

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

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JASON JEROME BOLEN,

Appellant,

*vs.*

THE STATE OF NEVADA,

Respondent.

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Docket No. 79715

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Appeal from a Judgment of Conviction  
Following a Jury Trial and Verdict  
Eighth Judicial District Court, Clark County  
The Honorable Richard F. Scotti, District Judge  
Case No. C-18-334635-1

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**APPELLANT'S APPENDIX  
VOL. 3 OF 3**

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### **CHRONOLOGICAL INDEX**

<b>Description</b>	<b>Vol.</b>	<b>Pages</b>	<b>Date</b>
Transcript: Preliminary Hearing	1	1–32	8/22/2018
Motion for Leave to Amend Information by Affidavit	1	33–67	9/5/2018
Information	1	68–72	12/6/2018
Amended Information	1	73–77	5/28/2019
Transcript: Jury Trial Day 1	1	78–224	5/28/2019
Second Amended Information	2	1–3	5/29/2019
Transcript: Jury Trial Day 2	2	4–175	5/29/2019
Jury Instructions	3	1–19	5/30/2019
Transcript: Jury Trial Day 3	3	20–86	5/30/2019
Verdict 1	3	87–90	5/30/2019
Verdict 2	3	91	5/30/2019
Third Amended Information	3	92–95	5/31/2019
Jury Instructions	3	96–125	5/31/2019
Transcript: Sentencing	3	126–34	7/23/2019
Judgment of Conviction	3	135–37	8/27/2019
Notice of Appeal	3	138–39	9/24/2019

**ALPHABETICAL INDEX**

<b>Description</b>	<b>Vol.</b>	<b>Pages</b>	<b>Date</b>
Amended Information	1	73–77	5/28/2019
Information	1	68–72	12/6/2018
Judgment of Conviction	3	135–37	8/27/2019
Jury Instructions	3	1–19	5/30/2019
Jury Instructions	3	96–125	5/31/2019
Motion for Leave to Amend Information by Affidavit	1	33–67	9/5/2018
Notice of Appeal	3	138–39	9/24/2019
Second Amended Information	2	1–3	5/29/2019
Third Amended Information	3	92–95	5/31/2019
Transcript: Jury Trial Day 1	1	78–224	5/28/2019
Transcript: Jury Trial Day 2	2	4–175	5/29/2019
Transcript: Jury Trial Day 3	3	20–86	5/30/2019
Transcript: Preliminary Hearing	1	1–32	8/22/2018
Transcript: Sentencing	3	126–34	7/23/2019
Verdict 1	3	87–90	5/30/2019
Verdict 2	3	91	5/30/2019

### **CERTIFICATE OF SERVICE**

I hereby certify that on the 10 of August, 2020, I served this document on the following:

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### **AFFIRMATION**

Pursuant to NRS 239B.030, this document contains no social security numbers.

/s/ Ben Nadig

Ben Nadig

8-10-20

Date

1 INST

FILED IN OPEN COURT  
STEVEN D. GRIERSON  
CLERK OF THE COURT

2 MAY 30 2019

3 BY, E. Vargas  
4 E. VARGAS, DEPUTY

5 DISTRICT COURT  
6 CLARK COUNTY, NEVADA

7 THE STATE OF NEVADA,  
8 Plaintiff,

9 -vs-

10 JASON J. BOLDEN, aka  
11 Jason Jerome Bolen, #1891927

12 Defendant.

CASE NO: C-18-334635-1

13 DEPT NO: ~~XXI~~ 11

14 INSTRUCTIONS TO THE JURY (INSTRUCTION NO. 1)

15 MEMBERS OF THE JURY:

16 It is now my duty as judge to instruct you in the law that applies to this case. It is your  
17 duty as jurors to follow these instructions and to apply the rules of law to the facts as you find  
18 them from the evidence.

19 You must not be concerned with the wisdom of any rule of law stated in these  
20 instructions. Regardless of any opinion you may have as to what the law ought to be, it would  
21 be a violation of your oath to base a verdict upon any other view of the law than that given in  
22 the instructions of the Court.

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26 INST  
Instructions to the Jury  
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If, in these instructions, any rule, direction or idea is repeated or stated in different ways, no emphasis thereon is intended by me and none may be inferred by you. For that reason, you are not to single out any certain sentence or any individual point or instruction and ignore the others, but you are to consider all the instructions as a whole and regard each in the light of all the others.

The order in which the instructions are given has no significance as to their relative importance.

An Indictment is but a formal method of accusing a person of a crime and is not of itself any evidence of his guilt.

In this case, it is charged in an Information that JASON J. BOLDEN, aka Jason Jerome Bolen, the Defendant(s) above named, having committed the crimes of **OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON (Category B Felony - NRS 202.360 - NOC 51460)**;, on or about the 1st day of July, 2018, within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made and provided, and against the peace and dignity of the State of Nevada, did willfully, unlawfully, and feloniously own, or have in his possession and/or under his custody or control, a firearm, to wit: firearm, the Defendant being a convicted felon, having in 2009, been convicted of Trafficking Controlled Substance, in Case No. C228792 and/or having in 2009, been convicted of Battery Constituting Domestic Violence with Substantial Bodily Harm and Attempt Battery Constituting Domestic Violence with Substantial Bodily Harm, in Case No. C246243, in the ~~Las Vegas Municipal Court, Clark County~~, felonies under the laws of the State of Nevada.

Clark County District Court



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INSTRUCTION NO. 4

To constitute the crime charged, there must exist a union or joint operation of an act forbidden by law and an intent to do the act.

The intent with which an act is done is shown by the facts and circumstances surrounding the case.

Do not confuse intent with motive. Motive is what prompts a person to act. Intent refers only to the state of mind with which the act is done.

Motive is not an element of the crime charged and the State is not required to prove a motive on the part of the Defendant in order to convict. However, you may consider evidence of motive or lack of motive as a circumstance in the case.



INSTRUCTION NO. 5

The Defendant is presumed innocent until the contrary is proved. This presumption places upon the State the burden of proving beyond a reasonable doubt every element of the crime charged and that the Defendant is the person who committed the offense.

A reasonable doubt is one based on reason. It is not mere possible doubt but is such a doubt as would govern or control a person in the more weighty affairs of life. If the minds of the jurors, after the entire comparison and consideration of all the evidence, are in such a condition that they can say they feel an abiding conviction of the truth of the charge, there is not a reasonable doubt. Doubt to be reasonable must be actual, not mere possibility or speculation.

If you have a reasonable doubt as to the guilt of the Defendant, he is entitled to a verdict of not guilty.

INSTRUCTION NO. 6

You are here to determine the guilt or innocence of the Defendant from the evidence in the case. You are not called upon to return a verdict as to the guilt or innocence of any other person. So, if the evidence in the case convinces you beyond a reasonable doubt of the guilt of the Defendant, you should so find, even though you may believe one or more persons are also guilty.

INSTRUCTION NO. 7

It is a constitutional right of a defendant in a criminal trial that he may not be compelled to testify. Thus, the decision as to whether he should testify is left to the defendant on the advice and counsel of his attorney. You must not draw any inference of guilt from the fact that he does not testify, nor should this fact be discussed by you or enter your deliberations in any way.

The evidence which you are to consider in this case consists of the testimony of the witnesses, the exhibits, and any facts admitted or agreed to by counsel.

There are two types of evidence; direct and circumstantial. Direct evidence is the testimony of a person who claims to have personal knowledge of the commission of the crime which has been charged, such as an eyewitness. Circumstantial evidence is the proof of a chain of facts and circumstances which tend to show whether the Defendant is guilty or not guilty. The law makes no distinction between the weight to be given either direct or circumstantial evidence. Therefore, all of the evidence in the case, including the circumstantial evidence, should be considered by you in arriving at your verdict.

Statements, arguments and opinions of counsel are not evidence in the case. However, if the attorneys stipulate to the existence of a fact, you must accept the stipulation as evidence and regard that fact as proved.

You must not speculate to be true any insinuations suggested by a question asked a witness. A question is not evidence and may be considered only as it supplies meaning to the answer.

You must disregard any evidence to which an objection was sustained by the court and any evidence ordered stricken by the court.

Anything you may have seen or heard outside the courtroom is not evidence and must also be disregarded.

INSTRUCTION NO. 9

The credibility or believability of a witness should be determined by his manner upon the stand, his relationship to the parties, his fears, motives, interests or feelings, his opportunity to have observed the matter to which he testified, the reasonableness of his statements and the strength or weakness of his recollections.

If you believe that a witness has lied about any material fact in the case, you may disregard the entire testimony of that witness or any portion of his testimony which is not proved by other evidence.

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INSTRUCTION NO. 10

The law recognizes two kinds of possession: actual possession and constructive possession. A person who knowingly has direct physical control over a thing, at a given time, is then in actual possession of it.

A person who, although not in actual possession, knowingly has both the power and the intention, at a given time, to exercise dominion or control over a thing, either directly or through another person or persons, is then in constructive possession of it.

The law recognizes also that possession may be sole or joint. If one person alone has actual or constructive possession of a thing, possession is sole. If two or more persons share actual or constructive possession of a thing, possession is joint.

You may find that the element of possession as that term is used in these instructions is present if you find beyond a reasonable doubt that a defendant had actual or constructive possession, either alone or jointly with others.

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INSTRUCTION NO. 11

A person who has been convicted of a felony in this or any other state, or in any political subdivision thereof, or of a felony in violation of the laws of the United States of America, unless he has received a pardon and the pardon does not restrict his right to bear arms, shall not own or have in his possession or under his custody or control any firearm. Neither the concealment of the firearm nor the carrying of the weapon are necessary elements of the offense.

"Firearm" includes any firearm that is loaded or unloaded and operable or inoperable.

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INSTRUCTION NO. 12

Evidence has been introduced that defendant is a convicted felon.

Evidence of defendant's prior felony conviction was not received to prove that either the defendant is a person of bad character or that the defendant has a disposition to commit any crime.

Evidence of defendant's prior felony conviction must not be considered by you to prove either the defendant is a person of bad character or that the defendant has a disposition to commit any crime.

Evidence of defendant's prior felony conviction was received and must be considered by you for the limited purpose to show that he is a felon.

You are not permitted to consider evidence of defendant's felony conviction for any other purpose.



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INSTRUCTION NO. 13

The flight of a person after the commission of a crime is not sufficient in itself to establish guilt; however, if flight is proved, it is circumstantial evidence in determining guilt or innocence.

The essence of flight embodies the idea of deliberately going away with consciousness of guilt and for the purpose of avoiding apprehension or prosecution. The weight to which such circumstance is entitled is a matter for the jury to determine.

Although you are to consider only the evidence in the case in reaching a verdict, you must bring to the consideration of the evidence your everyday common sense and judgment as reasonable men and women. Thus, you are not limited solely to what you see and hear as the witnesses testify. You may draw reasonable inferences from the evidence which you feel are justified in the light of common experience, keeping in mind that such inferences should not be based on speculation or guess.

A verdict may never be influenced by sympathy, prejudice or public opinion. Your decision should be the product of sincere judgment and sound discretion in accordance with these rules of law.

INSTRUCTION NO. 15

In your deliberation you may not discuss or consider the subject of punishment, as that is a matter which lies solely with the court. Your duty is confined to the determination of the guilt or innocence of the Defendant.

During the course of this trial, and your deliberations, you are not to:

- (1) communicate with anyone in any way regarding this case or its merits-either by phone, text, Internet, or other means;
- (2) read, watch, or listen to any news or media accounts or commentary about the case;
- (3) do any research, such as consulting dictionaries, using the Internet, or using reference materials;
- (4) make any investigation, test a theory of the case, re-create any aspect of the case, or in any other way investigate or learn about the case on your own.

When you retire to consider your verdict, you must select one of your member to act as foreperson who will preside over your deliberation and will be your spokesperson here in court.

During your deliberation, you will have all the exhibits which were admitted into evidence, these written instructions and forms of verdict which have been prepared for your convenience.

Your verdict must be unanimous. As soon as you have agreed upon a verdict, have it signed and dated by your foreperson and then return with it to this room.


If, during your deliberation, you should desire to be further informed on any point of law or hear again portions of the testimony, you must reduce your request to writing signed by the foreperson. The officer will then return you to court where the information sought will be given you in the presence of, and after notice to, the district attorney and the Defendant and his/her counsel.

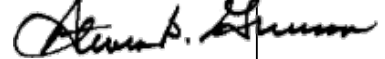
Playbacks of testimony are time-consuming and are not encouraged unless you deem it a necessity. Should you require a playback, you must carefully describe the testimony to be played back so that the court recorder can arrange his/her notes. Remember, the court is not at liberty to supplement the evidence.

INSTRUCTION NO. 19

Now you will listen to the arguments of counsel who will endeavor to aid you to reach a proper verdict by refreshing in your minds the evidence and by showing the application thereof to the law; but, whatever counsel may say, you will bear in mind that it is your duty to be governed in your deliberation by the evidence as you understand it and remember it to be and by the law as given to you in these instructions, with the sole, fixed and steadfast purpose of doing equal and exact justice between the Defendant and the State of Nevada.

GIVEN:

  
DISTRICT JUDGE



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5 DISTRICT COURT  
6 CLARK COUNTY, NEVADA

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8 THE STATE OF NEVADA,  
9 Plaintiff,

CASE#: C-18-334635-1

DEPT. II

10 vs.

11 JASON BOLDEN, aka Jason  
12 Jerome Bolen,

13 Defendant.

14 BEFORE THE HONORABLE RICHARD F. SCOTTI, DISTRICT COURT JUDGE  
15 THURSDAY, MAY 30, 2019

16 **RECORDER'S TRANSCRIPT OF HEARING**  
17 **JURY TRIAL - DAY 3**

18 APPEARANCES:

19 For the Plaintiff:

JORY SCARBOROUGH, ESQ.  
CHAD LEXUS, ESQ.  
Chief Deputy District Attorneys

21 For the Defendant:

BENJAMIN NADIG, ESQ.

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24 RECORDED BY: DALYNE EASLEY, COURT RECORDER  
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**INDEX**

	<u>Page</u>
Closing Argument by State's Attorney	5
Closing Argument by Defendant's Attorney	19

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
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Las Vegas, Nevada, Thursday, May 30, 2019

[Case called at 10:35 a.m.]

THE MARSHAL: We're ready, Judge. Okay, remain seated, Department 2 is now in session, the Honorable Judge Richard Scotti presiding.

MR. SCARBOROUGH: Good morning, Your Honor.

THE COURT: Good morning. All right, before he grabs the jurors, let me take a look at the first set of jury instructions here. Question, guys, at the beginning of the case, we read the Information. That didn't include the possession count, right?

MR. NADIG: It did not.

MR. SCARBOROUGH: It did not.

THE COURT: Okay, just making sure we got that right. All right, let's go ahead and bring the jurors in if there's nothing to discuss. All right, we're good? All right.

THE MARSHAL: Go ahead?

THE COURT: Go ahead, Marshal.

THE MARSHAL: Okay.

THE COURT: Just real quickly, this set of jury instructions is acceptable to all parties now?

MR. SCARBOROUGH: Yes.

MR. NADIG: Yes.

THE COURT: As well at the verdict form, right?

MR. NADIG: I read in the past. Yes, I'm just double checking

1 to make sure the proper instruction is in there, Your Honor.

2 THE COURT: All right.

3 MR. NADIG: And it's 22.

4 THE COURT: I see it.

5 [Counsel confer]

6 [The Judge confers with the Clerk]

7 MR. LEXUS: Once we're done, I'm going to make the

8 correction to the verdict form and I'll bring it back down to you, Judge.

9 THE COURT: Yes, sir.

10 THE MARSHAL: Okay, all rise for the jury. Okay, all jurors are

11 present.

12 [In the presence of the jury]

13 THE COURT: Okay, counsel may be seated. You all may be

14 seated.

15 MR. NADIG: Thank you, Your Honor.

16 THE COURT: All right, ladies and gentlemen of the jury, at this

17 point in time, I am going to read you the instructions. You will have a

18 complete set of these instructions back in the jury deliberation room. Let

19 me read.

20 [The Court read the instructions to the jury]

21 THE COURT: Counsel, any requests for correction of the

22 reading of the instructions?

23 MR. SCARBOROUGH: None, Your Honor.

24 MR. NADIG: None, Your Honor.

25 THE COURT: Very good. At this time, I invite the State to

1 present its closing argument to the jury.

2 CLOSING ARGUMENT BY STATE'S ATTORNEY

3 MR. SCARBOROUGH: Thank you, Your Honor.

4 Morning ladies and gentlemen. Thank you for your patience  
5 over the past couple days.

6 So we're going to go over the charges. Okay, Jason Bolden is  
7 charged in this case with 12 counts. Four counts of Attempt Murder with  
8 Use of a Deadly Weapon for Brenton Martinez, Bryson Martinez, Brandi  
9 Coleman, and Sanyleh Coleman. Okay?

10 He's also charged with discharging a firearm at or into an  
11 occupied structure. That's the 2883 Wheelwright address, the apartment  
12 6A. And he's also charged with Battery With Use of a Deadly Weapon for  
13 shooting into the body of Brenton Martinez.

14 So going over the instructions, I'm going to highlight some of the  
15 instructions and explain some of the law, okay? We're going to start with  
16 discharging a firearm at or into an occupied structure.

17 So any person who willfully and maliciously discharges a  
18 firearm at or into any house, room, apartment, et cetera, et cetera is guilty  
19 of discharging a firearm.

20 So let's talk about the evidence of discharging a firearm. Well,  
21 we have physical evidence of the shooting, right? All of the casings  
22 outside that you heard Detective Krmpotich talk about were recovered. All  
23 those numbers indicate some of the shell casings, as well as the unspent  
24 casings that were recovered right outside the residence.

25 We have the bullet holes on the outside of the residence.

1 Remember, the pictures that I put up showing the bullet strikes into the  
2 window and the lower stucco of that apartment 6A at 2883 Wheelwright,  
3 okay. So there's even more physical evidence.

4 Bullet holes and fragments on the inside as well. You saw the  
5 bullet strikes. The documentation of the trajectory and the different items  
6 that the bullets hit while they were inside the house, coupled with bullet  
7 fragments recovered from the inside.

8 Now you know it's occupied because you heard people say they  
9 were inside the house. You heard testimony that they were inside the  
10 house. You see the fixtures. People are living there.

11 So in terms of all the evidence for the physical evidence from  
12 discharging out or into, you have the physical evidence. You also have  
13 the testimony and that 911 call.

14 Joshua Knowlton, who came up here and said I heard loud  
15 successive rapid shots. I saw a black male running from the area. And  
16 you also had 911 call from Brandi, which we'll get more into a lot later.

17 So you have evidence of that discharging a firearm at or into an  
18 occupied structure. So when you have all those counts, you can check  
19 the boxes. You look at all the shell casings. You look at the house that's  
20 riddled with all those bullets. You have those crimes. You can check  
21 those boxes.

22 Now there's discharging a firearm. Well, now, you know there's  
23 a deadly weapon. You have the evidence of the shooting. A deadly  
24 weapon and pointing you to Subsection (1), any instrument which if used  
25 in an ordinary manner contemplated by its design and construction will or

1 is likely to cause substantial bodily harm or death.

2           There's nothing better -- there's no better illustration of that than  
3 a firearm, than a gun. You know a gun was used. You see all the shell  
4 casings. You see the house where there were bullet holes.

5           So now, all of the charges that have the deadly weapon  
6 attached to it, you can check that off, too, because you know the gun's  
7 was used.

8           Now related to that is the Battery with a Deadly Weapon. Now  
9 battery means any willful and unlawful use of force or violence upon the  
10 person of another.

11           This charge is related to Brenton Martinez, who was on the  
12 stand right here and talked to you about getting shot right in this eye. And  
13 you have the pictures of that. You see the bullet entry wound and the  
14 bullet exit wound. There is your Battery with use of a Deadly Weapon.  
15 Now moving towards -- well, so you have a battery with use of a deadly  
16 weapon and you could check that box as well, okay?

17           So now we move towards attempted murder. Okay, now  
18 attempted murder is the performance of an act or acts which tend but fail  
19 to kill a human being when such acts are done with express malice  
20 namely with the deliberate intention to unlawfully kill.

21           Now it's not necessary for the State to prove the elements of  
22 premeditation and deliberation in order for you to find that an attempted  
23 murder took place.

24           Now let me explain to you what premeditation is. Okay,  
25 premeditation doesn't have to be a week in advance. It doesn't have to be

1 a day in advance. It doesn't even have to be an hour in advance.

2 I think one of the best examples of premeditation is you wake  
3 up late one day and you're on your way to work.

4 And when you're on your way to work, you realize that time's  
5 running short and you need to get in on time. And you know that there's  
6 one more light you need to catch to give yourself the best shot at getting  
7 to work on time.

8 So as you approach that intersection, you look like everyone  
9 else does that to that hand 4, 3, 2, 1. And as you're approaching that  
10 intersection, you know that light's going to turn. And it turns. And then it  
11 turns red. You, deciding not to move your foot to the brake pedal, is  
12 running that light with premeditation and deliberation.

13 So I can show you that we as the State don't have to prove that  
14 this person planned to attempt to take this person's life for weeks on end.  
15 It's successive thoughts of the mind that can show that evidence.

16 Now when you look at that intent, it can be ascertained or  
17 deduced from the facts and circumstances of the killing such as the  
18 weapon calculated to produce death.

19 What's the weapon here? Keep going. Multiple, multiple bullets  
20 fired from that gun. Okay, ejected into that house. The manner of its use.  
21 How rapid did he fire that gun?

22 Where he aimed at that house and the intended circumstances  
23 characterizing the act. Jason Bolden was angry when he walked up.  
24 Brandi Coleman is seeing someone else.

25 So he pulled that gun out after fighting and disputing with

1 Brenton Martinez, took that gun out, and shot right at him. And he shot at  
2 the people who ran in the house. You can look at the evidence and  
3 circumstances to determine that intent.

4 Now the attempted murder charge for Brenton Martinez, there it  
5 is right there. This is center mass. Look where that exit wound is.  
6 There's no doubt that he attempted to take his life, that he shot into his  
7 body. There's no doubt.

8 Pardon that, sorry. Now we have four other attempted murder  
9 charges or three other pardon me, aside from Brenton. Well, we know the  
10 intent here.

11 Look at how many shell casings are on the ground. He almost  
12 unloaded a clip. Look where it's shot. He shot into that window. And if  
13 you remember where that window's aligned, that's in that front door area,  
14 right where everyone ran. And look at the level of the shots, the little  
15 details center mass going lower just in case someone laid on the ground.

16 He knew all those people were in there. That's his girlfriend's  
17 house. That's the mother of his child's house. He knew who was in there.  
18 He knew Brandi was in the. He knew his daughter Sanyleh was in there.  
19 And he knew Brenton and Bryson were in that house because they ran  
20 back inside.

21 Because Brenton got on the stand and told you I was trying to  
22 push my brother back into the house. I was trying to save my brother's  
23 life.

24 And that front door was right behind that same pathway. And  
25 where does Mr. Bolden shoot? Right through that area. He knew what he



1 was doing. He wanted to take the lives of whoever ran into that house.  
2 Look at where those bullets ended up. Look at where they rock  
3 through this structure. Look at the levels, the height levels.  
4 Sanyleh is a three to four year old girl, roughly the height of a  
5 three to four year old girl.  
6 Now again, this was Bryson, you didn't see him. But we know  
7 he was in the house. When we read the testimony into the record, he  
8 testified he was in the house. The bullets were riddling through the  
9 house. He had to pull Sanyleh down to the floor to save Sanyleh's life.  
10 You know Brandi was in the house. You hear the 911 call. She  
11 was in that house. She knew what was going on. In the 911 call, she ran  
12 into the house. And you know Sanyleh was in there.  
13 MR. NADIG: Your Honor, can we approach?  
14 THE COURT: Yes.  
15 MR. NADIG: Can you remove that slide, please?  
16 [Bench conference]  
17 THE COURT: We've seen that before.  
18 MR. SCARBOROUGH: We added that.  
19 MR. NADIG: No, not the one in front of the car. Remember,  
20 that one was not --  
21 MR. SCARBOROUGH: Well, he's not -- he never.  
22 MR. NADIG: Specifically, I objected to.  
23 THE COURT: You're talking about this one?  
24 MR. NADIG: No, not that one.  
25 MR. SCARBOROUGH: The one that she's --

1           MR. NADIG: The other one on the split screen, where she's in  
2 the police car with the police standing around and they can't identify  
3 Sanyleh.

4           MR. SCARBOROUGH: You said there no prejudicial --

5           THE COURT: No, [indiscernible] the words these in the back  
6 seat a little bit hard to see.

7           MR. NADIG: Yeah.

8           THE COURT: I let that one in.

9           MR. NADIG: I thought you let the other one in where he's  
10 crying, but not the one where --

11          THE COURT: Crying?

12          MR. SCARBOROUGH: The one of Brenton Martinez.

13          MR. NADIG: Brenton Martinez where she's in the background,  
14 but I --

15          THE COURT: Oh, that one in the first -- I let both of those in.

16          MR. NADIG: Oh, I thought you did not.

17          MR. SCARBOROUGH: So.

18          THE COURT: Do you need an extension cord?

19          MR. LEXUS: You have an extension cord in my thing and I  
20 plugged it in, but then it popped up full battery, so I don't think -- maybe  
21 that extension cord's not working.

22          MR. NADIG: We'll just --

23          THE COURT: If I needed help, you need to take a break and  
24 we can --

25          MR. LEXUS: We'll just keep going and then advise and we'll

1 take a break.

2 THE COURT: Okay.

3 [End bench conference]

4 MR. SCARBOROUGH: Yes, sorry.

5 THE COURT: I saw a juror raise his hand?

6 JUROR NO. 8: No, I realize my phone was still on because it  
7 vibrated.

8 THE COURT: Perfect.

9 JUROR NO. 8: So I just turned it off.

10 THE COURT: Not a problem, thank you.

11 Let's continue.

12 MR. SCARBOROUGH: Thank you, Your Honor. And picking  
13 up where we left off, we know Sanyleh was in the house again here for  
14 the 911 call. Sanyleh being three or four years old can't get up here to tell  
15 you, so.

16 Ladies and gentlemen, he tried to take the lives of those people  
17 that day. And keep in mind, he tried to wrap that gun and there were two  
18 more bullets that he didn't get to fire. Two bullets away from a potential  
19 murder trial. Those two bullets.

20 Now Jason Bolden is the shooter. Now that's something that  
21 you know, right? And what I want you to do when you're talk -- when you  
22 think about what links Jason Bolden to the scene, I want you to focus on  
23 your -- the instruction for credibility and common sense.

24 For credibility, although you are to consider only the evidence in  
25 the case in reaching a verdict, pardon me, this is common sense, you

1 must bring into consideration of the evidence your everyday common  
2 sense and judgment as reasonable men and women.

3 Just because you're inside this box doesn't mean you can't think  
4 outside of it. You're all people who bring your own experiences. Use that.  
5 The law allows you to.

6 For the credibility instruction, the credibility or believability of a  
7 witness should be determined by his or her manner upon the stand, their  
8 relationship to the parties.

9 So when you're evaluating the credibility of these witnesses that  
10 take the stand, Brenton Martinez and Bryson Martinez, I want you to keep  
11 in mind your common sense.

12 THE COURT: Let's hold on for a second. The --

13 MR. SCARBOROUGH: Of course.

14 THE COURT: -- Court's equipment might be malfunctioning  
15 here. This isn't counsel, this is the Court's equipment. Give us a moment,  
16 please.

17 Marshal, will you go see and make sure that the -- it is plugged  
18 into the outlet there? Sometimes the wire going to the outlet gets  
19 disconnected.

20 MR. LEXUS: Let me just load it back up, Judge.

21 THE COURT: No problem.

22 MR. SCARBOROUGH: I think you'll have to reconnect, too.

23 THE COURT: No problem. Take your time. Sorry, we're good.

24 MR. SCARBOROUGH: Thank you for your patience.

25 THE COURT: Yeah. Did you get it hook back up, Marshal?

1 THE MARSHAL: Yes.

2 THE COURT: Okay.

3 MR. SCARBOROUGH: Okay.

4 THE COURT: Very good. Everything's working. Let's  
5 continue.

6 MR. SCARBOROUGH: Sorry. I appreciate your patience. So  
7 again, when the Defense wants to attack the witness' IDs and the  
8 investigation, again, I want you to come back to these instructions for the  
9 credibility and common sense, okay? And I want to go over some of  
10 those things.

11 Now the Defense wants to attack the investigation. All right,  
12 now minutes after the shooting, officers already have a name and a  
13 picture of the suspect, okay?

14 Now Brenton is bleeding out. When Officer Jegge took the  
15 stand, he saw that Brenton was in, remember the phrase, dire straits.  
16 And through his training, it's very regular to get information when you can.

17 And so eventually, Officer Jegge showed the picture to get that  
18 vital information. And that picture was of Jason Bolden.

19 And Brenton ID'd him. Okay, now Officer Jegge testified that  
20 Brenton was lucid. Do you remember defense cross-examining Officer  
21 Jegge about his training and dealing with people who are under the  
22 influence and whether or not they're inebriated?

23 And then, I came back up and asked, hey, was he lucid? Did  
24 he understand what you were asking him? Was he able to comprehend  
25 what you were meaning by your questions? Did he respond to you

1 coherently?

2           The testimony by Officer Jegge was a resounding yes. So  
3 attacking the whether or not Brenton was able to ID, again, your common  
4 sense will tell you that based on the credibility of Officer Jegge, he's not  
5 going to come into contact with someone who's so out of it that he can't  
6 even give or say the words, yes, that's him. Okay.

7           So more importantly, too, Detective Krmpotich, when he came  
8 up, he also said what Officer Jegge did was the right call. When I asked  
9 him questions about, hey, are those six-pack photo line-ups, are those  
10 feasible on every occasion? Officer Jegge and Detective Krmpotich said  
11 you know what? No, they're not.

12           We make the evaluations on the fly whether or not we think this  
13 person's going to make it out alive. And that was their determination. And  
14 they made the right call.

15           Detective, the lead detective said Officer Jegge made the right  
16 call by showing that photo. Okay?

17           More about the investigation Defense wants to attack, DNA and  
18 fingerprints on the cases. Well, you remember when Detective Krmpotich  
19 was on the stand, he talked to you about the shell casings, right, and how  
20 when they're discharged out of the gun, the likelihood of getting any DNA  
21 or fingerprints on those shell casings are burned off because of the heat  
22 that happens when the bullet is trajected [sic] through that chamber.  
23 Okay, so that is something that wasn't feasible.

24           Also, Defense attacked him during cross-examination about the  
25 CSI -- the CSA advising him that it wasn't feasible. Well, he has to rely on

1 the professionals to do their job. And they advised him that it wasn't  
2 feasible.

3 So these avenues that Defense wants to attack if the detective  
4 should or shouldn't have pursued, they weren't feasible here. He gave  
5 you reasons as to why, hey, these shell casings fell in the dirt. These  
6 shell casings wouldn't be covered with DNA or fingerprints.

7 Even the unspent casings as well. We went over that, how they  
8 fell in the dirt. It's not likely the CSA, the professional, who goes up and  
9 looks at them says listen, these aren't feasible to get fingerprints or DNA  
10 off of. So attacking that part of the investigation, it's moot. It's not  
11 something that would be feasible for the detective to follow up on.

12 Now again, when he attacks the witness testimony, I can't  
13 stress enough the credibility and common sense instruction, okay? Now  
14 with Bryson Martinez, that's the transcript that I read.

15 Remember, he was saying everything was made up, right?  
16 Anything to get to his brother. And Bryson said in that transcript I never  
17 saw anybody. Yet moments later in the transcript, he gave a description.  
18 Medium braids, around 6 feet.

19 Now the credibility instruction tells you that if you believe a  
20 witness lies about something, you can disregard the testimony entirely.  
21 And that's true.

22 But common sense will tell you, you can't disregard some of the  
23 truth. The medium braids, the height, then him trying to minimize the  
24 issue. This could be anybody. The uncooperativeness. He wasn't here.

25 That's what he's trying to do. He's trying to minimize. He's

1 trying to say, listen, I don't want to be a snitch just like his brother raised  
2 into the same household who got up there and told you that.

3 He won't -- he'll want to attack Brenton Martinez's ID, too.  
4 Again, too high or under the influence to ID that photo. No, Officer Jegge,  
5 again trained, the credibility of his training and experience.

6 He sat there and talked to him. Every response was lucid. The  
7 recounting of details was coherent. He's not going to get an ID of  
8 someone who's high out of their mind or under the influence of painkillers.  
9 Brenton wasn't too high to ID, okay?

10 And he got up here and admitted to you that he didn't ID at the  
11 prior hearing. He did. He got up here and said, yeah, I didn't ID. I just -- I  
12 survived. I survived. I thought that was it. I wanted to move on.

13 And I stood over there and I said why? What does that mean?  
14 What does that mean to you? Well, I wasn't raised to be a snitch.

15 Well, ladies and gentlemen, not everyone's going to be the  
16 same. Not everyone's going to be the same and come into Court and say,  
17 yeah, that's the person who did it. There's different people out there.

18 And he sat there and told you. He looked at all of you and said,  
19 yeah, that's me. I did an ID. You're right, but I had my reasons why.

20 And lastly, he'll want to attack the length of time that he saw the  
21 Defendant, right? When Brenton came up to you or Brenton came up to  
22 the Defendant right in front of the walkway, face to face with him talking to  
23 him, hey, let's resolve this dispute as men. We're all adults here. Face to  
24 face with him, face to face to someone who almost took your life.

25 He ID'd him. The ID is reliable. So when you think about all



1 those things that the Defense would want to attack and how he attacked  
2 that in the cross-examination of our witnesses, go back to those  
3 instructions. Evaluate the credibility of the witnesses. Use your common  
4 sense.

5 Jason Bolden is the shooter. The evidence establishes that.  
6 And Jason Bolden is the shooter and he's guilty of all of those charges.  
7 Find him guilty. Thank you.

8 THE COURT: All right, thank you, counsel.

9 Mr. Nadig, you may now present your closing argument on  
10 behalf of the Defendant.

11 MR. NADIG: Your Honor, I apologize.

12 THE COURT: No problem.

13 MR. NADIG: I need to take a five-minute break.

14 THE COURT: No problem. Let's go ahead and give everybody  
15 a short break. Then, ladies and gentlemen of the jury, we're going to take  
16 a five-minute recess.

17 During this recess, don't talk among yourselves or with anybody  
18 else about the case or the subject of the case. Don't communicate at all  
19 with any of the parties, attorneys, or witnesses involved in the trial.

20 Don't seek or obtain any information or comments about the  
21 case from any source. Do not read, watch, or listen to any report or  
22 commentary about the case.

23 Do not perform any research or investigation and do not form or  
24 express any opinion on any subject connected with the trial until the case  
25 is finally submitted to you.

1           Let's go ahead and take -- let's go ahead and take 10 minutes,  
2 okay? 10 minute break, everybody. Stretch, leave your notepads. We'll  
3 see you back here shortly.

4           THE MARSHAL: All rise for the jury.

5                     [Outside the presence of the jury]

6           THE COURT: All right, we're outside the presence of the jury.  
7 You might want to use the one in the back of course.

8           MR. SCARBOROUGH: Thank you.

9           THE COURT: All right.

10          MR. SCARBOROUGH: Sorry about that --

11                     [Trial in recess taken at 11:23 a.m.]

12                     [Trial resumes at 11:36 a.m.]

13          THE MARSHAL: Ready for the jury?

14          THE COURT: Yes, sir.

15          MR. NADIG: 119A.

16          THE MARSHAL: Okay, all rise for the jury. Okay, all jurors are  
17 present.

18                     [In the presence of the jury]

19          THE COURT: Please be seated everybody, except Mr. Nadig.  
20 You may present the Defendant's closing argument.

21          CLOSING ARGUMENT BY THE DEFENDANT'S ATTORNEY

22          MR. NADIG: Thank you, Your Honor.

23                     Good morning, ladies and gentlemen of the jury. And it's  
24 interesting and usually during my voir dire when I talked you guys in the  
25 beginning, I talk about the idea of leaving your common sense at the door

1 because often in my line of work, we're accusing of leaving, you know,  
2 we're accused of trying to have you leave your common sense at the  
3 door, but that's not my job. My job is to talk about the evidence in this  
4 case.

5 And the evidence in this case will show that Mr. Bolden is not  
6 guilty. You have a situation where Mr. Scarborough presented this theory  
7 of that somebody was dating Mr. Bolden's baby mama and he was angry  
8 and shot somebody.

9 There was no testimony of that. There was no mention of that  
10 by Brenton. There was no mention of that by Bryson. There was no  
11 mention of at all.

12 So the first thing I want you to guys to realize is that they're  
13 attempting to fill in the blanks with what they have. And what I'm asking  
14 you guys to do is simply rely on the testimony as you remember it.

15 By everybody's testimony, the only two people who potentially  
16 were outside were Brenton and Bryson. They both -- one testified he was  
17 in. The other testified that he and his brother were outside. But at most,  
18 two people inside.

19 So that means if there was anybody else inside, nobody  
20 necessarily knows and there's a suggestion that maybe the people inside  
21 saw out.

22 But let's look at the evidence and what the evidence shows if  
23 we turn sideways, can we switch over to the ELMO?

24 What the evidence shows if we look is that those blinds were  
25 closed. And how do we know those blinds were closed? Because the

1 shots went through and they shattered the blinds.

2 So at the time of the shooting, the evidence shows that the  
3 blinds were closed. So at the time of the shooting, the only two people  
4 potentially who saw anybody outside were the Martinez brothers.

5 And one of the reasons this is important is because there's this  
6 testimony that Brandi could have identified the person.

7 How could Brandi identify the person when she was inside?  
8 How could Brandi identify the person if the blinds were closed? We don't  
9 know. I would submit to you that they can't.

10 Additionally, they talk about Officer Jegge and how Officer  
11 Jegge based on his training and experience felt that this person was going  
12 to die, that he said he was at death's door. He was at dire straits.

13 You have the ability to listen to the 911. I could encourage you  
14 to listen to it again to refresh your recollection. But one of the things  
15 Brandi talks about is that the victim was in and out. He was halfway  
16 through consciousness. That's what she says at the time of the shooting.  
17 Officer Jegge wants you to believe that he was completely lucid.

18 We know by both testimony that they were drinking and  
19 smoking. So they were high and they were drunk. Detective Krmpotich  
20 came two hours later and he had to be reminded, but he came two hours  
21 later and he could still smell booze on the Martinez brothers' breath, two  
22 hours after the event. So I would submit to you that the guys were  
23 drinking pretty heavily.

24 Now so we have the situation where a gentleman comes up.  
25 We have a situation where a gentleman starts shooting.

1           The State says because -- and I'm sorry the Martinez brothers  
2 their things are too close. I should be better, I have a twin brother, but I'm  
3 not.

4           Brenton Martinez said he didn't identify him at a previous  
5 hearing when he was under oath. But here under oath, he identified him.

6           And here under oath, he identified him, what were the reasons  
7 why? Where I'm from, but additionally because he didn't want to get  
8 subpoenaed any more.

9           Additionally, because his sisters told him to. Additionally,  
10 because sorry I have a frog in my throat, guys, because he just wanted it  
11 to be over.

12           At no point did he say because that guy shot me. He didn't say  
13 that. He said because of this, this, this and this.

14           What I would suggest is that a shooting occurred Brandi  
15 instantly assumed that it was Jason. And so she put that out there.  
16 Jason Bolden shot my boyfriend. Shot my brother actually is what she  
17 said. They weren't married. That's actually Bryson's brother, Bryson's  
18 brother, not Brenton's brother. Not Brandi's brother.

19           She give the description. You heard Josh Knowlton, who has  
20 no connection to these events, who saw a gentleman run into a gold  
21 Cadillac across the road.

22           He saw him running from here all the way to there and then  
23 driving around. The call he described that he described as heavy jacket,  
24 he doesn't remember what else, but that isn't in tune with what Brandi  
25 described, which was black shirt, white writing, black pants.

1           So there's some issues there. And what Mr. Scarborough  
2 points out is that if all these things occurred, that he's guilty of all these  
3 crimes, but you have to get to the predicate. You have to get the first  
4 language. Is this the person who did the shooting?

5           You don't know. You can't know. They have a relationship  
6 because they have a child together. That's all you know. That's the  
7 evidence you have.

8           There is this discussion about how Bryson identified somebody  
9 who was 6 feet tall with braids. Remember, when she made that phone  
10 call, she had already provided that photo to the police.

11          So Bryson didn't -- when he had to give that statement, when he  
12 couldn't leave, he already had something to base it off of. He already had  
13 something to say, oh, well, Brandi says it's this guy, so I could just say this  
14 and I'm out.

15          But then when he had the opportunity to identify him, he did not.  
16 There's been -- and the jury instruction says the State doesn't have to  
17 prove a motive, but at the same time, what motive is there? Why is Jason  
18 firing into the house where he allegedly knows where his child is? That's  
19 ridiculous.

20          They are asking you to leave your common sense at the door.  
21 The State also brings up Detective Krmpotich, who says that what Officer  
22 Jegge did was correct, running with that thing, running with the photo to  
23 show it, to get the identification.

24          But if you listen to Detective Krmpotich, he also walked it back,  
25 because he said nobody in the detective's bureau did this. None of us did

1 this. The patrol officers did this.

2 And he talks about how this gentleman was at death's door and  
3 they were worried about him. But you heard during my cross of Officer  
4 Jegge, he was released two days later. So he was not critically injured to  
5 the point where he was about to die. Two days later would suggest that it  
6 was a through and through and he left. So he wasn't at death's door.

7 He was drunk. He was high. He did have pain meds. He all  
8 those things in his system and Officer Jegge's like oh, well, he's totally  
9 lucid.

10 I'm going to say that Officer Jegge is a new officer. I am going  
11 to say that he does not intend to lie. I'm not suggesting that. What I'm  
12 saying is he's very eager and he wants to catch the person because  
13 everybody has an interest in this case.

14 Jason has an interest in this case because he's innocent. The  
15 State has an interest because they don't believe him. And the officers  
16 have an interest in the case because they want to find somebody guilty.  
17 And so, what he did is he rushed the gun. And he suggested to the  
18 Martinez brothers that this was the individual who did the shot.

19 And it doesn't help him if that person was under the influence. It  
20 doesn't help him if that person had been drinking and smoking.

21 And so for those reasons, he's going to say, no, he was fine.  
22 But that doesn't match up with the facts as explained to both the 911 and  
23 you know, based on the other Martinez brother's history or alcohol use  
24 two hours after the fact.

25 What you have is you have a situation where the State has a

1 bunch of things that they want to fit them all together, but they can't  
2 because you can't get past the fact that nobody can place Jason at the  
3 scene. Nobody can provide a reason why Jason would do this. None  
4 whatsoever.

5 They had the ability to do things. Cell phone towers, they didn't  
6 do it. You'll get the photos in the back. He said that he couldn't test the  
7 DNA on the bullets because they were covered in dirt. Look at those  
8 bullets. They're not covered in dirt.

9 Additionally, he suggests that he followed the advice of  
10 whatever CSA was there. He didn't know what CSA was there. And he  
11 admitted that some CSAs only have the ability to do photographs.

12 So how is he going to know whether that CSA had the ability to  
13 say he tested DNA? They had the opportunity to attempt to tie Jason to  
14 the case and they didn't.

15 And the reason they didn't is they said, oh, that ID was good  
16 enough, but that's an ID through close blinds. That's an ID of a guy who  
17 saw a person for a minute.

18 And what's ironic is, if you think about it, there's somebody on a  
19 jury who we see or at least I've seen on a fairly regular basis. See her on  
20 TV, 10 minutes here, 15 minutes there for years.

21 And yet, when it came time when she's on the jury, did I see  
22 that person, did I recognize that person? Did I say, oh, that's her.

23 No, because a minute and a half is not long enough to identify  
24 somebody. I've seen somebody for months and I can't identify that  
25 person until she identified herself.



1           So you're sitting here in a situation where Brenton Martinez has  
2 to point and identify the only guy in the room, the only guy in the room  
3 who's sitting there. At most, he saw him for a minute and a half. At most,  
4 he was suggestive that this is the guy from one photograph when they  
5 had the time and the opportunity to give a six-pack and to do those things.  
6 And in addition to that, they could have tied him to the scene in other  
7 ways and they didn't.

8           I understand in a situation like this, there's an urge to want to  
9 find somebody guilty. Somebody was injured. Somebody should pay.

10          But the State has to be held to their burden. The State has to  
11 be held to show beyond a reasonable doubt that Jason Bolden was the  
12 person that did it. I will tell you that he wouldn't even there. That would  
13 be my argument.

14          And, ladies and gentlemen, you have to find him not guilty.  
15 Now the State is going to get up here and Mr. Lexus is very passionate.  
16 He's going to get up and he's going to suggest things that I say are  
17 ridiculous.

18          But when all is said and done, look at the evidence. Don't look  
19 at my argument. Don't look at their argument. Look at the evidence.

20          Can they show that Jason Bolden is the person who failed?  
21 And the answer is no. Thank you.

22          THE COURT: Thank you, counsel. The State may present a  
23 rebuttal.

24          MR. LEXUS: [Indiscernible] folks. Ladies and gentlemen, what  
25 you've heard from the Defense is no surprise in these type of cases.

1           You do this with regard to the 3,000 pound elephant in the  
2 room, which is identification of [indiscernible], ID, and a name within  
3 minutes of him being there.

4           And we do this, right? Blame the cops, blame the victim, blame  
5 the witnesses, blame everybody other than this man right here.

6           Another thing too is, you know, there's two ways to go about  
7 these cases. One is self-defense. You're not instructed on self-defense.  
8 Why? Because this isn't -- there's no evidence of self-defense. He didn't  
9 bring a gun. And when the cops get there, there's no evidence that any  
10 other weapons were used.

11           So what's the only other option? ID. So no surprise the attacks  
12 on the ID. Folks, I also want to point out before I even get to my slides,  
13 and I'll go through defense argument one by one, it's easy for people not  
14 to care on these type of cases.

15           Brandi's not here. Bryson's not here. Brenton told you, you  
16 know, he -- the way he was raised and the first hearing, he was -- thought  
17 it would go away. It's easy not to care.

18           But guess what? That's now how the law works. And we'll go  
19 over some slides and the law that you let you take into consideration and  
20 fill in the blanks for yourself with both direct and circumstantial evidence.

21           You don't look at these things in the box. You look at all of the  
22 pieces of evidence combined and use your common sense to deduce  
23 what's the truth.

24           You can't just call up the cops or call up the D.A.'s office. Or we  
25 see, you know, oh, they're uncooperative. And so you know what? We're

1 good. Case dismissed.

2 And jurors shouldn't do that either. I understand you're not  
3 dealing with model citizens -- with an average person would think would  
4 being a model citizen.

5 As that one man came up here Brenton, he's got a history of  
6 crime. Grew up in L.A. Has unwritten codes of conduct, if you will, that  
7 don't pertain to the average person.

8 Some people can't fathom the fact you mean to tell me these  
9 people get the apartment shot up, you're the target of the shooting, you  
10 get shot and you don't care? Yeah, you better believe it happens all the  
11 time, especially in these type of cases.

12 Folks, defense counsel, and I'm going to go through his  
13 arguments, okay? Talk to -- brought you back to the beginning of this  
14 case when he was up here before trial gets started.

15 Well, defense counsel told you what? There's nobody that's  
16 going to ID the Defendant. Really? Within minutes, a name and a picture  
17 ID'ing this man.

18 Came up here and talked about, you know, they're trying to fill  
19 in the blanks. No, the evidence will fill in the blanks. Again, the direct and  
20 circumstantial evidence. And we'll go over what circumstantial evidence  
21 is. Only two people outside he says because these blinds were there.

22 Well, folks, listen to that 911. And we'll play it. What's that 911  
23 show you? First of all, that woman says she runs back inside the house.  
24 And then she even says later on she knows the direction of travel that he's  
25 going.

1           Is that so hard to imagine? He -- you know, she knows these  
2 people. The evidence shows that that. The mother of his child in a  
3 relationship and in a relationship with the brother, Bryson, Brenton's  
4 brother.

5           Tells you, these people were outside. Bryson tells you he and  
6 his brother were outside. Arguing ensues. Does he know what's going on  
7 behind him? Is he -- he's got eyes on the back of his head?

8           Would it be surprising to you that this woman came out to see  
9 what's going on and then when he pulled out the gun, ran back inside as  
10 she stated in the 911.

11          Would it surprise you that he didn't see exactly where she was  
12 headed when he came in that -- the house and collapsed on the ground?  
13 Jegge, attacks Jegge and the detective with showing the picture.

14          Folks, I would submit to you when you are shot in the chest, exit  
15 wound -- exit wound through the chest and an entry wound towards the  
16 back there, these cops ain't doctors. They're doing the best they can  
17 trying to act in real-time on an emergency situation.

18          What do you think his superiors would have said if he did it and  
19 that guy died? Defense counsel comes up in here and says, oh, he's  
20 released three days later. Jegge doesn't have that luxury of knowing that.  
21 He doesn't know what artery it hit or anything else.

22          You're damn right he's going to show a picture. If he has a  
23 picture of a suspect, absolutely, he's going to show a picture of the  
24 suspect and ask is this the man?

25          Attack the six-pack. It's easy to quarterback these people all

1 day long. And we'll talk about that later. Attack the witnesses. Attack the  
2 cops. Talk about, well, it's possible this. Speculate as to that. That's not  
3 reasonable doubt.

4           Talked about, again, the booze. Yeah, they were smoking.  
5 Bryson with the alcohol that he had Bryson on his breath. Okay. Attack  
6 these men all you want. It doesn't make him any less of a victim.

7           Then came in and Brenton attacked the fact that now  
8 he's -- now you're coming in and identify -- yeah. That's what we're  
9 saying. Are we going to try everything we can to get these people? Yes.

10           A material witness sworn out for Brandi. Continuing to  
11 subpoena that man Brenton. He's here to fight it while he's in town with  
12 his girl and kids as he told you.

13           Eventually, we secure him to appear. Yes. He's getting  
14 pressure from his sister. Yes. Doesn't want to keep getting harassed by  
15 the District Attorney's office. Yes.

16           And then when we kept pressing him, well, why why? Okay,  
17 then he comes down and tells you about being brought up in L.A. Has to  
18 two felony convictions from the past. Had to serve probation. It's not how  
19 he's raised. Doesn't want to be a snitch. No less of a victim, folks. And it  
20 doesn't change the facts of this case.

21           Then attacks the witness. The one witness that says, you  
22 know, it was so far away, I couldn't really make out much other than I  
23 thought he was wearing, jacket, a dark jacket.

24           Is that inconsistent, the dark jacket from the testimony?

25           MR. NADIG: Your Honor, can we approach?

1 THE COURT: Yes.

2 [Bench conference]

3 MR. NADIG: He said a heavy coat. He didn't say a dark coat.

4 MR. LEXUS: You asked if it was dark.

5 MR. NADIG: He didn't say it was dark.

6 MR. LEXUS: Yes, he did.

7 MR. NADIG: No, he didn't. He did not.

8 MR. SCARBOROUGH: I think that's for the jury for determine.

9 THE COURT: How do you guys expect me to remember that?

10 MR. LEXUS: Yeah.

11 THE COURT: I'm just going to tell the jurors that --

12 MR. SCARBOROUGH: I'll move on, I'll move on.

13 THE COURT: All right, that's fine.

14 [End bench conference]

15 MR. LEXUS: Folks once again, as I was saying, what did he

16 say? What was he said for sure? Saw him run away. Black man.

17 Thought he had a jacket on.

18 Is that inconsistent with anything else? The other people

19 saying -- describing a dark shirt with lettering? Folks, once again, his

20 testimony was brought in to establish a shooting and that there was a

21 single male was fleeing the scene.

22 Too far of a distance to give an ID, but was sure of a black

23 male. We could play this game and speculate -- once again, we're going

24 to speculate and talk about possibilities. You know, what if he was

25 closer? You know, what if he -- what if the individual couldn't see the shirt

1 and has just described the jacket?

2 What if Brandi's just describing the shirt and not describing the  
3 jacket? Maybe if he was mistaken and running down the street and  
4 thought he had -- we could go on the wheel of possibilities and  
5 speculation all day long.

6 The fact of the matter is you have a man hearing shots and  
7 someone fleeing the scene.

8 Once again, the detective we go about this wheel again. Oh,  
9 you know, it's he could have done cell phone tower. What? There's a  
10 million things that go into that.

11 We could done DNA, latent print, this, that and the other. What  
12 did he tell you? He's relying on other experts at Metro. Policy and  
13 procedure, we asked did you follow that? Yes. Were you relying on  
14 others? Yes.

15 But once again, we could do that in every case. We could talk  
16 about, you know, it's possible this and speculate to that all day long.  
17 That's not reasonable doubt, folks.

18 And lastly, he talks about, you know, one and a half minutes is  
19 not enough to identify and gives a TV [indiscernible]. Well, folks, I would  
20 submit to you that watching somebody on TV or going down the street  
21 and talking to somebody for a minute is a lot different than somebody  
22 approaching you with a hand behind their back.

23 And then, an argument ensues knowing something bad might  
24 go wrong, and then, he pulled out a gun. That face will probably be with  
25 him for the rest of his life. Your common sense tells you that. Attack that

1 all you want.

2           Folks, we have a jury instruction. As Jory pointed out it, it says  
3 you bring the consideration the evidence your everyday common sense  
4 and judgment of reasonable men and woman. You don't look at this in a  
5 box.

6           More importantly, you have a jury instruction that recognizes in  
7 cases you're not going to have people take the stand and not have any  
8 baggage on them, but be like yeah, you know, I wasn't shot. I wasn't  
9 stabbed. I have no dog in the fight. There's no personal vendetta going  
10 on here. And guess what? That's the guy 100 percent.

11           And I got DNA and fingerprints and this, that, and the other.  
12 The law recognizes that. It's called direct and circumstantial evidence.  
13 Direct evidence is the testimony of a person who claims to have personal  
14 knowledge of the crime such as an eyewitness.

15           Circumstantial evidence is proof of chain of facts and  
16 circumstances which tend to show whether the Defendant is guilty or not.  
17 The law makes no distinction between the two.

18           Sometimes we rely 100 percent on circumstantial evidence.  
19 The law makes no distinction -- and this is straight from your jury  
20 instructions. This isn't Chad's spin on it. The law makes no distinction  
21 between the weight to be given to either direct or circumstantial evidence.

22           There's -- all of the evidence in the case, including the  
23 circumstantial evidence, should be considered by you in arriving at your  
24 verdict.

25           Nobody identified Mr. Bolden, right? That's what defense



1 counsel told you. Again, minutes with them showing up, they have a  
2 name and they have a picture.

3 Here's the woman whose house we shot up. The man -- the  
4 woman that was caught, a Ms. [indiscernible] if you will, a man you know  
5 who had relations at one in point in time with this man, the mother of his  
6 child. Out in front is another man that she's have sexual relations with.

7 And what? Within minutes, scrolling through her phone as that  
8 officer told you showing a picture of who? Of that man sitting right there  
9 with the name Jason Bolden.

10 Then, attack that all you want, folks. Attack Jegge all you want  
11 for showing him a picture of this man. What's he do? Identifies him.

12 Now, folks, I want you to use your common sense for a second  
13 on this. Often on cases where we're dealing with personal vendettas or  
14 personal relationships, or anything like that where there's emotions get  
15 involved, or people don't want testify and not show up for Court, or they  
16 want to change their story, often our most powerful piece of evidence --

17 MR. NADIG: Your Honor, can we approach?

18 THE COURT: Yeah.

19 [Bench conference]

20 MR. NADIG: This isn't proper argument. He can't bring out  
21 extrinsic case law and things of that nature or cases to discuss this case  
22 and compare it to others.

23 THE COURT: No.

24 MR. LEXUS: I'm not talking about case law.

25 MR. NADIG: You are.

1 MR. LEXUS: I'm talking about --

2 THE COURT: I think you're talking about how you normally  
3 handle other things, right? So.

4 MR. LEXUS: Yeah.

5 THE COURT: I mean, that's what you said.

6 MR. LEXUS: Yeah, absolutely.

7 MR. NADIG: That's improper.

8 MR. LEXUS: No, it's not.

9 THE COURT: Well, I'm going to rule that you have to move on.

10 MR. LEXUS: Okay.

11 THE COURT: I think that's not something that should be  
12 brought up. We don't have the evidence of how you normally do it or  
13 whether --

14 MR. LEXUS: That's 100 percent argument, Judge, but I'll move  
15 on.

16 MR. NADIG: Yes, but it's improper.

17 THE COURT: Okay, go ahead just move on.

18 [End bench conference]

19 MR. LEXUS: Like I was saying, Judge, ladies, and gentlemen,  
20 there's no time when you're calling to think about you know what? Maybe  
21 I shouldn't be doing this. There's no time to think about you know what?  
22 How's this going to affect me later on. You know what? How is this going  
23 to be a repercussion on the 911 or statements made immediately after a  
24 shocking event or emergency, something immediate is often one of the  
25 best pieces of evidence for a jury.

1           And let's play it. And when we play it, I want you to focus on the  
2 fact, again, this woman telling you how did she see him? She runs back  
3 into the house. And then, she later on says she knows the way he left.

4           Is that inconsistent with anything? Once again, this man came  
5 and told you he's outside with his brother. Back is to the apartment, back  
6 is to the door.

7           When a heated exchange takes place between two men, his  
8 brother and this man, two people very well Brandi knows, knows their  
9 voice. Obviously knows something's -- situation's going to go down given  
10 the fact there's a heated exchange.

11           And how do you know evidence of a heated exchange? Well,  
12 the man's shot up the joint.

13           [Playing of 911 recording, admitted as Exhibit 125A]

14           MR. LEXUS: Ladies and gentlemen, I'd submit to you that  
15 that's about as real as it gets. I also want you to consider what you'd  
16 make of this call, what you just experienced. Almost lost her life as to her  
17 child, as to her cousins, as to the other two people in that house, the  
18 brothers.

19           If you think that was some Academy Award performance, by all  
20 means, find this man not guilty. Absolutely supported by the man at a  
21 distance saying he saw somebody running. Talk about possibility and  
22 speculation all day long.

23           Well, you know, the jacket, this man saw the distance of his  
24 jacket. Okay, she didn't mention jacket. Talk about possibilities of  
25 speculation all day long when something is trying is give a description

1 when under that type of stress.

2 Or a man from that distance describing someone running off.  
3 I'd submit to you if somebody broke in this room right here now and  
4 started beating up Jory and took off and we would have been asked for  
5 descriptions of suspects, we'd be getting a litany of different minor things.

6 Once again, it's a possibility and speculation. Is it backed up by  
7 Brandi's 911 call, this man fleeing the scene in dark clothing? Absolutely.

8 Is it backed up by this situation where Jegge is showing the  
9 man the picture? Absolutely. Both of them identified. Whether Defense  
10 likes it or not, that's what they do. Circumstantial evidence, folks.

11 Brandi, Bryson, Brenton. Brandi not being here. Bryson not  
12 being here, dodging service. Brenton brought in and told you why, why  
13 didn't he up a fight? Why he's the way like -- that's circumstantial  
14 evidence for you to consider.

15 You better believe, folks, if all we had is that 911, we'd be telling  
16 you that's your man. If all we had is Brenton coming in, we'd be telling  
17 you that's your man because direct and circumstantial evidence all goes  
18 to one. And everything else is up to possibilities and speculation.

19 You add that with the circumstantial evidence and your mind's  
20 telling you big surprise, the relationship, the mother of his child, Bryson, a  
21 primary target. Big surprise he's not back here.

22 Brandi, same thing. Big surprise. Brenton, same thing. The  
23 way this man's raised, not uncommon one day that this is a situation  
24 you're dealing with.

25 Folks, I want to bring up something else which the law allows

1 you to look at in situations like this because all cases, you're not going to  
2 have fingerprints, DNA, people taking the stand that are -- that they've  
3 been [indiscernible] these would have baggage upon them and no  
4 criminal history. No.

5 Motive, do I need to prove a motive, State need to prove a  
6 motive? No, but is that other circumstantial evidence you can look at in  
7 this case? Absolutely. Motive is not an element of the crime charged.  
8 And the State's not required to prove motive on the part of the Defendant  
9 in order to convict.

10 However, you may consider evidence of motive or lack of  
11 motive as circumstances in this case. So you've got a motive in this case.  
12 You've got motive of a man just coming by, walking by, then lighting up  
13 the joint, shooting a man, shooting inside where the mother of his child is?  
14 Yeah. Yeah.

15 Where the other man who's having sexual relations with is right  
16 outside the apartment, right outside the girl's apartment, right outside the  
17 apartment where you're child stays. Motive, absolutely you could  
18 consider as you well you could flip around and the motive on the other  
19 people not willing to be here.

20 Flight, folks, oftentimes cases are turned into identification case  
21 because the suspect flees the scene. The law allows you to take that into  
22 consideration. It's not a windfall for the Defense because the Defendant  
23 flees the scene. No, it's the exact opposite.

24 Flight of a person immediately after the commission of a crime  
25 is not sufficient itself to establish guilt, but is a fact which if proved may be

1 considered by you in light of all the other proved facts in deciding the  
2 question of his guilt or innocence. Once again, folks, you take all this  
3 evidence combined.

4 And another thing, too, which once again oftentimes we don't  
5 have forensic evidence or people that don't have any criminal past or any  
6 baggage in their past, the law is going to say, and I'll show you, the  
7 evidence comes from right here, folks. What comes out of their mouth  
8 and exhibits? The 911, the photos.

9 For example, I -- Brenton, is his story backed by any of the  
10 photos? You got two unspent casings on the ground which indicate what?  
11 His story from the get go of the man jammed his gun. That's why you can  
12 those two unspent casings on the ground.

13 You can have all this other evidence we talked about as far as  
14 exhibits. The picture of the Defendant. What comes out of their mouth?  
15 Again, the 911 call.

16 Folks, that's what came and that's what the evidence is.  
17 There's nothing that came from up here that's actual that you could grasp  
18 on to, say you know what, it's Peter Smith. It's Jason Allen. Nothing that  
19 came from this stand that says otherwise without you engaging in  
20 possibilities or speculation.

21 You know what? Maybe the cops could have done X, Y, Z.  
22 Maybe no, this person saw this. Maybe that. Speculating as to that.  
23 Defense comes up, well, you could have done a six-pack. Maybe he  
24 wasn't dying, so you know.

25 We could go on and on all day. Possibilities and speculations.

1 There's nothing from up here that you could grasp on to that came from  
2 the exhibits and out of their mouth that say, you know what? It was Jason  
3 Smith, it was John Doe without engaging in possibilities and speculation.

4 And folks, that's not me telling you. That's the law. The  
5 evidence which you are to consider in this case consists of the testimony  
6 of the witnesses, the exhibits, and any facts admitted or agreed to by  
7 counsel.

8 Moreover, reasonable doubt. A reasonable doubt is one based  
9 on reason. It's not mere possible doubt, but is such a doubt as would  
10 govern or control a person in the more weighty affairs of life.

11 If the mind of the jurors after the entire comparison and  
12 consideration of all the evidence are subject to conditions that they say  
13 they feel an abiding conviction of the truth of the charge, there is not  
14 reasonable doubt.

15 Let me go on. This is right out of your jury instructions. This is  
16 the last part of the reasonable doubt jury instruction. Doubt to be  
17 reasonable must be actual, not mere possibility or speculation.

18 Your man is shooting right there. There's nothing that's actual  
19 without engaging in possibilities or speculation which points to anybody  
20 else.

21 The State of Nevada asks that you give the people of this  
22 community the justice they deserve and find this man guilty of four counts  
23 of Attempt Murder with a Deadly Weapon, seven counts of Discharging a  
24 Firearm at or into a Structure, and one part of Battery With a Deadly  
25 Weapon. Thank you.

1 MR. NADIG: Your Honor, can we approach? I know he's  
2 finished, but can we approach?  
3 THE COURT: Yes.  
4 [Bench conference]  
5 THE COURT: Hold on, everybody.  
6 MR. NADIG: This is for purposes of the record, I'm objecting to  
7 the last two minutes of the burden shifting. He's attempting to place the  
8 burden on my client to provide an alternate theory. I fully expect you to  
9 overrule my objection.  
10 THE COURT: Right.  
11 MR. NADIG: I just want the objection for the record.  
12 THE COURT: Right, I didn't find that to be improper, so it is  
13 overruled.  
14 MR. NADIG: Thank you.  
15 THE COURT: Okay.  
16 [End bench conference]  
17 THE COURT: All right, ladies and gentlemen of the jury, at this  
18 point in time, we're going to swear in the officers who will take charge of  
19 you.  
20 Marshal, and why don't you go in the back and see if the JEA  
21 is --  
22 THE MARSHAL: Okay.  
23 THE COURT: All right, Madam Clerk, will you please swear in  
24 the officers that will take charge of the jury and the alternate?  
25 THE CLERK: Yes.



1 [The Court Officers and alternate are sworn by the Clerk]

2 THE COURT: All right, given that, Mr. Randolph, you were  
3 chosen last, so you are the alternate in this case. The officer appointed to  
4 take custody of you, Melanie Howard, will provide you with further  
5 instructions as you exit and your need to be available.

6 All right, the rest of you are the jurors who will now retire to  
7 deliberate.

8 Marshal, you will take charge of the jurors for that purpose.  
9 Rise for the jurors.

10 THE MARSHAL: Okay, all rise for the jury. Stand up, guys.  
11 You guys come on this way now.

12 [Outside the presence of the jury]

13 THE COURT: Please be seated, everybody.

14 MR. LEXUS: Judge, I'm going to get the --

15 THE COURT: Yes, sir?

16 MR. LEXUS: I'm going to run and get the verdict form because  
17 I need to make a correction on it.

18 THE COURT: Thank you. My Clerk was just asking me about  
19 that as well.

20 MR. LEXUS: And then we have -- I think Mr. Nadig's going to  
21 bring around the next set of jury instructions.

22 THE COURT: Of course.

23 MR. LEXUS: And then, we already filed yesterday --

24 THE COURT: The second amended information.

25 MR. LEXUS: The second amended --

1 MR. SCARBOROUGH: And the JOCs.  
2 MR. LEXUS: And the JOCs as court exhibits.  
3 THE COURT: And I checked with my Clerk last night and those  
4 have all been filed as well.  
5 MR. LEXUS: Okay.  
6 MR. SCARBOROUGH: And I also have a clean laptop ready to  
7 go for the jurors as well.  
8 THE CLERK: Yes.  
9 MR. LEXUS: And then just so you know, too, whether even if  
10 it's not guilty, we still are presenting Phase 2 --  
11 THE COURT: Of course.  
12 MR. LEXUS: -- of this.  
13 THE COURT: I understand.  
14 MR. SCARBOROUGH: Thank you.  
15 THE COURT: Anything else to put on the record?  
16 MR. NADIG: No, Your Honor.  
17 MR. SCARBOROUGH: Nothing from the State.  
18 THE COURT: All right, all right, Mr. Nadig, you going to stick  
19 around close somewhere? I don't know where your office is.  
20 MR. NADIG: I have my office literally down the street.  
21 THE COURT: Oh, okay.  
22 MR. SCARBOROUGH: I'll give my answer.  
23 THE COURT: All right, very good.  
24 MR. NADIG: Yeah.  
25 THE COURT: All right, see you guys back whenever.

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[Trial in recess taken at 12:22 p.m.]

[Trial resumed at 3:59 p.m.]

THE MARSHAL: And remain seated. Department 2 back on the record, back in session.

THE COURT: All right, I understand the jury has reached a verdict. Before we bring them in, after we read the verdict, I'm going to tell them they can't go home yet. We have another short phase which we're going to get done tonight. I am going to --

MR. LEXUS: The proper --

THE COURT: -- what I'm trying to think go ahead.

MR. LEXUS: The proper procedure would be read the second amended.

THE COURT: Let me just ask if she has it. She's pulling it up now.

MR. LEXUS: -- then ask the State if we have anything additional. And we're going to stand up and say with the adoption of everything that has already been admitted, we have nothing further. I'm sure Ben is going to --

MR. NADIG: I would change that a little bit. I think on the record, I would put the convictions. I would put the convictions on the record what specifically they are and then rest. And then I would rest.

MR. LEXUS: Okay.

MR. NADIG: Yeah.

MR. LEXUS: Will do, will do.

MR. NADIG: Yeah.

1 MR. LEXUS: Okay.

2 MR. NADIG: Just for purposes of this, because they're  
3 admitted in the record, which is fine. However, you still need to lay a  
4 predicate case.

5 MR. LEXUS: Okay.

6 THE COURT: All right, so I'll just put on the record that --

7 MR. LEXUS: The State does.

8 THE COURT: You'll put it on the record as part of your case in  
9 chief.

10 MR. LEXUS: I'll move to formally admit the judgments and  
11 conviction.

12 THE COURT: Perfect.

13 MR. LEXUS: And request that Defense --

14 MR. NADIG: Well, no, they're already admitted. You just read  
15 out he's convicted of this on this date, convicted of this on this date,  
16 convicted of this.

17 MR. LEXUS: Okay.

18 MR. NADIG: Because you need to have the evidence  
19 presented with the admission.

20 THE COURT: Right, do you need to grab those back from the  
21 Clerk?

22 MR. LEXUS: Sure, no problem.

23 THE COURT: All right, very good. The convictions that we  
24 introduced yesterday may be marked. You have them, right? All those  
25 documents that you were introducing that we discussed.

1 THE CLERK: Those are the cross exhibits?  
2 THE COURT: Yes.  
3 THE CLERK: Okay. Yes, I have them.  
4 THE COURT: All right. All right, let's go ahead and bring them  
5 in.  
6 MR. NADIG: And just for the record, if you like, we should do  
7 an opening and closing, but I don't anticipate myself or the State doing an  
8 opening. The closing is --  
9 THE COURT: I'll invite you to it.  
10 MR. NADIG: Yeah. .  
11 [Counsel confer]  
12 [The Judge confers with the Clerk]  
13 THE MARSHAL: Ready?  
14 THE COURT: Yes.  
15 THE MARSHAL: Okay, all rise for the jury. All right. All right,  
16 great, all jurors are present.  
17 [In the presence of the jury]  
18 THE COURT: All right, please be seated, everybody. Thank  
19 you for your patients, jurors.  
20 I understand that the jury has reached a verdict. Has the jury  
21 selected a foreperson?  
22 JUROR NO. 10: Yes, sir.  
23 THE COURT: All right, will the foreperson please stand and  
24 identify yourself?  
25 JUROR NO. 10: Shania Harris, Juror 10.

1 THE COURT: Juror 10? All right, and Ms. Harris, has the jury  
2 reached a verdict?

3 JUROR NO. 10: Yes, we have.

4 THE COURT: All right, you may present that to the Marshal.  
5 Thank you. All right, and Ms. Harris under Count 12 --

6 JUROR NO. 10: That was my --

7 THE COURT: Are these your initials next to a place?

8 JUROR NO. 10: Correct.

9 THE COURT: Okay.

10 JUROR NO. 10: It was mismarked.

11 THE COURT: Okay, and that was mismarked. Okay, I  
12 understand.

13 JUROR NO. 10: I asked if we needed a new sheet, he said it  
14 should be fine with the --

15 THE COURT: That's fine. We understand what you're doing  
16 here. All right, very good.

17 All right, Madam Clerk, will you please read the verdict?

18 THE CLERK: District Court, Clark County, Nevada, the state of  
19 Nevada plaintiff versus Jason Bolden, aka Jason Jerome Bolden  
20 Defendant. Case number C334635, Department 2.

21 Verdict, we the jury in the above-entitled case find Defendant  
22 Jason Bolden as follows. Count 1, Attempt Murder with Use of a Deadly  
23 Weapon Brenton Martinez. Guilty of Attempt Murder with Use of a Deadly  
24 Weapon.

25 Count 2, Attempt Murder with Use of a Deadly Weapon Bryson

1 Martinez, guilty of Attempt Murder with Use of a Deadly Weapon.  
2 Count 3, Attempt Murder with Use of a Deadly Weapon, Brandi  
3 Coleman. guilty of Attempt Murder with Use of a Deadly Weapon.  
4 Count 4, , Attempt Murder with Use of a Deadly Weapon,  
5 Sanyleh Bolen, guilty of , Attempt Murder with Use of a Deadly Weapon.  
6 Count 5, Discharging Firearm at or into Occupied Structure,  
7 Vehicle, Aircraft, or Water Craft, guilty of Discharging Firearm at or into  
8 Occupied Structure, Vehicle, Aircraft, or Water Craft.  
9 Count 6, Discharging Firearm at or into Occupied Structure,  
10 Vehicle, Aircraft, or Water Craft, guilty of Discharging Firearm at or into  
11 Occupied Structure, Vehicle, Aircraft, or Water Craft.  
12 Count 7, Discharging Firearm at or into Occupied Structure,  
13 Vehicle, Aircraft, or Water Craft, guilty of Discharging Firearm at or into  
14 Occupied Structure, Vehicle, Aircraft, or Water Craft.  
15 Count 8, Discharging Firearm at or into Occupied Structure,  
16 Vehicle, Aircraft, or Water Craft, guilty of Discharging Firearm at or into  
17 Occupied Structure, Vehicle, Aircraft, or Water Craft.  
18 Count 9, Discharging Firearm at or into Occupied Structure,  
19 Vehicle, Aircraft, or Water Craft, guilty of Discharging Firearm at or into  
20 Occupied Structure, Vehicle, Aircraft, or Water Craft.  
21 Count 10, Discharging Firearm at or into Occupied Structure,  
22 Vehicle, Aircraft, or Water Craft, guilty of Discharging Firearm at or into  
23 Occupied Structure, Vehicle, Aircraft, or Water Craft.  
24 Count 11, Discharging Firearm at or into Occupied Structure,  
25 Vehicle, Aircraft, or Water Craft, guilty of Discharging Firearm at or into

1 Occupied Structure, Vehicle, Aircraft, or Water Craft.

2 Count 12, Battery with a Deadly Weapon, Brenton Martinez,  
3 guilty of Battery with a Deadly Weapon, dated this 30th day of May, 2019,  
4 Shania Harris, foreperson.

5 Ladies and gentlemen of the jury, is this your verdict as read so  
6 say you one, so say you all?

7 JURORS [IN UNISON]: Yes.

8 THE COURT: All right, the jurors have answered in the  
9 affirmative collectively.

10 Would -- counsel, would you like to have the jurors polled  
11 individually?

12 MR. NADIG: No, Your Honor.

13 THE COURT: All right, very good. Anything else to put on the  
14 record before I discharge the jurors?

15 MR. NADIG: You're not discharging the jurors.

16 THE COURT: With respect to this?

17 MR. LEXUS: That's correct, but we do need to make a  
18 correction with Phase 2, so.

19 THE COURT: Understood.

20 MR. LEXUS: -- we'd ask you to make -- to have them go back  
21 in the jury deliberation room while we take a --

22 THE COURT: All right, very good. So I'll ask the Clerk to enter  
23 the verdict and the minutes of the Court.

24 Jurors, I'm going to have you retire. I didn't mean to say  
25 discharge. I'm going to have you retire momentarily while we have to



1 discuss a few things here.

2 The admonishment that I had given you before still applies.  
3 Don't talk to the attorneys, or the witnesses, or the parties while you are  
4 waiting for us to get back to you.

5 Don't discuss the subject matter of this trial any more while  
6 you're waiting for us. And do not discuss your deliberations. Do not  
7 discuss any opinions that you will form. Do you understand all that?

8 JUROR NO. 10: Yes, sir.

9 THE COURT: All right, Marshal, please excuse the jurors. Let  
10 them retire back to the deliberation room momentarily.

11 THE MARSHAL: Okay.

12 THE COURT: Thank you.

13 THE MARSHAL: Rise for the jury.

14 [Outside the presence of the jury]

15 THE COURT: All right, we're outside the presence of the jury.  
16 Looks like Mr. Lexus stepped out?

17 MR. SCARBOROUGH: Yes, there were some amendments  
18 and corrections we actually had to make for the amended -- the second  
19 amended information in relation to the possession by prohibited person.

20 THE COURT: I understand.

21 MR. SCARBOROUGH: There was some typographical errors  
22 and mislabelings of the underlying convictions we were alleging in the  
23 amended. So rather than interlineate a bunch of times on it, we just  
24 wanted to get a clean document. So that's why Mr. Lexus --

25 THE COURT: All right, I understand. Where's the second set

1 of instructions that I'm going to read?

2 MR. NADIG: You should have been provided and I have them  
3 if not.

4 THE COURT: All right, my Clerk has it.

5 MR. NADIG: Instruction number 3 will need to be changed.

6 THE COURT: Understood.

7 MR. NADIG: Additionally, Your Honor, just for the record, the  
8 State did not fill a notice of habitual in this case, so would not be  
9 applicable.

10 THE COURT: All right, very good. We're just going to -- we're  
11 waiting for Mr. Lexus to come back with --

12 MR. NADIG: An amended amended.

13 THE COURT: An -- right.

14 MR. NADIG: Text to make sure he knows that he needs to  
15 change instruction number 3 as well.

16 MR. SCARBOROUGH: [Indiscernible].

17 THE COURT: We can simply interlineate that if that makes it --

18 MR. NADIG: And I'm fine with that. I was actually fine with him  
19 interlineating, but --

20 MR. SCARBOROUGH: Yeah.

21 THE COURT: Mr. Scarborough?

22 MR. SCARBOROUGH: Yes, Your Honor.

23 THE COURT: I needed to know if we were going to entertain  
24 argument on the custody status of the Defendant?

25 MR. NADIG: I expect that that will be something.

1 THE COURT: That will be something --  
2 MR. NADIG: Yes.  
3 THE COURT: Contested?  
4 MR. SCARBOROUGH: Yes.  
5 THE COURT: Because I -- if it was going to be agreed upon by  
6 the parties, whatever we were going to do, I was going to let the Marshals  
7 go, but we got to hang around with a couple Marshals deciding what might  
8 be the appropriate disposition.  
9 MR. SCARBOROUGH: I understand.  
10 MR. NADIG: From a political aspect, I don't think that the D.A.  
11 could agree to what we would want them to agree to. Submit with that.  
12 THE COURT: All right, well, I didn't know if you guys worked  
13 something out so I need to ask.  
14 MR. NADIG: No, we didn't.  
15 THE COURT: All right, so I'm going to ask the Marshals to stay,  
16 please. You can go ahead and be seated.  
17 MR. NADIG: Thank you.  
18 THE DEFENDANT: [Indiscernible.]  
19 MR. NADIG: Your Honor at this point in time, he's not in  
20 custody. So he's free to do whatever else?  
21 THE COURT: Marshal, I'll go ahead and allow it. If it's okay  
22 with his counsel.  
23 THE MARSHAL: Okay.  
24 [Counsel confers with the Defendant]  
25 THE COURT: Guys.

1 MR. NADIG: Oh, are we on record?

2 THE COURT: Well, no --

3 MR. NADIG: I apologize, Your Honor.

4 THE COURT: Well, I think we are -- but I -- let's go off the  
5 record.

6 MR. NADIG: Okay. .

7 [Trial in recess at 4:13 p.m.]

8 [Trial resumed at 4:27 p.m.]

9 MR. NADIG: Amended information with an interlineation  
10 specifically as to line 3 and 4 on page 2 striking through Las Vegas  
11 Municipal Court, Clark County.

12 THE COURT: Oh, hold on. Can you hold on my Clerk was  
13 looking for something.

14 THE CLERK: Sorry, I was just going to see [indiscernible].

15 MR. NADIG: Oh, you're right, you're right.

16 THE CLERK: Yes, [indiscernible].

17 MR. NADIG: Yes, it is the 3rd, because we never -- this was  
18 not filed.

19 THE COURT: Thank you.

20 MR. NADIG: Just for the record, interlineating on page 2, line 3  
21 and line -- through line 4 replacing Las Vegas Municipal Court Clark  
22 County with Clark County District Court, Clark County. And that should be  
23 the sum total of the interlineations. I am initialing it.

24 UNIDENTIFIED SPEAKER: And you also have the same  
25 corrections to the jury instructions [indiscernible].

1 MR. NADIG: Yes, on instruction number 3 in the jury  
2 instructions as to line 15 on page 3, Your Honor, we will be striking  
3 through Las Vegas Municipal Court Clark County and putting Clark  
4 County District Court, Chad Lexus and Ben Nadig and both initialed with a  
5 C.L. and a B.N.

6 THE CLERK: Okay.

7 THE COURT: Okay, thank you. Looks like my Clerk will  
8 conform. Right, thank you.

9 THE CLERK: Thank you.

10 THE COURT: All right, give me a moment, counsel.

11 All right, we're ready to bring the jurors back in.

12 MR. LEXUS: Judge, as we previously spoke, as defense  
13 counsel stated earlier when after you read the 3rd amended, you asked  
14 the State if we present any witnesses.

15 We're not going to present any witnesses. I'm just going to  
16 move to formally admit the judgments of convictions that are listed on the  
17 information and with that, we will rest after.

18 THE COURT: Very good. Thank you. So first thing we do is  
19 when they come in, I'll tell them that we have another phase in this  
20 proceeding and go ahead and read the charges and then we'll proceed  
21 with what you say.

22 All right, Marshal?

23 THE MARSHAL: Yes, sir.

24 [Pause]

25 THE MARSHAL: Okay, rise for the jury. All jurors are present.

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[In the presence of the jury]

THE COURT: All right, please be seated everybody. Ladies and gentlemen of the jury, I can't release you yet because we have another mini proceeding that we have to conduct. This won't take long depending on how long you want to have new deliberations.

All right, so bear with me. Pay attention and we'll get through this in most economical fashion that we can.

So there's an additional charge that I need to have the Court Clerk read. Let me go ahead and give you the preface. This is a criminal case brought by the state of the Nevada. The State charges the Defendant with an alleged crime. The charge against the Defendant is contained in the third amended information.

This information simply describes the charge that the State brings against the Defendant. This information is not evidence and does not prove anything.

The Clerk will now read the information.

THE CLERK: District Court, Clark County Nevada, the State of Nevada Plaintiff versus Jason J. Bolden, aka Jason Jerome Bolden Defendant.

Case number C334635, department number 2, third amended information. Steven B. Wolfson, District Attorney within and for the county of Clark, state of Nevada, in the name and by the authority of the state of Nevada informs the Court that Jason Jay Bolden aka Jason Jerome Bolden, the Defendant above named having committed the crime of ownership or possession of firearm by prohibited person on or about the

1 first day of July 2018 within the County of Clark, state of Nevada, contrary  
2 to the form, force, and effect of statutes in such cases made and provided  
3 and against the peace and dignity of the state of Nevada did willfully,  
4 unlawfully, and feloniously own, or in his own possession and/or under his  
5 custody or control a firearm to wit firearm, the Defendant being a  
6 convicted felon, having in 2009 been convicted of trafficking controlled  
7 substance in case number C228792 in or having in 2009 been convicted  
8 of battery constituting domestic violence with substantial bodily harm and  
9 attempt battery constituting domestic violence with substantial bodily harm  
10 in case number C246243 in the Clark County District Court felonies under  
11 the law of the state of Nevada. Steven B. Wolfson, Clark County District  
12 Attorney.

13 THE COURT: Thank you, Madam Clerk.

14 The Defendant has pled guilty or not guilty to the charge -- this  
15 additional charge and is presumed innocent unless the State proves the  
16 Defendant guilty beyond a reasonable doubt.

17 In addition, the Defendant has the right to remain silent and  
18 never has to prove innocence or to present any evidence.

19 I'll ask the State, does the State have any witnesses that it  
20 wishes to present at this time as to this additional charge or to provide any  
21 additional evidence to the Court?

22 MR. NADIG: Your Honor, can we approach?

23 THE COURT: Yes.

24 [Bench conference]

25 THE COURT: I thought you guys both waived any opening

1 statement?

2 MR. NADIG: Well, no, we do have to do it on the record that's  
3 the only thing.

4 THE COURT: Oh, okay.

5 MR. NADIG: That's it.

6 THE COURT: Okay. That's fine.

7 [End bench conference]

8 THE COURT: All right, does the State have any opening  
9 statement it would like to make in this matter?

10 MR. LEXUS: No, Judge.

11 MR. SCARBOROUGH: No, Your Honor.

12 THE COURT: Does the Defense have any opening statement it  
13 would like to make in this matter?

14 MR. NADIG: No, Your Honor.

15 THE COURT: All right, does the State have any witnesses or  
16 other evidence that it would like to present at this time?

17 MR. LEXUS: The State moves to admit certified judgments of  
18 convictions the first out of Clark County district Court in case C228792 for  
19 trafficking controlling a substance in 2009.

20 THE COURT: All right.

21 MR. LEXUS: I also have --

22 THE COURT: It's so admitted. The document having been  
23 previously reviewed.

24 MR. NADIG: At this point, I want to object as to foundation.

25 THE COURT: All right.



1 MR. LEXUS: That's fine, Judge. I'll -- let me restate.

2 MR. NADIG: For the record, who is the person who was  
3 convicted of that charge?

4 MR. LEXUS: Jason Jerome Bolden, ID Number 1891927  
5 judgment and conviction, case C228792 trafficking a controlled substance  
6 2009. I also have --

7 THE COURT: Thank you, Mr. Nadig, for that clarification. All  
8 right. Go ahead.

9 MR. LEXUS: Also have ID number 1891927, which is Jason  
10 Spillers [phonetic], also known as Jason Bolden in case C246243, 2009  
11 for battery constituting domestic violence with substantial bodily harm and  
12 attempt battery constituting domestic violence with substantial bodily harm  
13 all certified.

14 THE COURT: Mr. Nadig?

15 MR. NADIG: And Your Honor, for the record, I have reviewed  
16 those. I believe that they are admissible based on their certified nature.  
17 So I'll submit.

18 THE COURT: They are admitted. Anything else from the  
19 State?

20 MR. LEXUS: No, with this being admitted, Judge, the State  
21 rests.

22 THE COURT: Very good.

23 Does the Defense have any witnesses or evidence that it would  
24 like to present to the Court at this time?

25 MR. NADIG: No, Your Honor Defense rests.

1 THE COURT: All right. Very good.

2 Would the State like to make any closing argument?

3 MR. LEXUS: Judge, I would first -- may we re-approach,  
4 Judge?

5 THE COURT: Yeah. Oh, let me go ahead and read the -- let  
6 me read the supplemental instructions.

7 MR. LEXUS: Yeah.

8 THE COURT: Ladies and gentlemen, I have to read you some  
9 additional instructions. Some of these may be repetitive of what you  
10 heard in the prior phase of this proceeding, but I'm going to read them  
11 nevertheless, okay?

12 All right, instructions to the jury.

13 [The Court read the supplemental instructions to the jury]

14 THE COURT: Those are the instructions. Jurors, if I read  
15 those fast, please don't interpret that as suggesting in any way how long  
16 you should spend for any subsequent deliberations. That is totally up to  
17 you to determine, you know, based upon the law and the evidence.

18 Also, please don't concern yourself as to why I bifurcated these  
19 proceedings. All right, does the State wish to present closing argument?

20 MR. LEXUS: Briefly, Judge.

21 Ladies and gentlemen, this comes down to basically jury  
22 instruction 11, which says that it's against the law for a prohibited person,  
23 meaning a person who has previously been convicted of a felony which  
24 we have admitted his JOCs to possess a firearm. You don't need to shoot  
25 the firearm. You don't need to hit anybody with a firearm. It's simply

1 possess a firearm.

2           You already found him guilty of not only owning a gun, but  
3 shooting that firearm, which I way more than what the law requires under  
4 this charge. Therefore, I would ask him to found to be guilty of  
5 possession of a firearm by a prohibited person. Thank you.

6           THE COURT: Mr. Nadig, would you like to present a closing  
7 argument --

8           MR. NADIG: Thank you.

9           THE COURT: -- to the jury, sir?

10          MR. NADIG: Briefly. Ladies and gentlemen of the jury, they  
11 have to prove he possessed a firearm, they have to prove that he did not  
12 have the ability legally to possess a firearm. And based upon that, you  
13 need to make a decision. So I'll submit it on that.

14          THE COURT: Thank you. Anything before I submit the jury for  
15 further deliberations? .

16          MR. NADIG: No.

17          MR. SCARBOROUGH: [Indiscernible] rebuttal of proof of the  
18 gun.

19          THE COURT: All right.

20          MR. LEXUS: Yes.

21          THE COURT: We have that, right?

22          MR. LEXUS: Once again, you're able to adopt all the facts and  
23 evidence that came in during the first phase of this trial and again, direct  
24 and circumstantial evidence. With that, I'll submit. Thank you.

25          THE COURT: Anything else from the attorneys before I allow

1 the jury to retire for further deliberations?

2 MR. NADIG: No, Your Honor.

3 MR. SCARBOROUGH: No, Your Honor.

4 THE COURT: Okay, the Marshal has already been sworn. He  
5 will continue to be under oath to take charge of the jury and to make sure  
6 that they properly conduct their deliberations in accordance with previous  
7 instructions.

8 THE MARSHAL: Yes.

9 THE COURT: Correct, Marshal?

10 THE MARSHAL: Yes, sir.

11 THE COURT: All right, ladies and gentlemen of the jury, I need  
12 you to retire one more time to deliberate on this one additional charge.  
13 The Court Clerk will again provide you with the jury instructions and a  
14 verdict form for you to consider. All right. So you're not going to retire for  
15 this additional phase of the proceedings. Thank you.

16 THE MARSHAL: Rise for the jury. Come on back.

17 [Outside the presence of the jury]

18 THE COURT: All right, everybody may be seated. Be at ease.  
19 Anything to put on the record before -- anything to put on the record  
20 before we go off the record?

21 MR. NADIG: No, Your Honor.

22 MR. SCARBOROUGH: No, Your Honor.

23 THE COURT: Okay, very good. I'll be back when it's  
24 appropriate. All right.

25 MR. NADIG: Thank you, Your Honor.

1 THE COURT: You have the jury verdict form to give to the  
2 jurors?

3 THE CLERK: I [indiscernible].

4 THE COURT: All right.

5 THE CLERK: And then we'll leave as State's exhibits and  
6 they're going to back, right, to the jurors, these --

7 MR. NADIG: Yes.

8 THE COURT: Yes, I didn't know what these was yes.

9 THE CLERK: Sorry.

10 THE COURT: Thank you.

11 [Trial in recess at 4:51 p.m.]

12 [Trial resumed at 4:55 p.m.]

13 THE COURT: I was hoping we could have just adopted the jury  
14 instructions rather than reading them all, but --

15 MR. NADIG: Yeah, unfortunately because they're slightly  
16 different.

17 THE COURT: Okay, right, 11, maybe a couple of others.

18 MR. NADIG: I was joking with the State that I was going to  
19 object because they didn't establish identification or jurisdiction for the  
20 second charge.

21 THE COURT: I understand.

22 MR. SCARBOROUGH: Yeah.

23 THE COURT: We are still on the record, but I'm going to invite  
24 you to go back and confer, talk to the jurors.

25 THE MARSHAL: Rise for the jury.

1 MR. NADIG: Thank you.

2 MR. SCARBOROUGH: Thank you.

3 [In the presence of the jury]

4 THE COURT: All right, please be seated everybody. The  
5 jurors are present.

6 Ms. Harris, are you still the foreperson?

7 JUROR NO. 10: Yes, Your Honor.

8 THE COURT: All right, Shania Harris, 069, seat number 10 has  
9 the jury reached a verdict on the additional charge?

10 JUROR NO. 10: Yes, we have.

11 THE COURT: Can you please present the verdict to the  
12 Marshal? All right, I will have the Court Clerk read the verdict.

13 THE CLERK: District Court, Clark County Nevada, the state of  
14 Nevada Plaintiff versus Jason J. Bolden aka Jason Jerome Bolden  
15 Defendant. Case number C334635, Department number 2.

16 Verdict, we the jury in the above-entitled case find the  
17 Defendant Jason J. Bolden as follows. Count 1, Ownership or  
18 Possession of Firearm By a Prohibited Person, guilty of Ownership or  
19 Possession of Firearm By a Prohibited Person. Dated this 30th day of  
20 May, 2019, Shania Harris, foreperson.

21 Jurors, is this your verdict as read so say you one so say you  
22 all?

23 JURORS [IN UNISON]: Yes.

24 THE COURT: I think you've all answered in the affirmative?  
25 Does anybody wish to have the jurors polled?

1 MR. NADIG: No, Your Honor.

2 THE COURT: All right, the Court will enter the verdict and the  
3 minutes in the record of the Court.

4 Ladies and gentlemen of the jury, at this time, I am discharging  
5 you. You're free from the admonishments that I'd given you before.  
6 You're free to discuss your deliberations, your opinions, your decision  
7 making process, your feelings about this case, the evidence of the case.  
8 You're free to discuss anything about this case that you would like to do  
9 so.

10 I'm going to invite you to go back to the deliberation room. And  
11 if you'd like to, I'm going to invite the attorneys to go back there. And  
12 you're free to confer with the attorneys and answer any questions that  
13 they might have for you. Give them your thoughts.

14 It's -- in my department, it's customary to allow the jurors to talk  
15 to the attorneys after a case. So feel free to do that. If you don't wish to  
16 do that, you can simply gather your belongings and go home. Otherwise,  
17 please stick around.

18 You've been a most attentive jury. You've served a critical role  
19 in our judicial system. We cannot have a judicial system like ours without  
20 citizens that are willing to dedicate their time. Thank you very much.

21 All right, Marshal?

22 THE MARSHAL: All rise for the jury.

23 [Outside the presence of the jury]

24 THE COURT: All right, please be seated.

25 MR. NADIG: And, Your Honor, if we can I think at this point

1 time, it's fair to discuss, Mr. Bolden's custody status?

2 THE COURT: Exactly.

3 MR. SCARBOROUGH: He has to stay with move for -- remand  
4 into custody without bail. He was convicted of 13 felonies. The  
5 presumption of innocence is no longer in existence. Four of which those  
6 felonies are nonprobationary. Based on that, we'd ask for a remand with  
7 no bail pending sentencing.

8 MR. NADIG: Your Honor --

9 THE COURT: Mr. Nadig?

10 MR. NADIG: -- my response to that is, while he was convicted  
11 of the charges and the presumption is gone, he has lived out of state. He  
12 has attended every single court appearance except for those where his  
13 presence has been waived.

14 You heard the victim in this case's statement that he has not  
15 threatened that gentleman or has not had any contact with that individual.  
16 He has a house in Oklahoma and he has an apartment here.

17 He would request time to get his affairs in order prior to turning  
18 himself in as he did not expect the verdict that he got. Your Honor, if we  
19 could do an out-of-custody sentencing or even in the alternative, give him  
20 two weeks to get his affairs in order, that is what I would ask for.

21 THE COURT: Under the circumstances of this case, I must  
22 remand him without bail at this time. All right? Let me go ahead and give  
23 some further instructions to Mr. Bolden.

24 Mr. Bolden, you will be contacted by Department of Parole and  
25 Probation. You will be requested to provide them with in -- with



1 information and to interview with them.

2 The purpose of providing them with that information is so they

3 can prepare a report called a presentence investigation report. That

4 report will have information you give them as well as other information

5 they collect. They'll present that report to me for careful consideration

6 before I sentence you. Do you understand that, sir?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: All right, very good. Your sentencing date will

9 be?

10 THE CLERK: July 9th, 2019 at 9 a.m.

11 THE COURT: Mr. Nadig, do you have that, sir?

12 MR. NADIG: I do, Your Honor.

13 THE COURT: All right, anything else to put on the record,

14 counsel?

15 MR. LEXUS: No, Judge, thank you.

16 MR. SCARBOROUGH: No, Your Honor, thank you.

17 THE COURT: All right, then again I invite you to go confer with

18 the jurors if you so wish. And the Court is now off the record.

19 MR. NADIG: Thank you.

20 [Trial Day 3 concluded at 5:01 p.m.]

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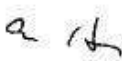
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ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.



---

Chris Hwang  
Transcriber

ORIGINAL

VER

FILED IN OPEN COURT  
STEVEN D. GRIERSON  
CLERK OF THE COURT

MAY 30 2019 4:05 p

DISTRICT COURT  
CLARK COUNTY, NEVADA

BY, E. Vargas  
E. VARGAS, DEPUTY

THE STATE OF NEVADA,  
Plaintiff,

-vs-

JASON J. BOLDEN, aka  
Jason Jerome Bolen, #1891927

Defendant.

CASE NO: C-18-334635-1

DEPT NO: ~~XXI~~ II

C-18-334635-1

VER  
Verdict  
4839457



VERDICT

We, the jury in the above entitled case, find the Defendant JASON J. BOLDEN, as follows:

**COUNT 1** – ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Brenton Martinez)

*(Please check the appropriate box, select only one)*

- ☒ Guilty of Attempt Murder with Use of a Deadly Weapon  
☐ Guilty of Attempt Murder  
☐ Not Guilty

**COUNT 2** – ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Bryson Martinez)

*(Please check the appropriate box, select only one)*

- ☒ Guilty of Attempt Murder with Use of a Deadly Weapon  
☐ Guilty of Attempt Murder  
☐ Not Guilty

**COUNT 3** – ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Brandi Coleman)

*(Please check the appropriate box, select only one)*

- ☒ Guilty of Attempt Murder with Use of a Deadly Weapon  
☐ Guilty of Attempt Murder  
☐ Not Guilty

**COUNT 4** – ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Sanyleh Bolen)

*(Please check the appropriate box, select only one)*

- ☒ Guilty of Attempt Murder with Use of a Deadly Weapon  
☐ Guilty of Attempt Murder  
☐ Not Guilty

**COUNT 5** – DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE, VEHICLE, AIRCRAFT, OR WATERCRAFT

*(Please check the appropriate box, select only one)*

- ☒ Guilty of Discharging Firearm At or Into Occupied Structure, Vehicle, Aircraft, or Watercraft  
☐ Not Guilty

**COUNT 6** – DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE, VEHICLE, AIRCRAFT, OR WATERCRAFT

*(Please check the appropriate box, select only one)*

- ☒ Guilty of Discharging Firearm At or Into Occupied Structure, Vehicle, Aircraft, or Watercraft  
☐ Not Guilty

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1 **COUNT 7** – DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE,  
2 VEHICLE, AIRCRAFT, OR WATERCRAFT

3 *(Please check the appropriate box, select only one)*

4 ☒ Guilty of Discharging Firearm At or Into Occupied Structure, Vehicle,  
5 Aircraft, or Watercraft

6 ☐ Not Guilty

7 **COUNT 8** – DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE,  
8 VEHICLE, AIRCRAFT, OR WATERCRAFT

9 *(Please check the appropriate box, select only one)*

10 ☒ Guilty of Discharging Firearm At or Into Occupied Structure, Vehicle,  
11 Aircraft, or Watercraft

12 ☐ Not Guilty

13 **COUNT 9** – DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE,  
14 VEHICLE, AIRCRAFT, OR WATERCRAFT

15 *(Please check the appropriate box, select only one)*

16 ☒ Guilty of Discharging Firearm At or Into Occupied Structure, Vehicle,  
17 Aircraft, or Watercraft

18 ☐ Not Guilty

19 **COUNT 10** – DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE,  
20 VEHICLE, AIRCRAFT, OR WATERCRAFT

21 *(Please check the appropriate box, select only one)*

22 ☒ Guilty of Discharging Firearm At or Into Occupied Structure, Vehicle,  
23 Aircraft, or Watercraft

24 ☐ Not Guilty

25 ///

26 ///

27 ///

28

1 **COUNT 11** – DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE,  
2 VEHICLE, AIRCRAFT, OR WATERCRAFT

3 *(Please check the appropriate box, select only one)*

- 4 ☒ Guilty of Discharging Firearm At or Into Occupied Structure, Vehicle,  
5 Aircraft, or Watercraft  
6 ☐ Not Guilty

7 **COUNT 12** – BATTERY WITH A DEADLY WEAPON (Brenton Martinez)

8 *(Please check the appropriate box, select only one)*

- 9 ☒ Guilty of Battery with a Deadly Weapon  
10 ☐ Guilty of Battery  
11 ☒ Not Guilty

12  
13 DATED this 30 day of May, 2019

14   
15 FOREPERSON

FILED IN OPEN COURT  
STEVEN D. GRIERSON  
CLERK OF THE COURT

MAY 30 2019 4:57p

DISTRICT COURT  
CLARK COUNTY, NEVADA

BY, E. Vargas  
E. VARGAS, DEPUTY

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5 THE STATE OF NEVADA,  
6 Plaintiff,

7 -vs-

8 JASON J. BOLDEN, aka  
9 Jason Jerome Bolen, #1891927

10 Defendant.

CASE NO: C-18-334635-1

DEPT NO: ~~XXI~~ II

11 VERDICT

12 We, the jury in the above entitled case, find the Defendant JASON J. BOLDEN as  
13 follows:

14 COUNT 1 - OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON

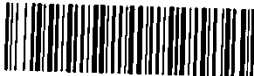
15 *(Please check the appropriate box, select only one)*

- 16 ☒ Guilty of Ownership or Possession of Firearm by Prohibited Person  
17 ☐ Not Guilty

18  
19 DATED this 30 day of May, 2019

20  
21 Shamir Slom  
22 FOREPERSON

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25 C-18-334635-1  
26 VER  
Verdict  
4839456



FILED IN OPEN COURT  
STEVEN D. GRIERSON  
CLERK OF THE COURT

MAY 30 2019

BY, E. Vargas  
E. VARGAS, DEPUTY

1 AINF  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 JORY SCARBOROUGH  
6 Deputy District Attorney  
7 Nevada Bar #014265  
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 JASON J. BOLDEN, aka  
13 Jason Jerome Bolen, #1891927  
14 Defendant.

CASE NO: C-18-334635-1

DEPT NO: ~~XXI~~ II

THIRD AMENDED  
INFORMATION

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

17 STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State  
18 of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

19 That JASON J. BOLDEN, aka Jason Jerome Bolen, the Defendant(s) above named,  
20 having committed the crimes of **OWNERSHIP OR POSSESSION OF FIREARM BY**  
21 **PROHIBITED PERSON (Category B Felony - NRS 202.360 - NOC 51460)**;, on or about  
22 the 1st day of July, 2018, within the County of Clark, State of Nevada, contrary to the form,  
23 force and effect of statutes in such cases made and provided, and against the peace and dignity  
24 of the State of Nevada, did willfully, unlawfully, and feloniously own, or have in his  
25 possession and/or under his custody or control, a firearm, to wit: firearm, the Defendant being  
26 a convicted felon, having in 2009, been convicted of Trafficking Controlled Substance, in Case

27 //

28 //

C-18-334635-1  
AINF  
Amended Information  
4839451



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No. C228792 and/or having in 2009, been convicted of Battery Constituting Domestic Violence with Substantial Bodily Harm and Attempt Battery Constituting Domestic Violence with Substantial Bodily Harm, in Case No. C246243, in the ~~Las Vegas Municipal Court, Clark County~~, felonies under the laws of the State of Nevada.

*Clark County District Court*  
*CV*

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

BY

*[Signature]*  
JORY SCARBOROUGH  
Deputy District Attorney  
Nevada Bar #014265

Names of witnesses known to the District Attorney's Office at the time of filing this Information are as follows:

<u>NAME</u>	<u>ADDRESS</u>
CAREY, KEVIN	LVMPD #8739
CHARLTON, NOREEN	LVMPD #13572
COLEMAN, BRANDI	2883 WHEELWRIGHT DR #6/A, LVN 89121
CUSTODIAN OF RECORDS OR DESIGNEE	Clark County Detention Center, 330 S. Casino Center Blvd., Las Vegas, NV
CUSTODIAN OF RECORDS OR DESIGNEE	Clark County Detention Center, Communications 330 S. Casino Center Blvd., Las Vegas, NV
CUSTODIAN OF RECORDS OR DESIGNEE	LVMPD Communications, Las Vegas, NV
CUSTODIAN OF RECORDS OR DESIGNEE	LVMPD Records Las Vegas, NV
GETER, SHAKIESHA	2883 WHEELWRIGHT DR #6/A, LVN 89121
GROSS, KEITH OR DESIGNEE	INVESTIGATOR / C.C. DISTRICT ATTORNEY
JACKSON, JERMAINE	LVMPD #16510
KNOWLTON, JOSHUA	4581 CARRIGAE PARK DR #22/A, LVN 89121

1	KRMPOTICH, KENNETH	LVMPD #5809
2	MARTINEZ, BRENTON	5250 STEWART AVE #2095, LVN 89110
3	MARTINEZ, BRYSTON	2883 WHEELWRIGHT DR. #6/A, LVN 89121
4	SHAKEFORD, KEVIN	LVMPD #15908

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1 INST

ORIGINAL

FILED IN OPEN COURT  
STEVEN D. GRIERSON  
CLERK OF THE COURT

MAY 30 2019

DISTRICT COURT  
CLARK COUNTY, NEVADA

BY, E. Vargas  
E. VARGAS/DEPUTY

5 THE STATE OF NEVADA,  
6 Plaintiff,

7 -vs-

8 JASON J. BOLDEN, aka  
Jason Jerome Bolen, #1891927

9 Defendant.

CASE NO: C-18-334635-1

DEPT NO: ~~X~~ 2

11 INSTRUCTIONS TO THE JURY (INSTRUCTION NO. 1)

12 MEMBERS OF THE JURY:

13 It is now my duty as judge to instruct you in the law that applies to this case. It is your  
14 duty as jurors to follow these instructions and to apply the rules of law to the facts as you find  
15 them from the evidence.

16 You must not be concerned with the wisdom of any rule of law stated in these  
17 instructions. Regardless of any opinion you may have as to what the law ought to be, it would  
18 be a violation of your oath to base a verdict upon any other view of the law than that given in  
19 the instructions of the Court.

26 C-18-334635-1  
INST  
Instructions to the Jury  
4839454



INSTRUCTION NO. 2

If, in these instructions, any rule, direction or idea is repeated or stated in different ways, no emphasis thereon is intended by me and none may be inferred by you. For that reason, you are not to single out any certain sentence or any individual point or instruction and ignore the others, but you are to consider all the instructions as a whole and regard each in the light of all the others.

The order in which the instructions are given has no significance as to their relative importance.

An Information is but a formal method of accusing a person of a crime and is not of itself any evidence of his/her guilt.

In this case, it is charged in an Indictment that that the Defendant, JASON J. BOLDEN, aka Jason Jerome Bolen, the Defendant(s) above named, having committed the crimes of **ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.010, 200.030, 193.330, 193.165 - NOC 50031); DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE, VEHICLE, AIRCRAFT, OR WATERCRAFT (Category B Felony - NRS 202.285 - NOC 51442) and BATTERY WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.481 - NOC 50223)**, on or about the 1st day of July, 2018, within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made and provided, and against the peace and dignity of the State of Nevada,

COUNT 1 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

did willfully, unlawfully, feloniously and with malice aforethought attempt to kill BRENTON MARTINEZ, a human being, with use of a deadly weapon, to wit: a firearm, by shooting at and into the body of the said BRENTON MARTINEZ.

COUNT 2 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

did willfully, unlawfully, feloniously and with malice aforethought attempt to kill BRYSON MARTINEZ, a human being, with use of a deadly weapon, to wit: a firearm, by shooting in the direction of the said BRYSON MARTINEZ.

COUNT 3 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

did willfully, unlawfully, feloniously and with malice aforethought attempt to kill BRANDI COLEMAN, a human being, with use of a deadly weapon, to wit: a firearm, by shooting in the direction of the said BRANDI COLEMAN.

COUNT 4 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

did willfully, unlawfully, feloniously and with malice aforethought attempt to kill SANYLEH BOLEN, a human being, with use of a deadly weapon, to wit: a firearm, by

1 shooting in the direction of the said SANYLEH BOLEN.

2 COUNT 5 - DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE,  
3 VEHICLE, AIRCRAFT, OR WATERCRAFT

4 did then and there willfully, unlawfully, maliciously, and feloniously discharge a  
5 firearm at or into a structure, said structure, not having been abandoned, located at 2883  
6 Wheelwright Drive, Apartment #6/A, Las Vegas, Clark County, Nevada.

7 COUNT 6 - DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE,  
8 VEHICLE, AIRCRAFT, OR WATERCRAFT

9 did then and there willfully, unlawfully, maliciously, and feloniously discharge a  
10 firearm at or into a structure, said structure, not having been abandoned, located at 2883  
11 Wheelwright Drive, Apartment #6/A, Las Vegas, Clark County, Nevada.

12 COUNT 7 - DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE,  
13 VEHICLE, AIRCRAFT, OR WATERCRAFT

14 did then and there willfully, unlawfully, maliciously, and feloniously discharge a  
15 firearm at or into a structure, said structure, not having been abandoned, located at 2883  
16 Wheelwright Drive, Apartment #6/A, Las Vegas, Clark County, Nevada.

17 COUNT 8 - DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE,  
18 VEHICLE, AIRCRAFT, OR WATERCRAFT

19 did then and there willfully, unlawfully, maliciously, and feloniously discharge a  
20 firearm at or into a structure, said structure, not having been abandoned, located at 2883  
21 Wheelwright Drive, Apartment #6/A, Las Vegas, Clark County, Nevada.

22 COUNT 9 - DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE,  
23 VEHICLE, AIRCRAFT, OR WATERCRAFT

24 did then and there willfully, unlawfully, maliciously, and feloniously discharge a  
25 firearm at or into a structure, said structure, not having been abandoned, located at 2883  
26 Wheelwright Drive, Apartment #6/A, Las Vegas, Clark County, Nevada.

27 COUNT 10 - DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE,  
28 VEHICLE, AIRCRAFT, OR WATERCRAFT

1 did then and there willfully, unlawfully, maliciously, and feloniously discharge a  
2 firearm at or into a structure, said structure, not having been abandoned, located at 2883  
3 Wheelwright Drive, Apartment #6/A, Las Vegas, Clark County, Nevada.

4 COUNT 11 - DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE,  
5 VEHICLE, AIRCRAFT, OR WATERCRAFT

6 did then and there willfully, unlawfully, maliciously, and feloniously discharge a  
7 firearm at or into a structure, said structure, not having been abandoned, located at 2883  
8 Wheelwright Drive, Apartment #6/A, Las Vegas, Clark County, Nevada.

9 COUNT 12 - BATTERY WITH USE OF A DEADLY WEAPON

10 did willfully, unlawfully, and feloniously use force or violence upon the person of  
11 another, to wit: BRENTON MARTINEZ, with use of a deadly weapon, to wit: a firearm, by  
12 shooting into the body of the said BRENTON MARTINEZ.

13 It is the duty of the jury to apply the rules of law contained in these instructions to the  
14 facts of the case and determine whether or not the Defendants <sup>15</sup> are guilty of one or more of the  
15 offenses charged.

16 Each charge and the evidence pertaining to it should be considered separately. The fact  
17 that you may find a defendant guilty or not guilty as to one of the offenses charged should not  
18 control your verdict as to any other Defendant offense charged.



To constitute the crime charged, there must exist a union or joint operation of an act forbidden by law and an intent to do the act.

The intent with which an act is done is shown by the facts and circumstances surrounding the case.

Do not confuse intent with motive. Motive is what prompts a person to act. Intent refers only to the state of mind with which the act is done.

Motive is not an element of the crime charged and the State is not required to prove a motive on the part of the Defendant in order to convict. However, you may consider evidence of motive or lack of motive as a circumstance in the case.

INSTRUCTION NO. 5

A defendant's state of mind does not require the presentation of direct evidence as it existed during the commission of a crime. The jury may infer the existence of a particular state of mind of a party from the circumstances disclosed by the evidence.

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INSTRUCTION NO. 6

The Defendant is presumed innocent until the contrary is proved. This presumption places upon the State the burden of proving beyond a reasonable doubt every element of the crime charged and that the Defendant is the person who committed the offense.

A reasonable doubt is one based on reason. It is not mere possible doubt but is such a doubt as would govern or control a person in the more weighty affairs of life. If the minds of the jurors, after the entire comparison and consideration of all the evidence, are in such a condition that they can say they feel an abiding conviction of the truth of the charge, there is not a reasonable doubt. Doubt to be reasonable must be actual, not mere possibility or speculation.

If you have a reasonable doubt as to the guilt of the Defendant, he is entitled to a verdict of not guilty.

INSTRUCTION NO. 7

You are here to determine the guilt or innocence of the Defendant from the evidence in the case. You are not called upon to return a verdict as to the guilt or innocence of any other person. So, if the evidence in the case convinces you beyond a reasonable doubt of the guilt of the Defendant, you should so find, even though you may believe one or more persons are also guilty.

INSTRUCTION NO. 8

The evidence which you are to consider in this case consists of the testimony of the witnesses, the exhibits, and any facts admitted or agreed to by counsel.

There are two types of evidence; direct and circumstantial. Direct evidence is the testimony of a person who claims to have personal knowledge of the commission of the crime which has been charged, such as an eyewitness. Circumstantial evidence is the proof of a chain of facts and circumstances which tend to show whether the Defendant is guilty or not guilty. The law makes no distinction between the weight to be given either direct or circumstantial evidence. Therefore, all of the evidence in the case, including the circumstantial evidence, should be considered by you in arriving at your verdict.

Statements, arguments and opinions of counsel are not evidence in the case. However, if the attorneys stipulate to the existence of a fact, you must accept the stipulation as evidence and regard that fact as proved.

You must not speculate to be true any insinuations suggested by a question asked a witness. A question is not evidence and may be considered only as it supplies meaning to the answer.

You must disregard any evidence to which an objection was sustained by the court and any evidence ordered stricken by the court.

Anything you may have seen or heard outside the courtroom is not evidence and must also be disregarded.

The credibility or believability of a witness should be determined by his/her manner upon the stand, his/her relationship to the parties, his/her fears, motives, interests or feelings, his/her opportunity to have observed the matter to which he/she testified, the reasonableness of his/her statements and the strength or weakness of his/her recollections.

If you believe that a witness has lied about any material fact in the case, you may disregard the entire testimony of that witness or any portion of his/her testimony which is not proved by other evidence.

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INSTRUCTION NO. 10

The elements of an attempt to commit a crime are:

- 1) the intent to commit the crime;
- 2) performance of some act towards its commission; and
- 3) failure to consummate its commission.

INSTRUCTION NO. 11

Attempt Murder is the performance of an act or acts which tend, but fail, to kill a human being, when such acts are done with express malice, namely, with the deliberate intention unlawfully to kill.

It is not necessary to prove the elements of premeditation and deliberation in order to prove Attempt Murder.



INSTRUCTION NO. 12

The intention to kill may be ascertained or deduced from the facts and circumstances of the killing, such as the use of a weapon calculated to produce death, the manner of its use, and the attendant circumstances characterizing the act.

INSTRUCTION NO. 13

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.

INSTRUCTION NO. 14

You are instructed that if you find a defendant guilty of Attempt Murder, you must also determine whether or not a deadly weapon was used in the commission of this crime.

If a deadly weapon was used in the <sup>commission</sup> ~~commission~~ of the crime, the person is guilty of Attempt Murder with Use of a Deadly Weapon.

As used in these instructions, a "deadly weapon" means:

- (1) 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, or
- (2) 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. 16

The State is not required to have recovered the deadly weapon used in an alleged crime, or to produce the deadly weapon in court at trial, to establish that a deadly weapon was used in the commission of the crime.

INSTRUCTION NO. 17

In order to "use" a deadly weapon, there need not be conduct which actually produces harm but only conduct which produces a fear of harm or force by means or display of the deadly weapon in aiding the commission of the crime.

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

The force used by the defendant need not be violent or severe, and need not cause bodily pain or bodily harm. Any slight touching by the defendant upon the person of another suffices, as long as the touching was intentional and unwanted.

If that force is accomplished with the use of a deadly weapon, the person is guilty of Battery with a Deadly Weapon.

INSTRUCTION NO. 19

A person who willfully and maliciously discharges a firearm at or into any house, room, apartment, tenement, shop, warehouse, store, mill, barn, stable, outhouse or other building, tent, vessel, aircraft, vehicle, vehicle trailer, semitrailer or house trailer, railroad locomotive, car or tender that is occupied is guilty of Discharging a Firearm at or Into Occupied Structure, Vehicle, Aircraft, or Watercraft:



INSTRUCTION NO. 20

A general intent crime is one where an accused meant to do an act prohibited by law.  
Whether the defendant(s) intended the act's result is irrelevant.

A specific intent crime typically requires that the defendant(s) intentionally commit an  
act and intend to cause a particular result when committing that act.

Attempt Murder With Use of a Deadly Weapon and Discharging Firearm At or Into  
Occupied Structure are specific intent crimes.

Battery with Use of a Deadly Weapon are general intent crimes.

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INSTRUCTION NO. 21

The flight of a person immediately after the commission of a crime, is not sufficient in itself to establish his or her guilt, but is a fact which, if proved, may be considered by you in light of all other proved facts in deciding the question of his or her innocence. Whether or not evidence of flight shows a consciousness of guilt and the significance to be attached to such a circumstance are matters for your deliberation.

INSTRUCTION NO. 22

1           It is the constitutional right of a defendant in a criminal trial that he may not be  
2 compelled or required to testify. Thus, the decision as to whether he should testify is left to  
3 the defendant on the advice and counsel of his attorney. You must not draw any inference of  
4 guilt from the fact that he does not testify, nor should this fact be discussed by you or enter  
5 your deliberations in any way.  
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2 Although you are to consider only the evidence in the case in reaching a verdict, you  
3 must bring to the consideration of the evidence your everyday common sense and judgment  
4 as reasonable men and women. Thus, you are not limited solely to what you see and hear as  
5 the witnesses testify. You may draw reasonable inferences from the evidence which you feel  
6 are justified in the light of common experience, keeping in mind that such inferences should  
7 not be based on speculation or guess.

8 A verdict may never be influenced by sympathy, prejudice or public opinion. Your  
9 decision should be the product of sincere judgment and sound discretion in accordance with  
10 these rules of law.  
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INSTRUCTION NO. 24

In your deliberation you may not discuss or consider the subject of punishment, as that is a matter which lies solely with the court. Your duty is confined to the determination of the guilt or innocence of the Defendant.

During the course of this trial, and your deliberations, you are not to:

- (1) communicate with anyone in any way regarding this case or its merits-either by phone, text, Internet, or other means;
- (2) read, watch, or listen to any news or media accounts or commentary about the case;
- (3) do any research, such as consulting dictionaries, using the Internet, or using reference materials;
- (4) make any investigation, test a theory of the case, re-create any aspect of the case, or in any other way investigate or learn about the case on your own.

INSTRUCTION NO. 26

When you retire to consider your verdict, you must select one of your member to act as foreperson who will preside over your deliberation and will be your spokesperson here in court.

During your deliberation, you will have all the exhibits which were admitted into evidence, these written instructions and forms of verdict which have been prepared for your convenience.

Your verdict must be unanimous. As soon as you have agreed upon a verdict, have it signed and dated by your foreperson and then return with it to this room.

INSTRUCTION NO. 27

If, during your deliberation, you should desire to be further informed on any point of law or hear again portions of the testimony, you must reduce your request to writing signed by the foreperson. The officer will then return you to court where the information sought will be given you in the presence of, and after notice to, the district attorney and the Defendant and his/her counsel.

Play backs of testimony are time-consuming and are not encouraged unless you deem it a necessity. Should you require a play back, you must carefully describe the testimony to be played back so that the court recorder can arrange his/her notes. Remember, the court is not at liberty to supplement the evidence.

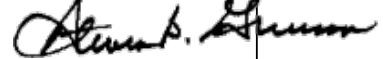


INSTRUCTION NO. 28

Now you will listen to the arguments of counsel who will endeavor to aid you to reach a proper verdict by refreshing in your minds the evidence and by showing the application thereof to the law; but, whatever counsel may say, you will bear in mind that it is your duty to be governed in your deliberation by the evidence as you understand it and remember it to be and by the law as given to you in these instructions, with the sole, fixed and steadfast purpose of doing equal and exact justice between the Defendant and the State of Nevada.

GIVEN: 

DISTRICT JUDGE



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5 DISTRICT COURT  
6 CLARK COUNTY, NEVADA  
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8 THE STATE OF NEVADA,

9 Plaintiff,

10 vs.

11 JASON BOLDEN,

12 Defendant.

CASE NO. C-18-334635-1

DEPT. NO. II

13  
14 BEFORE THE HONORABLE RICHARD F. SCOTTI,  
15 DISTRICT COURT JUDGE  
16 TUESDAY, JULY 23, 2019

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

19 APPEARANCES:

20 For the Plaintiff:

CHAD LEXIS, ESQ.,  
M. JORY SCARBOROUGH, ESQ.  
Deputy District Attorneys

21 For the Defendant:

BENJAMIN J. NADIG, ESQ.

22 Victim Speaker:

BRANDI COLEMAN

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25 RECORDED BY: DALYNE EASLEY, COURT RECORDER

1 Las Vegas, Nevada; Tuesday, July 23, 2019

2  
3 [Hearing commenced at 8:54 a.m.]

4 THE COURT: All right. Counsel, this is -- you can go ahead  
5 and take a seat. This is the case of State versus Bolden, C-18-334635-  
6 1. We're here for sentencing.

7 Counsel, identify yourselves.

8 MR. SCARBOROUGH: Jory Scarborough for the State, along  
9 with my co-counsel, Chad Lexis for the State.

10 MR. NADIG: And good morning, Your Honor. Ben Nadig on  
11 behalf of Mr. Bolden, who's present in custody.

12 THE COURT: Very good. Counsel, I've read all the  
13 paperwork carefully. Let's go ahead and hear from the State first.

14 MR. SCARBOROUGH: Well, Your Honor, before I begin, and  
15 this is actually to my surprise, we have a Victim Speaker who's here.  
16 And I believe that's actually Ms. Coleman. And Ms. Coleman, as you  
17 would recognize, was the mother of Sanyleh Bolden, another victim that  
18 Mr. Bolden almost took the life of as he blindly shot into that apartment.

19 She avoided our subpoenas. She didn't bring herself, nor her  
20 child to Court to answer to the call. I'm at a loss for -- I can't even  
21 believe she's here to come speak. It's -- I think it's actually pretty  
22 egregious. We have a man who opened fire blindly into an apartment  
23 building, almost killing his -- the mother of his child, his child, and two  
24 other people.

25 Looking at his extensive record, it's -- you know, I'll admit

1 there's some just relatively nonviolent charges for drugs, but what is also  
2 present is a litany of battery domestic violence charges, domestic  
3 violence with a deadly weapon, attempt battery with substantial bodily  
4 harm, multitude of domestic violence convictions on the misdemeanor  
5 level, and it's only escalated from there.

6 Frankly, this man wasn't supposed to have a gun. He almost  
7 took the lives of four people. And I think, P and P's recommendation,  
8 the way I calculated it, was 28 on the bottom -- 28 years on the bottom  
9 because the four attempted murder counts with the deadly weapon  
10 enhancement, seven years totaling each, all to run consecutive, then the  
11 remaining counts to run concurrent, for a total of 160 on the back end.  
12 Your Honor, I think he deserves every last bit of that time.

13 Regardless if Ms. Coleman's here to speak in attempt to  
14 persuade you, the reality of it is, is she didn't show up. There's a bias  
15 here. There was a bias for her not showing up at trial. There's going to  
16 be a bias here. And I think, Your Honor, this offense is so egregious  
17 that it's worth all that time. Again, his own daughter was in the house.

18 Sanyleh Bolen was four years old at the time. And I think at  
19 the time, the witnesses and the victim, who is here, thought they could  
20 avoid prosecution of Mr. Bolden by not showing up. But as you sat  
21 through the trial and heard the jury verdict, that wasn't true.

22 So Your Honor, I mean, looking at the litany of violent  
23 offenses this man has, looking at his extensive record and looking at the  
24 egregious nature of the offense and the lives that he almost took by just  
25 recklessly discharging round after round after round into that apartment,

1 I think the 28 to 160 is more than warranted. And based on that, Your  
2 Honor, I'll submit.

3 THE COURT: Thank you. Mr. Nadig, you or your client first?

4 MR. NADIG: I believe I'd like Mr. Bolden to speak first.

5 THE COURT: All right. Mr. Bolden, you may address the  
6 Court.

7 THE DEFENDANT: Yes, how you doing, Your Honor? My  
8 name is Jason Bolden. I'm here today to say that I really didn't commit  
9 this crime. You know what I mean? I did not commit this crime. I never  
10 was there, nor I never seen [indiscernible] how a man can get on the  
11 stand and say I did that. He got on the stand to say it. I wasn't the  
12 shooter. I don't understand that. I'm not here to play that.

13 And I did do things back in my days, though. I'm 47 years old  
14 now. Those convictions was years ago. You know what I mean? I  
15 never -- I aint got in no trouble after that. When this case happened, I  
16 never got no trouble. I actually got away from Vegas. You know?

17 So I'm just asking you to give me some leniency because I  
18 really didn't do this crime. And I'm hoping my lawyer can get me an  
19 appeal to whatever I gotta do to get back to my family. Like, I really  
20 didn't commit this crime, like -- this crime is just really messed up. I  
21 don't see how a man can just get up there and just say that I did it after  
22 he said I didn't do it, that is weird, like. You know what I mean? But it's  
23 in God's hands. That's all I can do.

24 THE COURT: All right. Thank you, sir. All right, Mr. Nadig.

25 MR. NADIG: And Your Honor --

1 THE COURT: Would you like to hear from the Victim Speaker  
2 before --

3 MR. NADIG: I think by statute she has to go last.

4 THE COURT: Okay.

5 MR. NADIG: Your Honor, from 2009 to 2018 Mr. Bolden  
6 stayed out of trouble. And I checked his record to make that sure he  
7 wasn't incarcerated during that period of time, and it appears that he  
8 was not. So, for a nine year period as an adult, he was gainfully  
9 employed. He was staying out of trouble. He was doing the things he  
10 was supposed to be doing. Obviously, as Mr. Bolden represented, he  
11 denies doing this crime. He wishes to appeal this crime.

12 If you look at the facts of the case as you heard them -- Mr.  
13 Scarborough looks at it one way. What happened to one individual is  
14 they almost died. There are arguments as to what occurred, but he was  
15 convicted of the charges.

16 I think based upon the facts as they were adduced at trial, I  
17 would ask for 12 to 36-year sentence, Your Honor. I think that's fair  
18 based on the facts, based on the damage that was done, and for those  
19 reasons, Your Honor, I think 12 to 36 with Mr. Bolden's history, with the  
20 fact that for a large part of his adult life, he stayed out of trouble. For  
21 those reasons, I think that is a more representative sentence of the  
22 facts, and I'll submit it to Your Honor.

23 THE COURT: Thank you, Mr. Nadig. All right, Ms. Coleman.  
24 You're Brandi Coleman?

25 MS. COLEMAN: Yes, sir.

1 THE COURT: All right. You may step forward next to the  
2 Defense Counsel. And I'll give you a moment to speak in a second.  
3 Counsel, it's my understanding I need to have her sworn in.  
4 MR. NADIG: Yes, Your Honor.  
5 MR. SCARBOROUGH: Yes, please.  
6 THE COURT: All right. Madam Clerk.  
7 BRANDI COLEMAN  
8 [first duly sworn as a Victim Speaker]  
9 THE COURT: Thank you. So, Ms. Coleman, this is your  
10 opportunity to speak to the Court about circumstances and factors that  
11 you would like the Court to consider other than the -- incident itself.  
12 MS. COLEMAN: I just ask for leniency for Jason.  
13 THE COURT: Could you speak up?  
14 MS. COLEMAN: Yeah. I ask for leniency for Jason because  
15 he's not the one who did it. And I just ask that you guys give him as  
16 much leniency as possible because an innocent person is going to jail  
17 for something they didn't do. And my daughter's going to be without her  
18 dad because of a lie that somebody else told. I just ask that you guys  
19 take in consideration my child because he would never do nothing to  
20 hurt me or my child, ever.  
21 THE COURT: All right. Thank you, Ma'am.  
22 MS. COLEMAN: Thank you.  
23 THE COURT: Anything else?  
24 MS. COLEMAN: No, that's it.  
25 THE COURT: All right. Thank you. You can go ahead and

1 be seated. So the Defendant is now denying that he committed the  
2 crime, but the jury found otherwise, and I have to accept the verdict of  
3 the jury. And I do accept the verdict of the jury.

4 I've studied the presentence investigation report very  
5 carefully. On the one hand, I do see that there's couple drug -- some  
6 drug crimes in there, marijuana that I believe have virtually no weight in  
7 sentencings.

8 However, I did look at the -- carefully looked at the parole and  
9 probation -- probation success probability scoring. I checked the math  
10 on that scoring. The raw score, the offense score total, the social score,  
11 the combined nature of those and looked at the calculation form, the  
12 sentence structures, together with the classification based upon the  
13 scoring of the Defendant as medium high. In fact, the raw score was a  
14 six. That's within the media -- medium high range, right on the border of  
15 the next category, which would be maximum.

16 Considering all this, my sentence is going to be first the  
17 standard fees per the PSI, the restitution as recommended in the PSI  
18 and credit for time served of 87, and I'm -- I am following the  
19 recommendation of the parole and probation report.

20 And so, that is counts 1, 2, 3, and 4. That's a sentence of 4  
21 years to 20 years each, together with the enhancement for the use of a  
22 deadly weapon of 3 to 20 years each. That's a total of 7 to 40 years per  
23 each count times 4, that's a total sentence of 28 to 160 years. I agree  
24 with the parole and probation recommendation that as to counts 5, 6, 7,  
25 8, 9, 10 and 11, those should all run concurrent. So that doesn't result



1 in additional time. As to each of those, I do accept the recommendation  
2 of parole and probation of -- for each of those is.

3 MR. NADIG: I'm sorry, Your Honor. Just to make sure that  
4 nobody --

5 THE COURT: Yeah, let me just finish this thought. Those  
6 other counts are all 2 to 6 years.

7 MR. NADIG: And, Your Honor, just for the record, because  
8 the Nevada Department of Corrections have been sending things back,  
9 what you're talking about is the aggregate sentence would be 336  
10 months to 1,920 months. The math's good.

11 THE COURT: Yeah, let me -- yes. Okay.

12 MR. NADIG: Okay.

13 THE COURT: I'll accept your math, I was going --

14 MR. NADIG: Okay.

15 THE COURT: -- to multiply that, but I accept you're correct. I  
16 see you have a calculator there. Thank you.

17 MR. NADIG: So as --

18 THE COURT: Say it again for my Court Clerk.

19 MR. NADIG: Just for the record, the aggregate sentence,  
20 counts 1, 2, 3, and 4 to run consecutive would be 336 to 1,920 months,  
21 and on counts 5 through 13, you are sentencing him to 24 to 72 months.  
22 Those are to run concurrent.

23 THE COURT: That's correct. That is what my math shows.

24 MR. NADIG: Okay.

25 THE COURT: Anything else to put on the record?

1 MR. NADIG: Just for the record, so Mr. Bolden knows, we  
2 have 30 days from the entry of the judgment of conviction to file the  
3 notice of appeal. As soon as the judgement of conviction enters, I will  
4 file that notice.

5 THE MARSHAL: Your Honor, what was the CTS?

6 THE COURT: I had -- hold on here -- credit for time --

7 THE MARSHAL: I'm sorry.

8 THE COURT: I have 87.

9 THE MARSHAL: Thank you.

10 THE COURT: All right. That's based upon the PSI, which  
11 goes through the 9<sup>th</sup> and then the 9<sup>th</sup> through today.

12 MR. NADIG: That is correct, Your Honor.

13 MR. SCARBOROUGH: Thank you, Your honor.


14 THE COURT: Thank you, Counsels.

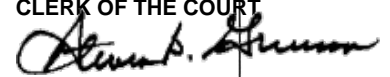
15 MR. LEXIS: Thank you.

16 [Hearing concluded at 9:05 a.m.]

17 \*\*\*\*\*

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

24   
25 Brittany Amoroso  
Court Recorder/Transcriber



JOC

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

JASON J. BOLDEN  
aka Jason Jerome Bolen  
#1891927

Defendant.

CASE NO. C-18-334635-1

DEPT. NO. II

JUDGMENT OF CONVICTION  
(JURY TRIAL)


The Defendant previously entered a plea of not guilty to the crimes of COUNTS 1, 2, 3, & 4 – ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Category B Felony) in violation of NRS 200.010, 200.030, 193.330, 193.165; COUNTS 5, 6, 7, 8, 9, 10, & 11 – DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE, VEHICLE, AIRCRAFT, OR WATERCRAFT (Category B Felony) in violation of NRS 202.285; COUNT 12 – BATTERY WITH USE OF A DEADLY WEAPON (Category B Felony) in violation of NRS 200.481; and COUNT 13 – OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON (Category B Felony) in violation of NRS 202.360; and the matter having been tried before a jury and the Defendant having been found guilty of the crimes of COUNTS 1, 2, 3, & 4 – ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Category B Felony) in violation

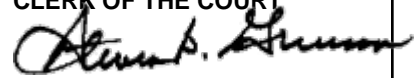
1 of NRS 200.010, 200.030, 193.330, 193.165; COUNTS 5, 6, 7, 8, 9, 10, & 11 –  
2 DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE, VEHICLE, AIRCRAFT,  
3 OR WATERCRAFT (Category B Felony) in violation of NRS 202.285; COUNT 12 – BATTERY  
4 WITH USE OF A DEADLY WEAPON (Category B Felony) in violation of NRS 200.481; and  
5 COUNT 13 – OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON  
6 (Category B Felony) in violation of NRS 202.360, thereafter, on the 23<sup>rd</sup> day of July, 2019, the  
7 Defendant was present in court for sentencing with counsel BENJAMIN J. NADIG ESQ., and  
8 good cause appearing,  
9

10 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offense(s) and, in addition to  
11 the \$25.00 Administrative Assessment Fee and \$10,319.46 Restitution plus \$3.00 DNA  
12 Collection Fee, the Defendant is SENTENCED to the Nevada Department of Corrections (NDC)  
13 as follows: **COUNT 1** – a MAXIMUM of TWENTY (20) YEARS with a MINIMUM parole eligibility  
14 of FOUR (4) YEARS, plus a CONSECUTIVE term of TWENTY (20) YEARS with a MINIMUM  
15 parole eligibility of THREE (3) YEARS for the Use of a Deadly Weapon; **COUNT 2** – a  
16 MAXIMUM of TWENTY (20) YEARS with a MINIMUM parole eligibility of FOUR (4) YEARS,  
17 plus a CONSECUTIVE term of TWENTY (20) YEARS with a MINIMUM parole eligibility of  
18 THREE (3) YEARS for the Use of a Deadly Weapon, CONSECUTIVE to COUNT 1; **COUNT 3** –  
19 a MAXIMUM of TWENTY (20) YEARS with a MINIMUM parole eligibility of FOUR (4) YEARS,  
20 plus a CONSECUTIVE term of TWENTY (20) YEARS with a MINIMUM parole eligibility of  
21 THREE (3) YEARS for the Use of a Deadly Weapon; CONSECUTIVE to COUNTS 1 & 2;  
22 **COUNT 4** – a MAXIMUM of TWENTY (20) YEARS with a MINIMUM parole eligibility of FOUR  
23 (4) YEARS, plus a CONSECUTIVE term of TWENTY (20) YEARS with a MINIMUM parole  
24 eligibility of THREE (3) YEARS for the Use of a Deadly Weapon, CONSECUTIVE to COUNTS  
25 1, 2, & 3; **COUNT 5** – a MAXIMUM of SIX (6) YEARS with a MINIMUM parole eligibility of TWO  
26 (2) YEARS; **COUNT 6** – a MAXIMUM of SIX (6) YEARS with a MINIMUM parole eligibility of  
27  
28

1 TWO (2) YEARS, CONCURRENT with COUNT 5; **COUNT 7** – a MAXIMUM of SIX (6) YEARS  
2 with a MINIMUM parole eligibility of TWO (2) YEARS, CONCURRENT with COUNTS 5 & 6;  
3 **COUNT 8** – a MAXIMUM of SIX (6) YEARS with a MINIMUM parole eligibility of TWO (2)  
4 YEARS, CONCURRENT with COUNTS 5, 6, & 7; **COUNT 9** – a MAXIMUM of SIX (6) YEARS  
5 with a MINIMUM parole eligibility of TWO (2) YEARS, CONCURRENT with COUNTS 5, 6, 7, &  
6 8; **COUNT 10** – a MAXIMUM of SIX (6) YEARS with a MINIMUM parole eligibility of TWO (2)  
7 YEARS, CONCURRENT with COUNTS 5, 6, 7, 8, & 9; **COUNT 11** – a MAXIMUM of SIX (6)  
8 YEARS with a MINIMUM parole eligibility of TWO (2) YEARS, CONCURRENT with COUNTS 5,  
9 6, 7, 8, 9, & 10; **COUNT 12** – a MAXIMUM of TEN (10) YEARS with a MINIMUM parole  
10 eligibility of THREE (3) YEARS, CONCURRENT with COUNTS 5, 6, 7, 8, 9, 10, & 11; and  
11 **COUNT 13** – a MAXIMUM of SIX (6) YEARS with a MINIMUM parole eligibility of TWO (2)  
12 YEARS, CONCURRENT with COUNTS 5, 6, 7, 8, 9, 10, 11, & 12; with EIGHTY-SEVEN (87)  
13 DAYS credit for time served. The AGGREGATE TOTAL sentence is ONE THOUSAND NINE  
14 HUNDRED TWENTY (1,920) MONTHS MAXIMUM with a MINIMUM PAROLE ELIGIBILITY OF  
15 THREE HUNDRED THIRTY-SIX (336) MONTHS. As the \$150.00 DNA Analysis Fee and  
16 Genetic Testing have been previously imposed, the Fee and Testing in the current case are  
17 WAIVED.  
18

19  
20 DATED this 27 day of August, 2019.

21  
22  
23   
24 RICHARD F. SCOTTI  
25 DISTRICT COURT JUDGE  
26  
27  
28



**NOASC**  
BEN NADIG  
Nevada State Bar No. 9876  
**LAW OFFICE OF BENJAMIN NADIG, CHTD.**  
228 South Fourth Street, Third Floor  
Las Vegas, NV 89101  
P: (702) 545-7592  
F: (702) 382-6903

Attorney for Jason Bolden

**IN THE EIGHTH JUDICIAL DISTRICT COURT**

**CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,

Plaintiff,

Case No.  
Dep't No.

C-18-334635-1  
II

*vs.*

JASON BOLDEN, #1891927,

Defendant.

**NOTICE OF APPEAL**

Notice is hereby given that Jason Bolden, defendant in the above-entitled action, appeals to the Supreme Court of Nevada from the Judgment of Conviction filed August 27, 2019.

DATED this 24 of September, 2019.

/s/ Ben Nadig

BEN NADIG  
Nevada State Bar No. 9876  
**LAW OFFICE OF BENJAMIN NADIG, CHTD.**  
228 South Fourth Street, Third Floor  
Las Vegas, NV 89101  
Attorney for Jason Bolden

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**CERTIFICATE OF SERVICE**

I hereby certify that I am a person competent to serve papers, that I am not a party to the above-entitled action, and that on the 24 of September, 2019, I served the foregoing document on:

Steven B. Wolfson, Esq.	200 Lewis Avenue
Steven S. Owens, Esq.	Las Vegas, NV 89155
Clark County District Attorney's Office	Via email: motions@clarkcountyda.com

/s/ Ashton Lindsay  
AN EMPLOYEE OF THE  
**LAW OFFICE OF BENJAMIN NADIG, CHTD.**

**AFFIRMATION**

Pursuant to NRS 239B.030, this document contains no social security numbers.	
<u>/s/ Ben Nadig</u>	<u>09-24-19</u>
Ben Nadig, Esq.	Date