

Electronically Filed
Jan 09 2020 10:34 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

NOASC
YAMPOLSKY & MARGOLIS
MACE J. YAMPOLSKY, ESQ.
Nevada Bar No. 001945
JASON R. MARGOLIS, ESQ.
Nevada Bar No. 012439
625 South Sixth Street
Las Vegas, Nevada 89101
(702) 385-9777; Fax No. (702) 385-3001
Attorney for Defendant Caruso

DISTRICT COURT
CLARK COUNTY, NEVADA

| | | | |
|--------------------------|---|-----------|-------------|
| THE STATE OF NEVADA, |) | | |
| |) | | |
| Plaintiff, |) | Case No. | C-18-333318 |
| |) | Dept. No. | III |
| -vs- |) | | |
| |) | | |
| JAIDEN CARUSO, #8213339, |) | | |
| |) | | |
| |) | | |
| Defendant. |) | | |
| _____ |) | | |

NOTICE OF APPEAL

TO: The Honorable Douglas W. Herndon, District Court, Dept. III; and
TO: The Office of the District Attorney

YOU AND EACH OF YOU, WILL PLEASE TAKE NOTICE that pursuant to NRS 177.075, the Defendant herein, Jaiden Caruso, does hereby appeal the Conviction and Sentencing imposed upon him on December 12, 2019, by the Honorable Douglas W. Herndon, in the above-referenced matter.

DATED this 2nd day of January, 2020.

YAMPOLSKY & MARGOLIS

/s/ Mace J. Yampolsky, Esq.
MACE J. YAMPOLSKY, ESQ.
Nevada Bar No. 001945
JASON R. MARGOLIS, ESQ.
Nevada Bar No. 012439
625 South Sixth Street
Las Vegas, Nevada 89101
Attorney for Defendant Caruso

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CERTIFICATE OF SERVICE

A copy of the foregoing **NOTICE OF APPEAL**, was served upon counsel of record via Electronic Case Filing, as well as first class mail on this 2nd day of January, 2020, as follows:

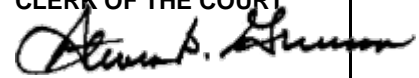
Giancarlo Pesci
Chief Deputy District Attorney
E-Mail: giancarlo.pesci@clarkcountynyda.com

Office of the District Attorney
motions@clarkcountynyda.com

Office of the Attorney General
555 E. Washington Avenue, Suite 3900
Las Vegas, Nevada 89101

The Douglas W. Herndon
DISTRICT COURT, DEPARTMENT III
200 Lewis Avenue
Las Vegas, Nevada 89155

/s/ Theresa J. Muzgay
An employee of
YAMPOLSKY & MARGOLIS



ASTA
YAMPOLSKY & MARGOLIS
MACE J. YAMPOLSKY, ESQ.
Nevada Bar No. 001945
JASON R. MARGOLIS, ESQ.
Nevada Bar No. 012439
625 South Sixth Street
Las Vegas, Nevada 89101
(702) 385-9777; Fax No. (702) 385-3001
Attorney for Defendant Caruso

DISTRICT COURT
CLARK COUNTY, NEVADA

| | | | |
|--------------------------|---|-----------|-------------|
| THE STATE OF NEVADA, |) | | |
| |) | | |
| Plaintiff, |) | Case No. | C-18-333318 |
| |) | Dept. No. | III |
| -vs- |) | | |
| |) | | |
| JAIDEN CARUSO, #8213339, |) | | |
| |) | | |
| |) | | |
| Defendant. |) | | |
| |) | | |

CASE APPEAL STATEMENT

1. **Name of Appellant filing this case appeal statement:**
Jaiden Caruso
2. **The Judge Issuing the decision, judgment or order appealed from:**
The Honorable Douglas W. Herndon
3. **All parties to the proceeding in the district court:**
The Defendant: Jaiden Caruso
The Plaintiff: State of Nevada
4. **All parties involved in this appeal:**
The Appellant/Defendant: Jaiden Caruso
The Respondent/Plaintiff: State of Nevada

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1 5. **The name, law firm, address and telephone number of all counsel and party whom they**
2 **represent:**

3 Mace J. Yampolsky, Esq.
4 YAMPOLSKY & MARGOLIS
5 625 South Sixth Street
6 Las Vegas, Nevada 89101
7 (702) 385-9777
8 Counsel for Appellant

9 Giancarlo Pesci
10 Chief Deputy District Attorney
11 OFFICE OF THE DISTRICT ATTORNEY
12 200 Lewis Avenue
13 Las Vegas, Nevada 89101
14 (702) 671-2834
15 Counsel for Respondent

16 6. **Appellant's Representation in District Court:**

17 Appellant was represented by appointed counsel

18 7. **Appellant's Representation on Appeal:**

19 Appellant is represented by appointed counsel

20 8. **In Forma Pauperis:**

21 Appellant was not granted leave to proceed in forma pauperis.

22 9. **Date Proceedings Commenced in the District Court:**

23 July 17, 2018

24 DATED this 2nd day of January, 2020.

25 YAMPOLSKY & MARGOLIS

26 /s/ Mace J. Yampolsky, Esq.
27 MACE J. YAMPOLSKY, ESQ.
28 Nevada Bar No. 001945
JASON R. MARGOLIS, ESQ.
Nevada Bar No. 012439
625 South Sixth Street
Las Vegas, Nevada 89101
Attorney for Defendant Caruso

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CERTIFICATE OF SERVICE

A copy of the foregoing **CASE APPEAL STATEMENT**, was served upon counsel of record via Electronic Case Filing, as well as first class mail on this 2nd day of January, 2020, as follows:

Giancarlo Pesci
Chief Deputy District Attorney
E-Mail: giancarlo.pesci@clarkcountynvda.com

Office of the District Attorney
motions@clarkcountynvda.com

Office of the Attorney General
555 E. Washington Avenue, Suite 3900
Las Vegas, Nevada 89101

The Douglas W. Herndon
DISTRICT COURT, DEPARTMENT III
200 Lewis Avenue
Las Vegas, Nevada 89155

/s/ Theresa J. Muzgay
An employee of
YAMPOLSKY & MARGOLIS

CASE SUMMARY

CASE NO. C-18-333318-1

State of Nevada
vs
Jaiden Caruso

§ Location: Department 3
§ Judicial Officer: Herndon, Douglas W.
§ Filed on: 07/10/2018
§ Case Number History:
§ Cross-Reference Case Number: C333318
§ Defendant's Scope ID #: 8213339
§ ITAG Case ID: 1993768
§ Lower Court Case # Root: 18FH1236
§ Lower Court Case Number: 18FH1236A

CASE INFORMATION

| Offense | Statute | Deg | Date | Case Type: | Felony/Gross Misdemeanor |
|---|-----------|-----|------------|--------------|--------------------------|
| 1. 1ST DEGREE MURDER WITH USE OF A DEADLY WEAPON | 200.030.1 | F | 06/08/2018 | Case Status: | 12/12/2019 Closed |
| <i>Filed As:</i> MURDER WITH USE OF A DEADLY WEAPON | | | | | |
| <i>Arrest:</i> 06/11/2018 | | | | | |
| 2. ROBBERY WITH USE OF A DEADLY WEAPON | 200.380 | F | 06/08/2018 | | |

Related Cases

C-18-333318-2 (Multi-Defendant Case)

Statistical Closures

12/12/2019 Jury Trial - Conviction - Criminal

DATE

CASE ASSIGNMENT

Current Case Assignment

| | |
|------------------|---------------------|
| Case Number | C-18-333318-1 |
| Court | Department 3 |
| Date Assigned | 07/11/2018 |
| Judicial Officer | Herndon, Douglas W. |

PARTY INFORMATION





| | | |
|------------------|------------------------|--|
| Defendant | Caruso, Jaiden | <i>Lead Attorneys</i> Yampolsky, Mace J. <i>Retained</i> 7023859777(W) |
| Plaintiff | State of Nevada | Wolfson, Steven B 702-671-2700(W) |

DATE

EVENTS & ORDERS OF THE COURT

INDEX

EVENTS

| | |
|------------|---|
| 07/10/2018 |  Criminal Bindover - Confidential |
| 07/10/2018 |  Criminal Bindover |
| 07/17/2018 |  Information Party: Plaintiff State of Nevada <i>Information</i> |
| 07/30/2018 |  Reporters Transcript |

















CASE SUMMARY

CASE NO. C-18-333318-1


Reporter's Transcript of Preliminary Hearing, 7/9/18

| | |
|------------|---|
| 08/06/2018 |  Media Request and Order <i>Media Request And Order Allowing Camera Access To Court Proceedings</i> |
| 08/06/2018 |  Media Request and Order <i>Media Request And Order Allowing Camera Access To Court Proceedings</i> |
| 08/06/2018 |  Media Request and Order <i>Media Request And Order Allowing Camera Access To Court Proceedings</i> |
| 08/06/2018 |  Media Request and Order <i>Media Request And Order Allowing Camera Access To Court Proceedings</i> |
| 08/29/2018 |  Petition for Writ of Habeas Corpus Filed by: Defendant Caruso, Jaiden <i>Petition for Writ of Habeas Corpus</i> |
| 09/11/2018 |  Return Party: Plaintiff State of Nevada <i>State's Return to Writ of Habeas Corpus</i> |
| 10/23/2018 |  Order Filed By: Plaintiff State of Nevada <i>Order Denying Defendant's Pretrial Petition for Writ of Habeas Corpus</i> |
| 04/09/2019 |  Notice of Witnesses and/or Expert Witnesses Filed By: Plaintiff State of Nevada <i>State's Notice of Witnesses and/or Expert Witnesses</i> |
| 04/22/2019 |  Joinder To Motion Filed By: Defendant Caruso, Jaiden <i>DEFENDANT JAIDEN CARUSO S JOINDER TO DEFENDANT KODY HARLAN S MOTION TO SEVER OR IN THE ALTERNATIVE MOTION TO DEEM STATEMENTS OF THE CO-DEFENDANT INADMISSABLE</i> |
| 05/07/2019 |  Receipt of Copy <i>Receipt of Copy</i> |
| 05/15/2019 |  Order Filed By: Plaintiff State of Nevada <i>Order Denying Defendant's Motion to Sever, or in the Alternative, Motion to Deem Statements of the Co-Defendant Inadmissible</i> |
| 06/12/2019 |  Supplemental Witness List Filed by: Plaintiff State of Nevada <i>State's Supplemental Notice of Witnesses and/or Expert Witnesses</i> |
| 07/12/2019 |  Certificate Filed By: Plaintiff State of Nevada <i>Certificate for Attendance of Out-of-State Witness Custodian of Records - Snapchat</i> |
| 07/12/2019 |  Request for Attendance of Out-Of-State Witness Filed By: Plaintiff State of Nevada <i>Request for Attendance of Out-of-State Witness Custodian of Records - Snapchat</i> |

CASE SUMMARY
CASE NO. C-18-333318-1

| | |
|------------|--|
| 07/12/2019 |  Order Filed By: Plaintiff State of Nevada <i>Order for Payment of Witness Fees</i> |
| 07/19/2019 |  Supplemental Witness List Filed by: Plaintiff State of Nevada <i>State's Second Supplemental Notice of Witnesses and/or Expert Witnesses</i> |
| 07/29/2019 |  Supplemental Witness List Filed by: Plaintiff State of Nevada <i>State's Third Supplemental Notice of Witnesses and/or Expert Witnesses</i> |
| 07/29/2019 |  Stipulation and Order |
| 07/30/2019 |  Jury List |
| 07/30/2019 |  Filed Under Seal <i>Misc Juvenile Documents</i> |
| 08/06/2019 |  Amended Jury List |
| 08/07/2019 |  Verdict |
| 08/07/2019 |  Instructions to the Jury |
| 08/28/2019 |  Joinder To Motion Filed By: Defendant Caruso, Jaiden <i>Defendant Jaiden Caruso's Joinder Defendant Kody Harlan s Motion to Set Aside Guilty Verdict as to Counts One and Two; in the Alternative Motion for a New Trial</i> |
| 09/04/2019 |  PSI |
| 09/12/2019 |  Supplemental Brief Filed By: Defendant Caruso, Jaiden <i>Supplemental Brief of Points and Authorities</i> |
| 09/26/2019 |  Opposition Filed By: Plaintiff State of Nevada <i>State's Supplemental Opposition to Defendant's Motion for New Trial</i> |
| 10/08/2019 |  Memorandum Filed By: Defendant Caruso, Jaiden <i>Sentencing Memorandum of Defendant Jaiden Caruso</i> |
| 12/12/2019 |  Judgment of Conviction <i>Judgment of Conviction</i> |
| 01/02/2020 |  Notice of Appeal (criminal) Party: Defendant Caruso, Jaiden <i>Notice of Appeal</i> |

CASE SUMMARY
CASE NO. C-18-333318-1

01/02/2020  Case Appeal Statement
Filed By: Defendant Caruso, Jaiden
Case Appeal Statement

DISPOSITIONS

07/24/2018 **Plea** (Judicial Officer: Herndon, Douglas W.)
1. 1ST DEGREE MURDER WITH USE OF A DEADLY WEAPON
Not Guilty
PCN: Sequence:

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

08/07/2019 **Disposition** (Judicial Officer: Herndon, Douglas W.)
1. 1ST DEGREE MURDER WITH USE OF A DEADLY WEAPON
Guilty
PCN: Sequence:

2. ROBBERY WITH USE OF A DEADLY WEAPON
Guilty
PCN: Sequence:

12/10/2019 **Adult Adjudication** (Judicial Officer: Herndon, Douglas W.)
1. 1ST DEGREE MURDER WITH USE OF A DEADLY WEAPON
06/08/2018 (F) 200.030.1 (DC50006)
PCN: Sequence:

Sentenced to Nevada Dept. of Corrections
Term: Life with the possibility of parole after:20 Years
Consecutive Enhancement:Deadly Weapon Enhancement, Minimum:48 Months, Maximum:120 Months


12/10/2019 **Adult Adjudication** (Judicial Officer: Herndon, Douglas W.)
2. ROBBERY WITH USE OF A DEADLY WEAPON
06/08/2018 (F) 200.380 (DC50138)
PCN: Sequence:

Sentenced to Nevada Dept. of Corrections
Term: Minimum:48 Months, Maximum:120 Months
Consecutive Enhancement:Deadly Weapon Enhancement, Minimum:48 Months, Maximum:120 Months
Concurrent: Charge Count 1

Fee Totals:

| | |
|-----------------------------------|----------|
| Administrative Assessment Fee | 25.00 |
| \$25 | |
| DNA Analysis Fee | 150.00 |
| \$150 | |
| Fine - ASK | 250.00 |
| Genetic Marker Analysis AA Fee | 3.00 |
| \$3 | |
| Indigent Defense Civil Assessment | 750.00 |
| Fee - ASK | |
| Fee Totals \$ | 1,178.00 |

HEARINGS

07/18/2018  **Initial Arraignment** (10:00 AM) (Judicial Officer: De La Garza, Melisa)
Matter Continued;

CASE SUMMARY

CASE NO. C-18-333318-1

Journal Entry Details:

Deputized Law Clerk, Ashley Lacher also appearing for the State. Ms. Athmann-Marcoux stated that Mr. Terry is unable to confirm as counsel. COURT ORDERED, matter CONTINUED for counsel to be appointed and confirm as counsel. CUSTODY 7/24/18 10:00 AM ARRAIGNMENT CONTINUED (LLA);

07/24/2018



Arraignment Continued (10:00 AM) (Judicial Officer: De La Garza, Melisa)

Trial Date Set;

Journal Entry Details:

Deputized Law Clerk, Melanie Marland appearing for the State. Mr. Yampolsky CONFIRMED AS COUNSEL. DEFT. CARUSO ARRAIGNED, PLED NOT GUILTY, and WAIVED the 60-DAY RULE. Court stated that due to the nature of the charges, ORDERED, matter REFERRED to Department 3 for a trial setting. COURT ORDERED, pursuant to Statute, Counsel has 21 days from today for the filing of any Writs; if the Preliminary Hearing Transcript has not been filed as of today, Counsel has 21 days from the filing of the Transcript. CUSTODY 7/31/18 9:00 AM STATUS CHECK: TRIAL SETTING (DEPT. 3);

07/31/2018



Status Check: Trial Setting (9:00 AM) (Judicial Officer: Herndon, Douglas W.)

07/31/2018, 08/15/2018

Continued;

Matter Heard;

Journal Entry Details:

Also present: Codefendant Harlan, in custody, represented by Keith Brower, Esq. Court stated defendants previously pled not guilty and waived their right to a speedy trial, noting a trial date needs to be set. Conference at the Bench. Discussion regarding trial dates. COURT ORDERED, matter SET for trial. Discussion regarding writ filing period. Mr. Yampolsky requested 30 days from today to file any Writs. State submitted. COURT ORDERED, counsel has 30 DAYS from today to file any Writs, matter SET for Status Check. Court requested counsel use the November 21, 2018 date if they file any Writs. CUSTODY 11/07/18 9:30 AM STATUS CHECK: TRIAL READINESS 5/02/19 9:00 AM CALENDAR CALL 5/14/19 10:00 AM JURY TRIAL;

Continued;

Matter Heard;

Journal Entry Details:

Also present: Taleen Pandukht, Chief Deputy District Attorney. Codefendant K. Harlan, in custody, represented by Keith Brower, Esq. Ms. Pandukht advised Mr. Pesci will be present on this matter. Matter TRAILED and RECALLED. Mr. Pesci now present. Mr. Yampolsky advised that Mr. Caruso previously pled not guilty and waived his right to a speedy trial. Mr. Brower stated Mr. Harlan pled not guilty and technically invoked, however, he wishes to waive his right to a speedy trial. Upon Court's inquiry, Mr. Harlan WAIVED the 60-DAY Rule. COURT FURTHER ORDERED, counsel has 21-DAYS after receipt of copy of the transcripts to file any Writs. Mr. Pesci stated matter will not go in front of the Death Review Committee, noting the defendants are under the age. Pursuant to EDCR 1.30 and 1.31 this court ORDERS the case REASSIGNED to Department 3. Discussion regarding trial setting. Mr. Brower requested a status check, noting he may be filing a Writ. State had no opposition to setting a status check. COURT ORDERED, matter SET for Status Check. CUSTODY 8/15/18 9:30 AM STATUS CHECK: TRIAL SETTING (BOTH);

09/13/2018



Petition for Writ of Habeas Corpus (9:00 AM) (Judicial Officer: Herndon, Douglas W.)

Denied;

Journal Entry Details:

Mr. Yampolsky argued that the purpose of the Writ was the robbery, and read the meaning of robbery into the record, noting there was no force of fear for the property. Mr. Yampolsky further stated the only arguable evidence would be the witnesses, who both testified Defendant was not threatening, and there was no bad blood, and therefore, this was not a robbery. Mr. Yampolsky noted the wallet was in the car, however, there was no testimony as to how the wallet got in the car. Ms. Overly indicated most of the State's arguments and opposition were addressed in the State's response; however, there are a lot of allegations that the only evidence presented happened to be that the wallet was in the car. Ms. Overly stated there was enough evidence presented at the preliminary hearing which indicated there was a plan to commit a robbery that the victim's items were taken, he was killed and there was some type of animosity or lack of remorse. COURT STATED ITS FINDINGS and ORDERED, Petition for Writ of Habeas Corpus DENIED. COURT NOTED the Status Check regarding the pending trial date would remain on calendar for 11/7/18. CUSTODY 11/7/18 9:30 A.M. STATUS CHECK TRIAL READINESS 5/2/19 9:00 A.M. CALENDAR CALL 5/14/19 10:00 A.M. JURY TRIAL;

11/07/2018



Status Check: Trial Readiness (9:30 AM) (Judicial Officer: Herndon, Douglas W.)

11/07/2018, 01/23/2019, 02/06/2019, 03/20/2019, 04/23/2019

Matter Continued;

Matter Continued;

Matter Continued;

CASE SUMMARY
CASE NO. C-18-333318-1

Set Status Check;
Matter Heard;
Matter Continued;
Matter Continued;
Matter Continued;
Set Status Check;

Matter Heard;
Journal Entry Details:

APPEARANCES CONTINUED: Defendant HARLAN present in custody represented by Keith Brower Esq. Mr. Brower stated he believes the case will be resolved, however parties do not have a Guilty Plea Agreement, and requested the matter be continued two weeks to enter a plea. Mr. Pesci confirmed the representations. COURT ORDERED, matter SET for status check; trial date STANDS. CUSTODY 4/3/19 9:30 A.M. STATUS CHECK: NEGOTIATIONS 5/2/19 9:00 A.M. CALENDAR CALL 5/13/19 10:00 A.M. JURY TRIAL;

Matter Continued;
Matter Continued;
Matter Continued;
Set Status Check;
Matter Heard;

Journal Entry Details:

APPEARANCES CONTINUED: Defendant HARLAN present in custody represented by Keith Brower Esq. Mr. Yampolsky stated Mr Pesci is ill, and they are anticipating an offer being made, and requested the trial date remain and requested another status check be set. Ms. Overly confirmed the representations. COURT ORDERED, matter CONTINUED. CUSTODY CONTINUED TO: 3/20/19 9:30 A.M. 5/2/19 9:00 A.M. CALENDAR CALL 5/13/19 10:00 A.M. JURY TRIAL;

Matter Continued;
Matter Continued;
Matter Continued;
Set Status Check;
Matter Heard;

Journal Entry Details:

APPEARANCES CONTINUED: Defendant HARLAN present in custody represented by Keith Brower Esq. Mr. Yampolsky indicated Mr. Pesci is currently in trial, and requested the matter be continued, and stated he was hopeful the State would make an offer before then. COURT ORDERED, matter CONTINUED. CUSTODY CONTINUED TO: 2/6/19 9:30 A.M. 5/2/19 9:00 A.M. CALENDAR CALL 5/13/19 10:00 A.M. JURY TRIAL;

Matter Continued;
Matter Continued;
Matter Continued;
Set Status Check;
Matter Heard;

Journal Entry Details:

APPEARANCES CONTINUED: Defendant HARLAN present in custody represented by Keith Brower Esq. Ms. Yampolsky stated no problem with the trial date, and Mr. Brower confirmed the representations. Mr. Pesci stated parties can come and complete a file review. COURT DIRECTED parties to complete a file review PRIOR to next status check date. Upon Court's inquiry, Mr. Pesci stated he does not believe there is any outstanding forensic testing, however would look into it. COURT FURTHER DIRECTED parties to get an update on the forensics in this case, and ORDERED, matter CONTINUED. CUSTODY CONTINUED TO: 1/23/19 9:30 A.M. 5/2/19 9:00 A.M. CALENDAR CALL 5/14/19 10:00 A.M. JURY TRIAL;

04/03/2019



Status Check (9:30 AM) (Judicial Officer: Herndon, Douglas W.)

Status Check: Negotiations

Set Status Check; Status Check: Negotiations

Journal Entry Details:


APPEARANCES CONTINUED: Defendant HARLAN present in custody represented by K. Ryan Helmick Esq. Mr. Helmick indicated he spoke with Defendant Harlan regarding the negotiations thoroughly and the Defendant has decided to reject the negotiation at this time and requested to proceed with trial. Mr. Yampolsky indicated Defendant Caruso wanted to proceed with the negotiations, however they were contingent offers. Mr. Pesci informed the Court the State was under the impression both Defendants were going to plead. Mr. Pesci stated with regards to Defendant CARUSO, the offer was a Second Degree Murder with a right to argue, and with regards to Defendant HARLAN the offer was Voluntary Manslaughter with use of a Deadly Weapon, State has the right to argue, and confirmed the offers were contingent. Upon Court's inquiry, Defendant CARUSO confirmed he wanted to accept the offer that was relayed; Defendant HARLAN confirmed he wanted to reject the offer. Mr. Pesci stated he does not believe Mr. Helmick has all the Discovery from prior counsel. Mr. Helmick confirmed he does not have all of the Discovery, and he has been trying to get caught up, and provided USB's to the State who will provide the remaining Discovery. Upon Court's inquiry, Mr.


CASE SUMMARY

CASE NO. C-18-333318-1


Pesci suggested the Offer reaming open for two to three weeks, for Defense Counsel can review the remaining Discovery. COURT ORDERED, matter SET for status check. CUSTODY 4/23/19 9:00 A.M. STATUS CHECK: TRIAL READINESS 5/2/19 9:00 A.M. CALENDAR CALL 5/13/19 10:00 A.M. JURY TRIAL;

04/23/2019 **Joinder** (1:00 PM) (Judicial Officer: Herndon, Douglas W.)
Defendant Jaiden Caruso's Joinder to Defendant Kody Harlan's Motion to Sever or in the Alternative Motion to Deem Statements of the Co-Defendant Inadmissable
Motion Denied;

04/23/2019  **All Pending Motions** (1:00 PM) (Judicial Officer: Herndon, Douglas W.)
Matter Heard;
Journal Entry Details:
STATUS CHECK: TRIAL READINESS... DEFENDANT'S JADEN CARUSO'S JOINDER TO DEFENDANT KODY HARLAN'S MOTION TO SEVER OR IN THE ALTERNATIVE MOTION TO DEEM STATEMENTS OF THE CO-DEFENDANT INADMISSIBLE... APPEARANCES CONTINUED: Defendant HARLAN present in custody represented by K. Ryan Helmick Esq. Jason Margolis Esq. present on behalf of Mace Yampolsky Esq. Mr. Helmick argued in support of the Motion to Sever, stated the decisive factor is prejudice, adding the degrees of culpability is different between the two Defendants. Mr. Pesci argued against the Motion, pointing out the Supreme Court has said it is not a reason to sever due to antagonistic defenses. Mr. Pesci informed the Court the State is not seeking to introduce anything the Defendant's said to each other, arguing there is no basis for a severance in this matter. COURT STATED ITS FINDINGS, and ORDERED, Motion to Sever DENIED. COURT FURTHER ORDERED, Defendant's Motion In Limine RESET to May 2, 2019. Mr. Helmick stated he has obtained and expert, and he does not know if he will produce a report, however it should be completed before trial. Mr. Helmick also stated for the record that the offer for Defendant HARLAN is still being rejected by the Defendant. Upon Court's inquiry, Mr. Pesci stated the offer is withdrawn as to Defendant Harlan. Mr. Pesci informed the Court the State has subpoenaed all the records related to this case from Henderson Police Department, and last Friday he received a stack of paperwork, and the Police Department additionally stated they have 150 gigabits of data, and Mr. Pesci will provide a drive to the Department. CUSTODY 5/2/19 9:00 A.M. CALENDAR CALL 5/13/19 10:00 A.M. JURY TRIAL ;

05/02/2019  **Calendar Call** (9:00 AM) (Judicial Officer: Herndon, Douglas W.)
05/02/2019, 05/08/2019
Matter Continued;
Trial Date Set;
Journal Entry Details:
APPEARANCES CONTINUED: Defendant HARLAN present in custody represented by K. Ryan Helmick Esq. COURT ADVISED the Calendar Call was continued for Mr. Yampolsky to obtain the Discovery and to estimate when he would be ready to proceed with trial. Mr. Yampolsky confirmed he did receive the Discovery adding, there is a removable drive that works fine on his desktop, however is not compatible with his MAC computer. Mr. Yampolsky informed the Court there are 850 videos, which are 10-30 seconds long, and 5,000 photos, and text messages, which he believes would take over twenty hours to review. Mr. Helmick requested to have the trial set in July. Colloquy regarding trial dates. Upon Court's inquiry, Mr. Pesci suggested this trial will take longer than a week. COURT ORDERED trial date VACATED and RESET; status check SET. Mr. Helmick stated for the record there was another offer extended to Defendant Harlan of Accessory to Murder, Robbery with the State having the right to argue, and Defendant Harlan has rejected it. Upon Court's inquiry, Mr. Pesci stated the offers will remain open with the Defendants until the status check. CUSTODY 6/12/19 9:30 A.M. STATUS CHECK: TRIAL READINESS 7/18/19 9:00 A.M. CALENDAR CALL 7/29/19 10:00 A.M. JURY TRIAL;
Matter Continued;
Trial Date Set;
Journal Entry Details:
APPEARANCES CONTINUED: Defendant HARLAN present in custody represented by K. Ryan Helmick Esq. Upon Court's inquiry, Mr. Helmick stated everything was fine with his expert, and he received a hard drive from Mr. Pesci, adding the only issue is viewing surveillance from a mall, however would announce ready today. Upon Court's inquiry, Mr. Yampolsky announced not ready, adding he has been in back to back trials. Mr. Pesci stated he had about 150 gigabytes of Discovery, and at least 120 of that pertained to Defendant Caruso. CONFERENCE AT BENCH. COURT ORDERED, calendar call CONTINUED to give Mr. Yampolsky an opportunity to obtain the Discovery; and STATED both Defendants WAIVED their right to a speedy trial, and the trials would be continued together. CUSTODY 5/8/19 9:30 A.M. CALENDAR CALL;

05/13/2019 **CANCELED Jury Trial** (10:00 AM) (Judicial Officer: Herndon, Douglas W.)
Vacated - per Judge

06/12/2019  **Status Check: Trial Readiness** (9:30 AM) (Judicial Officer: Herndon, Douglas W.)
06/12/2019, 07/10/2019

CASE SUMMARY

CASE NO. C-18-333318-1

Matter Continued;

Matter Heard;

Journal Entry Details:

APPEARANCES CONTINUED: Defendant HARLAN present in custody represented by K. Ryan Helmick Esq. Mr. Helmick indicated no issues with the trial date and is ready to proceed. Mr. Yampolsky stated he has concerns however ready to proceed. Mr. Pesci indicated the State anticipates being ready, and requested the calendar call remain to verify the witnesses. COURT ORDERED, trial date STANDS. CUSTODY 7/18/19 9:00 A.M. CALENDAR CALL 7/29/19 10:00 A.M. JURY TRIAL;

Matter Continued;

Matter Heard;

Journal Entry Details:

APPEARANCES CONTINUED: Defendant HARLAN present in custody represented by K. Ryan Helmick Esq. Upon Court's inquiry, Mr. Helmick stated everything was fine, and Mr. Yampolsky stated no issues with past disclosures or phone dump that would impact the trial date. Mr. Pesci anticipates being ready. COURT STATED this trial date is FIRM for the set date, and ORDERED status check CONTINUED. CUSTODY CONTINUED TO: 7/10/19 9:30 A.M. . 7/18/19 9:00 A.M. CALENDAR CALL 7/29/19 10:00 A.M. JURY TRIAL;

07/18/2019



Calendar Call (9:00 AM) (Judicial Officer: Herndon, Douglas W.)

Matter Heard;

Journal Entry Details:

APPEARANCES CONTINUED: Defendant HARLAN present in custody represented by K. Ryan Helmick Esq. Mr. Pesci announced ready, stating there are 25-30 witnesses. Mr. Helmick announced ready. Mr. Yampolsky announced ready. COURT ORDERED, trial date STANDS. Upon Court's inquiry, Mr. Pesci stated he sent over a Stipulation to Waive Penalty Hearing to Defense counsel, and he has not heard anything back. Both Mr. Helmick and Mr. Yampolsky stated they have not had a chance to speak with their respect Defendants yet. CUSTODY 7/29/19 10:00 A.M. JURY TRIAL;

07/29/2019



Jury Trial (10:00 AM) (Judicial Officer: Herndon, Douglas W.)

07/29/2019-08/01/2019, 08/05/2019-08/07/2019

Matter Heard;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Verdict;

Journal Entry Details:

APPEARANCES CONTINUED: Defendant HARLAN present in custody represented by K. Ryan Helmick Esq. OUTSIDE THE PRESENCE OF THE JURY PANEL Court made a record of the Jury question during deliberations. JURY PANEL PRESENT At the hour of 2:48 p.m. the Jury returned with a verdict of GUILTY on COUNT 1 - FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON, and GUILTY on COUNT 2 - ROBBERY WITH USE OF A DEADLY WEAPON. Court thanked and excused the Jury. OUTSIDE THE PRESENCE OF THE JURY PANEL COURT ORDERED, matter REFERRED to Parole & Probation for a Pre-Sentence Investigation (PSI) Report; matter SET for sentencing. CUSTODY 9/18/19 9:30 A.M. SENTENCING;

Matter Heard;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Verdict;

Journal Entry Details:

APPEARANCES CONTINUED: Defendant HARLAN present in custody represented by K. Ryan Helmick Esq. OUTSIDE THE PRESENCE OF THE JURY PANEL COURT STATED Juror #14 Ms. Evans who is alternate #1 called Chambers to inform that her husband has been admitted into the hospital, and the Court dismissed her. Counsel stated no objection. JURY PANEL PRESENT Testimony and Exhibits presented. (See Worksheets). OUTSIDE THE PRESENCE OF THE JURY PANEL Court stated they received the information that Mr. Helmick wanted to seek Larceny as a lesser included. Arguments by counsel. COURT STATED ITS FINDINGS adding Larceny is not a lesser included. JURY PANEL PRESENT Closing arguments by Ms. Overly, and Mr. Yampolsky. OUTSIDE THE PRESENCE OF THE JURY PANEL Mr. Pesci stated his contemporaneous challenge of the demonstrative exhibit Me. Helmick wants to use in his closing arguments. COURT SO NOTED. JURY PANEL PRESENT Closing arguments by Mr. Helmick and Mr. Pesci. At the hour of 4:38 p.m. the Jury retired to deliberate. COURT recessed for the evening and DIRECTED Jurors to return tomorrow; and ORDERED matter CONTINUED. CUSTODY CONTINUED TO:

CASE SUMMARY
CASE NO. C-18-333318-1

8/7/19 9:00 A.M.;

Matter Heard;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Verdict;

Journal Entry Details:

APPEARANCES CONTINUED: Defendant HARLAN present in custody represented by K. Ryan Helmick Esq. OUTSIDE THE PRESENCE OF THE JURY PANEL Mr. Helmick indicated parties stipulated to Defense Exhibits D & E. Mr. Pesci stated no objection. Colloquy regarding the redacted Agreement to Testify exhibit. JURY PANEL PRESENT Testimony and Exhibits presented. (See Worksheets). State rests. OUTSIDE THE PRESENCE OF THE JURY PANEL Mr. Helmick stated when he was question Detective Nichols, he mention the Mercedes Benz being stolen, and parties specifically agreed to not bring up that aspect of the case, adding that was an error on the Detectives part and it was prejudice to Defendant Harlan, especially since he was the driver of the vehicle. Mr. Helmick further argued he does not want the Jury to point the finger at Defendant Harlan as the person who stole the vehicle, and requested a mistrial on behalf of Defendant Harlan. Mr. Yampolsky joined the mistrial request, stating it should be a prosecutorial mistrial, even though neither one of the prosecutors cause the error. Mr. Pesci stated this was not deliberative, and it should not be a prosecutorial mistrial since the State did not ask the question, it was asked during cross examination by Mr. Helmick. Mr. Pesci requested an curative instruction be given to the Jury, and the State does not think a mistrial is appropriate. Mr. Helmick stated a curative instruction brings more attention to the issue. COURT DIRECTED parties to meet and confer regarding what instruction should be given to the Jury over the lunch break; and ORDERED Motion for Mistrial DENIED. COURT ADMONISHED Defendant Harlan and Defendant Caruso of their right to testify. OUTSIDE THE PRESENCE OF THE JURY PANEL Mr. Yampolsky stated there was previously a Motion to Sever, and he would like to renew his Motion, due to Mr. Helmick's question on Detective Nichols, adding it suggest prejudice against Defendant Caruso for no fault of his own since both Defendants are being tried together, stating this is a Bruton issue. Mr. Pesci stated there is no Bruton issue. COURT STATED they do not believe there was a Bruton issue as well, ADDING the statement by the Detective will be cured, and Motion for Severance DENIED. JURY PANEL PRESENT Court instructed the Jury, stating when Detective Nichols was testifying, he made a mistake and said something that was inaccurate in reference to a vehicle in this case being stolen, which was an error and inaccurate and is not evidence in the case, and DIRECTED the Jurors to disregard the alleged allegation. Mr. Helmick stated on behalf of Defendant Harlan, the Defense rests. Mr. Yampolsky stated there was one witness he is planning on calling, however is not available until tomorrow and requested the trial be continued until then. COURT recessed for the evening and DIRECTED Jurors to return tomorrow; and ORDERED matter CONTINUED. OUTSIDE THE PRESENCE OF THE JURY PANEL Jury Instructions Settled. CUSTODY CONTINUED TO: 8/6/19 12:00 P.M.;

Matter Heard;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Verdict;

Journal Entry Details:

APPEARANCES CONTINUED: Defendant HARLAN present in custody represented by K. Ryan Helmick Esq. OUTSIDE THE PRESENCE OF THE JURY PANEL JURY PANEL PRESENT Testimony and Exhibits presented. (See Worksheets). COURT recessed for the evening and DIRECTED Jurors to return tomorrow; and ORDERED matter CONTINUED. CUSTODY CONTINUED TO: 8/5/19 9:00 A.M.;

Matter Heard;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Verdict;

Journal Entry Details:

APPEARANCES CONTINUED: Defendant HARLAN present in custody represented by K. Ryan Helmick Esq. OUTSIDE THE PRESENCE OF THE JURY PANEL Mr. Pesci requested to discuss ground rules, and stated there is going to be evidence of drug usage, not only by the Defendants and other juveniles, and the State's perspective is, the drug use is part of the entire picture of the case, and there could be negative or bad acts that can be attributed to the Defendants, however the State cannot present it's case without using the information, adding he believes the Defense is not opposing the drug use being brought up. Mr. Yampolsky and Mr. Helmick confirmed the representations. Mr. Pesci further stated there are other crimes, and or potential crimes littered within the case, for example the stolen vehicle, and parties agree not to ask any questions regarding the stolen vehicle to the police officer who performed the stop.

CASE SUMMARY**CASE NO. C-18-333318-1**

Mr. Pesci further stated they are only seeking to introduce particular items off the phone extraction, adding there was an alleged pool party between the time of the murder and the arrest, noting there was a shot fired and the State does not plan on introducing that evidence. Mr. Helmick stated he was going to address the pool party with some of the witnesses. Mr. Yampolsky requested the pool party information not be introduced. COURT RESERVED its ruling regarding bringing up the pool party. Mr. Pesci informed the Court it is not the State's intent to call the Decedents mother or sister, and they will be present in the courtroom, and parties stipulate to who the victim is. Mr. Helmick and Mr. Yampolsky stipulated. Mr. Pesci further stated Defendant CARUSO's mother could be a recipient witness, potentially, however the State does think its appropriate for her to be present during trial. Mr. Yampolsky stated he does not plan on calling Defendant's CARUSO's mother as a witness. Mr. Helmick stated no opposition as well. JURY PANEL PRESENT Jury sworn. Court instructed the Jury. Clerk read the Information. Opening Statements by Ms. Overly, Mr. Yampolsky and Mr. Helmick. Testimony and Exhibits presented. (See Worksheets). OUTSIDE THE PRESENCE OF THE JURY PANEL Mr. Pesci requested the Court canvass the Defendants. Upon Court's inquiry, Defendant HARLAN confirmed he spoke with his attorney regarding being found guilty of what the evidence shows, and it was to be used a trial strategy. Upon Court's inquiry, Defendant CARUSO confirmed he spoke with his attorney about shooting the gun as a trial strategy. JURY PANEL PRESENT Testimony and Exhibits continued. (See Worksheets). COURT recessed for the evening and DIRECTED Jurors to return tomorrow; and ORDERED matter CONTINUED. CUSTODY CONTINUED TO: 8/1/19 11:00 A.M.;

Matter Heard;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Verdict;

Journal Entry Details:

APPEARANCES CONTINUED: Defendant HARLAN present in custody represented by K. Ryan Helmick Esq. OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL Mr. Pesci indicated he spoke with the Victim Advocate who informed him the Decedents family was getting on the elevator to leave last night along with Prospective Juror #551 Denise Phillips, who all three parties agreed to release since she was disruptive during Jury Selection. Mr. Pesci stated he immediately informed Defense counsel, and requested the panel be brought in entirely and questioned as to who was in the elevator, adding the panel still includes the Prospective Jurors who the Court excused last night, and were going to inform them this morning. Mr. Helmick and Mr. Yampolsky stated no objection. PROSPECTIVE JURY PANEL PRESENCE Colloquy regarding Prospective Jurors who were riding in the elevator with Prospective Juror #551 Denise Phillips after she was released. OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL Prospective Juror #497 Araceles Diaz, #418 Sydney Gebhart, and #463 Sylvia Robinson individually voir dire regarding what Prospective Juror #551 Denise Phillips was saying in the elevator. PROSPECTIVE JURY PANEL PRESENCE Continued Voir Dire. OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL Prospective Juror #418 Sydney Gebhart present. COURT ADVISED she can go to her appointment and does not need to return this afternoon, and if selected for the Jury the Court will contact her. Challenges for cause placed on the record. Mr. Helmick requested to reopen the discussion with regards to the two buzz words of russian roulette, and abandoned house, adding every time he has tried to explain this case to someone in his office, they do not remember the case unless references those specific words. Mr. Helmick stated he as a legitimate concern with regards to those facts coming out during trial that the Jurors will remember the case. Mr. Pesci stated his objection to using the words, adding the Jurors have been asked about the media, and no one has said they remember anything. COURT STATED when completing Jury Selection, the questions are not fact specific, and when counsel adds things that are alleged to be facts, to jog a Jurors memory is basically informing them of facts of the case, which is not done during Jury selection. Mr. Yampolsky joined in with Mr. Helmick's request, and requested if before parties are going to complete their preemptory challenges if the Court brings up again if any of the Prospective Jurors remember anything about the case. Mr. Pesci stated no objection. OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL Mr. Pesci stated he received an e-mail that the Court received Tracio Meadows juvenile information and the State did not get it, or view it. COURT STATED they received a multitude of e-mails, and Tracio Meadows had prior juvenile offenses, that showed warning and dismissed, adding in 2016 there was a charge, and he was placed on probation, and in April of 2018, there was a Petition for Malicious Destruction of Private Property, and later in 2018 the Petition for Accessory to Murder Charge which were both negotiated to include an agreement to testify and to admit to the Petition for Malicious Destruction of Property, in which he was placed on probation for. COURT ADVISED, parties can question Tracio Meadows with regards to the Petition for Malicious Destruction of Property conviction, since it was part of the negotiation with the Agreement to Testify, which can be questioned, along with the Accessory to Murder Charge and STATED parties were provided copies of those Petitions. COURT FURTHER STATED Mr. Helmick raised an issue that a member of Defendant HARLAN's family indicated that a Prospective Juror may have been speaking with the victims family. Prospective Juror #542 Karen Rice individually voir dire. PROSPECTIVE JURY PANEL PRESENCE Continued Voir Dire. Peremptory Challenges completed. Jury selected. Court recessed for the evening and directed Jurors to return tomorrow. COURT ORDERED, matter CONTINUED. CUSTODY CONTINUED TO: 7/31/19 9:00 A.M.;

Matter Heard;

Trial Continues;

Trial Continues;

CASE SUMMARY
CASE NO. C-18-333318-1

Trial Continues;
Trial Continues;
Trial Continues;
Verdict;

Journal Entry Details:

Stipulation and Order FILED IN OPEN COURT... APPEARANCES CONTINUED: Defendant HARLAN present in custody represented by K. Ryan Helmick Esq. OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL Mr. Pesci informed the Court he does not see the Victim's family, and was not sure if they would be present today. Mr. Pesci further stated there were two fingerprint reports that he provided via e-mail on Friday, adding Defense inquired if there were any reports awhile back, so he asked, and found out there were three, and the State is hoping to get the third report today and will provide a copy to Defense. Mr. Pesci further stated there is a witness in this case Traceo Meadows who is a Juvenile who has been charged in relation to these events, and the negotiations was reached to stay the charges associated with this case, adding there is an agreement to testify. Mr. Pesci informed the Court when he met with the witness and his attorney, he did not have a copy of the Agreement to Testify, and the attorney informed him it was sealed, so the State requested a copy from the Juvenile Division and provided a copy to Defense counsel. Mr. Pesci requested a ruling by the Court as to what can and cannot be brought up with the whiteness. Colloquy regarding the witnesses probation. Mr. Pesci conveyed the State has a representative from Snap Chat who is out of State, adding they have the authenticating paperwork, and the State's intent is to use it utilize it as a business record, however Snap Chat representatives do not get into detail as to if the Snap is a reply or not. Mr. Pesci requested the Defense agree to the authenticity of the Snap Chats. Mr. Helmick confirmed he did received two fingerprint reports. Mr. Pesci stated the third report is of a fingerprint from a kitchen sink nozzle with Defendant Caruso's fingerprint on it, however the State does not need it, adding they have video of it. Mr. Helmick stated no objection to the Snap Chat being authenticated with the documents instead of bringing in the witness. Mr. Yampolsky stated no objection as well. COURT STATED the Snap Chat information will be admitted without the need for a witness, additionally stating anything involving the witness and his agreement to testify is appropriate on cross examination. Colloquy regarding family member seating during Jury selection. Mr. Pesci informed the Court the Defendant have signed a Stipulation and Order to waive the penalty hearing. Upon Court's inquiry, Defendant HARLAN and Defendant CARUSO confirmed they agree to waive the penalty phase of trial. PROSPECTIVE JURY PANEL PRESENCE Introductions by Court and Counsel. Clerk called roll. Voir dire commenced. OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL Mr. Pesci stated he requested from the Juvenile Division and the released was signed, and the State received the document, opened it and saw there were reports and immediately forwarded the document to the Court, and the State will not review it unless approved by the Court. COURT STATED it was 105 pages of documents, they are currently reviewing. Mr. Pesci further stated his objections to Mr. Helmicks openings. Challenges for cause placed on the record. PROSPECTIVE JURY PANEL PRESENCE Voir dire continued. Court recessed for the evening and DIRECTED Jurors to return tomorrow. OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL Additional challenges for cause placed on the record. COURT ADVISED the CPS records they received and there is no Juvenile Records, and each party can have a copy. COURT ORDERED, matter CONTINUED. CUSTODY CONTINUED TO: 7/30/19 10:30 A.M.;

08/29/2019



Joinder (9:00 AM) (Judicial Officer: Herndon, Douglas W.)

08/29/2019, 11/25/2019

Defendant Jaiden Caruso's Joinder to Defendant Kody Harlan's Motion to Set Aside Guilty Verdict as to Counts One and Two; in the Alternative Motion for a New Trial

Hearing Set; Defendant Jaiden Caruso's Joinder to Defendant Kody Harlan's Motion to Set Aside Guilty Verdict as to Counts One and Two; in the Alternative Motion for a New Trial

Denied;

Hearing Set; Defendant Jaiden Caruso's Joinder to Defendant Kody Harlan's Motion to Set Aside Guilty Verdict as to Counts One and Two; in the Alternative Motion for a New Trial

Denied;

Journal Entry Details:

APPEARANCES CONTINUED: Defendant HARLAN present in custody represented by K. Ryan Helmick Esq. COURT STATED the Motion was filed, and the State filed an Opposition, and the Court became aware the Defense is requesting additional time to complete supplemental briefing. Mr. Helmick stated he was not aware the State filed an Opposition and requested a couple of weeks. Mr. Pesci stated it was e-filed on August 20, 2019. COURT ORDERED, Extension GRANTED for supplemental briefing; briefing schedule SET as follows: Defendant's Supplemental Motion shall be filed on or before September 12, 2019; State's Supplemental's Opposition shall be due on or before September 26, 2019; Defendant's Supplemental Reply shall be due on or before October 3, 2019; matter SET for Hearing. COURT FURTHER ORDERED, Sentencing date RESET. CUSTODY 10/10/16 9:00 A.M. HEARING RE: MOTION TO SET ASIDE GUILTY VERDICT AS TO COUNTS ONE AND TWO, IN THE ALTERNATIVE MOTION FOR A NEW TRIAL 10/16/19 9:30 A.M.. SENTENCING;

10/10/2019



Hearing (10:30 AM) (Judicial Officer: Herndon, Douglas W.)

10/10/2019, 11/25/2019

Hearing Re: Motion to Set Aside Guilty Verdict as to Counts One and Two, in the Alternative Motion for a New Trial

CASE SUMMARY

CASE NO. C-18-333318-1

Matter Continued; Hearing Re: Motion to Set Aside Guilty Verdict as to Counts One and Two, in the Alternative Motion for a New Trial

Matter Heard;


Matter Continued; Hearing Re: Motion to Set Aside Guilty Verdict as to Counts One and Two, in the Alternative Motion for a New Trial

Matter Heard;

Journal Entry Details:

APPEARANCES CONTINUED: Defendant HARLAN present in custody represented by K. Ryan Helmick Esq. Mr. Helmick inquired if the Court feels the Motion was proper with regards to the response he provided. COURT STATED Mr. Helmick filed the Motion, and shortly thereafter there was an Ex-Parte request to obtain Jury information for the Defense to pursue what they were trying to pursue, adding the Court did not think it was appropriate to be brought up in Open Court, since it was an Ex-Parte issue, and the Court would agree the Supplemental Brief is more about Juror misconduct. Mr. Helmick argued cumulative effect of everything, pointing out there is a lot of little instances of Juror misconduct that each one carries its own respective weight. Mr. Helmick argued the Jury was unable to perform their duties due to the misconduct that was brought into the Jury room, through the use of the cell phones, through talking about the stolen vehicle, even though the Court admonished the Jurors to not discuss it, and through the Caruso letter, which is a form of whether or not he testified. Mr. Helmick argued the theme of the State's case is that this murder occurred during a robbery, and the Defense's theme is that it occurred accidentally, adding the additional evidence that was brought it should not have been. Mr. Helmick requested an evidentiary hearing be set. Mr. Margolis argued the cumulative effect of several items of extrinsic evidence was used to bamboozle and to mislead Ms. Esparza, which can cause prejudice in the verdict. COURT STATED they were under the impression once the Defense submitted the Ex-Parte Motion they had already talked to a Juror, and the Court did not have communication with the Defense, however informed the Law Clerk to inform parties this was a matter for open court. Mr. Pesci argued they've had the information to communicate with Jurors for over a month and the State would object to continuance or an Evidentiary Hearing, since there is already representation by counsel who spoke to a Juror who did not remember or anyone who could corroborate Ms. Esparza's claims. Further arguments by Mr. Helmick who requested additional Juror information. COURT STATED ITS FINDINGS and ORDERED, a limited Evidentiary Hearing is GRANTED with regards to the Juror's statement that there was discussion about the stolen vehicle and how it made it more likely there was a robbery and a murder. COURT STATED the Evidentiary Hearing will be done with Ms. Esparza and any other Jurors. Mr. Helmick and Mr. Pesci stated a joint request to obtain Juror information. COURT SO ORDERED; sentencing date VACATED. CUSTODY 11/15/19 9:00 A.M. EVIDENTIARY HEARING;


10/17/2019 **CANCELED Sentencing** (9:00 AM) (Judicial Officer: Herndon, Douglas W.)
Vacated - per Judge

11/25/2019  **All Pending Motions** (9:00 AM) (Judicial Officer: Herndon, Douglas W.)

Matter Heard;

Journal Entry Details:

DEFENDANT KODY HARLAN'S NOTICE OF MOTION TO PLACE ON CALENDAR TO SET ASIDE GUILTY VERDICT AS TO COUNTS ONE AND TWO; IN THE ALTERNATIVE MOTION FOR A NEW TRIAL...DEFENDANT JAIDEN CARUSO'S JOINDER TO DEFENDANT KODY HARLAN'S MOTION TO SET ASIDE GUILTY VERDICT AS TO COUNTS ONE AND TWO; IN THE ALTERNATIVE MOTION FOR A NEW TRIAL...HEARING RE: MOTION TO SET ASIDE GUILTY VERDICT AS TO COUNTS ONE AND TWO, IN THE ALTERNATIVE MOTION FOR A NEW TRIAL (BOTH) Testimony presented. (See worksheet). Following arguments by counsel, Court FINDS based on the totality of the evidence, this does not rise to a level of prejudice or render a different verdict, ORDERED, motion and joinder DENIED. FURTHER ORDERED, matter SET for sentencing. CUSTODY (BOTH) 12/10/19 9:00 AM SENTENCING (BOTH);

12/10/2019  **Sentencing** (9:00 AM) (Judicial Officer: Herndon, Douglas W.)

Defendant Sentenced;

Journal Entry Details:

APPEARANCES CONTINUED: Defendant HARLAN present in custody represented by K. Ryan Helmick Esq. DEFENDANT CARUSO ADJUDGED GUILTY of COUNT 1 - 1ST DEGREE MURDER WITH USE OF A DEADLY WEAPON (F) and COUNT 2 - ROBBERY WITH USE OF A DEADLY WEAPON (F). Mr. Pesci argued for a life sentence. Statement by Defendant. Mr. Yampolsky argued for 20-50 years. Victim Speakers sworn and testified. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, a \$150.00 DNA Analysis fee including testing to determine genetic markers, and \$3.00 DNA Collection fee, and a \$250.00 Fine, and \$750.00 Indigent Defense Civil Assessment fee, Defendant SENTENCED in COUNT 1 - to a MAXIMUM term of LIFE with a MINIMUM parole eligibility of TWENTY (20) YEARS in the Nevada Department of Corrections (NDC) plus a CONSECUTIVE term of a MINIMUM of FORTY-EIGHT (48) MONTHS and a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS in the NDC, for the Deadly Weapon Enhancement, and in COUNT 2 - to a MINIMUM of FORTY-EIGHT (48) MONTH to a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS in the NDC, plus a CONSECUTIVE term of a MINIMUM of FORTY-EIGHT (48) MONTHS and a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS in the NDC, for the Deadly Weapon Enhancement, CONCURRENT TO COUNT 1, WITH

CASE SUMMARY

CASE NO. C-18-333318-1

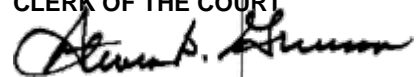
FIVE HUNDRED FORTY-NINE (549) DAYS credit for time served. BOND, if any, EXONERATED. NDC;

DATE

FINANCIAL INFORMATION

Defendant Caruso, Jaiden
 Total Charges
 Total Payments and Credits
Balance Due as of 1/3/2020

1,203.00
 25.00
1,178.00



DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

JAIDEN CARUSO, #8213339,

Defendant.

CASE NO. C-18-333318-1

DEPT. NO. III

JUDGMENT OF CONVICTION

(JURY TRIAL)

The Defendant previously entered pleas of not guilty to the crimes of MURDER WITH USE OF A DEADLY WEAPON (Category A Felony – NRS 200.010, 200.030, 193.165), and ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony – NRS 200.380) and the matter having been tried before a jury and the Defendant having been found guilty of the crimes of COUNT 1 – FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON and COUNT 2 – ROBBERY WITH USE OF A DEADLY WEAPON, thereafter, on the 10th day of December, 2019, the Defendant was present in court for sentencing with his counsel, MACE J. YAMPOLSKY, Esq., and good cause appearing,

THE DEFENDANT IS HEREBY ADJUDGED guilty of said crimes as set forth in the jury's verdict and, in addition to the \$25.00 Administrative Assessment Fee, \$150.00 DNA Analysis fee, including testing to determine genetic markers, \$750.00 Indigent Defense Civil Assessment Fee, \$3.00 DNA Collection Fee, \$250.00 Fine, the Defendant is SENTENCED as follows:

COUNT 1 - LIFE in the Nevada Department of Corrections (NDC) with a MINIMUM parole eligibility of TWENTY (20) YEARS; plus a CONSECUTIVE term of a

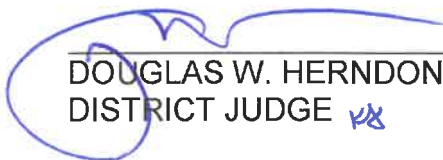
Jury Trial
☐ Dismissed (during trial)
☐ Acquittal
☐ Guilty Plea with Sent. (during trial)
☒ Conviction

1 MINIMUM of FORTY-EIGHT (48) MONTHS and a MAXIMUM of ONE HUNDRED
2 TWENTY (120) MONTHS for the deadly weapon enhancement;

3 COUNT 2 – a MINIMUM of FORTY-EIGHT (48) MONTHS and a MAXIMUM of
4 ONE HUNDRED TWENTY (120) MONTHS in the Nevada Department of Corrections
5 (NDC); plus a CONSECUTIVE term of a MINIMUM of FORTY-EIGHT (48) MONTHS
6 and a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS for the deadly weapon
7 enhancement; CONCURRENT to Count 1; with FIVE HUNDRED FORTY-NINE (549)
8 DAYS credit for time served.

9
10 DATED this 10th day of December, 2019.
11

12
13
14 slr


DOUGLAS W. HERNDON
DISTRICT JUDGE *pk*

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 18, 2018

C-18-333318-1 State of Nevada
 vs
 Jaiden Caruso

July 18, 2018 10:00 AM Initial Arraignment

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

COURT CLERK: Kristen Brown

RECORDER: Kiara Schmidt

REPORTER:

PARTIES

PRESENT: Athmann-Marcoux, Alexandra A. Attorney
 Caruso, Jaiden Defendant

JOURNAL ENTRIES

- Deputized Law Clerk, Ashley Lacher also appearing for the State.

Ms. Athmann-Marcoux stated that Mr. Terry is unable to confirm as counsel. COURT ORDERED, matter CONTINUED for counsel to be appointed and confirm as counsel.

CUSTODY

7/24/18 10:00 AM ARRAIGNMENT CONTINUED (LLA)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 24, 2018

C-18-333318-1 State of Nevada
 vs
 Jaiden Caruso

July 24, 2018 10:00 AM Arraignment Continued

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

COURT CLERK: Kristen Brown

RECORDER: Kiara Schmidt

REPORTER:

PARTIES

PRESENT: Caruso, Jaiden Defendant
 Yampolsky, Mace J. Attorney

JOURNAL ENTRIES

- Deputized Law Clerk, Melanie Marland appearing for the State.

Mr. Yampolsky CONFIRMED AS COUNSEL. DEFT. CARUSO ARRAIGNED, PLED NOT GUILTY, and WAIVED the 60-DAY RULE. Court stated that due to the nature of the charges, ORDERED, matter REFERRED to Department 3 for a trial setting. COURT ORDERED, pursuant to Statute, Counsel has 21 days from today for the filing of any Writs; if the Preliminary Hearing Transcript has not been filed as of today, Counsel has 21 days from the filing of the Transcript.

CUSTODY

7/31/18 9:00 AM STATUS CHECK: TRIAL SETTING (DEPT. 3)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****July 31, 2018**

C-18-333318-1 State of Nevada
vs
Jaiden Caruso

July 31, 2018**9:00 AM****Status Check: Trial Setting****HEARD BY:** Herndon, Douglas W.**COURTROOM:** RJC Courtroom 16C**COURT CLERK:** Deborah Miller**RECORDER:** Sara Richardson**REPORTER:****PARTIES**

| | | |
|-----------------|--------------------|-----------|
| PRESENT: | Caruso, Jaiden | Defendant |
| | Pesci, Giancarlo | Attorney |
| | State of Nevada | Plaintiff |
| | Yampolsky, Mace J. | Attorney |

JOURNAL ENTRIES

- Also present: Taleen Pandukht, Chief Deputy District Attorney.
Codefendant K. Harlan, in custody, represented by Keith Brower, Esq.

Ms. Pandukht advised Mr. Pesci will be present on this matter. Matter TRAILED and RECALLED. Mr. Pesci now present. Mr. Yampolsky advised that Mr. Caruso previously pled not guilty and waived his right to a speedy trial. Mr. Brower stated Mr. Harlan pled not guilty and technically invoked, however, he wishes to waive his right to a speedy trial. Upon Court's inquiry, Mr. Harlan WAIVED the 60-DAY Rule. COURT FURTHER ORDERED, counsel has 21-DAYS after receipt of copy of the transcripts to file any Writs. Mr. Pesci stated matter will not go in front of the Death Review Committee, noting the defendants are under the age. Pursuant to EDCR 1.30 and 1.31 this court ORDERS the case REASSIGNED to Department 3. Discussion regarding trial setting. Mr. Brower requested a status check, noting he may be filing a Writ. State had no opposition to setting a status check. COURT ORDERED, matter SET for Status Check.

CUSTODY

PRINT DATE: 01/03/2020

Page 3 of 51

Minutes Date: July 18, 2018

8/15/18 9:30 AM STATUS CHECK: TRIAL SETTING (BOTH)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 15, 2018

C-18-333318-1 State of Nevada
 vs
 Jaiden Caruso

August 15, 2018 9:30 AM Status Check: Trial Setting

HEARD BY: Herndon, Douglas W. **COURTROOM:** RJC Courtroom 16C

COURT CLERK: Deborah Miller

RECORDER: Sara Richardson

REPORTER:

PARTIES

| | | |
|-----------------|--------------------|-----------|
| PRESENT: | Caruso, Jaiden | Defendant |
| | Pesci, Giancarlo | Attorney |
| | State of Nevada | Plaintiff |
| | Yampolsky, Mace J. | Attorney |

JOURNAL ENTRIES

- Also present: Codefendant Harlan, in custody, represented by Keith Brower, Esq.

Court stated defendants previously pled not guilty and waived their right to a speedy trial, noting a trial date needs to be set. Conference at the Bench. Discussion regarding trial dates. COURT ORDERED, matter SET for trial. Discussion regarding writ filing period. Mr. Yampolsky requested 30 days from today to file any Writs. State submitted. COURT ORDERED, counsel has 30 DAYS from today to file any Writs, matter SET for Status Check. Court requested counsel use the November 21, 2018 date if they file any Writs.

CUSTODY

11/07/18 9:30 AM STATUS CHECK: TRIAL READINESS

C-18-333318-1

5/02/19 9:00 AM CALENDAR CALL

5/14/19 10:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 13, 2018

C-18-333318-1 State of Nevada
 vs
 Jaiden Caruso

**September 13, 2018 9:00 AM Petition for Writ of Habeas
Corpus**

HEARD BY: Herndon, Douglas W.

COURTROOM: RJC Courtroom 16C

COURT CLERK: Kory Schlitz

RECORDER: Sara Richardson

REPORTER:

PARTIES

| | | |
|-----------------|--------------------|-----------|
| PRESENT: | Caruso, Jaiden | Defendant |
| | Overly, Sarah | Attorney |
| | State of Nevada | Plaintiff |
| | Yampolsky, Mace J. | Attorney |

JOURNAL ENTRIES

- Mr. Yampolsky argued that the purpose of the Writ was the robbery, and read the meaning of robbery into the record, noting there was no force of fear for the property. Mr. Yampolsky further stated the only arguable evidence would be the witnesses, who both testified Defendant was not threatening, and there was no bad blood, and therefore, this was not a robbery. Mr. Yampolsky noted the wallet was in the car, however, there was no testimony as to how the wallet got in the car. Ms. Overly indicated most of the State's arguments and opposition were addressed in the State's response; however, there are a lot of allegations that the only evidence presented happened to be that the wallet was in the car. Ms. Overly stated there was enough evidence presented at the preliminary hearing which indicated there was a plan to commit a robbery that the victim's items were taken, he was killed and there was some type of animosity or lack of remorse. COURT STATED ITS FINDINGS and ORDERED, Petition for Writ of Habeas Corpus DENIED. COURT NOTED the Status Check regarding the pending trial date would remain on calendar for 11/7/18.

CUSTODY

11/7/18 9:30 A.M. STATUS CHECK TRIAL READINESS

5/2/19 9:00 A.M. CALENDAR CALL

5/14/19 10:00 A.M. JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 07, 2018

C-18-333318-1 State of Nevada
 vs
 Jaiden Caruso

November 07, 2018 9:30 AM

**Status Check: Trial
Readiness**

HEARD BY: Herndon, Douglas W.

COURTROOM: RJC Courtroom 16C

COURT CLERK: Kory Schlitz

RECORDER: Sara Richardson

REPORTER:

PARTIES

| | | |
|-----------------|--------------------|-----------|
| PRESENT: | Caruso, Jaiden | Defendant |
| | Pesci, Giancarlo | Attorney |
| | State of Nevada | Plaintiff |
| | Yampolsky, Mace J. | Attorney |

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Defendant HARLAN present in custody represented by Keith Brower Esq.

Ms. Yampolsky stated no problem with the trial date, and Mr. Brower confirmed the representations. Mr. Pesci stated parties can come and complete a file review. COURT DIRECTED parties to complete a file review PRIOR to next status check date. Upon Court's inquiry, Mr. Pesci stated he does not believe there is any outstanding forensic testing, however would look into it. COURT FURTHER DIRECTED parties to get an update on the forensics in this case, and ORDERED, matter CONTINUED.

CUSTODY

CONTINUED TO: 1/23/19 9:30 A.M.

C-18-333318-1

5/2/19 9:00 A.M. CALENDAR CALL

5/14/19 10:00 A.M. JURY TRIAL

January 23, 2019

Minutes Date: July 18, 2018

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 06, 2019

C-18-333318-1 State of Nevada
vs
Jaideen Caruso

February 06, 2019 9:30 AM Status Check: Trial Readiness

HEARD BY: Herndon, Douglas W.

COURTROOM: RJC Courtroom 16C

COURT CLERK: Kory Schlitz

RECORDER: Sara Richardson

REPORTER:

PARTIES

| | | |
|-----------------|--------------------|-----------|
| PRESENT: | Caruso, Jaiden | Defendant |
| | Overly, Sarah | Attorney |
| | State of Nevada | Plaintiff |
| | Yampolsky, Mace J. | Attorney |

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Defendant HARLAN present in custody represented by Keith Brower Esq.

Mr. Yampolsky stated Mr Pesci is ill, and they are anticipating an offer being made, and requested the trial date remain and requested another status check be set. Ms. Overly confirmed the representations. COURT ORDERED, matter CONTINUED.

CUSTODY

CONTINUED TO: 3/20/19 9:30 A.M.

5/2/19 9:00 A.M. CALENDAR CALL

5/13/19 10:00 A.M. JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****April 03, 2019**

C-18-333318-1 State of Nevada
vs
Jaiden Caruso

April 03, 2019**9:30 AM****Status Check****Status Check:
Negotiations****HEARD BY:** Herndon, Douglas W.**COURTROOM:** RJC Courtroom 16C**COURT CLERK:** Kory Schlitz**RECORDER:** Sara Richardson**REPORTER:****PARTIES**

| | | |
|-----------------|--------------------|-----------|
| PRESENT: | Caruso, Jaiden | Defendant |
| | Pesci, Giancarlo | Attorney |
| | State of Nevada | Plaintiff |
| | Yampolsky, Mace J. | Attorney |

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Defendant HARLAN present in custody represented by K. Ryan Helmick Esq.

Mr. Helmick indicated he spoke with Defendant Harlan regarding the negotiations thoroughly and the Defendant has decided to reject the negotiation at this time and requested to proceed with trial. Mr. Yampolsky indicated Defendant Caruso wanted to proceed with the negotiations, however they were contingent offers. Mr. Pesci informed the Court the State was under the impression both Defendants were going to plead. Mr. Pesci stated with regards to Defendant CARUSO, the offer was a Second Degree Murder with a right to argue, and with regards to Defendant HARLAN the offer was Voluntary Manslaughter with use of a Deadly Weapon, State has the right to argue, and confirmed the offers were contingent. Upon Court's inquiry, Defendant CARUSO confirmed he wanted to accept the offer that was relayed; Defendant HARLAN confirmed he wanted to reject the offer. Mr. Pesci stated he does not believe Mr. Helmick has all the Discovery from prior counsel. Mr. Helmick confirmed he does not have all of the Discovery, and he has been trying to get caught up,

and provided USB's to the State who will provide the remaining Discovery. Upon Court's inquiry, Mr. Pesci suggested the Offer reaming open for two to three weeks, for Defense Counsel can review the remaining Discovery. COURT ORDERED, matter SET for status check.

CUSTODY

4/23/19 9:00 A.M. STATUS CHECK: TRIAL READINESS

5/2/19 9:00 A.M. CALENDAR CALL

5/13/19 10:00 A.M. JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

C-18-333318-1 State of Nevada
vs
Jaiden Caruso

April 23, 2019**1:00 PM****All Pending Motions****HEARD BY:** Herndon, Douglas W.**COURTROOM:** RJC Courtroom 16C**COURT CLERK:** Kory Schlitz**RECORDER:** Jill Jacoby**REPORTER:****PARTIES**

| | | |
|-----------------|------------------|-----------|
| PRESENT: | Caruso, Jaiden | Defendant |
| | Overly, Sarah | Attorney |
| | Pesci, Giancarlo | Attorney |
| | State of Nevada | Plaintiff |

JOURNAL ENTRIES

- STATUS CHECK: TRIAL READINESS... DEFENDANT'S JADEN CARUSO'S JOINDER TO DEFENDANT KODY HARLAN'S MOTION TO SEVER OR IN THE ALTERNATIVE MOTION TO DEEM STATEMENTS OF THE CO-DEFENDANT INADMISSIBLE...

APPEARANCES CONTINUED: Defendant HARLAN present in custody represented by K. Ryan Helmick Esq. Jason Margolis Esq. present on behalf of Mace Yampolsky Esq.

Mr. Helmick argued in support of the Motion to Sever, stated the decisive factor is prejudice, adding the degrees of culpability is different between the two Defendants. Mr. Pesci argued against the Motion, pointing out the Supreme Court has said it is not a reason to sever due to antagonistic defenses. Mr. Pesci informed the Court the State is not seeking to introduce anything the Defendant's said to each other, arguing there is no basis for a severance in this matter. COURT STATED ITS FINDINGS, and ORDERED, Motion to Sever DENIED. COURT FURTHER ORDERED, Defendant's Motion In Limine RESET to May 2, 2019. Mr. Helmick stated he has obtained and expert, and he does not know if he will produce a report, however it should be completed before trial. Mr. Helmick also

stated for the record that the offer for Defendant HARLAN is still being rejected by the Defendant. Upon Court's inquiry, Mr. Pesci stated the offer is withdrawn as to Defendant Harlan. Mr. Pesci informed the Court the State has subpoenaed all the records related to this case from Henderson Police Department, and last Friday he received a stack of paperwork, and the Police Department additionally stated they have 150 gigabits of data, and Mr. Pesci will provide a drive to the Department.

CUSTODY

5/2/19 9:00 A.M. CALENDAR CALL

5/13/19 10:00 A.M. JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 02, 2019

C-18-333318-1 State of Nevada
 vs
 Jaiden Caruso

May 02, 2019 9:00 AM Calendar Call

HEARD BY: Herndon, Douglas W. **COURTROOM:** RJC Courtroom 16C

COURT CLERK: Kory Schlitz

RECORDER: Jill Jacoby

REPORTER:

PARTIES

| | | |
|-----------------|--------------------|-----------|
| PRESENT: | Caruso, Jaiden | Defendant |
| | Pesci, Giancarlo | Attorney |
| | State of Nevada | Plaintiff |
| | Yampolsky, Mace J. | Attorney |

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Defendant HARLAN present in custody represented by K. Ryan Helmick Esq.

Upon Court's inquiry, Mr. Helmick stated everything was fine with his expert, and he received a hard drive from Mr. Pesci, adding the only issue is viewing surveillance from a mall, however would announce ready today. Upon Court's inquiry, Mr. Yampolsky announced not ready, adding he has been in back to back trials. Mr. Pesci stated he had about 150 gigabytes of Discovery, and at least 120 of that pertained to Defendant Caruso. CONFERENCE AT BENCH.

COURT ORDERED, calendar call CONTINUED to give Mr. Yampolsky an opportunity to obtain the Discovery; and STATED both Defendants WAIVED their right to a speedy trial, and the trials would be continued together.

CUSTODY

5/8/19 9:30 A.M. CALENDAR CALL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 08, 2019**

C-18-333318-1 State of Nevada
vs
Jaiden Caruso

May 08, 2019 9:30 AM Calendar Call

HEARD BY: Herndon, Douglas W.**COURTROOM:** RJC Courtroom 16C**COURT CLERK:** Kory Schlitz**RECORDER:** Jill Jacoby**REPORTER:****PARTIES**

| | | |
|-----------------|--------------------|-----------|
| PRESENT: | Caruso, Jaiden | Defendant |
| | Pesci, Giancarlo | Attorney |
| | State of Nevada | Plaintiff |
| | Yampolsky, Mace J. | Attorney |

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Defendant HARLAN present in custody represented by K. Ryan Helmick Esq.

COURT ADVISED the Calendar Call was continued for Mr. Yampolsky to obtain the Discovery and to estimate when he would be ready to proceed with trial. Mr. Yampolsky confirmed he did receive the Discovery adding, there is a removable drive that works fine on his desktop, however is not compatible with his MAC computer. Mr. Yampolsky informed the Court there are 850 videos, which are 10-30 seconds long, and 5,000 photos, and text messages, which he believes would take over twenty hours to review. Mr. Helmick requested to have the trial set in July. Colloquy regarding trial dates. Upon Court's inquiry, Mr. Pesci suggested this trial will take longer than a week. COURT ORDERED trial date VACATED and RESET; status check SET. Mr. Helmick stated for the record there was another offer extended to Defendant Harlan of Accessory to Murder, Robbery with the State having the right to argue, and Defendant Harlan has rejected it. Upon Court's inquiry, Mr. Pesci stated the offers will remain open with the Defendants until the status check.

CUSTODY

6/12/19 9:30 A.M. STATUS CHECK: TRIAL READINESS

7/18/19 9:00 A.M. CALENDAR CALL

7/29/19 10:00 A.M. JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 12, 2019

C-18-333318-1 State of Nevada
 vs
 Jaiden Caruso

June 12, 2019

9:30 AM

**Status Check: Trial
Readiness**

HEARD BY: Herndon, Douglas W.

COURTROOM: RJC Courtroom 16C

COURT CLERK: Kory Schlitz

RECORDER: Sandra Pruchnic

REPORTER:

PARTIES

| | | |
|-----------------|--------------------|-----------|
| PRESENT: | Caruso, Jaiden | Defendant |
| | Pesci, Giancarlo | Attorney |
| | State of Nevada | Plaintiff |
| | Yampolsky, Mace J. | Attorney |

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Defendant HARLAN present in custody represented by K. Ryan Helmick Esq.

Upon Court's inquiry, Mr. Helmick stated everything was fine, and Mr. Yampolsky stated no issues with past disclosures or phone dump that would impact the trial date. Mr. Pesci anticipates being ready. COURT STATED this trial date is FIRM for the set date, and ORDERED status check CONTINUED.

CUSTODY

CONTINUED TO: 7/10/19 9:30 A.M. .

7/18/19 9:00 A.M. CALENDAR CALL

7/29/19 10:00 A.M. JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 10, 2019

| | |
|---------------|-----------------|
| C-18-333318-1 | State of Nevada |
| | vs |
| | Jaiden Caruso |

July 10, 2019

9:30 AM

**Status Check: Trial
Readiness**

HEARD BY: Herndon, Douglas W.

COURTROOM: RJC Courtroom 16C

COURT CLERK: Kory Schlitz

RECORDER: Jill Jacoby

REPORTER:

PARTIES

| | | |
|-----------------|--------------------|-----------|
| PRESENT: | Caruso, Jaiden | Defendant |
| | Pesci, Giancarlo | Attorney |
| | State of Nevada | Plaintiff |
| | Yampolsky, Mace J. | Attorney |

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Defendant HARLAN present in custody represented by K. Ryan Helmick Esq.

Mr. Helmick indicated no issues with the trial date and is ready to proceed. Mr. Yampolsky stated he has concerns however ready to proceed. Mr. Pesci indicated the State anticipates being ready, and requested the calendar call remain to verify the witnesses. COURT ORDERED, trial date STANDS.

CUSTODY

7/18/19 9:00 A.M. CALENDAR CALL

7/29/19 10:00 A.M. JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 18, 2019

C-18-333318-1 State of Nevada
 vs
 Jaiden Caruso

July 18, 2019 9:00 AM Calendar Call

HEARD BY: Herndon, Douglas W. **COURTROOM:** RJC Courtroom 16C

COURT CLERK: Kory Schlitz

RECORDER: Judy Chappell

REPORTER:

PARTIES

| | | |
|-----------------|--------------------|-----------|
| PRESENT: | Caruso, Jaiden | Defendant |
| | Pesci, Giancarlo | Attorney |
| | State of Nevada | Plaintiff |
| | Yampolsky, Mace J. | Attorney |

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Defendant HARLAN present in custody represented by K. Ryan Helmick Esq.

Mr. Pesci announced ready, stating there are 25-30 witnesses. Mr. Helmick announced ready. Mr. Yampolsky announced ready. COURT ORDERED, trial date STANDS. Upon Court's inquiry, Mr. Pesci stated he sent over a Stipulation to Waive Penalty Hearing to Defense counsel, and he has not heard anything back. Both Mr. Helmick and Mr. Yampolsky stated they have not had a chance to speak with their respect Defendants yet.

CUSTODY

7/29/19 10:00 A.M. JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 29, 2019

C-18-333318-1 State of Nevada
 vs
 Jaiden Caruso

July 29, 2019

10:00 AM

Jury Trial

HEARD BY: Herndon, Douglas W.

COURTROOM: RJC Courtroom 16C

COURT CLERK: Kory Schlitz

RECORDER: Jill Jacoby

REPORTER:

PARTIES

| | | |
|-----------------|--------------------|-----------|
| PRESENT: | Caruso, Jaiden | Defendant |
| | Overly, Sarah | Attorney |
| | Pesci, Giancarlo | Attorney |
| | State of Nevada | Plaintiff |
| | Yampolsky, Mace J. | Attorney |

JOURNAL ENTRIES

- Stipulation and Order FILED IN OPEN COURT...

APPEARANCES CONTINUED: Defendant HARLAN present in custody represented by K. Ryan Helmick Esq.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL

Mr. Pesci informed the Court he does not see the Victim's family, and was not sure if they would be present today. Mr. Pesci further stated there were two fingerprint reports that he provided via e-mail on Friday, adding Defense inquired if there were any reports awhile back, so he asked, and found out there were three, and the State is hoping to get the third report today and will provide a copy to Defense. Mr. Pesci further stated there is a witness in this case Traceo Meadows who is a Juvenile who has been charged in relation to these events, and the negotiations was reached to stay the charges associated with this case, adding there is an agreement to testify. Mr. Pesci informed the Court when he met with the witness and his attorney, he did not have a copy of the Agreement to

Testify, and the attorney informed him it was sealed, so the State requested a copy from the Juvenile Division and provided a copy to Defense counsel. Mr. Pesci requested a ruling by the Court as to what can and cannot be brought up with the whiteness. Colloquy regarding the witnesses probation. Mr. Pesci conveyed the State has a representative from Snap Chat who is out of State, adding they have the authenticating paperwork, and the State's intent is to use it utilize it as a business record, however Snap Chat representatives do not get into detail as to if the Snap is a reply or not. Mr. Pesci requested the Defense agree to the authenticity of the Snap Chats. Mr. Helmick confirmed he did received two fingerprint reports. Mr. Pesci stated the third report is of a fingerprint from a kitchen sink nozzle with Defendant Caruso's fingerprint on it, however the State does not need it, adding they have video of it. Mr. Helmick stated no objection to the Snap Chat being authenticated with the documents instead of bringing in the witness. Mr. Yampolsky stated no objection as well. COURT STATED the Snap Chat information will be admitted without the need for a witness, additionally stating anything involving the witness and his agreement to testify is appropriate on cross examination. Colloquy regarding family member seating during Jury selection. Mr. Pesci informed the Court the Defendant have signed a Stipulation and Order to waive the penalty hearing. Upon Court's inquiry, Defendant HARLAN and Defendant CARUSO confirmed they agree to waive the penalty phase of trial.

PROSPECTIVE JURY PANEL PRESENCE

Introductions by Court and Counsel. Clerk called roll. Voir dire commenced.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL

Mr. Pesci stated he requested from the Juvenile Division and the released was signed, and the State received the document, opened it and saw there were reports and immediately forwarded the document to the Court, and the State will not review it unless approved by the Court. COURT STATED it was 105 pages of documents, they are currently reviewing. Mr. Pesci further stated his objections to Mr. Helmicks openings. Challenges for cause placed on the record.

PROSPECTIVE JURY PANEL PRESENCE

Voir dire continued.

Court recessed for the evening and DIRECTED Jurors to return tomorrow.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL

Additional challenges for cause placed on the record. COURT ADVISED the CPS records they received and there is no Juvenile Records, and each party can have a copy. COURT ORDERED, matter CONTINUED.

CUSTODY

CONTINUED TO: 7/30/19 10:30 A.M.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****July 30, 2019**

C-18-333318-1 State of Nevada
vs
Jaiden Caruso

July 30, 2019**10:30 AM****Jury Trial****HEARD BY:** Herndon, Douglas W.**COURTROOM:** RJC Courtroom 16C**COURT CLERK:** Kory Schlitz**RECORDER:** Jill Jacoby**REPORTER:****PARTIES**

| | | |
|-----------------|--------------------|-----------|
| PRESENT: | Caruso, Jaiden | Defendant |
| | Margolis, Jason | Attorney |
| | Overly, Sarah | Attorney |
| | Pesci, Giancarlo | Attorney |
| | State of Nevada | Plaintiff |
| | Yampolsky, Mace J. | Attorney |

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Defendant HARLAN present in custody represented by K. Ryan Helmick Esq.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL

Mr. Pesci indicated he spoke with the Victim Advocate who informed him the Decedents family was getting on the elevator to leave last night along with Prospective Juror #551 Denise Phillips, who all three parties agreed to release since she was disruptive during Jury Selection. Mr. Pesci stated he immediately informed Defense counsel, and requested the panel be brought in entirely and questioned as to who was in the elevator, adding the panel still includes the Prospective Jurors who the Court excused last night, and were going to inform them this morning. Mr. Helmick and Mr. Yampolsky stated no objection.

PROSPECTIVE JURY PANEL PRESENCE

PRINT DATE: 01/03/2020

Page 31 of 51

Minutes Date: July 18, 2018

Colloquy regarding Prospective Jurors who were riding in the elevator with Prospective Juror #551 Denise Phillips after she was released.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL

Prospective Juror #497 Araceles Diaz, #418 Sydney Gebhart, and #463 Sylvia Robinson individually voir dire regarding what Prospective Juror #551 Denise Phillips was saying in the elevator.

PROSPECTIVE JURY PANEL PRESENCE

Continued Voir Dire.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL

Prospective Juror #418 Sydney Gebhart present. COURT ADVISED she can go to her appointment and does not need to return this afternoon, and if selected for the Jury the Court will contact her. Challenges for cause placed on the record. Mr. Helmick requested to reopen the discussion with regards to the two buzz words of russian roulette, and abandoned house, adding every time he has tried to explain this case to someone in his office, they do not remember the case unless references those specific words. Mr. Helmick stated he as a legitimate concern with regards to those facts coming out during trial that the Jurors will remember the case. Mr. Pesci stated his objection to using the words, adding the Jurors have been asked about the media, and no one has said they remember anything. COURT STATED when completing Jury Selection, the questions are not fact specific, and when counsel adds things that are alleged to be facts, to jog a Jurors memory is basically informing them of facts of the case, which is not done during Jury selection. Mr. Yampolsky joined in with Mr. Helmick's request, and requested if before parties are going to complete their preemptory challenges if the Court brings up again if any of the Prospective Jurors remember anything about the case. Mr. Pesci stated no objection.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL

Mr. Pesci stated he received an e-mail that the Court received Tracio Meadows juvenile information and the State did not get it, or view it. COURT STATED they received a multitude of e-mails, and Tracio Meadows had prior juvenile offenses, that showed warning and dismissed, adding in 2016 there was a charge, and he was placed on probation, and in April of 2018, there was a Petition for Malicious Destruction of Private Property, and later in 2018 the Petition for Accessory to Murder Charge which were both negotiated to include an agreement to testify and to admit to the Petition for Malicious Destruction of Property, in which he was placed on probation for. COURT ADVISED, parties can question Tracio Meadows with regards to the Petition for Malicious Destruction of Property conviction, since it was part of the negotiation with the Agreement to Testify, which can be questioned, along with the Accessory to Murder Charge and STATED parties were provided copies of those Petitions. COURT FURTHER STATED Mr. Helmick raised an issue that a member of Defendant HARLAN's family indicated that a Prospective Juror may have been speaking with the victims family. Prospective Juror #542 Karen Rice individually voir dire.

PROSPECTIVE JURY PANEL PRESENCE

Continued Voir Dire. Peremptory Challenges completed. Jury selected. Court recessed for the

evening and directed Jurors to return tomorrow.

COURT ORDERED, matter CONTINUED.

CUSTODY

CONTINUED TO: 7/31/19 9:00 A.M.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****July 31, 2019**

C-18-333318-1 State of Nevada
vs
Jaiden Caruso

July 31, 2019**9:00 AM****Jury Trial****HEARD BY:** Herndon, Douglas W.**COURTROOM:** RJC Courtroom 16C**COURT CLERK:** Kory Schlitz**RECORDER:** Jill Jacoby**REPORTER:****PARTIES**

| | | |
|-----------------|--------------------|-----------|
| PRESENT: | Caruso, Jaiden | Defendant |
| | Overly, Sarah | Attorney |
| | Pesci, Giancarlo | Attorney |
| | State of Nevada | Plaintiff |
| | Yampolsky, Mace J. | Attorney |

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Defendant HARLAN present in custody represented by K. Ryan Helmick Esq.

OUTSIDE THE PRESENCE OF THE JURY PANEL

Mr. Pesci requested to discuss ground rules, and stated there is going to be evidence of drug usage, not only by the Defendants and other juveniles, and the State's perspective is, the drug use is part of the entire picture of the case, and there could be negative or bad acts that can be attributed to the Defendants, however the State cannot present it's case without using the information, adding he believes the Defense is not opposing the drug use being brought up. Mr. Yampolsky and Mr. Helmick confirmed the representations. Mr. Pesci further stated there are other crimes, and or potential crimes littered within the case, for example the stolen vehicle, and parties agree not to ask any questions regarding the stolen vehicle to the police officer who performed the stop. Mr. Pesci further stated they are only seeking to introduce particular items off the phone extraction, adding there was an alleged pool party between the time of the murder and the arrest, noting there was a

shot fired and the State does not plan on introducing that evidence. Mr. Helmick stated he was going to address the pool party with some of the witnesses. Mr. Yampolsky requested the pool party information not be introduced. COURT RESERVED its ruling regarding bringing up the pool party. Mr. Pesci informed the Court it is not the State's intent to call the Decedents mother or sister, and they will be present in the courtroom, and parties stipulate to who the victim is. Mr. Helmick and Mr. Yampolsky stipulated. Mr. Pesci further stated Defendant CARUSO's mother could be a recipient witness, potentially, however the State does think its appropriate for her to be present during trial. Mr. Yampolsky stated he does not plan on calling Defendant's CARUSO's mother as a witness. Mr. Helmick stated no opposition as well.

JURY PANEL PRESENT

Jury sworn. Court instructed the Jury. Clerk read the Information. Opening Statements by Ms. Overly, Mr. Yampolsky and Mr. Helmick.

Testimony and Exhibits presented. (See Worksheets).

OUTSIDE THE PRESENCE OF THE JURY PANEL

Mr. Pesci requested the Court canvass the Defendants. Upon Court's inquiry, Defendant HARLAN confirmed he spoke with his attorney regarding being found guilty of what the evidence shows, and it was to be used a trial strategy. Upon Court's inquiry, Defendant CARUSO confirmed he spoke with his attorney about shooting the gun as a trial strategy.

JURY PANEL PRESENT

Testimony and Exhibits continued. (See Worksheets).

COURT recessed for the evening and DIRECTED Jurors to return tomorrow; and ORDERED matter CONTINUED.

CUSTODY

CONTINUED TO: 8/1/19 11:00 A.M.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 01, 2019

C-18-333318-1 State of Nevada
 vs
 Jaiden Caruso

August 01, 2019 11:00 AM Jury Trial

HEARD BY: Herndon, Douglas W.

COURTROOM: RJC Courtroom 16C

COURT CLERK: Kory Schlitz

RECORDER: Jill Jacoby

REPORTER:

PARTIES

| | | |
|-----------------|--------------------|-----------|
| PRESENT: | Caruso, Jaiden | Defendant |
| | Margolis, Jason | Attorney |
| | Overly, Sarah | Attorney |
| | Pesci, Giancarlo | Attorney |
| | State of Nevada | Plaintiff |
| | Yampolsky, Mace J. | Attorney |

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Defendant HARLAN present in custody represented by K. Ryan Helmick Esq.

OUTSIDE THE PRESENCE OF THE JURY PANEL

JURY PANEL PRESENT

Testimony and Exhibits presented. (See Worksheets).

COURT recessed for the evening and DIRECTED Jurors to return tomorrow; and ORDERED matter CONTINUED.

CUSTODY

CONTINUED TO: 8/5/19 9:00 A.M.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 05, 2019

C-18-333318-1 State of Nevada
 vs
 Jaiden Caruso

August 05, 2019 9:00 AM Jury Trial

HEARD BY: Herndon, Douglas W. **COURTROOM:** RJC Courtroom 16C

COURT CLERK: Kory Schlitz

RECORDER: Jill Jacoby

REPORTER:

PARTIES

| | | |
|-----------------|--------------------|-----------|
| PRESENT: | Caruso, Jaiden | Defendant |
| | Margolis, Jason | Attorney |
| | Overly, Sarah | Attorney |
| | Pesci, Giancarlo | Attorney |
| | State of Nevada | Plaintiff |
| | Yampolsky, Mace J. | Attorney |

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Defendant HARLAN present in custody represented by K. Ryan Helmick Esq.

OUTSIDE THE PRESENCE OF THE JURY PANEL

Mr. Helmick indicated parties stipulated to Defense Exhibits D & E. Mr. Pesci stated no objection. Colloquy regarding the redacted Agreement to Testify exhibit.

JURY PANEL PRESENT

Testimony and Exhibits presented. (See Worksheets). State rests.

OUTSIDE THE PRESENCE OF THE JURY PANEL

Mr. Helmick stated when he was question Detective Nichols, he mention the Mercedes Benz being stolen, and parties specifically agreed to not bring up that aspect of the case, adding that was an error

on the Detectives part and it was prejudice to Defendant Harlan, especially since he was the driver of the vehicle. Mr. Helmick further argued he does not want the Jury to point the finger at Defendant Harlan as the person who stole the vehicle, and requested a mistrial on behalf of Defendant Harlan. Mr. Yampolsky joined the mistrial request, stating it should be a prosecutorial mistrial, even though neither one of the prosecutors cause the error. Mr. Pesci stated this was not deliberative, and it should not be a prosecutorial mistrial since the State did not ask the question, it was asked during cross examination by Mr. Helmick. Mr. Pesci requested an curative instruction be given to the Jury, and the State does not think a mistrial is appropriate. Mr. Helmick stated a curative instruction brings more attention to the issue. COURT DIRECTED parties to meet and confer regarding what instruction should be given to the Jury over the lunch break; and ORDERED Motion for Mistrial DENIED.

COURT ADMONISHED Defendant Harlan and Defendant Caruso of their right to testify.

OUTSIDE THE PRESENCE OF THE JURY PANEL

Mr. Yampolsky stated there was previously a Motion to Sever, and he would like to renew his Motion, due to Mr. Helmick's question on Detective Nichols, adding it suggest prejudice against Defendant Caruso for no fault of his own since both Defendants are being tried together, stating this is a Burton issue. Mr. Pesci stated there is no Bruton issue. COURT STATED they do not believe there was a Bruton issue as well, ADDING the statement by the Detective will be cured, and Motion for Severance DENIED.

JURY PANEL PRESENT

Court instructed the Jury, stating when Detective Nichols was testifying, he made a mistake and said something that was inaccurate in reference to a vehicle in this case being stolen, which was an error and inaccurate and is not evidence in the case, and DIRECTED the Jurors to disregard the alleged allegation. Mr. Helmick stated on behalf of Defendant Harlan, the Defense rests. Mr. Yampolsky stated there was one witness he is planning on calling, however is not available until tomorrow and requested the trial be continued until then. COURT recessed for the evening and DIRECTED Jurors to return tomorrow; and ORDERED matter CONTINUED.

OUTSIDE THE PRESENCE OF THE JURY PANEL

Jury Instructions Settled.

CUSTODY

CONTINUED TO: 8/6/19 12:00 P.M.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 06, 2019

C-18-333318-1 State of Nevada
vs
Jaiden Caruso

August 06, 2019 12:00 AM Jury Trial

HEARD BY: Herndon, Douglas W.

COURTROOM: RJC Courtroom 16C

COURT CLERK: Kory Schlitz

RECORDER: Jill Jacoby

REPORTER:

PARTIES

| | | |
|-----------------|--------------------|-----------|
| PRESENT: | Caruso, Jaiden | Defendant |
| | Margolis, Jason | Attorney |
| | Overly, Sarah | Attorney |
| | Pesci, Giancarlo | Attorney |
| | State of Nevada | Plaintiff |
| | Yampolsky, Mace J. | Attorney |

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Defendant HARLAN present in custody represented by K. Ryan Helmick Esq.

OUTSIDE THE PRESENCE OF THE JURY PANEL

COURT STATED Juror #14 Ms. Evans who is alternate #1 called Chambers to inform that her husband has been admitted into the hospital, and the Court dismissed her. Counsel stated no objection.

JURY PANEL PRESENT

Testimony and Exhibits presented. (See Worksheets).

OUTSIDE THE PRESENCE OF THE JURY PANEL

Court stated they received the information that Mr. Helmick wanted to seek Larceny as a lesser

included. Arguments by counsel. COURT STATED ITS FINDINGS adding Larceny is not a lesser included.

JURY PANEL PRESENT

Closing arguments by Ms. Overly, and Mr. Yampolsky.

OUTSIDE THE PRESENCE OF THE JURY PANEL

Mr. Pesci stated his contemporaneous challenge of the demonstrative exhibit Me. Helmick wants to use in his closing arguments. COURT SO NOTED.

JURY PANEL PRESENT

Closing arguments by Mr. Helmick and Mr. Pesci. At the hour of 4:38 p.m. the Jury retired to deliberate.

COURT recessed for the evening and DIRECTED Jurors to return tomorrow; and ORDERED matter CONTINUED.

CUSTODY

CONTINUED TO: 8/7/19 9:00 A.M.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 07, 2019

C-18-333318-1 State of Nevada
vs
Jaiden Caruso

August 07, 2019 9:00 AM Jury Trial

HEARD BY: Herndon, Douglas W.

COURTROOM: RJC Courtroom 16C

COURT CLERK: Kory Schlitz

RECORDER: Jill Jacoby

REPORTER:

PARTIES

| | | |
|-----------------|--------------------|-----------|
| PRESENT: | Caruso, Jaiden | Defendant |
| | Margolis, Jason | Attorney |
| | Overly, Sarah | Attorney |
| | Pesci, Giancarlo | Attorney |
| | State of Nevada | Plaintiff |
| | Yampolsky, Mace J. | Attorney |

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Defendant HARLAN present in custody represented by K. Ryan Helmick Esq.

OUTSIDE THE PRESENCE OF THE JURY PANEL

Court made a record of the Jury question during deliberations.

JURY PANEL PRESENT

At the hour of 2:48 p.m. the Jury returned with a verdict of GUILTY on COUNT 1 - FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON, and GUILTY on COUNT 2 - ROBBERY WITH USE OF A DEADLY WEAPON. Court thanked and excused the Jury.

OUTSIDE THE PRESENCE OF THE JURY PANEL

COURT ORDERED, matter REFERRED to Parole & Probation for a Pre-Sentence Investigation (PSI) Report; matter SET for sentencing.

CUSTODY

9/18/19 9:30 A.M. SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****August 29, 2019**

C-18-333318-1 State of Nevada
vs
Jaiden Caruso

| | | | |
|------------------------|----------------|----------------|--|
| August 29, 2019 | 9:00 AM | Joinder | Defendant Jaiden Caruso's Joinder to Defendant Kody Harlan's Motion to Set Aside Guilty Verdict as to Counts One and Two; in the Alternative Motion for a New Trial |
|------------------------|----------------|----------------|--|

HEARD BY: Herndon, Douglas W.**COURTROOM:** RJC Courtroom 16C**COURT CLERK:** Kory Schlitz**RECORDER:** Jill Jacoby**REPORTER:****PARTIES**

| | | |
|-----------------|--------------------|-----------|
| PRESENT: | Caruso, Jaiden | Defendant |
| | Pesci, Giancarlo | Attorney |
| | State of Nevada | Plaintiff |
| | Yampolsky, Mace J. | Attorney |

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Defendant HARLAN present in custody represented by K. Ryan Helmick Esq.

COURT STATED the Motion was filed, and the State filed an Opposition, and the Court became aware the Defense is requesting additional time to complete supplemental briefing. Mr. Helmick stated he was not aware the State filed an Opposition and requested a couple of weeks. Mr. Pesci stated it was e-filed on August 20, 2019. COURT ORDERED, Extension GRANTED for supplemental

briefing; briefing schedule SET as follows: Defendant's Supplemental Motion shall be filed on or before September 12, 2019; State's Supplemental's Opposition shall be due on or before September 26, 2019; Defendant's Supplemental Reply shall be due on or before October 3, 2019; matter SET for Hearing. COURT FURTHER ORDERED, Sentencing date RESET.

CUSTODY

10/10/16 9:00 A.M. HEARING RE: MOTION TO SET ASIDE GUILTY VERDICT AS TO COUNTS ONE AND TWO, IN THE ALTERNATIVE MOTION FOR A NEW TRIAL

10/16/19 9:30 A.M.. SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 10, 2019

| | |
|---------------|-----------------|
| C-18-333318-1 | State of Nevada |
| | vs |
| | Jaiden Caruso |

| | | | |
|-------------------------|-----------------|----------------|---|
| October 10, 2019 | 10:30 AM | Hearing | Hearing Re: Motion to Set Aside Guilty Verdict as to Counts One and Two, in the Alternative Motion for a New Trial |
|-------------------------|-----------------|----------------|---|

HEARD BY: Herndon, Douglas W.

COURTROOM: RJC Courtroom 16C

COURT CLERK: Kory Schlitz

RECORDER: Jill Jacoby

REPORTER:

PARTIES

| | | |
|-----------------|------------------|-----------|
| PRESENT: | Caruso, Jaiden | Defendant |
| | Margolis, Jason | Attorney |
| | Overly, Sarah | Attorney |
| | Pesci, Giancarlo | Attorney |
| | State of Nevada | Plaintiff |

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Defendant HARLAN present in custody represented by K. Ryan Helmick Esq.

Mr. Helmick inquired if the Court feels the Motion was proper with regards to the response he provided. COURT STATED Mr. Helmick filed the Motion, and shortly thereafter there was an Ex-Parte request to obtain Jury information for the Defense to pursue what they were trying to pursue, adding the Court did not think it was appropriate to be brought up in Open Court, since it was an Ex-Parte issue, and the Court would agree the Supplemental Brief is more about Juror misconduct. Mr. Helmick argued cumulative effect of everything, pointing out there is a lot of little instances of Juror

misconduct that each one carries its own respective weight. Mr. Helmick argued the Jury was unable to perform their duties due to the misconduct that was brought into the Jury room, through the use of the cell phones, through talking about the stolen vehicle, even though the Court admonished the Jurors to not discuss it, and through the Caruso letter, which is a form of whether or not he testified. Mr. Helmick argued the theme of the State's case is that this murder occurred during a robbery, and the Defense's theme is that it occurred accidentally, adding the additional evidence that was brought it should not have been. Mr. Helmick requested an evidentiary hearing be set. Mr. Margolis argued the cumulative effect of several items of extrinsic evidence was used to bamboozle and to mislead Ms. Esparza, which can cause prejudice in the verdict. COURT STATED they were under the impression once the Defense submitted the Ex-Parte Motion they had already talked to a Juror, and the Court did not have communication with the Defense, however informed the Law Clerk to inform parties this was a matter for open court. Mr. Pesci argued they've had the information to communicate with Jurors for over a month and the State would object to continuance or an Evidentiary Hearing, since there is already representation by counsel who spoke to a Juror who did not remember or anyone who could corroborate Ms. Esparza's claims. Further arguments by Mr. Helmick who requested additional Juror information. COURT STATED ITS FINDINGS and ORDERED, a limited Evidentiary Hearing is GRANTED with regards to the Juror's statement that there was discussion about the stolen vehicle and how it made it more likely there was a robbery and a murder. COURT STATED the Evidentiary Hearing will be done with Ms. Esparza and any other Jurors. Mr. Helmick and Mr. Pesci stated a joint request to obtain Juror information. COURT SO ORDERED; sentencing date VACATED.

CUSTODY

11/15/19 9:00 A.M. EVIDENTIARY HEARING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 25, 2019

C-18-333318-1 State of Nevada
 vs
 Jaiden Caruso

November 25, 2019 9:00 AM

All Pending Motions

HEARD BY: Herndon, Douglas W.

COURTROOM: RJC Courtroom 16C

COURT CLERK: April Watkins

RECORDER: Jill Jacoby

REPORTER:

PARTIES

| | | |
|-----------------|--------------------|-----------|
| PRESENT: | Caruso, Jaiden | Defendant |
| | Overly, Sarah | Attorney |
| | Pesci, Giancarlo | Attorney |
| | State of Nevada | Plaintiff |
| | Yampolsky, Mace J. | Attorney |

JOURNAL ENTRIES

- DEFENDANT KODY HARLAN'S NOTICE OF MOTION TO PLACE ON CALENDAR TO SET ASIDE GUILTY VERDICT AS TO COUNTS ONE AND TWO; IN THE ALTERNATIVE MOTION FOR A NEW TRIAL...DEFENDANT JAIDEN CARUSO'S JOINDER TO DEFENDANT KODY HARLAN'S MOTION TO SET ASIDE GUILTY VERDICT AS TO COUNTS ONE AND TWO; IN THE ALTERNATIVE MOTION FOR A NEW TRIAL...HEARING RE: MOTION TO SET ASIDE GUILTY VERDICT AS TO COUNTS ONE AND TWO, IN THE ALTERNATIVE MOTION FOR A NEW TRIAL (BOTH)

Testimony presented. (See worksheet).

Following arguments by counsel, Court FINDS based on the totality of the evidence, this does not rise to a level of prejudice or render a different verdict, ORDERED, motion and joinder DENIED. FURTHER ORDERED, matter SET for sentencing.

C-18-333318-1

CUSTODY (BOTH)

12/10/19 9:00 AM SENTENCING (BOTH)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****December 10, 2019**

C-18-333318-1 State of Nevada
vs
Jaiden Caruso

December 10, 2019 9:00 AM Sentencing

HEARD BY: Herndon, Douglas W.**COURTROOM:** RJC Courtroom 16C**COURT CLERK:** Kory Schlitz**RECORDER:** Jill Jacoby**REPORTER:****PARTIES**

| | | |
|-----------------|--------------------|-----------|
| PRESENT: | Caruso, Jaiden | Defendant |
| | Overly, Sarah | Attorney |
| | Pesci, Giancarlo | Attorney |
| | State of Nevada | Plaintiff |
| | Yampolsky, Mace J. | Attorney |

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Defendant HARLAN present in custody represented by K. Ryan Helmick Esq.

DEFENDANT CARUSO ADJUDGED GUILTY of COUNT 1 - 1ST DEGREE MURDER WITH USE OF A DEADLY WEAPON (F) and COUNT 2 - ROBBERY WITH USE OF A DEADLY WEAPON (F). Mr. Pesci argued for a life sentence. Statement by Defendant. Mr. Yampolsky argued for 20-50 years. Victim Speakers sworn and testified. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, a \$150.00 DNA Analysis fee including testing to determine genetic markers, and \$3.00 DNA Collection fee, and a \$250.00 Fine, and \$750.00 Indigent Defense Civil Assessment fee, Defendant SENTENCED in COUNT 1 - to a MAXIMUM term of LIFE with a MINIMUM parole eligibility of TWENTY (20) YEARS in the Nevada Department of Corrections (NDC) plus a CONSECUTIVE term of a MINIMUM of FORTY-EIGHT (48) MONTHS and a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS in the NDC, for the Deadly Weapon Enhancement, and in COUNT 2 - to a MINIMUM of FORTY-EIGHT (48) MONTH to a MAXIMUM of ONE HUNDRED

TWENTY (120) MONTHS in the NDC, plus a CONSECUTIVE term of a MINIMUM of FORTY-EIGHT (48) MONTHS and a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS in the NDC, for the Deadly Weapon Enhancement, CONCURRENT TO COUNT 1, WITH FIVE HUNDRED FORTY-NINE (549) DAYS credit for time served. BOND, if any, EXONERATED.

NDC

EXHIBIT(S) LIST

Case No.: C-18-333318-1 & -2

Hearing / Trial Date: 7/29/19

Dept. No.: III

Judge: Douglas W. Herndon

Plaintiff: State of Nevada

Court Clerk: Kory Schlitz

Recorder / Reporter: Jill Jacoby

Counsel for Plaintiff: G. Pesci & S. Overly

VS.

Defendant: Jaiden Caruso & Kody Harlan

Counsel for Defendant: M. Yampolsky & R. Helmick

HEARING / TRIAL BEFORE THE COURT

STATE'S EXHIBITS

[illegible]

obj

| | | DC 3 | State v. Kody Harlan and Jaiden Caruso | Date | Date | |
|----|----|-------|---|---------|----------|----|
| | # | ITEM | DESCRIPTION | OFFERED | ADMITTED | |
| WA | 1 | Map | Aerial Map of Chevron Crash Scene | 7/31/19 | 7/31/19 | no |
| WA | 2 | Map | Aerial Map of Chevron to The Villas | 7/31/19 | 7/31/19 | no |
| WA | 3 | Map | Aerial Map of 2736 Cool Lilac Ave. | 8/6/19 | 8/6/19 | no |
| WA | 4 | Map | Aerial Map of The Villas Apts | 7/31/19 | 7/31/19 | no |
| WA | 5 | Photo | Jaiden Caruso Face | 7/31/19 | 7/31/19 | no |
| WA | 6 | Photo | Kody Harlan Full Body Front | 7/31/19 | 7/31/19 | no |
| WA | 7 | Photo | Kody Harlan Full Body Back | 1 | 1 | 1 |
| WA | 8 | Photo | Kody Harlan Face | 7/31/19 | 7/31/19 | no |
| | | | <u>Chevron Crash Scene</u> | | | 7 |
| WA | 9 | Photo | Sunset Street Sign | 7/31/19 | 7/31/19 | no |
| WA | 10 | Photo | Scene facing Green Valley Sign | ↓ | ↓ | ↓ |
| WA | 11 | Photo | Scene facing Sunset Sign | | | |
| WA | 12 | Photo | Scene with both vehicles | | | |
| WA | 13 | Photo | Scene facing Henderson Library | | | |
| WA | 14 | Photo | Mercedes crash on passenger side | | | |
| WA | 15 | Photo | Mercedes crash on driver side | | | |
| WA | 16 | Photo | Mercedes crash facing front of vehicle | | | |
| WA | 17 | Photo | Front damage to dark vehicle | | | |
| WA | 18 | Photo | Passenger side view of dark vehicle | | | |
| WA | 19 | Photo | Rear license view of Mercedes | 7/31/19 | 7/31/19 | no |
| WA | 20 | Photo | Multicolored shirt in back seat of Mercedes | 7/31/19 | 7/31/19 | no |
| WA | 21 | Photo | Wallet in back floor of Mercedes | ↓ | ↓ | ↓ |
| WA | 22 | Photo | Open wallet | | | |
| WA | 23 | Photo | iPhone in driver's seat of Mercedes | | | |
| WA | 24 | Photo | iPhone and charger in passenger seat of Mercedes | | | |
| WA | 25 | Photo | Shop Palace Shopping bag | | | |
| WA | 26 | Photo | Revolver on floorboard of passenger seat | | | |
| WA | 27 | Photo | Closer Image of Revolver | | | |
| WA | 28 | Photo | Closer image of iPhone and charger | | | |
| WA | 29 | Photo | Front facing photo of iPhone connected to charger | | | |
| WA | 30 | Photo | Revolver with bullet on floorboard | | | |
| WA | 31 | Photo | Bullet on floorboard | ↓ | ↓ | ↓ |
| WA | 32 | Photo | Bullet with measurement | | | |
| WA | 33 | Photo | Headstamp of bullet with measurement | | | |
| WA | 34 | Photo | Revolver with measurement | | | |
| WA | 35 | Photo | Revolver cylinder with bullet | | | |
| WA | 36 | Photo | Magazine in side compartment of door | | | |
| WA | 37 | Photo | Closer Image of magazine | | | |
| WA | 38 | Photo | Magazine with measurement | 7/31/19 | 7/31/19 | no |

| | | | | | | |
|----|----|---------|--|---------|---------|------|
| WA | 39 | Photo | Magazine bullet headstamps with measurement | 7/31/19 | 7/31/19 | no |
| WA | 40 | Photo | Open trunk of Mercedes | ↓ | ↓ | ↓ |
| WA | 41 | Photo | Nike Air Sie 10 sneakers in box | ↓ | ↓ | ↓ |
| WA | 42 | Photo | Footlocker receipt in trunk | ↓ | ↓ | ↓ |
| WA | 43 | Photo | Footlocker receipt (closer image) | 7/31/19 | 7/31/19 | no |
| | | | <u>Coroner Photos</u> | | | |
| WA | 44 | Photo | Front face with Event tag | 7/31/19 | 7/31/19 | no |
| WA | 45 | Photo | Left view of bullet impact with Event tag | ↓ | ↓ | ↓ |
| WA | 46 | Photo | Open mouth with Event tag | ↓ | ↓ | ↓ |
| WA | 47 | Photo | Full Face with towel with Event tag | ↓ | ↓ | ↓ |
| WA | 48 | Photo | Bullet fragments from neck | 7/31/19 | 7/31/19 | no |
| | | | <u>Mercedes at Crime Lab</u> | | | |
| WA | 49 | Photo | Full view of passenger side | 7/31/19 | 7/31/19 | no |
| WA | 50 | Photo | Full view of damaged driver's side | ↓ | ↓ | ↓ |
| WA | 51 | Photo | View of Trunk and License | ↓ | ↓ | ↓ |
| WA | 52 | Photo | Wallet with Minkler Silverado ID | ↓ | ↓ | ↓ |
| WA | 53 | Photo | Minkler Silverado H.S. ID | ↓ | ↓ | ↓ |
| WA | 54 | Photo | Rear passenger seat compartment with LVMPD knife | ↓ | ↓ | ↓ |
| WA | 55 | Photo | Closer image of LVMPD knife in compartment | ↓ | ↓ | ↓ |
| WA | 56 | Photo | LVMPD Knife with measurement | ↓ | ↓ | ↓ |
| WA | 57 | Photo | Smith and Wesson knife in backseat | ↓ | ↓ | ↓ |
| WA | 58 | Photo | Multicolored shirt | ↓ | ↓ | ↓ |
| WA | 59 | Photo | Smith and Wesson knife | ↓ | ↓ | ↓ |
| WA | 60 | Photo | Open trunk | ↓ | ↓ | ↓ |
| WA | 61 | Photo | Left Black Air Jordan in trunk | ↓ | ↓ | ↓ |
| WA | 62 | Photo | Left Black Air Jordan with measurement | ↓ | ↓ | ↓ |
| WA | 63 | Photo | Left Black Air Jordan with blood | ↓ | ↓ | ↓ |
| WA | 64 | Photo | Backpack in trunk with Footlocker receipt | ↓ | ↓ | ↓ |
| WA | 65 | Photo | Footlocker receipt with measurement | ↓ | ↓ | ↓ |
| WA | 66 | Photo | Nike Air Force One Box | ↓ | ↓ | ↓ |
| WA | 67 | Photo | Mike Air Force One Box and Size 10 tag | ↓ | ↓ | ↓ |
| WA | 68 | Photo | White Nike Air Force One Sneakers in box | ↓ | ↓ | ↓ |
| WA | 69 | Photo | Left Shoe White Nike Air Force One Sneaker | 7/31/19 | 7/31/19 | no |
| | | | <u>2736 Cool Lilac Ave.</u> | | | |
| WA | 70 | Diagram | Crime Scene Diagram | 7/31/19 | 7/31/19 | skip |
| WA | 71 | Photo | Street front view of residence | ↓ | ↓ | ↓ |
| WA | 72 | Photo | 2736 street sign | ↓ | ↓ | ↓ |
| WA | 73 | Photo | Front Door with card | 7/31/19 | 7/31/19 | skip |

| | | | | | | |
|----|-----|-------|---|---------|---------|------|
| UA | 74 | Photo | Closer Image of Front Door with card | 7/31/19 | 7/31/19 | Stip |
| UA | 75 | Photo | Backyard gate | | | |
| UA | 76 | Photo | Closer Image of Backyard gate | | | |
| UA | 77 | Photo | Backyard facing residence | | | |
| UA | 78 | Photo | Corner view of broken back window | | | |
| UA | 79 | Photo | Window glass in rocks | | | |
| UA | 80 | Photo | Straight view of broken windows | | | |
| UA | 81 | Photo | Backyard facing rear wall | | | |
| UA | 82 | Photo | Kitchen view facing back door/blinds | | | |
| UA | 83 | Photo | Kitchen facing island and refrigerator | | | |
| UA | 84 | Photo | Kitchen island and living room with bloody sheet | | | |
| UA | 85 | Photo | Island view facing refrigerator | | | |
| UA | 86 | Photo | Clorox wipes and charger on floor | | | |
| UA | 87 | Photo | Living room with blood on floor/carpet | | | |
| UA | 88 | Photo | Living room/kitchen with bloody towel and clorox wipe | | | |
| UA | 89 | Photo | Living Room graffiti "Fuck 12" | | | |
| UA | 90 | Photo | Kitchen facing island/dining table with bloody towel and Clorox | | | |
| UA | 91 | Photo | Bloody towel and sheet | | | |
| UA | 92 | Photo | Bloody towel/sheet and bag on floor | | | |
| UA | 93 | Photo | Pool Table with graffiti | | | |
| UA | 94 | Photo | Hallway view to closet with door open | | | |
| UA | 95 | Photo | Corner view to closet with blood | | | |
| UA | 96 | Photo | Inside door to hallway closet with blood | | | |
| UA | 97 | Photo | Body faced down with knees bent inside closet | | | |
| UA | 98 | Photo | Bottom of left foot | | | |
| UA | 99 | Photo | Bottom of right foot | | | |
| UA | 100 | Photo | "Fuck Matt" spray painted on closet door | | | |
| UA | 101 | Photo | Closer image of "Fuck Matt" | | | |
| UA | 102 | Photo | Bullet hole to living room ceiling | | | |
| UA | 103 | Photo | Closer image of bullet hole to ceiling | | | |
| UA | 104 | Photo | Samsung phone in tarp | | | |
| UA | 105 | Photo | Samsung phone (front) | | | |
| UA | 106 | Photo | Samsung phone (back) | | | |
| UA | 107 | Photo | Kitchen facing dining room with bloody towel/sheet with ID tags | | | |
| UA | 108 | Photo | Bloody towel/sheet with ID tag | | | |
| UA | 109 | Photo | Sink faucet with ID tag | | | |
| UA | 110 | Photo | Clorox wipe with ID tag | | | |
| UA | 111 | Photo | Nike sneakers with bag on floor with tag | 7/31/19 | 7/31/19 | Stip |

| | | | | | | |
|----|-----|-------|---|---------|---------|------|
| WA | 112 | Photo | Spray Paint can with ID tag | 7/31/19 | 7/31/19 | skip |
| WA | 113 | Photo | Nike shoe and cigar filter with ID tag | ↓ | ↓ | ↓ |
| WA | 114 | Photo | Living room view from hallway with ID tags | ↓ | ↓ | ↓ |
| WA | 115 | Photo | View into kitchen from living room with ID tags | ↓ | ↓ | ↓ |
| WA | 116 | Photo | Bullet hole in ceiling with tag | ↓ | ↓ | ↓ |
| WA | 117 | Photo | Blood on kitchen floor with ID tags | ↓ | ↓ | ↓ |
| WA | 118 | Photo | Body in closet with "RIP" spray painted | ↓ | ↓ | ↓ |
| WA | 119 | Photo | Minkler Full Body Face Up | ↓ | ↓ | ↓ |
| WA | 120 | Photo | Minkler pants with blood and pockets | ↓ | ↓ | ↓ |
| WA | 121 | Photo | Teeth and blood on carpet | ↓ | ↓ | ↓ |
| WA | 122 | Photo | Backyard broken fence/gate | ↓ | ↓ | ↓ |
| WA | 123 | Photo | Samsung phone on tarp in closet | ↓ | ↓ | ↓ |
| WA | 124 | Photo | Closer image of Samsung on tarp | 7/31/19 | 7/31/19 | skip |
| | | | Phones | | | |
| WA | 125 | Photo | Black iPhone front | 8/5/19 | 8/5/19 | no |
| WA | 126 | Photo | Black iPhone front with reflection | ↓ | ↓ | ↓ |
| WA | 127 | Photo | Black iPhone back | ↓ | ↓ | ↓ |
| WA | 128 | Photo | Black iPhone front with charger attached | ↓ | ↓ | ↓ |
| WA | 129 | Photo | Black iPhone back (Model A1784) | ↓ | ↓ | ↓ |
| WA | 130 | Photo | Jaiden Caruso Apple ID | ↓ | ↓ | ↓ |
| WA | 131 | Photo | Jaiden Caruso Apple ID with Gmail email addresses | ↓ | ↓ | ↓ |
| WA | 132 | Photo | Front Samsung Phone | ↓ | ↓ | ↓ |
| WA | 133 | Photo | Back Samsung Phone cracked | ↓ | ↓ | ↓ |
| WA | 134 | Photo | Samsung Sim Card | ↓ | ↓ | ↓ |
| WA | 135 | Photo | Samsung phone back shattered | ↓ | ↓ | ↓ |
| WA | 136 | Photo | Samsung phone taken apart | ↓ | ↓ | ↓ |
| WA | 137 | Photo | Internal mechanics of Samsung | 8/5/19 | 8/5/19 | no |
| WA | 138 | Photo | Full Samsung taken apart | 8/5/19 | 8/5/19 | no |
| | | | Autopsy-Photos | | | |
| WA | 139 | Photo | Coroner Case Tag | 7/31/19 | 7/31/19 | no |
| WA | 140 | Photo | Full face | ↓ | ↓ | ↓ |
| WA | 141 | Photo | Bullet impact with measurement | ↓ | ↓ | ↓ |
| WA | 142 | Photo | Left Side View of Bullet with measurement | ↓ | ↓ | ↓ |
| WA | 143 | Photo | Clothing spread out | ↓ | ↓ | ↓ |
| WA | 144 | Photo | Bloody Civil Regime Shirt | ↓ | ↓ | ↓ |
| WA | 145 | Photo | X-Ray of Bullet impact | 7/31/19 | 7/31/19 | no |
| | | | Footlocker-Video | | | |
| WA | 146 | Video | Video inside Footlocker Store at Galleria Mall | 8/1/19 | 8/1/19 | no |
| | | | Jaiden's-Phone | | | |
| WA | 147 | Video | Videos pulled from Jaiden's phone | 8/5/19 | 8/5/19 | no |

WA

| | | Matthew's Phone | | | |
|-----|-------|------------------------------------|---------|---------|----|
| 148 | Video | Videos pulled from Matthew's Phone | 7/31/19 | 7/31/19 | no |

Kody Harlan &
Jaider Caruso

Jaiden Camuso

Rev. 03/2016

EXHIBIT(S) LIST

Case No.: **C-18-333318-1 & -2**

Hearing Date:

JUL 29 2019

Dept. No.: III

Judge:

Court Clerk:

KORY SCHLITZ

Plaintiff: State of Nevada

Recorder:

JILL JACOBY

Counsel for Plaintiff:

Gr. Pesci &

VS.

Defendant: **Jaiden Caruso &
Kody Harlan**

Counsel for Defendant:

Counsel for Defendant: M. Yampolsky
+ R. Helmick

TRIAL BEFORE THE COURT

DEFENDANT'S EXHIBITS

[illegible]

EXHIBIT(S) LIST

Case No.: C-18-333318-1 & -2

Hearing Date: JUL 29 2019

Dept. No.: III

Judge: DOUGLAS W. HERNDON

Court Clerk: KORY SCHLITZ

Recorder: JILL JACOBY

Counsel for Plaintiff: G. Pesci &

S. Overly

Counsel for Defendant: M. Yampolsky
& R. Helmick

vs.

Defendant: Jaiden Caruso &
Kody Harlan

TRIAL BEFORE THE COURT

COURT'S EXHIBITS

| Exhibit Number | Exhibit Description | Date Offered | Objection | Date Admitted |
|----------------|----------------------------|--------------|-----------|---------------|
| 1 | Jury Names & Arizona List | 7/30/19 | | |
| 2 | States opening Power point | 7/31/19 | | |
| 3 | Juror Question | 7/31/19 | | |
| 4 | Juror Question | 7/31/19 | | |
| 5 | Juror Question | 7/31/19 | | |
| 6 | Juror Question | 7/31/19 | | |
| 7 | Juror Question | 7/31/19 | | |
| 8 | Juror Question | 7/31/19 | | |
| 9 | Juror Question | 7/31/19 | | |
| 10 | Juror Question | 8/1/19 | | |
| 11 | Juror Question | 8/1/19 | | |
| 12 | Juror Question | 8/1/19 | | |
| 13 | Juror Question | 8/1/19 | | |
| 14 | Juror Question | 8/1/19 | | |
| 15 | Juror Question | 8/1/19 | | |
| 16 | Juror Question | 8/1/19 | | |
| 17 | Juror Question | 8/1/19 | | |

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; JUDGMENT OF CONVICTION (JURY TRIAL); DISTRICT COURT
MINUTES; EXHIBITS LIST

STATE OF NEVADA,

Plaintiff(s),

vs.

JAIDEN CARUSO,

Defendant(s).

Case No: C-18-333318-1

Dept No: III

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 3 day of January 2020.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk