

1 CODE NO. 2515
2 WASHOE COUNTY PUBLIC DEFENDER
3 JOHN REESE PETTY, State Bar Number 10
4 350 South Center Street, 5th Floor
5 Reno, Nevada 89501
6 (775) 337-4827
7 jpetty@washoecounty.us
8 Attorney for Defendant

Electronically Filed
Jan 17 2019 11:59 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

9
10 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
11
12 IN AND FOR THE COUNTY OF WASHOE
13

14 THE STATE OF NEVADA,

15 Plaintiff,

16 vs.

Case No. CR15-0829

17 FRANCISCO MERINO OJEDA,

Dept. No. 6

18 Defendant.
19 _____

20 NOTICE OF APPEAL

21 Defendant, FRANCISCO MERINO OJEDA, appeals to the Supreme Court of
22 Nevada from the judgment of conviction entered in this action on December 14, 2018.

23 The undersigned hereby affirms, pursuant to NRS 239B.030, that this
24 document does not contain the social security number of any person.

25 DATED: January 14, 2019.

26 JOHN L. ARRASCADA
WASHOE COUNTY PUBLIC DEFENDER

By: /s/ John Reese Petty
JOHN REESE PETTY, Chief Deputy

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1 CODE NO. 1310
2 WASHOE COUNTY PUBLIC DEFENDER
3 JOHN REESE PETTY, State Bar Number 10
4 350 South Center Street, 5th Floor
5 Reno, Nevada 89501
6 (775) 337-4827
7 jpetty@washoecounty.us
8 Attorney for Defendant

9 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
10
11 IN AND FOR THE COUNTY OF WASHOE

12 THE STATE OF NEVADA,

13 Plaintiff,

14 vs.

Case No. CR15-0829

15 FRANCISCO MERINO OJEDA,

Dept. No. 3

16 Defendant.
17

18 CASE APPEAL STATEMENT

19 1. Appellant, FRANCISCO MERINO OJEDA.

20 2. This appeal is from a judgment of conviction entered on December 14,
21 2018, by the Honorable Lynne K. Simons, district judge.

22 3. The parties below were The State of Nevada, Plaintiff and FRANCISCO
23 MERINO OJEDA, Defendant.

24 4. The parties herein are FRANCISCO MERINO OJEDA, Appellant and The
25 State of Nevada, Respondent.
26

5. Counsel on appeal: For the Appellant, the Washoe County Public Defender's Office and John Reese Petty, Chief Appellate Deputy, 350 South Center Street, 5th Floor, Reno, Nevada 89520-0027, (775) 337-4827; and for the Respondent, the Washoe County District Attorney's Office, One South Sierra Street, Reno, Nevada 89501, (775) 337-5751.

6. Appointed counsel represented Appellant in the district court.

7. Appointed counsel represents Appellant on appeal.

8. The Washoe County Public Defender was court-appointed.

9. The charging document (Information) was filed on June 3, 2015. An amended information was filed on August 7, 2018.

10. Mr. Ojeda pleaded guilty to one count of murder of the first degree, a violation of NRS 200.010 and NRS 200.030. The district court sentenced him to a term of life without the possibility of parole in the Nevada Department of Corrections with credit for 1375 days in predisposition custody.

11. This case has previously been the subject of an appeal or writ proceeding.

12. This appeal does not involve child custody or visitation.

13. This is not a civil case.

The undersigned hereby affirms, pursuant to NRS 239B.030, that this document does not contain the social security number of any person.

DATED: January 14, 2019.

JOHN L. ARRASCADA
WASHOE COUNTY PUBLIC DEFENDER

By: /s/ John Reese Petty
JOHN REESE PETTY, Chief Deputy

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FRANCISCO MERINO OJEDA (#1209411)
Northern Nevada Correctional Center
P.O. Box 7000
Carson City, Nevada 89702

AARON D. FORD
Attorney General State of Nevada
100 N. Carson Street
Carson City, Nevada 89701

DATED this 14th day of January 2019.

/s/ John Reese Petty
JOHN REESE PETTY

1 CODE NO. 3868
2 WASHOE COUNTY PUBLIC DEFENDER
3 JOHN REESE PETTY, State Bar Number 10
4 350 South Center Street, 5th Floor
5 Reno, Nevada 89501
6 (775) 337-4827
7 jpetty@washoecounty.us
8 Attorney for Defendant

9
10 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
11
12 IN AND FOR THE COUNTY OF WASHOE
13

14 THE STATE OF NEVADA,

15 Plaintiff,

16 vs.

Case No. CR15-0829

17 FRANCISCO MERINO OJEDA,

Dept. No. 6

18 Defendant.
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REQUEST FOR TRANSCRIPT(S)

TO: Sunshine Litigation Services:

Defendant, FRANCISCO MERINO OJEDA, requests preparation of a transcript of certain portions of the proceedings before the district court in this matter as follows:

December 14, 2018: Transcript of Proceedings: Entry of Judgment and Imposition of Sentence.

This notice requests a transcript of only those portions of the district court proceedings which counsel reasonably and in good faith believes are necessary to determine whether appellate issues are present.

1 I recognize that I must personally serve a copy of this form on the above named
2 reporter and opposing counsel, and that the above named court reporter shall have
3 thirty (30) days from the receipt of this notice to prepare and submit to the Supreme
4 Court a certificate of compliance.
5

6 The undersigned hereby affirms, pursuant to NRS 239B.030, that this
7 document does not contain the social security number of any person.

8 DATED: January 14, 2019.

9
10 JOHN L. ARRASCADA
WASHOE COUNTY PUBLIC DEFENDER

11 By: /s/ John Reese Petty
12 JOHN REESE PETTY, Chief Deputy
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FRANCISCO MERINO OJEDA (#1209411)
Northern Nevada Correctional Center
P.O. Box 7000
Carson City, Nevada 89702

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**SECOND JUDICIAL DISTRICT COURT
COUNTY OF WASHOE**

Case History - CR15-0829

DEPT. D6

HON. LYNNE K. SIMONS

Report Date & Time

1/14/2019

11:18:27AM

Case Description: STATE VS. FRANCISCO MERINO OJEDA (D6)

Case ID:	CR15-0829	Case Type:	CRIMINAL	Initial Filing Date:	5/29/2015
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Parties

PLTF	STATE OF NEVADA - STATE
DA	Jennifer P. Noble, Esq. - 9446
DA	Luke J. Prengaman, Esq. - 6094
DEFT	FRANCISCO MERINO OJEDA - @1274203
PD	John Reese Petty, Esq. - 10
PD	Katheryn Hickman, Esq. - 11460
PD	Joseph Goodnight, Esq. - 8472
PNP	Div. of Parole & Probation - DPNP

Charges

<i>Charge No.</i>	<i>Charge Code</i>	<i>Charge Date</i>	<i>Charge Description</i>
1	50005	8/7/2018	AI MURDER OF THE FIRST DEGREE

Plea Information

<i>Charge No.</i>	<i>Plea Code</i>	<i>Plea Date</i>	<i>Plea Description</i>
1	50005	8/7/2018	PLED GUILTY

Sentences

<i>Date</i>	<i>Charge No.</i>	<i>Charge Desc</i>	<i>Time Served</i>	<i>Sentence Text</i>
12/14/2018	1	Life Without Poss of Parole		LIFE WITHOUT THE POSSIBILITY OF PAROLE; TO BE SERVED CONCURRENTLY WITH THE SENTENCE IMPOSED IN RCR12-87703; EXTRADITION COSTS OF \$1951.12; DNA TESTING +FEES

Release Information

Custody Status

Hearings

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>	<i>Disposed Date</i>
1 D6	ARRAIGNMENT	6/10/2015 09:00:00	6/10/2015

Event Extra Text:

Disposition:
D725 6/10/2015
TO THE INFORMATION. TRIAL SET

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>	<i>Disposed Date</i>
2 D6	Request for Submission	2/5/2016 16:10:00	2/12/2016

Event Extra Text: MOTION FOR EQUAL ACCESS TO JUROR INFORMATION ON JANUARY 25, 2016 AND STATE'S RESPONSE TO DEFENDANT'S MOTION FOR EQUAL ACCESS TO JUROR INFORMATION (NO PAPER ORDER PROVIDED)

Disposition:
S200 2/12/2016
ORDER

Case Description: STATE VS. FRANCISCO MERINO OJEDA (D6)**Case ID: CR15-0829****Case Type: CRIMINAL****Initial Filing Date:****5/29/2015**

	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
3	D6	MOTION FOR CONTINUANCE	2/10/2016	09:00:00	2/10/2016
	Event Extra Text: TRIAL		Disposition: D425 2/10/2016 TRIAL VACATED AND RESET		
	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
4	D6	MOTION TO CONFIRM TRIAL	2/17/2016	13:30:00	2/10/2016
	Event Extra Text: AND PRETRIAL MOTIONS (TRIAL SET 3/7/16 - 2 WEEKS)		Disposition: D844 2/10/2016		
	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
5	D6	Request for Submission	3/1/2016	09:59:00	3/17/2016
	Event Extra Text: STATE'S MOTION TO QUASH SUBPOENA DUCES TECUM OF FEBRUARY 3, 2016 (NO PAPER ORDER PROVIDED)		Disposition: S200 3/17/2016 ORAL ARGUMENTS SET FOR 3/21.		
	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
6	D6	Request for Submission	3/4/2016	09:23:00	3/14/2016
	Event Extra Text: ALL MOTIONS, PLEADINS, AND ORAL ARGUMENTS (NO PAPER ORDER PROVIDED)		Disposition: S200 3/14/2016 hearing on motions continued to 3/21/16		
	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
7	D6	PRE-TRIAL MOTIONS	3/7/2016	09:00:00	3/7/2016
	Event Extra Text:		Disposition: D498 3/7/2016		
	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
8	D6	TRIAL - JURY	3/7/2016	09:00:00	2/10/2016
	Event Extra Text: TWO WEEKS		Disposition: D844 2/10/2016		
	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
9	D6	Request for Submission	3/7/2016	09:19:00	3/9/2016
	Event Extra Text: ALL MOTIONS, PLEADINGS, AND ORAL ARGUMENTS (NO PAPER ORDER PROVIDED)		Disposition: S200 3/9/2016 DUPLICATE SUBMISSION		
	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
10	D6	PRE-TRIAL MOTIONS	3/8/2016	09:00:00	3/8/2016
	Event Extra Text:		Disposition: D498 3/8/2016 CONTINUED TO 1:30 TOMORROW AFTERNOON.		

Case Description: STATE VS. FRANCISCO MERINO OJEDA (D6)**Case ID: CR15-0829****Case Type: CRIMINAL****Initial Filing Date: 5/29/2015**

	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
11	D6	PRE-TRIAL MOTIONS	3/9/2016	13:30:00	3/9/2016
	Event Extra Text: Hearing Ongoing		Disposition: D450 3/9/2016 HELD IN ABEYANCE		
	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
12	D6	PRE-TRIAL MOTIONS	3/21/2016	09:30:00	3/21/2016
	Event Extra Text:		Disposition: D430 3/21/2016 MOTION FOR PRE-FRANKS HEARING DENIED. MOTION TO QUASH SUBPOENA DUCES TECUM GRANTED. DEFENSE SHALL REQUEST DISCOVERY IN PLEADING FORM AND FILE WITH THE COURT.		
	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
13	D6	STATUS HEARING	5/19/2016	09:30:00	5/18/2016
	Event Extra Text: 1 HOUR		Disposition: D845 5/18/2016 ORDER OF 5/18/16		
	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
14	D6	MOTION TO CONFIRM TRIAL	12/9/2016	09:00:00	12/8/2016
	Event Extra Text: TRIAL SET 1/9/17 FOR 2 WEEKS		Disposition: D843 12/8/2016 if needed		
	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
15	D6	STATUS HEARING	12/21/2016	09:00:00	12/21/2016
	Event Extra Text: RE: COUNSEL'S REQUEST TO CONTINUE		Disposition: D445 12/21/2016 TRIAL VACATED AND RESET TO OCTOBER 30, 2017		
	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
16	D6	TRIAL - JURY	1/9/2017	09:00:00	12/21/2016
	Event Extra Text: TWO WEEKS.		Disposition: D844 12/21/2016 TRIAL VACATED AND RESET		
	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
17	D6	STATUS HEARING	10/4/2017	09:00:00	10/4/2017
	Event Extra Text: RE: TRIAL DATE		Disposition: D445 10/4/2017 MATTER CONTINUED TO ALLOW FOR ORAL ARGUMENTS ON WRIT AT SUPREME COURT; COUNSEL SHALL CONTACT THE COURT IF A HEARING IS REQUIRED BASED ON THE ORDER OF THE SUPREME COURT. TRIAL SET FOR OCTOBER 30, 2017, IS VACATED AND RESET; COUNSEL SHALL FILE STATUS REPORT AND RE-SUBMIT ANY PENDING MOTIONS THAT HAVE NOT BEEN RULED ON.		

Case Description: STATE VS. FRANCISCO MERINO OJEDA (D6)**Case ID: CR15-0829****Case Type: CRIMINAL****Initial Filing Date:****5/29/2015**

	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
18	D6	MOTION TO CONFIRM TRIAL	10/18/2017	09:00:00	10/13/2017
		Event Extra Text: TRIAL SET 10/30/17 FOR 2 WEEKS	Disposition: D845 10/13/2017		
	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
19	D6	TRIAL - JURY	10/30/2017	09:00:00	10/13/2017
		Event Extra Text: 2 WEEKS	Disposition: D844 10/13/2017		
	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
20	D6	Request for Submission	6/26/2018	13:20:00	7/11/2018
		Event Extra Text: MR. OJEDAS MOTION TO EXCLUDE REFERENCE TO IMMIGRATION STATUS 2-5-16	Disposition: S200 7/11/2018 SCHEDULING ORDER - ORAL ARGS ON 8/7/18		
	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
21	D6	Request for Submission	6/26/2018	13:17:00	7/11/2018
		Event Extra Text: MR OJEDAS MOTION TO ALLOW CHALLENGES FOR CAUSE OUTSIDE THE PRESENCE OF THE JURY ON 2-2-16	Disposition: S200 7/11/2018 SCHEDULING ORDER - ORAL ARGS 8/7/18		
	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
22	D6	Request for Submission	6/26/2018	13:19:00	7/11/2018
		Event Extra Text: MR. OJEDAS MOTION TO EXCLUDE BITE MARK TESTIMONY/HALLMARK HEARING ON 2-5-16	Disposition: S200 7/11/2018 SCHEDULING ORDER - ORAL ARGS 8/7/18		
	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
23	D6	Request for Submission	6/26/2018	13:18:00	7/11/2018
		Event Extra Text: MR. OJEDA'S MOTION TO CONTEMPORANEOUS RECORDING OF BENCH AND IN-CHAMBER CONFERENCES ON FEB. 2, 2016	Disposition: S200 7/11/2018 SCHEDULING ORDER - ORAL ARGS ON 8/7/18		
	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
24	D6	Request for Submission	6/26/2018	13:24:00	7/11/2018
		Event Extra Text: MR. OJEDAS MOTION TO PRECLUDE REFERENCE TO INDIGENCY ON 2-2-16	Disposition: S200 7/11/2018 SCHEDULING ORDER SETTING ORAL ARGS ON 8/7/18		
	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
25	D6	Request for Submission	6/26/2018	13:22:00	7/11/2018
		Event Extra Text: MR. OJEDAS MOTION TO PRECLUDE NRS 48.045 EVIDENCE GENERALY AND TO EXCLUDE SPECIFIC EVIDENCE ON 2-2-16	Disposition: S200 7/11/2018 SCHEDULING ORDER - ORAL ARGS ON 8/7/18		

Case Description: STATE VS. FRANCISCO MERINO OJEDA (D6)

Case ID: CR15-0829 Case Type: CRIMINAL Initial Filing Date: 5/29/2015

Department		Event Description	Sched. Date & Time		Disposed Date
26	D6	PRE-TRIAL MOTIONS	6/27/2018	13:30:00	6/27/2018
Event Extra Text: (/STATUS CONFERENCE)			Disposition: D844 6/27/2018 BY STIPULATION OF COUNSEL RESET TO 8/1/18 AT 2PM		
Department		Event Description	Sched. Date & Time		Disposed Date
27	D6	PRE-TRIAL MOTIONS	8/7/2018	14:00:00	8/7/2018
Event Extra Text:			Disposition: D655 8/7/2018 AMENDED INFORMATION		
Department		Event Description	Sched. Date & Time		Disposed Date
28	D6	TRIAL - JURY	9/10/2018	09:00:00	8/7/2018
Event Extra Text: (2 WEEKS)			Disposition: D845 8/7/2018 DEFT ENTERED GUILTY PLEA - TRIAL VACATED		
Department		Event Description	Sched. Date & Time		Disposed Date
29	D6	STATUS HEARING	10/10/2018	11:00:00	10/10/2018
Event Extra Text: (RE: MTN TO CONTINUE SENTENCING)			Disposition: D845 10/10/2018		
Department		Event Description	Sched. Date & Time		Disposed Date
30	D6	SENTENCING	10/12/2018	09:00:00	10/11/2018
Event Extra Text:			Disposition: D843 10/11/2018 COUNSEL TO RESET		
Department		Event Description	Sched. Date & Time		Disposed Date
31	D6	SENTENCING	12/14/2018	09:00:00	12/14/2018
Event Extra Text:			Disposition: D765 12/14/2018		

Agency Cross Reference

Code	Agency Description	Case Reference I.D.
DA	District Attorney's Office	DA152756
PC	PCN number	RPD1504378C
RJ	Reno Justice's Court	RCR2015081028
RP	Reno Police Department	RP0436689
SC	Supreme Court	SCN 72456

Actions			Text
Action Entry Date	Code	Code Description	
5/29/2015	3700	Proceedings	Transaction 4975595 - Approved By: YLLOYD : 05-29-2015:12:55:13
5/29/2015	4105	Supplemental ...	SUPPLEMENTAL PROCEEDINGS
5/29/2015	1695	** Exhibit(s) ...	STATE'S EXHIBITS A-Z & AA-NN SENT TO EVIDENCE CLERK
5/29/2015	NEF	Proof of Electronic Service	Transaction 4975680 - Approved By: NOREVIEW : 05-29-2015:12:56:10

Case Description: STATE VS. FRANCISCO MERINO OJEDA (D6)

Case ID:	CR15-0829	Case Type:	CRIMINAL	Initial Filing Date:	5/29/2015
6/1/2015	COC	Evidence Chain of Custody Form			
6/3/2015	NEF	Proof of Electronic Service	Transaction 4981446 - Approved By: NOREVIEW : 06-03-2015:11:04:33		
6/3/2015	1800	Information	Transaction 4981338 - Approved By: LBARRAGA : 06-03-2015:11:03:32		
6/4/2015	1491	Pretrl Srvc Assessment Report	Transaction 4983963 - Approved By: MCHOLICO : 06-04-2015:14:25:37		
6/4/2015	NEF	Proof of Electronic Service	Transaction 4984273 - Approved By: NOREVIEW : 06-04-2015:14:28:21		
6/5/2015	4105	Supplemental ...	SUPPLEMENTAL PROCEEDINGS - Transaction 4986484 - Approved By: LBARRAGA : 06-08-2015:09:02:17		
6/8/2015	NEF	Proof of Electronic Service	Transaction 4987335 - Approved By: NOREVIEW : 06-08-2015:09:03:24		
6/12/2015	NEF	Proof of Electronic Service	Transaction 4998670 - Approved By: NOREVIEW : 06-12-2015:15:36:27		
6/12/2015	MIN	***Minutes	Arraignment 6/10/15 - Transaction 4998664 - Approved By: NOREVIEW : 06-12-2015:15:35:38		
7/25/2015	3870	Request	REQUEST FOR DISCLOSURES PURSUANT TO NRS 174.245 - Transaction 5062471 - Approved By: YVILORI		
7/27/2015	NEF	Proof of Electronic Service	Transaction 5062555 - Approved By: NOREVIEW : 07-27-2015:08:54:25		
7/28/2015	NEF	Proof of Electronic Service	Transaction 5065266 - Approved By: NOREVIEW : 07-28-2015:10:44:00		
7/28/2015	3870	Request	REQUEST FOR DISCOVERY AND BRADY MATERIAL - Transaction 5064977 - Approved By: YVILORIA : 07-21		
8/13/2015	4185	Transcript	Arraignment - 6-10-15 - Transaction 5091900 - Approved By: NOREVIEW : 08-13-2015:10:30:59		
8/13/2015	NEF	Proof of Electronic Service	Transaction 5091903 - Approved By: NOREVIEW : 08-13-2015:10:31:49		
1/25/2016	NEF	Proof of Electronic Service	Transaction 5334638 - Approved By: NOREVIEW : 01-25-2016:12:59:18		
1/25/2016	2490	Motion ...	MOTION FOR EQUAL ACCESS TO JUROR INFORMATION - Transaction 5334518 - Approved By: TBRITTON		
1/29/2016	3880	Response...	RESPONSE TO DEEFNDANT'S MOTION "FOR EQUAL ACCESS TO JUROR INFORMATION - Transaction 53		
1/29/2016	NEF	Proof of Electronic Service	Transaction 5344958 - Approved By: NOREVIEW : 01-29-2016:14:57:36		
2/2/2016	2490	Motion ...	MOTION FOR CONTEMPORANEOUS RECORDING OF BENCH AND IN-CHAMBERS CONFERENCES - Tran		
2/2/2016	NEF	Proof of Electronic Service	Transaction 5349788 - Approved By: NOREVIEW : 02-02-2016:16:15:36		
2/2/2016	NEF	Proof of Electronic Service	Transaction 5349786 - Approved By: NOREVIEW : 02-02-2016:16:15:05		
2/2/2016	2245	Mtn in Limine	MOTION IN LIMINE TO PRECLUDE REFERENCE TO INDIGENCY - Transaction 5349680 - Approved By: YVIL		
2/2/2016	NEF	Proof of Electronic Service	Transaction 5349963 - Approved By: NOREVIEW : 02-02-2016:16:46:43		
2/2/2016	2245	Mtn in Limine	MOTION IN LIMINE TO PRECLUDE NRS 48.045 EVIDENCE GENERALLY AND TO EXCLUDE SPECIFIC EVII		
2/2/2016	2490	Motion ...	MOTION TO ALLOW CHALLENGES FOR CAUSE OUTSIDE THE PRESENCE OF PROSPECTIVE JURORS -		
2/2/2016	2480	Mtn to Suppress...	Transaction 5349601 - Approved By: YVILORIA : 02-02-2016:16:14:03		
2/2/2016	NEF	Proof of Electronic Service	Transaction 5349821 - Approved By: NOREVIEW : 02-02-2016:16:23:10		
2/3/2016	NEF	Proof of Electronic Service	Transaction 5350173 - Approved By: NOREVIEW : 02-03-2016:08:09:28		
2/3/2016	2395	Mtn Quash Service Process	MOTION TO QUASH SUBPOENAS DUCES TECUM - Transaction 5352416 - Approved By: MCHOLICO : 02-04		
2/4/2016	NEF	Proof of Electronic Service	Transaction 5352969 - Approved By: NOREVIEW : 02-04-2016:09:37:10		
2/5/2016	2480	Mtn to Suppress...	SECOND MOTION TO SUPPRESS - Transaction 5356847 - Approved By: YVILORIA : 02-05-2016:16:01:01		
2/5/2016	NEF	Proof of Electronic Service	Transaction 5356924 - Approved By: NOREVIEW : 02-05-2016:16:01:20		
2/5/2016	2490	Motion ...	MOTION TO EXCLUDE BITE MARK TESTIMONY OR FOR A HALLMARK HEARING - Transaction 5357236 - A		
2/5/2016	NEF	Proof of Electronic Service	Transaction 5356926 - Approved By: NOREVIEW : 02-05-2016:16:02:00		
2/5/2016	1960	Memorandum ...	TRIAL MEMORANDUM RE: ASSERTION OF "DEFENSE THEORY OF THE CASE" AS A BASIS FOR ADMITTI		
2/5/2016	NEF	Proof of Electronic Service	Transaction 5357211 - Approved By: NOREVIEW : 02-05-2016:16:55:39		
2/5/2016	2490	Motion ...	MOTION TO EXCLUDE REFERENCES TO IMMIGRATION STATUS - Transaction 5357237 - Approved By: MCI		
2/5/2016	3860	Request for Submission	MOTION FOR EQUAL ACCESS TO JUROR INFORMATION ON JANUARY 25, 2016 AND STATE'S RESPONS		

Case Description: STATE VS. FRANCISCO MERINO OJEDA (D6)				
Case ID:	CR15-0829	Case Type:	CRIMINAL	Initial Filing Date: 5/29/2015
2/8/2016	NEF	Proof of Electronic Service	Transaction 5358175 - Approved By: NOREVIEW : 02-08-2016:11:58:35	
2/8/2016	NEF	Proof of Electronic Service	Transaction 5357395 - Approved By: NOREVIEW : 02-08-2016:08:29:48	
2/8/2016	NEF	Proof of Electronic Service	Transaction 5357396 - Approved By: NOREVIEW : 02-08-2016:08:29:48	
2/8/2016	2490	Motion ...	MOTION IN LIMINE RE: REFERENCE TO EVIDENCE OF VICTIM'S CHARACTER - Transaction 5358212 - App	
2/8/2016	2490	Motion ...	MOTION IN LIMINE RE: ADMISSION OF OTHER ACTS EVIDENCE REGARDING THE DEFENDANT - Transa	
2/8/2016	3880	Response...	RESPONSE TO STATE'S TRIAL MEMORANDUM RE: ASSERTION OF 'DEFENSE THEORY OF THE CASE' A	
2/8/2016	1960	Memorandum ...	TRIAL MEMORANDUM RE: SCOPE OF VOIR DIRE - Transaction 5359434 - Approved By: MFERNAND : 02-08	
2/8/2016	NEF	Proof of Electronic Service	Transaction 5358444 - Approved By: NOREVIEW : 02-08-2016:13:53:26	
2/8/2016	NEF	Proof of Electronic Service	Transaction 5358358 - Approved By: NOREVIEW : 02-08-2016:13:32:41	
2/9/2016	NEF	Proof of Electronic Service	Transaction 5361374 - Approved By: NOREVIEW : 02-09-2016:15:57:48	
2/9/2016	NEF	Proof of Electronic Service	Transaction 5359706 - Approved By: NOREVIEW : 02-09-2016:09:32:09	
2/9/2016	2280	Mtn to Continue	MOTION TO CONTINUE TRIAL - Transaction 5360937 - Approved By: MCHOLICO : 02-09-2016:15:56:44	
2/10/2016	3880	Response...	RESPONSE TO DEFENDANT'S MOTION TO CONTINUE TRIAL - Transaction 5361897 - Approved By: YVILOF	
2/10/2016	NEF	Proof of Electronic Service	Transaction 5361945 - Approved By: NOREVIEW : 02-10-2016:08:27:10	
2/12/2016	3060	Ord Granting Mtn ...	FOR EQUAL ACCESS TO JUROR INFORMATION - Transaction 5367760 - Approved By: NOREVIEW : 02-12-2	
2/12/2016	3915	Scheduling Order	RE: PRETRIAL MOTIONS AND OTHER MATTERS - Transaction 5367760 - Approved By: NOREVIEW : 02-12-:	
2/12/2016	S200	Request for Submission Complet	ORDER	
2/12/2016	NEF	Proof of Electronic Service	Transaction 5367762 - Approved By: NOREVIEW : 02-12-2016:12:32:30	
2/19/2016	NEF	Proof of Electronic Service	Transaction 5377547 - Approved By: NOREVIEW : 02-19-2016:13:38:26	
2/19/2016	2645	Opposition to Mtn ...	OPPOSITION TO DEFENDANT'S MOTION TO SUPPRESS STATEMENTS - Transaction 5376956 - Approved f	
2/19/2016	NEF	Proof of Electronic Service	Transaction 5378323 - Approved By: NOREVIEW : 02-19-2016:16:39:56	
2/19/2016	2645	Opposition to Mtn ...	OPPOSITION TO DEFENDANT'S SECOND MOTION TO SUPPRESS (ARREST WARRANT) - Transaction 537	
2/19/2016	2645	Opposition to Mtn ...	OPPOSTITION TO MOTION TO QUASH SUBPOENAS DUCES TECUM - Transaction 5377908 - Approved By:	
2/22/2016	NEF	Proof of Electronic Service	Transaction 5378767 - Approved By: NOREVIEW : 02-22-2016:09:00:04	
2/22/2016	MIN	***Minutes	Motion for Continuance 2/10/16 - Transaction 5378787 - Approved By: NOREVIEW : 02-22-2016:09:11:38	
2/22/2016	NEF	Proof of Electronic Service	Transaction 5378791 - Approved By: NOREVIEW : 02-22-2016:09:12:34	
2/29/2016	3790	Reply to/in Opposition	REPLY TO DEFENDANT'S OPPOSITION RE: MOTION TO QUASH SUBPOENAS DUCES TECUM - Transacti	
2/29/2016	3860	Request for Submission	STATE'S MOTION TO QUASH SUBPOENA DUCES TECUM OF FEBRUARY 3, 2016 (NO PAPER ORDER PR	
3/1/2016	NEF	Proof of Electronic Service	Transaction 5393010 - Approved By: NOREVIEW : 03-01-2016:08:46:31	
3/1/2016	NEF	Proof of Electronic Service	Transaction 5393034 - Approved By: NOREVIEW : 03-01-2016:08:54:52	
3/3/2016	3860	Request for Submission	ALL MOTIONS, PLEADINS, AND ORAL ARGUMENTS (NO PAPER ORDER PROVIDED) - Transaction 539993	
3/3/2016	3790	Reply to/in Opposition	REPLY TO STATE'S OPPOSITION TO MR. OJEDA'S FIRST MOTION TO SUPPRESS - Transaction 5399894 -	
3/4/2016	NEF	Proof of Electronic Service	Transaction 5400442 - Approved By: NOREVIEW : 03-04-2016:09:17:12	
3/4/2016	NEF	Proof of Electronic Service	Transaction 5400429 - Approved By: NOREVIEW : 03-04-2016:09:10:42	
3/4/2016	3790	Reply to/in Opposition	REPLY TO STATE'S OPPOSITION TO MR. OJEDA'S SECOND MOTION TO SUPPRESS - Transaction 540207	
3/7/2016	3860	Request for Submission	ALL MOTIONS, PLEADINGS, AND ORAL ARGUMENTS (NO PAPER ORDER PROVIDED) - Transaction 5402	
3/7/2016	NEF	Proof of Electronic Service	Transaction 5402441 - Approved By: NOREVIEW : 03-07-2016:08:42:44	
3/7/2016	NEF	Proof of Electronic Service	Transaction 5402526 - Approved By: NOREVIEW : 03-07-2016:09:07:47	
3/9/2016	S200	Request for Submission Complet	DUPLICATE SUBMISSION	

Case Description: STATE VS. FRANCISCO MERINO OJEDA (D6)				
Case ID:	CR15-0829	Case Type:	CRIMINAL	Initial Filing Date: 5/29/2015
3/10/2016	1695	** Exhibit(s) ...		
3/14/2016	S200	Request for Submission Complet	hearing on motions continued to 3/21/16	
3/17/2016	S200	Request for Submission Complet	ORAL ARGUMENTS SET FOR 3/21.	
3/18/2016	4105	Supplemental ...	SUPPLEMENT TO SECOND MOTION TO SUPPRESS - Transaction 5425306 - Approved By: YVILORIA : 03-11	
3/18/2016	NEF	Proof of Electronic Service	Transaction 5425400 - Approved By: NOREVIEW : 03-18-2016:14:55:56	
3/21/2016	NEF	Proof of Electronic Service	Transaction 5426187 - Approved By: NOREVIEW : 03-21-2016:09:00:06	
3/21/2016	3880	Response...	RESPONSE TO DEFENDANT'S SUPPLEMENT TO SECOND MOTION TO SUPPRESS (ARREST WARRANT)	
3/24/2016	NEF	Proof of Electronic Service	Transaction 5433926 - Approved By: NOREVIEW : 03-24-2016:13:35:49	
3/24/2016	4185	Transcript	Motion to Continue - 2-10-16 - Transaction 5433925 - Approved By: NOREVIEW : 03-24-2016:13:34:49	
4/21/2016	NEF	Proof of Electronic Service	Transaction 5478920 - Approved By: NOREVIEW : 04-21-2016:15:20:46	
4/21/2016	MIN	***Minutes	Pretrial Motions 3/7/16 - 3/9/16 - Transaction 5478911 - Approved By: NOREVIEW : 04-21-2016:15:19:50	
4/22/2016	4185	Transcript	3/21/16 - Pretrial Motions - Transaction 5479575 - Approved By: NOREVIEW : 04-22-2016:08:02:24	
4/22/2016	NEF	Proof of Electronic Service	Transaction 5479576 - Approved By: NOREVIEW : 04-22-2016:08:03:14	
5/5/2016	NEF	Proof of Electronic Service	Transaction 5500891 - Approved By: NOREVIEW : 05-05-2016:11:43:39	
5/5/2016	4075	Substitution of Counsel	JOSEPH GOODNIGHT PD IN PLACE OF CHRISTOPHER FREY PD / DEFT FRANCISCO MERINO OJEDA - T	
5/6/2016	NEF	Proof of Electronic Service	Transaction 5504462 - Approved By: NOREVIEW : 05-06-2016:15:53:08	
5/6/2016	3870	Request	Transaction 5504215 - Approved By: MCHOLICO : 05-06-2016:15:52:05	
5/18/2016	3370	Order ...	VACATING STATUS HEARING - Transaction 5521330 - Approved By: NOREVIEW : 05-18-2016:13:39:00	
5/18/2016	NEF	Proof of Electronic Service	Transaction 5521343 - Approved By: NOREVIEW : 05-18-2016:13:42:12	
5/25/2016	2520	Notice of Appearance	SEAN SULLIVAN, PD / FRANCISCO MERINO OJEDA - Transaction 5532976 - Approved By: MCHOLICO : 05-	
5/25/2016	NEF	Proof of Electronic Service	Transaction 5533003 - Approved By: NOREVIEW : 05-25-2016:15:27:02	
6/1/2016	NEF	Proof of Electronic Service	Transaction 5540776 - Approved By: NOREVIEW : 06-01-2016:12:15:35	
6/1/2016	NEF	Proof of Electronic Service	Transaction 5540784 - Approved By: NOREVIEW : 06-01-2016:12:17:14	
6/1/2016	4185	Transcript	Motion to Suppress - 3-9-16 - Transaction 5540792 - Approved By: NOREVIEW : 06-01-2016:12:19:43	
6/1/2016	4185	Transcript	Motion to Suppress - 3-8-16 - Transaction 5540778 - Approved By: NOREVIEW : 06-01-2016:12:16:14	
6/1/2016	4185	Transcript	Motion to Suppres - 3-7-16 - Transaction 5540771 - Approved By: NOREVIEW : 06-01-2016:12:14:33	
6/1/2016	NEF	Proof of Electronic Service	Transaction 5540801 - Approved By: NOREVIEW : 06-01-2016:12:20:54	
6/9/2016	MIN	***Minutes	3/21/16 - PRE-TRIAL MOTIONS - Transaction 5555734 - Approved By: NOREVIEW : 06-09-2016:15:21:10	
6/9/2016	NEF	Proof of Electronic Service	Transaction 5555737 - Approved By: NOREVIEW : 06-09-2016:15:22:11	
6/13/2016	NEF	Proof of Electronic Service	Transaction 5559487 - Approved By: NOREVIEW : 06-13-2016:13:39:57	
6/13/2016	4075	Substitution of Counsel	KATE HICKMAN PD - FRANCISCO MERINO OJEDA - Transaction 5559114 - Approved By: CSULEZIC : 06-13-	
12/13/2016	3025	Ord Granting/Denying in Part	MOTION TO SUPPRESS STATEMENTS AND DNA - Transaction 5850624 - Approved By: NOREVIEW : 12-13-	
12/13/2016	NEF	Proof of Electronic Service	Transaction 5850627 - Approved By: NOREVIEW : 12-13-2016:11:29:33	
12/22/2016	MIN	***Minutes	Status Hrg 12/21/16 - Transaction 5868654 - Approved By: NOREVIEW : 12-22-2016:13:46:45	
12/22/2016	NEF	Proof of Electronic Service	Transaction 5868666 - Approved By: NOREVIEW : 12-22-2016:13:47:51	
1/18/2017	4075	Substitution of Counsel	JOSEPH GOODNIGHT PD - Transaction 5902731 - Approved By: CSULEZIC : 01-18-2017:12:58:17	
1/18/2017	NEF	Proof of Electronic Service	Transaction 5902883 - Approved By: NOREVIEW : 01-18-2017:12:59:20	
3/2/2017	NEF	Proof of Electronic Service	Transaction 5975861 - Approved By: NOREVIEW : 03-02-2017:08:50:30	
3/2/2017	1188	Supreme Court Receipt for Doc	SUPREME COURT NO. 72456 / RECEIPT FOR DOCUMENTS - Transaction 5975857 - Approved By: NOREVIEW	

Case Description: STATE VS. FRANCISCO MERINO OJEDA (D6)

Case ID:	CR15-0829	Case Type:	CRIMINAL	Initial Filing Date:	5/29/2015
4/17/2017	NEF	Proof of Electronic Service	Transaction 6054175 - Approved By: NOREVIEW : 04-17-2017:11:08:26		
4/17/2017	4126	Supreme Ct Order Directing...	SUPREME COURT NO. 72456 / ORDER DIRECTING ANSWER - Transaction 6054170 - Approved By: NOREVIEW : 04-17-2017:11:08:26		
8/24/2017	2842	Ord Denying Motion	SECOND MOTION TO SUPPRESS [ARREST WARRANT] WRITTEN FINDINGS ISSUED AFTER ORAL RULING		
8/24/2017	NEF	Proof of Electronic Service	Transaction 6267393 - Approved By: NOREVIEW : 08-24-2017:16:20:20		
8/29/2017	1105	Amended Ord and/or Judgment	DENYING SECOND MOTION TO SUPPRESS [ARREST WARRANT] - Transaction 6272556 - Approved By: NOREVIEW : 08-29-2017:10:19:48		
8/29/2017	NEF	Proof of Electronic Service	Transaction 6272559 - Approved By: NOREVIEW : 08-29-2017:10:19:48		
9/14/2017	NEF	Proof of Electronic Service	Transaction 6300001 - Approved By: NOREVIEW : 09-14-2017:14:25:38		
9/14/2017	4125	Supreme Court Order...	SUPREME COURT NO. 72456 / ORDER RE: SCHEDULING OF ORAL ARGUMENT - Transaction 6299990 - Approved By: NOREVIEW : 09-14-2017:14:25:38		
9/28/2017	1250	Application for Setting	STATUS HEARING 10/04/17 @9:00 - Transaction 6321706 - Approved By: CSULEZIC : 09-28-2017:10:26:36		
9/28/2017	NEF	Proof of Electronic Service	Transaction 6321837 - Approved By: NOREVIEW : 09-28-2017:10:27:38		
10/9/2017	4185	Transcript	Status Hearing October 4, 2017 - Transaction 6337958 - Approved By: NOREVIEW : 10-09-2017:16:13:28		
10/9/2017	NEF	Proof of Electronic Service	Transaction 6337961 - Approved By: NOREVIEW : 10-09-2017:16:14:26		
12/26/2017	4133	Supreme Court Notice	SUPREME COURT NO. 72456 / ORAL ARGUMENT REMINDER NOTICE - Transaction 6454215 - Approved By: NOREVIEW : 12-26-2017:15:47:36		
12/26/2017	NEF	Proof of Electronic Service	Transaction 6454217 - Approved By: NOREVIEW : 12-26-2017:15:47:36		
1/23/2018	NEF	Proof of Electronic Service	Transaction 6494862 - Approved By: NOREVIEW : 01-23-2018:15:39:22		
1/23/2018	MIN	***Minutes	10/4/17 STATUS HEARING - Transaction 6494859 - Approved By: NOREVIEW : 01-23-2018:15:38:33		
6/26/2018	3860	Request for Submission	Transaction 6747335 - Approved By: YVILORIA : 06-26-2018:13:14:49		
6/26/2018	3860	Request for Submission	Transaction 6747335 - Approved By: YVILORIA : 06-26-2018:13:14:49		
6/26/2018	3860	Request for Submission	Transaction 6747335 - Approved By: YVILORIA : 06-26-2018:13:14:49		
6/26/2018	3860	Request for Submission	Transaction 6747335 - Approved By: YVILORIA : 06-26-2018:13:14:49		
6/26/2018	NEF	Proof of Electronic Service	Transaction 6747599 - Approved By: NOREVIEW : 06-26-2018:13:15:56		
6/26/2018	3860	Request for Submission	Transaction 6747335 - Approved By: YVILORIA : 06-26-2018:13:14:49		
6/26/2018	3860	Request for Submission	Transaction 6747335 - Approved By: YVILORIA : 06-26-2018:13:14:49		
6/28/2018	NEF	Proof of Electronic Service	Transaction 6752658 - Approved By: NOREVIEW : 06-28-2018:13:49:39		
6/28/2018	4045	Stipulation to Continuance	Transaction 6752536 - Approved By: YVILORIA : 06-28-2018:13:48:49		
6/29/2018	NEF	Proof of Electronic Service	Transaction 6754785 - Approved By: NOREVIEW : 06-29-2018:12:21:28		
6/29/2018	3020	Ord Granting Continuance	Transaction 6754783 - Approved By: NOREVIEW : 06-29-2018:12:20:26		
7/11/2018	NEF	Proof of Electronic Service	Transaction 6772010 - Approved By: NOREVIEW : 07-11-2018:16:54:38		
7/11/2018	3915	Scheduling Order	RE PRETRIAL MOTIONS AND OTHER MATTERS - Transaction 6771975 - Approved By: NOREVIEW : 07-11-2018:16:54:38		
7/11/2018	S200	Request for Submission Completed	SCHEDULING ORDER - ORAL ARGS ON 8/7/18		
7/11/2018	S200	Request for Submission Completed	SCHEDULING ORDER SETTING ORAL ARGS ON 8/7/18		
7/11/2018	S200	Request for Submission Completed	SCHEDULING ORDER - ORAL ARGS ON 8/7/18		
7/11/2018	S200	Request for Submission Completed	SCHEDULING ORDER - ORAL ARGS 8/7/18		
7/11/2018	S200	Request for Submission Completed	SCHEDULING ORDER - ORAL ARGS ON 8/7/18		
7/11/2018	S200	Request for Submission Completed	SCHEDULING ORDER - ORAL ARGS 8/7/18		
8/7/2018	NEF	Proof of Electronic Service	Transaction 6817280 - Approved By: NOREVIEW : 08-07-2018:15:46:51		
8/7/2018	1095	Amended Information			
8/7/2018	1785	Guilty Plea Memo/Agreement	Transaction 6817267 - Approved By: NOREVIEW : 08-07-2018:15:45:17		
9/3/2018	4185	Transcript	8-7-18 Change of Plea - Transaction 6860754 - Approved By: NOREVIEW : 09-03-2018:13:42:58		

Case Description: STATE VS. FRANCISCO MERINO OJEDA (D6)

Case ID:	CR15-0829	Case Type:	CRIMINAL	Initial Filing Date:	5/29/2015
9/3/2018	NEF	Proof of Electronic Service	Transaction 6860755 - Approved By: NOREVIEW : 09-03-2018:13:43:48		
9/25/2018	4500	PSI - Confidential	Transaction 6896845 - Approved By: JAPARICI : 09-25-2018:12:40:53		
9/25/2018	NEF	Proof of Electronic Service	Transaction 6896893 - Approved By: NOREVIEW : 09-25-2018:12:42:09		
10/4/2018	2280	Mtn to Continue	Transaction 6911382 - Approved By: PMSEWELL : 10-04-2018:11:01:57		
10/4/2018	NEF	Proof of Electronic Service	Transaction 6911406 - Approved By: NOREVIEW : 10-04-2018:11:04:00		
10/9/2018	1250	Application for Setting	10/10/18 AT 0900 - MOTION HRG - Transaction 6917301 - Approved By: NMASON : 10-09-2018:07:20:09		
10/9/2018	NEF	Proof of Electronic Service	Transaction 6917308 - Approved By: NOREVIEW : 10-09-2018:07:20:53		
10/9/2018	NEF	Proof of Electronic Service	Transaction 6919050 - Approved By: NOREVIEW : 10-09-2018:15:11:39		
10/9/2018	MIN	***Minutes	ARRAIGNMENT/CHANGE OF PLEA - Transaction 6919036 - Approved By: NOREVIEW : 10-09-2018:15:10:30		
10/17/2018	NEF	Proof of Electronic Service	Transaction 6932179 - Approved By: NOREVIEW : 10-17-2018:09:51:28		
10/17/2018	4045	Stipulation to Continuance	Transaction 6932133 - Approved By: PMSEWELL : 10-17-2018:09:50:06		
10/18/2018	3020	Ord Granting Continuance	Transaction 6935146 - Approved By: NOREVIEW : 10-18-2018:12:09:40		
10/18/2018	NEF	Proof of Electronic Service	Transaction 6935148 - Approved By: NOREVIEW : 10-18-2018:12:10:40		
12/7/2018	NEF	Proof of Electronic Service	Transaction 7014229 - Approved By: NOREVIEW : 12-07-2018:15:14:44		
12/7/2018	4120	Supreme Court Opinion	SUPREME COURT NO. 72456 / 134 NEV., ADVANCE OPINION - Transaction 7014220 - Approved By: NOREVIEW : 12-07-2018:15:14:44		
12/12/2018	NEF	Proof of Electronic Service	Transaction 7020295 - Approved By: NOREVIEW : 12-12-2018:12:05:01		
12/12/2018	NEF	Proof of Electronic Service	Transaction 7020489 - Approved By: NOREVIEW : 12-12-2018:13:16:25		
12/12/2018	NEF	Proof of Electronic Service	Transaction 7021346 - Approved By: NOREVIEW : 12-12-2018:16:22:47		
12/12/2018	1930	Letters ...	Transaction 7020057 - Approved By: JAPARICI : 12-12-2018:12:03:03		
12/12/2018	1930	Letters ...	Transaction 7020057 - Approved By: JAPARICI : 12-12-2018:12:03:03		
12/12/2018	1960	Memorandum ...	SENTENCING MEMORANDUM - Transaction 7021147 - Approved By: CSULEZIC : 12-12-2018:16:21:36		
12/12/2018	1652	Evaluations	PSYCHOLOGICAL EVALUATION TO BE FILLED - Transaction 7020057 - Approved By: JAPARICI : 12-12-2018:16:21:36		
12/12/2018	2280	Mtn to Continue	MOTION FOR CONTINUANCE - Transaction 7020306 - Approved By: YVILORIA : 12-12-2018:13:15:25		
12/12/2018	2140	Mtn Ord Shortening Time	MOTION FOR ORDER SHORTENING TIME - Transaction 7020306 - Approved By: YVILORIA : 12-12-2018:13:15:25		
12/13/2018	NEF	Proof of Electronic Service	Transaction 7023452 - Approved By: NOREVIEW : 12-13-2018:15:13:01		
12/13/2018	2645	Opposition to Mtn ...	OPPOSITION TO DEFENDANT'S MOTION FOR CONTINUANCE - Transaction 7023245 - Approved By: PMSEWELL : 12-13-2018:15:13:01		
12/13/2018	2630	Objection to ...	OBJECTION TO THE STATE'S "SENTENCING MEMORANDUM" AND MOTION FOR "SENTENCING MEMORANDUM" - Transaction 7023245 - Approved By: PMSEWELL : 12-13-2018:15:13:01		
12/14/2018	NEF	Proof of Electronic Service	Transaction 7024326 - Approved By: NOREVIEW : 12-14-2018:08:49:15		
12/14/2018	NEF	Proof of Electronic Service	Transaction 7025239 - Approved By: NOREVIEW : 12-14-2018:12:53:19		
12/14/2018	1850	Judgment of Conviction	Transaction 7025235 - Approved By: NOREVIEW : 12-14-2018:12:52:21		
12/14/2018	2630	Objection to ...	OBJECTION TO EXHIBITS UNTIMELY DISCLOSED AND EXCEEDING THE SCOPE OF ALLOCUTION - Transaction 7025235 - Approved By: NOREVIEW : 12-14-2018:12:52:21		
12/14/2018	COLL	Sent to Collections	14-DEC-2018		
12/14/2018	NEF	Proof of Electronic Service	Transaction 7024243 - Approved By: NOREVIEW : 12-14-2018:08:26:55		
1/7/2019	NEF	Proof of Electronic Service	Transaction 7053503 - Approved By: NOREVIEW : 01-07-2019:10:00:25		
1/7/2019	4131	Supreme Ct Not/Lieu/Remittitur	SUPREME COURT NO. 72456 / NOTICE IN LIEU OF REMITTITUR - Transaction 7053500 - Approved By: NOREVIEW : 01-07-2019:10:00:25		
1/14/2019	1310	Case Appeal Statement	CASE APPEAL STATEMENT - Transaction 7065087 - Approved By: YVILORIA : 01-14-2019:08:34:46		
1/14/2019	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 7065746 - Approved By: YVILORIA : 01-14-2019:08:34:46		
1/14/2019	2230	Mtn Trial Trans. Public Exp	MOTION FOR TRANSCRIPT(S) AT COUNTY EXPENSE - Transaction 7065091 - Approved By: YVILORIA : 01-14-2019:08:35:00		
1/14/2019	3868	Req to Crt Rptr - Rough Draft	REQUEST FOR TRANSCRIPT(S) - Transaction 7065089 - Approved By: YVILORIA : 01-14-2019:08:35:00		

Case Description: STATE VS. FRANCISCO MERINO OJEDA (D6)

Case ID:	CR15-0829	Case Type:	CRIMINAL	Initial Filing Date:	5/29/2015
1/14/2019	NEF	Proof of Electronic Service	Transaction 7065330 - Approved By: NOREVIEW : 01-14-2019:09:47:38		
1/14/2019	NEF	Proof of Electronic Service	Transaction 7065105 - Approved By: NOREVIEW : 01-14-2019:08:36:23		
1/14/2019	NEF	Proof of Electronic Service	Transaction 7065103 - Approved By: NOREVIEW : 01-14-2019:08:36:02		
1/14/2019	NEF	Proof of Electronic Service	Transaction 7065100 - Approved By: NOREVIEW : 01-14-2019:08:35:44		
1/14/2019	NEF	Proof of Electronic Service	Transaction 7065099 - Approved By: NOREVIEW : 01-14-2019:08:35:30		
1/14/2019	2520	Notice of Appearance	JOHN REESE PETTY PD / DEFT FRANCISCO OJEDA - Transaction 7065080 - Approved By: YVILORIA : 01-14-2019:08:34:27		
1/14/2019	2515	Notice of Appeal Supreme Court	NOTICE OF APPEAL - Transaction 7065083 - Approved By: YVILORIA : 01-14-2019:08:34:27		
1/14/2019	NEF	Proof of Electronic Service	Transaction 7065754 - Approved By: NOREVIEW : 01-14-2019:11:16:59		

1 **CODE 1850**

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5
6 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7 **IN AND FOR THE COUNTY OF WASHOE**

8
9 **STATE OF NEVADA,**

10 **Plaintiff,**

11 **vs.**

Case No. CR15-0829

12 **FRANCISCO MERINO OJEDA,**

Dept. No. 6

13 **Defendant.**
14 _____/

15 **JUDGMENT OF CONVICTION**

16 The Defendant, having entered a plea of guilty, and no legal reason or cause
17 existing to preclude entry of judgment against him, the Court rendered judgment as
18 follows:

19 1. Francisco Merino Ojeda, is guilty of the crime of Murder of the First
20 Degree, a violation of NRS 200.010 and NRS 200.030, a category A felony, as charged in
21 the Amended Information.

22 2. He is punished by:

23 a) Imprisonment in the Nevada Department of Corrections for a
24 term of life without the possibility of parole, to be served concurrently with the sentence
25 imposed in RCR16-87703, with credit for one thousand three hundred seventy-five (1375)
26 days time served.

27 b) Payment to the Clerk of the Second Judicial District Court of
28 the following amounts:

1. Twenty-Five Dollar (\$25.00) administrative assessment fee; and

2. Three Dollar (\$3.00) administrative assessment for obtaining a biological specimen and conducting a genetic marker analysis; and

3. One Thousand Nine Hundred Fifty-One and 12/100ths Dollars (\$1,951.12) for extradition cost; and

4. Five Hundred Dollars (\$500.00) for legal representation;

5. One Hundred Fifty Dollar (\$150.00) DNA Analysis fee.

Defendant shall submit to a DNA analysis to determine the presence of genetic markers, if not previously ordered.

Any fine, fee or administrative assessment imposed upon the Defendant as reflected in this Judgment of Conviction constitutes a lien, as defined in Nevada Revised Statutes (NRS 176.275). Should the Defendant not pay these fines, fees, or assessments, collection efforts may be undertaken.

Dated the 14th day of December, 2018.

DISTRICT JUDGE

CASE NO CR15-0829 STATE V FRANCISCO MERINO OJEDA

**DATE, JUDGE
OFFICERS OF**

COURT PRESENT	APPEARANCES-HEARING	CONT'D TO
6/10/15	<u>ARRAIGNMENT</u>	2/17/16 @
HONORABLE	Deputy District Attorney Luke Prengaman represented the State. Defendant was	1:30 p.m.
LYNNE	present with counsel, Chris Frey, Esq. and interpreter Alvaro Degives-Mas.	Mtn to
SIMONS	Appearance put on the record.	Confirm
DEPT. 6	TRUE NAME AS STATED ON LINE 12 OF THE INFORMATION; defense in	
Y. Gentry	receipt of Information; waived formal reading.	3/7/16 @
(Clerk)	Counsel for the Defendant addressed the Court and advised Defendant will be	9:00 a.m.
Schonlau	pleading not guilty and will waive his right to trial within 60 days. Counsel	Trial
(Reporter)	requested trial be set in March.	
Bickerton	COURT canvassed Defendant regarding plea and right to trial.	
(Bailiff)	Defendant pled not guilty and waived his right to trial within 60 days.	
Labadie	COURT SET trial for March 7, 2016 for two (2) weeks and set a Motion to Confirm	
(Prob. Ofcr)	Trial/Pretrial Motions hearing for February 17, 2016.	
	DEFENDANT was present in custody.	

CASE NO. CR15-0829 STATE V FRANCISCO MERINO OJEDA

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES - HEARING

CONT'D TO

2/10/2016
HONORABLE
LYNNE SIMONS
DEPT. NO. 6
Y. GENTRY
(Clerk)
Schonlau
(Reporter)
Masters
(Bailiff)
Villa
(Prob. Ofcr)

MOTION FOR CONTINUANCE

Deputy District Attorney Luke Prengaman represented the State. Defendant was present with counsel, Chris Frey, Esq. with interpreters Maria Davis and Alvaro Degives-Mas.

Appearances put on the record.

COURT advised this is the time set for Motion to Continue Trial.

Counsel for Defendant addressed the Court and advised a continuance was eluded to in January; that defense thought the State had consented to a continuance, but the State did not. Counsel further laid out what has been done in the case, DNA, and statements; that the statements have been challenged; challenge of the DNA; that a murder trial pending 8 months is not long. Counsel presented argument that Defendant is facing rest of life in prison; that once motion was filed, negotiations terminated; that Defendant reached out in November to try to settle; that defense was rejected; that there is another settlement offer out there; that the State may not be entertaining any offer. Counsel further argued that defense had to retain a DNA expert; that the expert was retained in late January. Counsel further advised that defense would like to reach a settlement but also need to retain a DNA expert through public resources. Counsel further requested that the State be transparent about settlement and that that will effect resources.

Discussion ensued between Court and Counsel Frey regarding DNA and linguistic expert to analyze interview in Southern California; DNA expert retained; DNA results analyzed. COURT advised it required that this be put on the record because defense chose the date, March 7, 2016, for trial.

COURT further advised that it is inclined to grant motion and will require parameters on all motions.

Counsel for State addressed the Court and presented argument that defense is saying that they are not ready; that the State understands the Court's inclination to grant continuance; that defense is trying to shift blame to State by not talking to defense regarding settlement and defense not retaining an expert.

Discussion ensued between Court and Counsel Prengaman regarding settlement offer/negotiations and what the State may or may not do pursuant to office policy.

Discussion ensued regarding electronic data CD-ROM; that the State crime lab has that; that the defense would have to show need for items.

Counsel for State argued that there is well over 100 samples regarding DNA; that is a significant amount of analysis in the case; that the case is from 2004; that it will take the crime lab significant amount of time to process.

COURT REQUIRED defense to request what materials are needed; that the State is to advised the crime lab that this may be heading their way.

COURT GRANTED motion to continue trial and gave options for new trial date.

Counsel Frey addressed the Court and advised Motions hearing can be heard in March. COURT ORDERED Trial be set for January 9, 2017 for two (2) weeks; that Defendant

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES - HEARING

CONT'D TO

2/10/2016

MOTION FOR CONTINUANCEHONORABLE
LYNNE SIMONS
DEPT. NO. 6
Y. GENTRY
(Clerk)
Schonlau
(Reporter)
Masters
(Bailliff)
Villa
(Prob. Ofcr)

has consented to the new trial date.

COURT FURTHER ORDERED parties to stipulate to what can be agreed to and what is still at issue.

COURT advised there are two Motions to Suppress that have not been submitted; that the State hasn't filed oppositions yet.

COURT further advised that it will allow equal access to juror information; GRANTED Motion and required the State to deliver a hard copy to the Court by 4pm Friday before trial; that Defense may pick up before 5pm on that Friday. Court advised it will provide a written order.

COURT ORDERED Pretrial Motions hearings set for March 7th and 8th, 2016 at 9:00 a.m. and March 9th 2016 at 1:00 p.m., if necessary; that parties are to designate by 29th of February what motions to be heard and during Pretrial Motions, another date will be set for further pretrial motions hearing regarding motions that may need to be decided later. COURT ORDERED a Motion to Confirm Hearing date for December 9, 2016 at 9:00 a.m.

Counsel Prengaman addressed the Court and advised Defense is challenging translation; that State is entitled to defense's material if there is another translation or other material. Presented argument.

COURT advised it will rule on Motion to Quash after opposition is filed.
Court recessed.

CASE NO. CR15-0829 **STATE V FRANCISCO MERINO OJEDA**

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES - HEARING

CONT'D TO

3/7/16
HONORABLE
LYNNE SIMONS
DEPT. NO. 6
Y. GENTRY
(Clerk)
Schonlau
(Reporter)
Masters
(Bailiff)

PRETRIAL MOTIONS

Deputy District Attorney Luke Prengaman was presented on behalf of the State. Defendant was present with Deputy Public Defender Chris Frey and Interpreters Ixtla Magalon, Olivia Hernandez, and Maria Davis.

Exhibits 1A – 5B Marked before hearing.

COURT advised this is the time set for pretrial motions.

Appearances put on the record.

Counsel Prengaman addressed the Court and advised the State printed the reply this morning and will try to read through. Counsel doesn't believe motion regarding arrest warrant needs a *Franks* hearing and presented argument.

Motion to Suppress regarding Statements/Arrest

Counsel Frey addressed the Court and presented argument for a *Franks* hearing; regarding omissions of what was known, what was withheld. Counsel requested to inquire of Officer Chalmers on issue of sufficient evidence.

Counsel Prengaman opposed inquiry of Officer Chalmers and *Franks* hearing.

Discussion ensued.

Counsel Prengaman presented further argument regarding *Franks* hearing; no affirmative showing; that it is limited to magistrate's decision.

Counsel Frey presented further argument regarding making of affirmative showing.

Discussion ensued between Court and Counsel Frey.

Counsel Frey presented further argument regarding disclosure to magistrate; wasn't sufficient information to magistrate; report from Officer Chalmers and lab report.

Counsel Prengaman presented further argument that defense is not satisfied with report; that Defense has had DNA report for a long time; that Defense is speculating. Counsel argued that it is not the standing of *Franks*.

COURT advised that based upon the information provided and oral arguments, the Court concurs with State; that Defendant did not make requisite of standard as required by *Franks*.

Motion to Suppress regarding DNA

Counsel Prengaman advised there is no challenge to extradition interview; that there are three separate contacts: Field contact (initial contact); Ride to Orange County Sheriff's Office contact; and interview at Orange County Sheriff's Office contact. Counsel presented argument regarding Counsel Frey's challenges regarding contact within car ride back to Reno (extradition to San Francisco to Reno). Counsel argued regarding no direct challenge.

Counsel Frey addressed the Court and argued challenge to field contact regarding statements; challenging interview at Orange County Sheriff's Office; challenging that Miranda Warning was defective; challenge of extradition ride – *Siebert* issue. Counsel

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES - HEARING

CONT'D TO

3/7/16
HONORABLE
LYNNE SIMONS
DEPT. NO. 6
Y. GENTRY
(Clerk)
Schonlau
(Reporter)
Masters
(Bailiff)

PRETRIAL MOTIONS

presented argument that contacts were defective in nature. Counsel presented further argument regarding exclusion of extradition interview. COURT reiterated that defense is challenging all four contacts because first contact was defective. Counsel Prengaman presented argument regarding *Seibert* claim. Discussion ensued. Counsel Frey presented further argument. Rule of exclusion invoked.

Christina Gonzalez called by State's counsel, sworn and testified. Cross examination by Counsel Frey; re-direct examination by Counsel Prengaman.

Exhibits 1A – 5B Offered; objection based upon lack of proper credentials – not court certified; lack of foundation; **Objection overruled, Admitted.**

Counsel Prengaman played audio of partial contact in ride to Reno.

Further re-direct examination of witness Gonzalez; re-cross examination by Defense Counsel Frey. Witness excused.

Ron Chalmers called by State's counsel, sworn and testified. Officer Chalmers identified Defendant. Further direct examination by State's counsel.

10:30 a.m. Court recessed for morning break.

10:50 a.m. Court reconvened. All parties present.

Ron Chalmers retook stand, heretofore sworn. Further direct examination by Counsel Prengaman throughout playback of interview in car.

Exhibits 6 and 7 marked.

Further direct examination by State's Counsel of witness Chalmers.

*****Exhibits 6 and 7 Offered, and with no objection, Admitted*****

Further direct examination by State's counsel during audio playback of interview in car.

12:04 p.m. Court recessed for lunch break.

1:10 p.m. Court reconvened. All parties present.

Officer Chalmers retook the stand. Further direct examination by Counsel Prengaman during audio playback of interview (**Exhibit 3A**).

3:00 p.m. Court recessed for afternoon break.

3:30 p.m. Court reconvened. All parties present.

Further direct examination of witness Chalmers by State's Counsel Prengaman during audio playback of interview (**Exhibit 4A**).

Exhibit 8 Marked.

Further direct examination by Counsel Prengaman.

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES - HEARING

CONT'D TO

3/7/16

PRETRIAL MOTIONS

HONORABLE

Exhibit 8 Offered, and with no objection, Admitted

LYNNE SIMONS

Further direct examination by Counsel Pregarman of witness Chalmers.

DEPT. NO. 6

Y. GENTRY

4:00 p.m. Court recessed until 9:00 a.m. tomorrow morning.

(Clerk)

Schonlau

(Reporter)

Masters

(Bailiff)

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES - HEARING

CONT'D TO

3/8/16

HONORABLE
LYNNE SIMONS
DEPT. NO. 6
Y. GENTRY(Clerk)
Schonlau
(Reporter)
Masters
(Bailiff)**PRETRIAL MOTIONS**

Deputy District Attorney Luke Prengaman was presented on behalf of the State. Defendant was present with Deputy Public Defender Chris Frey and Interpreters Ixtla Magalon and Karla Sullivan.

Exhibits 9, 10A – 10D, and 11 marked before court commenced.

Counsel Prengaman addressed the Court and clarified/misspoke regarding arrest warrant; that Detective Kazmar's report has been given to defense; Detective Allen's was not given to defense; that there is no report from Detective Allen regarding extradition; that what counsel said about crime lab was correct, but clarified wrong name, not Allen, but Kazmar; that defense should have everything, complete series.

Counsel Frey addressed the Court and advised he went back to office and looked for Allen's report; that report is referenced directly to Sergeant Chalmers report. Counsel presented argument regarding report and reference to Allen's report. Counsel presented further argument regarding anonymous resource/information; believes Allen can shed light on it; scope of *Franks* inquiry. Presented further argument.

COURT questioned State regarding pre-*Frank* inquiry of Allen regarding Chalmers.

Counsel Prengaman presented further argument regarding Chalmers and Allen; what they can address.

COURT advised defense can explore further with Chalmers.

Counsel Frey addressed the Court and advised Allen's report and Kazmar's report does not say anything regarding confident informant. Counsel presented argument regarding DNA analysis report; reference sample; and formed basis of application of search warrant; not in report that was referenced in State's comments. Counsel argued regarding component of *Franks* inquiry; no document report of Jack in the Box bag and DNA; no other clarifying information.

Witness Chalmers retook stand, heretofore sworn.

Rule of exclusion invoked.

Further direct examination of witness by State's counsel while video of interview played.

*****Exhibits 10A – 10D Offered, and with no objection, Admitted*****

Further direct examination of witness by State's counsel during playback of video. Cross examination by Counsel Frey.

10:45 a.m. Court recessed for morning break.

11:05 a.m. Court reconvened. All parties present.

Further cross examination by Counsel Frey of witness Chalmers.

12:00 p.m. Court recessed for lunch break.

1:04 p.m. Court reconvened. All parties present.

Day 2

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES - HEARING

CONT'D TO

3/8/16

HONORABLE
LYNNE SIMONS
DEPT. NO. 6
Y. GENTRY
(Clerk)
Schonlau
(Reporter)
Masters
(Bailiff)

PRETRIAL MOTIONS**Day 2**

Witness Chalmers retold the stand, heretofore sworn. Further cross examination by Counsel Frey of witness Chalmers. Counsel passed the witness and presented argument regarding *Franks*.

Counsel Pregarman argued there is no affirmative evidence; no such thing as pre-*Franks*. Counsel requested there should be no such hearing; that defense counsel failed to show evidence.

Counsel Frey presented further argument for *Franks* inquiry; that it should not be denied completely. Counsel argued further regarding identity of anonymous source and material information may have been withheld.

Discussion ensued regarding speaking with Detective Allen between Court and defense counsel.

Counsel Frey presented further argument.

Further discussion ensued regarding *Franks* inquiry.

COURT advised defense allowed to explore and ruling stills stands; that *Franks* hearing is not appropriate at this time.

Re-direct examination by Counsel Pregarman of witness Chalmers. Witness excused.

Ernie Kazmar called by State's counsel Pregarman, sworn and testified. Cross examination by Counsel Frey; re-direct examination by State's counsel.

2:30 p.m. Court recessed for afternoon break.

2:50 pm. Court reconvened. All parties present.

Re-cross examination by Counsel Frey of witness; re-direct examination by State.

Witness excused.

Counsel Frey presented argument for judicial notice of treatise; that counsel attempted to obtain newer edition of definition of Oxford Dictionary.

Counsel Pregarman advised the State is not going to object.

COURT advised it will **admit Exhibit 2 to motion filed February 2, 2016.**

Counsel Frey presented argument regarding Motion to Suppress; that Defendant is moving party.

Motion in Limine filed February 2, 2016 – to suppress DNA

Motion in Limine filed February 5, 2016 – to suppress all evidence based on arrest

Counsel Frey presented argument regarding Motion to Suppress regarding contact in field; that it was custodial in nature; conscientious decision not to Mirandize Defendant; no Miranda warning; Interrogation was '*Innis*' after contact in field. Counsel argued further that all statements are subject to suppression.

Discussion ensued between Court and Counsel Frey.

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES - HEARING

CONT'D TO

3/8/16

HONORABLE
LYNNE SIMONS
DEPT. NO. 6
Y. GENTRY
(Clerk)
Schonlau
(Reporter)
Masters
(Bailiff)

PRETRIAL MOTIONS**Day 2**

Counsel Frey presented further argument on Motion to Suppress #2; that interview was confrontational; that Defendant was never told of that he could speak with an attorney; failure of police to Mirandize during field contact.

Further discussion ensued.

Counsel Frey argued further regarding Defendant not Mirandized at field contact; that Defendant should have been; that there were two admissions of guilt during field contact; that it was an interrogation. Counsel argued *Siebert*; that Miranda was delayed. Counsel argued intentional delay and argued further regarding Miranda rights were defective; that Orange County interview must be suppressed/invalidated. Counsel argued voluntariness also.

Counsel Prengaman presented opposing argument to Defendant's Motion to Suppress; that field contact by Officer Chalmers was consensual contact; that it was not confrontational; not accusatory. Counsel presented further argument that there is no limit on consensual encounter. Counsel cited *U.S. v Kim* case; that it is a detention case. Counsel presented further argument opposing Motion to Suppress and cited *Rosky v State*; argued warrant preparation; argued consensual contact; argued intent to arrest does not convert into custodial contact; that undisclosed plan has no bearing on person being interviewed. Counsel argued further regarding Officer Chalmers and Special Agent Altamirano's interview with Defendant.

Discussion ensued regarding environment of being in custody; interrogation.

Counsel Prengaman argued further regarding field contact with Defendant; that it was not accusatory; was voluntary; that Defendant didn't think he was in custody at the time; Defendant was told DNA was voluntary; that Defendant didn't feel coerced and declined; that Defendant was comfortable enough to decline giving DNA. Counsel argued there was no language barrier; that everything was given in Spanish; that police were not in uniform or aggressive. Counsel stated that the police believe they followed the law; that it was a voluntary statement; that it was not a Miranda event. Counsel cited *Innis* case; that it doesn't apply; and reiterated that Defendant did not think he was in custody until the cuffs were placed on him. Counsel further advised Defendant's statements were spontaneous and cited *U.S v Rhodes* case; Defendants can make voluntary statements in custody; Defendants can make voluntary statements in unlawful custody.

Discussion ensued regarding Miranda doesn't have derivative suppression component; coercive nature regarding Defendant's wife and girls; and not coercive or psychological pressure regarding family.

Counsel Prengaman presented further argument.

COURT advised that hearing will start up again at 1:30 tomorrow and will schedule next pretrial motions hearings at that time. Court adjourned.

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES - HEARING

CONT'D TO

3/9/16

PRETRIAL MOTIONS**Day 3**

HONORABLE
LYNNE SIMONS
DEPT. NO. 6
Y. GENTRY
(Clerk)
Schonlau
(Reporter)
Masters
(Bailiff)

Deputy District Attorney Luke Prengaman was presented on behalf of the State. Defendant was present with Deputy Public Defender Chris Frey and Interpreters Ixtla Magalon. Interpreter Alvaro Degives-Mas joined in proceedings a bit later. Discussion ensued regarding taking turns regarding arguing motions. Counsel Prengaman continued argument regarding voluntariness of statements made by Defendant; that Miranda warnings carry some weight; totality of circumstances; that Defendants may make voluntary statements at any time and at any length. Counsel cited *Colorado v Connelly* and presented further argument regarding voluntary statements; that police did nothing to exploit Defendant; that there were no threats, no deprivation. Counsel further advised Defendant taking breaks during interview; that contacts were conducted in Spanish; that Defendant was not lied to; that Defendant was given valid Miranda warnings.

Discussion ensued between Court and Counsel Prengaman regarding strict compliance of Miranda warning; still need to convey depth of rights.

Counsel Prengaman further argued regarding totality of circumstances; as to police coercion and Defendant's will regarding statements; that Defendant was treated with respect; that Defendant got to see family members. Counsel cited *U.S. v Patane* and continued argument regarding voluntariness of Defendant's statements. *Oregon v Elstad* cited. Counsel further argued that Defendant received adequate Miranda warnings; that contact #3 was voluntary statement; that all contacts were voluntary; that defense is arguing that police can't clarify mis-statements; that police must ask understanding after each right is given; that defense is claiming 'uh huh' are ambiguous. Counsel argued further that Miranda does not have to be verbatim as long as it conveys meaning. Counsel cited *U.S. v Botello-Rosales*; cited *State v Carlson* regarding Miranda rights and substance of Miranda warnings.

Counsel Prengaman played CD (**Exhibit 3A**)

Discussion ensued regarding interpreter not hearing CD being played and simultaneously translating.

Counsel Prengaman played CD (**Exhibit 3A**)

Counsel Prengaman argued further regarding Miranda warnings; substance of warning giving; that all basis of Miranda were touched; that police didn't mislead Defendant; Defendant waived his rights. Counsel cited *People v Mejia-Mendoza* and argued regarding waiver; that statements should be admissible; consensual.

2:50 p.m. Court recessed.

3:17 p.m. Court reconvened. All parties present.

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES - HEARING

CONT'D TO

3/9/16

HONORABLE
LYNNE SIMONS
DEPT. NO. 6
Y. GENTRY
(Clerk)
Schonlau
(Reporter)
Masters
(Bailiff)

PRETRIAL MOTIONS**Day 3**

Counsel Prengaman further argument regarding Miranda warning and cited *Siebert*. Discussion ensued between Court and Counsel Prengaman. Counsel Frey presented argument regarding *Siebert* issue and 2 components; that it has to be a re-warning; that Miranda warning misinterpreted; Defendant should have given cautionary instruction; that extradition interview needs to be struck. Counsel further argued that statements were not voluntarily; that statements were coerced. Counsel argued under the 14 amendment, not 5th amendment. Counsel cited *Procunier v Atchley*, *Colorado v Connelly*, *Dewey v State* regarding proper Miranda warning. Counsel argue further regarding coercion; that *Reid technique* followed by Officer Chalmers. Counsel argued derivative suppression for purposes of 5th amendment. Counsel argued Miranda was distorted; given in contact #3; that Miranda was given in one term by Special Agent Altamirano and given differently by officers.

Discussion ensued between Court and Counsel Frey regarding Miranda warning. Counsel Frey presented further argument regarding *Kim* decision; that it was a custodial interrogation; Miranda warning defects. Counsel cited *State v Carlson*, *Duckworth* and *Colorado v Spring*. Counsel presented further argument regarding DNA consent; that consent was involuntary; that it's linked to defective nature of Miranda warning. Counsel argued further regarding suppression of DNA sample.

Counsel Prengaman addressed the Court and presented further argument opposing Counsel Frey's argument; that you can have unwanted and voluntary statements. Counsel argued 14th amendment and 5th amendment regarding suppression/bill of rights. Counsel argued regarding standard and Miranda rights.

Motion to Suppress regarding warrant regarding DNA

Counsel Frey presented further argument regarding conversation with Detective Allen regarding unknown source.

Counsel Prengaman presented argument that tip is corroborated.

Discussion ensued regarding disclosure of anonymous tip.

Counsel Prengaman presented further argument that standard is corroboration; that it won't change factors.

Counsel Frey addressed the Court regarding rescheduling; hold decision in abeyance.

COURT ADVISED Motion to Suppress Derived from Defendant's arrest based on Warrant and Motion to Quash Subpoena Duces Tecum to be heard at next hearing.

COURT continued hearing to March 21, 2016 at 9:00 a.m.; counsel to hand deliver copy to Court 4 days before hearing and counsel has 2 days to respond.

Court adjourned.

CASE NO. CR15-0829

STATE OF NEVADA VS. FRANCISCO MERINO OJEDA

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

03/21/16
HON. LYNNE K.
SIMONS
DEPT. NO. 6
G. Bartlett
(Clerk)
C. Eisenberg
(Reporter)

PRE-TRIAL MOTIONS

Deputy D.A. Luke Prengaman represented the State.
Defendant present with counsel, Christopher Frey, Deputy Public
Defender.
Interpreters, Alvaro Degives-Mas and Olivia Reinshagen-
Hernandez, also present.
The Court discussed the last hearing and the 2nd Motion to
Suppress regarding the arrest warrant and stated that she has read
the pleadings on the matter.
Counsel Frey addressed the Court and renewed his request for a
Franks Hearing and presented argument thereto; objection and
response by counsel for State.
The Court finds that there is no evidence of intent or design to
mislead the Magistrate.
COURT ORDERED: Request for Franks Hearing is denied. The
Court will issue a written order that will deny the motion to
suppress.
Counsel Frey moved to have the State prepare and file the
PowerPoint presentation used during the State's argument; SO
ORDERED.
The Court noted that the first Motion to Suppress was under
submission and the Court stated that she will issue an order with
regard to said motion directly after the order with regard to the
arrest warrant.
The Court discussed the motion to quash subpoena duces tecum
and discussed the issues that respective counsel should address.
Counsel Prengaman discussed the appropriate use of the
subpoena duces tecum and stated that the defense cannot use it
for discovery and presented further argument in support of the
motion to quash subpoena duces tecum.
Counsel Frey stated that the only items in dispute are the items
listed as 6, 7, 9, 10, and 15 in the exhibit to the State's motion and
discussed his requests for discovery that has been previously
made.

01/09/17
9:00 a.m.
Jury Trial

CASE NO. CR15-0829

STATE OF NEVADA VS. FRANCISCO MERINO OJEDA

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

03/21/16
HON. LYNNE K.
SIMONS
DEPT. NO. 6
G. Bartlett
(Clerk)
C. Eisenberg
(Reporter)

PRE-TRIAL MOTIONS (CONT'D)

The Court made inquiries of respective counsel.

The Court made finding that the subpoena duces tecum is not the appropriate mechanism to seek the information requested by the defense.

COURT ORDERED: Motion to quash subpoena duces tecum is hereby granted. Counsel for defense shall file any requests for discovery with the Court; the State shall comply with any requests within 30 days; the State shall have the ability to request extensions of time.

The Court and respective counsel discussed other motions currently pending before this Court that will be tabled until a date closer to trial.

COURT ORDERED: A Status Hearing shall be set for May 19, 2016 at 9:30 a.m.

Defendant remanded to the custody of the Sheriff.

**DATE, JUDGE
OFFICERS OF**

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

12/21/16	<u>STATUS HEARING</u>	10/18/17 @
HONORABLE	Deputy District Attorney Luke Prengaman represented the State. Defendant was present	9:00 a.m.
LYNNE SIMONS	with counsel, Deputy Public Defender Kate Hickman, Esq. with Ixtla Malagon.	Mtn to
DEPT. 6	Appearances put on the record.	Confirm Trial
Y. Gentry	Discussion ensued regarding setting a new trial date.	
(Clerk)	COURT VACATED January 9, 2017 trial and reset Trial for October 30, 2017 for two weeks	10/30/17 @
Wolden	and set a Motion to Confirm trial hearing on October 18, 2017.	9:00 a.m.
(Reporter)	Defendant had no objection to a continuance.	Trial
Masters	Counsel for State addressed the Court and advised there are no issues at this time; that all	
(Bailiff)	evidence has been disclosed to defense counsel.	
Wilson	DEFENDANT was present in custody.	
(Prob. Spec.)		

**DATE, JUDGE
 OFFICERS OF
 COURT PRESENT**

APPEARANCES-HEARING

CONT'D TO

10/4/17
 HONORABLE
 LYNNE K. SIMONS
 DEPT. NO. 6
 J. Martin
 (Clerk)
 D. Greco
 (Reporter)

STATUS HEARING

Chief Deputy District Attorney Luke Pregarman, Esq. was present on behalf of the State. Defendant was present with counsel, Chief Deputy Public Defenders Katheryn Hickman, Esq. and Joseph Goodnight, Esq. Specialist Heather Lutzow was present on behalf of the Division of Parole and Probation. Court certified interpreter Ixtla Malagon was present translating for the Defendant.

COURT reviewed the procedural history of the matter and discussed the lack of stay in the matter given the Oral Arguments scheduled in front of the Supreme Court.

Counsel Hickman further discussed the issues pending ruling from the Supreme Court.

COURT indicated as its ruling are now the Defense would not be prejudiced at this point and the matter could proceed.

Counsel Pregarman argued that if the matter were to proceed prior to the Supreme Court's ruling the State would be the aggrieved party.

COURT admonished respective counsel regarding the impact of resetting the Trial on their availability of witnesses and experts.

Counsel Hickman indicated the Defense would not have significant expenses if the Trial is reset now.

Counsel Pregarman stated there would be no significant issues with witnesses or expenses if the Trial is reset.

COURT canvassed the Defendant regarding the continuance of the current Trial date; Defendant indicated an agreement with the continuance.

Discussion ensued regarding Trial dates.

COURT ORDERED the Trial set for October 30, 2017, is vacated and reset; Respective counsel shall meet and confer and file a subsequent Status Report with the Court as well as resubmit all Motions that are pending decision from the Court; Respective counsel may request a hearing if needed based on the ruling of the Supreme Court.

Defendant remanded to the custody of the Sheriff.

**6/27/18
 1:30 p.m.
 Status
 Hearing/
 Pre-Trial
 Motions**

**9/10/18
 9:00 a.m.
 Jury Trial
 (2 weeks)**

**DATE, JUDGE
 OFFICERS OF
 COURT PRESENT**

APPEARANCES-HEARING

CONT'D TO

8/7/18
 HONORABLE
 LYNNE K. SIMONS
 DEPT. NO. 6
 J. Martin
 (Clerk)
 L. Clarkson
 (Reporter)

ARRAIGNMENT/CHANGE OF PLEA

Chief Deputy District Attorney Luke Prengaman, Esq. was present on behalf of the State. Defendant was present with counsel, Chief Deputy Public Defender Katheryn Hickman, Esq. Court Certified Interpreter Maria Davis was present translating for the benefit of the Court and the Defendant.

COURT canvassed the Defendant regarding his ability to fully understand the Guilty Plea Memorandum and the ability to discuss the matter adequately with his counsel with the use of a Court Certified Interpreter.

State's counsel provided the Amended Information to the Clerk to be filed.

Defendant acknowledged receipt of the Amended Information; waived reading and entered plea of guilty to Murder of the First Degree as set forth therein.

Corrections were made by interlineation to the Guilty Plea Memorandum. Negotiations recited to the Court by Defense counsel.

State's counsel concurred with the negotiations as recited.

Defendant sworn and fully canvassed by the Court as to his rights and possible penalties for the offense to which he plead.

State's counsel read aloud the charge to which the Defendant plead.

Possible penalty for offense charged related by Defendant.

Defense counsel indicated the Defendant contents that it is the first of the alternatives as set forth in the Amended Information.

Court continued to canvass the Defendant regarding the entry of his plea.

Court accepted plea after finding that the Defendant was freely, voluntarily and competently entering such plea and had been fully advised by counsel.

Discussion ensued regarding the Writ which is pending decision at the Supreme Court.

COURT ORDERED the Defendant to cooperate with the Division of Parole and Probation in the preparation of a PSI.

COURT FURTHER ORDERED matter continued for entry of judgment, consideration of probation report and imposition of sentence.

Defendant remanded to the custody of the Sheriff.

**10/12/18
 9:00 a.m.
 Sentencing**

Code 1350

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

STATE OF NEVADA,

Case No. CR15-0829

Plaintiff,

Dept. No. 6

vs.

FRANCISCO MERINO OJEDA,

Defendant.

CERTIFICATE OF CLERK AND TRANSMITTAL – NOTICE OF APPEAL

I certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe; that on the 14th day of January, 2019, I electronically filed the Notice of Appeal in the above entitled matter to the Nevada Supreme Court.

I further certify that the transmitted record is a true and correct copy of the original pleadings on file with the Second Judicial District Court.

Dated this 14th day of January, 2019

Jacqueline Bryant
Clerk of the Court

By /s/ Yvonne Vilorio
Yvonne Vilorio
Deputy Clerk