#### IN THE SUPREME COURT OF THE STATE OF NEVADA

)

RONNEKA ANN GUIDRY,

Appellant,

VS.

Electronically Filed Mar 15 2021 11:07 a.m. Elizabeth A. Brown Clerk of Supreme Court Case No. 80156

THE STATE OF NEVADA,

Respondent.

# <u>APPELLANT'S MOTION FOR EXTENSION OF TIME</u> <u>TO FILE OPENING BRIEF</u>

Comes Now Appellant RONNEKA ANN GUIDRY, by and through Chief Deputy Public Defender, SHARON G. DICKINSON, and moves for an extension of time of seven (7) days from Monday, March 15, 2021 through and including Monday, March 22, 2021 to file the Opening Brief in this case. The grounds for this request are described in the attached Declaration.

DATED this 15th day of March, 2021.

DARIN F. IMLAY CLARK COUNTY PUBLIC DEFENDER

By <u>/s/ Sharon G. Dickinson</u> SHARON G. DICKINSON, #3710 Chief Deputy Public Defender

#### **DECLARATION OF SHARON G. DICKINSON**

1. I am an attorney licensed to practice law in the State of Nevada; I am a chief deputy public defender assigned to handle the appeal of this matter; I am familiar with the procedural history of this case.

2. I am requesting an extension of seven days because last week I was injured. Last Tuesday, on March 9, 2021, I was moving items in my garage and while bending down, a large ladder fell on top of me causing injury. Today, I feel as though my injury is 90% healed. However, I was unable to complete the Opening Brief in this case because of the pain and injury I incurred. Thus, I am asking for a brief extension of seven (7) days.

3. This is the fourth request I have made for an extension. The first request was by way of stipulation between the parties. The second request was for an extension of 66 days based on several reasons, to include that I had been assigned the case for 3 months or less and needed time to read, research, and write the appeal. The third was due to missing portions of the trial record and other reasons. *See Exhibit A*. The Opening Brief is due today.

4. I have spoken to Ms. Guidry about my request for a brief extension and she has no objection to my request.

5. Based on the above reasons, I am asking for an extension of seven days to finalize and file the Opening Brief.

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED on the 15<sup>th</sup> day of March, 2021.

<u>/s/ Sharon G. Dickinson</u> SHARON G. DICKINSON

# **CERTIFICATE OF SERVICE**

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 15th day of March, 2021. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

# AARON D. FORD ALEXANDER CHEN

# SHARON G. DICKINSON

I further certify that I served a copy of this document by

mailing a true and correct copy thereof, postage pre-paid, addressed to:

RONNEKA ANN GUIDRY NDOC NO. 1138388 c/o Florence McClure Women's Correctional Center 4370 Smiley Road Las Vegas, NV 89115

> BY <u>/s/ Carrie M. Connolly</u> Employee, Clark County Public Defender's Office

# **EXHIBIT** A

### IN THE SUPREME COURT OF THE STATE OF NEVADA

RONNEKA ANN GUIDRY,

Appellant,

VS.

THE STATE OF NEVADA,

Respondent.

Electronically Filed Jan 14 2021 03:57 p.m. Elizabeth A. Brown Case No. Electron Supreme Court

# APPELLANT'S MOTION FOR EXTENSION OF TIME TO FILE OPENING BRIEF

Comes Now Appellant RONNEKA ANN GUIDRY, by and through Chief Deputy Public Defender, SHARON G. DICKINSON, and moves for an extension of time of sixty (60) days from Thursday, January 14, 2021 through and including Monday, March 15, 2021 to file the Opening Brief in this case. The grounds for this request are described in the attached Declaration.

DATED this 14th day of January, 2021.

DARIN F. IMLAY CLARK COUNTY PUBLIC DEFENDER

By <u>/s/ Sharon G. Dickinson</u> SHARON G. DICKINSON, #3710 Chief Deputy Public Defender

#### **DECLARATION OF SHARON G. DICKINSON**

1. I am an attorney licensed to practice law in the State of Nevada; I am a chief deputy public defender assigned to handle the appeal of this matter; I am familiar with the procedural history of this case.

2. This is my third request for an extension. The first request was by way of stipulation between the parties. The second request was for an extension of 66 days based on several reasons, to include that I had been assigned the case for 3 months or less and needed time to read, research, and write the appeal. The Opening Brief is due today.

3. I am requesting a 60 day extension based on several reasons. First, I am missing part of the district court record: State's PowerPoints for its opening and closing arguments. These PowerPoints are needed because the trial attorney made numerous objections during State's opening which I intend to address. Also, I intend to raise issues regarding State's closing arguments. I filed a motion to reconstruct the record which is set for a hearing on 01/29/21. *Exhibit A*. Although the State has agreed to give me the PowerPoints and make them part of the record, I have not yet received them. Also, upon viewing the disk State intends to send to me, I may need to compare the PowerPoints on the disk to the court's JAVs, discuss the PowerPoints with Ms. Guidry, and/or contact the trial attorney

who is not a member of our office to verify what I receive was in fact what was played in court. Furthermore, because different videos were played during the testimony I may also need to compare court's JAVs with other testimony. Accordingly, I need additional time to prepare the Opening Brief.

4. Another reason I need additional time is because during the past 66 days I have remained unusually busy filing several briefs: Sims v. State, Case No. 78999, filed Petition for Rehearing on 11/10/20 and Petition for En Banc on 01/05/21; Martin v. State, Case No. 80077, filed Opening Brief on 12/17/20; Ousley v. State, Case No. 79140, filed Reply Brief on During this time I also helped present a CLE on 12/17/20 12/02/20. discussing Nevada cases published in 2020, worked with the NACJ addressing Statewide Criminal Rules, prepared for a November/December evidentiary hearing in Harvey v. State, 136 Nev. Adv. Op. 61 (2020); and I have been preparing for a hearing in State v. Valentine, 135 Nev. 463 (2019), c-16-316081-1 (remand from the Nevada Supreme Court for an evidentiary hearing), which was scheduled for 01/12/21 but continued a few days ago.

5. Another reason I need additional time is because due to COVID-19 I am having a difficult time communicating with Ms. Guidry. I

have been unsuccessful in lining up calls but she has been able to call me after I send her a letter which she gives to the authorities. Therefore, we are not able to communicate very frequently and I will not have another opportunity to talk to her until 01/25/21.

6. Another reason I need additional time is because the attorney who was assisting me in researching the issues for this case is now out of the office on leave and I am not sure of the date of the attorney's return. I need to obtain the research compiled by the attorney.

7. Another reason for additional time is because I continue to work on preparation for the hearing in *State v. Valentine*, 135 Nev. 463 (2019), c-16-316081-1 which was continued until the end of February.

8. The appendix in this case currently consists of 1743 pages without any exhibits being included. I have received approximately 250 pages of exhibits and 7 DVD/CDs. As of today, I still need to review all DVD/CDs and a small portion of the appendix. This is a homicide case and there are approximately 50 pages of minutes. This is a 5 day trial, with 17 witnesses. Therefore, I need additional time to read, research the issues, and prepare the Opening Brief.

9. I have discussed the reasons for a continuance with Ms. Guidry and she has no objection.

10. This request for an extension is not made for the purposes of delay.

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED on the 14th day of January, 2021.

/s/ Sharon G. Dickinson SHARON G. DICKINSON

## **CERTIFICATE OF SERVICE**

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 14<sup>th</sup> day of January, 2021. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

# AARON D. FORD SHARON G. DICKINSON ALEXANDER CHEN

I further certify that I served a copy of this document by

mailing a true and correct copy thereof, postage pre-paid, addressed to:

RONNEKA ANN GUIDRY NDOC NO. 1138388 c/o Florence McClure Women's Correctional Center 4370 Smiley Road Las Vegas, NV 89115

> BY\_\_\_\_\_/s/ Carrie M. Connolly\_\_\_\_\_ Employee, Clark County Public Defender's Office

# EXHIBIT A

| 1<br>2<br>3<br>4<br>5<br>6<br>7 | MOT<br>DARIN F. IMLAY, PUBLIC DEFENDER<br>NEVADA BAR NO. 5674<br>SHARON G. DICKINSON, CHIEF DEPUT<br>NEVADA BAR NO. 3710<br><b>PUBLIC DEFENDERS OFFICE</b><br>309 South Third Street, Suite 226<br>Las Vegas, Nevada 89155<br>Telephone: (702) 455-4685<br>Facsimile: (702) 455-5112<br>Attorneys for Defendant |  |  |  |
|---------------------------------|---|--|--|--|
| 8                               |   | ICT COURT<br>DUNTY, NEVADA                                 |  |  |
| 9                               |   | VUNII, NEVADA  |  |  |
| 10                              | THE STATE OF NEVADA,<br>Plaintiff,  | )<br>CASE NO. C-18-329810-1                                |  |  |
| 11                              | V.  | DEPT. NO. IX   |  |  |
| 12                              | RONNEKA ANN GUIDRY,   | )  |  |  |
| 13                              | Defendant,  | DATE: 01/20/2021<br>TIME: 8:30 AM                          |  |  |
| 14                              | )<br>MOTION TO RECONSTRUCT THE DISTRICT COURT RECORD  |  |  |  |
| 15                              |   | nt, RONNEKA ANN GUIDRY, by and through                     |  |  |
| 16                              |   | G. DICKINSON and hereby asks this court to                 |  |  |
| 17                              |   | s shown to the jury during opening and closing             |  |  |
| 18<br>19                        | statements.   |  |  |  |
| 20                              | This Motion is made and base  | ed upon all the papers and pleadings on file herein,       |  |  |
| 20                              | the attached Declaration of Counsel, and oral   | argument at the time set for hearing this Motion.          |  |  |
| 22                              | DATED this 7th day of Januar  | ry, 2021.  |  |  |
| 23                              |   | DARIN F. IMLAY<br>CLARK COUNTY PUBLIC DEFENDER             |  |  |
| 24                              |   | CLARK COUNT I FUBLIC DEFENDER                              |  |  |
| 25                              |   | By: <u>/s/Sharon G. Dickinson</u>                          |  |  |
| 26                              |   | SHARON G. DICKINSON, #3710<br>Chief Deputy Public Defender |  |  |
| 27                              |   |  |  |  |
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|                                 |   |  |  |  |
|                                 |   |  |  |  |
|                                 | Case Num  | ber: C-18-329810-1   |  |  |

| 1  | DECLARATION OF SHARON G. DICKINSON  |
|----|---|
| 2  | SHARON G. DICKINSON makes the following declaration:  |
| 3  | 1. I am an attorney duly licensed to practice law in the State of Nevada; I am a            |
| 4  | Chief Deputy Public Defender for the Clark County Public Defender's Office appointed to     |
| 5  | represent Defendant Ronneka Ann Guidry in the present matter;                               |
| 6  | 2. I am more than 18 years of age and am competent to testify as to the matters             |
| 7  | stated herein. I am familiar with the procedural history of the case and the substantive    |
| 8  | allegations made by The State of Nevada. I also have personal knowledge of the facts stated |
| 9  | herein or I have been informed of these facts and believe them to be true.                  |
| 10 | I declare under penalty of perjury that the foregoing is true and correct. (NRS             |
| 11 | 53.045).  |
| 12 | EXECUTED this 7th day of January, 2021.   |
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| 14 | /s/Sharon G. Dickinson  |
| 15 | SHARON G. DICKINSON   |
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#### **MEMORANDUM OF POINTS AND AUTHORITIES**

#### I. FACTS.

State presented pictures and played portions of a video during its Opening Statement. Defense Counsel specifically objected to the showing of the video and other evidence shown that was not authenticated. However, court overruled the objection and other objections Defense made during State's Opening Statements. Exhibit A. The record prepared by the court reporter/recorder does not indicate what video or other evidence was shown to the jury.

Likewise, in closing, State used some sort of visual such as a PowerPoint when making its argument. Exhibit B. This visual Powerpoint was not placed within the court's exhibits.

Defense brings this motion to reconstruct the record because the PowerPower points, demonstrative exhibits, or JAVs are part of the court record needed for the appeal and they are not within the district court exhibits.

#### **II. RECONSTRUCTION OR CLARIFICATION OF THE RECORD.**

District Courts in Nevada are public courts of record. NRS 1.020; NRS 1.090. Based on this mandate, at a criminal trial, the court reporter or recorder shall "take down" or record "...all the testimony, the objections made, the rulings of the court, the exceptions taken..." NRS 3.320, NRS 3.380. The trial court record includes: "the papers and exhibits filed in the district court, the transcript of the proceedings, if any, the district court minutes, and the docket entries made by the district court clerk."

NRAP 10(a).

When something is missing from the record, the parties have an obligation to reconstruct or clarify the record. If an objection or argument or exhibit is not recorded or not made part of the record or if the transcript is incomplete, the Nevada Supreme Court allows for the record to be reconstruction to conform to what truly occurred. See *Lopez v. State*, 105 Nev. 68, 769 P.2d 1276 (1989) (reconstruction when a portion of the testimony was missing).

Reconstruction not only applies to what is said during the trial but may also be used to describe what was viewed in the courtroom. In *Philips v. State*, 105 Nev. 631, 782 P.2d 381 (1989), the court suggested that appellate counsel could put together a statement regarding the race of the prospective jurors when there was an issue regarding a *Batson* claim but the record did not include any reference to the race of the prospective jurors.

Reconstruction also applies to modification of the record. In *Quangbengboune v. State*, 220 P.3d 1122 (Nev. 2009), the Court held that the trial record could be modified or corrected when inaccuracies in the interpreter's translations of the defendant's testimony were verified during the appellate process. The *Quanbengboune* Court held that the defendant could bring a motion in district court pursuant to NRAP 10 (c) to correct the record.

The basis for a motion for reconstruction as found within NRAP 10( c) provides that:

if any difference arises as to whether the trial court record truly discloses what occurred in the district court, the difference shall be submitted to and settled by that court and the trial court record made to conform to the truth. (Emphasis added)

In view of this, the district court has the authority to reconstruct off the record discussions, unrecorded bench conferences, or missing objections and arguments and to clarify the rulings in order to protect the defendant's right to due process on appeal and to ensure that he is given the correct standard of review on appeal.

In this case, the trial transcript indicates that the State used PowerPoints and/or some other type of visual and/or audio aid during opening and closing statements. Appellate Counsel was unable to locate any of these in the court's exhibits.

Appellate Counsel needs the Powerpoints or other visual and audio aids used by the State in opening in order to raise the trial attorney's objections on appeal. As to closing arguments, Appellate Counsel needs the Powerpoints or other visual and audio aids to be identified so she can raise plain error arguments. If the prosecutors no longer have the visuals or audios then the court may order a copy of JAVs to be made part of the trial record.

Additionally, on appeal, the Nevada Supreme Court will review the use of PowerPoints during trial. In *Watters v. State*, 129 Nev. 886 (2013), Court reviewed the use of PowerPoints and reversed a conviction when the prosecutor used an Opening Statement PowerPoint showing the defendant's mug shot with the words "guilty" across his face. Therefore, the Powerpoints and/or audio/visual demonstrative exhibits or aids need to be made part of the trial record because they were shown to the jury during the trial.

#### **III. CONCLUSION**

In view of the above, Appellate Counsel asks this court to order the State to provide the court with the PowerPoints, demonstrative exhibits, and other audio/visual aids used in its opening statement and in closing and rebuttal arguments so that they may be made court exhibits from the trial.

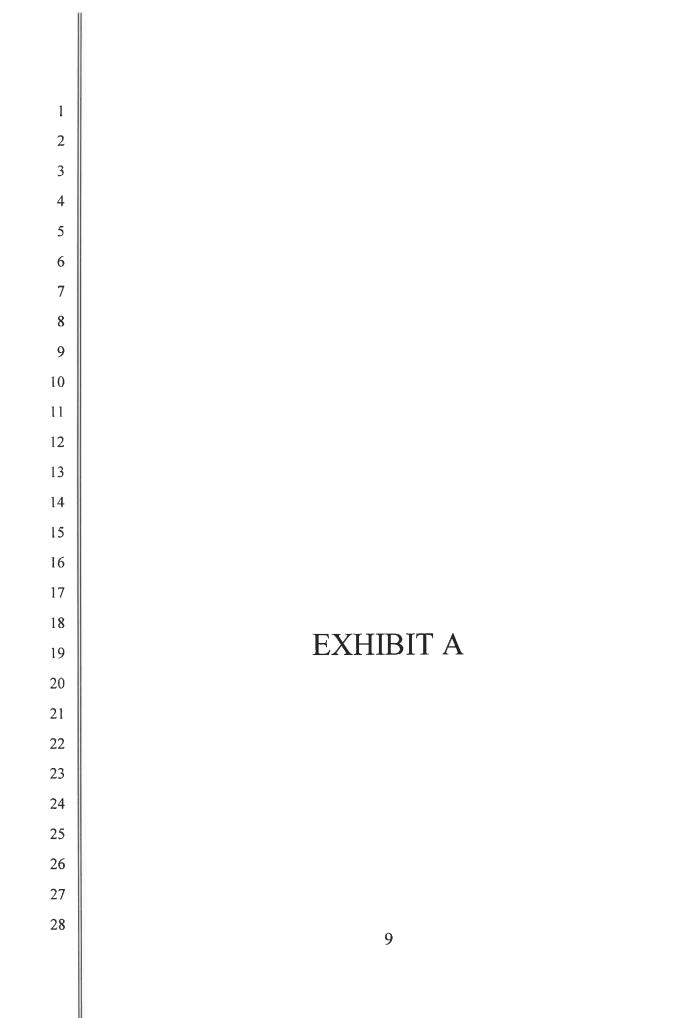
DATED this 7th day of January, 2021.

DARIN F. IMLAY CLARK COUNTY PUBLIC DEFENDER

By: /s/Sharon G. Dickinson SHARON G. DICKINSON, #3710 Chief Deputy Public Defender

| 1  | NOTICE OF MOTION   |
|----|--|
| 2  | TO: CLARK COUNTY DISTRICT ATTORNEY, Attorney for Plaintiff:  |
| 3  | YOU WILL PLEASE TAKE NOTICE that the Public Defender's Office will bring the                         |
| 4  | above and foregoing MOTION on for hearing before the Court on Wednesday, the 20 <sup>th</sup> day of |
| 5  | January, 2021, at 8:30 AM.   |
| 6  | DATED this 7th day of January, 2021.   |
| 7  | DARIN F. IMLAY   |
| 8  | CLARK COUNTY PUBLIC DEFENDER   |
| 9  | Den 1-101 mars C. Distinger  |
| 10 | By: <u>/s/Sharon G. Dickinson</u><br>SHARON G. DICKINSON, #3710<br>Chief Deputy Public Defender      |
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| 1  | <b>CERTIFICATE OF ELECTRONIC SERVICE</b>  |  |  |  |  |  |  |
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| 2  | I hereby certify that service of the above and forgoing MOTION was served via                   |  |  |  |  |  |  |
| 3  | electronic e-filing to the Clark County District Attorney's Office at motions@clarkcountyda.com |  |  |  |  |  |  |
| 4  | on this 7th day of January, 2021.   |  |  |  |  |  |  |
| 5  | By: <u>/s/Carrie M. Connolly</u>  |  |  |  |  |  |  |
| 6  | An employee of the<br>Clark County Public Defender's Office                                     |  |  |  |  |  |  |
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MR. DIGIACOMO: Thank you, Judge.

#### **OPENING STATEMENT BY THE STATE**

MR. DIGIACOMO: Eduardo Osorio was a 21 year old native of Brazil. He was going to UCLA and he was here in town to celebrate for a few days around the new year of 2018 and then he was supposed to travel on Thursday to Colorado to go see his family and do some skiing.

Mr. Osorio was part of, sort of the life blood of our community,
he's here at major casinos, engaging in the adult activity that we offer, and
like probably many of our tourists, he either doesn't understand that
prostitution is illegal or he doesn't know or the evidence will be he may not
even know that he was engaged with a prostitute on the night of
January 2nd into the early morning hours of January 3<sup>rd</sup> of 2018.

He made some poor choices. He drinks too much. He's a .168 at the time of his death, which is about twice the legal limit. He has a very small amount, less than therapeutic, as they call it now, amount of marijuana in his system. And he had been out in our casinos having a good time for several hours.

The mistakes he made resulted in ultimately him losing his life,
but the responsibility of why he lost his life is sitting at the table over there.
Ronneka Guidry killed Eduardo Osorio and she did it over \$4500.

The case comes out originally as a 9-1-1 call from a bunch of people that are on the corner of Koval and East Flamingo. Sort of, if you guys know this area of town where the Westin is, there's a little Chevron station called Jay's Market. They get a number of phone calls from

people who report a pedestrian vehicle incident where the pedestrian is still lying on the roadway and the vehicle has fled the scene. 2

1

The vehicle's described as a black car of some sort. Some 3 witnesses say the contact happens as the car is actually moving 4 5 southbound initially on Koval and then ultimately there's another contact between Mr. Osorio and this vehicle. Police arrive on scene and when 6 they get there there's no vehicle associated with the incident. It's long 7 8 gone.

They find Mr. Osorio. He had been in the left hand travel lane, 9 a citizen who had some EMT training, had pulled him over to the right 10 11 hand lane, and had started giving him compressions and CPR in an effort 12 to save his life.

13 He's transported to the hospital and ultimately he succumbs to his injuries. He has a number of injuries about his body as you'd expect 14 15 from a vehicular, pedestrian incident. He has a large amount of abrasions on the face and on the shoulder and on the hands and he also has a very 16 17 large subdermal hematoma from where he hit the back of his head on the 18 cement when he hit the ground.

19 One of the things he was wearing during this incident is this 20 jacket and the reason the picture is up here is because with this jacket 21 you can sort of follow him throughout the night because most of this town 22 is covered in video cameras. It's got these yellow checkered sleeves. 23 blue body, and a gray hoodie.

24 When the police arrive they realize that the Westin Hotel has a 25 bunch of security cameras. And when they first arrive they think this is

1 just a drunk tourist who got hit by a car and the car didn't stop. That's 2 their initial assumption as to what happened until they watched the video 3 cameras.

4 I'm going to play some small snippets of it here. You're going to have the full snippets later. 5

6 MR. MUELLER: Objection, could we have some discussion of 7 the evidence, as opposed to an opening statement.

THE COURT: As I instructed, preliminarily, what the attorneys 8 say at this time is not evidence, what the attorneys argue during opening 9 10 and closing are not evidence, this is opening statements where the 11 attorneys are introducing what they believe will be the evidence during the 12 course of the trial.

MR. DIGIACOMO: This is a valet east PTZ camera on the front 13 14 of the Westin, you could see there's a black Mercedes with the CLA, pull 15 in about 2:12 in the morning and head to the east side of the parking lot. 16 Another camera view, they're about 30 seconds off. 17

MR. MUELLER: Judge, can we approach?

THE COURT: Yes.

18

19

25

[Bench conference begins]

MR. MUELLER: He's doing his closing statements. He hasn't 20 even authenticated any of this evidence. He's supposed to outline what 21 the evidence is supposed to be, not try to win the jury over by doing his 22 closing statement at the beginning. None of this is in evidence. None of 23 this has been authenticated. This is not appropriate. 24

MR. DIGIACOMO: Do you have a reasonable basis to believe

| 1  | I'm not going to be able to authenticate this, Craig?                          |
|----|--|
| 2  | MR. MUELLER: I believe that you  |
| 3  | MR. DIGIACOMO: Then it's not a valid objection.                                |
| 4  | MR. MUELLER: I believe you were overstepping what                              |
| 5  | opening statements are supposed to be. The evidence will show that we          |
| 6  | have videotape that shows this. Not showing the videotape.                     |
| 7  | THE COURT: Well, I have instructed them that it's what they                    |
| 8  | believe the evidence to be. They'll he'll have a he'll be in a world of        |
| 9  | hurt if he tries to introduce the video and it's not in; right, doesn't get in |
| 10 | during the course of the trial. So he is certainly taking a risk. I appreciate |
| 11 | your concern.  |
| 12 | How much more video are we going to show?                                      |
| 13 | MR. DIGIACOMO: There's several more clips and then a whole                     |
| 14 | bunch of stills.   |
| 15 | THE COURT: Some more clips?  |
| 16 | MR. DIGIACOMO: Yeah.   |
| 17 | THE COURT: And a bunch of stills. Okay. All right.                             |
| 18 | So in good faith you're telling me you anticipate all this evidence            |
| 19 | being able to be admitted during the course of the trial?                      |
| 20 | MR. DIGIACOMO: Yeah. And all of it's been turned over to                       |
| 21 | Mr. Mueller, he knows.   |
| 22 | THE COURT: Okay. All right. I will overrule the objection,                     |
| 23 | [Bench conference ends]  |
| 24 | MR. DIGIACOMO: This is another camera view. In this one                        |
| 25 | you see the black car pull in, you will watch it drive down.                   |
|    |  |
|    |  |
|    | Page 174 1145  |

| 1  | And then when it gets over here by these green trees in the                   |
|----|---|
| 2  | back of the Jay's Market, or the side of the Jay's Market, you're going to    |
| 3  | notice that the car pulls up, then backs into a spot.                         |
| 4  | Once it backs into that spot it sits in that spot for approximately           |
| 5  | seven more minutes.   |
| 6  | And I'm not going to make you sit here and watch that.                        |
| 7  | Seven minutes later the vehicle pulls out and heads towards the               |
| 8  | parking garage, the Westin parking garage.                                    |
| 9  | The vehicle drives through the Westin parking garage and                      |
| 10 | there's two well, there's video of this, but these are two stills out of that |
| 11 | video, with a side view and a back view. The vehicle appears to have          |
| 12 | some sort of orange and black dealer paper plates on it.                      |
| 13 | And when it drives through here, it ultimately winds up making a              |
| 14 | right on Koval and back on Koval.   |
| 15 | If you keep watching on the street down here, after the car                   |
| 16 | comes down Koval.   |
| 17 | [Playing video]   |
| 18 | MR. DIGIACOMO: You key on the car behind this blue car                        |
| 19 | that's coming, you'll see a black car accelerate out at a high rate of speed  |
| 20 | down Flamingo.  |
| 21 | The other view.   |
| 22 | [Playing video]   |
| 23 | The other view that you'll have, you'll see the vehicle do the                |
| 24 | exact same thing.   |
| 25 | That one doesn't appear to be moving.   |
|    |   |
|    |   |
|    | Page 175 1146   |

| 1  | This is a portion of that video. The police take the video and             |
|----|--|
| 2  | they zoom into various areas.  |
| 3  | So if you notice looking at this still photograph of it right now,         |
| 4  | the vehicles still there with its headlights on.                           |
| 5  | Continue to watch the right side of the vehicle. You're going to           |
| 6  | see a door open and then close real quickly and the car pull off.          |
| 7  | Continue to watch in this area for the next several seconds.               |
| 8  | [Playing video]  |
| 9  | There, the door just moved, and the vehicle takes off.                     |
| 10 | So you continue to watch sort of this green area where the                 |
| 11 | leaves are, you're eventually going to see a man, wearing that distinctive |
| 12 | jacket, head towards Koval.  |
| 13 | [Playing video]  |
| 14 | And you're going to see a customer who walks out to this pump              |
| 15 | and you're going to see that man then run over into the area of Flamingo   |
| 16 | as the black car turns that corner.  |
| 17 | From the other video they're able to catch an angle of the car             |
| 18 | going by with what appears to be Mr. Osorio on the hood of the vehicle.    |
| 19 | [Playing video]  |
| 20 | Back it up for you again.  |
| 21 | Keep watching right here.  |
| 22 | That appears to be a figure that's on the hood of the vehicle up           |
| 23 | by the driver's side window of that vehicle.                               |
| 24 | MR. MUELLER: Objection as to offering opinion.                             |
| 25 | THE COURT: Let's move on Mr. DiGiacomo.                                    |
|    |  |
|    |  |
|    | Page 176 1147  |
|    |  |

And I'll remind the jury that what the attorneys say is not evidence. This is what they anticipate the evidence to be during the course of the trial.

MR. DIGIACOMO: The police are sort of left with what possible
situations could this be, this doesn't appear to be a random car hitting a
random person. The person that is killed, Mr. Osorio, appears to have
some association earlier in the evening with that black Mercedes or black
vehicle.

9 And the only other information they have is his name, until they 10 have contact with a person by the name of Lucas Siomes. And Lucas is 11 going to come in here and he's going to tell you that he came to Vegas or 12 was in Vegas with his friend Eduardo. That on the night of the 2nd the 13 two of them had gone to the Caesars together and they spent the night at 14 the Caesars, sometimes together, sometimes apart, and that the last time he saw him some time generally around 11 o'clock. Mr. Osorio wanted to 15 16 stay out and walked into the Omnia nightclub and Lucas wanted to go 17 home and go to sleep. So Lucas leaves. The last time he saw Eduardo 18 he was walking into the Omnia.

They also, through Lucas, have contact with Eduardo's parents,
Nuno is his father and they -- the family says, hey, did you recover my
son's watch?

22

The police said, what watch?

So they checked the scene and they determined there was no
watch found at the scene. They go to the hospital, they determine there's
no watch in the property at the hospital. They go to the coroner's, there's

1 no watch at the coroner's office.

So the family provides records of exactly what type of watch it
is. It's a Rolex Oyster Perpetual, it's from 2014, and it actually has a serial
number on it, 6KE22544.

5 Because of the missing watch, the police decide to call in the 6 vice detectives because you will hear that there is a phenomenon in this 7 town called a trick-roll, in which somebody, either a prostitute or somebody acting like a prostitute, or somebody who just wants to have 8 some, or suggest they want to have some sort of sexual liaison with 9 10 someone, will target somebody in order to steal their property. And it's a phenomenon that they call the trick-roll and they called in the vice 11 12 detectives because they're sort of the experts in what trick-rolls are.

They also go back and they check, Do we have video that
 Mr. Osorio was actually wearing his watch that night?

And they find video earlier in the evening, this is about 10:06 p.m., where he first sits at the bar, he takes that jacket that he's wearing off, and they see that he is actually wearing a watch that night. So it's not like it's been left in his room somewhere. The watch is missing.

They then watch the video and they see, yep, Lucas is right, he goes in the Omnia about 11 o'clock at night. He comes out of the Omnia at 1:52 in the morning. And there's no surveillance coverage in the Omnia but he gets picked back up when he comes out at 1:52.

By 1:56 he's covered by camera number 943.

23

And right about 2 o'clock, 2:01 in the morning, he comes into contact with an African-American female who's carrying this pink purse.

| 1  | That's Mr. Osorio speaking to this African-American female.                |
|----|--|
| 2  | By 2:02 they're walking away together, hand in hand, and they              |
| 3  | walk directly.   |
| 4  | Here they are hand in hand.  |
| 5  | Here they are on the way to the elevators.                                 |
| 6  | There they are in the elevators.   |
| 7  | And she's rubbing his hair and playing with his hair.                      |
| 8  | They take the elevators down to the garage.                                |
| 9  | And the other thing that Caesars does, they have video. The                |
| 10 | top left one is our black CLA with that same African-American female with  |
| 11 | the pink purse inside of it.   |
| 12 | And this is it going out at 2:07.  |
| 13 | Pink purse, African-American female.                                       |
| 14 | And you can kind of see the yellow jacket that Mr. Osorio was              |
| 15 | wearing.   |
| 16 | So he's now in that car with a woman that he met five minutes              |
| 17 | before.  |
| 18 | Based upon the information that they get from this camera                  |
| 19 | track, they see that the plate, and this has been colorized so they can    |
| 20 | read it better, that actually is going to say OC Cars and Credit, but they |
| 21 | get a phone number, 714-620-4400. They look it up on Google and they       |
| 22 | find out that it's a car dealer in California.                             |
| 23 | So they go to the car dealer in California and say, hey, have              |
| 24 | you ever sold a Mercedes CLA vehicle to somebody in Las Vegas, that        |
| 25 | generally looks like the girl that we got in this picture.                 |
|    |  |
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|    | Page 179 1150  |

11 ŀ

And based upon that information, they identify Ronneka Guidry. They identify her address on Echo Shire and they go to the address on Echo Shire and they just happen to, as they show up, Ms. Guidry gets into that black vehicle and she drives off.

And the police pull the vehicle over and they come into contact
with Ms. Guidry, which she's taken into custody, and they process this
particular vehicle.

8 The vehicle, you will notice, has no damage on the windshield
9 area of it whatsoever. They also find in the vehicle Ms. Guidry's cell
10 phone. And they download that cell phone.

And as all of you can probably imagine, your entire life is in that cell phone and if ever want to know somebody -- something about somebody, all you have to do is get their cell phone and look at the information.

They find from Ms. Guidry's cell phone that she has a picture,
which appears to be taken from the driver's side of her vehicle, of her
windshield shattered that she took at 2:28 a.m. in the morning on
January 3rd, approximately eight minutes after the incident that occurred
on West Flamingo.

There's a lot more information you're going to learn through this
 trial from that phone.

But you're also going to find out that at 2:47 in morning she took a picture of a Rolex and she sent that picture, this is actually a text message sent to a jeweler, or a guy who works at a jewelry store, by the name of John Fernandez in Miami-Dade, Florida.

| 1  | And then she engages in a negotiation with him.                           |
|----|---|
| 2  | This is John Fernandez sending her a text, Yeah, I got it, we're          |
| 3  | going to have to do the four. It's a 2014, already four years old, and it |
| 4  | doesn't fit me, it's short two links.                                     |
| 5  | Ms. Guidry complains, Yeah, I'm not doing the four, you can               |
| 6  | send it back.   |
| 7  | And so he goes back and says, so we can lock it in at 4500 so I           |
| 8  | can call it a night.  |
| 9  | And ultimately that's the negotiation. You will find out that             |
| 10 | Ms. Guidry did receive \$4500 from that jewelry store. She gets 1400 by   |
| 11 | way of Walmart and she gets another \$3100 sent to her in cash from       |
| 12 | Mr. Fernandez at the jewelry store in Miami.                              |
| 13 | They also think, well, based upon those text messages,                    |
| 14 | Mr. Fernandez, by the time he sends that text message, must already       |
| 15 | have the watch because he's looking at it.                                |
| 16 | Well, they find out from her phone that she went to a FedEx               |
| 17 | store and they get video of Ms. Guidry mailing a package to that jewelry  |
| 18 | store.  |
| 19 | And so based upon that information, they go to the jewelry store          |
| 20 | and lo and behold what do they recover? They happen to recover a 2014     |
| 21 | Oyster Perpetual Rolex with a serial number of 6KE22544. It's in          |
| 22 | evidence and you'll be able to look at it.                                |
| 23 | She sent his watch. And once you know that, you know exactly              |
| 24 | what happened here.   |
| 25 | She had contact with Ms. Guidry   |
|    |   |
|    |   |
|    | Page 181 1152   |

MR. MUELLER: Objection, speculation, and not evidence.
 There's -- not even talking about what the evidence is going to show.
 THE COURT: Yes, I think there was a misstatement, you
 anticipate the watch being introduced into evidence.

MR. DIGIACOMO: Correct.

THE COURT: And, again, I remind the jury that what the
attorneys say is not evidence. It's to help you understand what they
anticipate the evidence to be.

MR. DIGIACOMO: When you put that altogether the evidence 9 is going to show exactly what happened. That Mr. Osorio had contact 10 with Ms. Guidry. He thought he was going to have some sort of sexual 11 contact with her. She lured him into his vehicle. She drove him to the 12 Westin. And during the course of that interaction, she slipped off his 13 watch and then got him out of the vehicle. And when he realized his 14 watch was missing, he ran to the vehicle and tried to stop her. And when 15 he jumped out in front of her and put his hands on her hood and said, 16 17 Stop, I want my watch back.

18

5

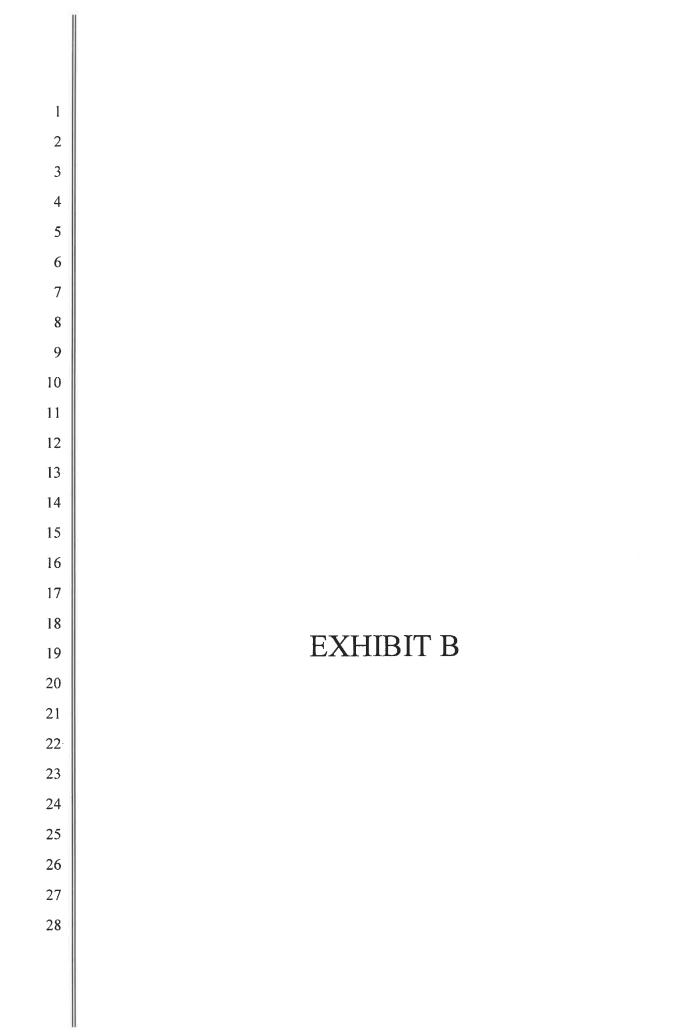
You're going to hear from the detective in this case --

<sup>19</sup> MR. MUELLER: Objection, speculation, not in evidence. 1 - <sup>20</sup> Your Honor, this is inappropriate.

MR. DIGIACOMO: This is all -- what the evidence is going to
show.

THE COURT: Well, I think we -- we're teetering towards
argument. So we want to talk about what the -- what you anticipate the
detectives testifying to, we can pick up there.

| 1  | MR. DIGIACOMO: The detective is going to tell you that based                   |
|----|--|
| 2  | upon his calculations and his reconstruction, that when Mr. Osorio jumped      |
| 3  | in front of that vehicle and wound up on that hood, that Ms. Guidry opened     |
| 4  | the throttle full on the vehicle, that she opened it up completely in order to |
| 5  | drive off with his watch.  |
| 6  | At the end of this case we're going to ask you to hold her                     |
| 7  | responsible for the stealing of the watch, for the robbery of the watch, for   |
| 8  | using that force to retain it. And at the end of the day, because someone      |
| 9  | died, we're going to ask you to hold her accountable for the murder of         |
| 10 | Eduardo Osorio.  |
| 11 | Thank you.   |
| 12 | THE COURT: Thank you, Mr. DiGiacomo.   |
| 13 | Mr. Mueller, are you ready to proceed?   |
| 14 | MR. MUELLER: Yes, I am.  |
| 15 | OPENING STATEMENT BY THE DEFENSE   |
| 16 | MR. MUELLER: Ladies and gentlemen of the jury, the                             |
| 17 | evidence is going to show not guilty. If you were listening closely to         |
| 18 | Mr. DiGiacomo there are enormous loop holes and problems with this             |
| 19 | case.  |
| 20 | Young Mr. Osorio is in and by Mr. DiGiacomo's own                              |
| 21 | admission, the State's own admission, he's partying like a rock star. He's     |
| 22 | drinking. He's carrying on. And his buddy, his running mate, actually          |
| 23 | peters out at about 11 o'clock at night.                                       |
| 24 | The evidence will show that Mr. Osorio couldn't wanted to go                   |
| 25 | have some more fun. He goes up, and as you saw in the videotapes, the          |
|    |  |
|    |  |
|    | Page 183 1154  |
|    |  |



| 1  | [Bench conference ends]   |
|----|---|
| 2  | [Pause in proceeding]   |
| 3  | THE COURT: Ladies and gentlemen of the jury, can you read                 |
| 4  | that or does it need to be a little closer? I'm seeing some nods and some |
| 5  | a little. You can read them okay. All right.                              |
| 6  | [Colloquy between the Court and the Marshal]                              |
| 7  | THE COURT: Usually all this finalization takes place behind the           |
| 8  | scene. You're so lucky you get the front row view to it.                  |
| 9  | [Pause in proceeding]   |
| 10 | THE COURT: Ray, could you pass one to each of them to                     |
| 11 | make sure?  |
| 12 | THE MARSHAL: Yes, ma'am.  |
| 13 | THE COURT: Thank you.   |
| 14 | Mr. DiGiacomo, okay?  |
| 15 | MR. DIGIACOMO: Yes, Judge.  |
| 16 | THE COURT: All right. Any objection, Mr. Mueller?                         |
| 17 | MR. MUELLER: No, Your Honor.  |
| 18 | THE COURT: All right. Then let's go ahead and get started.                |
| 19 | [The Court read the instructions to the jury]                             |
| 20 | THE COURT: All right. With that, State, are you ready to                  |
| 21 | present your closing arguments?   |
| 22 | MR. SCARBOROUGH: Yes, Your Honor.   |
| 23 | If I can have the WePresent, please.                                      |
| 24 | THE COURT: Yes.   |
| 25 | Whenever you're ready.  |
|    |   |
|    |   |
|    | Page 96 1649  |

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#### **REGISTER OF ACTIONS** CASE No. C-18-329810-1

| State of Neva   | ada vs Ronneka Guidry   | କ୍ଷ କର | D<br>oss-Reference Case<br>Defendant's So<br>Grand Jury Case<br>ITAG | ase Type: Felony/Gros<br>Date Filed: 02/09/2018<br>Location: Department<br>e Number: C329810<br>20pe ID #: 2645844<br>Number: 17CGJ008X<br>5 Case ID: 1964500<br>Court No.: 80156 |   |  |
|---|---|--|--|---|---|--|
|   |   | PARTY INFORMATION                          |  |   |   |  |
| Defendant   | t Guidry, Ronneka Ann   |  | DOB: 03/13/1988  |   | Lead Attorneys<br>Public Defender<br>Retained<br>702-455-4685(W)<br>Steven B Wolfson<br>702-671-2700(W) |  |
| Plaintiff State of Nevada   |   |  |  |   |   |  |
|   |   | CHARGE INFORMATIO                          | N  |   |   |  |
| <ol> <li>SECOND</li> <li>ROBBERY</li> <li>GRAND L</li> <li>DUTY TO</li> </ol> |   | DR   | Statute<br>200.030.2<br>200.380<br>205.222.3<br>484E.010             | Level<br>Felony<br>Felony<br>Felony<br>Felony   | Date<br>01/03/2018<br>01/03/2018<br>01/03/2018<br>01/03/2018  |  |
|   | Evr   | ENTS & ORDERS OF THE                       | COURT  |   |   |  |
|   | Plea (Judicial Officer: Silva, Cristina D.)<br>1. SECOND DEGREE MURDER<br>Not Guilty<br>2. ROBBERY<br>Not Guilty<br>3. GRAND LARCENY<br>Not Guilty<br>4. DUTY TO STOP AT SCENE OF CRASH INVOLV<br>Not Guilty<br>Disposition (Judicial Officer: Silva, Cristina D.)<br>1. SECOND DEGREE MURDER<br>Guilty<br>2. ROBBERY<br>Guilty<br>3. GRAND LARCENY<br>Guilty<br>4. DUTY TO STOP AT SCENE OF CRASH INVOLV<br>Guilty |  |  |   |   |  |
| 10/18/2019 \$   | Sentence (Judicial Officer: Silva, Cristina D.)<br>1. SECOND DEGREE MURDER<br>Sentenced to Nevada Dept. of Corrections<br>Term: Life with the possibility of parole   | after:10 Years                             |  |   |   |  |
| 10/18/2019 \$   | Sentence (Judicial Officer: Silva, Cristina D.)<br>2. ROBBERY<br>Sentenced to Nevada Dept. of Corrections<br>Term: Minimum:72 Months, Maximum:7<br>Concurrent: Charge 1   | 180 Months                                 |  |   |   |  |
| 10/18/2019  | Sentence (Judicial Officer: Silva, Cristina D.)<br>3. GRAND LARCENY<br>Sentenced to Nevada Dept. of Corrections<br>Term: Minimum:48 Months, Maximum:1<br>Consecutive: Charge 1 & 2  | 120 Months                                 |  |   |   |  |
| 10/18/2019 \$   | Sentence (Judicial Officer: Silva, Cristina D.)<br>4. DUTY TO STOP AT SCENE OF CRASH INVOLV<br>Sentenced to Nevada Dept. of Corrections<br>Term: Minimum:48 Months, Maximum:1<br>Consecutive: Charge 3  |  | ONAL INJURY  |   |   |  |

| 3          |  |                          |
|------------|--|--------------------------|
|            | Credit for Time Served: 610 Days<br>Other Fees   |                          |
|            | Fee Totals:  |                          |
|            | Administrative Assessment Fee \$25<br>Genetic Marker Analysis AA Fee \$3   | \$25.00<br>\$3.00        |
|            | Criminal Fine<br>Fee Totals \$   | \$2,000.00<br>\$2,028.00 |
|            | \$150.00 DNA Analysis fee including testing to determine genetic markers, WAIVED as previously taken,  | φ <b>Ζ,020.00</b>        |
|            | OTHER EVENTS AND HEARINGS  |                          |
| 02/09/2018 | <u>Grand Jury Indictment</u> (11:45 AM) (Judicial Officer Gonzalez, Elizabeth) <u>Parties Present</u> Minutes  |                          |
|            | Result: Matter Heard   |                          |
| 02/09/2018 |  |                          |
|            | Indictment   |                          |
|            | Indictment Warrant Return<br>Indictment Warrant Return<br>Duplicate  |                          |
| 03/12/2018 | Transcript of Proceedings<br>Reporter's Transcript of Proceedings, Grand Jury Hearing, February 8, 2018  |                          |
| 03/20/2018 | Indictment Warrant Return (9:00 AM) (Judicial Officer Herndon, Douglas W.)<br>Parties Present  |                          |
|            | Minutes  |                          |
| 03/23/2018 | Result: Trial Date Set<br>Receipt of Copy  |                          |
|            | Receipt of Copy  |                          |
| 03/28/2018 | Defendant s Motion Motion To Set Reasonable Bail   |                          |
| 04/02/2018 | Opposition<br>State's Opposition to Defendant's Motion to Set Reasonable Bail  |                          |
| 04/05/2018 | Motion for Own Recognizance Release/Setting Reasonable Bail (9:00 AM) (Judicial Officer Herndon, Douglas W.)<br>04/05/2018, 04/17/2018<br>Defendant's Motion to Set Reasonable Bail  |                          |
|            | Parties Present<br>Minutes   |                          |
|            | Result: Continued  |                          |
| 04/17/2018 | Status Check (9:00 AM) (Judicial Officer Herndon, Douglas W.)<br>Status Check: Trial Readiness   |                          |
| 04/17/2018 | Result: Matter Heard<br>Notice of Witnesses and/or Expert Witnesses  |                          |
| 04/17/2018 | State's Notice of Witnesses and/or Expert Witnesses<br><u>All Pending Motions</u> (9:00 AM) (Judicial Officer Herndon, Douglas W.)   |                          |
|            | Parties Present  |                          |
|            | Minutes<br>Result: Matter Heard  |                          |
| 05/03/2018 | <u>Calendar Call</u> (9:00 AM) (Judicial Officer Herndon, Douglas W.)<br><u>Parties Present</u>  |                          |
|            | Minutes<br>Result: Matter Heard  |                          |
| 05/07/2018 | CANCELED Jury Trial (10:00 AM) (Judicial Officer Hemdon, Douglas W.)   |                          |
| 05/09/2018 | Vacated - per Judge<br><u>Status Check: Trial Setting</u> (9:30 AM) (Judicial Officer Herndon, Douglas W.)<br>05/09/2018, 05/17/2018, 05/23/2018, 05/31/2018   |                          |
|            | Parties Present  |                          |
|            | Minutes<br>Provide Constrained   |                          |
| 06/14/2018 | Result: Continued<br><u>Status Check</u> (9:00 AM) (Judicial Officer Herndon, Douglas W.)<br>06/14/2018, 06/19/2018, 06/26/2018, 07/05/2018<br>Status Check: Negotiations  |                          |
|            | Parties Present  |                          |
|            | Minutes<br>Regult: Continued   |                          |
| 07/19/2018 | Result: Continued<br><u>Calendar Call</u> (9:00 AM) (Judicial Officer Smith, Douglas E.)<br><u>Parties Present</u>   |                          |
|            | Minutes<br>Result: Matter Heard  |                          |
| 07/25/2018 | Motion   |                          |
| 07/25/2018 |  |                          |
| 07/26/2018 | Motion For Leave to File Petition For Writ of Habeas Corpus Due To Ineffective Assistance of Prior Counsel Opposition State Opposition to Defendent a Matian for Leave to File Petition for Writ of Habeas Corpus Due To Ineffective Assistance of Prior | Coursel                  |
| 07/26/2018 | State's Opposition to Defendant's Motion for Leave to File Petition for Writ of Habeas Corpus Due To Ineffective Assistance of Prior Opposition  | Counsel                  |
| 1          |  |                          |

| 07/30/2018 | State's Opposition to Defendant s Motion to Dismiss Based upon State's Failure to Present Exculpatory Evidence at the Grand Jury CANCELED Jury Trial (10:00 AM) (Judicial Officer Herndon, Douglas W.)  |
|------------|---|
| 08/01/2018 | Vacated - per Judge<br><u>Status Check: Trial Setting</u> (9:30 AM) (Judicial Officer Herndon, Douglas W.)<br><u>Parties Present</u>  |
|            | Minutes<br>Result: Matter Heard   |
| 08/07/2018 |   |
| 08/08/2018 | Opposition<br>State's Opposition to Defendant's Second Motion to Set Reasonable Bail  |
| 08/15/2018 | Motion to Dismiss (9:30 AM) (Judicial Officer Hemdon, Douglas W.)<br>08/15/2018, 08/21/2018   |
| 00445/0040 | Defendant's Motion To Dismiss Based on State's Failure To Present Exculpatory Evidence At The Grand Jury<br>Result: Continued   |
| 08/15/2018 | Motion (9:30 AM) (Judicial Officer Herndon, Douglas W.)<br>08/15/2018, 08/21/2018<br>Defendant's Motion For Leave to File Petition For Writ of Habeas Corpus Due To Ineffective Assistance of Prior Counsel   |
|            | 08/07/2018 Reset by Court to 08/15/2018   |
| 08/15/2018 | Result: Continued<br>Motion (9:30 AM) (Judicial Officer Herndon, Douglas W.)  |
|            | 08/15/2018, 08/21/2018<br>Defendant's Motion for Setting of Reasonable Bail   |
|            | 08/14/2018 Reset by Court to 08/15/2018<br>Result: Continued  |
| 08/15/2018 | All Pending Motions (9:30 AM) (Judicial Officer Herndon, Douglas W.) Parties Present  |
|            | Minutes   |
| 08/21/2018 | Result: Matter Heard<br><u>All Pending Motions</u> (9:00 AM) (Judicial Officer Herndon, Douglas W.)<br><u>Parties Present</u>   |
|            | Minutes<br>Result: Matter Heard   |
| 09/13/2018 | Motion  |
| 09/14/2018 | Motion to Place on Calendar<br>Substitution of Attorney   |
| 09/20/2018 |   |
| 09/25/2018 | Motion for Authorization of Employment of Expert Assistance<br><u>Motion for Substitution</u> (10:30 AM) (Judicial Officer Herndon, Douglas W.)<br>Defendant's Motion to Place on Calendar for Attorney to Substitute in as Attorney of Record and Request Discovery<br>Parties Present |
|            | Minutes   |
| 10/02/2018 | Result: Motion Granted<br><u>Motion</u> (9:00 AM) (Judicial Officer Herndon, Douglas W.)  |
|            | 10/02/2018, 10/11/2018, 10/24/2018<br>Defendant's Motion for Authorization of Employment of Expert Assistance   |
|            | Parties Present   |
|            | Minutes Result: Matter Continued  |
| 10/19/2018 | Affidavit in Support<br>Affidavit in Support of Motion for Authorization of Employment of Expert Assistance   |
| 10/24/2018 | Status Check: Trial Readiness (9:30 AM) (Judicial Officer Herndon, Douglas W.) 10/24/2018, 01/23/2019, 02/20/2019   |
|            | Parties Present<br>Minutes  |
| 10/04/0019 | Result: Matter Continued  |
| 10/24/2018 | All Pending Motions (9:30 AM) (Judicial Officer Herndon, Douglas W.) Parties Present  |
|            | Minutes   |
| 10/25/2018 | Result: Matter Heard Order Granting Motion  |
| 11/08/2018 | Order Granting Motion for Employment of Expert Assistance <u>Motion</u>   |
| 11/09/2018 | Motion to Suppress; Notice<br>Opposition  |
| 11/20/2018 | State's Opposition to Defendant's Motion to Suppress<br>Motion to Suppress (9:00 AM) (Judicial Officer Herndon, Douglas W.)<br>11/20/2018, 12/05/2018   |
|            | Defendant's Motion to Suppress; Notice<br>Parties Present   |
|            | Minutes   |
| 11/20/2019 | Result: Matter Continued  |
| 1729/2018  | Receipt of Copy<br>Receipt of Copy  |
| 1          |   |

| 12/14/2018 | Motion to Return  |
|------------|---|
| 12/21/2018 | Defendant's Motion to Return Property Opposition to Motion  |
| 12/27/2018 | LVMPD's Opposition to Motion for Return of Property<br>Receipt of Copy  |
| 01/08/2019 | Receipt of Copy<br><u>Motion</u> (9:00 AM) (Judicial Officer Herndon, Douglas W.)<br>Defendant's Motion for Return of Property<br>Partice Descent   |
|            | Parties Present<br>Minutes  |
| 02/20/2019 | Result: Denied Without Prejudice<br>Notice of Witnesses and/or Expert Witnesses   |
| 02/22/2019 | State's Amended Notice of Witnesses and/or Expert Witnesses<br>Motion to Withdraw As Counsel  |
| 03/05/2019 | Notice of Motion and Motion to Withdraw as Attorney of Record<br><u>Motion</u> (9:00 AM) (Judicial Officer Herndon, Douglas W.)<br>Defendant's Notice of Motion and Motion to Withdraw as Attorney of Record<br>Dedice Devent |
|            | Parties Present<br>Minutes  |
| 03/07/2019 | Result: Withdrawn<br><u>Calendar Call</u> (9:00 AM) (Judicial Officer Herndon, Douglas W.)<br><u>Parties Present</u>  |
|            | Minutes   |
| 03/08/2019 | Result: Set Status Check Motion to Suppress   |
| 03/12/2019 | Notice of Motion and Motion to Suppress<br><u>Status Check: Trial Readiness</u> (9:00 AM) (Judicial Officer Herndon, Douglas W.)<br>Parties Present   |
|            | Minutes   |
| 03/12/2019 | Result: Matter Heard<br>Notice of Witnesses and/or Expert Witnesses   |
| 03/14/2019 | State's Notice of Witnesses<br><u>Minute Order</u> (7:30 AM) (Judicial Officer Herndon, Douglas W.)<br><u>Minutes</u>   |
|            | Result: Minute Order - No Hearing Held  |
|            | Notice of Department Reassignment Notice of Department Reassignment   |
| 03/18/2019 | CANCELED Motion to Suppress (9:00 AM) (Judicial Officer Herndon, Douglas W.)<br>Vacated - per Judge   |
| 03/19/2019 | 03/07/2019 Reset by Court to 03/18/2019<br>Jury Trial (9:30 AM) (Judicial Officer Smith, Douglas E.)  |
|            | Parties Present   |
|            | Minutes   |
|            | 03/18/2019 Reset by Court to 03/18/2019<br>03/18/2019 Reset by Court to 03/19/2019  |
| 00/40/0040 | Result: Matter Continued  |
| 03/19/2019 | Minute Order (10:30 AM) (Judicial Officer Herndon, Douglas W.)<br>Minutes   |
| 00/40/0040 | Result: Minute Order - No Hearing Held  |
| 03/19/2019 | Notice of Department Reassignment   |
| 03/20/2019 | Status Check: Trial Setting (9:30 AM) (Judicial Officer Herndon, Douglas W.) Parties Present  |
|            | Minutes   |
| 05/15/2019 | Result: Trial Date Set<br><u>Status Check: Trial Readiness</u> (9:30 AM) (Judicial Officer Herndon, Douglas W.)<br>05/15/2019, 06/12/2019, 07/10/2019<br>Daties Description   |
|            | Parties Present<br>Minutes  |
|            | Result: Matter Continued  |
| 06/26/2019 | Motion to Suppress<br>Motion to Suppress  |
| 06/27/2019 | Clerk's Notice of Hearing<br>Notice of Hearing  |
| 07/03/2019 | Notice of Witnesses and/or Expert Witnesses<br>State's Supplemental Notice of Expert Witnesses  |
| 07/08/2019 | Opposition<br>State's Opposition to Defendant's Third Motion to Suppress Evidence   |
| 07/10/2019 | Motion (9:30 AM) (Judicial Officer Herndon, Douglas W.)<br>Defendant's Motion to Supress Evidence<br>07/09/2019 Reset by Court to 07/10/2019  |
| 07/10/2019 | All Pending Motions (9:30 AM) (Judicial Officer Herndon, Douglas W.)<br>Parties Present   |
|            |   |

|                          | Minutes  |
|--------------------------|--|
| 07/05/0040               | Result: Matter Heard   |
| 0772572019               | Calendar Call (9:00 AM) (Judicial Officer Herndon, Douglas W.) Parties Present   |
|                          | Minutes  |
| 07/31/2019               | Result: Trial Date Set Receipt of Copy   |
|                          | Receipt of Copy  |
| 08/01/2019               | <u>Minute Order</u> (3:46 PM) (Judicial Officer Villani, Michael)<br>Minutes   |
|                          | Result: Minute Order - No Hearing Held   |
| 08/05/2019               | CANCELED Jury Trial (9:00 AM) (Judicial Officer Herndon, Douglas W.)<br>Vacated - per Judge  |
| 08/05/2019               | Notice of Witnesses and/or Expert Witnesses<br>State's Supplemental Notice of Witnesses  |
| 08/06/2019               | Motion   |
| 08/06/2019               | Motion and Notice of Motion in Limine to Exclude Evidence<br>Clerk's Notice of Hearing   |
| 08/06/2019               | Notice of Hearing<br>Notice of Department Reassignment   |
|                          | Notice of Department Reassignment  |
|                          | Status Check: Trial Readiness (10:00 AM) (Judicial Officer Silva, Cristina D.)<br>Result: Matter Heard                                 |
| 08/08/2019               | Motion in Limine (10:00 AM) (Judicial Officer Silva, Cristina D.)<br>Deft.'s Motion and Notice of Motion in Limine to Exclude Evidence |
|                          | 08/19/2019 Reset by Court to 08/08/2019  |
| 08/08/2019               | Result: Deferred Ruling<br>All Pending Motions (10:00 AM) (Judicial Officer Silva, Cristina D.)  |
|                          | Deft.'s Motion and Notice of Motion in Limine to Exclude Evidence  |
|                          | Minutes<br>Result: Matter Heard  |
| 08/09/2019               | Notice of Witnesses<br>Defendant's Notice of Witness   |
| 08/12/2019               | CANCELED Jury Trial (10:00 AM) ()  |
| 08/12/2019               | Vacated - per Judge<br>J <u>ury Trial</u> (10:30 AM) (Judicial Officer Silva, Cristina D.)   |
|                          | 08/12/2019, 08/13/2019, 08/14/2019, 08/15/2019, 08/16/2019, 08/19/2019   |
|                          | Parties Present<br>Minutes   |
|                          | 08/12/2019 Reset by Court to 08/12/2019  |
| 08/10/2010               | Result: Trial Continues  |
|                          | CANCELED Jury Trial (10:00 AM) (Judicial Officer Silva, Cristina D.)<br>Vacated - Duplicate Entry                                      |
| 08/12/2019               | CANCELED Jury Trial (10:30 AM) (Judicial Officer Silva, Cristina D.)<br>Vacated  |
| 08/12/2019               | Stipulation and Order<br>Stipulation and Order Waiving Separate Penalty Hearing  |
| 08/13/2019               |  |
|                          | Subpoena to Issued   |
| 08/14/2019               | Subpoena Electronically Issued<br>Subpoena to be Issued  |
| 08/14/2019               | Subpoena Electronically Issued<br>Subpoena to be issued  |
| 08/16/2019               | Proposed Jury Instructions Not Used At Trial   |
|                          | Defendants' Proposed Jury Instructions Not Used at Trial Amended Jury List   |
| 08/19/2019<br>08/19/2019 | Verdict<br>Instructions to the Jury  |
|                          | Receipt of Copy Receipt of Copy  |
| 10/02/2019               | PSI  |
| 10/08/2019<br>10/17/2019 | PSI - Victim Impact Statements<br>Exhibits   |
| 10/18/2019               | Exhibits in Support of Defendant at Sentencing<br>Sentencing (11:00 AM) (Judicial Officer Silva, Cristina D.)                          |
|                          | Parties Present  |
|                          | Minutes  |
| 10/29/2019               | Result: Defendant Sentenced Judgment of Conviction   |
| 11/29/2019               | Judgment of Conviction (Plea of Guilty)<br>Notice of Appeal (criminal)   |
|                          | Notice of Appeal   |
|                          | Case Appeal Statement  |
| 02/10/2020               | Request for Transcripts  |
| 04/23/2020               | Ex Parte Motion<br>Ex Parte Motion to Declare Appellant Indigent for Purposes of Transcripts Costs                                     |
|                          |  |

| 04/27/2020 |   |
|------------|---|
| 04/29/2020 | Order Regarding Costs of Transcripts on Appeal<br>Recorders Transcript of Hearing   |
| 04/29/2020 | RECORDER'S TRANSCRIPT OF PROCEEDINGS: JURY TRIAL - DAY 1. HEARD ON AUGUST 12, 2019<br>Recorders Transcript of Hearing   |
|            | RECORDER'S TRANSCRIPT OF PROCEEDINGS: JURY TRIAL - DAY 2. HEARD ON AUGUST 13, 2019<br>Recorders Transcript of Hearing   |
|            | RECORDER'S TRANSCRIPT OF PROCEEDINGS: JURY TRIAL - DAY 3. HEARD ON AUGUST 14, 2019<br>Recorders Transcript of Hearing   |
|            | RECORDER'S TRANSCRIPT OF PROCEEDINGS: JURY TRIAL - DAY 4. HEARD ON AUGUST 15, 2019<br>Recorders Transcript of Hearing   |
|            | RECORDER'S TRANSCRIPT OF PROCEEDINGS: JURY TRIAL - DAY 5. HEARD ON AUGUST 16, 2019<br>Recorders Transcript of Hearing   |
|            | RECORDER'S TRANSCRIPT OF PROCEEDINGS: JURY TRIAL - DAY 6. HEARD ON AUGUST 19, 2019<br>Recorders Transcript of Hearing   |
|            | RECORDER'S TRANSCRIPT OF HEARING: SENTENCING. HEARD ON OCTOBER 18, 2019<br>Confirmation of Counsel (1:45 PM) (Judicial Officer Silva, Cristina D.)  |
| 00/11/2020 | Supreme Court Remand to Secure Appeilate Counsel  |
|            | Minutes<br>Result: Matter Heard   |
| 07/23/2020 |   |
| 08/03/2020 | Supplemental Request for Certified Transcript of Proceedings<br>Recorders Transcript of Hearing   |
| 08/03/2020 | RECORDER'S TRANSCRIPT OF HEARING: JURY TRIAL. HEARD ON MARCH 19, 2019<br>Recorders Transcript of Hearing  |
| 08/03/2020 | RECORDER'S TRANSCRIPT OF HEARING: STATUS CHECK: TRIAL READINESS. HEARD ON AUGUST 8, 2019<br>Recorders Transcript of Hearing   |
| 09/08/2020 | RECORDER'S TRANSCRIPT OF HEARING: SUPREME COURT REMAND TO SECURE APPELLATE COUNSEL. HEARD ON JUNE 17, 2020<br>Recorders Transcript of Hearing   |
| 09/08/2020 | Recorder's Transcript of Proceedings Re: Indictment Warrant Return heard on 3-20-18<br>Recorders Transcript of Hearing  |
| 09/08/2020 | Recorder's Transcript of Proceedings Re: Status Ckeck: Trial Readiness heard 2-20-19<br>Recorders Transcript of Hearing   |
| 09/08/2020 | Recorder's Transcript of Proceedings Re: Defendant's Notice of Motion and Motin to withdraw as Attorney of Record heard 3-5-19<br>Recorders Transcript of Hearing   |
| 09/08/2020 | Recorder's Transcript of Proceedings Re: Calendar Call heard 3-7-19<br>Recorders Transcript of Hearing  |
| 09/08/2020 | Recorder's Transcript of Hearing Re: All Pending Motions: Status Check: Trial Readiness heard 3-12-19<br>Recorders Transcript of Hearing  |
| 09/08/2020 | Recorder's Transcript of Hearing Re: Status Check; Trial Setting heard 3-20-19<br>Recorders Transcript of Hearing   |
| 09/08/2020 | Recorder's Transcript of Hearing Re: Status Check; Trial Readiness heard 5-15-19<br>Recorders Transcript of Hearing   |
| 09/08/2020 | Recorder's Transcript of Hearing Re: Status Check; Trial Readiness heard 6-12-19<br>Recorders Transcript of Hearing   |
| 09/08/2020 | Recorder's Transcript of Hearing Re: All Pending Motions heard 7-10-19 Recorders Transcript of Hearing  |
| 09/08/2020 | Recorder's Transcript of Hearing Re: Calendar Call heard 7-25-19<br>Recorders Transcript of Hearing   |
| 09/08/2020 | Recorder's Transcript of Hearing Re: Status Check; Trial Readiness heard 1-23-19 Recorders Transcript of Hearing  |
| 09/08/2020 | Recorder's Transcript of Hearing:Re: Defendant's Motion for Return of Property heard 1-8-19<br>Recorders Transcript of Hearing  |
| 09/08/2020 | Recorder's Transcript of Hearing Re: Defendant's Motion to set Reasonable Bail heard 4-5-18 Recorders Transcript of Hearing   |
| 09/08/2020 | Recorder's Transcript of Hearing Re: Defendant's Motion to Set Reasonable Bail; Status Check; Trial Readiness heard 4-17-18<br>Recorders Transcript of Hearing  |
| 09/08/2020 | Recorder's Transcript of Proceedings: Calendar Call heard 5-3-18 Recorders Transcript of Hearing  |
| 09/08/2020 | Recorder's Trancript of Proceedings: Status Check: Trial Setting heard 5-9-18 Recorders Transcript of Hearing   |
| 09/08/2020 | Recorder's Transcript of Proceedings: Status Check: Trial Setting heard 5-17-18 Recorders Transcript of Hearing   |
| 09/08/2020 | Recorder's Transcript of Proceedings: Status Check: Trial Setting heard 5-23-18 Recorders Transcript of Hearing   |
| 09/08/2020 | Recorder's Transcript of Proceedings: Status Check: Trial Setting heard 5-31-18 Recorders Transcript of Hearing   |
| 09/08/2020 | Recorder's Transcript of Proceedings: Status Check: Negotiations heard 6-14-18 Recorders Transcript of Hearing  |
| 09/08/2020 | Recorder's Transcript of Proceedings: Status Check: Negotiations heard 6-26-18 Recorders Transcript of Hearing  |
| 09/08/2020 | Recorder's Transcript of Proceedings: Status Check: Negotiations heard 7-5-18 Recorders Transcript of Hearing   |
| 09/08/2020 | Recorder's Transcript of Proceedings: Status Check: Trial Setting 8-1-18 Recorders Transcript of Hearing  |
|            | Recorder's Transcript of Proceedings: Defendant's Motion to Dismiss Based on State Failure to Present Exculpatory Evidence at the Grand Jury;<br>Defendant's Motion for Leave to File Petition for Writ of Habeas Corpus Due to Ineffective Assistance of Prior Counsel; Defendant's Motion for |
| 09/08/2020 | Setting of Reasonable Bail<br>Recorders Transcript of Hearing   |
|            | Recorder's Transcript of Proceedings: All Pending Motions heard 8-21-18 Recorders Transcript of Hearing   |
| 55,00,2020 | Recorder's Transcript of Proceedings: Defendant's Motion to Place on Caolendar for Attorney to Substitute in as Attorney of Record and Request<br>Discovery heard 9-25-18   |
| 09/08/2020 | Recorders Transcript of Hearing   |

|      | Recorder's Transcript of Proceedings: Defendant's Motion for Authorization of employment of Expert Assistance heard 10-2-18                 |
|------|---|
| 09/0 | 8/2020 Recorders Transcript of Hearing  |
|      | Recorder's Transcript of Proceedings: Defendant's Motion for Authorization of Employment of Espert Assistance heard 10-11-18                |
| 09/0 | 8/2020 Recorders Transcript of Hearing  |
|      | Recorder's Transcript of Proceedings: Defendant's Motion for Authorization of Employment of Expert Assistance; Status Check Readiness heard |
|      | 10-24-18  |
| 09/0 | 8/2020 Recorders Transcript of Hearing  |
|      | Recorder's Transcript of Proceedings: Defendant's Motion to Suppress heard 11-20-18   |
| 09/0 | 8/2020 Recorders Transcript of Hearing  |
| 01/( | Recorder's Transcript of Proceedings: Defendant's Motion to Suppress heard 12-5-18 7/2021 Motion  |
| 01/1 | Motion to Reconstruct the District Court Record   |
| 01/0 | 8/2021 Clerk's Notice of Hearing  |
|      | Notice of Hearing   |
| 01/1 | 3/2021 Receipt of Copy  |
|      | Receipt of Copy   |
| 01/  | 3/2021 Receipt of Copy  |
|      | Receipt of Copy   |
| 01/2 | 9/2021 Motion (1:30 PM) (Judicial Officer Silva, Cristina D.)<br>Motion to Reconstruct the District Court Record                            |
| /    |   |
| (    | 01/11/2021 Reset by Court to 01/29/2021   |
| 1    |   |
|      | Phancial Information  |
| ~    |   |
|      |   |
|      | Defendent Grider Benelin Ann  |
|      | Defendant Guidry, Ronneka Ann   |

|            | Total Financial Assessment<br>Total Payments and Credits<br>Balance Due as of 01/14/2021 | 2,028.00<br>0.00<br><b>2,028.00</b> |
|------------|--|-------------------------------------|
| 03/11/2020 | Transaction Assessment   | 2,028.00                            |