

Steven D. Grierson

Sammie Nunn III
3305. CASINO CENTER BLVD
Las Vegas, NV 89101

Electronically Filed
Dec 03 2019 09:07 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

DISTRICT COURT
STATE OF NEVADA
CLARK COUNTY

Sammie Nunn III

APPEALANT

CASE NO. C-18-336184-1

VS

DEPT NO. XVIII

THE STATE OF NEVADA

RESPONDANT

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT I, SAMMIE NUNN III, APPEALANT, HEREBY APPEAL TO THE SUPREME COURT OF NEVADA FROM THE EIGHTH JUDICIAL DISTRICT COURT'S JUDGEMENT SENTENCING ON NOVEMBER 14th 2019 11:00 AM. SAID DECLARANT SUBJECT TO THE PENALTY OF PERJURY.

RESPECTFULLY

DATED: 11-RECEIVED

NOV 21 2019

CLERK OF THE COURT

Sammie Nunn III
DEFENDANT

SAMMIE NUNN
PRINTED NAME

SAMMIE NURN #2751864
330 S. CASINO CENTER BLVD
LAS VEGAS, NV 89101



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STEVEN GRIERSON
CLERK OF THE COURT
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LAS VEGAS NV 89155



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

9
10 STATE OF NEVADA,

11 Plaintiff(s),

12 vs.

13 SAMMIE NUNN,

14 Defendant(s),

Case No: C-18-336184-1

Dept No: XVIII

15
16
17 **CASE APPEAL STATEMENT**

18 1. Appellant(s): Sammie Nunn

19 2. Judge: Mary Kay Holthus

20 3. Appellant(s): Sammie Nunn

21 Counsel:

22 Sammie Nunn #2751864
23 330 S. Casino Center Blvd.
24 Las Vegas, NV 89101

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: November 14, 2018

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

Type of Judgment or Order Being Appealed: Judgment of Conviction

11. Previous Appeal: Yes

Supreme Court Docket Number(s): 79219, 79264, 80061

12. Child Custody or Visitation: N/A

Dated This 22 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: Sammie Nunn

CASE SUMMARY

CASE NO. C-18-336184-1

State of Nevada
vs
Sammie Nunn

§
§
§
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§
§

Location: **Department 18**
Judicial Officer: **Holthus, Mary Kay**
Filed on: **11/14/2018**
Case Number History:
Cross-Reference Case Number: **C336184**
Defendant's Scope ID #: **2751864**
Grand Jury Case Number: **18AGJ145X**
ITAG Case ID: **2119548**
Supreme Court No.: **79219**

CASE INFORMATION

Offense	Statute	Deg	Date	Case Type:	Felony/Gross Misdemeanor
1. BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM	200.481.2e2	F	05/27/2018	Case Status:	11/15/2018 Reactivated
2. BATTERY WITH USE OF A DEADLY WEAPON	200.481.2e1	F	05/27/2018		

Warrants

Indictment Warrant - Nunn, Sammie (Judicial Officer: Togliatti, Jennifer)
11/29/2018 10:59 AM Returned - Served
11/14/2018 11:00 AM Active
Hold Without Bond

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number	C-18-336184-1
Court	Department 18
Date Assigned	05/06/2019
Judicial Officer	Holthus, Mary Kay

PARTY INFORMATION





Defendant	Nunn, Sammie	<i>Lead Attorneys</i> Border, Marisa <i>Retained</i> 702-267-1370(W)
Plaintiff	State of Nevada	Wolfson, Steven B 702-671-2700(W)

DATE
















EVENTS & ORDERS OF THE COURT

INDEX

EVENTS

11/14/2018	 Indictment <i>Indictment</i>
11/14/2018	 Warrant <i>Indictment Warrant</i>
11/15/2018	 Indictment Warrant Return
11/16/2018	 Transcript of Proceedings <i>Reporter's Transcript of Proceedings, Grand Jury Hearing, Volume 1, November 6, 2018</i>

CASE SUMMARY
CASE NO. C-18-336184-1

11/26/2018	 Transcript of Proceedings <i>Reporter's Transcript of Proceedings, Grand Jury Hearing, Volume 2, November 13, 2018</i>
12/03/2018	 Ex Parte Motion Filed By: Plaintiff State of Nevada <i>Ex Parte Motion for Release of Certified Medical Records and Authorization for Related Witness Testimony</i>
12/03/2018	 Order Filed By: Plaintiff State of Nevada <i>Order Releasing Certified Medical Records and Authorization for Related Witness Testimony</i>
01/14/2019	Case Reassigned to Department 7 <i>Judicial Reassignment - From Judge Togliatti to Judge Bell</i>
01/15/2019	 Notice of Change of Hearing
01/24/2019	 Order of Commitment Pursuant to NRS 178.425 Filed By: Defendant Nunn, Sammie <i>Order of Commitment</i>
03/14/2019	 Order to Transport Defendant <i>Order to Transport Defendant from Southern Nevada Adult Health Rawson-Neal Psychiatric Hospital</i>
04/12/2019	 Findings of Competency Filed By: Plaintiff State of Nevada <i>Findings of Competency</i>
04/29/2019	 Motion to Dismiss Counsel Party: Defendant Nunn, Sammie
05/01/2019	 Notice of Change of Hearing <i>Notice of Change of Hearing</i>
05/06/2019	 Notice of Department Reassignment <i>Notice of Department Reassignment</i>
05/23/2019	 Notice of Witnesses and/or Expert Witnesses Filed By: Plaintiff State of Nevada <i>State's Notice of Witnesses</i>
06/06/2019	 Guilty Plea Agreement
06/20/2019	 Judgment of Conviction <i>Judgment of Conviction</i>
07/15/2019	 Motion to Dismiss Counsel Party: Defendant Nunn, Sammie <i>Motion to Dismiss Counsel and Appoint Alternate Counsel</i>
07/16/2019	 Notice of Appeal (criminal)

CASE SUMMARY
CASE NO. C-18-336184-1

Party: Defendant Nunn, Sammie
Notice of Appeal

07/17/2019



Case Appeal Statement

Filed By: Defendant Nunn, Sammie
Case Appeal Statement

07/19/2019



Probation Violation Report

08/08/2019



Order

Filed By: Defendant Nunn, Sammie
Order to Provide Cellular Telephone(s) from Inmate's Property to Anthony M. Goldstein, Esq.

10/07/2019



NV Supreme Court Clerks Certificate/Judgment - Dismissed

Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed

10/10/2019



Motion for Post Conviction Relief

Filed By: Defendant Nunn, Sammie
Post-Conviction Petition for Writ of Habeas Corpus

10/10/2019



Clerk's Notice of Hearing

Notice of Hearing

10/16/2019



Return

Party: Plaintiff State of Nevada
State's Return to Defendant's Post-Conviction Petition for Writ of Habeas Corpus

11/18/2019



Amended Judgment of Conviction

Order for Revocation of Probation and Amended Judgment of Conviction

11/20/2019



Findings of Fact, Conclusions of Law and Order

Findings of Fact, Conclusions of Law, and Order

11/21/2019



Notice of Entry

Filed By: Defendant Nunn, Sammie
Notice of Entry of Findings of Fact, Conclusions of Law and Order

11/21/2019



Notice of Appeal (criminal)

Notice of Appeal

11/22/2019



Case Appeal Statement

Filed By: Defendant Nunn, Sammie
Case Appeal Statement

HEARINGS

11/14/2018



Grand Jury Indictment (11:00 AM) (Judicial Officer: Togliatti, Jennifer)

MINUTES

Warrant

11/14/2018 Inactive Indictment Warrant

Matter Heard;

Journal Entry Details:

Russell Walker, Grand Jury Foreperson, stated to the Court that at least twelve members had concurred in the return of the true bill during deliberation, but had been excused for presentation to the Court. State presented Grand Jury Case Number 18AGJ145X to the Court.

CASE SUMMARY

CASE NO. C-18-336184-1

COURT ORDERED, the Indictment may be filed and is assigned Case Number C-18-336184-1, Department XXX. Based on representations made by Ms. Thompson regarding a companion case for Deft. COURT ORDERED, matter TRANSFERRED to Department IX. State requested a warrant, argued bail, and advised Deft is in custody. COURT ORDERED, NO BAIL INDICTMENT WARRANT ISSUED, and matter SET for Arraignment. COURT FURTHER ORDERED, Exhibits 1, 1a, 2 and 3 to be lodged with the Clerk of the Court. I.W. (CUSTODY (COC)) 11/20/18 9:00 A.M. INITIAL ARRAIGNMENT (DEPT IX) ;

SCHEDULED HEARINGS


Initial Arraignment (11/20/2018 at 9:00 AM) (Judicial Officer: Togliatti, Jennifer)
11/20/2018, 11/29/2018, 12/13/2018

11/20/2018 **Initial Arraignment** (9:00 AM) (Judicial Officer: Togliatti, Jennifer)
11/20/2018, 11/29/2018, 12/13/2018


Continued;
Continued;
Referred to Competency Court;
Continued;
Continued;
Referred to Competency Court;
Continued;
Continued;
Referred to Competency Court;

11/20/2018 **Indictment Warrant Return** (9:00 AM) (Judicial Officer: Togliatti, Jennifer)
11/20/2018, 11/29/2018, 12/13/2018


Continued;
Continued;
Referred to Competency Court;
Continued;
Continued;
Referred to Competency Court;
Continued;
Continued;
Referred to Competency Court;

11/20/2018  **All Pending Motions** (9:00 AM) (Judicial Officer: Togliatti, Jennifer)

Matter Heard;
Journal Entry Details:
INDICTMENT WARRANT RETURN ... INITIAL ARRAIGNMENT Defendant not present. State noted the Defendant refused transport and the case is actually Mr. Goldstein's. COURT ORDERED, matter CONTINUED. CUSTODY CONTINUED TO: 11/29/18 9:00 AM CLERK'S NOTE: Mr. Goldstein notified of continuance date via e-mail 11/20/18. - amt;

11/29/2018  **All Pending Motions** (9:00 AM) (Judicial Officer: Togliatti, Jennifer)

Continued;
Journal Entry Details:
Mr. Goldstein advised this case included the event in C334308 and advised that case will be dismissed. Further, Mr. Goldstein requested arraignment be continued so that he may address competency concerns before the Defendant is arraigned. COURT ORDERED, C336184 CONTINUED and C334308 DISMISSED. CUSTODY CONTINUED TO: 12/13/18 9:00 AM;

12/13/2018  **All Pending Motions** (9:00 AM) (Judicial Officer: Togliatti, Jennifer)

Matter Heard;
Journal Entry Details:
INDICTMENT WARRANT RETURN ... INITIAL ARRAIGNMENT COURT ORDERED, matter REFERRED to Competency Court. CUSTODY (COC) 1/4/19 9:00 AM FURTHER PROCEEDINGS: COMPETENCY;

01/18/2019  **Further Proceedings: Competency** (10:00 AM) (Judicial Officer: Bell, Linda Marie)

Not Competent;

CASE SUMMARY

CASE NO. C-18-336184-1

Journal Entry Details:

Appearances Continued: Denise Baker of the Specialty Courts also present. Court NOTED Drs. Colosimo and Krelstein indicate not competent; therefore, pursuant to the doctors' reports and the Dusky Standard, FINDS Defendant NOT COMPETENT as he is not capable of understanding the charges against his and is unable to assist counsel in his defense. Pursuant to NRS 178.425, COURT ORDERED, Defendant is REMANDED to the custody of the Administrator of the Division of Mental Health Development Services for the Department of Human Resources for detention and treatment at a secure facility operated by that Division. Once competency has been established, Defendant will be returned to this court for findings and referred back to the originating department for further proceedings. CUSTODY (L.C.) ;

03/22/2019



Further Proceedings: Competency-Return From Stein (10:00 AM) (Judicial Officer: Leavitt, Michelle)

MINUTES

Continued;

Journal Entry Details:

Also present: Denise Baker of the Specialty Courts. Defendant not present. Ms. Romney requested a CONTINUANCE. COURT SO ORDERED. CUSTODY (R.N.) CONTINUED TO: 04/12/19 10:00 AM;

SCHEDULED HEARINGS



Further Proceedings: Competency (04/12/2019 at 10:00 AM) (Judicial Officer: Bell, Linda Marie)

04/12/2019



Further Proceedings: Competency (10:00 AM) (Judicial Officer: Bell, Linda Marie)

MINUTES

Found Competent;

Journal Entry Details:

APPEARANCES CONTINUED: Denise Baker of the Specialty Courts also present. There being no challenge by Defense Counsel, COURT FINDS Defendant COMPETENT pursuant to the Dusky Standard as Defendant is capable of understanding the nature of the charges against him and is able to assist counsel in his defense and ORDERED, pursuant to 178.420, matter TRANSFERRED back to the originating court for further proceedings. . CUSTODY 04/16/19 9:00 AM FURTHER PROCEEDINGS: RETURN FROM COMPETENCY COURT (DEPT XVIII) ;

SCHEDULED HEARINGS



Further Proceedings: Return from Competency Court (04/16/2019 at 9:00 AM) (Judicial Officer: Holthus, Mary Kay)

04/16/2019



Further Proceedings: Return from Competency Court (9:00 AM) (Judicial Officer: Holthus, Mary Kay)

Plea Entered;

Journal Entry Details:

Statements by Mr. Goldstein. DEFENDANT ARRAIGNED, PLED NOT GUILTY AND INVOKED the SIXTY (60) DAY RULE. COURT ORDERED, trial date SET. CUSTODY 6/11/19 9:00 AM CALENDAR CALL 6/17/19 1:00 PM JURY TRIAL;

05/14/2019



Motion (9:00 AM) (Judicial Officer: Holthus, Mary Kay)

05/14/2019, 05/23/2019

Motion to Dismiss Counsel

Matter Continued;

Denied;

Journal Entry Details:

Mr. Goldstein indicated matter was on for fareta canvass and the State has given an offer which the Deft. rejected that offer and wants to go through with Fareta Canvass. Court noted if that is what Deft. wants to do. Deft. noted that was what he was being forced to do. Court advised Deft. that he had good counsel. Deft. inquired if had right to receive evidence; indicating he didn't have discovery and had counsel for eight months. Mr. Goldstein indicated he sent discovery to Deft. Court noted Deft.'s Motion didn't indicate a reason to dismiss

CASE SUMMARY

CASE NO. C-18-336184-1

counsel; advised counsel that matter would be set for status check discovery. Statements by Deft. Colloquy between parties regarding Ms. Thomson already modifying deal. CONFERENCE AT BENCH. Court advised Mr. Goldstein to find housing for Deft. MATTER TRAILED. MATTER RECALLED. Upon Court's inquiry, Mr. Goldstein noted he would go over the Pre-Sentence Investigation (PSI) report with Deft. and see if he would accept deal. COURT ORDERED, Motion to Dismiss Counsel was hereby DENIED, and matter SET for status check for possible negotiations or possible sentencing. 6/6/19 9:00 AM STATUS CHECK: NEGOTIATIONS/ SENTENCING;

Matter Continued;

Denied;

Journal Entry Details:

Upon Court's inquiry, Mr. Goldstein noted this was Deft.'s second Motion in the instant matter. Mr. Goldstein further noted he visited with Deft. many times as well as visited alleged crime scene; therefore, he doesn't understand the reason for the Motion. Further statements by Mr. Goldstein. Court advised the Deft. he had an excellent attorney assigned to him and Court didn't see anything in Motion indicating otherwise; additionally, it didn't see where the complaints were coming from. Deft. indicated there was evidence that he didn't do the crime; however, Mr. Goldstein stated it didn't exist. Statements by Mr. Goldstein indicating there was a transcript. Deft. noted Mr. Goldstein didn't bring transcript into evidence. Court informed Deft. it was not the time to bring in evidence until trial. Following colloquy, Court advised it didn't see grounds to dismiss counsel; therefore, Deft. could retain his own counsel or Deft. proceed on his own. Deft. noted he would represent himself. COURT DIRECTED Deft. to think about it, and ask around; further, Deft. needed to be certain before Faretta Canvass. COURT ORDERED, matter CONTINUED. CUSTODY 5/23/19 9:00 AM CONTINUED: MOTION TO DISMISS;

06/06/2019



Status Check (9:00 AM) (Judicial Officer: Holthus, Mary Kay)

STATUS CHECK: POSSIBLE NEGOTIATIONS OR SENTENCING

Plea Entered;

Journal Entry Details:

NEGOTIATIONS are as contained in the Guilty Plea Agreement FILED IN OPEN COURT. DEFENDANT NUNN ARRAIGNED AND PLED GUILTY to BATTERY WITH USE OF A DEADLY WEAPON (F). Court ACCEPTED plea, and Court agreed to use the Pre-sentence Investigation (PSI) Report from C334308. Mr. Goldstein requested Deft. be sentenced at the current hearing. CONFERENCE AT BENCH. Ms. Thomson advised she had no opposition to probation. CONFERENCE AT BENCH. MATTER TRAILED. MATTER RECALLED. CONFERENCE AT BENCH. Following colloquy, COURT ORDERED, trial VACATED and sentencing be CONTINUED. CUSTODY 6/11/19 9:00 AM CONTINUED: SENTENCING;

06/11/2019

CANCELED Calendar Call (9:00 AM) (Judicial Officer: Holthus, Mary Kay)

Vacated - per Judge

06/11/2019



Sentencing (9:00 AM) (Judicial Officer: Holthus, Mary Kay)

Defendant Sentenced;


Journal Entry Details:

Upon Court's inquiry, Mr. Goldstein requested that the Court grant probation; additionally, Mr. Goldstein had been in contact with Deft.'s mom and she stated she made accommodations at a halfway house. Colloquy between parties and a representative from the One Day at a Time program halfway house. By virtue of Defendant's plea of guilty and by Order of the Court, DEFT NUNN ADJUDGED GUILTY of BATTERY WITH USE OF A DEADLY WEAPON (F). Statements by Ms. Rose and Mr. Goldstein. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, \$3.00 DNA Collection fee, the \$150.00 DNA Analysis Fee, including testing to determine genetic markers, and to pay RESTITUTION, Deft. SENTENCED to a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS and a MINIMUM of FORTY-EIGHT (48) MONTHS in the Nevada Department of Corrections (NDC); SUSPENDED; placed on PROBATION for an indeterminate period not to exceed FIVE (5) YEARS. COURT FURTHER ORDERED, Deft. to be placed on House arrest. STANDARD CONDITIONS: 1. Reporting: You are to report in person to the Division of Parole and Probation (P&P) as instructed by the Division or its agent. You are required to submit a written report each month on forms supplied by the Division. This report shall be true and correct in all respects. 2. Residence: You shall not change your place of residence without first obtaining permission from P&P, in each instance. 3. Intoxicants: You shall not consume any alcoholic beverages whatsoever. Upon order of P&P or its agent, you shall submit to a medically recognized test for blood/breath alcohol content. Test results of .08 blood alcohol content or higher shall be

CASE SUMMARY**CASE NO. C-18-336184-1**

sufficient proof of excess. 4. *Controlled Substances*: You shall not use, purchase or possess any illegal drugs, or any prescription drugs, unless first prescribed by a licensed medical professional. You shall immediately notify P&P of any prescription received. You shall submit to drug testing as required by the Division or its agent. 5. *Weapons*: You shall not possess, have access to, or have under your control, any type of weapon. 6. *Search*: You shall submit your person, property (including cellular phones and / or computers), place of residence, vehicle or areas under your control to search at any time, with or without a search warrant or warrant of arrest, for evidence of a crime or violation of probation by P&P or its agent. 7. *Associates*: You must have prior approval by P&P to associate with any person convicted of a felony, or any person on probation or parole supervision. You shall not have any contact with persons confined in a correctional institution unless specific written permission has been granted by the Division and the correctional institution. 8. *Directives and Conduct*: You shall follow the directives of P&P and your conduct shall justify the opportunity granted to you by this community supervision. 9. *Laws*: You shall comply with all municipal, county, state, and federal laws and ordinances. 10. *Out-of-State Travel*: You shall not leave the state without first obtaining written permission from P&P. 11. *Employment/Program*: You shall seek and maintain legal employment, or maintain a program approved by P&P and not change such employment or program without first obtaining permission. All terminations of employment or program shall be immediately reported to the Division. 12. *Financial Obligation*: You shall pay fees, fines, and restitution on a schedule approved by P&P. Any excess monies paid will be applied to any other outstanding fees, fines, and/or restitution, even if it is discovered after your discharge. **SPECIAL CONDITIONS**: 1. Deft. shall submit digital storage media or any digital storage media that you have access or use, including computers, handheld communication devices and any network applications associated with those devices, including social media and remote storage services to a search and shall provide all passwords, unlock codes and account information associated with those items, with or without a search warrant, by the Division of Parole and Probation or its agent. 2. Deft. to only be released to Parole and Probation and transported to One Day at a Time Program. 3. Deft. to remain on House Arrest until interstate compact to California to live with his mother. 4. Complete mental health evaluation. 5. Consume any medication required. 6. Abide by any curfew imposed. 7. Maintain full-time employment, schooling or 16 hours community service a month. 8. No contact with victim. 9. Deft. to pay RESTITUTION in the amount of \$22,042.00 to Prince Alidu. **MATTER RECALLED**. Colloquy between parties regarding Deft. behavior post sentencing in the Courtroom. Mr. Goldstein informed the Court he explained to the Deft. that probation was a privilege. **BOND**, if any, **EXONERATED**. **O.R./H.A.** ;

06/17/2019 **CANCELED Jury Trial** (11:00 AM) (Judicial Officer: Holthus, Mary Kay)
Vacated - per Judge

07/23/2019  **Revocation of Probation** (9:00 AM) (Judicial Officer: Holthus, Mary Kay)

Matter Continued;

Journal Entry Details:

Officer A. Marquez present on behalf of Parole and Probation (P&P). Upon Court's inquiry, Mr. Goldstein indicated no offer had been made; therefore, they would be stipulating and arguing for reinstatement. Further, Mr. Goldstein advised the Court, Deft. filed a Motion to Dismiss counsel and Motion to Dismiss Previous Decision to Dismiss Attorney, and filed Motion to Appeal. Arguments by Ms. Thomson regarding Deft.'s pre-sentence investigation (PSI) report. Ms. Thomson advised the Court they should address Deft.'s basis for another attorney. Mr. Goldstein indicated he was prepared to go forward; however, the State wanted to address counsel. Court inquired if Deft. still wanted to proceed with removing Mr. Goldstein from the case; which, Deft. concurred. Court noted it would need a copy of the PSI and to look over it; therefore, COURT ORDERED, matter CONTINUED. CUSTODY 8/6/19 9:00 AM CONTINUED: REVOCATION OF PROBATION ;

08/06/2019 **Motion to Dismiss** (9:00 AM) (Judicial Officer: Holthus, Mary Kay)
08/06/2019, 08/20/2019

Motion to Dismiss Counsel and Appoint Alternate Counsel

Matter Continued;

Matter Heard;

Matter Continued;

Matter Heard;

08/06/2019 **Status Check** (9:00 AM) (Judicial Officer: Holthus, Mary Kay)
08/06/2019, 08/20/2019

CASE SUMMARY

CASE NO. C-18-336184-1

STATUS CHECK: RESET REVOCATION OF PROBATION

Matter Continued;

Matter Heard;

Matter Continued;

Matter Heard;

08/06/2019



All Pending Motions (9:00 AM) (Judicial Officer: Holthus, Mary Kay)

Matter Continued;

Journal Entry Details:

MOTION TO DISMISS COUNSEL AND APPOINT ALTERNATE COUNSEL...STATUS CHECK: RESET REVOCATION OF PROBATION CONFERENCE AT BENCH. Upon Court's inquiry, Deft. indicated there were things Mr. Goldstein was supposed to do which he didn't fulfil. Statements by Mr. Goldstein advising he spoke with witness. Deft. indicated he didn't want to take the deal and Mr. Goldstein told Deft. he wasn't going to use witness; therefore, Deft. was requesting an evidentiary hearing. Following colloquy, Court noted the only thing in front of the Court was Motion to Dismiss Counsel, which there was no basis to appoint alternative counsel; however, Deft. was free to represent himself. Deft. noted he would represent himself. Mr. Goldstein reminded the Court he was appointed with the Second Guilty Plea Agreement the Deft. pled guilty to. Statements by Deft. informing the Court he was coerced. Court noted there weren't any pending Motions. Following colloquy, Mr. Goldstein indicated there wasn't any legal grounds to file a Motion to Withdraw Plea, Deft. was aware of what he was signing. Deft. states there was conflict of interest. Court noted Mr. Goldstein stated he doesn't find a legal basis for Motion. Deft. noted there was new evidence of the victim confessing which was in his phone and on Facebook. Mr. Goldstein noted that was the first he had heard of it. Court noted it would sign Order to release phone to Mr. Goldstein. Court advised after Mr. Goldstein gets phone and reviews to see if there was anything on the phone it would be brought back to Court, if there isn't anything, the Revocation Hearing would be set. Further, if Deft. wanted to still represent himself the Court would do a Faretti Canvass. Mr. Goldstein advised he would go and visit Deft. and get Order signed. **COURT ORDERED, matter CONTINUED. CUSTODY 8/20/19 9:00 AM CONTINUED: MOTION TO DISMISS COUNSEL AND APPOINT ALTERNATE COUNSEL...STATUS CHECK: RESET REVOCATION OF PROBATION;**

08/20/2019



All Pending Motions (9:00 AM) (Judicial Officer: Holthus, Mary Kay)

Matter Heard;

Journal Entry Details:

MOTION TO DISMISS COUNSEL AND APPOINT ALTERNATIVE COUNSEL...STATUS CHECK: RESET REVOCATION OF PROBATION Upon Court's inquiry, Mr. Goldstein indicated he did look at Deft.'s phone and reviewed evidence on there as well. Statements by Deft. Court noted Mr. Goldstein was already aware of information given and advised Deft. he had already pled guilty; therefore, revocation would be reset. Deft. advised he and his attorney were having a conflict of interest and indicated he wanted to withdraw his guilty plea. Colloquy between parties. **CONFERENCE AT BENCH. COURT ORDERED, Motion to Dismiss Counsel and Appoint Alternative Counsel was hereby GRANTED, with the understanding that Ms. Border was APPOINTED as counsel for the limited purpose to see if there were grounds for Deft. to withdraw his Guilty Plea Agreement. Additionally, Mr. Goldstein would be back on the instant case following that. Mr. Goldstein indicated he would give Deft.'s phone to Ms. Border along with discovery. COURT FURTHER ORDERED, matter CONTINUED for appointment of counsel. CUSTODY 9/5/19 9:00 AM STATUS CHECK: MOTION TO WITHDRAW GUILTY PLEA AGREEMENT;**

09/05/2019



Status Check (9:00 AM) (Judicial Officer: Holthus, Mary Kay)

09/05/2019, 09/12/2019

STATUS CHECK: MOTION TO WITHDRAW GUILTY PLEA AGREEMENT

Matter Continued;

Briefing Schedule Set;

Journal Entry Details:

Daniel Gilliam, Esq. present on behalf of Marisa Border, Esq. for Deft. Mr. Gilliam indicated a briefing schedule needed to be set. Court explained to Deft. what the briefing schedule entailed, noting Ms. Border must see some type of grounds to withdraw the guilty plea. **COURT ORDERED, the following Briefing Schedule: Ms. Border to file Motion by October 10, 2019, State to file Response by October 24, 2019, Ms. Border to file Reply by October 31, 2019, and matter CONTINUED for Hearing. Court noted if Motion was denied at that time, a**

CASE SUMMARY

CASE NO. C-18-336184-1

sentencing date would be set. CUSTODY 11/5/19 9:00 AM HEARING- MOTION TO WITHDRAW GUILTY PLEA;

Matter Continued;

Briefing Schedule Set;

Journal Entry Details:

Upon Court's inquiry, Ms. Border indicated she reviewed discovery and spoke with Mr. Goldstein; additionally, she noted she had the phone in possession, but needed to go through it. Further, Ms. Border advised there was another witness to speak with. Following colloquy, Ms. Border requested matter be continued for a week to check on basis to withdraw guilty plea agreement. COURT ORDERED, matter CONTINUED. CUSTODY 9/12/19 9:00 AM CONTINUED: STATUS CHECK: MOTION TO WITHDRAW GUILTY PLEA AGREEMENT;

11/05/2019



Hearing (9:00 AM) (Judicial Officer: Holthus, Mary Kay)

HEARING: MOTION TO WITHDRAW GUILTY PLEA

Hearing Set;

Journal Entry Details:

Arguments by counsel regarding the merits of the motion. COURT ORDERED, motion DENIED based on the State's opposition; Plaintiff to prepare the Order. COURT FURTHER ORDERED, Revocation of Probation SET. CUSTODY 11/14/19 9:00 AM REVOCATION OF PROBATION;

11/14/2019



Revocation of Probation (9:00 AM) (Judicial Officer: Holthus, Mary Kay)

Probation Revoked;

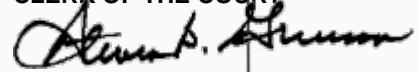
Journal Entry Details:

Officer A. Martinez present on behalf of Parole and Probation (P&P). Upon Court's inquiry, Mr. Goldstein indicated there was no offer; therefore, they would be stipulating to the violation and arguing. Colloquy between parties regarding underlying sentence. CONFERENCE AT BENCH. DEFT. STIPULATED to being in violation of probation; Court ACCEPTED stipulation. Ms. Thomson agreed that the underlying sentence of four to ten years should be imposed. Arguments by Ms. Thomson. Statements by Deft. Mr. Goldstein requested that the underlying sentence be modified to a two to five year sentence. Following colloquy, Court FINDS that Deft. was in violation of probation and ORDERED, Deft. Nunn s PROBATION is REVOKED and a MODIFIED underlying sentence of a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS and a MINIMUM of THIRTY-SIX (36) MONTHS in the Nevada Department of Corrections (NDC) would be IMPOSED, with FIVE HUNDRED TEN (510) DAYS credit for time served. NDC;

11/26/2019

Petition for Writ of Habeas Corpus (9:00 AM) (Judicial Officer: Holthus, Mary Kay)

Defendant's Post-Conviction Petition for Writ of Habeas Corpus



1 AJOC

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 THE STATE OF NEVADA,

7 Plaintiff,

CASE NO. C-18-336184-1

8 -vs-

DEPT. NO. XVIII

9
10 SAMMIE NUNN
#2751864

11 Defendant.

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13
14 ORDER FOR REVOCATION OF PROBATION AND
15 AMENDED JUDGMENT OF CONVICTION

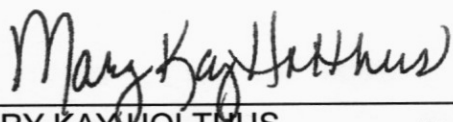
16
17 The Defendant previously appeared before the Court with counsel and entered
18 a plea of guilty to the crime of BATTERY WITH USE OF A DEADLY WEAPON
19 (Category B Felony) in violation of NRS 200.481; thereafter, on the 11th day of June,
20 2019, the Defendant was present in court for sentencing with counsel, wherein the
21 Court did adjudge the Defendant guilty thereof by reason of the plea of guilty,
22 suspended the execution of the sentence imposed and granted probation to the
23 Defendant.
24

25 THEREAFTER, a parole and probation officer provided the Court with a written
26 statement setting forth that the Defendant has, in the judgment of the parole and
27 probation officer, violated the conditions of probation; and on the 14th day of November,
28

1 2019, the Defendant appeared in court with counsel ANTHONY GOLDSTEIN, ESQ.,
2 and pursuant to a probation violation hearing/proceeding and good cause appearing to
3 amend the Judgment of Conviction,
4

5 IT IS HEREBY ORDERED that the probation previously granted to the
6 Defendant is REVOKED; in addition to the original fees, fines and assessments, IT IS
7 FURTHER ORDERED that the original sentence is MODIFIED and imposed as follows:
8 a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM parole
9 eligibility of THIRTY-SIX (36) MONTHS in the Nevada Department of Corrections
10 (NDC); with FIVE HUNDRED TEN (510) DAYS credit for time served.
11

12 DATED this 15 day of November, 2019.

13
14 
15 MARY KAY HOLTHUS
16 DISTRICT COURT JUDGE dy
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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 14, 2018

C-18-336184-1 State of Nevada
 vs
 Sammie Nunn

November 14, 2018 11:00 AM Grand Jury Indictment

HEARD BY: Togliatti, Jennifer

COURTROOM: RJC Courtroom 17A

COURT CLERK: Kimberly Estala

RECORDER: Renee Vincent

REPORTER:

PARTIES

PRESENT: State of Nevada Plaintiff
 Thomson, Megan Attorney

JOURNAL ENTRIES

- Russell Walker, Grand Jury Foreperson, stated to the Court that at least twelve members had concurred in the return of the true bill during deliberation, but had been excused for presentation to the Court. State presented Grand Jury Case Number 18AGJ145X to the Court. COURT ORDERED, the Indictment may be filed and is assigned Case Number C-18-336184-1, Department XXX.

Based on representations made by Ms. Thompson regarding a companion case for Deft. COURT ORDERED, matter TRANSFERRED to Department IX. State requested a warrant, argued bail, and advised Deft is in custody. COURT ORDERED, NO BAIL INDICTMENT WARRANT ISSUED, and matter SET for Arraignment.

COURT FURTHER ORDERED, Exhibits 1, 1a, 2 and 3 to be lodged with the Clerk of the Court.

I.W. (CUSTODY (COC))

11/20/18 9:00 A.M. INITIAL ARRAIGNMENT (DEPT IX)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 20, 2018

C-18-336184-1 State of Nevada
 vs
 Sammie Nunn

November 20, 2018 9:00 AM

All Pending Motions

HEARD BY: Togliatti, Jennifer

COURTROOM: RJC Courtroom 10C

COURT CLERK: Athena Trujillo

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

PRESENT: Goldstein, Anthony M. Attorney
 State of Nevada Plaintiff
 Thomson, Megan Attorney

JOURNAL ENTRIES

- INDICTMENT WARRANT RETURN ... INITIAL ARRAIGNMENT

Defendant not present.

State noted the Defendant refused transport and the case is actually Mr. Goldstein's. COURT ORDERED, matter CONTINUED.

CUSTODY

CONTINUED TO: 11/29/18 9:00 AM

CLERK'S NOTE: Mr. Goldstein notified of continuance date via e-mail 11/20/18. - amt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 29, 2018

C-18-336184-1 State of Nevada
 vs
 Sammie Nunn

November 29, 2018 9:00 AM

All Pending Motions

HEARD BY: Togliatti, Jennifer

COURTROOM: RJC Courtroom 10C

COURT CLERK: Athena Trujillo

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

PRESENT:	Albritton, Alicia A.	Attorney
	Goldstein, Anthony M.	Attorney
	Nunn, Sammie	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Mr. Goldstein advised this case included the event in C334308 and advised that case will be dismissed. Further, Mr. Goldstein requested arraignment be continued so that he may address competency concerns before the Defendant is arraigned. COURT ORDERED, C336184 CONTINUED and C334308 DISMISSED.

CUSTODY

CONTINUED TO: 12/13/18 9:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 13, 2018

C-18-336184-1 State of Nevada
 vs
 Sammie Nunn

December 13, 2018 9:00 AM All Pending Motions

HEARD BY: Togliatti, Jennifer

COURTROOM: RJC Courtroom 10C

COURT CLERK: Athena Trujillo

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

PRESENT:	Goldstein, Anthony M.	Attorney
	Nunn, Sammie	Defendant
	Rose, Laura Jean	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- INDICTMENT WARRANT RETURN ... INITIAL ARRAIGNMENT

COURT ORDERED, matter REFERRED to Competency Court.

CUSTODY (COC)

1/4/19 9:00 AM FURTHER PROCEEDINGS: COMPETENCY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 18, 2019

C-18-336184-1 State of Nevada
 vs
 Sammie Nunn

**January 18, 2019 10:00 AM Further Proceedings:
Competency**

HEARD BY: Bell, Linda Marie

COURTROOM: RJC Courtroom 10C

COURT CLERK: Kimberly Estala

RECORDER: Renee Vincent

REPORTER:

PARTIES

PRESENT:	Goldstein, Anthony M.	Attorney
	Nunn, Sammie	Defendant
	O'Brien, Glen	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Appearances Continued: Denise Baker of the Specialty Courts also present.

Court NOTED Drs. Colosimo and Krelstein indicate not competent; therefore, pursuant to the doctors' reports and the Dusky Standard, FINDS Defendant NOT COMPETENT as he is not capable of understanding the charges against him and is unable to assist counsel in his defense. Pursuant to NRS 178.425, COURT ORDERED, Defendant is REMANDED to the custody of the Administrator of the Division of Mental Health Development Services for the Department of Human Resources for detention and treatment at a secure facility operated by that Division. Once competency has been established, Defendant will be returned to this court for findings and referred back to the originating department for further proceedings.

CUSTODY (L.C.)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 22, 2019

C-18-336184-1 State of Nevada
 vs
 Sammie Nunn

**March 22, 2019 10:00 AM Further Proceedings:
Competency-Return From
Stein**

HEARD BY: Leavitt, Michelle

COURTROOM: RJC Courtroom 10C

COURT CLERK: Kimberly Estala

RECORDER: Renee Vincent

REPORTER:

PARTIES

PRESENT: Goldstein, Anthony M. Attorney
 O'Brien, Glen Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Also present: Denise Baker of the Specialty Courts. Defendant not present.

Ms. Romney requested a CONTINUANCE. COURT SO ORDERED.

CUSTODY (R.N.)

CONTINUED TO: 04/12/19 10:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 12, 2019

C-18-336184-1 State of Nevada
 vs
 Sammie Nunn

April 12, 2019

10:00 AM

**Further Proceedings:
Competency**

HEARD BY: Bell, Linda Marie

COURTROOM: RJC Courtroom 10C

COURT CLERK: Kimberly Estala

RECORDER: Renee Vincent

REPORTER:

PARTIES

PRESENT:	Goldstein, Anthony M.	Attorney
	Nunn, Sammie	Defendant
	O'Brien, Glen	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Denise Baker of the Specialty Courts also present.

There being no challenge by Defense Counsel, COURT FINDS Defendant COMPETENT pursuant to the Dusky Standard as Defendant is capable of understanding the nature of the charges against him and is able to assist counsel in his defense and ORDERED, pursuant to 178.420, matter TRANSFERRED back to the originating court for further proceedings. .

CUSTODY

04/16/19 9:00 AM FURTHER PROCEEDINGS: RETURN FROM COMPETENCY COURT (DEPT XVIII)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 16, 2019

C-18-336184-1 State of Nevada
 vs
 Sammie Nunn

**April 16, 2019 9:00 AM Further Proceedings:
Return from Competency
Court**

HEARD BY: Holthus, Mary Kay

COURTROOM: RJC Courtroom 03F

COURT CLERK:

Dara Yorke

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

PRESENT:	Goldstein, Anthony M.	Attorney
	Lacher, Ashley A.	Attorney
	Nunn, Sammie	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Statements by Mr. Goldstein. DEFENDANT ARRAIGNED, PLED NOT GUILTY AND INVOKED the SIXTY (60) DAY RULE. COURT ORDERED, trial date SET.

CUSTODY

6/11/19 9:00 AM CALENDAR CALL

6/17/19 1:00 PM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 14, 2019**

C-18-336184-1 State of Nevada
vs
Sammie Nunn

May 14, 2019**9:00 AM****Motion****HEARD BY:** Holthus, Mary Kay**COURTROOM:** RJC Courtroom 03F**COURT CLERK:** Dara Yorke**RECORDER:** Yvette G. Sison**REPORTER:****PARTIES**

PRESENT:	Albritton, Alicia A.	Attorney
	Goldstein, Anthony M.	Attorney
	Nunn, Sammie	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Upon Court's inquiry, Mr. Goldstein noted this was Deft.'s second Motion in the instant matter. Mr. Goldstein further noted he visited with Deft. many times as well as visited alleged crime scene; therefore, he doesn't understand the reason for the Motion. Further statements by Mr. Goldstein. Court advised the Deft. he had an excellent attorney assigned to him and Court didn't see anything in Motion indicating otherwise; additionally, it didn't see where the complaints were coming from. Deft. indicated there was evidence that he didn't do the crime; however, Mr. Goldstein stated it didn't exist. Statements by Mr. Goldstein indicating there was a transcript. Deft. noted Mr. Goldstein didn't bring transcript into evidence. Court informed Deft. it was not the time to bring in evidence until trial. Following colloquy, Court advised it didn't see grounds to dismiss counsel; therefore, Deft. could retain his own counsel or Deft. proceed on his own. Deft. noted he would represent himself. COURT DIRECTED Deft. to think about it, and ask around; further, Deft. needed to be certain before Faretta Canvass. COURT ORDERED, matter CONTINUED.

CUSTODY

5/23/19 9:00 AM CONTINUED: MOTION TO DISMISS

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****May 23, 2019**

C-18-336184-1 State of Nevada
 vs
 Sammie Nunn

May 23, 2019**9:00 AM****Motion****HEARD BY:** Holthus, Mary Kay**COURTROOM:** RJC Courtroom 03F**COURT CLERK:** Dara Yorke**RECORDER:** Michelle Ramsey
Yvette G. Sison**REPORTER:****PARTIES**

PRESENT:	Goldstein, Anthony M.	Attorney
	Nunn, Sammie	Defendant
	State of Nevada	Plaintiff
	Thomson, Megan	Attorney

JOURNAL ENTRIES

- Mr. Goldstein indicated matter was on for fareta canvass and the State has given an offer which the Deft. rejected that offer and wants to go through with Faretta Canvass. Court noted if that is what Deft. wants to do. Deft. noted that was what he was being forced to do. Court advised Deft. that he had good counsel. Deft. inquired if had right to receive evidence; indicating he didn't have discovery and had counsel for eight months. Mr. Goldstein indicated he sent discovery to Deft. Court noted Deft.'s Motion didn't indicate a reason to dismiss counsel; advised counsel that matter would be set for status check discovery. Statements by Deft. Colloquy between parties regarding Ms. Thomson already modifying deal. CONFERENCE AT BENCH. Court advised Mr. Goldstein to find housing for Deft. MATTER TRAILED.

MATTER RECALLED. Upon Court's inquiry, Mr. Goldstein noted he would go over the Pre-Sentence Investigation (PSI) report with Deft. and see if he would accept deal. COURT ORDERED, Motion to Dismiss Counsel was hereby DENIED, and matter SET for status check for possible negotiations or possible sentencing.

6/6/19 9:00 AM STATUS CHECK: NEGOTIATIONS/ SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 06, 2019**

C-18-336184-1 State of Nevada
vs
Sammie Nunn

June 06, 2019 9:00 AM Status Check

HEARD BY: Holthus, Mary Kay**COURTROOM:** RJC Courtroom 03F**COURT CLERK:** Dara Yorke**RECORDER:** Yvette G. Sison**REPORTER:****PARTIES**

PRESENT:	Goldstein, Anthony M.	Attorney
	Nunn, Sammie	Defendant
	State of Nevada	Plaintiff
	Thomson, Megan	Attorney

JOURNAL ENTRIES

- NEGOTIATIONS are as contained in the Guilty Plea Agreement FILED IN OPEN COURT.
DEFENDANT NUNN ARRAIGNED AND PLED GUILTY to BATTERY WITH USE OF A DEADLY WEAPON (F). Court ACCEPTED plea, and Court agreed to use the Pre-sentence Investigation (PSI) Report from C334308. Mr. Goldstein requested Deft. be sentenced at the current hearing.
CONFERENCE AT BENCH. Ms. Thomson advised she had no opposition to probation.
CONFERENCE AT BENCH. MATTER TRAILED.

MATTER RECALLED. CONFERENCE AT BENCH. Following colloquy, COURT ORDERED, trial VACATED and sentencing be CONTINUED.

CUSTODY

6/11/19 9:00 AM CONTINUED: SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 11, 2019**

C-18-336184-1 State of Nevada
vs
Sammie Nunn

June 11, 2019**9:00 AM****Sentencing****HEARD BY:** Holthus, Mary Kay**COURTROOM:** RJC Courtroom 03F**COURT CLERK:** Dara Yorke**RECORDER:** Yvette G. Sison**REPORTER:****PARTIES**

PRESENT:	Goldstein, Anthony M.	Attorney
	Nunn, Sammie	Defendant
	Rose, Laura Jean	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Upon Court's inquiry, Mr. Goldstein requested that the Court grant probation; additionally, Mr. Goldstein had been in contact with Deft.'s mom and she stated she made accommodations at a halfway house. Colloquy between parties and a representative from the One Day at a Time program halfway house. By virtue of Defendant's plea of guilty and by Order of the Court, DEFT NUNN ADJUDGED GUILTY of BATTERY WITH USE OF A DEADLY WEAPON (F). Statements by Ms. Rose and Mr. Goldstein. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, \$3.00 DNA Collection fee, the \$150.00 DNA Analysis Fee, including testing to determine genetic markers, and to pay RESTITUTION, Deft. SENTENCED to a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS and a MINIMUM of FORTY-EIGHT (48) MONTHS in the Nevada Department of Corrections (NDC); SUSPENDED; placed on PROBATION for an indeterminate period not to exceed FIVE (5) YEARS. COURT FURTHER ORDERED, Deft. to be placed on House arrest.

STANDARD CONDITIONS:

1. Reporting: You are to report in person to the Division of Parole and Probation (P&P) as instructed

by the Division or its agent. You are required to submit a written report each month on forms supplied by the Division. This report shall be true and correct in all respects.

2. Residence: You shall not change your place of residence without first obtaining permission from P&P, in each instance.
3. Intoxicants: You shall not consume any alcoholic beverages whatsoever. Upon order of P&P or its agent, you shall submit to a medically recognized test for blood/breath alcohol content. Test results of .08 blood alcohol content or higher shall be sufficient proof of excess.
4. Controlled Substances: You shall not use, purchase or possess any illegal drugs, or any prescription drugs, unless first prescribed by a licensed medical professional. You shall immediately notify P&P of any prescription received. You shall submit to drug testing as required by the Division or its agent.
5. Weapons: You shall not possess, have access to, or have under your control, any type of weapon.
6. Search: You shall submit your person, property (including cellular phones and / or computers), place of residence, vehicle or areas under your control to search at any time, with or without a search warrant or warrant of arrest, for evidence of a crime or violation of probation by P&P or its agent.
7. Associates: You must have prior approval by P&P to associate with any person convicted of a felony, or any person on probation or parole supervision. You shall not have any contact with persons confined in a correctional institution unless specific written permission has been granted by the Division and the correctional institution.
8. Directives and Conduct: You shall follow the directives of P&P and your conduct shall justify the opportunity granted to you by this community supervision.
9. Laws: You shall comply with all municipal, county, state, and federal laws and ordinances.
10. Out-of-State Travel: You shall not leave the state without first obtaining written permission from P&P.
11. Employment/Program: You shall seek and maintain legal employment, or maintain a program approved by P&P and not change such employment or program without first obtaining permission. All terminations of employment or program shall be immediately reported to the Division.
12. Financial Obligation: You shall pay fees, fines, and restitution on a schedule approved by P&P. Any excess monies paid will be applied to any other outstanding fees, fines, and/or restitution, even if it is discovered after your discharge.

SPECIAL CONDITIONS:

1. Deft. shall submit digital storage media or any digital storage media that you have access or use, including computers, handheld communication devices and any network applications associated with those devices, including social media and remote storage services to a search and shall provide all passwords, unlock codes and account information associated with those items, with or without a search warrant, by the Division of Parole and Probation or its agent.
2. Deft. to only be released to Parole and Probation and transported to One Day at a Time Program.
3. Deft. to remain on House Arrest until interstate compact to California to live with his mother.
4. Complete mental health evaluation.
5. Consume any medication required.
6. Abide by any curfew imposed.
7. Maintain full-time employment, schooling or 16 hours community service a month.
8. No contact with victim.

9. Deft. to pay RESTITUTION in the amount of \$22,042.00 to Prince Alidu.

MATTER RECALLED. Colloquy between parties regarding Deft. behavior post sentencing in the Courtroom. Mr. Goldstein informed the Court he explained to the Deft. that probation was a privilege.

BOND, if any, EXONERATED.

O.R./H.A.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****July 23, 2019**

C-18-336184-1 State of Nevada
vs
Sammie Nunn

July 23, 2019 9:00 AM Revocation of Probation

HEARD BY: Holthus, Mary Kay**COURTROOM:** RJC Courtroom 03F**COURT CLERK:** Dara Yorke**RECORDER:** Yvette G. Sison**REPORTER:****PARTIES**

PRESENT:	Goldstein, Anthony M.	Attorney
	Nunn, Sammie	Defendant
	State of Nevada	Plaintiff
	Thomson, Megan	Attorney

JOURNAL ENTRIES

- Officer A. Marquez present on behalf of Parole and Probation (P&P).

Upon Court's inquiry, Mr. Goldstein indicated no offer had been made; therefore, they would be stipulating and arguing for reinstatement. Further, Mr. Goldstein advised the Court, Deft. filed a Motion to Dismiss counsel and Motion to Dismiss Previous Decision to Dismiss Attorney, and filed Motion to Appeal. Arguments by Ms. Thomson regarding Deft.'s pre-sentence investigation (PSI) report. Ms. Thomson advised the Court they should address Deft.'s basis for another attorney. Mr. Goldstein indicated he was prepared to go forward; however, the State wanted to address counsel. Court inquired if Deft. still wanted to proceed with removing Mr. Goldstein from the case; which, Deft. concurred. Court noted it would need a copy of the PSI and to look over it; therefore, COURT ORDERED, matter CONTINUED.

CUSTODY

8/6/19 9:00 AM CONTINUED: REVOCATION OF PROBATION

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****August 06, 2019**

C-18-336184-1 State of Nevada
vs
Sammie Nunn

August 06, 2019 9:00 AM All Pending Motions

HEARD BY: Holthus, Mary Kay**COURTROOM:** RJC Courtroom 03F**COURT CLERK:** Dara Yorke**RECORDER:** Yvette G. Sison**REPORTER:****PARTIES**

PRESENT:	Goldstein, Anthony M.	Attorney
	Lexis, Chad N.	Attorney
	Nunn, Sammie	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- MOTION TO DISMISS COUNSEL AND APPOINT ALTERNATE COUNSEL...STATUS CHECK:
RESET REVOCATION OF PROBATION

CONFERENCE AT BENCH. Upon Court's inquiry, Deft. indicated there were things Mr. Goldstein was supposed to do which he didn't fulfil. Statements by Mr. Goldstein advising he spoke with witness. Deft. indicated he didn't want to take the deal and Mr. Goldstein told Deft. he wasn't going to use witness; therefore, Deft. was requesting an evidentiary hearing. Following colloquy, Court noted the only thing in front of the Court was Motion to Dismiss Counsel, which there was no basis to appoint alternative counsel; however, Deft. was free to represent himself. Deft. noted he would represent himself. Mr. Goldstein reminded the Court he was appointed with the Second Guilty Plea Agreement the Deft. pled guilty to. Statements by Deft. informing the Court he was coerced. Court noted there weren't any pending Motions. Following colloquy, Mr. Goldstein indicated there wasn't any legal grounds to file a Motion to Withdraw Plea, Deft. was aware of what he was signing. Deft. states there was conflict of interest. Court noted Mr. Goldstein stated he doesn't find a legal basis for Motion. Deft. noted there was new evidence of the victim confessing which was in his phone and on

Facebook. Mr. Goldstein noted that was the first he had heard of it. Court noted it would sign Order to release phone to Mr. Goldstein. Court advised after Mr. Goldstein gets phone and reviews to see if there was anything on the phone it would be brought back to Court, if there isn't anything, the Revocation Hearing would be set. Further, if Deft. wanted to still represent himself the Court would do a Faretta Canvass. Mr. Goldstein advised he would go and visit Deft. and get Order signed. COURT ORDERED, matter CONTINUED.

CUSTODY

8/20/19 9:00 AM CONTINUED: MOTION TO DISMISS COUNSEL AND APPOINT ALTERNATE COUNSEL...STATUS CHECK: RESET REVOCATION OF PROBATION

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****August 20, 2019**

C-18-336184-1 State of Nevada
vs
Sammie Nunn

August 20, 2019 9:00 AM All Pending Motions

HEARD BY: Holthus, Mary Kay**COURTROOM:** RJC Courtroom 03F**COURT CLERK:** Dara Yorke**RECORDER:** Yvette G. Sison**REPORTER:****PARTIES**

PRESENT:	Goldstein, Anthony M.	Attorney
	Nunn, Sammie	Defendant
	State of Nevada	Plaintiff
	Thomson, Megan	Attorney

JOURNAL ENTRIES

- MOTION TO DISMISS COUNSEL AND APPOINT ALTERNATIVE COUNSEL...STATUS CHECK:
RESET REVOCATION OF PROBATION

Upon Court's inquiry, Mr. Goldstein indicated he did look at Deft.'s phone and reviewed evidence on there as well. Statements by Deft. Court noted Mr. Goldstein was already aware of information given and advised Deft. he had already pled guilty; therefore, revocation would be reset. Deft. advised he and his attorney were having a conflict of interest and indicated he wanted to withdraw his guilty plea. Colloquy between parties. CONFERENCE AT BENCH. COURT ORDERED, Motion to Dismiss Counsel and Appoint Alternative Counsel was hereby GRANTED, with the understanding that Ms. Border was APPOINTED as counsel for the limited purpose to see if there were grounds for Deft. to withdraw his Guilty Plea Agreement. Additionally, Mr. Goldstein would be back on the instant case following that. Mr. Goldstein indicated he would give Deft.'s phone to Ms. Border along with discovery. COURT FURTHER ORDERED, matter CONTINUED for appointment of counsel.

CUSTODY

PRINT DATE: 11/22/2019 Page 20 of 25 Minutes Date: November 14, 2018

9/5/19 9:00 AM STATUS CHECK: MOTION TO WITHDRAW GUILTY PLEA AGREEMENT

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 05, 2019

C-18-336184-1 State of Nevada
 vs
 Sammie Nunn

September 05, 2019 9:00 AM Status Check

HEARD BY: Holthus, Mary Kay

COURTROOM: RJC Courtroom 03F

COURT CLERK: Dara Yorke

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

PRESENT:	Border, Marisa	Attorney
	Lacher, Ashley A.	Attorney
	Nunn, Sammie	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Upon Court's inquiry, Ms. Border indicated she reviewed discovery and spoke with Mr. Goldstein; additionally, she noted she had the phone in possession, but needed to go through it. Further, Ms. Border advised there was another witness to speak with. Following colloquy, Ms. Border requested matter be continued for a week to check on basis to withdraw guilty plea agreement. COURT ORDERED, matter CONTINUED.

CUSTODY

9/12/19 9:00 AM CONTINUED: STATUS CHECK: MOTION TO WITHDRAW GUILTY PLEA AGREEMENT

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 12, 2019

C-18-336184-1 State of Nevada
 vs
 Sammie Nunn

September 12, 2019 9:00 AM Status Check

HEARD BY: Holthus, Mary Kay

COURTROOM: RJC Courtroom 03F

COURT CLERK: Dara Yorke

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

PRESENT: Nunn, Sammie Defendant
 State of Nevada Plaintiff
 Wong, Hetty O. Attorney

JOURNAL ENTRIES

- Daniel Gilliam, Esq. present on behalf of Marisa Border, Esq. for Deft.

Mr. Gilliam indicated a briefing schedule needed to be set. Court explained to Deft. what the briefing schedule entailed, noting Ms. Border must see some type of grounds to withdraw the guilty plea. COURT ORDERED, the following Briefing Schedule: Ms. Border to file Motion by October 10, 2019, State to file Response by October 24, 2019, Ms. Border to file Reply by October 31, 2019, and matter CONTINUED for Hearing. Court noted if Motion was denied at that time, a sentencing date would be set.

CUSTODY

11/5/19 9:00 AM HEARING- MOTION TO WITHDRAW GUILTY PLEA

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 05, 2019

C-18-336184-1 State of Nevada
 vs
 Sammie Nunn

November 05, 2019 9:00 AM Hearing

HEARD BY: Holthus, Mary Kay

COURTROOM: RJC Courtroom 03F

COURT CLERK: Dara Yorke

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

PRESENT:	Border, Marisa	Attorney
	Jones, Jr., John T.	Attorney
	Nunn, Sammie	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Arguments by counsel regarding the merits of the motion. COURT ORDERED, motion DENIED based on the State's opposition; Plaintiff to prepare the Order. COURT FURTHER ORDERED, Revocation of Probation SET.

CUSTODY

11/14/19 9:00 AM REVOCATION OF PROBATION

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 14, 2019

C-18-336184-1 State of Nevada
vs
Sammie Nunn

November 14, 2019 9:00 AM Revocation of Probation

HEARD BY: Holthus, Mary Kay

COURTROOM: RJC Courtroom 03F

COURT CLERK: Dara Yorke

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

PRESENT:	Goldstein, Anthony M.	Attorney
	Nunn, Sammie	Defendant
	State of Nevada	Plaintiff
	Thomson, Megan	Attorney

JOURNAL ENTRIES

- Officer A. Martinez present on behalf of Parole and Probation (P&P).

Upon Court's inquiry, Mr. Goldstein indicated there was no offer; therefore, they would be stipulating to the violation and arguing. Colloquy between parties regarding underlying sentence. CONFERENCE AT BENCH. DEFT. STIPULATED to being in violation of probation; Court ACCEPTED stipulation. Ms. Thomson agreed that the underlying sentence of four to ten years should be imposed. Arguments by Ms. Thomson. Statements by Deft. Mr. Goldstein requested that the underlying sentence be modified to a two to five year sentence. Following colloquy, Court FINDS that Deft. was in violation of probation and ORDERED, Deft. Nunn s PROBATION is REVOKED and a MODIFIED underlying sentence of a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS and a MINIMUM of THIRTY-SIX (36) MONTHS in the Nevada Department of Corrections (NDC) would be IMPOSED, with FIVE HUNDRED TEN (510) DAYS credit for time served.

NDC

CASE NO. C-18-336184-1 ✓
DEPT. NO. ~~XXX~~ 1X
CDDA MEGAN THOMSON (L-4)

Defendant(s): SAMMIE NUNN, #2751864

Case No(s): 18AGJ145X (RANDOMLY TRACKS TO DC XXIII & XXX)

Charge(s): (1) CT - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN
SUBSTANTIAL BODILY HARM (Category B Felony - NRS 200.481 - NOC
50226) and
(1) CT - BATTERY WITH USE OF A DEADLY WEAPON (Category B
Felony - NRS 200.481 - NOC 50223)

Def. Counsel(s): MICHAEL TROIANO, ESQ

WARRANT (1 WEEK) - No BAIL

DEFT IS IN CUSTODY @ CCDC (18F09747X - PH 11/14 IN JC 2)

Exhibits:

11/20 @ 9AM

- 1. Proposed Indictment
- 1A. New Proposed Indictment
- 2. Jury Instructions
- 3. Photo

Exhibits 1, 1A, 2 & 3 to be lodged with the Clerk of the Court. ✓

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; ORDER FOR REVOCATION OF PROBATION AND AMENDED JUDGMENT
OF CONVICTION; DISTRICT COURT MINUTES; EXHIBITS LIST

STATE OF NEVADA,

Plaintiff(s),

vs.

SAMMIE NUNN,

Defendant(s).

Case No: C-18-336184-1

Dept No: XVIII

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 22 day of November 2019.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk