of her disabled mother, she
19 is taking care of her three other children. She went back into the
20 community, she got a job, she's currently working at Wal-Mart, she
21 works in the Deli section, she continues to work that. Before that, she
22 had other opportunities where she was driving for Uber and Lyft. That
23 wasn't allowed for the duration that she's on house arrest.

24 But she is absolutely supervisable. And to the extent that she
25 is very much needed by her family, she is very much willing to comply,

1 she's complied with every order of this Court and been at every
2 appearance. There is no reason to think that she will change that.

3 She is punished and she will punish herself for the entirety of
4 her life that she was involved in this situation and that they even went
5 over there that day and that any of this happened.

6 And in light of that, I would ask the Court to consider
7 suspending that sentence.

8 THE COURT: All right. Thank you. We'll hear from the
9 speakers.

10 MR. PESCI: State calls Roxanne Bruce.

11 We'll go Margaret Martin first. Judge, do you want them here?

12 THE COURT: If they're more comfortable. Normally I have
13 them come up by me up to the witness stand.

14 **MARGARET MARTIN**

15 Having been called as a speaker and first duly sworn, testified as
16 follows:

17 THE CLERK: Thank you. Please have a seat. State and
18 spell both your first and last name for the record.

19 THE SPEAKER: My name is Margaret, it's spelled
20 M-a-r-g-a-r-e-t, Martin M-a-r-t-i-n.

21 THE COURT: Thank you. What did you want to say today?

22 THE SPEAKER: I've been in the church all my life, too. I
23 have raised five children and this still seems so unreal to me.

24 Do I forgive? Yes. But am I not going to ask for the maximum
25 for the mother and the son? Yes, I am. Because my grandson had

1 came from the same background and he overcome it. Even with the
2 sentencing, when we walk out here today, we still don't win. We are still
3 losing. But my God has made me stand. I just put the mercy of the
4 court would honor my grandson today.

5 He had a bright future. What we did, prayed to him because
6 for 72 hours before he had no signing, and he kept telling everybody
7 Missouri State that was prayed in.

8 I have raised five kids on my own. Not one of them has took a
9 gun in their hand and killed, took a life. By myself, five kids. My last one
10 graduates this year, and I hate leaving him at home. I'm not one. When
11 they get older, that's when they need you more. That's when they need
12 you more.

13 I'm sorry I'm here today. I'm sorry I had to ask for this, but I'm
14 not going to ask for anything less because really when we walk out, we
15 are the ones that got the life sentence.

16 You know, I don't know what you all can do with him, but I feel
17 like there was some, if she was in the church, I just feel like the message
18 didn't get through, because there's no way I would have ever took one of
19 my children to anybody at his home and killed somebody. No way, and I
20 have raised five by myself and ain't had a bit of help. It's come from the
21 Lord.

22 And the last statement I have to say is John 10:10. Only
23 Satan comes to kill, steal, and destroy. And on January 14th, 2017,
24 that's just exactly what he did.

25 I do forgive them. I do. And there is no doubt in my mind

1 where my grandson is. He's up there waitin' on me. And that's all I
2 have to say.

3 THE COURT: Thank you for coming in. I'm sorry you had to
4 be here. My bailiff will just help you back, okay? Kenny.

5 THE MARSHAL: Yes, Judge.

6 THE COURT: And, Mr. Pesci, the next speaker, please?

7 MR. PESCI: State calls Roxanne Bruce.

8 **ROXANNE BRUCE**

9 Having been called as a speaker and first duly sworn, testified as
10 follows:

11 THE CLERK: Thank you. Please have a seat. State and
12 spell your first and last names for the record.

13 THE SPEAKER: Roxanne Bruce, R-o-x-a-n-n-e B-r-u-c-e.

14 THE COURT: All right. Thank you, ma'am. What would you
15 like to say today?

16 THE SPEAKER: Well, my daughter couldn't make it today, so
17 I have something that she sent me. I'd like to read that first; then, what I
18 need to say, is that okay?

19 THE COURT: All right. That's fine.

20 THE SPEAKER: This is actually from Oneisha. She wanted
21 me to let the courts know that she feels sorry for Newsome because his
22 parents failed him.

23 Even though we came from the same background, and my
24 brother and Newsome became two completely different people,
25 someone was murdered who just so happens to be her brother.

1 This is something that I never expected being that all we ever
2 wanted was to have more than what our parents could ever offer. Yes,
3 our lives have been drastically affected by this loss of someone so great.
4 I just hope Newsome understands he affected his family a lot more, and
5 despite me having no forgiveness in my heart, I hope he can forgive
6 himself.

7 I hope his mom and older sister are okay with looking at
8 themselves in the mirror knowing that they have failed their family and
9 brought shame to their name.

10 I would like to end this with a long live King Richard, and 20
11 reasons I will never stop. I won't sleep and I will grind until I bleed so I'm
12 saying the future my brother and I often discussed.

13 Newsome deserves nothing less than the maximum. He may
14 have been 17 at the time, but his actions proved he was a man and a
15 menace.

16 I'm sorry I wasn't able to make it today. I just can't stomach
17 being in the same room with individuals who live their lives believing
18 violence is the answer.

19 Thank you all for listening.

20 THE COURT: And then would you like to say something for
21 yourself?

22 THE SPEAKER: I wrote it down but I might end up saying
23 whatever I feel.

24 THE COURT: Okay, it's up to you. If you feel more
25 comfortable reading or reading and then adding to that part, however

1 you feel comfortable.

2 THE SPEAKER: Um hmm. Okay.

3 To be honest, I wish I wasn't here now making a statement of
4 what a huge loss my family and I have experienced, as well as my son's
5 friends in the community. And I loved Richard Nelson.

6 This has been the most traumatizing event I've ever dealt with
7 in my life. I can't sleep at night. I jump at loud noises, and I have not
8 been able to work since January of 2017, due to the tragic event that
9 took place on the 14th of January, that clearly could have and should
10 have been avoided.

11 I didn't do anything to any of the defendants to cause all this
12 pain. I don't even know them. I only knew of Miss Ominique (phonetic),
13 who I treated very well and as if she was my own, to have her stir up
14 drama and bring to my home to inflict pain on my family, for, what, a
15 word that I'm sure she's heard before. Ridiculous, and for a so-called
16 responsible adult that they call a mother, to bring their children to my
17 home, knowingly they're armed, knowingly they're armed, I'm really
18 outraged at the fact she's not incarcerated as well. Your Honor, she
19 don't deserve to walk freely around and hold her children and comfort
20 them while they need her, especially knowing what her child's intentions
21 were, and that was to harm someone, let alone murdered my baby boy
22 in cold blood.

23 I can't visit my son but in a grave in cold. She can see her
24 child again. And, yes, he does have a future to look forward to when my
25 son's future was crushed.

1 It is not okay for her to hear her kids. It's not okay for her to
2 hold her kids, and it's not okay to be around her kids when I can't. Your
3 Honor, she has not been punished for her actions at all. She's been on
4 house arrest; she still gets to be around her kids. She shouldn't be
5 allowed around any children at that matter.

6 She had the control to leave, she brought her kids to my
7 house twice; not once, but twice. Before that, she drove her son,
8 Richard Newsome, at the end of my block to pull out a firearm and scare
9 another kid. So you're saying you didn't know he had a gun? You did.

10 Before they came back to my home the second time to shoot
11 my son up, who had a bright future ahead of him, my son, as he was
12 here, Your Honor, took Chaparral football team to the championship
13 game. He was the first kid to get a full-ride scholarship at a A-1 school.
14 He was a role model, he has been awarded the Courage Award through
15 the State of Nevada. Since this incident, it's been renamed after my son
16 as the Richard Nelson Courage Award in his honor.

17 Speaking of honor, Chaparral also retired his football jersey
18 and number 20, and has a scholarship fund in Richard Nelson's name.
19 My son has several awards, medals, and honors.

20 He was an A-1 student and a young man. He was the
21 greatest athlete in all. He pushed through obstacles and achieved a lot
22 that some people couldn't do in a day. He was a scholar, ambitious,
23 bright, intelligent, encouraging, charming; beautiful inside and out. He
24 was a great young man who deserves justice.

25 The mother in this case deserves the maximum punishment

1 the law allows. That way others don't think it's okay to be your child's
2 friends instead of their parents. She needs to know that it's not okay to
3 get away with helping a murder take place.

4 I really don't want to waste any more energy, to be honest with
5 you. The young man in this case, Mr. Newsome, I really feel sorry for
6 him; I do. And I do forgive him. I'm more angry at his mother than him,
7 you know, because if he would have had a better home setting, I don't
8 think this would have ended this way. He would have thought better,
9 you know.

10 As for her, I don't forgive her; I don't. And I will find it in my
11 heart maybe one day to do that, but as of right now, I don't. I feel like
12 her apology was not real. I do believe his was, and he's, you know, it's
13 what it is.

14 He did take my son's life at the age of 18, and I do believe he
15 does need to serve 18 years. Justice truly won't be served at all either
16 way, you know, because I can't – no one can bring my son back at all.

17 And my son can't come back, like I said before. At least these
18 people will be behind bars and have a chance of redemption because I
19 do pray that they do and they do find God, truly. And they can also ask
20 God to forgive them as well. I wish I could have gave them both a bible
21 but I wasn't allowed to do that, because I was going to bring that.

22 And as far as having grudges, I don't hold grudges, and I'm
23 not a violent person until I get forced to that way, and I didn't fight with
24 them, you know. But when my daughter was on the ground being kicked
25 repeatedly, you know, by everyone that was there, including the mother,

1 you know, I didn't find this out until later on. It probably would have been
2 a different outcome I believe, but I didn't know. Your know, I came in at
3 the ends of it. I guess I did fight the ex-girlfriend, but, Your Honor, it's
4 fighting and all that, it still didn't resolve anything because my son is
5 dead, and nothing in this world can bring him back. And vengeance is
6 not on me, it's on the Lord. And I do pray that everyone that was
7 involved that's not even here, that Karma hits them where it needs to hit
8 'em, you know.

9 I do pray that they do find themselves and rehabilitate their
10 mind and their soles. My prayers do go out for God to have mercy and
11 for Your Honor to give my son the justice he truly deserves. Please.

12 THE COURT: Thank you for coming in.

13 THE SPEAKER: Thank you.

14 THE COURT: All right. Mr. Newsome, by virtue of your plea
15 of guilty, you are hereby adjudged guilty of murder in the second degree
16 with use of a deadly weapon.

17 In addition to the \$25 administrative assessment, the \$150
18 DNA analysis fee and the fact that you must submit to a test for genetic
19 markers, and the \$3 DNA administrative assessment, on murder in the
20 second degree, you're sentenced to life with the possibility of parole
21 after ten years has been served.

22 On the deadly weapon enhancement, you're sentenced to a
23 consecutive 96 to 100 – I'm sorry -- 96 to 240 months. That is imposed
24 consecutively. You're also ordered to pay restitution in the amount of
25 \$21,477.08 which you owe jointly and severally with your mother and co-

1 defendant, Tianna Douglas.

2 I think what really pushed me to the maximums in this matter,
3 two things. Number one, Mr. Newsome's bringing a gun and introducing
4 a firearm. And number two, the fact that he did have the benefit of
5 supervision as a juvenile for a prior violent felony and, yet, goes on to
6 commit this offense.

7 Turning to Ms. Douglas, Ms. Douglas is really the one who set
8 all of this in motion and the only thing I can say is it's just such a
9 senseless and completely avoidable incident, which I think Ms. Douglas
10 really sort of set in motion.

11 So, Ms. Douglas, by virtue of your plea of guilty, you are
12 hereby adjudged guilty of the gross misdemeanor crime of accessory to
13 murder.

14 In addition to the \$25 administrative assessment, the \$150
15 DNA analysis fee, the fact that you must submit to a test for genetic
16 markers, and the \$3 DNA administrative assessment, you're sentenced
17 to 364 days in the Clark County Detention Center, less whatever credit
18 for time served you're entitled to. It is definitely more than the one day
19 Mr. Pesci mentioned.

20 Mr. Pesci, counsel has calculated 31 days. Does that sound
21 right to you?

22 MR. PESCI: I accept the representations.

23 THE COURT: Mr. Pesci accepts the representations and she
24 is entitled to 31 days of credit for time served.

25 And the restitution, also, in the amount of the \$21,477.08

1 which she owes jointly and severally. And, Mr. Pesci, the restitution
2 should reflect the payee in the JOC and that would be?

3 MR. PESCI: So the \$20,612.47 per the PSI is to the victim's
4 family. And then there was \$864.61 to Victims of Crime because they
5 paid that

6 THE COURT: All right. That will be reflected in the Judgment
7 of Conviction.

8 Thank you.

9 [Hearing concluded at 11:08 A.M.]

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

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SUSAN SCHOFIELD
Court Recorder/Transcriber

Steven D. Grierson

1 **ORDR**

2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 JONATHAN E. VANBOSKERCK
6 Chief Deputy District Attorney
7 Nevada Bar #006528
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

8 THE STATE OF NEVADA,
9
10 Plaintiff,

11 -vs-

12 RICHARD NEWSOME, JR.,
13 #5437116

14 Defendant.

CASE NO: C-17-321043-1

DEPT NO: XXI

ORDER FOR TRANSCRIPT

14 Upon the ex-parte application of the State of Nevada, represented by STEVEN B.
15 WOLFSON, Clark County District Attorney, by and through, JONATHAN E.
16 VANBOSKERCK, Chief Deputy District Attorney, and good cause appearing therefor,

17 IT IS HEREBY ORDERED that a transcript of the Sentencing heard on the 8th day of
18 February, 2018, be prepared by Susan Schofield, Court Recorder for the above-entitled Court.

19 DATED this 29th day of March, 2019.

20 *Sahmi Adan*
21 DISTRICT JUDGE

22 STEVEN B. WOLFSON
23 Clark County District Attorney
24 Nevada Bar #001565

25 BY

26 *J. Vanboskerck*
JONATHAN E. VANBOSKERCK
Chief Deputy District Attorney
Nevada Bar #006528

27 jg/CAU
28



1 RTRAN

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3
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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7
8 THE STATE OF NEVADA,
9 Plaintiff,

CASE NO: C-19-321043-1
C-19-321043-2

10 vs.

DEPT. XXI

11 RICHARD NEWSOME, JR.,
12 TIANNA M. DOUGLAS,
13 Defendants.

14 BEFORE THE HONORABLE VALERIE ADAIR, DISTRICT COURT JUDGE
15 THURSDAY, DECEMBER 14, 2017

16 **RECORDER'S TRANSCRIPT OF HEARING RE:**
17 **STATUS CHECK: TRIAL READINESS**

18 APPEARANCES:

19 For the State:

GIANCARLO PESCI, ESQ.
Chief Deputy District Attorney

21 For the Defendants:

YI LIN ZHENG, ESQ.

22
23
24
25 RECORDED BY: SUSAN SCHOFIELD, COURT RECORDER

1 Las Vegas, Nevada; Thursday, December 14, 2017

2

3 [Proceeding commenced at 10:17 a.m.]

4 THE COURT: State versus Richard Newsome, Jr., and
5 Tianna Douglas. And the Court has been provided with two written
6 pleas of guilty.

7 MS. ZHENG: Correct.

8 THE COURT: And both defendants are entering pleas of
9 guilty here today.

10 So we'll start with Mr. Newsome.

11 MS. ZHENG: Thank you, Your Honor. With --

12 THE COURT: Mr. --

13 MS. ZHENG: Oh.

14 THE COURT: I'm sorry, go ahead.

15 MS. ZHENG: With respect to Mr. Newsome, we'd ask --

16 MR. PESCI: Can I approach with the amended?

17 THE COURT: All right. You can file amended indictments
18 here in court. And as to Mr. Newsome, a second amended superseding
19 indictment was just filed in open court charging the felony crime of
20 murder in the second degree with use of a deadly weapon.

21 Ms. Zheng?

22 MS. ZHENG: That's correct, Your Honor. And with respect to
23 that we'd ask that you allow him to enter a plea to that. At the rendition
24 of sentence, the State has retained the right to argue.

25 THE COURT: All right.

1 Mr. Newsome, the Court is in possession of a written plea of
2 guilty which was signed by you. Is this your signature on page 5 of the
3 written plea of guilty?

4 DEFENDANT NEWSOME: Yes.

5 THE COURT: Okay. Before I may accept your written plea of
6 guilty, I must be satisfied that your plea is freely and voluntarily given.
7 Are you making this plea freely and voluntarily?

8 DEFENDANT NEWSOME: Yes.

9 THE COURT: Okay. Other than what's contained in the
10 written plea of guilty, have any promises or threats been made to induce
11 you or to get you to enter your plea?

12 DEFENDANT NEWSOME: Just a little bit of time.

13 THE COURT: I'm sorry.

14 DEFENDANT NEWSOME: Just some time.

15 THE COURT: What do you mean some time?

16 DEFENDANT NEWSOME: Like my sentence, if I'm just
17 gonna get from 12 to 35.

18 THE COURT: Okay, but what I'm saying -- well you can't get
19 that.

20 MS. ZHENG: It's 45.

21 DEFENDANT NEWSOME: For 45.

22 THE COURT: What I'm saying is did anyone other than
23 what's in the guilty plea, did anyone promise you anything else?

24 DEFENDANT NEWSOME: No.

25 THE COURT: Okay. And did anyone make any threats to

1 you or to your family to try to get you to plead guilty in this case?

2 DEFENDANT NEWSOME: No.

3 THE COURT: Okay. And are you pleading guilty to second
4 degree murder with use of a deadly weapon because in truth and in fact
5 you are guilty?

6 DEFENDANT NEWSOME: Yes.

7 THE COURT: Okay. Before you signed the written plea of
8 guilty, did you read it?

9 DEFENDANT NEWSOME: Yeah.

10 THE COURT: Okay. And did you understand everything
11 contained in the written plea of guilty?

12 DEFENDANT NEWSOME: Yeah.

13 THE COURT: Okay. Did you also read the second amended
14 superseding indictment charging you with the felony crime of second
15 degree murder with use of a deadly weapon?

16 DEFENDANT NEWSOME: Yes.

17 THE COURT: It's the exhibit here. And did you understand
18 everything contained in that --

19 DEFENDANT NEWSOME: Yes.

20 THE COURT: -- what you'll be pleading to?

21 DEFENDANT NEWSOME: Yes.

22 THE COURT: Okay. And did you have a full and sufficient
23 opportunity to discuss your plea of guilty as well as the charge to which
24 you're pleading guilty with your lawyer, Ms. Zheng?

25 DEFENDANT NEWSOME: Yes.

1 THE COURT: Okay. And did Ms. Zheng answer all your
2 questions and concerns to your satisfaction?

3 DEFENDANT NEWSOME: Yes.

4 THE COURT: Do you feel like your lawyer has spent enough
5 time with you explaining everything to you?

6 DEFENDANT NEWSOME: Yes.

7 THE COURT: Okay. And do you feel like she spent enough
8 time with you going over all of the discovery and the evidence and
9 everything in this case?

10 DEFENDANT NEWSOME: Yes.

11 THE COURT: Okay. Before you proceed with your plea of
12 guilty, do you have any questions you would like to ask me?

13 DEFENDANT NEWSOME: No.

14 THE COURT: Okay. Let's turn to the charging document. All
15 right. And you understand that the range of punishment on the murder
16 is life without the possibility of parole -- I'm sorry -- the possibility of -- a
17 definite terms, in term of years, of 10 to 25 years with your possibility of
18 parole, beginning after 10 years has been served.

19 DEFENDANT NEWSOME: Yes.

20 THE COURT: Or with the weapons enhancement of a
21 minimum of 12 to 30 months, but it can run all the way to 20 years with a
22 minimum of 96 months or 8 years.

23 DEFENDANT NEWSOME: Yes.

24 THE COURT: Consecutively. Do you understand all that?

25 DEFENDANT NEWSOME: Yes.

1 THE COURT: Okay. Let's -- any questions about that?
2 DEFENDANT NEWSOME: No.
3 THE COURT: Did I cover that correctly, Mr. Pesci?
4 MR. PESCI: I think just so it's clear, it's either a 10 to life or a
5 10 to 25.
6 THE COURT: Right.
7 THE COURT: Do you understand that?
8 DEFENDANT NEWSOME: Yeah.
9 THE COURT: Either way, your minimum parole eligibility
10 under either scenario is 11 years; correct, Mr. Pesci?
11 MR. PESCI: Yes, Your Honor.
12 THE COURT: And that's under either scenario.
13 DEFENDANT NEWSOME: Okay.
14 THE COURT: All right. Let's turn to the charging document.
15 Tell me in your own words what you did, on or about January 14th, 2017,
16 here in Clark County Nevada, that causes you to plead guilty to second
17 degree murder with use of a deadly weapon.
18 DEFENDANT NEWSOME: Yeah, I had a gun and I shot
19 Richard Nelson.
20 THE COURT: All right. And you shot into his body; is that
21 correct?
22 DEFENDANT NEWSOME: Yes.
23 THE COURT: And you acknowledge that as a result of you
24 shooting Mr. Nelson, he died as a result of those -- that gunshot injury; is
25 that true?

1 DEFENDANT NEWSOME: Yes.

2 THE COURT: All right. And you acknowledge that you did
3 this willfully, unlawfully, feloniously, and with malice aforethought?

4 DEFENDANT NEWSOME: Yes.

5 THE COURT: All right. Is that acceptable, Mr. Pesci?

6 MR. PESCI: Yes, Your Honor.

7 THE COURT: All right. Mr. Newsome, the Court finds that
8 your plea of guilty has been freely and voluntarily given. Your plea is
9 hereby accepted. And the matter is referred to the department of Parole
10 & Probation for the Presentence Investigation Report.

11 [Colloquy between the Court and staff]

12 THE CLERK: That's February 8th at 9:30.

13 THE COURT: I don't know if they'll be any speakers, but I'm
14 going to hold the hearing at the same time for both, in case there are
15 speakers, so they don't have to keep coming back.

16 MR. PESCI: Thank you very much.

17 THE COURT: All right. Turning to Tianna Douglas.

18 And, Ms. Douglas, the Court is in possession of a written plea
19 of guilty which was signed by you. Is that your signature on page 5 of
20 the written plea of guilty?

21 DEFENDANT DOUGLAS: Yes, Your Honor.

22 THE COURT: And in this you agree to plead guilty to a gross
23 misdemeanor, crime of accessory to murder; is that correct?

24 DEFENDANT DOUGLAS: Yes, Your Honor.

25 THE COURT: Before I may accept your written plea of guilty,

1 I must be satisfied that your plea is freely and voluntarily given. Are you
2 making this plea freely and voluntarily?

3 DEFENDANT DOUGLAS: Yes, I am.

4 THE COURT: Other than what's contained in the written plea
5 of guilty, have any promises or threats been made to induce you or to
6 get you to enter your plea today?

7 DEFENDANT DOUGLAS: No.

8 THE COURT: All right. And are you pleading guilty to the
9 gross misdemeanor, crime of accessory to murder because in truth and
10 in fact you are guilty?

11 DEFENDANT DOUGLAS: Yes.

12 THE COURT: Before you signed the written plea of guilty, did
13 you read it?

14 DEFENDANT DOUGLAS: Yes, I did.

15 THE COURT: Did you understand everything contained in the
16 written plea of guilty?

17 DEFENDANT DOUGLAS: Yes, I did.

18 THE COURT: And did you read the second amended
19 superseding indictment charging with a gross misdemeanor, crime of
20 accessory to murder?

21 DEFENDANT DOUGLAS: Yes, I did.

22 THE COURT: And did you understand everything contained
23 in that second amended superseding indictment?

24 DEFENDANT DOUGLAS: Yes.

25 THE COURT: All right. Did you have a full and ample

1 opportunity to discuss your plea of guilty, as well as the charge to which
2 you're pleading guilty with your lawyer?

3 DEFENDANT DOUGLAS: Yes, I did.

4 THE COURT: And did Ms. Zheng, your lawyer, address all of
5 your questions and concerns to your satisfaction?

6 DEFENDANT DOUGLAS: Yes.

7 THE COURT: And do you feel like your attorney has spent
8 enough time with you explaining everything in your case?

9 DEFENDANT DOUGLAS: Yes.

10 THE COURT: Before I proceed with your pleas, do you have
11 any questions you would like to ask me, the Court?

12 DEFENDANT DOUGLAS: No.

13 THE COURT: All right. Let's turn to the charging document.
14 Tell me in your own words what you did, on or about January 14th, 2017,
15 here in Clark County Nevada, that causes you to plead guilty to
16 accessory to murder.

17 DEFENDANT DOUGLAS: That night I was getting into the car
18 and --

19 [Defendant and counsel confer]

20 MS. ZHENG: There was a shooting.

21 DEFENDANT DOUGLAS: Well, there -- I heard gunshots. I
22 had my other children -- everybody with me, so I was getting into the car
23 anyways. So I proceeded to get into the car and I drove away.

24 THE COURT: Okay. And did you take your son, Richard
25 Newsome, with you?

1 DEFENDANT DOUGLAS: Yes.

2 THE COURT: And at the time you did that you knew, or had
3 reason to know, that your son may have shot someone; is that true?

4 DEFENDANT DOUGLAS: No, I didn't know at that point -- at
5 that particular point, but once I realized it, I knew.

6 THE COURT: Okay. So at some point when you're driving
7 your son, you realize that he had shot someone; is that true?

8 DEFENDANT DOUGLAS: Yes.

9 THE COURT: And you realize that person may die as a result
10 of that shooting; is that right?

11 DEFENDANT DOUGLAS: Yes.

12 THE COURT: And you realized that if that person did in fact
13 die or was injured that your son, Mr. Richard Newsome, could be liable
14 for arrest?

15 DEFENDANT DOUGLAS: Yes.

16 THE COURT: Okay. And you in fact then, you know, drove
17 him away or continued to drive him or had him in your home in order that
18 he avoid being arrested?

19 DEFENDANT DOUGLAS: Yes.

20 THE COURT: Is that correct?

21 DEFENDANT DOUGLAS: Yes.

22 THE COURT: Is that acceptable, State?

23 MR. PESCI: Yes, Your Honor, thank you.

24 THE COURT: All right. Ms. Newsome -- Ms. Douglas, I'm
25 sorry. The Court finds that your plea of guilty has been freely and

1 voluntarily given. This being a gross misdemeanor, are we going to do a
2 worksheet?

3 MR. PESCI: I can do that.

4 THE COURT: All right. And we'll give you the same
5 sentencing date as the co-defendant, your son.

6 THE CLERK: February 8th at 9:30.

7 MR. PESCI: For the record, are our trial dates vacated?

8 THE COURT: Trial date vacated.

9 MR. PESCI: Thank you, Your Honor.

10 THE COURT: One second.

11 [Colloquy between the Court and Clerk]

12 THE COURT: All right. And I may have neglected on
13 Mr. Newsome's plea to ask him where the crime occurred.

14 So, Mr. Newsome, do you acknowledge that the shooting that
15 resulted in the death in this case occurred here in Clark County Nevada?

16 DEFENDANT NEWSOME: Yes.

17 THE COURT: All right. Thank you.

18 MR. PESCI: Thank you.

19 MS. ZHENG: Thank you, Your Honor.

20 THE COURT: Thank you, Ms. Zheng.

21 [Matter trailed at 10:28 a.m.]

22 [Matter recalled at 10:30 a.m.]

23 MS. ZHENG: Your Honor, briefly on the Newsome matter,
24 please.

25 THE COURT: Recalling the Newsome matter.

1 MS. ZHENG: Mr. Newsome had asked me to make a special
2 request from the Court that his mother was hearing from house arrest
3 and he was hearing from the officers that the Court would need to order
4 that it would be okay for her to visit him at CCDC. Since the start of this
5 case, I guess, either because they're co-defendants and they didn't want
6 contact, they haven't allowed that.

7 I texted Mr. Pesci in regards to that and he said that he would
8 simply submit the matter to the Court.

9 THE COURT: I'm fine with it.

10 MS. ZHENG: Thank you.

11 THE COURT: Is that true, that because she's on house
12 arrest, she can't visit him at the jail?

13 THE CORRECTIONS OFFICER: I believe that order would
14 come from you, Your Honor, but I can double check.

15 THE COURT: All right. The officer doesn't know of any
16 reason why she couldn't visit him, based on her being on house arrest,
17 so I'm going to grant your motion that his mother be allowed to visit with
18 him at the jail.

19 MS. ZHENG: Thank you.

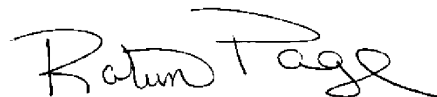
20 [Proceeding concluded at 10:32 a.m.]

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

23

24

25



Robin Page
Court Recorder/Transcriber

Steven D. Grierson

1 Richard Allan Newsome #194269

In Proper Person

2 P.O. Box 650 H.D.S.P.
3 Indian Springs, Nevada 89018

4
5 8th DISTRICT COURT

6 CLARK COUNTY NEVADA

7
8 Richard Allan Newsome,

9 Petitioner,

10 -v-

11 THE STATE OF NEVADA,

12 Respondent.

Case No. C-17-321043-1

Dept.No. 21

Docket _____

13
14 NOTICE OF APPEAL

15 Notice is hereby given that the Petitioner, Richard Allan
16 Newsome, by and through himself in proper person, does now appeal
17 to the Supreme Court of the State of Nevada, the decision of the District
18 Court DENIAL OF PETITION FOR WRIT OF HABEAS CORPUS
19 (POSTCONVICTION).

20
21 Dated this date, June 13, 2019.

22
23 Respectfully Submitted,

24 *[Signature]*

25 In Proper Person

26
27
28
CLERK OF THE COURT

RECEIVED
JUN 17 2019

CERTIFICATE OF SERVICE BY MAILING

I, Richard Allan Newsome, hereby certify, pursuant to NRCP 5(b), that on this 13
day of June, 20 19, I mailed a true and correct copy of the foregoing, "NOTICE OF APPEAL".

by depositing it in the High Desert State Prison, ^{MAIL BOX} ~~Legal Library~~, First-Class Postage, fully prepaid,
addressed as follows:

STEVEN GRIERSON, CLERK OF COURT
208 LEWIS AVENUE, 3RD FLOOR
LAS VEGAS, NV 89155-1160

DATED: this 13 day of June, 20 19.

Richard Allan Newsome #1194269
/s/ Richard Allan Newsome #1194269
/In Propria Persona
Post Office box 650 [HDSP]
Indian Springs, Nevada 89018

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding _____

Petition For WRIT OF HABEAS CORPUS (Postconviction)
(Title of Document)

filed in District Court Case number C-17-321043-1

☒ 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

6-13-19
Date

Richard Allan Newsome
Print Name

NOTICE OF Appeal
Title

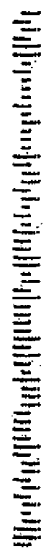
Richard Allen Newsome #1104269
P.O. Box 650
Indian Springs, NV 89070

HIGH DESERT STATE PRISON

JUN 13 2019
UNIT 8 A/B

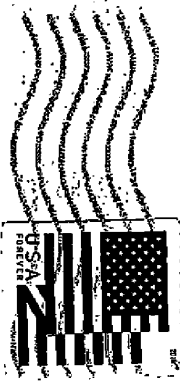
Legal Mail

89101-630000



STEVEN D. GRIERSON, Clerk of Court
200 Lewis Avenue, 3rd Floor
Las Vegas, NV 89155-1160

LAS VEGAS NV 890
14 JUN 2019 PM 3 L





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6 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**
7 **STATE OF NEVADA IN AND FOR**
8 **THE COUNTY OF CLARK**

9 STATE OF NEVADA,

10 Plaintiff(s),

11 vs.

12
13 RICHARD ALLAN NEWSOME, JR.
14 aka RICHARD NEWSOME,

15 Defendant(s),

Case No: C-17-321043-1

Dept No: XXI

16
17 **CASE APPEAL STATEMENT**

18 1. Appellant(s): Richard Allan Newsome

19 2. Judge: Valerie Adair

20 3. Appellant(s): Richard Allan Newsome

21 Counsel:

22
23 Richard Allan Newsome #1194269
24 P.O. Box 650
Indian Springs, NV 89070

25 4. Respondent: The State of Nevada

26 Counsel:

27 Steven B. Wolfson, District Attorney
28 200 Lewis Ave.

Las Vegas, NV 89101
(702) 671-2700

5. Appellant(s)'s Attorney Licensed in Nevada: N/A
Permission Granted: N/A

Respondent(s)'s Attorney Licensed in Nevada: Yes
Permission Granted: N/A

6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: No

7. Appellant Represented by Appointed Counsel On Appeal: N/A

8. Appellant Granted Leave to Proceed in Forma Pauperis: N/A

9. Date Commenced in District Court: February 2, 2017

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

Type of Judgment or Order Being Appealed: Writ of Habeas Corpus

11. Previous Appeal: No

Supreme Court Docket Number(s): N/A

12. Child Custody or Visitation: N/A

Dated This 18 day of June 2019.

Steven D. Grierson, Clerk of the Court

/s/ Heather Ungermann

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

cc: Richard Allan Newsome

DOCUMENTARY EXHIBITS

Grand Jury Case # 16 BGJ059X

Exhibit # 1

Date 2-1-17

1 **IND**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 GIANCARLO PESCI
6 Chief Deputy District Attorney
7 Nevada Bar #007135
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 RICHARD ALLAN NEWSOME, JR., aka,
13 Richard Newsome, #5437116

14 Defendant.

CASE NO:

DEPT NO:

INDICTMENT

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

17 The Defendant above named, RICHARD ALLAN NEWSOME, JR., aka, Richard
18 Newsome, accused by the Clark County Grand Jury of the crime(s) of MURDER WITH USE
19 OF A DEADLY WEAPON (Category A Felony - NRS 200.010, 200.030, 193.165 - NOC
20 50001) and ASSAULT WITH A DEADLY WEAPON (Category B Felony - NRS 200.471 -
21 NOC 50201), committed at and within the County of Clark, State of Nevada, on or about the
22 14th day of January, 2017, as follows:

23 COUNT 1 - MURDER WITH USE OF A DEADLY WEAPON

24 did willfully, unlawfully, feloniously and with malice aforethought, kill RICHARD
25 NELSON, a human being, with use of a deadly weapon, to wit: a firearm, by shooting into the
26 body of the said RICHARD NELSON, the said killing having been willful, deliberate and
27 premeditated.
28

1 COUNT 2 - ASSAULT WITH A DEADLY WEAPON

2 did willfully, unlawfully, feloniously and intentionally place another person in
3 reasonable apprehension of immediate bodily harm and/or did willfully and unlawfully
4 attempt to use physical force against another person, to wit: CARLOS HERNANDEZ, with
5 use of a deadly weapon, to wit: a firearm, by pointing said firearm at CARLOS HERNANDEZ,
6 the Defendants being criminally liable under one or more of the following principles of
7 criminal liability, to-wit: (1) by directly committing this crime; and/or (2) by aiding or abetting
8 in the commission of this crime, with the intent that this crime be committed, by counseling,
9 encouraging, hiring, commanding, inducing and/or otherwise procuring the other to commit
10 the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this
11 crime be committed, Defendants aiding or abetting and/or conspiring in the following manner,
12 to-wit: by entering into a course of conduct whereby, Defendants acting in concert throughout.

13 DATED this ____ day of February, 2017.

14 STEVEN B. WOLFSON
15 Clark County District Attorney
16 Nevada Bar #001565

17 BY

18 GIANCARLO PESCI
19 Chief Deputy District Attorney
20 Nevada Bar #007135

21
22 ENDORSEMENT: A True Bill

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

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

4 AGUDO, ALICIA, c/o CCDA, 200 Lewis Avenue, LV, NV 89101

5 BRUCE, ROXANNE, c/o CCDA, 200 Lewis Avenue, LV, NV 89101

6 BRUCE, WADE, c/o CCDA, 200 Lewis Avenue, LV, NV 89101

7 COLEMAN, DEBORAH, c/o CCDA, 200 Lewis Avenue, LV, NV 89101

8 COLEMAN, ONEISHA, c/o CCDA, 200 Lewis Avenue, LV, NV 89101

9 CUSTODIAN OF RECORDS, CCDC

10 CUSTODIAN OF RECORDS, LVMPD COMMUNICATIONS

11 CUSTODIAN OF RECORDS, LVMPD RECORDS

12 GRIMMETT, JARROD, LVMPD# 7056

13 HERNANDEZ, CARLOS, c/o CCDA, 200 Lewis Avenue, LV, NV 89101

14 OLSON, ALANE DR, ME# 0068

15 RAETZ, DEAN, LVMPD# 4234

16 REINER, JENNIFER, LVMPD# 8167

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26 16BGJ059X/17F00941X/ed-GJ
27 LVMPD EV# 1701143022
28 (TK12)

Grand Jury Case # 16B6J059A-B

Exhibit # 1-A

Date 2-8-17

1 **IND**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 GIANCARLO PESCI
6 Chief Deputy District Attorney
7 Nevada Bar #007135
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,

CASE NO:

11 -vs-

DEPT NO:

12 RICHARD ALLAN NEWSOME, JR., aka,
13 Richard Newsome, #5437116
14 TIANNA M. DOUGLAS, aka,
15 Tianna Michele Thomas, #1775693

Defendant.

SUPERSEDING
INDICTMENT

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

18 The Defendant above named, RICHARD ALLAN NEWSOME, JR., aka, Richard
19 Newsome and TIANNA M. DOUGLAS, aka, Tianna Michele Thomas, accused by the Clark
20 County Grand Jury of the crime(s) of MURDER WITH USE OF A DEADLY WEAPON
21 (Category A Felony - NRS 200.010, 200.030, 193.165 - NOC 50001); ASSAULT WITH A
22 DEADLY WEAPON (Category B Felony - NRS 200.471 - NOC 50201); ACCESSORY TO
23 MURDER WITH USE OF A DEADLY WEAPON (Category C Felony - NRS 195.030,
24 195.040, 200.010 - NOC 53090) and BATTERY WITH SUBSTANTIAL BODILY HARM
25 (Category C Felony - NRS 200.481 - NOC 50214), committed at and within the County of
26 Clark, State of Nevada, on or about the 14th day of January, 2017, as follows:

27 ///

28 ///

1 COUNT 1 - MURDER WITH USE OF A DEADLY WEAPON

2 Defendant RICHARD ALLAN NEWSOME, JR., did willfully, unlawfully, feloniously
3 and with malice aforethought, kill RICHARD NELSON, a human being, with use of a deadly
4 weapon, to wit: a firearm, by shooting into the body of the said RICHARD NELSON, the said
5 killing having been willful, deliberate and premeditated.

6 COUNT 2 - ASSAULT WITH A DEADLY WEAPON

7 Defendant RICHARD ALLAN NEWSOME, JR., did willfully, unlawfully, feloniously
8 and intentionally place another person in reasonable apprehension of immediate bodily harm
9 and/or did willfully and unlawfully attempt to use physical force against another person, to
10 wit: CARLOS HERNANDEZ, with use of a deadly weapon, to wit: a firearm, by pointing said
11 firearm at CARLOS HERNANDEZ, the Defendants being criminally liable under one or more
12 of the following principles of criminal liability, to-wit: (1) by directly committing this crime;
13 and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime
14 be committed, by counseling, encouraging, hiring, commanding, inducing and/or otherwise
15 procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this
16 crime, with the intent that this crime be committed, Defendants aiding or abetting and/or
17 conspiring in the following manner, to-wit: by entering into a course of conduct whereby,
18 Defendants acting in concert throughout.

19 COUNT 3 - ACCESSORY TO MURDER WITH USE OF A DEADLY WEAPON

20 Defendant TIANNA M. DOUGLAS, did willfully, unlawfully, and feloniously, after
21 the commission of a murder, a felony, harbor and/or conceal RICHARD NEWSOME, with
22 the intent that RICHARD NEWSOME might avoid or escape arrest, trial, conviction, and/or
23 punishment, having knowledge that RICHARD NEWSOME had committed the murder and/or
24 was liable to arrest therefore.

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1 COUNT 4 - BATTERY WITH SUBSTANTIAL BODILY HARM

2 Defendant TIANNA M. DOUGLAS did willfully, unlawfully, and feloniously use
3 force or violence upon the person of another, to wit: ONEISHA COLEMAN, by striking
4 and/or pushing said ONEISHA COLEMAN, resulting in substantial bodily harm to ONEISHA
5 COLEMAN.

6 DATED this ____ day of February, 2017.

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

9
10 BY

11 GIANCARLO PESCI
12 Chief Deputy District Attorney
13 Nevada Bar #007135

14 ENDORSEMENT: A True Bill

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16 Foreperson, Clark County Grand Jury
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1 Names of Witnesses and testifying before the Grand Jury:

2 AGUDO, ALICIA, c/o CCDA, 200 Lewis Avenue, LV, NV 89101

3 BRUCE, ROXANNE, c/o CCDA, 200 Lewis Avenue, LV, NV 89101

4 BRUCE, WADE, c/o CCDA, 200 Lewis Avenue, LV, NV 89101

5 COLEMAN, ONEISHA, c/o CCDA, 200 Lewis Avenue, LV, NV 89101

6 CORNEAL, JENNIFER, ME

7 GRIMMETT, JARROD, LVMPD# 7056

8 HERNANDEZ, CARLOS, c/o CCDA, 200 Lewis Avenue, LV, NV 89101

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

11 COLEMAN, DEBORAH, c/o CCDA, 200 Lewis Avenue, LV, NV 89101

12 CUSTODIAN OF RECORDS, CCDC

13 CUSTODIAN OF RECORDS, LVMPD COMMUNICATIONS

14 CUSTODIAN OF RECORDS, LVMPD RECORDS

15 OLSON, ALANE DR, ME# 0068

16 RAETZ, DEAN, LVMPD# 4234

17 REINER, JENNIFER, LVMPD# 8167

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27 LVMPD EV# 1701143022
28 (TK12)

Grand Jury Case # 1686 J059X
Exhibit # #2
Date 2-1-17

1 INST

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6 DISTRICT COURT
CLARK COUNTY, NEVADA

7
8 THE STATE OF NEVADA,
9 Plaintiff,

10 -VS-

11 RICHARD NEWSOME #5437116,
12 Defendants.
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14 GRAND JURY INSTRUCTIONS
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INSTRUCTION NO. _____

Murder is the unlawful killing of a human being with malice aforethought, either express or implied. The unlawful killing may be effected by any of the various means by which death may be occasioned.

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INSTRUCTION NO. _____

Malice aforethought means the intentional doing of a wrongful act without legal cause or excuse or what the law considers adequate provocation. The condition of mind described as malice aforethought may arise, from anger, hatred, revenge, or from particular ill will, spite or grudge toward the person killed. It may also arise from any unjustifiable or unlawful motive or purpose to injure another, proceeding from a heart fatally bent on mischief or with reckless disregard of consequences and social duty. Malice aforethought does not imply deliberation or the lapse of any considerable time between the malicious intention to injure another and the actual execution of the intent but denotes an unlawful purpose and design as opposed to accident and mischance.

INSTRUCTION NO. _____

Express malice is that deliberate intention unlawfully to take away the life of a human being, which is manifested by external circumstances capable of proof.

Malice may be implied when no considerable provocation appears, or when all the circumstances of the killing show an abandoned and malignant heart.

INSTRUCTION NO. _____

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

INSTRUCTION NO. _____

An Assault is an intentional placing of another person in reasonable apprehension of immediate bodily harm, by or through the use of a deadly weapon.

To constitute an assault, it is not necessary that any actual injury be inflicted.

INSTRUCTION NO. _____

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

INSTRUCTION NO. _____

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

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INSTRUCTION NO. _____

You are instructed that to aid and abet is defined as follows: aid means to help, assist, or strengthen; abet means to encourage, counsel, induce or assist.

Grand Jury Case # 16 B6J059 A-B

Exhibit # 2-A

Date 2-8-17

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INST

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-vs-

TIANNA M. DOUGLAS, aka,
Tianna Michele Thomas #1775693,
Defendant.

GRAND JURY INSTRUCTIONS

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INSTRUCTION NO. _____

Every person who is not the spouse or domestic partner of the offender and who, after the commission of a felony, destroys or conceals, or aids in the destruction or concealment of, material evidence, or harbors or conceals such offender with intent that the offender may avoid or escape from arrest, trial, conviction or punishment, having knowledge that such offender has committed a felony or is liable to arrest, is an accessory to the felony.

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INSTRUCTION NO. _____

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“Battery” means any willful and unlawful use of force or violence upon the person of
another.

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INSTRUCTION NO. _____

Substantial bodily harm is any bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ; or prolonged physical pain.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 02, 2017

C-17-321043-1 State of Nevada
 vs
 Richard Newsome, Jr.

February 02, 2017 11:45 AM Grand Jury Indictment

HEARD BY: Gonzalez, Elizabeth

COURTROOM: RJC Courtroom 10B

COURT CLERK: Dulce Romea

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT: Cooper, Jonathan Attorney
 Jones, Tierra D. Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- John Blackwell, Grand Jury Foreperson, stated to the Court that at least twelve members had concurred in the return of the true bill during deliberation, but had been excused for presentation to the Court. State presented Grand Jury Case Number 16BGJ059X to the Court. COURT ORDERED, the Indictment may be filed and is assigned Case Number C-17-321043-1, Department XXI.

Ms. Jones requested a warrant, no bail, and advised Deft is in custody on a no bail hold. COURT ORDERED, INDICTMENT WARRANT ISSUED, NO BAIL, and matter SET for Arraignment. COURT FURTHER ORDERED, Exhibits 1 - 16 to be lodged with the Clerk of the Court.

At request of the State, Las Vegas Justice Court Case No. 17F00941X DISMISSED.

I.W. (CUSTODY)

2-9-17 9:30 AM INITIAL ARRAIGNMENT (DEPT XXI)

PRINT DATE: 08/09/2019

Page 1 of 15

Minutes Date: February 02, 2017

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 09, 2017

C-17-321043-1 State of Nevada
 vs
 Richard Newsome, Jr.

February 09, 2017 9:30 AM All Pending Motions

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: Jill Chambers

RECORDER: Susan Schofield

REPORTER:

PARTIES

PRESENT: Momot, John Joseph Attorney
 Newsome, Richard Allan, Jr. Defendant
 Pesci, Giancarlo Attorney
 State of Nevada Plaintiff
 Zheng, Yi Lin Attorney

JOURNAL ENTRIES

- INITIAL ARRAIGNMENT...INDICTMENT WARRANT RETURN

Mr. Momot requested the Court pass the matter for confirmation of counsel and the initial arraignment. Mr. Pesci made no objection and noted that a file-stamped copy of the Indictment and the Grand Jury transcripts were provided to the defense. Court CONTINUED MATTER.

CUSTODY

CONTINUED TO: 2/16/17 9:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 09, 2017

C-17-321043-1 State of Nevada
 vs
 Richard Newsome, Jr.

February 09, 2017 11:45 AM Grand Jury Indictment

HEARD BY: Johnson, Eric

COURTROOM: RJC Courtroom 10B

COURT CLERK: Dulce Romea

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT:	Cooper, Jonathan	Attorney
	Jones, Tierra D.	Attorney
	Pesci, Giancarlo	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- John Blackwell, Grand Jury Foreperson, stated to the Court that at least twelve members had concurred in the return of the true bill during deliberation, but had been excused for presentation to the Court. State presented Grand Jury Case Number 16BGJ059A to the Court. COURT ORDERED, the Indictment may be filed and is assigned Case Number C-17-321043-1, Department XXI.

Ms. Jones requested a warrant, argued no bail be set for Mr. Newsome, and advised he is in custody. COURT ORDERED, INDICTMENT WARRANT ISSUED, NO BAIL, and matter SET for Arraignment. State advised Exhibits 1 - 16 were previously lodged with the Clerk of the Court. COURT FURTHER ORDERED, Exhibits 1a and 2a to be lodged with the Clerk of the Court.

I.W. (CUSTODY)

2-16-17 9:30 AM INITIAL ARRAIGNMENT (DEPT XXI - Adair)

PRINT DATE: 08/09/2019

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Minutes Date: February 02, 2017

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 16, 2017

C-17-321043-1 State of Nevada
 vs
 Richard Newsome, Jr.

February 16, 2017 9:30 AM Initial Arraignment

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: Jill Chambers

RECORDER: Susan Schofield

REPORTER:

PARTIES

PRESENT:	Jones, Tierra D.	Attorney
	Momot, John Joseph	Attorney
	Newsome, Richard Allan, Jr.	Defendant
	State of Nevada	Plaintiff
	Zheng, Yi Lin	Attorney

JOURNAL ENTRIES

- Mr. Momot CONFIRMED as counsel. DEFT. NEWSOME ARRAIGNED, PLED NOT GUILTY, and WAIVED the 60-DAY RULE. COURT ORDERED, matter set for trial.

CUSTODY

6/1/17 9:30 AM CALENDAR CALL

6/5/17 9:30 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 30, 2017

C-17-321043-1 State of Nevada
 vs
 Richard Newsome, Jr.

May 30, 2017 9:30 AM Motion to Continue Trial

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: Jill Chambers

RECORDER: Susan Schofield

REPORTER:

PARTIES

PRESENT: Newsome, Richard Allan, Jr. Defendant
 Pesci, Giancarlo Attorney
 State of Nevada Plaintiff
 Zheng, Yi Lin Attorney

JOURNAL ENTRIES

- Ms. Zheng requested the trial date be continued as there is an on-going exchange of discovery. Mr. Pesci made no objection. COURT CONTINUED TRIAL DATE.

CUSTODY

10/12/17 9:30 AM CALENDAR CALL

10/16/17 9:30 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 26, 2017

C-17-321043-1 State of Nevada
 vs
 Richard Newsome, Jr.

September 26, 2017 9:30 AM Motion to Continue Trial

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: Jill Chambers

RECORDER: Susan Schofield

REPORTER:

PARTIES

PRESENT:	Newsome, Richard Allan, Jr.	Defendant
	Overly, Sarah	Attorney
	State of Nevada	Plaintiff
	Zheng, Yi Lin	Attorney

JOURNAL ENTRIES

- Colloquy regarding trial readiness. Ms. Zheng stated she was not going to be ready for trial because she was preparing for other trials. Upon inquiry of the Court, Ms. Zheng stated there were no offers extended, only discussion. Court directed the State to extend an offer within two weeks and Ms. Zheng to meet with the Deft's. Court CONTINUED matter.

BOND

CONTINUED TO: 10/17/17 9:30 AM

1/11/18 9:30 AM CALENDAR CALL

1/16/18 9:00 AM JURY TRIAL - FIRM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 17, 2017

C-17-321043-1 State of Nevada
vs
Richard Newsome, Jr.

October 17, 2017 9:30 AM Status Check: Trial Readiness

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: Jill Chambers

RECORDER: Susan Schofield
Gail Reiger

REPORTER:

PARTIES

PRESENT: Bluth, Jacqueline Attorney
 Newsome, Richard Allan, Jr. Defendant
 State of Nevada Plaintiff
 Zheng, Yi Lin Attorney

JOURNAL ENTRIES

- Ms. Zheng stated that Mr. Pesci was working on an offer and intends on meeting with the victim's family to see if the offer is sufficient. Ms. Bluth stated that Mr. Pesci would be meeting with the family the following day. COURT ORDERED, MATTER CONTINUED.

NIC (COC-NDC)

CONTINUED TO: 10/31/17 9:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 31, 2017

C-17-321043-1 State of Nevada
vs
Richard Newsome, Jr.

October 31, 2017 9:30 AM Status Check: Trial Readiness

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: Jill Chambers

RECORDER: Susan Schofield

REPORTER:

PARTIES

PRESENT:	Newsome, Richard Allan, Jr.	Defendant
	Pesci, Giancarlo	Attorney
	State of Nevada	Plaintiff
	Zheng, Yi Lin	Attorney

JOURNAL ENTRIES

- Ms. Zheng stated she received an offer yesterday and requested additional time to review with the Defts. COURT ORDERED, MATTER CONTINUED.

NIC (COC-NDC)

CONTINUED TO: 11/14/17 9:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 14, 2017

C-17-321043-1 State of Nevada
vs
Richard Newsome, Jr.

November 14, 2017 9:30 AM Status Check: Trial Readiness

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: Jill Chambers

RECORDER: Susan Schofield

REPORTER:

PARTIES

PRESENT: Bluth, Jacqueline Attorney
 Newsome, Richard Allan, Jr. Defendant
 State of Nevada Plaintiff
 Zheng, Yi Lin Attorney

JOURNAL ENTRIES

- Upon inquiry of the Court, Ms. Zheng stated that the case was resolved and requested a continuance to execute the plea agreement. COURT ORDERED, MATTER CONTINUED.

NIC (COC-NDC)

CONTINUED TO: 11/30/17 9:30 AM

PRINT DATE: 08/09/2019

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Minutes Date: February 02, 2017

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 30, 2017

C-17-321043-1 State of Nevada
vs
Richard Newsome, Jr.

November 30, 2017 9:30 AM Status Check: Trial Readiness

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: Jill Chambers

RECORDER: Susan Schofield

REPORTER:

PARTIES

PRESENT:	Newsome, Richard Allan, Jr.	Defendant
	Pesci, Giancarlo	Attorney
	State of Nevada	Plaintiff
	Zheng, Yi Lin	Attorney

JOURNAL ENTRIES

- Ms. Zheng stated the Guilty Plea Agreements were being prepared and requested the matter be continued to give her the opportunity to review them with the Defts. COURT ORDERED, MATTER CONTINUED.

CUSTODY

CONTINUED TO: 12/14/17 9:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 14, 2017

C-17-321043-1 State of Nevada
vs
Richard Newsome, Jr.

December 14, 2017 9:30 AM Status Check: Trial Readiness

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: Jill Chambers

RECORDER: Susan Schofield

REPORTER:

PARTIES

PRESENT: Newsome, Richard Allan, Jr. Defendant
Pesci, Giancarlo Attorney
State of Nevada Plaintiff
Zheng, Yi Lin Attorney

JOURNAL ENTRIES

- Second Amended Superseding Indictment FILED IN OPEN COURT. NEGOTIATIONS are as contained in the Guilty Plea Agreement FILED IN OPEN COURT. DEFT. NEWSOME ARRAIGNED AND PLED GUILTY TO MURDER (SECOND DEGREE) WITH US OF A DEADLY WEAPON (F). Court ACCEPTED plea and ORDERED, matter referred to the Division of Parole and Probation (P & P) and set for SENTENCING.

Ms. Zheng made an oral motion to allow the Deft's mother to visit him while he's incarcerated adding that she sent Mr. Pesci a text message and he replied that he would submit to the Court's decision. Court GRANTED the oral motion for visitation.

NIC (COC-NDC)

2/8/18 9:30 AM SENTENCING

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 08, 2018

C-17-321043-1 State of Nevada
 vs
 Richard Newsome, Jr.

February 08, 2018 9:30 AM Sentencing

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: Jill Chambers

RECORDER: Susan Schofield

REPORTER:

PARTIES

PRESENT:	Newsome, Richard Allan, Jr.	Defendant
	Pesci, Giancarlo	Attorney
	State of Nevada	Plaintiff
	Zheng, Yi Lin	Attorney

JOURNAL ENTRIES

- Court noted a sentencing memorandum was received from the State and reviewed. Ms. Zheng stated she also provided one for the Court. Court TRAILED MATTER to review it.

MATTER RECALLED.

Following a conference at the bench, Court advised parties that all sentencing memorandums were reviewed. Argument by counsel. Statement by Deft. Statement by victim speakers.

DEFT NEWSOME ADJUDGED GUILTY of MURDER (SECOND DEGREE) WITH USE OF A DEADLY WEAPON (F). COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, \$20,612.47 in restitution payable jointly and severally with the co-Deft. to the victim's family and \$864.61 to Victim's of Crime, a \$150.00 DNA Analysis fee including testing to determine genetic markers, and \$3.00 DNA Collection fee, Deft. SENTENCED to LIFE with the possibility of parole after TEN (10) YEARS in the Nevada Department of Corrections (NDC) with a CONSECUTIVE TERM of a MINIMUM of NINETY-SIX (96) MONTHS and a MAXIMUM of TWO HUNDRED

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C-17-321043-1

FORTY (240) MONTHS in the Nevada Department of Corrections (NDC).

BOND, if any, EXONERATED.

NDC

CLERK'S NOTE: Matter placed back on calendar to have credit for time served ordered. jmc 2/8/18

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 15, 2018

C-17-321043-1 State of Nevada
 vs
 Richard Newsome, Jr.

February 15, 2018 9:30 AM Further Proceedings

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: Jill Chambers

RECORDER: Susan Schofield

REPORTER:

PARTIES

PRESENT:	Newsome, Richard Allan, Jr.	Defendant
	Pesci, Giancarlo	Attorney
	State of Nevada	Plaintiff
	Zheng, Yi Lin	Attorney

JOURNAL ENTRIES

- Ms. Zheng stated the Deft. was in custody for 394 days. Mr. Pesci agreed. COURT ORDERED, DEFT. to receive THREE HUNDRED NINETY-FOUR (394) DAYS credit for time served.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 18, 2018

C-17-321043-1 State of Nevada
 vs
 Richard Newsome, Jr.

**October 18, 2018 9:30 AM Motion to Withdraw as
 Counsel**

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: Jill Chambers

RECORDER: Susan Schofield

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT ORDERED, MOTION GRANTED.

NDC

Certification of Copy and Transmittal of Record

State of Nevada }
County of Clark } SS:

Pursuant to the Supreme Court order dated August 2, 2019, I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, do hereby certify that the foregoing is a true, full and correct copy of the complete trial court record for the case referenced below. The record comprises two volumes with pages numbered 1 through 406.

STATE OF NEVADA,

Plaintiff(s),

vs.

RICHARD ALLAN NEWSOME, JR.
aka RICHARD NEWSOME,

Defendant(s),

Case No: C-17-321043-1

Dept. No: XXI

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 9 day of August 2019.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk