

1. THE State OF NEVADA
2. Plaintiff
3. v.
4. TOMMY Stewart,
5. Defendant

FILED

NOV 06 2019

Elizabeth A. Brown
Clerk of Court
Electronically Filed
Nov 25 2019 10:00 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

SUPREME COURT
OF NEVADA

CASE NO. 70069

C305984

District court case no. E305

To The Supreme court of the state of Nevada

Notice of Appeal

NOTICE is hereby given that Defendant, Tommy Stewart,
presently incarcerated in the Nevada Department of corrections,
appeals to the Supreme Court of the State of Nevada from
the judgment entered against said Defendant on the
29th day of April, 2019 whereby his petition for writ of
Habeas Corpus and Supplements were denied.

Tommy Stewart # 1048467

10-27-19

RECEIVED

NOV 06 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
DEPUTY CLERK

C-15-305984-1
NOASC
Notice of Appeal (criminal)
4876436



CLERK OF THE COURT

NOV 18 2019

RECEIVED
APPEALS

Dear Clerk of the court,

My name is Tommy Stewart # 1048467 case no 70069.
I'm writing in concern about my appeal. I have
an Attorney his name is Travis Akin. I haven't
heard from him and the last six months. I would
like to know if he had file a notice of appeal.
If not I would like to file one on my behalf.
May you please send me a docketed sheet giving
me a full up date please and thank you.
may you please send me copys back of my letter
and also my notice of appeal.

Tommy Stewart
10-27-19

Tommy Stewart # 10484167
E.S.P
P.O. Box 1989
ELY, NV ~~89301~~
89301

U.S. WEAPONS
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Supreme Court of Nevada
Office of the Clerk
201 S. Carson Street, Suite 2
Nevada City, Nevada 89701

ELY STATE PRISO
NOV 03 2019
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1 ASTA

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5
6 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**
7 **STATE OF NEVADA IN AND FOR**
8 **THE COUNTY OF CLARK**
9

10 STATE OF NEVADA,

11 Plaintiff(s),

12 vs.

13 TOMMY STEWART
14 aka TOMMY LAQUADE STEWART,

15 Defendant(s),

Case No: C-15-305984-1

Dept No: XXI

16
17 **CASE APPEAL STATEMENT**
18

19 1. Appellant(s): Tommy Stewart

20 2. Judge: Valerie Adair

21 3. Appellant(s): Tommy Stewart

22 Counsel:

23 Tommy Stewart #1048467
24 P.O. Box 1989
Ely, NV 89301

25 4. Respondent: The State of Nevada

26 Counsel:

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

Las Vegas, NV 89101
(702) 671-2700

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

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

6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: Yes

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

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

9. Date Commenced in District Court: April 17, 2015

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

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

11. Previous Appeal: Yes

Supreme Court Docket Number(s): 70069

12. Child Custody or Visitation: N/A

Dated This 19 day of November 2019.

Steven D. Grierson, Clerk of the Court

/s/ Amanda Hampton

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

cc: Tommy Stewart

CASE SUMMARY

CASE NO. C-15-305984-1

State of Nevada
vs
Tommy Stewart

§ Location: Department 21
§ Judicial Officer: Adair, Valerie
§ Filed on: 04/17/2015
§ Case Number History:
§ Cross-Reference Case Number: C305984
§ Defendant's Scope ID #: 2731067
§ ITAG Case ID: 1668281
§ Lower Court Case # Root: 15F02411
§ Lower Court Case Number: 15F02411X
§ Supreme Court No.: 70069

CASE INFORMATION

Offense	Statute	Deg	Date	Case Type:	Felony/Gross Misdemeanor
1. CONSPIRACY TO COMMIT ROBBERY	200.380	F	01/20/2015	Case Status:	05/13/2016 Closed
Arrest: 02/14/2015					
2. BURGLARY	205.060.2	F	01/20/2015		
Filed As: BURGLARY WHILE IN POSSESSION OF A FIREARM	F		4/24/2015		
3. ROBBERY	200.380	F	01/20/2015		
Filed As: ROBBERY WITH USE OF A DEADLY WEAPON	F		4/24/2015		
4. FIRST DEGREE KIDNAPPING	200.310.1	F	01/20/2015		
Filed As: FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON	F		4/24/2015		

Statistical Closures

05/13/2016 Jury Trial - Conviction - Criminal

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number C-15-305984-1
Court Department 21
Date Assigned 03/14/2016
Judicial Officer Adair, Valerie

PARTY INFORMATION




		Lead Attorneys
Defendant	Stewart, Tommy	Akin, Travis D Retained 702-522-6450(W)
Plaintiff	State of Nevada	Wolfson, Steven B 702-671-2700(W)

DATE

EVENTS & ORDERS OF THE COURT

INDEX



















EVENTS

04/17/2015	 Criminal Bindover <i>Criminal Bindover</i>
04/24/2015	 Information <i>Information</i>
05/05/2015	 Transcript of Proceedings



















CASE SUMMARY

CASE NO. C-15-305984-1

Reporter's Transcript of Preliminary Hearing 04/16/15

05/20/2015	 Motion to Compel <i>Defendant's Motion to Compel Disclosure of Brady Material</i>
05/22/2015	 Notice of Witnesses and/or Expert Witnesses <i>Notice of Expert Witnesses</i>
05/26/2015	 Response <i>State's Response to Defendant's Motion to Compel Disclosure of Brady Material</i>
05/26/2015	 Motion to Continue <i>Notice of Motion and Motion to Continue</i>
05/29/2015	 Opposition <i>Opposition to State's Motion to Continue</i>
06/03/2015	 Notice <i>Notice of Intent to Seek Punishment as a Habitual Criminal</i>
06/05/2015	 Notice of Witnesses and/or Expert Witnesses <i>Notice of Witnesses</i>
06/08/2015	 Petition for Writ of Habeas Corpus <i>Petition for Writ of Habeas Corpus ad Subjugation</i>
06/09/2015	 Motion <i>Motion to Exclude Irrelevant and Prejudicial Evidence</i>
06/10/2015	 Ex Parte <i>Ex Parte Motion and Order for Release of Evidence</i>
06/17/2015	 Order for Petition for Writ of Habeas Corpus
03/07/2016	 Motion to Suppress <i>Motion to Suppress Defendant's Statement</i>
03/08/2016	 Opposition <i>State's Opposition to Defendant's Motion to Suppress Defendant's Statement</i>
03/09/2016	 Opposition to Motion <i>State's Opposition to Defendant's Motion to Suppress Defendant's Statement</i>
03/14/2016	 Jury List
03/17/2016	 Order <i>Order Denying Defendant's Motion to Suppress Defendant's Statement</i>
03/17/2016	 Instructions to the Jury
03/17/2016	 Verdict

CASE SUMMARY
CASE NO. C-15-305984-1

03/17/2016	 Amended Jury List
03/28/2016	 Notice of Appeal (criminal)
03/30/2016	 Case Appeal Statement <i>Case Appeal Statement</i>
04/21/2016	 Notice of Rescheduling <i>Notice of Rescheduling of Hearing</i>
04/27/2016	 Application to Proceed in Forma Pauperis Filed By: Defendant Stewart, Tommy
05/02/2016	 PSI
05/02/2016	 PSI - Victim Impact Statements
05/12/2016	 Criminal Order to Statistically Close Case <i>Criminal Order to Statistically Close Case</i>
05/17/2016	 Judgment of Conviction <i>JUDGMENT OF CONVICTION (JURY TRIAL)</i>
05/19/2016	 Notice of Appeal (criminal) <i>Notice of Appeal</i>
05/19/2016	 Case Appeal Statement <i>Case Appeal Statement</i>
05/31/2016	 Request <i>Appellant's Request for Rough Draft Transcripts</i>
07/05/2016	 Recorders Transcript of Hearing <i>RE: Rough Draft Partial Trial Transcript Day 1 and Motion Argument</i>
07/05/2016	 Recorders Transcript of Hearing <i>RE: Rough Draft Transcript Day 2 Partial Jury Trial Transcript and Motion Argument</i>
06/08/2017	 Notice of Motion <i>Notice of Motion</i>
06/08/2017	 Memorandum <i>Memorandum</i>
06/08/2017	 Notice of Motion <i>Notice of Motion</i>
06/08/2017	 Motion <i>Motion to Withdraw Counsel</i>

CASE SUMMARY

CASE NO. C-15-305984-1


06/08/2017	 Motion <i>Motion for Production of Documents, Papers, Pleadings and Tangible Property of Defendant</i>
06/12/2017	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>Nevada Supreme Court Clerk's Certificate Judgment - Affirmed</i>
07/18/2017	 Proof of Service <i>Proof Of Service Of Defendant's File</i>
07/26/2017	 Order Filed By: Plaintiff State of Nevada <i>Order Granting Defendant's Motion for Production of Document Papers, Pleadings and Tangible Property of Defendant</i>
08/02/2017	 Motion Filed By: Defendant Stewart, Tommy <i>Motion to Compel Counsel, Jess Marchese ESQ. to Produce All Documents, Papers, Pleadings and Tangible Property to Petitioner Tommy Stewart</i>
09/19/2017	 Memorandum Filed By: Defendant Stewart, Tommy <i>Memorandum</i>
10/25/2017	 Motion Filed By: Defendant Stewart, Tommy <i>Second Motion to Compel Counsel, Jess Marchese ESQ to Produce all Document Papers, Pleadings and Tangible Property to Petitioner Tommy Stewart</i>
12/07/2017	 Notice of Motion Filed By: Defendant Stewart, Tommy <i>Notice of Motion</i>
12/07/2017	 Notice of Motion Filed By: Defendant Stewart, Tommy <i>Notice of Motion and Motion for Transcripts at State Expense</i>
12/22/2017	 Recorders Transcript of Hearing <i>Recorder's Partial Transcript Jury Trial Day 1 - Opening Statements. Heard March 14, 2016</i>
12/28/2017	 Recorders Transcript of Hearing <i>Recorder's Partial Transcript Jury Trial Day 3 - Closing Arguments. Heard March 16, 2016</i>
12/28/2017	 Recorders Transcript of Hearing <i>Recorder's Transcript of Hearing: Sentencing. Heard May 10, 2016</i>
01/09/2018	 Filed Under Seal Filed By: Defendant Stewart, Tommy <i>Financial Certificate</i>
01/24/2018	 Order for Production of Inmate Party: Plaintiff State of Nevada <i>Order for Production of Inmate</i>


CASE SUMMARY


CASE NO. C-15-305984-1

02/20/2018	 Order Filed By: Plaintiff State of Nevada <i>Order Denying and Granting in Part Defendant's Pro Per Motion for Transcripts at State Expense</i>
04/04/2018	 Order Transferring Jurisdiction Filed by: Defendant Stewart, Tommy <i>Order Transferring Jurisdiction to the Eighth Judicial District Court</i>
04/13/2018	 Order for Petition for Writ of Habeas Corpus
04/25/2018	 Motion for Appointment Filed By: Defendant Stewart, Tommy <i>Motion for the Appointment of Counsel</i>
06/01/2018	 Response Filed by: Plaintiff State of Nevada <i>State's Response to Defendant's Petition for Writ of Habeas Corpus (Post-Conviction)</i>
06/06/2018	 Petition for Writ of Habeas Corpus Filed by: Defendant Stewart, Tommy <i>Petitioners 1st Supplemental Petition for Writ of Habeas Corpus (Post-Conviction)</i>
06/06/2018	 Motion for Appointment Filed By: Defendant Stewart, Tommy <i>Motion to Appoint Counsel Request for Evidentiary Hearing</i>
06/14/2018	 Petition Filed by: Defendant Stewart, Tommy <i>Petitioner's Second Supplemental Petition for A Writ of Habeas Corpus (post conviction)</i>
06/27/2018	 Opposition Filed By: Plaintiff State of Nevada <i>State's Opposition to Defendant's Motion for the Appointment of Counsel and Request for Evidentiary Hearing</i>
07/18/2018	 Petition Filed by: Defendant Stewart, Tommy <i>Petitioner's 3rd Supplemental Petition for a Writ of Habeas Corpus (Post Conviction)</i>
07/27/2018	 Petition Filed by: Defendant Stewart, Tommy <i>Petitioner's 4th Supplemental Petition for a Writ of Habeas Corpus (Post Conviction)</i>
10/30/2018	 Motion Filed By: Defendant Stewart, Tommy <i>Motion for Extension</i>
12/29/2018	 Motion Filed By: Defendant Stewart, Tommy <i>Motion for Extension (Second)</i>
02/20/2019	 Supplemental Filed by: Defendant Stewart, Tommy <i>Supplemental Petition for Post-Conviction Writ of Habeas Corpus</i>

CASE SUMMARY
CASE NO. C-15-305984-1

04/03/2019  **Response**
Filed by: Plaintiff State of Nevada
State's Response to Defendant's First Through Fifth Supplemental Petition for Writ of Habeas Corpus

11/06/2019  **Notice of Appeal (criminal)**
Notice of Appeal

11/19/2019  **Case Appeal Statement**
Filed By: Defendant Stewart, Tommy
Case Appeal Statement

DISPOSITIONS

05/04/2015 **Plea** (Judicial Officer: Adair, Valerie)
1. CONSPIRACY TO COMMIT ROBBERY
Not Guilty
PCN: Sequence:

2. BURGLARY WHILE IN POSSESSION OF A FIREARM
Not Guilty
PCN: Sequence:

3. ROBBERY WITH USE OF A DEADLY WEAPON
Not Guilty
PCN: Sequence:

4. FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON
Not Guilty
PCN: Sequence:

05/10/2016 **Disposition** (Judicial Officer: Adair, Valerie)
1. CONSPIRACY TO COMMIT ROBBERY
Guilty
PCN: Sequence:

2. BURGLARY
Guilty
PCN: Sequence:

3. ROBBERY
Guilty
PCN: Sequence:

4. FIRST DEGREE KIDNAPPING
Guilty
PCN: Sequence:

05/10/2016 **Adult Adjudication** (Judicial Officer: Adair, Valerie)
1. CONSPIRACY TO COMMIT ROBBERY
01/20/2015 (F) 200.380 (DC50147)
PCN: Sequence:

Sentenced to Nevada Dept. of Corrections
Term: Minimum:13 Months, Maximum:60 Months

05/10/2016 **Adult Adjudication** (Judicial Officer: Adair, Valerie)
2. BURGLARY
01/20/2015 (F) 205.060.2 (DC50424)

CASE SUMMARY**CASE NO. C-15-305984-1**

PCN: Sequence:

Sentenced to Nevada Dept. of Corrections
 Term: Minimum:22 Months, Maximum:96 Months
 Concurrent: Charge 1

05/10/2016 **Adult Adjudication** (Judicial Officer: Adair, Valerie)

3. ROBBERY
 01/20/2015 (F) 200.380 (DC50137)
 PCN: Sequence:

Sentenced to Nevada Dept. of Corrections
 Term: Minimum:8 Years, Maximum:20 Years
 Concurrent: Charge 2
 Comments: Sentenced under the Small Habitual Criminal Statute

05/10/2016 **Adult Adjudication** (Judicial Officer: Adair, Valerie)

4. FIRST DEGREE KIDNAPPING
 01/20/2015 (F) 200.310.1 (DC50051)
 PCN: Sequence:


Sentenced to Nevada Dept. of Corrections
 Term: Life with the possibility of parole after:5 Years
 Concurrent: Charge 3
 Credit for Time Served: 452 Days

Fee Totals:

Administrative	
Assessment Fee	25.00
\$25	
Genetic Marker	
Analysis AA Fee	3.00
\$3	

Fee Totals \$	28.00
---------------	-------


COURT FURTHER ORDERED, the \$150.00 DNA
 Analysis fee including testing to determine genetic
 markers Waived, if previously collected.

HEARINGS05/04/2015  **Initial Arraignment** (9:30 AM) (Judicial Officer: De La Garza, Melisa)

Plea Entered;

Journal Entry Details:


Genevieve Craggs, Certified Law Student, present for the State of Nevada. DEFT. STEWART ARRAIGNED, PLED NOT GUILTY, and INVOKED the 60-DAY RULE. COURT ORDERED, matter set for trial. COURT ORDERED, pursuant to Statute, Counsel has 21 days from today for the filing of any Writs; if the Preliminary Hearing Transcript has not been filed as of today, Counsel has 21 days from the filing of the Transcript. CUSTODY 6/10/15 8:00 A.M. CALENDAR CALL (DEPT 8) 6/15/15 9:30 A.M. JURY TRIAL (DEPT 8) ;

06/01/2015  **Motion to Compel** (8:00 AM) (Judicial Officer: Smith, Douglas E.)*Defendant's Motion to Compel Disclosure of Brady Material*

Motion Granted;

Journal Entry Details:

COURT ORDERED, Brady and statutory GRANTED. Ms. Ross stated there were two specific items she requested. Ms. Ross stated she received the photographs used during the interview on Friday. However, she was still waiting for the lift card of the fingerprint. State advised she would issue an administrative subpoena for the lift card. Ms. Ross stated she would meet with State to do a file review if there was anything outstanding. COURT SO NOTED. CUSTODY ;

06/03/2015  **Motion to Continue** (8:00 AM) (Judicial Officer: Smith, Douglas E.)*State's Motion to Continue*

Motion Granted;

Journal Entry Details:

COURT ORDERED, Motion to Continue DENIED; trial date extended as Court's calendar was full between now and

CASE SUMMARY**CASE NO. C-15-305984-1**

the 24th. Ms. Ross stated Defendant invoked his speedy trial rights and she was in the process of hiring an expert witness. If Defendant waived his speedy trial right she would be requesting a continuance. Upon Court's inquiry, Defendant stated he does not wish to waive his right to a speedy trial. **COURT ORDERED**, trial date **VACATED** and **RESET**; counsel to start picking a jury on the 25th. **CUSTODY 6/25/15 8:00 AM JURY TRIAL** ;

06/10/2015

**Calendar Call (8:00 AM)** (Judicial Officer: Becker, Nancy)

Matter Heard;

Journal Entry Details:

Court noted this matter has a firm setting of June 25, 2015. Ms. Ross stated she was not ready to proceed; the State just filed a Notice of Habitual Criminal Treatment and she still had outstanding evidence. Ms. Ross further stated Defendant has not waived his right to a speedy trial. Ms. Lexis stated the Court informed Defendant that his lawyer was not ready to proceed to trial; the Court asked Defendant if he would waive his right to a speedy trial and he refused. Ms. Lexis stated as to the Motion in Limine she was not planning on introducing that evidence at this point; therefore, it was moot. State advised it was her understanding counsel has everything except the fingerprint lift card; it was subpoenaed and she will make it available as soon as possible. Court advised the Information was filed in April; clearly that would not be a speedy right violation. Court informed the Defendant a speedy trial does not mean he can go to trial in 60 days. It means he can go to trial in a reasonable amount of time based upon each case. Court advised there was no requirement Defendant be required to waive his speedy trial rights to continue the trial; the only issue was if the continuance was warranted. Based on representations, **COURT ORDERED**, trial date **VACATED** and **RESET**. Court advised the State if their officer was not available to place the matter back on calendar within the next week. **CUSTODY 7/29/15 8:00 AM CALENDAR CALL 8/3/15 9:30 AM JURY TRIAL** ;

06/15/2015

CANCELED Jury Trial (9:30 AM) (Judicial Officer: Smith, Douglas E.)

Vacated

06/22/2015

**Motion (8:00 AM)** (Judicial Officer: Smith, Douglas E.)

Motion to Exclude Irrelevant and Prejudicial Evidence

Motion Granted; Defendant's Motion to Exclude Irrelevant and Prejudicial Evidence

Journal Entry Details:

Ms. Ross advised State indicated they are not opposing the motion and do not intend to illicit testimony regarding pawn shops and requested motion be granted. Ms. Lexis concurred. **COURT ORDERED**, Motion **GRANTED**. **CUSTODY**;

06/22/2015

**Minute Order (9:00 AM)** (Judicial Officer: Smith, Douglas E.)

Order for Petition for Writ of Habeas Corpus

Vacate; Order Re: June 17, 2015 Order for Petition for Writ of Habeas Corpus

Journal Entry Details:

Defendant in this case filed a Petition for Writ of Habeas Corpus. The Court signed an order that ordered the State to respond to Defendant's petition and set a hearing. However, after speaking to counsel for both parties, it is the Court's understanding that Defendant is currently represented by the Public Defender's Office and yet filed the petition himself without going through counsel. Therefore, the Court finds the petition was improperly filed and Defendant needs to file motions through his attorney. Defendant's counsel now has a copy of the petition and will decide how the defense will choose to proceed with the petition. **COURT ORDERED**, its June 17, 2015 order requiring the State to respond to Defendant's petition **VACATED**. Furthermore, **COURT ORDERED**, the August 10, 2015 hearing **VACATED**.

CLERK'S NOTE: The above minute order has been distributed to: Tierra Jones at tierra.jones@clarkcountynv.gov; Katrina Ross at katrina.ross@clarkcountynv.gov. /lg 6-22-15 ;

06/25/2015

CANCELED Jury Trial (8:00 AM) (Judicial Officer: Smith, Douglas E.)

Vacated

07/29/2015

**Calendar Call (8:00 AM)** (Judicial Officer: Smith, Douglas E.)

Matter Heard;

Journal Entry Details:

Following Conference at the Bench, **COURT ORDERED**, Public Defender **WITHDRAWN** due to a conflict of interest. State advised they would have been ready to go to trial. **COURT ORDERED**, trial date **VACATED** and matter **SET** for status check. **CUSTODY 8/12/15 8:00 AM STATUS CHECK: APPOINTMENT OF COUNSEL** ;

08/03/2015

CANCELED Jury Trial (9:30 AM) (Judicial Officer: Smith, Douglas E.)

Vacated






08/10/2015

CANCELED Petition for Writ of Habeas Corpus (8:00 AM) (Judicial Officer: Smith, Douglas E.)

CASE SUMMARY

CASE NO. C-15-305984-1

Vacated

08/12/2015	 Status Check (8:00 AM) (Judicial Officer: Smith, Douglas E.) STATUS CHECK: APPOINTMENT OF COUSNEL / RESET TRIAL Matter Heard; Journal Entry Details: <i>Mr. Marchese accepted appointment of counsel; Public Defender WITHDRAWN. Ms. Ross provided a copy of the file to Mr. Marchese. COURT ORDERED, trial date VACATED and RESET. CUSTODY 3/2/16 8:00 AM CALENDAR CALL 3/14/16 9:30 AM JURY TRIAL ;</i>
03/02/2016	 Calendar Call (8:00 AM) (Judicial Officer: Smith, Douglas E.) Matter Heard; Journal Entry Details: <i>The State announced ready for no more than four Trial days and five to eight witnesses (one out of state). Mr. Marchese agreed. COURT ORDERED, Trial date VACATED and matter REFERRED to OVERFLOW. CUSTODY 3/11/16 8:30 AM OVERFLOW IN DC 18 (8) / 4 TRIAL DAYS / 5-8 WITNESSES, ONE OUT OF STATE;</i>
03/09/2016	 At Request of Court (8:00 AM) (Judicial Officer: Smith, Douglas E.) <i>Motion to Suppress Defendan's Statement</i> MINUTES Motion Denied; Journal Entry Details: <i>State's Opposition to Defendant's Motion to Suppress Defendant's Statement FILED IN OPEN COURT Ms. Jones advised Mr. Marchese was in Henderson. COURT ORDERED, Motion DENIED; Overflow date of 3/11/2016 STANDS. State to prepare findings of fact and conclusions of law consistent with their opposition. CUSTODY;</i>
03/11/2016	 Overflow (8:30 AM) (Judicial Officer: Barker, David) <i>OVERFLOW IN DC 18 (8): A.LEXIS/J.MARCHESE / 4 TRIAL DAYS / 5-8 WITNESSES, ONE OUT OF STATE</i> Trial Date Set; Journal Entry Details: <i>Court confirmed trial will take 4 days with 5 - 8 witnesses, one out of state. COURT ORDERED, matter SET for trial. CUSTODY 3/14/16 9:00 AM JURY TRIAL - DC 21;</i>
03/14/2016	CANCELED Jury Trial (9:00 AM) (Judicial Officer: Adair, Valerie) <i>Vacated - per Secretary</i>
03/14/2016	 Jury Trial (9:00 AM) (Judicial Officer: Adair, Valerie) 03/14/2016-03/16/2016 Trial Continues; Trial Continues; Trial Continues; Journal Entry Details: <i>IN THE PRESENCE OF THE JURY. Defense RESTED. The Court instructed the jury on the law of the case. Closing arguments by Ms. Jones. Closing arguments by Mr. Marchese. Closing arguments by Ms. Lexis. At the hour of 11:55 AM the jury retired to deliberate. Evening recess. MATTER CONTINUED.;</i> Trial Continues; Trial Continues; Trial Continues; Journal Entry Details: <i>Testimony and exhibits presented per worksheet. The Stated RESTED. OUTSIDE THE PRESENCE OF THE JURY. The Court admonished the defendant regarding his constitutional right to not be compelled to testify on his own behalf. Argument by Mr. Marchese regarding the weapon in the Corolla. Ms. Jones stated it goes to identification and is absolutely relevant. COURT FINDS, it ties the defendant in with the gun used in the crime. Jury instructions settled on the record. Evening recess. MATTER CONTINUED.;</i> Trial Continues; Trial Continues; Trial Continues; Journal Entry Details: <i>IN THE PRESENCE OF THE JURY. Introductions by counsel. Roll of jurors called by the clerk. Jury selected and</i>


CASE SUMMARY

CASE NO. C-15-305984-1


SWORN. Information read by the clerk. Opening statements by Ms. Tierra. Mr. Marchese WAIVED opening statements. Testimony and exhibits presented per worksheet. Evening recess. MATTER CONTINUED.;

03/14/2016 **CANCELED Jury Trial** (9:30 AM) (Judicial Officer: Smith, Douglas E.)
Vacated - per Judge

03/16/2016 **CANCELED Jury Trial** (10:00 AM) (Judicial Officer: Adair, Valerie)
Vacated - per Secretary

03/17/2016  **Jury Trial** (9:00 AM) (Judicial Officer: Adair, Valerie)
Verdict for Plaintiff;
Journal Entry Details:
At the hour of 12:10 PM the jury returned with the following verdict. Count 1 - Guilty of Conspiracy to Commit Robbery; Count 2 - Guilty of Burglary; Count 3 - Guilty of Robbery; Count 4 - Guilty of First Degree Kidnapping. COURT ORDERED, matter referred to the Division of Parole and Probation for a presentence investigation report and SET for SENTENCING. FURTHER, defendant REMANDED without bail. CUSTODY 5/5/16 9:30 AM SENTENCING;

03/28/2016 **CANCELED Motion to Suppress** (8:00 AM) (Judicial Officer: Smith, Douglas E.)
Vacated - Duplicate Entry
Motion to Suppress Defendant's Statement


05/10/2016  **Sentencing** (9:30 AM) (Judicial Officer: Adair, Valerie)
Defendant Sentenced;
Journal Entry Details:
Colloquy regarding Deft's Pre-Sentence Investigation (PSI) Report. Arguments by counsel. Certified copies of Judgments of Conviction given to the Court by Ms. Lexis were marked and admitted as a State's Exhibit. DEFT STEWART ADJUDGED GUILTY of COUNT 1 - CONSPIRACY TO COMMIT ROBBERY (F), COUNT 2 - BURGLARY (F), COUNT 3 - ROBBERY (F), and COUNT 4 - FIRST DEGREE KIDNAPPING (F). COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee and \$3.00 DNA Collection fee, Deft. SENTENCED on COUNT 1 to a MINIMUM of THIRTEEN (13) MONTHS and MAXIMUM of SIXTY (60) MONTHS in the Nevada Department of Corrections (NDC), on COUNT 2 to a MINIMUM of TWENTY-TWO (22) MONTHS and MAXIMUM of NINETY-SIX (96) MONTHS in the NDC, COUNT 2 shall run CONCURRENT WITH COUNT 1, on COUNT 3 under the Small Habitual Criminal Statute to a MINIMUM of EIGHT (8) YEARS and MAXIMUM of TWENTY (20) YEARS in the NDC, COUNT 3 shall run CONCURRENT WITH COUNT 2, and on COUNT 4 to LIFE with a MINIMUM parole eligibility after FIVE (5) YEARS in the NDC, COUNT 4 shall run CONCURRENT WITH COUNT 3, with FOUR HUNDRED FIFTY-TWO (452) DAYS credit for time served. COURT FURTHER ORDERED, the \$150.00 DNA Analysis fee including testing to determine genetic markers WAIVED, if previously collected. BOND, if any, EXONERATED. NDC;

06/29/2017 **Motion to Withdraw as Counsel** (9:30 AM) (Judicial Officer: Adair, Valerie)
Defendant's Motion to Withdraw Counsel


MINUTES


Granted;

SCHEDULED HEARINGS

 **All Pending Motions** (06/29/2017 at 9:30 AM) (Judicial Officer: Adair, Valerie)

06/29/2017 **Motion to Produce** (9:30 AM) (Judicial Officer: Adair, Valerie)
Defendant's Motion for Production of Documents, Papers, Pleadings and Tangible Property of Defendant
Granted;

06/29/2017  **All Pending Motions** (9:30 AM) (Judicial Officer: Adair, Valerie)
Matter Heard;
Journal Entry Details:
DEFT'S MOTION TO WITHDRAW COUNSEL...DEFT'S MOTION FOR PRODUCTION OF DOCUMENTS, PAPERS, PLEADINGS AND TANGIBLE PROPERTY OF DEFT. COURT GRANTED MOTIONS. The Court's Marshal spoke to Mr. Marchese who said he would send the Deft. everything. NDC;

08/24/2017  **Motion to Compel** (9:30 AM) (Judicial Officer: Adair, Valerie)

CASE SUMMARY

CASE NO. C-15-305984-1

Defendant's Motion to Compel Counsel, Jess Marchese, ESQ., to Produce All Documents, Papers, Pleadings and Tangible Property to Petitioner Tommy Stewart

Matter Heard;

Journal Entry Details:

Court noted that the Deft. wanted various documents from Mr. Marchese and FINDS as follows: opening and closing statements, if there are transcripts, Mr. Marchese needs to send to the Deft.; all exhibits presented during trial, the Deft. will not receive copies of all the exhibits, only what Mr. Marchese has in the file; transcripts of all court proceedings will not be provided unless the Deft. states a basis; all notes and files used in the investigation, Deft. will receive whatever Mr. Marchese has, nothing from the State; post-conviction discovery, Deft. is not entitled to; statements made in questioning in the interrogation room, if there is a transcript he should have received but he's not entitled to any new post-conviction discovery; Brady material, Deft. is not entitled to any post-conviction discovery unless there is new exculpatory evidence that is discovered there is an on-going obligation to turn over to the Deft. Court noted it would notify Mr. Marchese's office although Mr. Marchese stated he sent the Deft. the entire contents of the file he had. CLERK'S NOTE: The above minute order has been distributed to the Deft. via USPS. jmc 9/15/17;

11/16/2017



Motion to Compel (9:30 AM) (Judicial Officer: Adair, Valerie)

Events: 10/25/2017 Motion

Defendant's 2nd Motion to Compel Counsel, Jess Marchese, Esq., to Produce all Documents Papers Pleadings and Tangible Property to Petitioner Tommy Stewart

MINUTES



Motion

Filed By: Defendant Stewart, Tommy

Second Motion to Compel Counsel, Jess Marchese ESQ to Produce all Document Papers, Pleadings and Tangible Property to Petitioner Tommy Stewart

Matter Heard;

Journal Entry Details:

Court advised counsel that Mr. Marchese said he sent the entire contents of the Deft's file to him. Mr. Adras stated that Mr. Marchese said he would send it again. Court directed the court recorder to prepare the requested transcript. Court also advised that the Deft. could have photo copies of discovery that were prison appropriate but that he was not entitled to the notes in the State's file. Court requested Mr. Adras inform Mr. Marchese to file confirmation of sending the discovery the Deft. doesn't already have. NDC;

01/02/2018



Motion (9:30 AM) (Judicial Officer: Adair, Valerie)

01/02/2018, 01/18/2018

Petitioner's Pro Per Motion for Transcripts at State Expense

Matter Continued;

Granted in Part;

Journal Entry Details:

Mr. Geller stated that Mr. Marchese advised him he mailed the file to the Deft. and texted Mr. Geller proof of mailing with USPS on 7/1/17. The Court noted that the Deft. did not make a showing of why he wanted all that he's requesting but GRANTED his request for transcripts of openings, closings and the sentencing hearing. Court DENIED the Deft's request for the transcripts of the statements made and jury admonishments adding there was no reason to provide those. CLERK'S NOTE: The above minute order has been distributed to the Deft. via USPS 1/31/18;

Matter Continued;

Granted in Part;

Journal Entry Details:

Daniel Jenkins, Esq., also present. Deft not present; Mr. Marchese not present. Court stated it will need to confirm that Mr. Marchese is handling the case and ORDERED, matter CONTINUED. Court directed Mr. Chen to prepare a transport order. NDC CONTINUED TO: 1/18/18 9:30 AM;

06/19/2018



Petition for Writ of Habeas Corpus (9:30 AM) (Judicial Officer: Barker, David)

06/19/2018, 07/31/2018, 08/28/2018, 09/04/2018, 09/06/2018

Matter Continued;

Matter Continued;

Matter Continued;

Matter Continued;

Matter Continued;

Briefing Schedule and Hearing date already set

Journal Entry Details:

Mr. Akin stated that he was new to the matter and did not have time to review the file. COURT ORDERED, MATTER CONTINUED. NDC CONTINUED TO: 10/18/18 9:30 AM;

CASE SUMMARY
CASE NO. C-15-305984-1

Matter Continued;
Matter Continued;
Matter Continued;
Matter Continued;
Matter Continued;
Briefing Schedule and Hearing date already set

Journal Entry Details:

Court noted that the Court's Marshal contacted Mr. Akin and he was not aware of the day's hearing. COURT ORDERED, MATTER CONTINUED and directed staff to contact Mr. Akin with the new date. NDC CONTINUED TO: 9/6/18 9:30 AM;

Matter Continued;
Matter Continued;
Matter Continued;
Matter Continued;
Matter Continued;
Briefing Schedule and Hearing date already set

Journal Entry Details:

Court noted there was no opposition filed. Ms. Pandukht stated that she thought there would be a briefing schedule set adding that Mr. Akin was not present. COURT ORDERED, MATTER CONTINUED. NDC CONTINUED TO: 9/4/18 9:30 AM;

Matter Continued;
Matter Continued;
Matter Continued;
Matter Continued;
Matter Continued;
Briefing Schedule and Hearing date already set

Matter Continued;
Matter Continued;
Matter Continued;
Matter Continued;
Matter Continued;
Briefing Schedule and Hearing date already set

06/19/2018 **Motion for Appointment of Attorney (9:30 AM)** (Judicial Officer: Adair, Valerie)
06/19/2018, 07/31/2018

Petitioner's Pro Per Motion for the Appointment of Counsel

MINUTES

Matter Continued;
Granted;
Matter Continued;
Granted;

SCHEDULED HEARINGS



All Pending Motions (07/31/2018 at 9:30 AM) (Judicial Officer: Adair, Valerie)

06/19/2018 **All Pending Motions (9:30 AM)** (Judicial Officer: Adair, Valerie)

Matter Heard;

Journal Entry Details:

PETITION FOR WRIT OF HABEAS CORPUS...PETITIONER'S PRO PER MOTION FOR THE APPOINTMENT OF COUNSEL Court noted that the State only responded to the first supplement filed by the Deft. Ms. Overly stated that she was not aware of any additional responses filed. COURT ORDERED, MATTER CONTINUED. NDC CONTINUED TO: 7/31/18 9:30 AM;

06/28/2018 **Motion for Appointment of Attorney (9:30 AM)** (Judicial Officer: Adair, Valerie)
06/28/2018, 07/02/2018

Defendant's Motion to Appoint Counsel Request for Evidentiary Hearing

Decision Pending;

Granted;






Journal Entry Details:

Defendant's Motion to Appoint Counsel is granted. Matter placed on calendar July 31 at 9:30. The Court will contact the Office of Appointed Counsel. NDC 7/31/18 9:30 AM CONFIRMATION OF COUNSEL CLERK'S NOTE: The

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. C-15-305984-1

	<p><i>above minute order has been distributed to counsel via email and to the Deft. via USPS. jmc 7/6/18;</i></p> <p>Decision Pending;</p> <p>Granted;</p> <p>Journal Entry Details:</p> <p><i>Court noted the matter would be placed on chambers calendar for decision. NDC 7/2/18 CHAMBERS CALENDAR (DECISION);</i></p>
07/31/2018	<p>Confirmation of Counsel (9:30 AM) (Judicial Officer: Adair, Valerie)</p> <p>Counsel Confirmed;</p>
07/31/2018	<p> All Pending Motions (9:30 AM) (Judicial Officer: Adair, Valerie)</p> <p>Matter Heard;</p> <p>Journal Entry Details:</p> <p><i>CONFIRMATION OF COUNSEL....PETITION FOR WRIT OF HABEAS CORPUS...PETITIONER'S PRO PER MOTION FOR THE APPOINTMENT OF COUNSEL Mr. Akin CONFIRMED as counsel for the Deft. Upon inquiry of the Court, Mr. Akin stated he had not been able to review everything. COURT ORDERED, MATTER CONTINUED. NDC CONTINUED TO: 8/28/18 9:30 AM;</i></p>
09/13/2018	<p> Hearing (9:30 AM) (Judicial Officer: Adair, Valerie)</p> <p><i>Discuss setting briefing schedule</i></p> <p>Briefing Schedule Set;</p> <p>Journal Entry Details:</p> <p><i>Court noted that Mr. Akin was appointed 7/31/18. Mr. Akin stated that he received the file but still needed to meet with the Deft. Court SET the following briefing schedule and hearing date: 10/25/18 - opening brief due; 12/13/18 - response due. 1/10/19 9:30 AM HEARING CLERK'S NOTE: Minutes amended to show briefing schedule. jmc 11/13/18;</i></p>
11/13/2018	<p> Motion (9:30 AM) (Judicial Officer: Adair, Valerie)</p> <p><i>Defendant's Motion for Extension</i></p> <p>Granted;</p> <p>Journal Entry Details:</p> <p><i>Court ORDERED, motion GRANTED and set the following revised briefing schedule: 11/28/18 filing of the petition; 12/13/18 opposition due; 12/28/18 reply due. Court FURTHER SET matter for hearing. NDC 1/10/19 9:30 AM HEARING;</i></p>
01/08/2019	<p> Motion (9:30 AM) (Judicial Officer: Smith, Douglas E.)</p> <p><i>Defendant's Motion for Extension (Second)</i></p> <p>Briefing Schedule Set;</p> <p>Journal Entry Details:</p> <p><i>Mr. Atkin stated that the Deft. was not present and requested a new briefing schedule. Court gave the following briefing schedule: 2/19/19 motion to be filed; 4/9/19 State's response due; 4/16/19 reply due. Court advised counsel there would be no further extensions and SET hearing date. 4/23/19 9:30 AM HEARING;</i></p>
04/23/2019	<p> Hearing (9:30 AM) (Judicial Officer: Adair, Valerie)</p> <p>04/23/2019, 04/29/2019</p> <p>Decision Pending;</p> <p>Denied;</p> <p>Journal Entry Details:</p> <p><i>Defendant's Petition for Writ of Habeas Corpus and Supplements are denied for the reasons set forth by the State in its Response. The State is directed to prepare a detailed order consistent with its Response. CLERK'S NOTE: The above minute order has been distributed to counsel via email. jmc 4/29/19;</i></p> <p>Decision Pending;</p> <p>Denied;</p> <p>Journal Entry Details:</p> <p><i>Court advised counsel that everything was reviewed. Ms. Pandukht submitted on the briefing submitted. Mr. Atkin argued. Court advised counsel that a decision would issue from chambers. NDC 4/29/19 CHAMBERS CALENDAR - DECISION;</i></p>

DATE

FINANCIAL INFORMATION

| **Defendant** Stewart, Tommy

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. C-15-305984-1

Total Charges	28.00
Total Payments and Credits	0.00
Balance Due as of 11/19/2019	28.00

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 04, 2015

C-15-305984-1 State of Nevada
 vs
 Tommy Stewart

May 04, 2015 9:30 AM Initial Arraignment

HEARD BY: De La Garza, Melisa **COURTROOM:** RJC Lower Level Arraignment

COURT CLERK: Monique Alberto
 Anntoinette Naumec-Miller
 Robin Thomas
 Natalie Ortega

RECORDER: Kiara Schmidt

REPORTER:

PARTIES

PRESENT: Ross, Katrina Attorney
 Stewart, Tommy Defendant

JOURNAL ENTRIES

- Genevieve Craggs, Certified Law Student, present for the State of Nevada.

DEFT. STEWART ARRAIGNED, PLED NOT GUILTY, and INVOKED the 60-DAY RULE. COURT ORDERED, matter set for trial. COURT ORDERED, pursuant to Statute, Counsel has 21 days from today for the filing of any Writs; if the Preliminary Hearing Transcript has not been filed as of today, Counsel has 21 days from the filing of the Transcript.

CUSTODY

6/10/15 8:00 A.M. CALENDAR CALL (DEPT 8)

6/15/15 9:30 A.M. JURY TRIAL (DEPT 8)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 01, 2015

C-15-305984-1 State of Nevada
 vs
 Tommy Stewart

June 01, 2015 8:00 AM Motion to Compel

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 11B

COURT CLERK: Louisa Garcia

RECORDER: Jill Jacoby

REPORTER:

PARTIES

PRESENT:	Jones, Tierra D.	Attorney
	Ross, Katrina	Attorney
	State of Nevada	Plaintiff
	Stewart, Tommy	Defendant

JOURNAL ENTRIES

- COURT ORDERED, Brady and statutory GRANTED. Ms. Ross stated there were two specific items she requested. Ms. Ross stated she received the photographs used during the interview on Friday. However, she was still waiting for the lift card of the fingerprint. State advised she would issue an administrative subpoena for the lift card. Ms. Ross stated she would meet with State to do a file review if there was anything outstanding. COURT SO NOTED.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 03, 2015

C-15-305984-1 State of Nevada
vs
Tommy Stewart

June 03, 2015 8:00 AM Motion to Continue

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 11B

COURT CLERK: Louisa Garcia

RECORDER: Jill Jacoby

REPORTER:

PARTIES

PRESENT:	Lexis, Agnes	Attorney
	Ross, Katrina	Attorney
	State of Nevada	Plaintiff
	Stewart, Tommy	Defendant

JOURNAL ENTRIES

- COURT ORDERED, Motion to Continue DENIED; trial date extended as Court's calendar was full between now and the 24th. Ms. Ross stated Defendant invoked his speedy trial rights and she was in the process of hiring an expert witness. If Defendant waived his speedy trial right she would be requesting a continuance. Upon Court's inquiry, Defendant stated he does not wish to waive his right to a speedy trial. COURT ORDERED, trial date VACATED and RESET; counsel to start picking a jury on the 25th.

CUSTODY

6/25/15 8:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 10, 2015**

C-15-305984-1

State of Nevada

vs

Tommy Stewart

June 10, 2015**8:00 AM****Calendar Call****HEARD BY:** Becker, Nancy**COURTROOM:** RJC Courtroom 16D**COURT CLERK:** Louisa Garcia**RECORDER:** Jill Jacoby**REPORTER:****PARTIES****PRESENT:**

Lexis, Agnes

Attorney

Ross, Katrina

Attorney

State of Nevada

Plaintiff

Stewart, Tommy

Defendant

JOURNAL ENTRIES

- Court noted this matter has a firm setting of June 25, 2015. Ms. Ross stated she was not ready to proceed; the State just filed a Notice of Habitual Criminal Treatment and she still had outstanding evidence. Ms. Ross further stated Defendant has not waived his right to a speedy trial. Ms. Lexis stated the Court informed Defendant that his lawyer was not ready to proceed to trial; the Court asked Defendant if he would waive his right to a speedy trial and he refused. Ms. Lexis stated as to the Motion in Limine she was not planning on introducing that evidence at this point; therefore, it was moot. State advised it was her understanding counsel has everything except the fingerprint lift card; it was subpoenaed and she will make it available as soon as possible. Court advised the Information was filed in April; clearly that would not be a speedy right violation. Court informed the Defendant a speedy trial does not mean he can go to trial in 60 days. It means he can go to trial in a reasonable amount of time based upon each case. Court advised there was no requirement Defendant be required to waive his speedy trial rights to continue the trial; the only issue was if the continuance was warranted. Based on representations, COURT ORDERED, trial date VACATED and RESET. Court advised the State if their officer was not available to place the matter back on calendar within the next week.

CUSTODY

7/29/15 8:00 AM CALENDAR CALL

8/3/15 9:30 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 22, 2015**

C-15-305984-1

State of Nevada

vs

Tommy Stewart

June 22, 2015**8:00 AM****Motion**

**Defendant's Motion
to Exclude Irrelevant
and Prejudicial
Evidence**

HEARD BY: Smith, Douglas E.**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** Tena Jolley**RECORDER:** Jill Jacoby**REPORTER:****PARTIES****PRESENT:**

Lexis, Agnes

Attorney

Ross, Katrina

Attorney

State of Nevada

Plaintiff

JOURNAL ENTRIES

- Ms. Ross advised State indicated they are not opposing the motion and do not intend to illicit testimony regarding pawn shops and requested motion be granted. Ms. Lexis concurred. COURT ORDERED, Motion GRANTED.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 22, 2015**

C-15-305984-1

State of Nevada

vs

Tommy Stewart

June 22, 2015**9:00 AM****Minute Order**

**Order Re: June 17,
2015 Order for
Petition for Writ of
Habeas Corpus**

HEARD BY: Smith, Douglas E.**COURTROOM:** RJC Courtroom 16D**COURT CLERK:** Louisa Garcia**RECORDER:** Jill Jacoby**REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- Defendant in this case filed a Petition for Writ of Habeas Corpus. The Court signed an order that ordered the State to respond to Defendant's petition and set a hearing. However, after speaking to counsel for both parties, it is the Court's understanding that Defendant is currently represented by the Public Defender's Office and yet filed the petition himself without going through counsel. Therefore, the Court finds the petition was improperly filed and Defendant needs to file motions through his attorney. Defendant's counsel now has a copy of the petition and will decide how the defense will choose to proceed with the petition. COURT ORDERED, its June 17, 2015 order requiring the State to respond to Defendant's petition VACATED. Furthermore, COURT ORDERED, the August 10, 2015 hearing VACATED.

CLERK'S NOTE: The above minute order has been distributed to: Tierra Jones at tierra.jones@clarkcountynv.gov; Katrina Ross at katrina.ross@clarkcountynv.gov. /lg 6-22-15

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 29, 2015

C-15-305984-1 State of Nevada
 vs
 Tommy Stewart

July 29, 2015 8:00 AM Calendar Call

HEARD BY: Smith, Douglas E. **COURTROOM:** RJC Courtroom 11B

COURT CLERK: Louisa Garcia

RECORDER: Patti Slattery

REPORTER:

PARTIES

PRESENT:	Jones, Tierra D.	Attorney
	Ross, Katrina	Attorney
	State of Nevada	Plaintiff
	Stewart, Tommy	Defendant

JOURNAL ENTRIES

- Following Conference at the Bench, COURT ORDERED, Public Defender WITHDRAWN due to a conflict of interest. State advised they would have been ready to go to trial. COURT ORDERED, trial date VACATED and matter SET for status check.

CUSTODY

8/12/15 8:00 AM STATUS CHECK: APPOINTMENT OF COUNSEL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 12, 2015

C-15-305984-1 State of Nevada
 vs
 Tommy Stewart

August 12, 2015 8:00 AM Status Check

HEARD BY: Smith, Douglas E. **COURTROOM:** RJC Courtroom 11B

COURT CLERK: Louisa Garcia

RECORDER: Jill Jacoby

REPORTER:

PARTIES

PRESENT: Marchese, Jess R. Attorney
 State of Nevada Plaintiff
 Stewart, Tommy Defendant
 Thomson, Megan Attorney

JOURNAL ENTRIES

- Mr. Marchese accepted appointment of counsel; Public Defender WITHDRAWN. Ms. Ross provided a copy of the file to Mr. Marchese. COURT ORDERED, trial date VACATED and RESET.

CUSTODY

3/2/16 8:00 AM CALENDAR CALL

3/14/16 9:30 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 02, 2016

C-15-305984-1 State of Nevada
 vs
 Tommy Stewart

March 02, 2016 8:00 AM Calendar Call

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 11B

COURT CLERK: Tena Jolley

RECORDER: Jill Jacoby

REPORTER:

PARTIES

PRESENT:	Lexis, Agnes	Attorney
	Marchese, Jess R.	Attorney
	State of Nevada	Plaintiff
	Stewart, Tommy	Defendant

JOURNAL ENTRIES

- The State announced ready for no more than four Trial days and five to eight witnesses (one out of state). Mr. Marchese agreed. COURT ORDERED, Trial date VACATED and matter REFERRED to OVERFLOW.

CUSTODY

3/11/16 8:30 AM OVERFLOW IN DC 18 (8) / 4 TRIAL DAYS / 5-8 WITNESSES, ONE OUT OF STATE

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 09, 2016

C-15-305984-1 State of Nevada
 vs
 Tommy Stewart

March 09, 2016 8:00 AM At Request of Court

HEARD BY: Smith, Douglas E. **COURTROOM:** RJC Courtroom 11B

COURT CLERK: Keri Cromer

RECORDER: Jill Jacoby

REPORTER:

PARTIES

PRESENT: Jones, Tierra D. Attorney
 State of Nevada Plaintiff
 Stewart, Tommy Defendant

JOURNAL ENTRIES

- State's Opposition to Defendant's Motion to Suppress Defendant's Statement FILED IN OPEN COURT

Ms. Jones advised Mr. Marchese was in Henderson. COURT ORDERED, Motion DENIED; Overflow date of 3/11/2016 STANDS. State to prepare findings of fact and conclusions of law consistent with their opposition.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 11, 2016

C-15-305984-1 State of Nevada
 vs
 Tommy Stewart

March 11, 2016

8:30 AM

Overflow

HEARD BY: Barker, David

COURTROOM: RJC Courtroom 10C

COURT CLERK: Athena Trujillo

RECORDER: Cynthia Georgilas

REPORTER:

PARTIES

PRESENT:

Lexis, Agnes
Marchese, Jess R.
State of Nevada
Stewart, Tommy

Attorney
Attorney
Plaintiff
Defendant

JOURNAL ENTRIES

- Court confirmed trial will take 4 days with 5 - 8 witnesses, one out of state. COURT ORDERED, matter SET for trial.

CUSTODY

3/14/16 9:00 AM JURY TRIAL - DC 21

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 14, 2016

C-15-305984-1 State of Nevada
vs
Tommy Stewart

March 14, 2016 9:00 AM Jury Trial

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: Denise Husted

RECORDER:

REPORTER:

PARTIES

PRESENT:	Jones, Tierra D.	Attorney
	Lexis, Agnes	Attorney
	Marchese, Jess R.	Attorney
	State of Nevada	Plaintiff
	Stewart, Tommy	Defendant

JOURNAL ENTRIES

- IN THE PRESENCE OF THE JURY. Introductions by counsel. Roll of jurors called by the clerk. Jury selected and SWORN. Information read by the clerk. Opening statements by Ms. Tierra. Mr. Marchese WAIVED opening statements. Testimony and exhibits presented per worksheet. Evening recess. MATTER CONTINUED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 15, 2016**

C-15-305984-1 State of Nevada
vs
Tommy Stewart

March 15, 2016 10:45 AM Jury Trial

HEARD BY: Adair, Valerie**COURTROOM:** RJC Courtroom 11C**COURT CLERK:** Denise Husted**RECORDER:** Susan Schofield**REPORTER:****PARTIES**

PRESENT:	Jones, Tierra D.	Attorney
	Lexis, Agnes	Attorney
	Marchese, Jess R.	Attorney
	State of Nevada	Plaintiff
	Stewart, Tommy	Defendant

JOURNAL ENTRIES

- Testimony and exhibits presented per worksheet. The Stated RESTED. OUTSIDE THE PRESENCE OF THE JURY. The Court admonished the defendant regarding his constitutional right to not be compelled to testify on his own behalf. Argument by Mr. Marchese regarding the weapon in the Corolla. Ms. Jones stated it goes to identification and is absolutely relevant. COURT FINDS, it ties the defendant in with the gun used in the crime. Jury instructions settled on the record. Evening recess. MATTER CONTINUED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 16, 2016

C-15-305984-1 State of Nevada
 vs
 Tommy Stewart

March 16, 2016 10:00 AM Jury Trial

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: Denise Husted

RECORDER: Susan Schofield

REPORTER:

PARTIES

PRESENT:	Jones, Tierra D.	Attorney
	Lexis, Agnes	Attorney
	Marchese, Jess R.	Attorney
	State of Nevada	Plaintiff
	Stewart, Tommy	Defendant

JOURNAL ENTRIES

- IN THE PRESENCE OF THE JURY. Defense RESTED. The Court instructed the jury on the law of the case. Closing arguments by Ms. Jones. Closing arguments by Mr. Marchese. Closing arguments by Ms. Lexis.

At the hour of 11:55 AM the jury retired to deliberate.

Evening recess. MATTER CONTINUED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 17, 2016

C-15-305984-1 State of Nevada
 vs
 Tommy Stewart

March 17, 2016 9:00 AM Jury Trial

HEARD BY: Adair, Valerie **COURTROOM:** RJC Courtroom 11C

COURT CLERK: Denise Husted

RECORDER: Susan Schofield

REPORTER:

PARTIES

PRESENT:	Jones, Tierra D.	Attorney
	Lexis, Agnes	Attorney
	Marchese, Jess R.	Attorney
	State of Nevada	Plaintiff
	Stewart, Tommy	Defendant

JOURNAL ENTRIES

- At the hour of 12:10 PM the jury returned with the following verdict.

Count 1 - Guilty of Conspiracy to Commit Robbery;
Count 2 - Guilty of Burglary;
Count 3 - Guilty of Robbery;
Count 4 - Guilty of First Degree Kidnapping.

COURT ORDERED, matter referred to the Division of Parole and Probation for a presentence investigation report and SET for SENTENCING. FURTHER, defendant REMANDED without bail.

CUSTODY

5/5/16 9:30 AM SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 10, 2016**

C-15-305984-1

State of Nevada

vs

Tommy Stewart

May 10, 2016**9:30 AM****Sentencing****HEARD BY:** Adair, Valerie**COURTROOM:** RJC Courtroom 11C**COURT CLERK:** Shelley Boyle**RECORDER:** Susan Schofield**REPORTER:****PARTIES****PRESENT:**

Lexis, Agnes

Attorney

Marchese, Jess R.

Attorney

State of Nevada

Plaintiff

Stewart, Tommy

Defendant

JOURNAL ENTRIES

- Colloquy regarding Deft's Pre-Sentence Investigation (PSI) Report. Arguments by counsel. Certified copies of Judgments of Conviction given to the Court by Ms. Lexis were marked and admitted as a State's Exhibit. DEFT STEWART ADJUDGED GUILTY of COUNT 1 - CONSPIRACY TO COMMIT ROBBERY (F), COUNT 2 - BURGLARY (F), COUNT 3 - ROBBERY (F), and COUNT 4 - FIRST DEGREE KIDNAPPING (F). COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee and \$3.00 DNA Collection fee, Deft. SENTENCED on COUNT 1 to a MINIMUM of THIRTEEN (13) MONTHS and MAXIMUM of SIXTY (60) MONTHS in the Nevada Department of Corrections (NDC), on COUNT 2 to a MINIMUM of TWENTY-TWO (22) MONTHS and MAXIMUM of NINETY-SIX (96) MONTHS in the NDC, COUNT 2 shall run CONCURRENT WITH COUNT 1, on COUNT 3 under the Small Habitual Criminal Statute to a MINIMUM of EIGHT (8) YEARS and MAXIMUM of TWENTY (20) YEARS in the NDC, COUNT 3 shall run CONCURRENT WITH COUNT 2, and on COUNT 4 to LIFE with a MINIMUM parole eligibility after FIVE (5) YEARS in the NDC, COUNT 4 shall run CONCURRENT WITH COUNT 3, with FOUR HUNDRED FIFTY-TWO (452) DAYS credit for time served. COURT FURTHER ORDERED, the \$150.00 DNA Analysis fee including testing to determine genetic markers WAIVED, if previously collected. BOND, if any,

EXONERATED.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 29, 2017

C-15-305984-1 State of Nevada
 vs
 Tommy Stewart

June 29, 2017

9:30 AM

All Pending Motions

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: Jill Chambers

RECORDER: Susan Schofield

REPORTER:

PARTIES

PRESENT:

Rogan, Jeffrey
State of Nevada

Attorney
Plaintiff

JOURNAL ENTRIES

- DEFT'S MOTION TO WITHDRAW COUNSEL...DEFT'S MOTION FOR PRODUCTION OF DOCUMENTS, PAPERS, PLEADINGS AND TANGIBLE PROPERTY OF DEFT.

COURT GRANTED MOTIONS. The Court's Marshal spoke to Mr. Marchese who said he would send the Deft. everything.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 24, 2017

C-15-305984-1 State of Nevada
 vs
 Tommy Stewart

August 24, 2017 9:30 AM Motion to Compel

HEARD BY: Adair, Valerie **COURTROOM:** RJC Courtroom 11C

COURT CLERK: Jill Chambers

RECORDER: Susan Schofield

REPORTER:

PARTIES

PRESENT: Pandukht, Taleen R Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Court noted that the Deft. wanted various documents from Mr. Marchese and FINDS as follows:

opening and closing statements, if there are transcripts, Mr. Marchese needs to send to the Deft.;

all exhibits presented during trial, the Deft. will not receive copies of all the exhibits, only what Mr. Marchese has in the file;

transcripts of all court proceedings will not be provided unless the Deft. states a basis;

all notes and files used in the investigation, Deft. will receive whatever Mr. Marchese has, nothing from the State;

post-conviction discovery, Deft. is not entitled to;

statements made in questioning in the interrogation room, if there is a transcript he should have received but he's not entitled to any new post-conviction discovery;

Brady material, Deft. is not entitled to any post-conviction discovery unless there is new exculpatory evidence that is discovered there is an on-going obligation to turn over to the Deft.

Court noted it would notify Mr. Marchese's office although Mr. Marchese stated he sent the Deft. the entire contents of the file he had.

CLERK'S NOTE: The above minute order has been distributed to the Deft. via USPS. jmc 9/15/17

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 16, 2017

C-15-305984-1 State of Nevada
 vs
 Tommy Stewart

November 16, 2017 9:30 AM Motion to Compel

HEARD BY: Adair, Valerie **COURTROOM:** RJC Courtroom 11C

COURT CLERK: Jill Chambers

RECORDER: Susan Schofield

REPORTER:

PARTIES

PRESENT:	Adras, Paul J	Attorney
	Pandukht, Taleen R	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Court advised counsel that Mr. Marchese said he sent the entire contents of the Deft's file to him. Mr. Adras stated that Mr. Marchese said he would send it again. Court directed the court recorder to prepare the requested transcript. Court also advised that the Deft. could have photo copies of discovery that were prison appropriate but that he was not entitled to the notes in the State's file. Court requested Mr. Adras inform Mr. Marchese to file confirmation of sending the discovery the Deft. doesn't already have.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 02, 2018

C-15-305984-1 State of Nevada
 vs
 Tommy Stewart

January 02, 2018 9:30 AM Motion

HEARD BY: Adair, Valerie **COURTROOM:** RJC Courtroom 11C

COURT CLERK: Aja Brown

RECORDER: Susan Schofield

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Daniel Jenkins, Esq., also present.

Deft not present; Mr. Marchese not present. Court stated it will need to confirm that Mr. Marchese is handling the case and ORDERED, matter CONTINUED. Court directed Mr. Chen to prepare a transport order.

NDC

CONTINUED TO: 1/18/18 9:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****January 18, 2018**

C-15-305984-1 State of Nevada
 vs
 Tommy Stewart

January 18, 2018 9:30 AM Motion

HEARD BY: Adair, Valerie **COURTROOM:** RJC Courtroom 11C

COURT CLERK: Jill Chambers

RECORDER: Susan Schofield

REPORTER:

PARTIES

PRESENT:	Bluth, Jacqueline	Attorney
	Geller, Warren J.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Mr. Geller stated that Mr. Marchese advised him he mailed the file to the Deft. and texted Mr. Geller proof of mailing with USPS on 7/1/17. The Court noted that the Deft. did not make a showing of why he wanted all that he's requesting but GRANTED his request for transcripts of openings, closings and the sentencing hearing. Court DENIED the Deft's request for the transcripts of the statements made and jury admonishments adding there was no reason to provide those.

CLERK'S NOTE: The above minute order has been distributed to the Deft. via USPS 1/31/18

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 19, 2018

C-15-305984-1 State of Nevada
vs
Tommy Stewart

June 19, 2018

9:30 AM

All Pending Motions

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: Jill Chambers

RECORDER: Susan Schofield

REPORTER:

PARTIES

PRESENT:

Overly, Sarah
State of Nevada

Attorney
Plaintiff

JOURNAL ENTRIES

- PETITION FOR WRIT OF HABEAS CORPUS...PETITIONER'S PRO PER MOTION FOR THE APPOINTMENT OF COUNSEL

Court noted that the State only responded to the first supplement filed by the Deft. Ms. Overly stated that she was not aware of any additional responses filed. COURT ORDERED, MATTER CONTINUED.

NDC

CONTINUED TO: 7/31/18 9:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 28, 2018

C-15-305984-1 State of Nevada
 vs
 Tommy Stewart

June 28, 2018

9:30 AM

**Motion for Appointment of
Attorney**

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: Jill Chambers

RECORDER: Susan Schofield

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Court noted the matter would be placed on chambers calendar for decision.

NDC

7/2/18 CHAMBERS CALENDAR (DECISION)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 02, 2018

C-15-305984-1 State of Nevada
 vs
 Tommy Stewart

**July 02, 2018 3:00 AM Motion for Appointment of
Attorney**

HEARD BY: Adair, Valerie **COURTROOM:** RJC Courtroom 11C

COURT CLERK: Jill Chambers

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Defendant's Motion to Appoint Counsel is granted. Matter placed on calendar July 31 at 9:30. The Court will contact the Office of Appointed Counsel.

NDC

7/31/18 9:30 AM CONFIRMATION OF COUNSEL

CLERK'S NOTE: The above minute order has been distributed to counsel via email and to the Deft. via USPS. jmc 7/6/18

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 31, 2018

C-15-305984-1 State of Nevada
 vs
 Tommy Stewart

July 31, 2018

9:30 AM

All Pending Motions

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: Jill Chambers

RECORDER: Susan Schofield

REPORTER:

PARTIES

PRESENT:

Akin, Travis D
Lamanna, Brianna K.
State of Nevada

Attorney
Attorney
Plaintiff

JOURNAL ENTRIES

- CONFIRMATION OF COUNSEL....PETITION FOR WRIT OF HABEAS CORPUS...PETITIONER'S
PRO PER MOTION FOR THE APPOINTMENT OF COUNSEL

Mr. Akin CONFIRMED as counsel for the Deft. Upon inquiry of the Court, Mr. Akin stated he had
not been able to review everything. COURT ORDERED, MATTER CONTINUED.

NDC

CONTINUED TO: 8/28/18 9:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 28, 2018

C-15-305984-1 State of Nevada
 vs
 Tommy Stewart

**August 28, 2018 9:30 AM Petition for Writ of Habeas
Corpus**

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: Jill Chambers

RECORDER: Susan Schofield

REPORTER:

PARTIES

PRESENT: Pandukht, Taleen R Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Court noted there was no opposition filed. Ms. Pandukht stated that she thought there would be a briefing schedule set adding that Mr. Akin was not present. COURT ORDERED, MATTER CONTINUED.

NDC

CONTINUED TO: 9/4/18 9:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 04, 2018

C-15-305984-1 State of Nevada
 vs
 Tommy Stewart

**September 04, 2018 9:30 AM Petition for Writ of Habeas
Corpus**

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: Jill Chambers

RECORDER: Susan Schofield

REPORTER:

PARTIES

PRESENT: Einhorn, Kelsey R. Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Court noted that the Court's Marshal contacted Mr. Akin and he was not aware of the day's hearing.
COURT ORDERED, MATTER CONTINUED and directed staff to contact Mr. Akin with the new
date.

NDC

CONTINUED TO: 9/6/18 9:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 06, 2018

C-15-305984-1 State of Nevada
 vs
 Tommy Stewart

**September 06, 2018 9:30 AM Petition for Writ of Habeas
Corpus**

HEARD BY: Barker, David

COURTROOM: RJC Courtroom 11C

COURT CLERK: Jill Chambers

RECORDER: Jessica Kirkpatrick

REPORTER:

PARTIES

PRESENT: Akin, Travis D Attorney
 Pandukht, Taleen R Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Mr. Akin stated that he was new to the matter and did not have time to review the file. COURT ORDERED, MATTER CONTINUED.

NDC

CONTINUED TO: 10/18/18 9:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 13, 2018

C-15-305984-1 State of Nevada
 vs
 Tommy Stewart

September 13, 2018 9:30 AM Hearing

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: Jill Chambers

RECORDER: Susan Schofield

REPORTER:

PARTIES

PRESENT:	Akin, Travis D	Attorney
	Scarborough, Michael J.	Attorney
	State of Nevada	Plaintiff
	Stewart, Tommy	Defendant

JOURNAL ENTRIES

- Court noted that Mr. Akin was appointed 7/31/18. Mr. Akin stated that he received the file but still needed to meet with the Deft. Court SET the following briefing schedule and hearing date:

10/25/18 - opening brief due;

12/13/18 - response due.

1/10/19 9:30 AM HEARING

CLERK'S NOTE: Minutes amended to show briefing schedule. jmc 11/13/18

November 13, 2018

May 04, 2015

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 08, 2019

C-15-305984-1 State of Nevada
 vs
 Tommy Stewart

January 08, 2019 9:30 AM Motion

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 11C

COURT CLERK: Jill Chambers

RECORDER: Susan Schofield

REPORTER:

PARTIES

PRESENT: Akin, Travis D Attorney
 Cannizzaro, Nicole J. Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Mr. Atkin stated that the Deft. was not present and requested a new briefing schedule. Court gave the following briefing schedule:

2/19/19 motion to be filed;
4/9/19 State's response due;
4/16/19 reply due.

Court advised counsel there would be no further extensions and SET hearing date.

4/23/19 9:30 AM HEARING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 23, 2019

C-15-305984-1 State of Nevada
 vs
 Tommy Stewart

April 23, 2019 9:30 AM Hearing

HEARD BY: Adair, Valerie **COURTROOM:** RJC Courtroom 11C

COURT CLERK: Jill Chambers

RECORDER: Susan Schofield

REPORTER:

PARTIES

PRESENT:	Akin, Travis D	Attorney
	Pandukht, Taleen R	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Court advised counsel that everything was reviewed. Ms. Pandukht submitted on the briefing submitted. Mr. Atkin argued. Court advised counsel that a decision would issue from chambers.

NDC

4/29/19 CHAMBERS CALENDAR - DECISION

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 29, 2019

C-15-305984-1 State of Nevada
 vs
 Tommy Stewart

April 29, 2019 3:00 AM Hearing

HEARD BY: Adair, Valerie **COURTROOM:** RJC Courtroom 11C

COURT CLERK: Jill Chambers

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Defendant's Petition for Writ of Habeas Corpus and Supplements are denied for the reasons set forth by the State in its Response. The State is directed to prepare a detailed order consistent with its Response.

CLERK'S NOTE: The above minute order has been distributed to counsel via email. jmc 4/29/19

	Date Offered	Objection	Date Admitted
1. Photo - 911 Call ED	3/14/16	Stip	3/14/16
2. Photo - Bells Market	3/15/16	Stip	3/15/16
3. Photo - White vehicle	3/15/16	Stip	3/15/16
4. Photo - Nevada license 667-LPK	3/15/16	Stip	3/15/16
5. Photo - White Corolla	3/15/16	Stip	3/15/16
6. Photo - White Corolla	3/15/16	Stip	3/15/16
7. Photo - VIN Number	3/15/16	Stip	3/15/16
8. Photo - Newport cig./marijuana/white purse	Withdrawn		
9. Photo - White purse and contents	Withdrawn		
10. Photo - Purse and contents/weapon	3/15/16	Obj	3/15/16
11. Photo - White purse	3/15/16	Obj	3/15/16
12. Photo - White purse	3/15/16	Obj	3/15/16
13. Photo - White purse	3/15/16	Obj	3/15/16
14. Photo - White purse/black garbage bag	3/15/16	Obj	3/15/16
15. Photo - Weapon	3/15/16	Obj	3/15/16
16. Photo - Weapon	3/15/16	Obj	3/15/16
17. Photo - Weapon/Ruger P95DC	3/15/16	Obj	3/15/16
18. Photo - Weapon/Ruger/316-20373	3/15/16	Obj	3/15/16
19. Photo - Weapon/Ruger	3/15/16	Obj	3/15/16
20. Photo - Weapon	3/15/16	Obj	3/15/16
21. Photo - Weapon	3/15/16	Obj	3/15/16
22. Photo - Weapon	3/15/16	Obj	3/15/16
23. Photo - Weapon/Ruger	3/15/16	Obj	3/15/16
24. Photo - Weapon and bullets	3/15/16	Obj	3/15/16
25. Photo - Weapon	3/15/16	Obj	3/15/16
26. Photo - Gun handle	3/15/16	Obj	3/15/16

27. Photo – Weapon/Bullet and Cartridge	3/15/16	Obj	3/15/16
28. Photo – Weapon/Bullet and Cartridge	3/15/16	Obj	3/15/16
29. Photo – Patio	3/15/16	Obj	3/15/16
30. Photo – Patio #101	3/14/16	Stip	3/14/16
31. Photo – Post/101	3/15/16	Stip	3/15/16
32. Photo – Patio gate	3/15/16	Stip	3/15/16
33. Photo – Entry	3/15/16	Stip	3/15/16
34. Photo – Door jamb	3/15/16	Stip	3/15/16
35. Photo – Door	3/15/16	Stip	3/15/16
36. Photo – Living Room	3/15/16	Stip	3/15/16
37. Photo – Living Room	3/14/16	Stip	3/14/16
38. Photo – Living Room	3/15/16	Stip	3/15/16
39. Photo – Living Room	3/14/16	Stip	3/14/16
40. Photo – Living Room	3/15/16	Stip	3/15/16
41. Photo – Living Room	3/15/16	Stip	3/15/16
42. Photo – Facing kitchen area	3/14/16	Stip	3/14/16
43. Photo – Facing kitchen area	3/15/16	Stip	3/15/16
44. Photo – Dresser	3/15/16	Stip	3/15/16
45. Photo – Items on floor	3/14/16	Stip	3/14/16
46. Photo – Items on floor	3/14/16	Stip	3/14/16
47. Photo – Dining area/kitchen	3/15/16	Stip	3/15/16
48. Photo – Dining area	3/15/16	Stip	3/15/16
49. Photo – Kitchen	3/15/16	Stip	3/15/16
50. Photo – Kitchen	3/15/16	Stip	3/15/16
51. Photo – Kitchen	3/15/16	Stip	3/15/16
52. Photo – Kitchen	3/15/16	Stip	3/15/16
53. Photo – Living room looking into another room	3/15/16	Stip	3/15/16

54. Photo – Beaded doorway	3/14/16	Stip	3/14/16
55. Photo – Washer and dryer	3/14/16	Stip	3/14/16
56. Photo – Washer and dryer	3/14/16	Stip	3/14/16
57. Photo – Step stool	3/15/16	Stip	3/15/16
58. Photo – Bedroom	3/15/16	Stip	3/15/16
59. Photo – Dresser	3/15/16	Stip	3/15/16
60. Photo – Bed	3/15/16	Stip	3/15/16
61. Photo – Floor of bedroom	3/14/16	Stip	3/14/16
62. Photo – Bedroom	3/14/16	Stip	3/14/16
63. Photo- Bedroom	3/14/16	Stip	3/14/16
64. Photo – Closet	3/14/16	Stip	3/14/16
65. Photo – Bedroom	3/15/16	Stip	3/15/16
66. Photo – Closet	3/14/16	Stip	3/14/16
67. Photo – Closet	3/14/16	Stip	3/14/16
68. Photo – Bed	3/15/16	Stip	3/15/16
69. Photo – Nightstand	3/15/16	Stip	3/15/16
70. Photo – Doorway	3/15/16	Stip	3/15/16
71. Photo – Looking into bathroom	3/14/16	Stip	3/14/16
72. Photo – Mirror	3/15/16	Stip	3/15/16
73. Photo – Jewelry stand	3/14/16	Stip	3/14/16
74. Photo – Clothes rack/desk	3/14/16	Stip	3/14/16
75. Photo – Shoes on floor	3/15/16	Stip	3/15/16
76. Photo – Clothes rack/desk	3/15/16	Stip	3/15/16
77. Photo – Trunk	3/15/16	Stip	3/15/16
78. Photo – Bathroom	3/15/16	Stip	3/15/16
79. Photo – Bathroom	3/15/16	Stip	3/15/16
80. Photo – Wood door	3/15/16	Stip	3/15/16

EXHIBIT(S) LIST

Case No.: **C305984**

Hearing / Trial Date: **5/10/16**

Dept. No.: **21**

Judge: **VALARIE ADAIR**

Plaintiff: **STATE OF NEVADA**

Court Clerk: **SHELLEY BOYLE**

Recorder / Reporter: **SUSIE SCHOFIELD**

Counsel for Plaintiff: **AGNES LEXIS**

vs.

Defendant: **TOMMY STEWART**

Counsel for Defendant: **JESS MARCHESE**

SENTENCING

STATE'S EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted
1	CERTIFIED COPY OF JOC IN SUPPORT OF SMALL HABITUAL TREATMENT – C257625	05/10/16	N	05/10/16
2	CERTIFIED COPY OF JOC IN SUPPORT OF SMALL HABITUAL TREATMENT –C275532	05/10/16	N	05/10/16

81. Photo – Wood door	3/15/16	Stip	3/15/16
82. Photo – Wood door	3/15/16	Stip	3/15/16
83. Photo – Wood door	3/15/16	Stip	3/15/16
84. Photo – Box	3/14/16	Stip	3/14/16
85. Photo – Box	3/14/16	Stip	3/14/16
86. Photo – Ceramic Coin Bank	3/14/16	Stip	3/14/16
87. Photo - Line Up Witness Instructions	3/14/16	Stip	3/14/16
88. LVMPD Report of Examination	3/14/16	Obj	
89. Finger prints	3/15/16	Obj	3/15/16
90. CD Tommy Stewart calls	3/15/16	Stip	3/15/16
91. Photo – Parking Lot	3/15/16	Stip	3/15/16
92. Photo – Market and gas station	3/15/16	Stip	3/15/16
93. Photo –View of parking lot	3/15/16	Stip	3/15/16
94. Photo – View of parking lot	3/15/16	Stip	3/15/16
95. Photo – Latent prints	3/15/16	Obj.	3/15/16
96. Photo – Latent prints	3/15/16	Obj.	3/15/16
97. Photo – Latent prints	3/15/16	Obj.	3/15/16
98. Photo – Chart of prints	3/15/16	Stip	3/15/16

Court's EXHIBITS

CASE NO. C305984

[illegible]



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT

TOMMY STEWART #1048467
P.O. BOX 1989
ELY, NV 89301

DATE: November 19, 2019
CASE: C-15-305984-1

RE CASE: STATE OF NEVADA vs. TOMMY STEWART aka TOMMY LAQUADE STEWART

NOTICE OF APPEAL FILED: November 6, 2019

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

☐

Case Appeal Statement

- NRAP 3 (a)(1), Form 2

☒

Order

☒

Notice of Entry of Order

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. **The district court clerk shall apprise appellant of the deficiencies in writing**, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (e) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

Certification of Copy

State of Nevada }
County of Clark } SS:

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

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT
DOCKET ENTRIES; DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

STATE OF NEVADA,

Plaintiff(s),

vs.

TOMMY STEWART
aka TOMMY LAQUADE STEWART,

Defendant(s).

Case No: C-15-305984-1

Dept No: XXI

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 19 day of November 2019.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk