

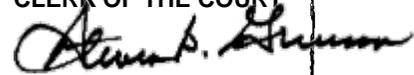
BRANDON M. JEFFERSON #1094051

PRO SE

ELY STATE PRISON, P.O. Box 1989

ELY, NEVADA 89301

Electronically Filed  
6/18/2019 11:08 AM  
Steven D. Grierson  
CLERK OF THE COURT



BRANDON M. JEFFERSON,  
Petitioner,

VS

THE STATE OF NEVADA, et.al.,  
Respondent.

IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE  
OF NEVADA IN AND FOR THE COUNTY OF CLARK

CASE NO: A-19-79333B-W

C-10-268351-1

DEPT. NO: X X X

14A

Electronically Filed  
Jun 25 2019 02:00 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

NOTICE OF APPEAL

Notice is hereby given that BRANDON M. JEFFERSON, Petitioner above named,  
hereby appeals to The Supreme Court of Nevada from the Order denying petitioner's  
Second post-conviction petition for Writ of Habeas Corpus.

Entered in this action on the 16TH day of June 2019.

BRANDON M. JEFFERSON #1094051

ELY STATE PRISON

P.O. Box 1989

ELY, NEVADA 89301

RECEIVED

JUN 18 2019

CLERK OF THE COURT

CERTIFICATE OF SERVICE BY MAIL

I, BRANDON M. JEFFERSON, hereby certify pursuant to Rule 5(b) of the N.R.C.P., that on this 16<sup>TH</sup> day of June 2019, I served a true and correct copy of the above entitled **NOTICE OF APPEAL** postage paid and addressed as follows:

EIGHTH JUDICIAL DISTRICT COURT  
200 LEWIS AVENUE, 3rd floor  
Las Vegas, NV 89155

OFFICE OF THE DISTRICT ATTORNEY  
200 LEWIS AVENUE, 3rd floor  
P.O. BOX 552212  
Las Vegas, NV 89155

Signature *Brandon M. Jefferson*

Print name BRANDON M. JEFFERSON #1094051

Ely State Prison

P.O. Box 1989

Ely, NV 89301

AFFIRMATION PURSUANT TO NRS. 239B.030

I, BRANDON M. JEFFERSON, Certify that I am the undersigned individual and that the attached document entitled NOTICE OF APPEAL does not contain the Social Security numbers of any persons; under the pains and penalties of perjury. DATED this 16TH day of JUNE 2019.

Signature Brandon M. Jefferson

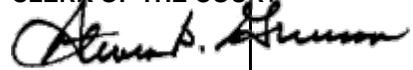
Print name BRANDON M. JEFFERSON #1094051

ELY STATE PRISON

P.O. Box 1989

Ely, NV 89301





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

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STATE OF NEVADA,

10

Plaintiff(s),

11

vs.

12

BRANDON MONTANE JEFFERSON,

13

Defendant(s),

14

15

Case No: C-10-268351-1

Dept No: XXX

16

**CASE APPEAL STATEMENT**

17

1. Appellant(s): Brandon M. Jefferson

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2. Judge: Jerry A. Wiese

19

3. Appellant(s): Brandon M. Jefferson

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Counsel:

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Brandon M. Jefferson #1094051  
P.O. Box 1989  
Ely, NV 89301

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4. Respondent: The State of Nevada

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Counsel:

26

Steven B. Wolfson, District Attorney  
200 Lewis Ave.  
Las Vegas, NV 89101

27

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(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: October 18, 2010
10. Brief Description of the Nature of the Action: Criminal  
Type of Judgment or Order Being Appealed: Writ of Habeas Corpus
11. Previous Appeal: Yes  
Supreme Court Docket Number(s): 62120, 70732
12. Child Custody or Visitation: N/A

Dated This 20 day of June 2019.

Steven D. Grierson, Clerk of the Court

/s/ Heather Ungermann

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

cc: Brandon M. Jefferson

EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY**

**CASE NO. C-10-268351-1**

State of Nevada  
vs  
Brandon Jefferson

§ Location: Department 30  
§ Judicial Officer: Wiese, Jerry A.  
§ Filed on: 10/18/2010  
§ Case Number History:  
§ Cross-Reference Case Number: C268351  
§ Defendant's Scope ID #: 2508991  
§ ITAG Booking Number: 1000050343  
§ ITAG Case ID: 1186319  
§ Lower Court Case # Root: 10F17735  
§ Lower Court Case Number: 10F17735X  
§ Supreme Court No.: 62120  
§ 70732

CASE INFORMATION

Offense	Statute	Deg	Date	Case Type:	Felony/Gross Misdemeanor
1. SEXUAL ASSAULT VICTIM UNDER 14 <i>Filed As:</i> LEWDNESS WITH A MINOR UNDER 14	200.366 F	F	08/01/2010 10/26/2010	Case Status:	10/30/2012 Closed
2. LEWDNESS WITH A MINOR UNDER 14	201.230	F	07/01/2010		
3. SEXUAL ASSAULT VICTIM UNDER 14	200.366	F	08/01/2010		
4. LEWDNESS WITH A MINOR UNDER 14	201.230	F	08/01/2010		
5. SEXUAL ASSAULT VICTIM UNDER 14	200.366	F	08/01/2010		
6. LEWDNESS WITH A MINOR UNDER 14	201.230	F	08/01/2010		
7. SEXUAL ASSAULT VICTIM UNDER 14	200.366	F	08/01/2010		
8. LEWDNESS WITH A MINOR UNDER 14	201.230	F	08/01/2010		
9. SEXUAL ASSAULT VICTIM UNDER 14	200.366	F	08/01/2010		
10. SEXUAL ASSAULT VICTIM UNDER 14	200.366	F	08/01/2010		
11. LEWDNESS WITH A MINOR UNDER 14	201.230	F	08/01/2010		

**Related Cases**

A-19-793338-W (Writ Related Case)

**Statistical Closures**

10/30/2012 Guilty Plea with Sentence (before trial) (CR)

DATE

CASE ASSIGNMENT

**Current Case Assignment**

Case Number	C-10-268351-1
Court	Department 30
Date Assigned	07/02/2018
Judicial Officer	Wiese, Jerry A.

PARTY INFORMATION

		Lead Attorneys
<b>Defendant</b>	Jefferson, Brandon Montane	<b>Lay, D. Matthew</b> <i>Retained</i> 702-383-3200(W)
<b>Plaintiff</b>	State of Nevada	<b>Wolfson, Steven B</b> 702-671-2700(W)

DATE

EVENTS & ORDERS OF THE COURT

INDEX

09/17/2010	<b>EVENTS</b> Bail Set
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**CASE SUMMARY**  
**CASE NO. C-10-268351-1**

*\$20,000.00 also No Bail Set on some counts*

- 10/18/2010  Criminal Bindover
- 10/26/2010  Information  
*Information*
- 11/05/2010  Amended Information  
Filed By: Plaintiff State of Nevada
- 03/25/2011  Motion  
*Motion To preclude Lay Witness Opinion*
- 03/25/2011  Motion  
*Defendant's Motion To Suppress Unlawfully Obtained Statement*
- 03/25/2011  Motion  
*Discovery Motion*
- 04/06/2011  Opposition to Motion  
*Opposition to Defendant's Motion to Preclude Lay Witness Opinion*
- 04/06/2011  Opposition to Motion  
*Opposition to Defendant's Motion to Suppress Unlawfully Obtained Statement*
- 04/08/2011  Notice of Witnesses and/or Expert Witnesses  
*Notice of Witnesses and/or Expert Witnesses*
- 04/13/2011  Motion  
*Motion To Preclude Use Of The Prejudicial Term Victim*
- 04/13/2011  Motion  
*Defendant Jefferson's Motion In Limine To Preclude Inadmissible 51.385 Evidence*
- 04/14/2011  Order  
*Order Releasing CPS/DFS Records*
- 04/14/2011  Ex Parte Motion  
*Ex Parte Motion For Release Of CPS/DFS Records*
- 04/14/2011  Order to Release Medical Records  
*Order Releasing Medical Records*
- 04/14/2011  Ex Parte Motion  
*Ex Parte Motion For Release Of Medical Records*
- 04/27/2011  Opposition to Motion  
*Opposition to Defendant's Motion in Limine to Preclude Inadmissible 51.385 Evidence*
- 04/27/2011  Opposition to Motion  
*Opposition to Defendant's Motion to Preclude Use of the Prejudicial Term Victim*

**CASE SUMMARY**  
**CASE NO. C-10-268351-1**

06/16/2011	 Order Denying Motion <i>Order Denying Defendant's Motion to Suppress, Motion to Preclude Use of the Term Victim and Motion for Discovery</i>
10/03/2011	 Supplemental Witness List <i>Supplemental Notice of Witnesses and/or Expert Witnesses</i>
10/03/2011	 Notice <i>Notice of Service of Witness Statements Pursuant to NRS 51.385</i>
10/18/2011	 Notice of Witnesses and/or Expert Witnesses <i>Defendant's Notice Of Expert Witnesses, Pursuant To NRS 174.234(2)</i>
10/19/2011	 Motion to Dismiss Counsel Party: Defendant Jefferson, Brandon Montane <i>Pro Se Motion to Dismiss Counsel and Appoint Alternate Counsel</i>
11/14/2011	 Order Denying Motion Filed By: Plaintiff State of Nevada <i>Order Denying Defendant's Motion to Dismiss Counsel and Appoint Alternate Counsel</i>
11/15/2011	 Supplemental Witness List <i>Second Supplemental Notice of Witnesses and/or Expert Witnesses</i>
11/16/2011	 Amended Information <i>Second Amended Information</i>
11/28/2011	 Order Filed By: Plaintiff State of Nevada <i>Order Regarding CPS/DFS Records</i>
12/13/2011	 Recorders Transcript of Hearing Party: Plaintiff State of Nevada <i>Recorders Transcript of Hearing Re: Status Check Reset Trial Date Hearing Per Jackson V. Denno: Deft's Motion to Suppress Unlawfully Obtained Statement Deft's Motion for Discovery Deft. Jefferson's Motion in Limine to Preclude Inadmissible 51.385 Evidence Motion to Preclude Use of the Prejudicial Term Victim - Heard June 2, 2011</i>
12/22/2011	 Recorders Transcript of Hearing Party: Plaintiff State of Nevada <i>Recorder's Transcript Re: Evidentiary Hearing - Heard 12-08-11</i>
01/17/2012	 Order Filed By: Plaintiff State of Nevada <i>Order Partially Denying Defendant's Motion to Preclude 51.385 Testimony and Order Denying State's Oral Motion to Terminate Defendant's Outside Communication Privileges</i>
03/19/2012	 Supplemental Witness List <i>Second Supplemental Notice of Witnesses and/or Expert Witnesses</i>
06/26/2012	 Supplemental Witness List <i>Third Supplemental Notice of Witnesses and/or Expert Witnesses</i>
06/27/2012	 Supplemental Witness List

**CASE SUMMARY**  
**CASE NO. C-10-268351-1**

*Fourth Supplemental Notice of Witnesses and/or Expert Witnesses*

- 07/16/2012  Notice of Motion  
*State's Notice of Motion and Motion in Limine to Preclude Improper Testimony from Defendant's Expert Witness at Trial*
- 08/01/2012  Jury List
- 08/07/2012  Motion  
*Motion In Limine For An Order Preventing The State From Introducing Unlawfully Recorded Oral Communications*
- 08/08/2012  Proposed Jury Instructions Not Used At Trial  
*Defendant's Proposed Jury Instructions Not Used At Trial*
- 08/08/2012  Verdict  
Party: Plaintiff State of Nevada
- 08/08/2012  Instructions to the Jury  
*Instructions to the Jury (Instruction No.1) Members of the Jury*
- 09/24/2012  PSI  
*PSI Dated 09/24/12*
- 10/30/2012  Judgment of Conviction  
*Judgment Of Conviction (Jury Trial)*
- 11/14/2012  Notice of Appeal (criminal)  
*Notice of Appeal*
- 11/14/2012  Case Appeal Statement  
*Case Appeal Statement*
- 12/03/2012  Notice of Appeal (criminal)  
Party: Defendant Jefferson, Brandon Montane
- 12/04/2012  Case Appeal Statement  
*Case Appeal Statement*
- 01/04/2013  Recorders Transcript of Hearing  
*Recorder's Transcript of Hearing Re: Arraignment November 1, 2010*
- 01/04/2013  Recorders Transcript of Hearing  
*Recorder's Transcript of Hearing Re: Arraignment Continued November 5, 2010*
- 01/07/2013  Transcript of Proceedings  
*Recorder's Transcript Re: Deft's Motion to Suppress Unlawfully Obtained Statement Deft's Motion for Discovery Deft's Motion to Preclude Lay Witness Opinion 4-7-11*
- 01/07/2013  Transcript of Proceedings  
*Recorder's Transcript Re: Motion to Preclude Use of the Prejudicial Term Victim Deft's Motion in Limine to Preclude Inadmissible 51.385 Evidence Deft's Motion to Suppress Unlawfully Obtained Statement Deft's Motion for Discovery Calendar Call 4-26-11*

**CASE SUMMARY**  
**CASE NO. C-10-268351-1**

- 01/07/2013  Transcript of Proceedings  
*Recorder's Transcript Re: At Request of Court: Voluntary Statement Viewing 5-19-11*
- 01/07/2013  Transcript of Proceedings  
*Recorder's Transcript Re: Deft's Motion to Suppress Unlawfully Obtained Statement Deft's Motion for Discovery Deft's Motion to Preclude Lay Witness Opinion 4-12-11*
- 01/07/2013  Transcript of Proceedings  
*Recorder's Transcript Re: Deft's Pro Se Motion to Dismiss Counsel and Appoint Alternate Counsel Evidentiary Hearing: Deft Jefferson's Motion in Limine to Preclude Inadmissible 51.385 Evidence 11-1-11*
- 01/07/2013  Transcript of Proceedings  
*Recorder's Transcript Re: Calendar Call Evidentiary Hearing: Deft Jefferson's Motion in Limine to Preclude Inadmissible 51.385 Evidence 12-1-11*
- 01/07/2013  Transcript of Proceedings  
*Recorder's Transcript Re: Calendar Call 3-29-12*
- 01/07/2013  Transcript of Proceedings  
*Recorder's Transcript Re: Calendar Call 4-19-12*
- 01/07/2013  Transcript of Proceedings  
*Recorder's Transcript Re: Calendar Call Motion in Limine to Preclude Improper Testimony from Deft's Expert Witness at Trial 7-26-12*
- 01/07/2013  Transcript of Proceedings  
*Recorder's Transcript Re: Sentencing Counts 1, 4, 9 & 10 Status Check: Dismissal Count 2 10-4-12*
- 01/07/2013  Transcript of Proceedings  
*Recorder's Transcript Re: Sentencing Counts 1, 4, 9 & 10 Status Check: Dismissal Count 2 10-23-12*
- 01/07/2013  Transcript of Proceedings  
*Jury Trial - Day 1 7-30-12*
- 01/07/2013  Transcript of Proceedings  
*Jury Trial - Day 2 7-31-12*
- 01/07/2013  Transcript of Proceedings  
*Jury Trial - Day 3 8-1-12*
- 01/07/2013  Transcript of Proceedings  
*Jury Trial - Day 4 8-2-12*
- 01/07/2013  Transcript of Proceedings  
*Jury Trial - Day 5 8-3-12*
- 01/07/2013  Transcript of Proceedings  
*Jury Trial - Day 6 8-6-12*
- 01/07/2013  Transcript of Proceedings  
*Jury Trial - Day 7 8-7-12*

**CASE SUMMARY**  
**CASE NO. C-10-268351-1**

- 01/07/2013  Transcript of Proceedings  
*Jury Trial - Day 8 8-8-12*
- 01/07/2013  Transcript of Proceedings  
*Recorder's Transcript Re: Calendar Call 7-12-12*
- 09/03/2014  NV Supreme Court Clerks Certificate/Judgment - Affirmed  
*Nevada Supreme Court Clerk's Certificate Judgment - Affirmed*
- 10/02/2014  Petition for Writ of Habeas Corpus  
Filed by: Defendant Jefferson, Brandon Montane  
*Petition for Writ of Habeas Corpus (PostConviction)*
- 10/02/2014  Certificate  
Filed By: Defendant Jefferson, Brandon Montane  
*Financial Certificate*
- 10/02/2014  Motion for Leave to Proceed in Forma Pauperis  
Filed By: Defendant Jefferson, Brandon Montane
- 10/02/2014  Affidavit in Support of Application Proceed Forma Pauperis  
*Affidavit in Support of Motion to Proceed in Forma Pauperis*
- 10/07/2014  Order for Petition for Writ of Habeas Corpus
- 10/17/2014  Notice of Motion  
*Notice of Motion and Motion to Appoint Counsel*
- 11/24/2014  Order  
*Order Granting State's Motion to Appoint Counsel*
- 01/05/2015 Case Reassigned to Department 4  
*District Court Case Reassignment 2015*
- 12/22/2015  Supplemental  
*Supplemental Petition for Writ of Habeas Corpus (Post-Conviction)*
- 02/25/2016  Stipulation  
*Stipulation and Order to Establish Briefing Schedule and Hearing*
- 04/05/2016  Response  
*Response to Defendant's Post-Conviction Petition For Writ Of Habeas Corpus*
- 06/02/2016  Order  
*Application and Order for Transcripts*
- 06/06/2016  Transcript of Proceedings  
*Reporter's Transcript of Hearing , 5/19/16, Petition for Writ of Habeas Corpus*
- 06/29/2016  Notice of Appeal (criminal)  
*Notice of Appeal*

**CASE SUMMARY**  
**CASE NO. C-10-268351-1**

- 06/30/2016  Case Appeal Statement
- 08/03/2016  Findings of Fact, Conclusions of Law and Order
- 08/04/2016  Notice of Entry  
*Notice of Entry of Findings of Fact, Conclusions of Law and Order*
- 09/02/2016  Notice of Hearing  
*Notice of Rescheduling of Hearing*
- 09/02/2016  Notice of Appeal (criminal)  
*Notice of Appeal*
- 09/02/2016  Request  
*Request for Transcript of Proceedings*
- 09/08/2016  Case Appeal Statement  
*Case Appeal Statement*
- 09/09/2016  Transcript of Proceedings  
*Reporter's Transcript of Proceedings 5/19/16*
- 01/30/2018  NV Supreme Court Clerks Certificate/Judgment - Affirmed  
*Nevada Supreme Court Clerk's Certificate Judgment - Affirmed*
- 07/02/2018 Case Reassigned to Department 30  
*Reassigned From Judge Earley - Dept 4*
- 06/18/2019  Notice of Appeal (criminal)  
*Notice of Appeal*
- 06/20/2019  Case Appeal Statement  
*Case Appeal Statement*

**DISPOSITIONS**

- 10/23/2012 **Plea** (Judicial Officer: Vega, Valorie J.)
  - 1. SEXUAL ASSAULT VICTIM UNDER 14  
Guilty  
PCN: Sequence:
  
- 10/23/2012 **Disposition** (Judicial Officer: Vega, Valorie J.)
  - 4. LEWDNESS WITH A MINOR UNDER 14  
Guilty  
PCN: Sequence:
  
  - 9. SEXUAL ASSAULT VICTIM UNDER 14  
Guilty  
PCN: Sequence:
  
  - 10. SEXUAL ASSAULT VICTIM UNDER 14  
Guilty  
PCN: Sequence:

**CASE SUMMARY**  
**CASE NO. C-10-268351-1**

10/23/2012 **Disposition** (Judicial Officer: Vega, Valorie J.)  
 1. SEXUAL ASSAULT VICTIM UNDER 14  
 Guilty  
 PCN: Sequence:

10/23/2012 **Plea** (Judicial Officer: Vega, Valorie J.)  
 4. LEWDNESS WITH A MINOR UNDER 14  
 Guilty  
 PCN: Sequence:  
  
 9. SEXUAL ASSAULT VICTIM UNDER 14  
 Guilty  
 PCN: Sequence:  
  
 10. SEXUAL ASSAULT VICTIM UNDER 14  
 Guilty  
 PCN: Sequence:

10/23/2012 **Adult Adjudication** (Judicial Officer: Vega, Valorie J.)  
 10. SEXUAL ASSAULT VICTIM UNDER 14  
 08/01/2010 (F) 200.366 (5058)  
 PCN: Sequence:

---

Sentenced to Nevada Dept. of Corrections  
 Term: Life with the possibility of parole after:35 Years  
 Concurrent: Charge 1,4,9  
 Credit for Time Served: 769 Days

Condition  
 1. Lifetime Supervision  
 2. Register As A Sex Offender

Fee Totals:  
 Administrative Assessment Fee 25.00  
 \$25  
 DNA Analysis Fee 150.00  
 \$150  
 Fee Totals \$ 175.00

Other Fees  
 1. , \$7,427.20 - \$4,480.00 to Victims of Crimes; \$1,000.00 to the DA; \$1,947.20 to Clark County Social Services

10/23/2012 **Adult Adjudication** (Judicial Officer: Vega, Valorie J.)  
 9. SEXUAL ASSAULT VICTIM UNDER 14  
 08/01/2010 (F) 200.366 (5058)  
 PCN: Sequence:

---

Sentenced to Nevada Dept. of Corrections  
 Term: Life with the possibility of parole after:35 Years  
 Consecutive: Charge 1 and 4

10/23/2012 **Adult Adjudication** (Judicial Officer: Vega, Valorie J.)  
 4. LEWDNESS WITH A MINOR UNDER 14  
 08/01/2010 (F) 201.230 (5110)  
 PCN: Sequence:

---

Sentenced to Nevada Dept. of Corrections  
 Term: Life with the possibility of parole after:10 Years  
 Concurrent: Charge 1

10/23/2012 **Adult Adjudication** (Judicial Officer: Vega, Valorie J.)

**CASE SUMMARY**

**CASE NO. C-10-268351-1**

1. SEXUAL ASSAULT VICTIM UNDER 14

08/01/2010 (F) 200.366 (5058)

PCN: Sequence:

Sentenced to Nevada Dept. of Corrections

Term: Life with the possibility of parole after:35 Years

**HEARINGS**

11/01/2010



**Initial Arraignment** (10:30 AM) (Judicial Officer: De La Garza, Melisa)

Events: 10/18/2010 Criminal Bindover

Matter Heard;

Journal Entry Details:

*At request of counsel, COURT ORDERED, matter CONTINUED. CUSTODY CONTINUED TO: 11/5/10 10:30 AM;*

11/05/2010



**Arraignment Continued** (10:30 AM) (Judicial Officer: De La Garza, Melisa)

Matter Heard;

Journal Entry Details:

*Amended Information FILED IN OPEN COURT. Mr. Cox advised Defendant would be entering a not guilty plea. DEFENDANT JEFFERSON ARRAIGNED, PLED NOT GUILTY, AND WAIVED THE SIXTY (60) DAY RULE. Court ACCEPTED plea and, ORDERED, matter set for JURY TRIAL. Mr. Cox noted that bail has been set on some of the charges and inquired if Court would entertain an oral motion regarding Defendant's custody status and, COURT DENIED the request and directed Mr. Cox to file the appropriate motion in Department II. CUSTODY 4/26/11 9:30 AM CALENDAR CALL 5/2/11 10:30 AM JURY TRIAL;*

04/07/2011

**Motion to Suppress** (9:00 AM) (Judicial Officer: Vega, Valorie J.)

**04/07/2011, 04/12/2011, 04/26/2011**

Events: 03/25/2011 Motion

*HEARING PER JACKSON V DENNO: Defendant's Motion to Suppress Unlawfully Obtained Statement*

Continued;

Continued;

Continued;

Continued;

Continued;

Continued;

Continued;

Continued;

Continued;

04/07/2011

**Motion** (9:00 AM) (Judicial Officer: Vega, Valorie J.)

**04/07/2011, 04/12/2011, 04/26/2011, 06/02/2011**

Events: 03/25/2011 Motion

*Defendant's motion for Discovery*

Continued;

Continued;

Continued;

Denied;

Continued;

Continued;

Continued;

Denied;

Continued;

Continued;

Continued;

Denied;

Continued;

Continued;

Continued;

Denied;

**CASE SUMMARY****CASE NO. C-10-268351-1**

- 04/07/2011 **Motion** (9:00 AM) (Judicial Officer: Vega, Valorie J.)  
**04/07/2011, 04/12/2011**  
 Events: 03/25/2011 Motion  
*Defendant's Motion to Preclude Lay Witness Opinion*  
 Continued;  
 Denied Without Prejudice;  
 Continued;  
 Denied Without Prejudice;
- 04/07/2011  **All Pending Motions** (9:00 AM) (Judicial Officer: Vega, Valorie J.)  
 Matter Heard;  
 Journal Entry Details:  
*MTN TO SUPPRESS UNLAWFULLY OBTAINED STATEMENT...MTN FOR DISCOVERY... MTN TO PRECLUDE LAY WITNESS OPINION* Court noted she received no opposition to the motion. Mr. Merback provided copies of his opposition and noted he is working on getting discovery taken care of. Mr. Cox advised that's his understanding and he will not be replying based on reading the oppositions. COURT ORDERED, matter CONTINUED for review of the oppositions. CUSTODY 4/12/11 9:00 AM DEFT'S MOTION TO SUPPRESS UNLAWFULLY OBTAINED STATEMENT 4/12/11 9:00 AM DEFT'S MOTION FOR DISCOVERY 4/12/11 9:00 AM DEFT'S MOTION TO PRECLUDE LAY WITNESS OPINION ;
- 04/12/2011  **All Pending Motions** (9:00 AM) (Judicial Officer: Vega, Valorie J.)  
 Matter Heard;  
 Journal Entry Details:  
*DEFT'S MOTION TO SUPPRESS UNLAWFULLY OBTAINED STATEMENT...DEFT'S MOTION FOR DISCOVERY...DEFT'S MOTION TO PRECLUDE LAY WITNESS OPINION* DEFT'S MOTION FOR DISCOVERY: Mr. Merback advised he sent an order from this Court to sign for records from the hospital and CPS records which they are talking about and he may have a problem with the NCIS request, therefore, he asked to continue. COURT ORDERED, matter CONTINUED to time of calendar call. DEFT'S MOTION TO SUPPRESS UNLAWFULLY OBTAINED STATEMENT: Mr. Cox advised the court can review it and make a determination and he requested a hearing. Court noted the document was not attached. Opposition by Mr. Merback. Mr. Cox stated he will provide a copy to the Court. SIDE BAR. COURT ORDERED, matter CONTINUED to time of calendar call. DEFT'S MOTION TO PRECLUDE LAY WITNESS OPINION: Argument by Mr. Cox that is for the jury to determine. Mr. Merback advised he would agree with that and preferred the court wait and rule. COURT ORDERED, motion DENIED WITHOUT PREJUDICE as premature and vague and objections can be raised at trial. State to prepare the order. CUSTODY 4/26/11 9:30 AM DEFT'S MOTION FOR DISCOVERY 4/26/11 9:30 AM DEFT'S MOTION TO SUPPRESS UNLAWFULLY OBTAINED STATEMENT ;
- 04/26/2011 **Motion** (9:00 AM) (Judicial Officer: Vega, Valorie J.)  
**04/26/2011, 06/02/2011**  
*Motion To Preclude Use Of The Prejudicial Term Victim*  
 Continued;  
 Denied;  
 Continued;  
 Denied;
- 04/26/2011 **Motion in Limine** (9:00 AM) (Judicial Officer: Vega, Valorie J.)  
**04/26/2011, 06/02/2011**  
*Defendant Jefferson's Motion In Limine To Preclude Inadmissible 51.385 Evidence*  
 Continued;  
 Continued;  
 Continued;  
 Continued;
- 04/26/2011  **All Pending Motions** (9:00 AM) (Judicial Officer: Vega, Valorie J.)  
 Matter Heard;  
 Journal Entry Details:  
*CALENDAR CALL...DEFT'S MOTION TO PRECLUDE USE OF THE PREJUDICIAL TERM VICTIM...DEFT'S MOTION IN LIMINE TO PRECLUDE INADMISSIBLE...DEFT'S MOTION TO SUPPRESS UNLAWFULLY OBTAINED STATEMENT...DEFT'S MOTION FOR DISCOVERY* Mr. Cox requested a Jackson v. Denno on the motion to suppress which may determine the course of action on the other motions. Mr. Merback advised he responded to the motion to suppress and he was in trial last week but Mr. Cox told him that he would be asking for a continuance

## CASE SUMMARY

### CASE NO. C-10-268351-1

*and didn't respond to the other two motions but he can address them at a later date. Mr. Cox advised that's correct, he told Mr. Merback that he would be seeking a continuance and a Jackson hearing on the motion to suppress. COURT ORDERED, Oral motion to continue Trial date GRANTED as unopposed; Trial date VACATED; matter set for Jackson v. Denno hearing on motion to suppress and set a status check on resetting of Trial date and remaining motions CONTINUED to same date. CUSTODY 5/19/11 10:30 AM HEARING PER JACKSON V DENNO: DEFT'S MOTION TO SUPPRESS UNLAWFULLY OBTAINED STATEMENTS 5/19/11 10:30 AM DEFT'S MOTION TO PRECLUDE USE OF THE PREJUDICIAL TERM VICTIM...DEFT'S MOTION IN LIMINE TO PRECLUDE INADMISSIBLE...DEFT'S MOTION FOR DISCOVERY 5/19/11 10:30 AM STATUS CHECK: RESET TRIAL DATE ;*

04/26/2011 **Calendar Call** (9:30 AM) (Judicial Officer: Vega, Valorie J.)  
Matter Heard;

05/02/2011 **CANCELED Jury Trial** (10:30 AM) (Judicial Officer: Vega, Valorie J.)  
*Vacated - per Judge*

05/19/2011  **Request of Court** (10:00 AM) (Judicial Officer: Vega, Valorie J.)

*At Request of Court: Voluntary Statement Viewing*

Matter Heard;

Journal Entry Details:

*Court noted Deft was not transported this morning and she had blocked out the calendar for enough time for an evidentiary hearing but counsel contacted her law clerk that they had a witness problem and would stipulate to continue for that reason; however, she learnt a statement was to be played on the lap top and she wanted to make good use of time to play it here. Mr. Merback understood he could leave a lap top for the Court to use and he has to leave for another hearing with Judge Smith; he moved to mark the CD as State's exhibit #1. Mr. Cox advised he would stipulate to admit the exhibit. COURT ORDERED, State's exhibit #1 admitted for the Jackson v. Denno hearing. (See worksheet.) CD of Deft's voluntary statement, State's exhibit #1 played for the Court. CUSTODY ;*

05/19/2011 **CANCELED Hearing** (10:30 AM) (Judicial Officer: Vega, Valorie J.)  
*Vacated - per Law Clerk*

06/02/2011 **Status Check** (10:30 AM) (Judicial Officer: Vega, Valorie J.)  
*Status Check: Reset Trial Date*  
Matter Heard;

06/02/2011 **Hearing** (10:30 AM) (Judicial Officer: Vega, Valorie J.)  
*HEARING: PER JACKSON V. DENNO: DEFT'S MOTION TO SUPPRESS UNLAWFULLY OBTAINED STATEMENTS*  
Denied;

06/02/2011  **All Pending Motions** (10:30 AM) (Judicial Officer: Vega, Valorie J.)

Matter Heard;

Journal Entry Details:

*STATUS CHECK: RESET TRIAL DATE...HEARING : PER JACKSON V. DENNO: DEFT'S MOTION TO SUPPRESS UNLAWFULLY OBTAINED STATEMENT...DEFT'S MOTION FOR DISCOVERY...DEFT'S JEFFERSON'S MOTION IN LIMINE TO PRECLUDE INADMISSIBLE 51.385 EVIDENCE...DEFT'S MOTION TO PRECLUDE USE OF THE PREJUDICIAL TERM VICTIM DEFT'S MOTION FOR DISCOVERY: Court noted no opposition and counsel was working it out. Mr. Cox advised he didn't want to withdraw the motion but believed he has everything except if he can't identify something then he would like to have the State to provide an on going duty to supplement. Mr. Merback advised he can say it's moot at this point and if they find something they will provide it but thought they had complied with the request and he opposed it orally. COURT ORDERED, Deft's motion DENIED as moot, however, State has an on going duty to supplement. Mr. Merback to prepare the order. DEFT JEFFERSON'S MOTION IN LIMINE TO PRECLUDE INADMISSIBLE 51.385 EVIDENCE: Upon inquiry by Mr. Cox if the State intends to offer statements, Mr. Merback advised they intend to call live witnesses and a hearing will need to be held with the witness and noted the victim is 10 years old. Opposition by Mr. Cox. Mr. Merback stated if the witness is not taking the stand then there is no indication the witness is not available at time of trial. Court advised she would consider a hearing the first day of trial before seating the jury. Response by Mr. Cox that the term is very prejudicial and not appropriate. Mr. Merback advised the State does not intend to over use the term at trial. COURT ORDERED, motion DENIED per NRS 217.070 and EDCR 3.20. Mr. Merback to prepare the order. HEARING: PER JACKSON V. DENNO: DEFT'S MOTION TO SUPPRESS UNLAWFULLY OBTAINED STATEMENT: Matthew Demas sworn and testified. Mr. Merback moved to admit exhibits 1 and 2. No objection by Mr. Cox. COURT ORDERED, State's exhibits 1 & 2 admitted. (See worksheet.) Testimony continues. Argument by Mr. Cox. Argument by Mr. Merback not to suppress. Response by Mr. Cox. Court stated her findings, and ORDERED, Deft's motion to suppress DENIED pursuant to Miranda v. Arizona, 384 US 436 (1966) and Jackson v. Denno, 378 US 368 (1964). Mr. Merback to prepare the order. STATUS CHECK: RESET TRIAL*

## CASE SUMMARY

### CASE NO. C-10-268351-1

*DATE: Mr. Cox stated he is not available for trial in July or September and Deft is in waive status. Parties agreed this is overflow eligible. Court noted this case is not overflow eligible due to the pending hearing and suggested to hear it prior to the calendar call. Counsel agreed. COURT ORDERED, Trial date set and motion set for 11/1/11 10:30 a.m. for the Evidentiary Hearing. CUSTODY 11/01/11 10:30 AM EVIDENTIARY HEARING: DEFT JEFFERSON'S MOTION IN LIMINE TO PRECLUDE INADMISSIBLE 51.385 EVIDENCE 11/03/11 9:30 AM CALENDAR CALL 11/07/11 10:30 AM JURY TRIAL ;*

- 11/01/2011  **Motion** (9:00 AM) (Judicial Officer: Vega, Valorie J.)  
 Events: 10/19/2011 Motion to Dismiss Counsel  
*Pro Se Motion to Dismiss Counsel and Appoint Alternate Counsel*  
 Denied;  
 Journal Entry Details:  
*Argument by Deft Jefferson that counsel has not done certain things for his case. Upon Court inquiry, Mr. Cox advised he generally has discovery to show the Deft but he doesn't like to leave discovery with the Deft due to creating conflict because there is nothing private at the jail and he has been seeing him on other things. Court asked if counsel has asked the investigator to check on Deft's work record. Mr. Cox stated he didn't see that being an issue to the case and not relevant to defend the case. Mr. Merback advised Deft has lost his job and that was making it difficult for him. Court stated her findings, and ORDERED, motion to dismiss counsel and appoint alternate counsel DENIED. State to prepare the order. CUSTODY;*
- 11/01/2011  **Evidentiary Hearing** (10:30 AM) (Judicial Officer: Vega, Valorie J.)  
**11/01/2011, 12/01/2011**  
*Evidentiary Hearing: Deft Jefferson's motion in limine to preclude inadmissible 51.385 evidence*  
 Continued;  
 Matter Continued;  
 Continued;  
 Matter Continued;  
 Journal Entry Details:  
*Mr. Cox advised there is an issue with the trial date and he would like Dec. 5th for trial for a full week. Mr. Merback stated he didn't see the case going over a week but he has another trial set for that week and the case can go to over flow. Mr. Cox agree to either week. Court noted Deft waives his speedy trial. Mr. Cox advised correct. Side bar. Court advised parties jointly prefer 12/5th. COURT ORDERED, Trial date VACATED and RESET for 12/5th. Court advised Deft is the biological father and reviewed papers and photocopied them. Side Bar. Court stated she didn't do any redaction from CPS but they are confidential and related to confidential medical records; therefore, Court does sua sponte hereby ORDERED, CPS records SEALED and marked as Court's exhibit #1. State to prepare a written order that complies with the new Supreme Court rule, part 11. Court noted the envelope came with a number of pages paper clipped together. Mr. Merback requested a hearing on whether statements made are admissible. Court stated her concern on hearsay. Mr. Merback requested a hearing outside the presence for the Court to make a determination under NRS 51.385 whether they can testify. Mr. Cox advised he is not waiving any issues but statements are inadmissible through another party. COURT ORDERED, matter CONTINUED for hearing on 12/1/11 at 10:30 a.m. CUSTODY 12/01/11 10:30 AM EVIDENTIARY HEARING: DEFT'S MOTION IN LIMINE TO PRECLUDE INADMISSIBLE NRS 51.385 EVIDENCE 12/01/11 9:30 AM CALENDAR CALL 12/05/11 10:30 AM JURY TRIAL ;*
- 11/03/2011 **CANCELED Calendar Call** (9:30 AM) (Judicial Officer: Vega, Valorie J.)  
*Vacated - per Judge*  
*RESET to 12/5/11*
- 11/07/2011 **CANCELED Jury Trial** (10:30 AM) (Judicial Officer: Vega, Valorie J.)  
*Vacated - per Judge*
- 12/01/2011 **Calendar Call** (9:30 AM) (Judicial Officer: Vega, Valorie J.)  
 Matter Heard;
- 12/01/2011  **All Pending Motions** (9:30 AM) (Judicial Officer: Vega, Valorie J.)  
 Matter Heard;  
 Journal Entry Details:  
*EVIDENTIARY HEARING: DEFT. JEFFERSON'S MOTION IN LIMINE TO PRECLUDE INADMISSIBLE 51.385 EVIDENCE....CALENDAR CALL. SIDEBAR. MATTER TRAILED AND RECALLED. Mr. Cox stated his motion is withdrawn. Arguments regarding if case is overflow eligible, evidence requested, if the victim will testify, and witness testimony. Mr. Cox requested a copy of the 06/02/12 hearing transcript that has been filed. Court instructed the Clerk to see if the transcript was in Odyssey and the Clerk stated it is not. COURT GRANTED, Motion to Continue; TRIAL DATES VACATED and RESET. CUSTODY 12/08/11 2:00 PM EVIDENTIARY HEARING 03/29/12 9:30 AM*

EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY**  
**CASE NO. C-10-268351-1**

CALENDAR CALL 04/16/12 10:30 AM JURY TRIAL ;

12/05/2011 **CANCELED Jury Trial** (10:30 AM) (Judicial Officer: Vega, Valorie J.)  
*Vacated - per Judge*

12/08/2011  **Evidentiary Hearing** (2:00 PM) (Judicial Officer: Vega, Valorie J.)  
 Matter Heard;  
 Journal Entry Details:  
*Testimony and exhibits presented (see worksheets.) Arguments by counsel regarding Deft's motion in limine to preclude inadmissible 51.385 evidence. COURT stated her findings and ORDERED, statements made to the mother shall be admissible, the statement made to Detective Demas will not be admitted unless other evidentiary issues arise; issues regarding the victim testifying at time of trial shall be reserved. Mr. Merback to prepare the findings and decision and run it past Mr. Cox for review. Argument by Mr. Merback regarding Deft. sending letters to Ms. Lamug and prohibiting the State to prosecute the Deft. Mr. Merback further requested Deft's privileges to communicate with the outside be taken away. Mr. Cox opposed the States request and requested any letters sent to Ms. Lamug in the future be given directly to Mr. Merback. COURT ORDERED, motion DENIED without prejudice; Mr. Cox directed to inform his client to not send any letters to Ms. Lamug. CUSTODY ;*

03/29/2012  **Calendar Call** (9:30 AM) (Judicial Officer: Vega, Valorie J.)  
 Matter Heard;  
 Journal Entry Details:  
*Mr. Merback advised the State is ready to proceed; however, he has a trial next week and it could last until the week of 4-16-12. Following side bar, COURT ORDERED, trial date RESET so as not to conflict with Mr. Merback's other trial, and the subpoenas that have been issued will be in effect for an additional week. CUSTODY 4-19-12 9:30 AM CALENDAR CALL 4-23-12 10:30 AM JURY TRIAL ;*

04/16/2012 **CANCELED Jury Trial** (10:30 AM) (Judicial Officer: Vega, Valorie J.)  
*Vacated - per Judge*

04/19/2012  **Calendar Call** (9:30 AM) (Judicial Officer: Vega, Valorie J.)  
 Matter Heard;  
 Journal Entry Details:  
*Mr. Cox advised his expert is not available for the 4-23-12 trial date as he will be out of town; new proposed date with expert's consent is 7-16-12. Parties advised it will not take more than a week to try case. Colloquy regarding trial date. Mr. Cox advised he only has 1 witness expert. State advised they are ready to proceed with trial but not opposed to the request for continuance. COURT ORDERED, request GRANTED; trial date VACATED and RESET. CUSTODY 7-12-12 9:30 AM CALENDAR CALL 7-16-12 10:30 AM JURY TRIAL ;*

04/23/2012 **CANCELED Jury Trial** (10:30 AM) (Judicial Officer: Vega, Valorie J.)  
*Vacated - per Judge*

07/12/2012  **Calendar Call** (9:30 AM) (Judicial Officer: Vega, Valorie J.)  
 Trial Date Set;  
 Journal Entry Details:  
*Mr. Merback advised both parties agree to more than 5 trial days, this is not overflow eligible and both sides are ready to go. Court noted its not possible to go because her stack is the Civil stack. Mr. Merback asked to trail. MATTER RECALLED: Side bar. Court advised next Wednesday she has a calendar call for the Civil stack that starts 7/23rd and counsel is asking for her to put this case on the calendar call for 7/26th at 9:30 a.m. and jury trial for 7/30th at 10:30 a.m. with the understanding that if one of her Civil cases needs to go to trial that week this one will get bumped, if available that week and no Civil case is going then she will try this one even though it will be in the Civil stack. CUSTODY 7/26/12 9:30 AM CALENDAR CALL 7/30/12 10:30 AM JURY TRIAL ;*

07/16/2012 **CANCELED Jury Trial** (10:00 AM) (Judicial Officer: Vega, Valorie J.)  
*Vacated - per Judge*

07/26/2012  **Motion in Limine** (9:00 AM) (Judicial Officer: Vega, Valorie J.)  
**07/26/2012, 07/30/2012**  
*State's Notice of Motion and Motion in Limine to Preclude Improper Testimony from Defendant's Expert Witness at Trial*  
 Matter Continued;

**CASE SUMMARY**

**CASE NO. C-10-268351-1**

Moot;

Journal Entry Details:

*Mr. Cox advised they are not going to have Chambers talk about Deft's personal frailty or personal weaknesses. Mr. Merback advised Chambers will not speak of specifics about the Deft. COURT ORDERED, motion in limine to preclude improper testimony from Deft's expert witness at trial MOOT. Mr. Merback advised he would like any case study/articles that Chambers will use so they can talk to their expert. CUSTODY ;*

Matter Continued;

Moot;

07/26/2012



**All Pending Motions (9:00 AM)** (Judicial Officer: Vega, Valorie J.)

Matter Heard;

Journal Entry Details:

*CALENDAR CALL.....MOTION IN LIMINE TO PRECLUDE IMPROPER TESTIMONY FROM DEFT'S EXPERT WITNESS AT TRIAL Matter trailed to locate Mr. Speed. MATTER RECALLED: Ms. Letizia present for Mr. Speed. Mr. Merback advised he talked with Mr. Cox on the phone and he thought someone from the team was being sent; however, he indicated will be ready to go forward on Monday and the motion can be handled Monday morning. Court advised she had an informal discussion with Ms. Fleck and Mr. Cox about the calendar being available to try the case and it would take longer than a week; however, she advised the of having a Civil Bench trial the following week and the Civil case has priority so she did not want to start on Tuesday but would rather start Monday for trial. COURT ORDERED, Motion in limine CONTINUED to 7/30th at 10:00 a.m. and Trial to begin 7/30th at 10:30 a.m.; each side will get 9 preempts and JEA to order a pool of 60 jurors. Mr. Merback indicate would like 2 alternates. CUSTODY 7/30/12 10:00 AM MOTION IN LIMINE TO PRECLUDE IMPROPER TESTIMONY FROM DEFT'S EXPERT WITNESS AT TRIAL 7/30/12 10:30 AM JURY TRIAL ;*

07/26/2012

**Calendar Call (9:30 AM)** (Judicial Officer: Vega, Valorie J.)

Matter Heard;

07/30/2012



**Jury Trial (10:30 AM)** (Judicial Officer: Vega, Valorie J.)

**07/30/2012-08/03/2012, 08/06/2012-08/08/2012**

Trial Continues;

Journal Entry Details:

*OUTSIDE THE PRESENCE OF THE JURY: Jury instructions redacted and finalized; therefore, settled in open court. Objection by Mr. Merback that it's inconsistent testimony for Deft's to present their next witness. Opposition by Ms. Fleck due to no notice. Argument by Mr. Cox that they have notice and this is their rebuttal witness and the State provided the report. Mr. Merback stated it's not impeachment because it has to do with Cindy and she was never asked on the stand. Response by Mr. Cox and Mr. Speed that it's relevant. Ms. Fleck stated it does not follow the NRS rule. Mr. Cox stated it's no surprise. COURT ORDERED, State's objection OVERRULED. JURY PRESENT: Testimony and exhibits presented. (See worksheet.) Mr. Cox advised the Defense REST. Mr. Merback advised he will not be calling a rebuttal witness. Court read the instructions to the jury. Closing argument by Ms. Fleck. Closing argument by Mr. Cox. Rebuttal by Mr. Merback. Court noted whoever was seated in chair #13 and #14 would be alternates; therefore, Mamo and Anderson seated as alternates in the event there is an vacancy but they will receive a phone call to return or advising them that they are relieved of service and admonished. At 3:27 p.m. JURY RETIRED to deliberate. OUTSIDE THE PRESENCE OF THE JURY: Court noted Mr. Merback indicated the jury can use the lap top and it can be retained until the jury request it. LATER: Parties present and Defendant. Court noted she had a conference call with counsel concerning a note from the jury then she received two other notes concerning a playback. COURT ORDERED, Jury notes marked as Court's exhibits. (See worksheet.) JURY PRESENT: Jury present to hear playback on Caitlin. Side bar. Court gave a written answer and sent them back to the jury room to review the instructions then they can return for a playback. OUTSIDE THE PRESENCE OF THE JURY: Court advised she received a note back from the jury indicating they no longer need to hear the playback and are ready to give the verdict. COURT ORDERED, Jury note marked as Court's exhibit. (See worksheet.) JURY PRESENT: At 5:54 p.m. Jury returned with a Verdict as follows: COUNT 1 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE - GUILTY COUNT 2 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14 - GUILTY COUNT 3 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE - NOT GUILTY COUNT 4 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14 - GUILTY COUNT 5 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE - NOT GUILTY COUNT 6 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14 - NOT GUILTY COUNT 7 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE - NOT GUILTY COUNT 8 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14 - NOT GUILTY COUNT 9 - SEXUAL ASSAULT WITH A MINOR UNDER*

**CASE SUMMARY**

**CASE NO. C-10-268351-1**

*FOURTEEN YEARS OF AGE - GUILTY At request of Defense jury polled. Court thanked and excused the jury. OUTSIDE THE PRESENCE OF THE JURY: Ms. Fleck asked to hold Deft without bail. Mr. Speed stated Deft is entitled to reasonable bail. Mr. Merback asked to set no bail. Mr. Speed indicated Deft never had bail. COURT ORDERED, NO BAIL SET ON COUNTS 1, 4, 9 AND 10; Deft O.R. on remaining Counts. COURT ORDERED, matter referred to the Division of Parole and Probation (P & P) and set for sentencing on Counts 1, 4, 9, and 10 and matter set for status check dismissal on Count 2. CUSTODY 10/4/12 9:00 AM SENTENCING - COUNTS 1, 4, 9, & 10/STATUS CHECK: DISMISSAL COUNT 2 ;*

Trial Continues;  
 Trial Continues;

Journal Entry Details:

*JURY PRESENT: Court noted the State rested yesterday. Testimony presented. (See worksheet.) Side bar. Testimony continues. Court noted she received a juror note. Side bar. Court asked the witness the question by the juror and it was answered. Questions by Ms. Fleck and Mr. Cox. Court noted another question from the jury. Side bar. Court asked the witness the question and answered. Questions by Ms. Fleck. COURT ORDERED, Jury notes marked as Court's exhibits and matter CONTINUED tomorrow at 10:30 a.m. and jury admonished. OUTSIDE THE PRESENCE OF THE JURY: COURT ORDERED, Deft to return tomorrow at 10:00 a.m. with counsel. Court advised Deft of his right to testify. Deft advised he will remain silent. Mr. Merback moved to dismiss Count 11 and have an amended information filed. Mr. Cox moved to dismiss Count 11. COURT ORDERED, COUNT 11 DISMISSED and GRANTED as unopposed. Mr. Merback advised he will have a new Verdict form with Counts 1 through 10. CUSTODY 8/08/12 10:30 AM JURY TRIAL CONTINUES ;*

Trial Continues;  
 Trial Continues;

Journal Entry Details:

*OUTSIDE THE PRESENCE OF THE JURY: Jury instructions discussed in open court. Deft's motion in limine for an order preventing the State from introducing unlawfully recorded oral communications FILED IN OPEN COURT. Argument by Mr. Speed that any playing would describe he's in custody. Opposition by Ms. Fleck. Mr. Merback stated the calls they intend to use. Response by Mr. Speed to exclude the recordings and if played they should be redacted. Court stated her findings, and ORDERED, motion in limine DENIED. JURY PRESENT: Testimony and exhibits presented. (See worksheets.) Side bar. Exhibit #42 CD played in open court. Side bar. OUTSIDE THE PRESENCE OF THE JURY: Court noted Mr. Speed had reiterated his argument in the motion in limine regarding redaction and the State had redacted three of the CDs. Mr. Speed stated he is not sure what the State has redacted and objected to the last recording being played. Argument by Mr. Cox on redaction of recording. Mr. Merback stated he provided a disc to Mr. Cox but he was not able to play the CD. Objection by Mr. Speed to allowing the State play certain parts of the CDs. Court advised the State has the burden of proof. Mr. Merback made a clarification regarding the CD existing a week from this Sunday. Court takes judicial notice of those dates. Mr. Cox stated he was not able to open the jail calls and didn't know Mr. Merback was going to admit them. Mr. Merback advised Deft is calling Cindy and intended to admit the jail calls. Argument by Ms. Fleck regarding the admission in the tape. Mr. Cox advised jail calls are vague. Court stated her findings, and ORDERED, motion to Redact the CDs DENIED. JURY PRESENT: Testimony continues with witness Demas and exhibits presented. (See worksheets.) CD Exhibits #53 through #56 played in open court. Side bar. Court noted jury noted received. Side bar. Court instructed the jury to ask questions when counsel are done; therefore, the question is premature. Testimony continues. Ms. Fleck advised State rest in their case in chief. Court admonished the jury and ORDERED, matter CONTINUED tomorrow at 1:00 p.m. and counsel shall remain. OUTSIDE THE PRESENCE OF JURY: Court noted exhibit #43 was withdrawn because there was some faint pages and were going to substitute a new one but the Clerk left #43 marked and marked the new exhibit as #51 for clarification. Colloquy. CUSTODY 8/07/12 1:00 PM JURY TRIAL CONTINUES ;*

Trial Continues;  
 Trial Continues;

**CASE SUMMARY**  
**CASE NO. C-10-268351-1**

Journal Entry Details:

*OUTSIDE THE PRESENCE OF THE JURY: Court advised we do not have a projector and elmo, therefore, we will have to do it the old fashion way, hand out the exhibits. Mr. Merback withdrew exhibit #43 because it had faded pages and substituted exhibit #51. COURT SO ORDERED. JURY PRESENT: Court admonished the jury not to consider any allegations about domestic abuse. Testimony and exhibits presented. (See worksheets.) Side bar. Testimony continues and exhibits presented. (See worksheets.) Exhibit #40 and #41, CDs played for the jury. Side bar. Court advised testimony of this morning was not as lengthy as anticipated, therefore, will recess for the weekend. COURT ORDERED, Matter CONTINUED and Jury to return Monday at 1:00 p.m. in 16B and counsel can return at 10:30 a.m. for jury instructions; jury admonished. CUSTODY 8/06/12 1:00 PM JURY TRIAL CONTINUES ;*

Trial Continues;

Journal Entry Details:

*JURY PRESENT: Testimony presented. (See worksheets.) Side bar. Testimony continues. COURT ORDERED, Trial CONTINUED tomorrow in Dept 12D at 9:00 a.m. then will return back to Dept 2B in the afternoon; jury admonished. OUTSIDE THE PRESENCE OF THE JURY: Mr. Speed objected based on the summit motion to determine what was Caitlin's source of knowledge of sex and he wanted the opportunity out side the presence to question Caitlin because he believed she made up the allegation; therefore, he asked for a short hearing but the Court denied their motion and allowed Caitlin to be the first witness. Opposition by Mr. Merback, he stated nothing has been shown why they need a hearing. Mr. Speed believed the source of sex comes from the mother. Court found no notice to the State and Deft is not entitled to conduct a hearing in the middle of trial. COURT ORDERED, Deft's motion for hearing DENIED as unwarranted. Argument by Mr. Speed concerning minor son stated Deft beat his mother but he never said anything before about the beating and asked for a motion in limine, he is now asking to stay away from questions about any beatings or Domestic Violence with Cindy or any other family members and allegations of molesting his daughter. Mr. Merback advised he instructed Cindy not to mention about physical abuse. Court asked Mr. Merback to have another conversation with her that nothing further should come in the trial. Mr. Speed asked for an instruction for the jury not to consider that evidence about the beatings or there is a potential for a mistrial. Court finds the jury doesn't need to take into account the abuse because Deft is not charged with that crime and counsel can prepare a jury instruction and any curative instructions. Mr. Speed asked the Court to give an oral instruction to the jury. Ms. Fleck advised she will not bring it up and had no intention of bring it up; however, she wanted to make a basis for knowledge argument as to summit motion on closing argument. Court advised it doesn't change the fact of the case so Ms. Fleck can do so in closing. Play back on child junior regarding the beating statement section. Court found minor child junior didn't say he heard but it happened at night. Mr. Speed asked for a jury instruction right now for the jury. Ms. Fleck advised she didn't object to a curative instruction. Court stated she will instruct the jury that any allegation of domestic abuse between the Deft and Cindy on Pinto Lane is not to be considered by you in any way and will instruct the jury in the morning. CUSTODY 8/03/12 9:00 AM JURY TRIAL CONTINUES ;*

Trial Continues;

Journal Entry Details:

*At 11:21 AM POTENTIAL JURY PANEL PRESENT: Court noted due to the traffic accident this morning trial was starting late. Side bar. Court noted she received a note from Victor Ramirez and ORDERED, Note marked as Court's exhibit #2 and juror excused. Voir dire continues with Ms. Fleck. Voir dire by Mr. Cox. Side bar. Mr. Cox explained there was only one person on the charging document. OUTSIDE THE PRESENCE OF THE JURY: Juror Williams #203 was fanning herself and started gagging; therefore, she went to the hallway. Marshall Serrano advised he checked her and she has no medical issues. Discussion regarding jurors challenged for cause. Court advised State is bound not to call Dr. Pault as a witness. POTENTIAL JURY PANEL PRESENT: Voir dire continues with Ms. Fleck. Voir dire by Mr. Cox. Panel admonished and exited out to the hallway. OUTSIDE THE PRESENCE OF THE JURY: Juror Castrillo #1287 remains alone in the courtroom and recalls her family experience. Matter submitted by counsel. COURT ORDERED, Juror excused. POTENTIAL JURY PANEL PRESENT: Court advised she excused jurors #1287, Castrillo and trial will be in courtroom 12D on August 3rd at 9:00 a.m. Preemptory Challenge Sheet distributed to counsel. COURT ORDERED, Challenge Sheet marked as Court's exhibit #3. Jury and two alternates sworn and testified. Second Amended Information read to the jury. Comments by the Court. Opening statement by Mr. Merback. Opening statements by Mr. Speed. COURT ORDERED, matter CONTINUED tomorrow at 1:00 p.m. and jury admonished. OUTSIDE THE PRESENCE OF THE JURY: Discussion on scheduling of witnesses. CUSTODY 8/02/12*

**CASE SUMMARY**

**CASE NO. C-10-268351-1**

1:00 PM JURY TRIAL CONTINUES ;

Trial Continues;  
 Trial Continues;

Journal Entry Details:

*POTENTIAL JURY PANEL PRESENT: Court noted she received a note by the Marshall from a juror. Side bar. Court and counsel reviewed a letter from a juror and asked to mark as Court's exhibit #1. (See worksheet.) Debbie Winn, Recorder present. Voir dire continues. COURT ORDERED, matter CONTINUED tomorrow at 10:30 a.m. and jury admonished. OUTSIDE THE PRESENCE OF THE JURY PANEL: Court advised she will be receiving 20 more potential jurors shortly. SECOND JURY PANEL PRESENT: Court noted 20 new jurors present. Comments by the Court. Roll called. Voir dire oath given. Voir dire by the Court. COURT ORDERED, matter CONTINUED tomorrow at 10:30 a.m. and jury admonished. CUSTODY 8/01/12 10:30 AM JURY TRIAL CONTINUES ;*

Trial Continues;  
 Trial Continues;  
 Trial Continues;  
 Trial Continues;  
 Trial Continues;  
 Trial Continues;  
 Trial Continues;

Journal Entry Details:

*POTENTIAL JURY PANEL PRESENT: Roll called, Voir dire oath given. Voir dire by the Court. Admonishment by the Court. Recess for lunch until 1:30 p.m. POTENTIAL JURY PANEL PRESENT: Voir dire continues by the Court. Voir dire by Ms. Fleck. COURT ORDERED, matter CONTINUED tomorrow at 1:00 p.m. and jury admonished. CUSTODY 7/31/12 1:00 PM JURY TRIAL CONTINUES ;*

10/04/2012

 **Sentencing (9:00 AM)** (Judicial Officer: Vega, Valorie J.)

**10/04/2012, 10/23/2012**

*SENSTENCING: COUNTS 1, 4, 9 & 10/ STATUS CHECK: DISMISSAL COUNT 2*

Matter Continued;  
 Defendant Sentenced;

Journal Entry Details:

*DEFT JEFFERSON PURSUANT TO A JURY VERDICT ADJUDGED GUILTY of COUNT 1, COUNT 9 and COUNT 10 - SEXUAL ASSAULT WITH A MINOR UNDER THE AGE OF 14 (F), and COUNT 4 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (F). Argument by Ms. Fleck for restitution and noted 769 days credit. Argument by Mr. Cox to run concurrent time. Comments by the Court. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, Restitution \$7,427.20 (\$4,480 to Victims of Crime, \$1,000 to DA Victim Witness, and \$1,947.20 to Clark County Social Services) as to Count 1 and \$150.00 DNA Analysis fee including testing to determine genetic markers, Deft. SENTENCED to COUNT 1 - a term of LIFE with the possibility of parole after a minimum of THIRTY-FIVE (35) YEARS has been served; COUNT 4 - a term of LIFE with the possibility of parole after a minimum of TEN (10) YEARS has been served to run CONCURRENT with Count 1; COUNT 9 - a term of LIFE with the possibility of parole after a minimum of THIRTY-FIVE (35) YEARS has been served to run CONSECUTIVE to Counts 1 and 4; COUNT 10 - a term of LIFE with the possibility of parole after a minimum of THIRTY-FIVE (35) YEARS has been served to run CONCURRENT with Counts 1, 4, and 9; with 769 DAYS credit for time served; at request of Ms. Fleck, COURT ORDERED, COUNT 2 is DISMISSED as unopposed per EDCR 3.20 pursuant to adjudication of Count 1. FURTHER ORDERED, A special sentence of Lifetime Supervision to commence upon release from any term of probation, parole, or imprisonment and per NRS 179D.460 Deft shall register as a sex offender within 48 hours of sentencing or release from custody and a Psychosexual evaluation will be conducted prior to the defendant's release from prison. Deft remanded. NDC ;*

Matter Continued;  
 Defendant Sentenced;

Journal Entry Details:

*Mr. Cox stated for some reason they didn't get a copy of the PSI report and Mr. Merback didn't either; therefore, he requested two weeks. Mr. Merback stated he didn't get it either. COURT ORDERED, matter CONTINUED. CUSTODY 10/23/12 9:00 AM SENTENCING COUNTS 1, 4, 9 & 10/ STATUS CHECK: DISMISSAL COUNT 2 ;*

10/28/2014

 **Motion for Appointment of Attorney (9:00 AM)** (Judicial Officer: Vega, Valorie J.)

Granted;

EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY**

**CASE NO. C-10-268351-1**

Journal Entry Details:

*Ms. Rochelle Nguyen present for Mr. Matt Lay. Court advised she believed the Public Defender would be in conflict for the motion. Mr. Cox moved to withdraw as counsel. No opposition by Ms. Bateman. COURT ORDERED, Public Defender's oral motion to Withdraw GRANTED as unopposed pursuant to EDCR 3.20 and State's motion to Appoint counsel GRANTED as unopposed pursuant to EDCR 3.20. Court advised Matt Lay was referred by Drew Christensen's office. Ms. Bateman advised the State will provide an order. Mr. Cox stated he will provide discovery. Ms. Nguyen advised Mr. Lay would like to file a supplemental brief in six months and the State wanted 60 days. COURT ORDERED, Date set for the Petition for the Writ on 12/9th is VACATED and Petition CONTINUED and matter set for a status check on the briefing schedule in the beginning of May. NDC 5/05/15 9:00 AM STATUS CHECK: BRIEFING SCHEDULE /// PETITION FOR WRIT OF HABEAS CORPUS CLERK'S NOTE: Copy of minute order mailed to Deft Brandon Montane Jefferson #1094051, ELY STATE PRISON, P.O.BOX 1989, ELY, NV 89301./np ;*

12/09/2014 **CANCELED Petition for Writ of Habeas Corpus (9:00 AM)** (Judicial Officer: Vega, Valorie J.)  
*Vacated - per Judge*

05/05/2015  **Petition for Writ of Habeas Corpus (9:00 AM)** (Judicial Officer: Earley, Kerry)

**05/05/2015, 05/19/2016**

*Deft's Pro Per Petition for Writ of Habeas Corpus*

Continued;  
calendar on the wrong date from order.

Denied;

Journal Entry Details:

*Deft. not present, in Nevada Department of Corrections (NDC). Mr. Lay advised he filed a supplement and requested an evidentiary hearing be set. Counsel submitted. Mr. Zadrowski noted Court will rule with no oral arguments by either counsel. COURT STATED FINDINGS and ORDERED, Petition and Supplement DENIED. NDC CLERK'S NOTE: A copy of this Minute Order was distributed to: Brandon Jefferson #1094051 Ely State Prison P.O. Box 1989 Ely, Nevada 89301 -se5/19/16;*

Continued;  
calendar on the wrong date from order.

Denied;

05/05/2015 **Status Check (9:00 AM)** (Judicial Officer: Earley, Kerry)

*Status Check: Briefing Schedule*

Matter Heard;

05/05/2015  **All Pending Motions (9:00 AM)** (Judicial Officer: Earley, Kerry)

Matter Heard;

Journal Entry Details:

*STATUS CHECK: BRIEFING SCHEDULE...DEFT'S PETITION FOR WRIT OF HABEAS CORPUS Counsel indicated she received the Discovery file from the Public Defender's Office, and requested six months be allowed for the filing of supplemental briefing. Counsel noted for the record that the Defendant was incarcerated in Ely, causing communication to take longer than usual. COURT ORDERED, Petition CONTINUED and Briefing Schedule SET; Supplemental Briefing DUE BY November 3, 2015; Opposition DUE BY March 3, 2016; Reply DUE BY May 3, 2016. NDC 5/17/16 9:00 AM DEFT'S PETITION FOR WRIT OF HABEAS CORPUS CLERK'S NOTE: Minute order corrected to reflect correct dates for briefing schedule. aw 12/23/15;*

09/15/2016  **Confirmation of Counsel (9:00 AM)** (Judicial Officer: Earley, Kerry)

*Confirmation of Counsel (Lay)*

Confirmed;

Journal Entry Details:

*Mr. Lay advised he was appointed as counsel on October 28, 2014, when the Court granted State's Motion to Appoint Counsel. Further, all documents have been filed, counsel has spoken to Mr. Christensen, will stay on case and RE-CONFIRMED as counsel for appeal. NDC;*

DATE

FINANCIAL INFORMATION

Attorney Public Defender	
Total Charges	11.00
Total Payments and Credits	11.00
<b>Balance Due as of 6/20/2019</b>	<b>0.00</b>

EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY**

**CASE NO. C-10-268351-1**

**Defendant** Jefferson, Brandon Montane

Total Charges

175.00

Total Payments and Credits

175.00

**Balance Due as of 6/20/2019**

**0.00**



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**November 05, 2010**

C-10-268351-1      State of Nevada  
   vs  
   Brandon Jefferson

**November 05, 2010      10:30 AM      Arraignment Continued**

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

**COURT CLERK:** Carole D'Aloia

**RECORDER:** Kiara Schmidt

**REPORTER:**

**PARTIES**

**PRESENT:**      Cox, Bryan A      Attorney  
   Jefferson, Brandon      Defendant  
   Public Defender      Attorney

**JOURNAL ENTRIES**

- Amended Information FILED IN OPEN COURT. Mr. Cox advised Defendant would be entering a not guilty plea. DEFENDANT JEFFERSON ARRAIGNED, PLED NOT GUILTY, AND WAIVED THE SIXTY (60) DAY RULE. Court ACCEPTED plea and, ORDERED, matter set for JURY TRIAL. Mr. Cox noted that bail has been set on some of the charges and inquired if Court would entertain an oral motion regarding Defendant's custody status and, COURT DENIED the request and directed Mr. Cox to file the appropriate motion in Department II.

**CUSTODY**

4/26/11 9:30 AM CALENDAR CALL

5/2/11 10:30 AM JURY TRIAL

DISTRICT COURT  
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

April 07, 2011

C-10-268351-1      State of Nevada  
vs  
Brandon Jefferson

April 07, 2011      9:00 AM      All Pending Motions

HEARD BY: Vega, Valorie J.      COURTROOM: RJC Courtroom 16B

COURT CLERK: Nora Pena

RECORDER: Lisa Lizotte

REPORTER:

**PARTIES**

<b>PRESENT:</b>	Cox, Bryan A	Attorney
	Jefferson, Brandon	Defendant
	Merback, William J.	Attorney
	Public Defender	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- MTN TO SUPPRESS UNLAWFULLY OBTAINED STATEMENT...MTN FOR DISCOVERY...  
MTN TO PRECLUDE LAY WITNESS OPINION

Court noted she received no opposition to the motion. Mr. Merback provided copies of his opposition and noted he is working on getting discovery taken care of. Mr. Cox advised that's his understanding and he will not be replying based on reading the oppositions. COURT ORDERED, matter CONTINUED for review of the oppositions.

**CUSTODY**

4/12/11 9:00 AM DEFT'S MOTION TO SUPPRESS UNLAWFULLY OBTAINED STATEMENT

4/12/11 9:00 AM DEFT'S MOTION FOR DISCOVERY

**C-10-268351-1**

4/12/11 9:00 AM DEFT'S MOTION TO PRECLUDE LAY WITNESS OPINION

DISTRICT COURT  
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

April 12, 2011

C-10-268351-1      State of Nevada  
vs  
Brandon Jefferson

April 12, 2011      9:00 AM      All Pending Motions

HEARD BY: Vega, Valorie J.      COURTROOM: RJC Courtroom 16B

COURT CLERK: Nora Pena

RECORDER: Lisa Lizotte

REPORTER:

**PARTIES**

<b>PRESENT:</b>	Cox, Bryan A	Attorney
	Jefferson, Brandon	Defendant
	Merback, William J.	Attorney
	Public Defender	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- DEFT'S MOTION TO SUPPRESS UNLAWFULLY OBTAINED STATEMENT....DEFT'S MOTION FOR DISCOVERY...DEFT'S MOTION TO PRECLUDE LAY WITNESS OPINION

DEFT'S MOTION FOR DISCOVERY: Mr. Merback advised he sent an order from this Court to sign for records from the hospital and CPS records which they are talking about and he may have a problem with the NCIS request, therefore, he asked to continue. COURT ORDERED, matter CONTINUED to time of calendar call.

DEFT'S MOTION TO SUPPRESS UNLAWFULLY OBTAINED STATEMENT: Mr. Cox advised the court can review it and make a determination and he requested a hearing. Court noted the document was not attached. Opposition by Mr. Merback. Mr. Cox stated he will provide a copy to the Court. SIDE BAR. COURT ORDERED, matter CONTINUED to time of calendar call.

DEFT'S MOTION TO PRECLUDE LAY WITNESS OPINION: Argument by Mr. Cox that is for the

jury to determine. Mr. Merback advised he would agree with that and preferred the court wait and rule. COURT ORDERED, motion DENIED WITHOUT PREJUDICE as premature and vague and objections can be raised at trial. State to prepare the order.

CUSTODY

4/26/11 9:30 AM DEFT'S MOTION FOR DISCOVERY

4/26/11 9:30 AM DEFT'S MOTION TO SUPPRESS UNLAWFULLY OBTAINED STATEMENT



5/19/11 10:30 AM HEARING PER JACKSON V DENNO: DEFT'S MOTION TO SUPPRESS UNLAWFULLY OBTAINED STATEMENTS

5/19/11 10:30 AM DEFT'S MOTION TO PRECLUDE USE OF THE PREJUDICIAL TERM VICTIM...DEFT'S MOTION IN LIMINE TO PRECLUDE INADMISSIBLE...DEFT'S MOTION FOR DISCOVERY

5/19/11 10:30 AM STATUS CHECK: RESET TRIAL DATE

DISTRICT COURT  
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

May 19, 2011

C-10-268351-1      State of Nevada  
vs  
Brandon Jefferson

May 19, 2011      10:00 AM      Request of Court

HEARD BY: Vega, Valorie J.      COURTROOM: RJC Courtroom 16B

COURT CLERK: Nora Pena

RECORDER: Lisa Lizotte

REPORTER:

**PARTIES**

<b>PRESENT:</b>	Cox, Bryan A	Attorney
	Merback, William J.	Attorney
	Public Defender	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Court noted Deft was not transported this morning and she had blocked out the calendar for enough time for an evidentiary hearing but counsel contacted her law clerk that they had a witness problem and would stipulate to continue for that reason; however, she learnt a statement was to be played on the lap top and she wanted to make good use of time to play it here. Mr. Merback understood he could leave a lap top for the Court to use and he has to leave for another hearing with Judge Smith; he moved to mark the CD as State's exhibit #1. Mr. Cox advised he would stipulate to admit the exhibit. COURT ORDERED, State's exhibit #1 admitted for the Jackson v. Denno hearing. (See worksheet.) CD of Deft's voluntary statement, State's exhibit #1 played for the Court.

CUSTODY

DISTRICT COURT  
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

June 02, 2011

C-10-268351-1      State of Nevada  
vs  
Brandon Jefferson

June 02, 2011      10:30 AM      All Pending Motions

HEARD BY: Vega, Valorie J.      COURTROOM: RJC Courtroom 16B

COURT CLERK: Nora Pena

RECORDER: Lisa Lizotte

REPORTER:

**PARTIES**

<b>PRESENT:</b>	Cox, Bryan A	Attorney
	Jefferson, Brandon	Defendant
	Merback, William J.	Attorney
	Public Defender	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- STATUS CHECK: RESET TRIAL DATE...HEARING : PER JACKSON V. DENNO: DEFT'S MOTION TO SUPPRESS UNLAWFULLY OBTAINED STATEMENT...DEFT'S MOTION FOR DISCOVERY...DEFT'S JEFFERSON'S MOTION IN LIMINE TO PRECLUDE INADMISSIBLE 51.385 EVIDENCE...DEFT'S MOTION TO PRECLUDE USE OF THE PREJUDICIAL TERM VICTIM

DEFT'S MOTION FOR DISCOVERY: Court noted no opposition and counsel was working it out. Mr. Cox advised he didn't want to withdraw the motion but believed he has everything except if he can't identify something then he would like to have the State to provide an on going duty to supplement. Mr. Merback advised he can say it's moot at this point and if they find something they will provide it but thought they had complied with the request and he opposed it orally. COURT ORDERED, Deft's motion DENIED as moot, however, State has an on going duty to supplement. Mr. Merback to prepare the order.

DEFT JEFFERSON'S MOTION IN LIMINE TO PRECLUDE INADMISSIBLE 51.385 EVIDENCE:

Upon inquiry by Mr. Cox if the State intends to offer statements, Mr. Merback advised they intend to call live witnesses and a hearing will need to be held with the witness and noted the victim is 10 years old. Opposition by Mr. Cox. Mr. Merback stated if the witness is not taking the stand then there is no indication the witness is not available at time of trial. Court advised she would consider a hearing the first day of trial before seating the jury. Response by Mr. Cox that the term is very prejudicial and not appropriate. Mr. Merback advised the State does not intend to over use the term at trial. COURT ORDERED, motion DENIED per NRS 217.070 and EDCR 3.20. Mr. Merback to prepare the order.

HEARING: PER JACKSON V. DENNO: DEFT'S MOTION TO SUPPRESS UNLAWFULLY OBTAINED STATEMENT: Matthew Demas sworn and testified. Mr. Merback moved to admit exhibits 1 and 2. No objection by Mr. Cox. COURT ORDERED, State's exhibits 1 & 2 admitted. (See worksheet.) Testimony continues. Argument by Mr. Cox. Argument by Mr. Merback not to suppress. Response by Mr. Cox. Court stated her findings, and ORDERED, Deft's motion to suppress DENIED pursuant to Miranda v. Arizona, 384 US 436 (1966) and Jackson v. Denno, 378 US 368 (1964). Mr. Merback to prepare the order.

STATUS CHECK: RESET TRIAL DATE: Mr. Cox stated he is not available for trial in July or September and Deft is in waive status. Parties agreed this is overflow eligible. Court noted this case is not overflow eligible due to the pending hearing and suggested to hear it prior to the calendar call. Counsel agreed. COURT ORDERED, Trial date set and motion set for 11/1/11 10:30 a.m. for the Evidentiary Hearing.

#### CUSTODY

11/01/11 10:30 AM EVIDENTIARY HEARING: DEFT JEFFERSON'S MOTION IN LIMINE TO PRECLUDE INADMISSIBLE 51.385 EVIDENCE

11/03/11 9:30 AM CALENDAR CALL

11/07/11 10:30 AM JURY TRIAL





waiving any issues but statements are inadmissible through another party. COURT ORDERED, matter CONTINUED for hearing on 12/1/11 at 10:30 a.m.

CUSTODY

12/01/11 10:30 AM EVIDENTIARY HEARING: DEFT'S MOTION IN LIMINE TO PRECLUDE INADMISSIBLE NRS 51.385 EVIDENCE

12/01/11 9:30 AM CALENDAR CALL

12/05/11 10:30 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**December 01, 2011**

C-10-268351-1      State of Nevada  
vs  
Brandon Jefferson

**December 01, 2011      9:30 AM      All Pending Motions**

**HEARD BY:** Vega, Valorie J.      **COURTROOM:** RJC Courtroom 16B

**COURT CLERK:** Lorna Shell

**RECORDER:** Lisa Lizotte

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Cox, Bryan A	Attorney
	Fleck, Michelle	Attorney
	Jefferson, Brandon	Defendant
	Merback, William J.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- EVIDENTIARY HEARING: DEFT. JEFFERSON'S MOTION IN LIMINE TO PRECLUDE INADMISSIBLE 51.385 EVIDENCE....CALENDAR CALL.

SIDEBAR. MATTER TRAILED AND RECALLED. Mr. Cox stated his motion is withdrawn. Arguments regarding if case is overflow eligible, evidence requested, if the victim will testify, and witness testimony. Mr. Cox requested a copy of the 06/02/12 hearing transcript that has been filed. Court instructed the Clerk to see if the transcript was in Odyssey and the Clerk stated it is not. COURT GRANTED, Motion to Continue; TRIAL DATES VACATED and RESET.

**CUSTODY**

12/08/11 2:00 PM EVIDENTIARY HEARING

03/29/12 9:30 AM CALENDAR CALL

C-10-268351-1

04/16/12 10:30 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**December 08, 2011**

C-10-268351-1      State of Nevada  
vs  
Brandon Jefferson

**December 08, 2011      2:00 PM      Evidentiary Hearing**

**HEARD BY:** Vega, Valorie J.      **COURTROOM:** RJC Courtroom 16B

**COURT CLERK:** Lorna Shell  
Monique Alberto

**RECORDER:** Lisa Lizotte

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Cox, Bryan A	Attorney
	Jefferson, Brandon	Defendant
	Merback, William J.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Testimony and exhibits presented (see worksheets.) Arguments by counsel regarding Deft's motion in limine to preclude inadmissible 51.385 evidence. COURT stated her findings and ORDERED, statements made to the mother shall be admissible, the statement made to Detective Demas will not be admitted unless other evidentiary issues arise; issues regarding the victim testifying at time of trial shall be reserved. Mr. Merback to prepare the findings and decision and run it past Mr. Cox for review. Argument by Mr. Merback regarding Deft. sending letters to Ms. Lamug and prohibiting the State to prosecute the Deft. Mr. Merback further requested Deft's privileges to communicate with the outside be taken away. Mr. Cox opposed the States request and requested any letters sent to Ms. Lamug in the future be given directly to Mr. Merback. COURT ORDERED, motion DENIED without prejudice; Mr. Cox directed to inform his client to not send any letters to Ms. Lamug.

**CUSTODY**

DISTRICT COURT  
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

March 29, 2012

C-10-268351-1      State of Nevada  
   vs  
   Brandon Jefferson

March 29, 2012      9:30 AM      Calendar Call

HEARD BY: Vega, Valorie J.      COURTROOM: RJC Courtroom 16B

COURT CLERK: Nora Pena  
   Kathy Sweatt  
   Dulce Romea  
   Sharon Coffman

RECORDER: Lisa Lizotte

REPORTER:

**PARTIES**

PRESENT: Cox, Bryan A      Attorney  
   Jefferson, Brandon      Defendant  
   Merback, William J.      Attorney  
   State of Nevada      Plaintiff

**JOURNAL ENTRIES**

- Mr. Merback advised the State is ready to proceed; however, he has a trial next week and it could last until the week of 4-16-12. Following side bar, COURT ORDERED, trial date RESET so as not to conflict with Mr. Merback's other trial, and the subpoenas that have been issued will be in effect for an additional week.

CUSTODY

4-19-12 9:30 AM CALENDAR CALL

4-23-12 10:30 AM JURY TRIAL

DISTRICT COURT  
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

April 19, 2012

C-10-268351-1      State of Nevada  
vs  
Brandon Jefferson

April 19, 2012      9:30 AM      Calendar Call

HEARD BY: Vega, Valorie J.      COURTROOM: RJC Courtroom 16B

COURT CLERK: Nora Pena  
Kathy Sweatt  
Dulce Romea  
Sharon Coffman

RECORDER: Lisa Lizotte

REPORTER:

**PARTIES**

<b>PRESENT:</b>	Cox, Bryan A	Attorney
	Jefferson, Brandon	Defendant
	Merback, William J.	Attorney
	Speed, Kevin C.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Mr. Cox advised his expert is not available for the 4-23-12 trial date as he will be out of town; new proposed date with expert's consent is 7-16-12. Parties advised it will not take more than a week to try case. Colloquy regarding trial date. Mr. Cox advised he only has 1 witness expert. State advised they are ready to proceed with trial but not opposed to the request for continuance. COURT ORDERED, request GRANTED; trial date VACATED and RESET.

**CUSTODY**

7-12-12 9:30 AM CALENDAR CALL

7-16-12 10:30 AM JURY TRIAL



DISTRICT COURT  
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

July 12, 2012

C-10-268351-1      State of Nevada  
vs  
Brandon Jefferson

July 12, 2012      9:30 AM      Calendar Call

HEARD BY: Vega, Valorie J.      COURTROOM: RJC Courtroom 16B

COURT CLERK: Nora Pena

RECORDER: Lisa Lizotte

REPORTER:

**PARTIES**

<b>PRESENT:</b>	Cox, Bryan A	Attorney
	Fleck, Michelle	Attorney
	Jefferson, Brandon	Defendant
	Merback, William J.	Attorney
	Public Defender	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Mr. Merback advised both parties agree to more than 5 trial days, this is not overflow eligible and both sides are ready to go. Court noted its not possible to go because her stack is the Civil stack. Mr. Merback asked to trail.

MATTER RECALLED: Side bar. Court advised next Wednesday she has a calendar call for the Civil stack that starts 7/23rd and counsel is asking for her to put this case on the calendar call for 7/26th at 9:30 a.m. and jury trial for 7/30th at 10:30 a.m. with the understanding that if one of her Civil cases needs to go to trial that week this one will get bumped, if available that week and no Civil case is going then she will try this one even though it will be in the Civil stack.

**CUSTODY**

7/26/12 9:30 AM CALENDAR CALL

**C-10-268351-1**

7/30/12 10:30 AM JURY TRIAL



**C-10-268351-1**

CUSTODY

7/30/12 10:00 AM MOTION IN LIMINE TO PRECLUDE IMPROPER TESTIMONY FROM DEFT'S  
EXPERT WITNESS AT TRIAL

7/30/12 10:30 AM JURY TRIAL

DISTRICT COURT  
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

July 30, 2012

C-10-268351-1      State of Nevada  
vs  
Brandon Jefferson

July 30, 2012      10:00 AM      Motion in Limine

HEARD BY: Vega, Valorie J.      COURTROOM: RJC Courtroom 16B

COURT CLERK: Nora Pena

RECORDER: Lisa Lizotte

REPORTER:

**PARTIES**

<b>PRESENT:</b>	Cox, Bryan A	Attorney
	Fleck, Michelle	Attorney
	Jefferson, Brandon	Defendant
	Merback, William J.	Attorney
	Public Defender	Attorney
	Speed, Kevin C.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Mr. Cox advised they are not going to have Chambers talk about Deft's personal frailty or personal weaknesses. Mr. Merback advised Chambers will not speak of specifics about the Deft. COURT ORDERED, motion in limine to preclude improper testimony from Deft's expert witness at trial MOOT. Mr. Merback advised he would like any case study/articles that Chambers will use so they can talk to their expert.

CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**July 30, 2012**

C-10-268351-1      State of Nevada  
vs  
Brandon Jefferson

**July 30, 2012      10:30 AM      Jury Trial**

**HEARD BY:** Vega, Valorie J.      **COURTROOM:** RJC Courtroom 16B

**COURT CLERK:** Nora Pena

**RECORDER:** Lisa Lizotte

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Cox, Bryan A	Attorney
	Fleck, Michelle	Attorney
	Jefferson, Brandon	Defendant
	Merback, William J.	Attorney
	Public Defender	Attorney
	Speed, Kevin C.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- POTENTIAL JURY PANEL PRESENT: Roll called, Voir dire oath given. Voir dire by the Court. Admonishment by the Court. Recess for lunch until 1:30 p.m.

POTENTIAL JURY PANEL PRESENT: Voir dire continues by the Court. Voir dire by Ms. Fleck. COURT ORDERED, matter CONTINUED tomorrow at 1:00 p.m. and jury admonished.

CUSTODY

7/31/12 1:00 PM JURY TRIAL CONTINUES

DISTRICT COURT  
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

July 31, 2012

C-10-268351-1      State of Nevada  
vs  
Brandon Jefferson

July 31, 2012      1:00 PM      Jury Trial

HEARD BY: Vega, Valorie J.      COURTROOM: RJC Courtroom 16B

COURT CLERK: Nora Pena

RECORDER: Lisa Lizotte

REPORTER:

**PARTIES**

<b>PRESENT:</b>	Cox, Bryan A	Attorney
	Fleck, Michelle	Attorney
	Jefferson, Brandon	Defendant
	Merback, William J.	Attorney
	Public Defender	Attorney
	Speed, Kevin C.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- POTENTIAL JURY PANEL PRESENT: Court noted she received a note by the Marshall from a juror. Side bar. Court and counsel reviewed a letter from a juror and asked to mark as Court's exhibit #1. (See worksheet.) Debbie Winn, Recorder present. Voir dire continues. COURT ORDERED, matter CONTINUED tomorrow at 10:30 a.m. and jury admonished.

OUTSIDE THE PRESENCE OF THE JURY PANEL: Court advised she will be receiving 20 more potential jurors shortly.

SECOND JURY PANEL PRESENT: Court noted 20 new jurors present. Comments by the Court. Roll called. Voir dire oath given. Voir dire by the Court. COURT ORDERED, matter CONTINUED tomorrow at 10:30 a.m. and jury admonished.

**C-10-268351-1**

CUSTODY

8/01/12 10:30 AM JURY TRIAL CONTINUES

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**August 01, 2012**

C-10-268351-1      State of Nevada  
vs  
Brandon Jefferson

**August 01, 2012      10:30 AM      Jury Trial**

**HEARD BY:** Vega, Valorie J.      **COURTROOM:** RJC Courtroom 16B

**COURT CLERK:** Nora Pena

**RECORDER:** Lisa Lizotte

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Cox, Bryan A	Attorney
	Fleck, Michelle	Attorney
	Jefferson, Brandon	Defendant
	Merback, William J.	Attorney
	Public Defender	Attorney
	Speed, Kevin C.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- At 11:21 AM POTENTIAL JURY PANEL PRESENT: Court noted due to the traffic accident this morning trial was starting late. Side bar. Court noted she received a note from Victor Ramirez and ORDERED, Note marked as Court's exhibit #2 and juror excused. Voir dire continues with Ms. Fleck. Voir dire by Mr. Cox. Side bar. Mr. Cox explained there was only one person on the charging document.

OUTSIDE THE PRESENCE OF THE JURY: Juror Williams #203 was fanning herself and started gagging; therefore, she went to the hallway. Marshall Serrano advised he checked her and she has no medical issues. Discussion regarding jurors challenged for cause. Court advised State is bound not to call Dr. Paul as a witness.

POTENTIAL JURY PANEL PRESENT: Voir dire continues with Ms. Fleck. Voir dire by Mr. Cox.

Panel admonished and exited out to the hallway.

OUTSIDE THE PRESENCE OF THE JURY: Juror Castrillo #1287 remains alone in the courtroom and recalls her family experience. Matter submitted by counsel. COURT ORDERED, Juror excused.

POTENTIAL JURY PANEL PRESENT: Court advised she excused jurors #1287, Castrillo and trial will be in courtroom 12D on August 3rd at 9:00 a.m. Preemptory Challenge Sheet distributed to counsel. COURT ORDERED, Challenge Sheet marked as Court's exhibit #3. Jury and two alternates sworn and testified. Second Amended Information read to the jury. Comments by the Court. Opening statement by Mr. Merback. Opening statements by Mr. Speed. COURT ORDERED, matter CONTINUED tomorrow at 1:00 p.m. and jury admonished.

OUTSIDE THE PRESENCE OF THE JURY: Discussion on scheduling of witnesses.

CUSTODY

8/02/12 1:00 PM JURY TRIAL CONTINUES

DISTRICT COURT  
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

August 02, 2012

C-10-268351-1      State of Nevada  
vs  
Brandon Jefferson

August 02, 2012      1:00 PM      Jury Trial

HEARD BY: Vega, Valorie J.      COURTROOM: RJC Courtroom 16B

COURT CLERK: Nora Pena

RECORDER: Lisa Lizotte

REPORTER:

**PARTIES**

<b>PRESENT:</b>	Cox, Bryan A	Attorney
	Fleck, Michelle	Attorney
	Jefferson, Brandon	Defendant
	Merback, William J.	Attorney
	Public Defender	Attorney
	Speed, Kevin C.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- JURY PRESENT: Testimony presented. (See worksheets.) Side bar. Testimony continues. COURT ORDERED, Trial CONTINUED tomorrow in Dept 12D at 9:00 a.m. then will return back to Dept 2B in the afternoon; jury admonished.

OUTSIDE THE PRESENCE OF THE JURY: Mr. Speed objected based on the summit motion to determine what was Caitlin's source of knowledge of sex and he wanted the opportunity out side the presence to question Caitlin because he believed she made up the allegation; therefore, he asked for a short hearing but the Court denied their motion and allowed Caitlin to be the first witness. Opposition by Mr. Merback, he stated nothing has been shown why they need a hearing. Mr. Speed believed the source of sex comes from the mother. Court found no notice to the State and Deft is not entitled to conduct a hearing in the middle of trial. COURT ORDERED, Deft's motion for hearing DENIED as unwarranted. Argument by Mr. Speed concerning minor son stated Deft beat his mother

but he never said anything before about the beating and asked for a motion in limine, he is now asking to stay away from questions about any beatings or Domestic Violence with Cindy or any other family members and allegations of molesting his daughter. Mr. Merback advised he instructed Cindy not to mention about physical abuse. Court asked Mr. Merback to have another conversation with her that nothing further should come in the trial. Mr. Speed asked for an instruction for the jury not to consider that evidence about the beatings or there is a potential for a mistrial. Court finds the jury doesn't need to take into account the abuse because Deft is not charged with that crime and counsel can prepare a jury instruction and any curative instructions. Mr. Speed asked the Court to give an oral instruction to the jury. Ms. Fleck advised she will not bring it up and had no intention of bring it up; however, she wanted to make a basis for knowledge argument as to summit motion on closing argument. Court advised it doesn't change the fact of the case so Ms. Fleck can do so in closing. Play back on child junior regarding the beating statement section. Court found minor child junior didn't say he heard but it happened at night. Mr. Speed asked for a jury instruction right now for the jury. Ms. Fleck advised she didn't object to a curative instruction. Court stated she will instruct the jury that any allegation of domestic abuse between the Deft and Cindy on Pinto Lane is not to be considered by you in any way and will instruct the jury in the morning.

CUSTODY

8/03/12 9:00 AM JURY TRIAL CONTINUES

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**August 03, 2012**

C-10-268351-1      State of Nevada  
vs  
Brandon Jefferson

**August 03, 2012      9:00 AM      Jury Trial**

**HEARD BY:** Vega, Valorie J.      **COURTROOM:** RJC Courtroom 16B

**COURT CLERK:** Nora Pena

**RECORDER:** Lisa Lizotte

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Cox, Bryan A	Attorney
	Fleck, Michelle	Attorney
	Jefferson, Brandon	Defendant
	Merback, William J.	Attorney
	Public Defender	Attorney
	Speed, Kevin C.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- OUTSIDE THE PRESENCE OF THE JURY: Court advised we do not have a projector and elmo, therefore, we will have to do it the old fashion way, hand out the exhibits. Mr. Merback withdrew exhibit #43 because it had faded pages and substituted exhibit #51. COURT SO ORDERED.

JURY PRESENT: Court admonished the jury not to consider any allegations about domestic abuse. Testimony and exhibits presented. (See worksheets.) Side bar. Testimony continues and exhibits presented. (See worksheets.) Exhibit #40 and #41, CDs played for the jury. Side bar. Court advised testimony of this morning was not as lengthy as anticipated, therefore, will recess for the weekend. COURT ORDERED, Matter CONTINUED and Jury to return Monday at 1:00 p.m. in 16B and counsel can return at 10:30 a.m. for jury instructions; jury admonished.

**CUSTODY**

C-10-268351-1

8/06/12 1:00 PM JURY TRIAL CONTINUES

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**August 06, 2012**

C-10-268351-1      State of Nevada  
vs  
Brandon Jefferson

**August 06, 2012      10:00 AM      Jury Trial**

**HEARD BY:** Vega, Valorie J.      **COURTROOM:** RJC Courtroom 16B

**COURT CLERK:** Nora Pena

**RECORDER:** Lisa Lizotte

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Cox, Bryan A	Attorney
	Fleck, Michelle	Attorney
	Jefferson, Brandon	Defendant
	Merback, William J.	Attorney
	Public Defender	Attorney
	Speed, Kevin C.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- **OUTSIDE THE PRESENCE OF THE JURY:** Jury instructions discussed in open court. Deft's motion in limine for an order preventing the State from introducing unlawfully recorded oral communications FILED IN OPEN COURT. Argument by Mr. Speed that any playing would describe he's in custody. Opposition by Ms. Fleck. Mr. Merback stated the calls they intend to use. Response by Mr. Speed to exclude the recordings and if played they should be redacted. Court stated her findings, and ORDERED, motion in limine DENIED.

**JURY PRESENT:** Testimony and exhibits presented. (See worksheets.) Side bar. Exhibit #42 CD played in open court. Side bar.

**OUTSIDE THE PRESENCE OF THE JURY:** Court noted Mr. Speed had reiterated his argument in the motion in limine regarding redaction and the State had redacted three of the CDs. Mr. Speed

stated he is not sure what the State has redacted and objected to the last recording being played. Argument by Mr. Cox on redaction of recording. Mr. Merback stated he provided a disc to Mr. Cox but he was not able to play the CD. Objection by Mr. Speed to allowing the State play certain parts of the CDs. Court advised the State has the burden of proof. Mr. Merback made a clarification regarding the CD existing a week from this Sunday. Court takes judicial notice of those dates. Mr. Cox stated he was not able to open the jail calls and didn't know Mr. Merback was going to admit them. Mr. Merback advised Deft is calling Cindy and intended to admit the jail calls. Argument by Ms. Fleck regarding the admission in the tape. Mr. Cox advised jail calls are vague. Court stated her findings, and ORDERED, motion to Redact the CDs DENIED.

JURY PRESENT: Testimony continues with witness Demas and exhibits presented. (See worksheets.) CD Exhibits #53 through #56 played in open court. Side bar. Court noted jury noted received. Side bar. Court instructed the jury to ask questions when counsel are done; therefore, the question is premature. Testimony continues. Ms. Fleck advised State rest in their case in chief. Court admonished the jury and ORDERED, matter CONTINUED tomorrow at 1:00 p.m. and counsel shall remain.

OUTSIDE THE PRESENCE OF JURY: Court noted exhibit #43 was withdrawn because there was some faint pages and were going to substitute a new one but the Clerk left #43 marked and marked the new exhibit as #51 for clarification. Colloquy.

CUSTODY

8/07/12 1:00 PM JURY TRIAL CONTINUES

DISTRICT COURT  
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

August 07, 2012

C-10-268351-1      State of Nevada  
vs  
Brandon Jefferson

August 07, 2012      1:00 PM      Jury Trial

HEARD BY: Vega, Valorie J.      COURTROOM: RJC Courtroom 16B

COURT CLERK: Nora Pena

RECORDER: Lisa Lizotte

REPORTER:

**PARTIES**

<b>PRESENT:</b>	Cox, Bryan A	Attorney
	Fleck, Michelle	Attorney
	Jefferson, Brandon	Defendant
	Merback, William J.	Attorney
	Public Defender	Attorney
	Speed, Kevin C.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- JURY PRESENT: Court noted the State rested yesterday. Testimony presented. (See worksheet.) Side bar. Testimony continues. Court noted she received a juror note. Side bar. Court asked the witness the question by the juror and it was answered. Questions by Ms. Fleck and Mr. Cox. Court noted another question from the jury. Side bar. Court asked the witness the question and answered. Questions by Ms. Fleck. COURT ORDERED, Jury notes marked as Court's exhibits and matter CONTINUED tomorrow at 10:30 a.m. and jury admonished.

OUTSIDE THE PRESENCE OF THE JURY: COURT ORDERED, Deft to return tomorrow at 10:00 a.m. with counsel. Court advised Deft of his right to testify. Deft advised he will remain silent. Mr. Merback moved to dismiss Count 11 and have an amended information filed. Mr. Cox moved to dismiss Count 11. COURT ORDERED, COUNT 11 DISMISSED and GRANTED as unopposed. Mr. Merback advised he will have a new Verdict form with Counts 1 through 10.

**C-10-268351-1**

CUSTODY

8/08/12 10:30 AM JURY TRIAL CONTINUES

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**August 08, 2012**

C-10-268351-1      State of Nevada  
vs  
Brandon Jefferson

**August 08, 2012      10:30 AM      Jury Trial**

**HEARD BY:** Vega, Valorie J.      **COURTROOM:** RJC Courtroom 16B

**COURT CLERK:** Nora Pena

**RECORDER:** Lisa Lizotte

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Cox, Bryan A	Attorney
	Fleck, Michelle	Attorney
	Jefferson, Brandon	Defendant
	Merback, William J.	Attorney
	Public Defender	Attorney
	Speed, Kevin C.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- OUTSIDE THE PRESENCE OF THE JURY: Jury instructions redacted and finalized; therefore, settled in open court. Objection by Mr. Merback that it's inconsistent testimony for Deft's to present their next witness. Opposition by Ms. Fleck due to no notice. Argument by Mr. Cox that they have notice and this is their rebuttal witness and the State provided the report. Mr. Merback stated it's not impeachment because it has to do with Cindy and she was never asked on the stand. Response by Mr. Cox and Mr. Speed that it's relevant. Ms. Fleck stated it does not follow the NRS rule. Mr. Cox stated it's no surprise. COURT ORDERED, State's objection OVERRULED.

JURY PRESENT: Testimony and exhibits presented. (See worksheet.) Mr. Cox advised the Defense REST. Mr. Merback advised he will not be calling a rebuttal witness. Court read the instructions to the jury. Closing argument by Ms. Fleck. Closing argument by Mr. Cox. Rebuttal by Mr. Merback. Court noted whoever was seated in chair #13 and #14 would be alternates; therefore, Mamo and

Anderson seated as alternates in the event there is an vacancy but they will receive a phone call to return or advising them that they are relieved of service and admonished.

At 3:27 p.m. JURY RETIRED to deliberate.

OUTSIDE THE PRESENCE OF THE JURY: Court noted Mr. Merback indicated the jury can use the lap top and it can be retained until the jury request it. LATER: Parties present and Defendant. Court noted she had a conference call with counsel concerning a note from the jury then she received two other notes concerning a playback. COURT ORDERED, Jury notes marked as Court's exhibits. (See worksheet.)

JURY PRESENT: Jury present to hear playback on Caitlin. Side bar. Court gave a written answer and sent them back to the jury room to review the instructions then they can return for a playback.

OUTSIDE THE PRESENCE OF THE JURY: Court advised she received a note back from the jury indicating they no longer need to hear the playback and are ready to give the verdict. COURT ORDERED, Jury note marked as Court's exhibit. (See worksheet.)

JURY PRESENT: At 5:54 p.m. Jury returned with a Verdict as follows:

COUNT 1 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE - GUILTY

COUNT 2 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14 - GUILTY

COUNT 3 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE - NOT GUILTY

COUNT 4 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14 - GUILTY

COUNT 5 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE - NOT GUILTY

COUNT 6 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14 - NOT GUILTY

COUNT 7 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE - NOT GUILTY

COUNT 8 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14 - NOT GUILTY

COUNT 9 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE - GUILTY

At request of Defense jury polled. Court thanked and excused the jury.

OUTSIDE THE PRESENCE OF THE JURY: Ms. Fleck asked to hold Deft without bail. Mr. Speed stated Deft is entitled to reasonable bail. Mr. Merback asked to set no bail. Mr. Speed indicated Deft never had bail. COURT ORDERED, NO BAIL SET ON COUNTS 1, 4, 9 AND 10; Deft O.R. on remaining Counts. COURT ORDERED, matter referred to the Division of Parole and Probation (P & P) and set for sentencing on Counts 1, 4, 9, and 10 and matter set for status check dismissal on Count 2.

CUSTODY

10/4/12 9:00 AM SENTENCING - COUNTS 1, 4, 9, & 10/STATUS CHECK: DISMISSAL COUNT 2

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**October 04, 2012**

C-10-268351-1      State of Nevada  
   vs  
   Brandon Jefferson

**October 04, 2012      9:00 AM      Sentencing**

**HEARD BY:** Vega, Valorie J.      **COURTROOM:** RJC Courtroom 16B

**COURT CLERK:** Nora Pena

**RECORDER:** Lisa Lizotte

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Cox, Bryan A	Attorney
	Jefferson, Brandon	Defendant
	Merback, William J.	Attorney
	Public Defender	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Mr. Cox stated for some reason they didn't get a copy of the PSI report and Mr. Merback didn't either; therefore, he requested two weeks. Mr. Merback stated he didn't get it either. COURT ORDERED, matter CONTINUED.

**CUSTODY**

10/23/12 9:00 AM SENTENCING COUNTS 1, 4, 9 & 10/ STATUS CHECK: DISMISSAL COUNT 2

DISTRICT COURT  
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

October 23, 2012

C-10-268351-1      State of Nevada  
vs  
Brandon Jefferson

October 23, 2012      9:00 AM      Sentencing

HEARD BY: Vega, Valorie J.      COURTROOM: RJC Courtroom 16B

COURT CLERK: Nora Pena  
Sharon Coffman

Sharon Coffman  
Katrina Hernandez  
Sylvia Perry  
Andrea Natali

RECORDER: Lisa Lizotte

REPORTER:

**PARTIES**

<b>PRESENT:</b>	Cox, Bryan A	Attorney
	Fleck, Michelle	Attorney
	Jefferson, Brandon	Defendant
	Public Defender	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- DEFT JEFFERSON PURSUANT TO A JURY VERDICT ADJUDGED GUILTY of COUNT 1, COUNT 9 and COUNT 10 - SEXUAL ASSAULT WITH A MINOR UNDER THE AGE OF 14 (F), and COUNT 4 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (F). Argument by Ms. Fleck for restitution and noted 769 days credit. Argument by Mr. Cox to run concurrent time. Comments by the Court. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, Restitution \$7,427.20 (\$4,480 to Victims of Crime, \$1,000 to DA Victim Witness, and \$1,947.20 to Clark County Social

Services) as to Count 1 and \$150.00 DNA Analysis fee including testing to determine genetic markers,

Deft. SENTENCED to COUNT 1 - a term of LIFE with the possibility of parole after a minimum of THIRTY-FIVE (35) YEARS has been served;

COUNT 4 - a term of LIFE with the possibility of parole after a minimum of TEN (10) YEARS has been served to run CONCURRENT with Count 1;

COUNT 9 - a term of LIFE with the possibility of parole after a minimum of THIRTY-FIVE (35) YEARS has been served to run CONSECUTIVE to Counts 1 and 4;

COUNT 10 - a term of LIFE with the possibility of parole after a minimum of THIRTY-FIVE (35) YEARS has been served to run CONCURRENT with Counts 1, 4, and 9;

with 769 DAYS credit for time served; at request of Ms. Fleck, COURT ORDERED, COUNT 2 is DISMISSED as unopposed per EDCR 3.20 pursuant to adjudication of Count 1.

FURTHER ORDERED, A special sentence of Lifetime Supervision to commence upon release from any term of probation, parole, or imprisonment and per NRS 179D.460 Deft shall register as a sex offender within 48 hours of sentencing or release from custody and a Psychosexual evaluation will be conducted prior to the defendant's release from prison. Deft remanded.

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**October 28, 2014**

C-10-268351-1      State of Nevada  
vs  
Brandon Jefferson

**October 28, 2014      9:00 AM      Motion for Appointment of  
Attorney**

**HEARD BY:** Vega, Valorie J.      **COURTROOM:** RJC Courtroom 16B

**COURT CLERK:** Nora Pena

**RECORDER:** Lisa Lizotte

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Bateman, Caroline	Attorney
	Cox, Bryan A	Attorney
	Nguyen, Rochelle T.	Attorney
	Public Defender	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Ms. Rochelle Nguyen present for Mr. Matt Lay. Court advised she believed the Public Defender would be in conflict for the motion. Mr. Cox moved to withdraw as counsel. No opposition by Ms. Bateman. COURT ORDERED, Public Defender's oral motion to Withdraw GRANTED as unopposed pursuant to EDCR 3.20 and State's motion to Appoint counsel GRANTED as unopposed pursuant to EDCR 3.20. Court advised Matt Lay was referred by Drew Christensen's office. Ms. Bateman advised the State will provide an order. Mr. Cox stated he will provide discovery. Ms. Nguyen advised Mr. Lay would like to file a supplemental brief in six months and the State wanted 60 days. COURT ORDERED, Date set for the Petition for the Writ on 12/9th is VACATED and Petition CONTINUED and matter set for a status check on the briefing schedule in the beginning of May.

NDC

5/05/15 9:00 AM STATUS CHECK: BRIEFING SCHEDULE /// PETITION FOR WRIT OF

HABEAS CORPUS

CLERK'S NOTE: Copy of minute order mailed to Deft Brandon Montane Jefferson #1094051, ELY STATE PRISON, P.O.BOX 1989, ELY, NV 89301./np

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**May 05, 2015**

C-10-268351-1      State of Nevada  
vs  
Brandon Jefferson

**May 05, 2015      9:00 AM      All Pending Motions**

**HEARD BY:** Earley, Kerry      **COURTROOM:** RJC Courtroom 16B

**COURT CLERK:** Kristin Duncan

**RECORDER:**

**REPORTER:** Loree Murray

**PARTIES**

**PRESENT:**      Nguyen, Rochelle T.      Attorney  
State of Nevada      Plaintiff  
Turner, Robert B.      Attorney

**JOURNAL ENTRIES**

- STATUS CHECK: BRIEFING SCHEDULE...DEFT'S PETITION FOR WRIT OF HABEAS CORPUS

Counsel indicated she received the Discovery file from the Public Defender's Office, and requested six months be allowed for the filing of supplemental briefing. Counsel noted for the record that the Defendant was incarcerated in Ely, causing communication to take longer than usual. COURT ORDERED, Petition CONTINUED and Briefing Schedule SET; Supplemental Briefing DUE BY November 3, 2015; Opposition DUE BY March 3, 2016; Reply DUE BY May 3, 2016.

NDC

5/17/16 9:00 AM DEFT'S PETITION FOR WRIT OF HABEAS CORPUS

CLERK'S NOTE: Minute order corrected to reflect correct dates for briefing schedule. aw 12/23/15

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**May 19, 2016**

C-10-268351-1      State of Nevada  
vs  
Brandon Jefferson

**May 19, 2016      11:00 AM      Petition for Writ of Habeas  
Corpus**

**HEARD BY:** Earley, Kerry      **COURTROOM:** RJC Courtroom 16B

**COURT CLERK:** Skye Endresen

**RECORDER:**

**REPORTER:** Dana J. Tavaglione

**PARTIES**

**PRESENT:**      Lay, D. Matthew      Attorney  
State of Nevada      Plaintiff  
Zadrowski, Bernard B.      Attorney

**JOURNAL ENTRIES**

- Deft. not present, in Nevada Department of Corrections (NDC). Mr. Lay advised he filed a supplement and requested an evidentiary hearing be set. Counsel submitted. Mr. Zadrowski noted Court will rule with no oral arguments by either counsel. COURT STATED FINDINGS and ORDERED, Petition and Supplement DENIED.

NDC

CLERK'S NOTE: A copy of this Minute Order was distributed to:  
Brandon Jefferson #1094051  
Ely State Prison  
P.O. Box 1989  
Ely, Nevada 89301 -se5/19/16











STATE'S EXHIBITS

CASE NO. C 268351

	Date Offered	Objection	Date Admitted
1. Photo	8-3-12	no obj	8-3-12
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			
19.			
20.			
21.			
22.			
23. ✓	✓	✓	✓

STATE'S EXHIBITS

CASE NO. C 268351

	Date Offered	Objection	Date Admitted
24. Photo	8-3-12	no obj	8-3-12
25.			
26.			
27.			
28.			
29.			
30.			
31.			
32.			
33.			
34.			
35.			
36.			
37.			
38. ↓			
39. Photo	↓	↓	↓
40. 1st 911 Call	8-3-12	no obj	8-3-12
40A. Declaration	8-3-12	↓	8-3-12
41. 2nd 911 Call	↓	↓	↓
41A. Declaration	↓	↓	↓
42. CD Deft's statement	8-6-12	no obj	8-6-12
43. Transcript of Deft's statement			withdrawn
44. Deft Buccal Swab Kit	8-3-12	no obj	8-3-12

STATE'S EXHIBITS

CASE NO. C 268351

	Date Offered	Objection	Date Admitted
45. Caitlin Buccal Swab Kit	8-6-12	no obj	8-6-12
46. Cindy Buccal Swab Kit	8-6-12	no obj	8-6-12
47. Large evidence bag Ralph Lauren comforter	8-6-12	no obj	8-6-12
48. Large evidence bag white bedsheet / <sup>blanket</sup> teddy bear	8-6-12	no obj	8-6-12
49. Large evidence bag queen size <sup>brooder</sup> top/fitted sheets	8-6-12	no obj	8-6-12
50. Letter from Deft to Cindy	8-3-12	no obj	8-3-12
51. LVMPD Voluntary statement Jefferson Sr.	8-6-12	no obj	8-6-12
52. LVMPD Incident Report			not admitted
53. CD	8-6-12	obj	8-6-12
54. CD	↓	↓	↓
55. CD from 9-21-10	↓	↓	↓
56. CD from 9-21-10	↓	↓	↓



COURT'S EXHIBITS

CASE NO. C268351

	Date Offered	Objection	Date Admitted
1. Juror note	7-31-12	no	7-31-12
2. Juror note	8-1-12	no	8-1-12
3. Peremptory Challenges	8-1-12	no	8-1-12
4. States power point for opening	8-3-12	no	8-3-12
5. Defense power point for opening	8-3-12	no	8-3-12
6. Juror note	8-6-12	no	8-6-12
7. Juror note	8-7-12	no	8-7-12
8. Juror note	8-7-12	no	8-7-12
9. Jury instruction not given	8-8-12	no	8-8-12
10. Jury instruction not given	8-8-12	no	8-8-12
11. Jury note	8-8-12	no	8-8-12
12. Jury note	8-8-12	no	8-8-12
13. Jury note	8-8-12	no	8-8-12
14. Jury note	8-8-12	no	8-8-12
15. Jury note	8-8-12	no	8-8-12



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

BRANDON M. JEFFERSON #1094051  
P.O. BOX 1989  
ELY, NV 89301

DATE: June 20, 2019  
CASE: C-10-268351-1

**RE CASE:** STATE OF NEVADA vs. BRANDON MONTANE JEFFERSON

NOTICE OF APPEAL FILED: June 18, 2019

**YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.**

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

- Case Appeal Statement  
- NRAP 3 (a)(1), Form 2
- Order
- Notice of Entry of Order

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

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

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

# Certification of Copy

State of Nevada }  
County of Clark } SS:

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

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

STATE OF NEVADA,

Plaintiff(s),

vs.

BRANDON MONTANE JEFFERSON,

Defendant(s).

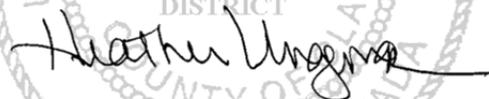
Case No: C-10-268351-1

Dept No: XXX

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 20 day of June 2019.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk

