

NDAS
DEVON L. MARKS #1072180
HIGH DESERT STATE PRISON
P.O. BOX 650
INDIAN SPRINGS, NV 89070
DEFENDANT, in PRO SE

Electronically Filed
2/19/2020 10:15 AM
Steven D. Grierson
CLERK OF THE COURT

Steven D. Grierson

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

Electronically Filed
Feb 24 2020 09:11 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

THE STATE OF NEVADA,

Plaintiff,

v.

DEVON L. MARKS,

#1072180

Defendant.

C-18-337017-2

CASE NO. ~~C-18-337017-2~~

DEPT. NO. V

NOTICE OF APPEAL

NOTICE ~~IT~~ IS HEREBY GIVEN THAT DEVON L. MARKS,
HEREBY APPEALS TO THE SUPREME COURT OF NEVADA
FROM THE FINAL JUDGEMENT OF CONVICTION AND SENTENCE
AND FROM AN ORDER DENYING THE DEFENDANT'S MOTION
FOR NEW TRIAL AND MOTION FOR JUDGEMENT OF ACQUITTAL
WITHOUT HOLDINGS AND EVIDENTIARY HEARINGS ON THE MERITS
OF EACH GROUND SET FORTH THEREIN ENTERED IN THIS ACTION
ON THE 18th DAY OF DECEMBER, 2019.

DATED THIS 13th DAY OF FEBRUARY, 2020

By: *Devon L. Marks*

DEVON L. MARKS #1072180

H.D.S.P.

P.O. BOX 650

INDIAN SPRINGS, NV 89070

DEFENDANT, in PRO SE

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 LEGAL ARGUMENT

3
4 N.R.P. 4(b) requires that a notice of appeal
5 must be filed within 30 days from the final
6 judgement of conviction and/or order appealed
7 from.

8
9 N.R.C.P. 5(b) requires that upon filing of notice of
10 appeal the defendant shall be served a copy of
11 such document informing him that such notice has
12 in fact been filed in the district court where the
13 final judgement of conviction and/or order was rendered.

14
15 in the above-entitled case number the final
16 judgement of conviction and order being appealed
17 from was rendered in the district court by the
18 honorable judge Carolyn Ellsworth on the 18th day
19 of December, 2019.

20
21 the defendant was informed by this district
22 court along with district attorney Lindsey moers that
23 he was not allowed to represent himself on appeal.
24 He was further informed that although he represented
25 himself for sentencing his trial counsel JESS
26 Matsuda would still have to file his notice of appeal.
27 McMark also made the courts aware that he
28 request substitute counsel for his direct appeal.

1 THE COURT MINUTES WILL REFLECT THAT MR. MARKS WAS
2 INFORMED THAT JESS MATSUOKA WOULD FILE HIS NOTICE
3 OF APPEAL. THE DISTRICT COURT WAS MADE AWARE BY
4 MR. MARKS ON MULTIPLE OCCASIONS THAT HE WANTED
5 TO EXERCISE HIS RIGHT TO A DIRECT APPEAL.

6
7 ON THIS ~~DATE~~ 13TH DAY OF FEBRUARY, 2020, MR. MARKS
8 HAS YET TO RECEIVE A COPY OF A NOTICE OF APPEAL
9 FILED ON HIS BEHALF IN THE ABOVE ENTITLED CASE
10 NUMBER.

11
12 FOR THIS REASON MR. MARKS NOW SUBMITS THIS NOTICE
13 OF APPEAL WITH ATTACHED MEMORANDUM OF POINTS AND
14 AUTHORITIES WHICH DEMONSTRATES GOOD CAUSE SHOULD
15 FOR THE DEFENDANT'S UNTIMELY DELAY.

16
17 DATED THIS 13TH DAY OF FEBRUARY, 2020.

18
19 BY Devottin Marks

20 DEVOTTIN MARKS #1072180

21 H.D.S.P.

22 P.O. Box 650

23 INDIAN SPRINGS, NV 89070

24 DEFENDANT, IN ROSE

CERTIFICATE OF SERVICE

I, DEVONIN MARKS, HEREBY STATE THAT A COPY OF
THE ATTACHED AND FOREGOING ~~PROSE~~ NOTICE OF APPEAL
WAS SERVED UPON THE PARTIES LISTED BELOW, BY
DEPOSITING A COPY OF THE SAME IN THE U.S. MAIL,
POSTAGE PRE-PAID, ADDRESSED TO:

STEVEN WOLFSON, ESO

LINDSEY MOORS, District Attorney

OFFICE OF THE DISTRICT ATTORNEY

200 LEWIS AVENUE

P.O. Box 552212

LAS VEGAS, NV 89155-2212

Respectfully Submitted,

Devon A. Marks

APPEAR, IN PRO SE

DEVOTIN MARKS #1072180
H.D.S.P.
P.O. Box 650
Indian Springs, NV 89070

LAS VEGAS
NV 890
14 FEB '20
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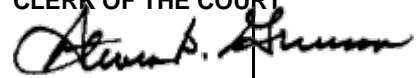
clerk of the court
EIGHTH JUDICIAL DISTRICT COURT
200 LEWIS AVENUE - 3rd Floor
LAS VEGAS, NV 89155-1100

INTAKE
NSF 3763

8910186300



HIGH DESERT STATE PRISON
FEB 13 2020
UNIT 3 A/B



1 ASTA

2
3
4
5
6 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**
7 **STATE OF NEVADA IN AND FOR**
8 **THE COUNTY OF CLARK**

9
10 STATE OF NEVADA,

11 Plaintiff(s),

12 vs.

13 DEVOHN MARKS,

14 Defendant(s),

Case No: C-18-337017-2

Dept No: V

15
16
17 **CASE APPEAL STATEMENT**

18 1. Appellant(s): Devohn Marks

19 2. Judge: Carolyn Ellsworth

20 3. Appellant(s): Devohn Marks

21 Counsel:

22 Devohn Marks #1072180
23 P.O. Box 650
24 Indian Springs, NV 89070

25 4. Respondent: The State of Nevada

26 Counsel:

27 Steven B. Wolfson, District Attorney
28 200 Lewis Ave.
Las Vegas, NV 89101

(702) 671-2700

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

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

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

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

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

9. Date Commenced in District Court: January 11, 2019

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

Type of Judgment or Order Being Appealed: Judgment of Conviction

11. Previous Appeal: Yes

Supreme Court Docket Number(s): 80469

12. Child Custody or Visitation: N/A

Dated This 20 day of February 2020.

Steven D. Grierson, Clerk of the Court

/s/ Heather Ungermann

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

cc: Devohn Marks

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. C-18-337017-2

State of Nevada
vs
Devohn Marks

§ Location: Department 5
§ Judicial Officer: Ellsworth, Carolyn
§ Filed on: 01/11/2019
§ Cross-Reference Case Number: C337017
§ Defendant's Scope ID #: 2798254
§ Grand Jury Case Number: 17CGJ189B
§ ITAG Case ID: 2120940
§ Supreme Court No.: 80469

CASE INFORMATION

Offense	Statute	Deg	Date	Case Type:	Felony/Gross Misdemeanor
1. CONSPIRACY TO COMMIT BURGLARY Arrest: 01/11/2019	205.060.2	G	10/29/2018	Case Status:	12/23/2019 Closed
2. BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON	205.060.4	F	10/29/2018		
3. CONSPIRACY TO COMMIT ROBBERY	200.380	F	10/29/2018		
4. ROBBERY WITH USE OF A DEADLY WEAPON, VICTIM 60 YEARS OF AGE OR OLDER	200.380	F	10/29/2018		
5. ROBBERY WITH USE OF A DEADLY WEAPON	200.380	F	10/29/2018		
6. ROBBERY WITH USE OF A DEADLY WEAPON	200.380	F	10/29/2018		
7. BATTERY WITH USE OF A DEADLY WEAPON, VICTIM 60 YEARS OF AGE OR OLDER	200.481.2e1	F	10/29/2018		
8. BATTERY WITH USE OF A DEADLY WEAPON	200.481.2e1	F	10/29/2018		

Related Cases

C-18-337017-1 (Multi-Defendant Case)

Statistical Closures

12/23/2019 Jury Trial - Conviction - Criminal

Warrants

Indictment Warrant - Marks, Devohn (Judicial Officer: Bell, Linda Marie)

01/28/2019 11:51 AM Returned - Served

01/11/2019 11:00 AM Active

Hold Without Bond

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number C-18-337017-2
Court Department 5
Date Assigned 01/11/2019
Judicial Officer Ellsworth, Carolyn

PARTY INFORMATION

Defendant	Marks, Devohn	<i>Lead Attorneys</i>
		Pro Se
Plaintiff	State of Nevada	Wolfson, Steven B 702-671-2700(W)

DATE

EVENTS & ORDERS OF THE COURT


















INDEX

CASE SUMMARY
CASE NO. C-18-337017-2

EVENTS

01/11/2019	 Indictment <i>Superseding Indictment</i>
01/11/2019	 Warrant <i>Superseding Indictment Warrant</i>
01/15/2019	 Indictment Warrant Return
01/22/2019	 Transcript of Proceedings <i>Reporter's Transcript of Proceedings, Grand Jury Hearing, Superseding Indictment, January 10, 2019</i>
02/01/2019	 Notice of Witnesses and/or Expert Witnesses <i>State's Notice of Expert Witnesses</i>
02/05/2019	 Notice of Witnesses and/or Expert Witnesses <i>State's Notice of Witnesses</i>
02/06/2019	 Order for Production of Inmate Party: Plaintiff State of Nevada <i>Order for Production of Inmates</i>
02/07/2019	 Receipt of Copy <i>Receipt of Copy</i>
02/11/2019	 Supplemental Witness List <i>State's Supplemental Notice of Witnesses</i>
02/11/2019	 Notice of Motion Filed By: Plaintiff State of Nevada <i>Ex Parte Motion For An Order Shortening Time On State's Motion To Admit Evidence of Other Bad Acts</i>
02/12/2019	 Motion Filed By: Plaintiff State of Nevada <i>State's Notice of Motion and Motion to Admit Evidence of Other Bad Acts</i>
02/19/2019	 Opposition to Motion Filed By: Defendant Marks, Devohn <i>Opposition to State's Motion to Admit Evidence of Other Acts</i>
03/20/2019	 Supplemental Witness List <i>State's Supplemental Notice of Expert Witnesses</i>
05/30/2019	 Supplemental <i>STATE S SUPPLEMENTAL MOTION TO ADMIT EVIDENCE OF OTHER BAD ACTS</i>
06/21/2019	 Receipt of Copy <i>Receipt of Copy</i>
07/03/2019	


CASE SUMMARY
CASE NO. C-18-337017-2


	 Notice of Motion Filed By: Defendant Marks, Devohn <i>Notice of Motion</i>
07/05/2019	 Motion to Withdraw As Counsel Filed By: Defendant Marks, Devohn <i>Motion to Withdraw As Counsel</i>
07/10/2019	 Jury List
07/22/2019	 Amended Jury List
07/25/2019	 Notice <i>NOTICE OF INTENT TO SEEK PUNISHMENT AS A HABITUAL CRIMINAL</i>
07/26/2019	 Verdict
07/26/2019	 Instructions to the Jury
08/22/2019	 Motion to Dismiss Counsel Party: Defendant Marks, Devohn <i>Motion to Dismiss Counsel and Move In Pro Se</i>
08/29/2019	 PSI
10/11/2019	 Motion for Judgment Filed By: Defendant Marks, Devohn <i>Motion for Judgment of Acquittal</i>
10/11/2019	 Motion for New Trial Filed By: Defendant Marks, Devohn
10/15/2019	 Motion Filed By: Defendant Marks, Devohn <i>Extension of Time to File Motion for New Trial and Motion for Judgment of Acquittal</i>
10/17/2019	 Order <i>Order Granting State's Supplemental Motion to Admit Evidence of Other Bad Acts</i>
11/01/2019	 Opposition to Motion <i>State's Opposition to Defendant's Motion for New Trial and Motion for Judgment of Acquittal</i>
11/14/2019	 Order <i>Order Granting Defendant's Pro Per Motion to Dismiss Counsel and Move in Pro Se</i>
11/15/2019	 Opposition to Motion Filed By: Plaintiff State of Nevada <i>State's Supplemental Opposition to Defendant's Motion for New Trial and Motion for Judgement of Acquittal</i>
12/02/2019	 Reply Filed by: Defendant Marks, Devohn

CASE SUMMARY


CASE NO. C-18-337017-2

Reply to State's Response to Defendant's Motion for a New Trial and Motion for Judgment of Acquittal


12/23/2019  Judgment of Conviction
Judgment of Conviction (Jury Trial)

01/17/2020  Notice of Appeal (criminal)
Party: Defendant Marks, Devohn
Notice of Appeal

02/19/2020  Notice of Appeal (criminal)
Notice of Appeal

02/20/2020  Case Appeal Statement
Filed By: Defendant Marks, Devohn
Case Appeal Statement

HEARINGS

01/11/2019  **Grand Jury Indictment (11:00 AM)** (Judicial Officer: Bell, Linda Marie)
SUPERSEDING INDICTMENT

MINUTES


Warrant

01/11/2019 Inactive Indictment Warrant

Matter Heard;


Journal Entry Details:

Keith Nelson, Grand Jury Foreperson, stated to the Court that at least twelve members had concurred in the return of the true bill during deliberation, but had been excused for presentation to the Court. State presented Grand Jury Case Number 17CGJ189B to the Court. COURT ORDERED, the Indictment may be filed and is assigned Case Number C-19-337017-2, Department V. State requested a warrant, argued bail, and advised Deft is not in custody. COURT ORDERED, NO BAIL; INDICTMENT WARRANT ISSUED. Upon Court's inquiry, the State advised there are no material witness warrants to quash. COURT FURTHER ORDERED, Exhibits 1a and 20 to be lodged with the Clerk of the Court. In addition, a Pre-Trial Risk Assessment will be prepared if one was not previously done. I.W. (NIC) ;

01/28/2019  **Indictment Warrant Return (9:00 AM)** (Judicial Officer: Ellsworth, Carolyn)
Superseding Indictment Warrant Return
Trial Date Set;
Journal Entry Details:
Deft. present in custody. Mr. Bonaventure stated the public defender could not be appointed to represent the Deft. COURT ORDERED, Jess Matsuda, Esq. APPOINTED. Matter TRAILED for Mr. Matsuda's presence. Matter RECALLED. Mr. Matsuda now present. Mr. Matsuda stated the Deft. will be entering a not guilty plea and INVOKE his right to a speedy trial. Upon Court s inquiry, DEFT. MARKS concurred with the representations made by Mr. Matsuda and PLED NOT GUILTY. Upon Court's inquiry, Defense counsel and the State made oral requests for reciprocal discovery pursuant to NRS Chapter 174. COURT NOTED counsel's requests for discovery have been made. COURT ORDERED, matter SET for trial. CUSTODY 2/20/19 - 9:00 AM - CALENDAR CALL 2/25/19 - 1:30 PM - JURY TRIAL;

02/20/2019 **Calendar Call (9:00 AM)** (Judicial Officer: Ellsworth, Carolyn)
Vacated and Reset;

02/20/2019 **Motion for Order (9:00 AM)** (Judicial Officer: Ellsworth, Carolyn)
State's Ex Parte Motion for an Order Shortening Time on State's Motion to Admit Evidence of Other Bad Acts
Hearing Set;

02/20/2019  **All Pending Motions (9:00 AM)** (Judicial Officer: Ellsworth, Carolyn)

CASE SUMMARY


CASE NO. C-18-337017-2

Matter Continued;

Journal Entry Details:

STATE'S EX PARTE MOTION FOR AN ORDER SHORTENING TIME ON STATE'S MOTION TO ADMIT EVIDENCE OF OTHER BAD ACTS...CALENDAR CALL Court advised an offer of proof was needed for the prior robbery for a proper analysis; advised a Petrocelli hearing would be necessary. Mr. Giordani stated he intended to submit evidence and witnesses from one particular robbery to prove the act happened by preponderance of the evidence. Mr. Giordani provided an explanation of a takeover style robbery. Court expressed identification would be essential and a Petrocelli hearing would be necessary. Mr. Matsuda stated if a Petrocelli hearing was warranted, he would request to challenge the admission of those facts and argued there was a presumption of inadmissibility on prior bad acts. Further, Mr. Matsuda requested the trial be continued as he was recently appointed and the amount of discovery. Mr. Giordani provided an offer of proof and advised he had no opposition to a trial continuance and anticipated 6-7 days. COURT ORDERED, Petrocelli hearing SET. Based on Court's own Motion to Continue Trial due to the Petrocelli hearing, COURT ORDERED, trial date VACATED and RESET; Court advised counsel this case would likely go to overflow. 5/17/19 9:00 AM PETROCELLI HEARING 7/3/19 9:00 AM CALENDAR CALL 7/8/19 1:30 PM JURY TRIAL CLERK'S NOTE: Minutes corrected to reflect accuracy of counsels' arguments. //ev 2/26/19;

02/25/2019 CANCELED Jury Trial (1:30 PM) (Judicial Officer: Ellsworth, Carolyn)
Vacated - per Judge

05/17/2019  **Petrocelli Hearing** (9:00 AM) (Judicial Officer: Ellsworth, Carolyn)
PETROCELLI HEARING: STATE'S MOTION TO ADMIT EVIDENCE OF OTHER BAD ACTS


MINUTES

Hearing Set;

Journal Entry Details:

Testimony presented (see worksheets). Argument by the State regarding Deft. being paroled in March 2018 and committing these crimes in October 2018. Argument by counsel, stating it would be prejudicial to grant the motion. Further argument by the State. Colloquy regarding supplemental briefing. COURT ORDERED, briefing schedule SET: State's supplement due by end of business day on 5/31/19; counsel's reply due by end of business day 6/14/19. FURTHER, matter SET for argument. Colloquy with Deft. regarding accomplice testimony. Deft. stated he had not received any documentation he had asked for and has not been visited by counsel. Upon Court's inquiry, counsel advised he had given Deft. everything he has, noting there is much discovery on disc and Deft. is in custody in the Nevada Department of Corrections, so visitation is difficult, although counsel has sent his investigator to see Deft. Statement by Deft. regarding low flight risk. CUSTODY 6/24/19 9:00 AM ARGUMENT: STATE'S MOTION TO ADMIT EVIDENCE OF OTHER BAD ACTS;

SCHEDULED HEARINGS

 **Argument** (06/24/2019 at 9:00 AM) (Judicial Officer: Ellsworth, Carolyn)
Argument: State's Motion to Admit Evidence of Other Bad Acts

06/24/2019  **Argument** (9:00 AM) (Judicial Officer: Ellsworth, Carolyn)

Argument: State's Motion to Admit Evidence of Other Bad Acts

Granted;

Journal Entry Details:

COURT NOTED it received the State's supplemental briefing, however, did not receive anything from the defense. Mr. Matsuda stated he did not receive the State's brief until Friday, however, he was comfortable moving forward. COURT ADVISED, Mr. Matsuda may orally respond to the State's supplemental briefing. Mr. Matsuda addressed his oral response indicating the circumstances relating to the crime were not so unique that it could link this case to the Deft.'s prior bad acts. Upon Court's inquiry, Ms. Moors confirmed the similarities between the both cases. Court stated its findings and ORDERED, Deft.'s prior acts will be ALLOWED to be admitted. Argument by Mr. Matsuda. Statement by Deft regarding not being served the Marcum notice and advised he wanted to testify in front of the Grand Jury. COURT NOTED, there was no pending motion to rule concerning Marcum and DIRECTED Deft. to consult his attorney. NDC;

CASE SUMMARY
CASE NO. C-18-337017-2

07/03/2019



Calendar Call (9:00 AM) (Judicial Officer: Ellsworth, Carolyn)

Trial Date Set;

Journal Entry Details:

Deft. present in custody. CONFERENCE AT THE BENCH. Upon Court's inquiry, Deft. reported he was unhappy with his counsel and stated his reasons, which included not being served a Marcum notice nor being served with the grand jury transcripts timely. Ms. Moors stated she inherited this case from Mr. Giordani. Colloquy regarding State's application to have the Marcum notice sealed and filing of the superseding indictment. Mr. Matsuda stated he discussed the Marcum notice issue with the Deft., the Deft. did not agree that he was ready for trial as the Deft. only wanted to discuss the Marcum notice and frivolous motions Deft. wanted filed. COURT ADVISED Deft. that his attorney had an obligation to file proper motions with the court. Statement by Deft. regarding challenging the evidence and a writ of habeas corpus not being filed. Mr. Matsuda confirmed he reviewed the transcripts and found insufficient grounds to file a writ of habeas corpus. COURT ADVISED Deft. regarding challenging something under the law, and the burden of proof required for a preliminary hearing or grand jury proceeding. Further statement by Deft. requesting a copy of the order that was filed under seal regarding the Marcum notice; further, advised he was not comfortable going forward with Mr. Matsuda as his attorney and requested to be appointed new counsel. Mr. Matsuda stated the Deft. was mailed discovery on 4/2/19. COURT ADVISED, Mr. Matsuda was competent and would not be removed as counsel. Colloquy regarding the anticipated trial schedule. Matter TRAILED to allow Deft. an opportunity to discuss his issues with his attorney. Matter RECALLED with the same parties present as before, including the appearance of Ms. Cannizzaro, Chief Deputy District Attorney. Upon Court's inquiry regarding Mr. Matsuda's meeting with Deft., Mr. Matsuda stated it was difficult to communicate with Deft. about any type of defense relative to the case, as the Deft. started talking about pretrial motions again. Deft. stated he wanted to discuss the strategy for trial with Mr. Matsuda; however, COURT CAUTIONED Deft. regarding waiving attorney/client privilege. Mr. Matsuda confirmed Deft. was provided with all the paperwork, including the updated grand jury transcripts with Deft.'s name indicated; the only items that may be outstanding are videos. Deft. stated he had not received the search warrants with his name. Ms. Moors stated she believed all evidence had been provided to Mr. Matsuda. Colloquy regarding the search warrants, conducting a file review, and the information the cell phone records contained. COURT ORDERED, jury trial set for 7/8/19 STANDS. CUSTODY 07/08/19 1:30 P.M. JURY TRIAL;

07/08/2019



Jury Trial (1:30 PM) (Judicial Officer: Ellsworth, Carolyn)

07/08/2019-07/10/2019, 07/22/2019-07/26/2019

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Verdict;

Journal Entry Details:

OUTSIDE THE PRESENCE OF THE JURY: Colloquy regarding proceedings. INSIDE THE PRESENCE OF THE JURY: David Miller SWORN AND TESTIFIED. State rested rebuttal case. OUTSIDE THE PRESENCE OF THE JURY: Instructions settled. INSIDE THE PRESENCE OF THE JURY: Closing arguments. Court instructed the Jury. At the hour of 12:07 p.m. the jury retired to deliberate. INSIDE THE PRESENCE OF THE JURY: At the hour of 2:31 p.m. the jury returned with a verdict of guilty as to COUNT 1 - Conspiracy to Commit Burglary; guilty as to COUNT 2 - Burglary While in Possession of a Deadly Weapon; guilty as to COUNT 3 - Conspiracy to Commit Robbery; guilty as to COUNT 4 - Robbery with Use of a Deadly Weapon, victim 60 years of age or older; guilty as to COUNT 5 - Robbery with Use of a Deadly Weapon; guilty as to COUNT 6 - Robbery with Use of a Deadly Weapon; guilty as to COUNT 7 - Battery with Use of a Deadly Weapon, Victim 60 years of age or older; guilty as to COUNT 8 - Battery with Use of a Deadly Weapon. Verdict FILED IN OPEN COURT. Jury Instructions FILED IN OPEN COURT. COURT ORDERED, Deft. REMANDED without bail. COURT FURTHER ORDERED, matter referred to the Division of Parole and Probation (P & P) and SET for sentencing. CUSTODY 09/16/2019 9:00 AM SENTENCING (DEPT. 5);

Trial Continues;

Trial Continues;

CASE SUMMARY

CASE NO. C-18-337017-2

Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Verdict;

Journal Entry Details:

OUTSIDE THE PRESENCE OF THE JURY. The State informed the Court it has obtained certified JOC's and noticed Deft is violent habitual eligible. The Court inquired if there has been any offers by the State. The State advised the Court there has been no offers made by the State to Deft. *JURY PRESENT.* Testimony and exhibits presented (see worksheet). The State admitted exhibit #66 (CD). *STATE RESTED. OUTSIDE THE PRESENCE OF THE JURY.* The Court canvassed Deft regarding his rights to testify. Deft stated he wanted to testify. The State advised it had two certified JOC's with convictions and felonies that could come into play if Deft chose to testify. *JURY PRESENT.* Testimony and exhibits presented (see worksheet). *CONFERENCE AT THE BENCH. DEFENSE RESTED.* The Court noted the State is going to put on its rebuttal case tomorrow. *COURT ORDERED, TRIAL CONTINUED.* The Court recessed the Jury for the evening. *CUSTODY 7-26-19 9:00 AM JURY TRIAL (DEPT. V);*

Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Verdict;

Journal Entry Details:

OUTSIDE THE PRESENCE OF THE JURY. Ms. Moors advised State's exhibit 64A, will take the place of State's exhibit 64, as it has a video player loaded on the disk to play the video, that Mr. Matsuda would agree to its admission by stipulation. *COURT ADVISED,* 64A would take place of 64, and both exhibits would go back to the jury but the Jury will be provided with an explanation that 64A had the video player. Colloquy regarding the stipulation of State's exhibits 65-69. Mr. Matsuda stated he would stipulate to their admission as to their authenticity; however, requested they lay the foundation but he would not make them jump through hoops for their admission. *COURT ORDERED,* State's exhibit 64A *ADMITTED. IN THE PRESENCE OF THE JURY.* Testimony and exhibits presented (see worksheets). *CONFERENCES AT THE BENCH.* Testimony and exhibit presentation continued. *COURT ADMONISHED* the Jury and *DIRECTED* the jury to return tomorrow at the given time. *COURT ORDERED,* matter *CONTINUED. OUTSIDE THE PRESENCE OF THE JURY.* Bench conferences placed on the record. Evening Recess. 7/25/19 - 1:30 PM - *JURY TRIAL ;*

Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Verdict;

Journal Entry Details:

OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding providing the jury instructions to the Court. *IN THE PRESENCE OF THE JURY.* Testimony and exhibits presented (see worksheets). *CONFERENCES AT THE BENCH.* Testimony and exhibit presentation continued. *COURT ADMONISHED* the Jury and *DIRECTED* the jury to return tomorrow at the given time. *COURT ORDERED,* matter *CONTINUED. OUTSIDE THE PRESENCE OF THE JURY.* Bench conferences placed on the record. Evening Recess. 7/24/19 - 1:00 PM - *JURY TRIAL ;*

Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Verdict;

CASE SUMMARY
CASE NO. C-18-337017-2

Journal Entry Details:

Amended jury list FILED IN OPEN COURT. JURY PRESENT. Clerk read the Indictment to the jury and stated the Deft.'s plea thereto. Opening statements by counsel. Testimony and exhibits presented. (See worksheets). CONFERENCES AT THE BENCH. OUTSIDE THE PRESENCE OF THE JURY. Bench conferences placed on the record. JURY PRESENT. COURT ORDERED, Juror #016 EXCUSED and REPLACED with Juror #963. Further testimony and exhibits. CONFERENCE AT THE BENCH. COURT ADMONISHED the jury and excused them for the evening recess.;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Verdict;

Journal Entry Details:

IN THE PRESENCE OF THE JURY VENIRE. Jury selection continued. CONFERENCES AT THE BENCH. Jury selection continued. Peremptory Challenges exercised off the record. 12 Jurors and 4 Alternates Selected and Sworn. Jury list FILED IN OPEN COURT. Court instructed the Jury. COURT ADMONISHED the Jury and DIRECTED the jury to return Monday July 22, 2019 at the given time. COURT ORDERED, matter CONTINUED. OUTSIDE THE PRESENCE OF THE JURY VENIRE. Bench conferences placed on the record. Evening Recess. 7/22/19 11:00 AM - JURY TRIAL ;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Verdict;

Journal Entry Details:

IN THE PRESENCE OF THE JURY VENIRE. Jury selection continued. CONFERENCES AT THE BENCH. Jury selection continued. OUTSIDE THE PRESENCE OF THE JURY VENIRE. Bench conferences placed on the record. Colloquy and stipulation regarding the excusal of one of the jurors. IN THE PRESENCE OF THE JURY VENIRE. Jury selection continued. CONFERENCES AT THE BENCH. Jury selection continued. COURT ADMONISHED the Jury and DIRECTED the jury to return tomorrow at the given time. COURT ORDERED, matter CONTINUED. OUTSIDE THE PRESENCE OF THE JURY VENIRE. Bench conferences placed on the record. Evening Recess. 7/10/19 - 1:30 PM - JURY TRIAL;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Verdict;



Journal Entry Details:

OUTSIDE THE PRESENCE OF THE JURY VENIRE. COURT NOTED, on 7/5/19 the Deft. filed a pro-per motion to withdraw counsel; however, it was signed in June and was set one week after jury selection had started. Upon Court's inquiry, Deft. stated that matter had already addressed. COURT ORDERED, the motion currently set on July 29, 2019 is ADVANCED and DENIED. IN THE PRESENCE OF THE JURY VENIRE. Introductions by Court and counsel. Voir dire oath given and jury selection commenced. OUTSIDE THE PRESENCE OF THE JURY VENIRE / IN THE PRESENCE OF JUROR BADGE 152. Jury selection and questioning continued. IN THE PRESENCE OF THE JURY VENIRE. Jury selection continued. CONFERENCE AT THE BENCH. Jury selection continued. COURT ADMONISHED the Jury and DIRECTED the jury to return tomorrow at the given time. COURT ORDERED, matter CONTINUED. OUTSIDE THE PRESENCE OF THE JURY VENIRE. Bench conferences placed on the record. Mr. Matsuda stated one of the jurors had approached him about her paperwork upon leaving the courtroom and he pointed to the marshal. COURT and the State SO NOTED. Evening Recess. 7/9/19 - 1:30 PM - JURY TRIAL;

CASE SUMMARY
CASE NO. C-18-337017-2

07/29/2019	<p>CANCELED Motion to Withdraw as Counsel (9:00 AM) (Judicial Officer: Ellsworth, Carolyn)</p> <p><i>Vacated - per Judge</i></p> <p><i>Defendant's Motion to Withdraw as Counsel</i></p>
09/16/2019	<p> Sentencing (9:00 AM) (Judicial Officer: Ellsworth, Carolyn)</p> <p>09/16/2019, 09/18/2019, 10/07/2019, 11/04/2019, 12/09/2019, 12/18/2019</p> <p>Matter Continued;</p> <p>Continued;</p> <p>Continued;</p> <p>Continued;</p> <p>Continued;</p> <p>Defendant Sentenced;</p> <p>Matter Continued;</p> <p>Continued;</p> <p>Continued;</p> <p>Continued;</p> <p>Continued;</p> <p>Defendant Sentenced;</p> <p>Matter Continued;</p> <p>Continued;</p> <p>Continued;</p> <p>Continued;</p> <p>Continued;</p> <p>Defendant Sentenced;</p> <p>Matter Continued;</p> <p>Continued;</p> <p>Continued;</p> <p>Continued;</p> <p>Continued;</p> <p>Defendant Sentenced;</p> <p>Matter Continued;</p> <p>Continued;</p> <p>Continued;</p> <p>Continued;</p> <p>Continued;</p> <p>Defendant Sentenced;</p> <p>Matter Continued;</p> <p>Continued;</p> <p>Continued;</p> <p>Continued;</p> <p>Continued;</p> <p>Defendant Sentenced;</p> <p>Journal Entry Details:</p> <p><i>Mr. Matsuda advised Deft. has filed motion to dismiss counsel. Deft. advised he wants to represent himself. Court stated Deft. cannot represent himself on appeal. Deft. requested to continue matter to Wednesday based on ineffective assistance of counsel, no attorney client visit at all and advised he has new motions to file. Court stated motions not timely and judgment of acquittal has to be filed within seven days. Further statement by Deft. Court heard trial and in order for the Court to grant a motion for judgment of acquittal after trial, the Court has to find there was absolutely no evidence upon which a reasonable jury could find Deft. guilty. Further, there was plenty of evidence as well as an accomplice testimony that tended to connect Deft. to the crime separate and apart from the accomplice testimony. There is no way the Court would granted such a motion. Upon Court's inquiry, Mr. Matsuda stated counsel did not file motion as it would be frivolous. Statement by Deft. Court can Faretta Canvass Deft. on Wednesday. Mr. Matsuda stated he spoke to Deft. numerous times while in Court, Deft. has been housed in High Desert and investigator spoke to Deft. Further statement by Deft. COURT ORDERED, matter CONTINUED and set for Faretta Canvass. CUSTODY (COC-NDC) CONTINUED TO: 9/18/19 9:00 AM 9/18/19 9:00 AM FARETTA CANVASS;</i></p>
09/18/2019	<p>Motion to Dismiss (9:00 AM) (Judicial Officer: Ellsworth, Carolyn)</p> <p>09/18/2019, 10/07/2019</p> <p><i>Defendant's Pro Per Motion to Dismiss Counsel and Move In Pro Se</i></p>

CASE SUMMARY
CASE NO. C-18-337017-2

	Continued; Motion Granted; Continued; Motion Granted;
09/18/2019	 All Pending Motions (9:00 AM) (Judicial Officer: Ellsworth, Carolyn) Matter Heard; Journal Entry Details: <i>SENTENCING ... DEFT.'S PRO PER MOTION TO DISMISS COUNSEL AND MOVE IN PRO SE Matter called at 12:44 PM. Deft. present in custody. As a Faretta Canvass will take 15 minutes, COURT ORDERED, matters CONTINUED and SET for Faretta Canvass. Ms. Moore stated she also had to attend training at 1:00 PM today. COURT NOTED, the Deft. is entitled to represent himself on sentencing, but not on an appeal, therefore, counsel would have to represent the Deft. on the appeal. CUSTODY (COC-NDC) 10/7/19 - 9:00 AM - SENTENCING ... DEFT.'S PRO PER MOTION TO DISMISS COUNSEL AND MOVE IN PRO SE ... FARETTA CANVASS ;</i>
10/07/2019	Faretta Canvass (9:00 AM) (Judicial Officer: Ellsworth, Carolyn) Matter Heard;
10/07/2019	 All Pending Motions (9:00 AM) (Judicial Officer: Ellsworth, Carolyn) Matter Heard; Journal Entry Details: <i>APPEARANCE CONTINUED: Benjamin Nadig, Esq. present for Mr. Nadig on behalf of Deft. who is present in custody. SENTENCING ... DEFT.'S PRO PER MOTION TO DISMISS COUNSEL AND MOVE IN PRO SE ... FARETTA CANVASS Upon Court's inquiry Deft. advised he still wanted to represent himself. Court proceeded with the Faretta Canvass of the Deft and questioned the Deft. regarding his understanding of the laws. COURT FINDS, no reason for the Deft. not to be able to represent himself on Sentencing. Mr. Nadig objected to the late filing of the notice of intent to seek criminal habitual treatment and argued that should not be considered at sentencing. Argument by Ms. Moors in support of criminal habitual treatment being considered. Deft. requested the sentencing be continued 30 days to allow him to prepare. Upon Court's further inquiry, Deft. reiterated he still wanted to represent himself and declined to have another court appointed attorney represent him. Mr. Nadig stated he would appear for the sentencing date. COURT ORDERED, motion GRANTED in that Jess Matsuda is REMOVED AS COUNSEL and Deft. is to proceed in Pro Se; FURTHER, Benjamin Nadig APPOINTED as standby counsel for Sentencing. CUSTODY (COC-NDC) 11/4/19 - 9:00 AM - SENTENCING;</i>
11/04/2019	Motion for Judgment (9:00 AM) (Judicial Officer: Ellsworth, Carolyn) 11/04/2019, 12/09/2019, 12/18/2019 <i>Defendant's Pro Per Motion for Judgment of Acquittal</i> Continued; Continued; Motion Denied; Continued; Continued; Motion Denied; Continued; Continued; Motion Denied;
11/04/2019	Motion for New Trial (9:00 AM) (Judicial Officer: Ellsworth, Carolyn) 11/04/2019, 12/09/2019, 12/18/2019 <i>Defendant's Pro Per Motion for New Trial</i> Continued; Continued; Motion Denied; Continued; Continued; Motion Denied; Continued;

CASE SUMMARY

CASE NO. C-18-337017-2

Continued;
Motion Denied;

11/04/2019



All Pending Motions (9:00 AM) (Judicial Officer: Ellsworth, Carolyn)

Matter Heard;

Journal Entry Details:

DEFT.'S PRO PER MOTION FOR JUDGMENT OF ACQUITTAL ... DEFT.'S PRO PER MOTION FOR NEW TRIAL ... SENTENCING APPEARANCES CONTINUED: Benjamin Nadig, Esq. present on behalf of Deft. who was present in custody. Deft. stated he just received the State's opposition today. Ms. Moors stated she wasn't served with the Deft.'s motion until 10/24/19 and acknowledged she just provided the opposition to the Deft.. Matter TRAILED for Deft. to read the State's opposition. Matter RECALLED. Same parties present as before. As to the Extension of time to file motion for new trial and motion for judgment of acquittal, currently set November 6, 2019, COURT ADVISED, Deft. had a deadline, and any requests to extend had to be within the timeframe set out by the statutes. Deft. argued there was excusable neglect; therefore, requested the motion be heard, as Mr. Matsuda wouldn't get hold of him and he never met with Mr. Matsuda to discuss the case, he had made this claim before a number of times, and he had reached out to Mr. Matsuda within the fourteen day timeframe to request he file something on his behalf. Ms. Moors argued in opposition to there being excusable neglect; noting that was why her opposition only addressed the time bar matter. Further argument by Deft. regarding excusable neglect. COURT NOTED, the State had not addressed the merits of the motion. Statement by Mr. Nadig regarding there being no contact with Mr. Matsuda. COURT ORDERED, all matters CONTINUED for the State to file a written response and the Deft. to address the State's response. Ms. Moose further argued that because the Deft. wanted to represent himself, it did not mean Mr. Matsuda was ineffective. COURT SO AGREED. COURT FURTHER ORDERED, State's supplemental opposition DUE BY 11/18/19 and the Deft.'s response is DUE BY 12/2/19. FURTHER ORDERED, request for extension of time to file motion for new trial and motion for judgment of acquittal is MOOT. COURT ADVISED, it did not make a finding that Mr. Matsuda was ineffective. Further statements by Deft. regarding the lack of contact with Mr. Matsuda; further, Deft. requested Mr. Matsuda provide him with his file. COURT ADVISED, Deft. had to make a request for the file. Statement by Ms. Moors regarding the Marcum notice, that was filed under sealed, and that should not be provided to the Deft. COURT SO NOTED. CUSTODY (COC-NDC) CONTINUED TO: 12/9/19 - 9:00 AM;

11/06/2019

CANCELED Motion (9:00 AM) (Judicial Officer: Ellsworth, Carolyn)

Vacated - per Judge

Extension of Time to File Motion for New Trial and Motion for Judgment of Acquittal

12/09/2019



All Pending Motions (9:00 AM) (Judicial Officer: Ellsworth, Carolyn)

Matter Heard;

Journal Entry Details:

APPEARANCES CONTINUED: Steven Altig, Esq. present for standby Counsel Mr. Nadig. Deft. present in custody SENTENCING ... DEFT.'S PRO PER MOTION FOR JUDGMENT OF ACQUITTAL ... DEFT.'S PRO PER MOTION FOR NEW TRIAL Mr. Altig stated Mr. Nadig could not appear today; therefore, he was requesting this matter be continued to Wednesday. COURT ADVISED, Mr. Nadig was standby counsel. Upon Court's inquiry regarding whether the Deft. wanted Mr. Nadig here and whether the Deft. was ready to argue his motions, Deft. stated he wanted Mr. Nadig to be here; however, advised, he was ready to proceed. Further, Deft. stated he had new evidence that had been presented to him, that he would like to provide for the Court. Ms. Rinetti stated this matter was being handled by Ms. Moors. Matter TRAILED for Ms. Moors presence. Matter RECALLED. Ms. Moors now present on behalf of the State. Mr. Altig is no longer present. Ms. Moors stated she was not served with a copy of the motion; however, she did obtain a copy online and requested to opportunity to file a response. Upon Court's inquiry as to what the Deft. wanted to produce, Deft. stated there was a message on a woman's phone, that vital for his defense for trial, showing that he sent a message indicating his phone had been stolen. Ms. Moors stated the Deft. could not admit evidence after the fact. COURT SO AGREED; however, NOTED that was not to say there wasn't a post-conviction matter that it could be presented for. COURT FURTHER NOTED, the State did not get served with the motion. Deft. acknowledged that he completed a certificate of mailing; however, advised he did not ask the jail to mail the documents. COURT ORDERED, matter CONTINUED to allow the State to review the Deft.'s response. CUSTODY CONTINUED TO: 12/18/19 - 9:00 AM CLERK'S NOTE: The foregoing minutes were updated to indicate the correct reason for the continuance "to allow the State to review the Deft.'s response", instead

CASE SUMMARY**CASE NO. C-18-337017-2***of being continued for the State to file a response (1/21/20 amn).;*

12/18/2019

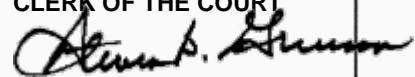
**All Pending Motions (9:00 AM)** (Judicial Officer: Ellsworth, Carolyn)

Matter Heard;

Journal Entry Details:

APPEARANCES CONTINUED: Benjamin Nadig, Esq. present as standby counsel.

DEFENDANT'S PRO PER MOTION FOR JUDGMENT OF ACQUITTAL ... DEFENDANT'S PRO PER MOTION FOR NEW TRIAL ... SENTENCING Deft. stated he had nothing to add to his two motions; however, noted he just received discovery, there were multiple issue raised about the Marcum notice. Colloquy regarding the grand jury case A760797. Ms. Moors stated this matter was already addressed. **COURT NOTED**, many of the arguments the Deft. was making are addressed on appeal. Mr. Nadig stated he thought he was appointed as appellant counsel. **COURT ADVISED**, Mr. Matsuda was still appellant counsel. Mr. Nadig stated he would discuss that with Mr. Matsuda, as with the Court's permission he would request to substitute in. **COURT ADVISED**, if Mr. Matsuda felt the relationship had broken down the Deft. could consider that. Deft. requested Mr. Nadig be substituted in as counsel. **COURT** stated its **FINDINGS** and **ORDERED** motions **DENIED**. **DEFT MARKS ADJUDGED GUILTY OF COUNT 1 CONSPIRACY TO COMMIT BURGLARY (GM), COUNT 2 BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON (F), COUNT 3 CONSPIRACY TO COMMIT ROBBERY (F), COUNT 4 - ROBBERY WITH USE OF A DEADLY WEAPON, VICTIM 60 YEARS OF AGE OR OLDER (F), COUNTS 5 and 6- ROBBERY WITH USE OF A DEADLY WEAPON (F), COUNT 7 - BATTERY WITH USE OF A DEADLY WEAPON, VICTIM 60 YEARS OF AGE OR OLDER (F), and COUNT 8 BATTERY WITH USE OF A DEADLY WEAPON (F).** Arguments by Ms. Moors; noted she was striking the notice of intent to seek habitual treatment for appellant purposes. Argument by Deft. **COURT ORDERED**, in addition to the \$25.00 Administrative Assessment fee, a \$150.00 DNA Analysis fee **WAIVED** as previously taken, a \$3.00 DNA Collection fee, and an order and judgment of **RESTITUTION** in the amount of \$250.00 payable to and in favor of the Dugout Lounge Inc. dba Torrey Pines Pub imposed jointly and severally with the Co-Deft, Deft. **SENTENCED** as follows: **COUNT 1 THREE HUNDRED SIXTY FOUR (364) DAYS** the Clark County Detention Center (CCDC); **COUNT 2 - a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS and a MINIMUM of FORTY-EIGHT (48) MONTHS** to the Nevada Department of Corrections, **CONCURRENT** with **COUNT 1**; **COUNT 3 a MAXIMUM of SEVENTY-TWO (72) MONTHS and a MINIMUM of TWENTY-FOUR (24) MONTHS** to the Nevada Department of Corrections, **CONCURRENT** with **COUNT 2**; **COUNT 4 a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS and a MINIMUM of FORTY-EIGHT (48) MONTHS** to the Nevada Department of Corrections, plus a **CONSECUTIVE** term of a **MAXIMUM of SIXTY (60) MONTHS and a MINIMUM of TWENTY-FOUR (24) MONTHS** for both enhancements, **CONSECUTIVE** to **COUNT 3**; **COUNT 5 - a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS and a MINIMUM of FORTY-EIGHT (48) MONTHS** to the Nevada Department of Corrections, plus a **CONSECUTIVE** term of a **MAXIMUM of SIXTY (60) MONTHS and a MINIMUM of TWENTY-FOUR (24) MONTHS** for the deadly weapon enhancement, **CONSECUTIVE** to **COUNT 4**; **COUNT 6 a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS and a MINIMUM of FORTY-EIGHT (48) MONTHS** to the Nevada Department of Corrections, plus a **CONSECUTIVE** term of a **MAXIMUM of SIXTY (60) MONTHS and a MINIMUM of TWENTY-FOUR (24) MONTHS** for the deadly weapon enhancement, **CONSECUTIVE** to **COUNT 5**; **COUNT 7 - a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS and a MINIMUM of THIRTY-SIX (36) MONTHS** to the Nevada Department of Corrections, plus a **CONSECUTIVE** term of a **MAXIMUM of SIXTY (60) MONTHS and a MINIMUM of TWENTY-FOUR (24) MONTHS** for the victim 60 years of age or older enhancement, **CONCURRENT** with **COUNT 6**; and **COUNT 8 - a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS and a MINIMUM of THIRTY-SIX (36) MONTHS** to the Nevada Department of Corrections, **CONCURRENT** with **COUNT 7**; with **ONE HUNDRED SEVENTY-NINE (179) DAYS** credit for time served. The **AGGREGATE TOTAL** sentence is a **MAXIMUM of FOUR HUNDRED EIGHTY (480) MONTHS and a MINIMUM of ONE HUNDRED NINETY-TWO (192) MONTHS**. **COURT ADVISED**, only one enhancement can be imposed pursuant to statute with respect to the aggregate sentence. **BOND**, if any, **EXONERATED**. **NDC**;



JOCP

**DISTRICT COURT
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,

Plaintiff,

-VS-

DEVOHN MARKS
#2798254

Defendant.

CASE NO: C-18-337017-2

DEPT NO: V

**JUDGMENT OF CONVICTION AND RESTITUTION
(JURY TRIAL)**

The defendant previously entered a plea of not guilty to the crimes of COUNT 1- CONSPIRACY TO COMMIT BURGLARY (a Gross Misdemeanor) in violation of NRS 205.060, 199.480; COUNT 2 - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON (a Category B Felony) in violation of NRS 205.060; COUNT 3 - CONSPIRACY TO COMMIT ROBBERY (a Category B Felony) in violation of NRS 200.380, 199.480; COUNT 4 - ROBBERY WITH USE OF A DEADLY WEAPON, VICTIM 60 YEARS OF AGE OR OLDER (a Category B Felony) in violation of NRS 200.380, 193.165, 193.167; COUNTS 5 and 6- ROBBERY WITH USE OF A DEADLY WEAPON (a Category B Felony) in violation of NRS 200.380, 193.165; COUNT 7 - BATTERY WITH USE OF A DEADLY WEAPON, VICTIM 60 YEARS OF AGE OR OLDER (a Category B Felony) in violation of NRS 200.481, 193.167; COUNT 8 - BATTERY WITH USE OF A DEADLY WEAPON (a Category B Felony) in violation of NRS 200.481; and the matter having been tried before a jury and the defendant having been found guilty of the crimes of COUNT 1- CONSPIRACY TO COMMIT BURGLARY (a Gross Misdemeanor) in violation of NRS 205.060, 199.480; COUNT 2 - BURGLARY

//

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

T:\PRISON JOCS\C-18-337017-2 (DEVOHN MARKS) JOCP.DOC

1 WHILE IN POSSESSION OF A DEADLY WEAPON (a Category B Felony) in violation of
2 NRS 205.060; COUNT 3 – CONSPIRACY TO COMMIT ROBBERY (a Category B
3 Felony) in violation of NRS 200.380, 199.480; COUNT 4 - ROBBERY WITH USE OF A
4 DEADLY WEAPON, VICTIM 60 YEARS OF AGE OR OLDER (a Category B Felony) in
5 violation of NRS 200.380, 193.165, 193.167; COUNTS 5 and 6 - ROBBERY WITH USE
6 OF A DEADLY WEAPON (a Category B Felony) in violation of NRS 200.380, 193.165;
7 COUNT 7 - BATTERY WITH USE OF A DEADLY WEAPON, VICTIM 60 YEARS OF
8 AGE OR OLDER (a Category B Felony) in violation of NRS 200.481, 193.167; COUNT 8 –
9 BATTERY WITH USE OF A DEADLY WEAPON (a Category B Felony) in violation of
10 NRS 200.481. Thereafter, on the 18th day of December, 2019, the defendant was present in
11 court for sentencing without counsel, IN PROPER PERSON, and good cause appearing,

12 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offenses and, in
13 addition to the \$25.00 Administrative Assessment Fee, the \$3.00 DNA Collection Fee,¹ and
14 an Order and Judgment of Restitution in the amount of \$250.00 payable to and in favor of
15 the Dugout Lounge Inc. dba Torrey Pines Pub payable jointly and severally with the co-
16 defendant, the defendant is sentenced to the Nevada Department of Corrections as follows:

17 **COUNT 1** – THREE HUNDRED SIXTY FOUR (364) DAYS in the Clark County
18 Detention Center (CCDC); **COUNT 2** - a MAXIMUM of ONE HUNDRED TWENTY
19 (120) MONTHS and a MINIMUM of FORTY EIGHT (48) MONTHS, CONCURRENT
20 with COUNT 1; **COUNT 3** – a MAXIMUM of SEVENTY TWO (72) MONTHS and a
21 MINIMUM of TWENTY FOUR (24) MONTHS, CONCURRENT with COUNT 2;
22 **COUNT 4** – a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS and a
23 MINIMUM of FORTY EIGHT (48) MONTHS plus a CONSECUTIVE term of a
24 MAXIMUM of SIXTY (60) MONTHS and a MINIMUM of TWENTY FOUR (24)
25 MONTHS for both enhancements, CONSECUTIVE to COUNT 3; **COUNT 5** - a

26 //

27 _____
28 ¹ The \$150.00 DNA Analysis Fee is WAIVED.

1 MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS and a MINIMUM of FORTY
2 EIGHT (48) MONTHS plus a CONSECUTIVE term of a MAXIMUM of SIXTY (60)
3 MONTHS and a MINIMUM of TWENTY FOUR (24) MONTHS for the deadly weapon
4 enhancement, CONSECUTIVE to COUNT 4; **COUNT 6** – a MAXIMUM of ONE
5 HUNDRED TWENTY (120) MONTHS and a MINIMUM of FORTY EIGHT (48)
6 MONTHS plus a CONSECUTIVE term of a MAXIMUM of SIXTY (60) MONTHS and a
7 MINIMUM of TWENTY FOUR (24) MONTHS for the deadly weapon enhancement,
8 CONSECUTIVE to COUNT 5; **COUNT 7** - a MAXIMUM of ONE HUNDRED TWENTY
9 (120) MONTHS and a MINIMUM of THIRTY SIX (36) MONTHS plus a CONSECUTIVE
10 term of a MAXIMUM of SIXTY (60) MONTHS and a MINIMUM of TWENTY FOUR
11 (24) MONTHS for the victim 60 years of age or older enhancement, CONCURRENT with
12 COUNT 6; and **COUNT 8** - a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS
13 and a MINIMUM of THIRTY SIX (36) MONTHS, CONCURRENT with COUNT 7; with
14 ONE HUNDRED SEVENTY NINE (179) DAYS credit for time served. The
15 AGGREGATE TOTAL sentence is a MAXIMUM of FOUR HUNDRED EIGHTY (480)
16 MONTHS and a MINIMUM of ONE HUNDRED NINETY TWO (192) MONTHS.

17 DATED this 20 day of December, 2019.

18
19 FOR 
CAROLYN ELLSWORTH
DISTRICT JUDGE 

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 11, 2019

C-18-337017-2 State of Nevada
vs
Devohn Marks

January 11, 2019 11:00 AM Grand Jury Indictment

HEARD BY: Bell, Linda Marie

COURTROOM: RJC Courtroom 17A

COURT CLERK: Kimberly Estala

RECORDER: Renee Vincent

REPORTER:

PARTIES

PRESENT: Giordani, John Attorney
State of Nevada Plaintiff

JOURNAL ENTRIES

- Keith Nelson, Grand Jury Foreperson, stated to the Court that at least twelve members had concurred in the return of the true bill during deliberation, but had been excused for presentation to the Court. State presented Grand Jury Case Number 17CGJ189B to the Court. COURT ORDERED, the Indictment may be filed and is assigned Case Number C-19-337017-2, Department V.

State requested a warrant, argued bail, and advised Deft is not in custody. COURT ORDERED, NO BAIL; INDICTMENT WARRANT ISSUED.

Upon Court's inquiry, the State advised there are no material witness warrants to quash. COURT FURTHER ORDERED, Exhibits 1a and 20 to be lodged with the Clerk of the Court. In addition, a Pre-Trial Risk Assessment will be prepared if one was not previously done.

I.W. (NIC)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 28, 2019

C-18-337017-2 State of Nevada
 vs
 Devohn Marks

January 28, 2019 9:00 AM Indictment Warrant Return

HEARD BY: Ellsworth, Carolyn

COURTROOM: RJC Courtroom 16D

COURT CLERK: Andrea Natali

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT:	Giordani, John	Attorney
	Marks, Devohn	Defendant
	MATSUDA, JESS Y.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Deft. present in custody. Mr. Bonaventure stated the public defender could not be appointed to represent the Deft. COURT ORDERED, Jess Matsuda, Esq. APPOINTED. Matter TRAILED for Mr. Matsuda's presence.

Matter RECALLED. Mr. Matsuda now present. Mr. Matsuda stated the Deft. will be entering a not guilty plea and INVOKE his right to a speedy trial. Upon Court s inquiry, DEFT. MARKS concurred with the representations made by Mr. Matsuda and PLED NOT GUILTY. Upon Court's inquiry, Defense counsel and the State made oral requests for reciprocal discovery pursuant to NRS Chapter 174. COURT NOTED counsel's requests for discovery have been made. COURT ORDERED, matter SET for trial.

CUSTODY

2/20/19 - 9:00 AM - CALENDAR CALL

2/25/19 - 1:30 PM - JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

C-18-337017-2 State of Nevada
vs
Devohn Marks

February 20, 2019 9:00 AM All Pending Motions

HEARD BY: Ellsworth, Carolyn**COURTROOM:** RJC Courtroom 16D

COURT CLERK: Andrea Natali
Elizabeth Vargas

RECORDER: Lara Corcoran**REPORTER:****PARTIES**

PRESENT:	Giordani, John	Attorney
	Marks, Devohn	Defendant
	MATSUDA, JESS Y.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- STATE'S EX PARTE MOTION FOR AN ORDER SHORTENING TIME ON STATE'S MOTION TO ADMIT EVIDENCE OF OTHER BAD ACTS...CALENDAR CALL

Court advised an offer of proof was needed for the prior robbery for a proper analysis; advised a Petrocelli hearing would be necessary. Mr. Giordani stated he intended to submit evidence and witnesses from one particular robbery to prove the act happened by preponderance of the evidence. Mr. Giordani provided an explanation of a takeover style robbery. Court expressed identification would be essential and a Petrocelli hearing would be necessary. Mr. Matsuda stated if a Petrocelli hearing was warranted, he would request to challenge the admission of those facts and argued there was a presumption of inadmissibility on prior bad acts. Further, Mr. Matsuda requested the trial be continued as he was recently appointed and the amount of discovery. Mr. Giordani provided an offer of proof and advised he had no opposition to a trial continuance and anticipated 6-7 days. COURT ORDERED, Petrocelli hearing SET. Based on Court's own Motion to Continue Trial due to the Petrocelli hearing, COURT ORDERED, trial date VACATED and RESET; Court advised counsel this

case would likely go to overflow.

5/17/19 9:00 AM PETROCELLI HEARING

7/3/19 9:00 AM CALENDAR CALL

7/8/19 1:30 PM JURY TRIAL

CLERK'S NOTE: Minutes corrected to reflect accuracy of counsels' arguments. //ev 2/26/19

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 17, 2019**

C-18-337017-2 State of Nevada
vs
Devohn Marks

May 17, 2019 9:00 AM Petrocelli Hearing

HEARD BY: Ellsworth, Carolyn **COURTROOM:** RJC Courtroom 16D

COURT CLERK: Michaela Tapia

RECORDER: Trisha Garcia

REPORTER:

PARTIES

PRESENT:	Marks, Devohn	Defendant
	MATSUDA, JESS Y.	Attorney
	Moors, Lindsey	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Testimony presented (see worksheets). Argument by the State regarding Deft. being paroled in March 2018 and committing these crimes in October 2018. Argument by counsel, stating it would be prejudicial to grant the motion. Further argument by the State. Colloquy regarding supplemental briefing. COURT ORDERED, briefing schedule SET: State's supplement due by end of business day on 5/31/19; counsel's reply due by end of business day 6/14/19. FURTHER, matter SET for argument. Colloquy with Deft. regarding accomplice testimony. Deft. stated he had not received any documentation he had asked for and has not been visited by counsel. Upon Court's inquiry, counsel advised he had given Deft. everything he has, noting there is much discovery on disc and Deft. is in custody in the Nevada Department of Corrections, so visitation is difficult, although counsel has sent his investigator to see Deft. Statement by Deft. regarding low flight risk.

CUSTODY

6/24/19 9:00 AM ARGUMENT: STATE'S MOTION TO ADMIT EVIDENCE OF OTHER BAD ACTS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 24, 2019**

C-18-337017-2 State of Nevada
vs
Devohn Marks

June 24, 2019 9:00 AM Argument

HEARD BY: Ellsworth, Carolyn**COURTROOM:** RJC Courtroom 16D

COURT CLERK: Andrea Natali
Jeanette Velazquez

RECORDER: Lara Corcoran**REPORTER:****PARTIES**

PRESENT:	Marks, Devohn	Defendant
	MATSUDA, JESS Y.	Attorney
	Moors, Lindsey	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- COURT NOTED it received the State's supplemental briefing, however, did not receive anything from the defense. Mr. Matsuda stated he did not receive the State's brief until Friday, however, he was comfortable moving forward. COURT ADVISED, Mr. Matsuda may orally respond to the State's supplemental briefing. Mr. Matsuda addressed his oral response indicating the circumstances relating to the crime were not so unique that it could link this case to the Deft.'s prior bad acts. Upon Court's inquiry, Ms. Moors confirmed the similarities between the both cases. Court stated its findings and ORDERED, Deft.'s prior acts will be ALLOWED to be admitted. Argument by Mr. Matsuda. Statement by Deft regarding not being served the Marcum notice and advised he wanted to testify in front of the Grand Jury. COURT NOTED, there was no pending motion to rule concerning Marcum and DIRECTED Deft. to consult his attorney.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

C-18-337017-2 State of Nevada
vs
Devohn Marks

July 03, 2019 9:00 AM Calendar Call

HEARD BY: Ellsworth, Carolyn**COURTROOM:** RJC Courtroom 16D

COURT CLERK: Andrea Natali
Jeanette Velazquez

RECORDER: Lara Corcoran**REPORTER:****PARTIES**

PRESENT:	Marks, Devohn	Defendant
	MATSUDA, JESS Y.	Attorney
	Moors, Lindsey	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Deft. present in custody. CONFERENCE AT THE BENCH. Upon Court's inquiry, Deft. reported he was unhappy with his counsel and stated his reasons, which included not being served a Marcum notice nor being served with the grand jury transcripts timely. Ms. Moors stated she inherited this case from Mr. Giordani. Colloquy regarding State's application to have the Marcum notice sealed and filing of the superseding indictment. Mr. Matsuda stated he discussed the Marcum notice issue with the Deft., the Deft. did not agree that he was ready for trial as the Deft. only wanted to discuss the Marcum notice and frivolous motions Deft. wanted filed. COURT ADVISED Deft. that his attorney had an obligation to file proper motions with the court. Statement by Deft. regarding challenging the evidence and a writ of habeas corpus not being filed. Mr. Matsuda confirmed he reviewed the transcripts and found insufficient grounds to file a writ of habeas corpus. COURT ADVISED Deft. regarding challenging something under the law, and the burden of proof required for a preliminary hearing or grand jury proceeding. Further statement by Deft. requesting a copy of the order that was filed under seal regarding the Marcum notice; further, advised he was not comfortable going forward with Mr. Matsuda as his attorney and requested to be appointed new counsel. Mr.

Matsuda stated the Deft. was mailed discovery on 4/2/19. COURT ADVISED, Mr. Matsuda was competent and would not be removed as counsel. Colloquy regarding the anticipated trial schedule. Matter TRAILED to allow Deft. an opportunity to discuss his issues with his attorney.

Matter RECALLED with the same parties present as before, including the appearance of Ms. Cannizzaro, Chief Deputy District Attorney. Upon Court's inquiry regarding Mr. Matsuda's meeting with Deft., Mr. Matsuda stated it was difficult to communicate with Deft. about any type of defense relative to the case, as the Deft. started talking about pretrial motions again. Deft. stated he wanted to discuss the strategy for trial with Mr. Matsuda; however, COURT CAUTIONED Deft. regarding waiving attorney/client privilege. Mr. Matsuda confirmed Deft. was provided with all the paperwork, including the updated grand jury transcripts with Deft.'s name indicated; the only items that may be outstanding are videos. Deft. stated he had not received the search warrants with his name. Ms. Moors stated she believed all evidence had been provided to Mr. Matsuda. Colloquy regarding the search warrants, conducting a file review, and the information the cell phone records contained. COURT ORDERED, jury trial set for 7/8/19 STANDS.

CUSTODY

07/08/19 1:30 P.M. JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 08, 2019

C-18-337017-2 State of Nevada
 vs
 Devohn Marks

July 08, 2019

1:30 PM

Jury Trial

HEARD BY: Ellsworth, Carolyn

COURTROOM: RJC Courtroom 16D

COURT CLERK: Andrea Natali
Jeanette Velazquez

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT:	Cannizzaro, Nicole J.	Attorney
	Marks, Devohn	Defendant
	MATSUDA, JESS Y.	Attorney
	Moors, Lindsey	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY VENIRE.

COURT NOTED, on 7/5/19 the Deft. filed a pro-per motion to withdraw counsel; however, it was signed in June and was set one week after jury selection had started. Upon Court's inquiry, Deft. stated that matter had already addressed. COURT ORDERED, the motion currently set on July 29, 2019 is ADVANCED and DENIED.

IN THE PRESENCE OF THE JURY VENIRE.

Introductions by Court and counsel. Voir dire oath given and jury selection commenced.

OUTSIDE THE PRESENCE OF THE JURY VENIRE / IN THE PRESENCE OF JUROR BADGE 152.
Jury selection and questioning continued.

IN THE PRESENCE OF THE JURY VENIRE.

Jury selection continued. CONFERENCE AT THE BENCH. Jury selection continued. COURT ADMONISHED the Jury and DIRECTED the jury to return tomorrow at the given time. COURT ORDERED, matter CONTINUED.

OUTSIDE THE PRESENCE OF THE JURY VENIRE.

Bench conferences placed on the record. Mr. Matsuda stated one of the jurors had approached him about her paperwork upon leaving the courtroom and he pointed to the marshal. COURT and the State SO NOTED.

Evening Recess.

7/9/19 - 1:30 PM - JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 09, 2019

C-18-337017-2 State of Nevada
vs
Devohn Marks

July 09, 2019

1:30 PM

Jury Trial

HEARD BY: Ellsworth, Carolyn

COURTROOM: RJC Courtroom 16D

COURT CLERK: Andrea Natali
Jeanette Velazquez
Jeanette Velazquez

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT:	Cannizzaro, Nicole J.	Attorney
	Marks, Devohn	Defendant
	MATSUDA, JESS Y.	Attorney
	Moors, Lindsey	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- IN THE PRESENCE OF THE JURY VENIRE.

Jury selection continued. CONFERENCES AT THE BENCH. Jury selection continued.

OUTSIDE THE PRESENCE OF THE JURY VENIRE.

Bench conferences placed on the record. Colloquy and stipulation regarding the excusal of one of the jurors.

IN THE PRESENCE OF THE JURY VENIRE.

Jury selection continued. CONFERENCES AT THE BENCH. Jury selection continued. COURT ADMONISHED the Jury and DIRECTED the jury to return tomorrow at the given time. COURT ORDERED, matter CONTINUED.

OUTSIDE THE PRESENCE OF THE JURY VENIRE.
Bench conferences placed on the record.

Evening Recess.

7/10/19 - 1:30 PM - JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 10, 2019

C-18-337017-2	State of Nevada
	vs
	Devohn Marks

July 10, 2019

1:30 PM

Jury Trial

HEARD BY: Ellsworth, Carolyn

COURTROOM: RJC Courtroom 16D

COURT CLERK: Andrea Natali
Jeanette Velazquez

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT:	Cannizzaro, Nicole J.	Attorney
	Marks, Devohn	Defendant
	MATSUDA, JESS Y.	Attorney
	Moors, Lindsey	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- IN THE PRESENCE OF THE JURY VENIRE.

Jury selection continued. CONFERENCES AT THE BENCH. Jury selection continued. Peremptory Challenges exercised off the record. 12 Jurors and 4 Alternates Selected and Sworn. Jury list FILED IN OPEN COURT. Court instructed the Jury. COURT ADMONISHED the Jury and DIRECTED the jury to return Monday July 22, 2019 at the given time. COURT ORDERED, matter CONTINUED.

OUTSIDE THE PRESENCE OF THE JURY VENIRE.

Bench conferences placed on the record.

Evening Recess.

7/22/19 11:00 AM - JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 22, 2019

C-18-337017-2 State of Nevada
 vs
 Devohn Marks

July 22, 2019

11:00 AM

Jury Trial

HEARD BY: Ellsworth, Carolyn

COURTROOM: RJC Courtroom 16D

COURT CLERK: Jeanette Velazquez
 Jeanette Velazquez
 Jill Chambers

RECORDER: Trisha Garcia

REPORTER:

PARTIES

PRESENT:	Cannizzaro, Nicole J.	Attorney
	Marks, Devohn	Defendant
	MATSUDA, JESS Y.	Attorney
	Moors, Lindsey	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Amended jury list FILED IN OPEN COURT.

JURY PRESENT.

Clerk read the Indictment to the jury and stated the Deft.'s plea thereto. Opening statements by counsel. Testimony and exhibits presented. (See worksheets). CONFERENCES AT THE BENCH.

OUTSIDE THE PRESENCE OF THE JURY.

Bench conferences placed on the record.

JURY PRESENT.

COURT ORDERED, Juror #016 EXCUSED and REPLACED with Juror #963. Further testimony and exhibits. CONFERENCE AT THE BENCH. COURT ADMONISHED the jury and excused them for the evening recess.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 23, 2019

C-18-337017-2	State of Nevada
	vs
	Devohn Marks

July 23, 2019

1:30 PM

Jury Trial

HEARD BY: Ellsworth, Carolyn

COURTROOM: RJC Courtroom 16D

COURT CLERK: Andrea Natali
Jeanette Velazquez

RECORDER: Trisha Garcia

REPORTER:

PARTIES

PRESENT:	Cannizzaro, Nicole J.	Attorney
	Marks, Devohn	Defendant
	MATSUDA, JESS Y.	Attorney
	Moors, Lindsey	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY.

Colloquy regarding providing the jury instructions to the Court.

IN THE PRESENCE OF THE JURY.

Testimony and exhibits presented (see worksheets). CONFERENCES AT THE BENCH. Testimony and exhibit presentation continued. COURT ADMONISHED the Jury and DIRECTED the jury to return tomorrow at the given time. COURT ORDERED, matter CONTINUED.

OUTSIDE THE PRESENCE OF THE JURY.

Bench conferences placed on the record.

Evening Recess.

7/24/19 - 1:00 PM - JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****July 24, 2019**

C-18-337017-2 State of Nevada
vs
Devohn Marks

July 24, 2019**1:00 PM****Jury Trial****HEARD BY:** Ellsworth, Carolyn**COURTROOM:** RJC Courtroom 16D

COURT CLERK: Andrea Natali
Jeanette Velazquez

RECORDER: Lara Corcoran**REPORTER:****PARTIES**

PRESENT:	Cannizzaro, Nicole J.	Attorney
	Marks, Devohn	Defendant
	MATSUDA, JESS Y.	Attorney
	Moors, Lindsey	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY.

Ms. Moors advised State's exhibit 64A, will take the place of State's exhibit 64, as it has a video player loaded on the disk to play the video, that Mr. Matsuda would agree to its admission by stipulation. COURT ADVISED, 64A would take place of 64, and both exhibits would go back to the jury but the Jury will be provided with an explanation that 64A had the video player. Colloquy regarding the stipulation of State's exhibits 65-69. Mr. Matsuda stated he would stipulate to their admission as to their authenticity; however, requested they lay the foundation but he would not make them jump through hoops for their admission. COURT ORDERED, State's exhibit 64A ADMITTED.

IN THE PRESENCE OF THE JURY.

Testimony and exhibits presented (see worksheets). CONFERENCES AT THE BENCH. Testimony and exhibit presentation continued. COURT ADMONISHED the Jury and DIRECTED the jury to return tomorrow at the given time. COURT ORDERED, matter CONTINUED.

OUTSIDE THE PRESENCE OF THE JURY.
Bench conferences placed on the record.

Evening Recess.

7/25/19 - 1:30 PM - JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 25, 2019

C-18-337017-2 State of Nevada
vs
Devohn Marks

July 25, 2019

1:30 PM

Jury Trial

HEARD BY: Ellsworth, Carolyn

COURTROOM: RJC Courtroom 16D

COURT CLERK: Phyllis Irby

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT:	Cannizzaro, Nicole J.	Attorney
	Marks, Devohn	Defendant
	MATSUDA, JESS Y.	Attorney
	Moors, Lindsey	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY. The State informed the Court it has obtained certified JOC's and noticed Deft is violent habitual eligible. The Court inquired if there has been any offers by the State. The State advised the Court there has been no offers made by the State to Deft.

JURY PRESENT. Testimony and exhibits presented (see worksheet). The State admitted exhibit #66 (CD). STATE RESTED.

OUTSIDE THE PRESENCE OF THE JURY. The Court canvassed Deft regarding his rights to testify. Deft stated he wanted to testify. The State advised it had two certified JOC's with convictions and felonies that could come into play if Deft chose to testify.

JURY PRESENT. Testimony and exhibits presented (see worksheet). CONFERENCE AT THE BENCH. DEFENSE RESTED. The Court noted the State is going to put on its rebuttal case tomorrow.

COURT ORDERED, TRIAL CONTINUED. The Court recessed the Jury for the evening.

CUSTODY

7-26-19 9:00 AM JURY TRIAL (DEPT. V)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 26, 2019

C-18-337017-2 State of Nevada
vs
Devohn Marks

July 26, 2019

9:00 AM

Jury Trial

HEARD BY: Ellsworth, Carolyn

COURTROOM: RJC Courtroom 16D

COURT CLERK: Shannon Emmons

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT:	Cannizzaro, Nicole J.	Attorney
	Marks, Devohn	Defendant
	MATSUDA, JESS Y.	Attorney
	Moors, Lindsey	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY: Colloquy regarding proceedings.

INSIDE THE PRESENCE OF THE JURY: David Miller SWORN AND TESTIFIED. State rested rebuttal case.

OUTSIDE THE PRESENCE OF THE JURY: Instructions settled.

INSIDE THE PRESENCE OF THE JURY: Closing arguments. Court instructed the Jury. At the hour of 12:07 p.m. the jury retired to deliberate.

INSIDE THE PRESENCE OF THE JURY: At the hour of 2:31 p.m. the jury returned with a verdict of guilty as to COUNT 1 - Conspiracy to Commit Burglary; guilty as to COUNT 2 - Burglary While in Possession of a Deadly Weapon; guilty as to COUNT 3 - Conspiracy to Commit Robbery; guilty as to COUNT 4 - Robbery with Use of a Deadly Weapon, victim 60 years of age or older; guilty as to

COUNT 5 - Robbery with Use of a Deadly Weapon; guilty as to COUNT 6 - Robbery with Use of a Deadly Weapon; guilty as to COUNT 7 - Battery with Use of a Deadly Weapon, Victim 60 years of age or older; guilty as to COUNT 8 - Battery with Use of a Deadly Weapon. Verdict FILED IN OPEN COURT. Jury Instructions FILED IN OPEN COURT.

COURT ORDERED, Deft. REMANDED without bail. COURT FURTHER ORDERED, matter referred to the Division of Parole and Probation (P & P) and SET for sentencing.

CUSTODY

09/16/2019 9:00 AM SENTENCING (DEPT. 5)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 16, 2019

C-18-337017-2 State of Nevada
vs
Devohn Marks

September 16, 2019 9:00 AM Sentencing

HEARD BY: Ellsworth, Carolyn

COURTROOM: RJC Courtroom 16D

COURT CLERK: April Watkins

RECORDER: Gail Reiger

REPORTER:

PARTIES

PRESENT:	Marks, Devohn	Defendant
	MATSUDA, JESS Y.	Attorney
	Moors, Lindsey	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Mr. Matsuda advised Deft. has filed motion to dismiss counsel. Deft. advised he wants to represent himself. Court stated Deft. cannot represent himself on appeal. Deft. requested to continue matter to Wednesday based on ineffective assistance of counsel, no attorney client visit at all and advised he has new motions to file. Court stated motions not timely and judgment of acquittal has to be filed within seven days. Further statement by Deft. Court heard trial and in order for the Court to grant a motion for judgment of acquittal after trial, the Court has to find there was absolutely no evidence upon which a reasonable jury could find Deft. guilty. Further, there was plenty of evidence as well as an accomplice testimony that tended to connect Deft. to the crime separate and apart from the accomplice testimony. There is no way the Court would granted such a motion. Upon Court's inquiry, Mr. Matsuda stated counsel did not file motion as it would be frivolous. Statement by Deft. Court can Faretta Canvass Deft. on Wednesday. Mr. Matsuda stated he spoke to Deft. numerous times while in Court, Deft. has been housed in High Desert and investigator spoke to Deft. Further statement by Deft. COURT ORDERED, matter CONTINUED and set for Faretta Canvass.

CUSTODY (COC-NDC)

CONTINUED TO: 9/18/19 9:00 AM

9/18/19 9:00 AM FARETTA CANVASS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 18, 2019

C-18-337017-2 State of Nevada
 vs
 Devohn Marks

September 18, 2019 9:00 AM All Pending Motions

HEARD BY: Ellsworth, Carolyn **COURTROOM:** RJC Courtroom 16D

COURT CLERK: Andrea Natali

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT:	Marks, Devohn	Defendant
	MATSUDA, JESS Y.	Attorney
	Moors, Lindsey	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- SENTENCING ... DEFT.'S PRO PER MOTION TO DISMISS COUNSEL AND MOVE IN PRO SE

Matter called at 12:44 PM. Deft. present in custody. As a Faretta Canvass will take 15 minutes, COURT ORDERED, matters CONTINUED and SET for Faretta Canvass. Ms. Moorse stated she also had to attend training at 1:00 PM today. COURT NOTED, the Deft. is entitled to represent himself on sentencing, but not on an appeal, therefore, counsel would have to represent the Deft. on the appeal.

CUSTODY (COC-NDC)

10/7/19 - 9:00 AM - SENTENCING ... DEFT.'S PRO PER MOTION TO DISMISS COUNSEL AND MOVE IN PRO SE ... FARETTA CANVASS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 07, 2019

C-18-337017-2 State of Nevada
vs
Devohn Marks

October 07, 2019 9:00 AM All Pending Motions

HEARD BY: Ellsworth, Carolyn

COURTROOM: RJC Courtroom 16D

COURT CLERK: Andrea Natali

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT:	Marks, Devohn	Defendant
	Moors, Lindsey	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- APPEARANCE CONTINUED: Benjamin Nadig, Esq. present for Mr. Nadig on behalf of Deft. who is present in custody.

SENTENCING ... DEFT.'S PRO PER MOTION TO DISMISS COUNSEL AND MOVE IN PRO SE ...
FARETTA CANVASS

Upon Court's inquiry Deft. advised he still wanted to represent himself. Court proceeded with the Faretta Canvass of the Deft and questioned the Deft. regarding his understanding of the laws. COURT FINDS, no reason for the Deft. not to be able to represent himself on Sentencing. Mr. Nadig objected to the late filing of the notice of intent to seek criminal habitual treatment and argued that should not be considered at sentencing. Argument by Ms. Moors in support of criminal habitual treatment being considered. Deft. requested the sentencing be continued 30 days to allow him to prepare. Upon Court's further inquiry, Deft. reiterated he still wanted to represent himself and declined to have another court appointed attorney represent him. Mr. Nadig stated he would appear for the sentencing date. COURT ORDERED, motion GRANTED in that Jess Matsuda is REMOVED AS COUNSEL and Deft. is to proceed in Pro Se; FURTHER, Benjamin Nadig APPOINTED as standby

C-18-337017-2

counsel for Sentencing.

CUSTODY (COC-NDC)

11/4/19 - 9:00 AM - SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 04, 2019

C-18-337017-2 State of Nevada
 vs
 Devohn Marks

November 04, 2019 9:00 AM All Pending Motions

HEARD BY: Ellsworth, Carolyn **COURTROOM:** RJC Courtroom 16D

COURT CLERK: Andrea Natali

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT:	Marks, Devohn	Defendant
	Moors, Lindsey	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- DEFT.'S PRO PER MOTION FOR JUDGMENT OF ACQUITTAL ... DEFT.'S PRO PER MOTION FOR NEW TRIAL ... SENTENCING

APPEARANCES CONTINUED: Benjamin Nadig, Esq. present on behalf of Deft. who was present in custody.

Deft. stated he just received the State's opposition today. Ms. Moors stated she wasn't served with the Deft.'s motion until 10/24/19 and acknowledged she just provided the opposition to the Deft.. Matter TRAILED for Deft. to read the State's opposition.

Matter RECALLED. Same parties present as before. As to the Extension of time to file motion for new trial and motion for judgment of acquittal, currently set November 6, 2019, COURT ADVISED, Deft. had a deadline, and any requests to extend had to be within the timeframe set out by the statutes. Deft. argued there was excusable neglect; therefore, requested the motion be heard, as Mr. Matsuda wouldn't get hold of him and he never met with Mr. Matsuda to discuss the case, he had made this claim before a number of times, and he had reached out to Mr. Matsuda within the

fourteen day timeframe to request he file something on his behalf. Ms. Moors argued in opposition to there being excusable neglect; noting that was why her opposition only addressed the time bar matter. Further argument by Deft. regarding excusable neglect. COURT NOTED, the State had not addressed the merits of the motion. Statement by Mr. Nadig regarding there being no contact with Mr. Matsuda. COURT ORDERED, all matters CONTINUED for the State to file a written response and the Deft. to address the State's response. Ms. Moose further argued that because the Deft. wanted to represent himself, it did not mean Mr. Matsuda was ineffective. COURT SO AGREED. COURT FURTHER ORDERED, State's supplemental opposition DUE BY 11/18/19 and the Deft.'s response is DUE BY 12/2/19. FURTHER ORDERED, request for extension of time to file motion for new trial and motion for judgment of acquittal is MOOT. COURT ADVISED, it did not make a finding that Mr. Matsuda was ineffective. Further statements by Deft. regarding the lack of contact with Mr. Matsuda; further, Deft. requested Mr. Matsuda provide him with his file. COURT ADVISED, Deft. had to make a request for the file. Statement by Ms. Moors regarding the Marcum notice, that was filed under sealed, and that should not be provided to the Deft. COURT SO NOTED.

CUSTODY (COC-NDC)

CONTINUED TO: 12/9/19 - 9:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 09, 2019

C-18-337017-2 State of Nevada
vs
Devohn Marks

December 09, 2019 9:00 AM All Pending Motions

HEARD BY: Ellsworth, Carolyn

COURTROOM: RJC Courtroom 16D

COURT CLERK: Andrea Natali

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT:	Marks, Devohn	Defendant
	Moors, Lindsey	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Steven Altig, Esq. present for standby Counsel Mr. Nadig. Deft. present in custody

SENTENCING ... DEFT.'S PRO PER MOTION FOR JUDGMENT OF ACQUITTAL ... DEFT.'S PRO PER MOTION FOR NEW TRIAL

Mr. Altig stated Mr. Nadig could not appear today; therefore, he was requesting this matter be continued to Wednesday. COURT ADVISED, Mr. Nadig was standby counsel. Upon Court's inquiry regarding whether the Deft. wanted Mr. Nadig here and whether the Deft. was ready to argue his motions, Deft. stated he wanted Mr. Nadig to be here; however, advised, he was ready to proceed. Further, Deft. stated he had new evidence that had been presented to him, that he would like to provide for the Court. Ms. Rinetti stated this matter was being handled by Ms. Moors. Matter TRAILED for Ms. Moors presence.

Matter RECALLED. Ms. Moors now present on behalf of the State. Mr. Altig is no longer present. Ms. Moors stated she was not served with a copy of the motion; however, she did obtain a copy

online and requested to opportunity to file a response. Upon Court's inquiry as to what the Deft. wanted to produce, Deft. stated there was a message on a woman's phone, that vital for his defense for trial, showing that he sent a message indicating his phone had been stolen. Ms. Moors stated the Deft. could not admit evidence after the fact. COURT SO AGREED; however, NOTED that was not to say there wasn't a post-conviction matter that it could be presented for. COURT FURTHER NOTED, the State did not get served with the motion. Deft. acknowledged that he completed a certificate of mailing; however, advised he did not ask the jail to mail the documents. COURT ORDERED, matter CONTINUED to allow the State to review the Deft.'s response.

CUSTODY

CONTINUED TO: 12/18/19 - 9:00 AM

CLERK'S NOTE: The foregoing minutes were updated to indicate the correct reason for the continuance "to allow the State to review the Deft.'s response", instead of being continued for the State to file a response (1/21/20 amn).

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 18, 2019

C-18-337017-2 State of Nevada
 vs
 Devohn Marks

December 18, 2019 9:00 AM All Pending Motions

HEARD BY: Ellsworth, Carolyn

COURTROOM: RJC Courtroom 16D

COURT CLERK: Andrea Natali

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT:	Marks, Devohn	Defendant
	Moors, Lindsey	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Benjamin Nadig, Esq. present as standby counsel.

DEFENDANT'S PRO PER MOTION FOR JUDGMENT OF ACQUITTAL ... DEFENDANT'S PRO PER MOTION FOR NEW TRIAL ... SENTENCING

Deft. stated he had nothing to add to his two motions; however, noted he just received discovery, there were multiple issue raised about the Marcum notice. Colloquy regarding the grand jury case A760797. Ms. Moors stated this matter was already addressed. COURT NOTED, many of the arguments the Deft. was making are addressed on appeal. Mr. Nadig stated he thought he was appointed as appellant counsel. COURT ADVISED, Mr. Matsuda was still appellant counsel. Mr. Nadig stated he would discuss that with Mr. Matsuda, as with the Court's permission he would request to substitute in. COURT ADVISED, if Mr. Matsuda felt the relationship had broken down the Deft. could consider that. Deft. requested Mr. Nadig be substituted in as counsel. COURT stated its FINDINGS and ORDERED motions DENIED.

DEFT MARKS ADJUDGED GUILTY of COUNT 1 CONSPIRACY TO COMMIT BURGLARY (GM),

COUNT 2 BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON (F), COUNT 3 CONSPIRACY TO COMMIT ROBBERY (F), COUNT 4 - ROBBERY WITH USE OF A DEADLY WEAPON, VICTIM 60 YEARS OF AGE OR OLDER (F), COUNTS 5 and 6- ROBBERY WITH USE OF A DEADLY WEAPON (F), COUNT 7 - BATTERY WITH USE OF A DEADLY WEAPON, VICTIM 60 YEARS OF AGE OR OLDER (F), and COUNT 8 BATTERY WITH USE OF A DEADLY WEAPON (F). Arguments by Ms. Moors; noted she was striking the notice of intent to seek habitual treatment for appellant purposes. Argument by Deft. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, a \$150.00 DNA Analysis fee WAIVED as previously taken, a \$3.00 DNA Collection fee, and an order and judgment of RESTITUTION in the amount of \$250.00 payable to and in favor of the Dugout Lounge Inc. dba Torrey Pines Pub imposed jointly and severally with the Co-Deft, Deft. SENTENCED as follows:

COUNT 1 THREE HUNDRED SIXTY FOUR (364) DAYS the Clark County Detention Center (CCDC); COUNT 2 - a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS and a MINIMUM of FORTY-EIGHT (48) MONTHS to the Nevada Department of Corrections, CONCURRENT with COUNT 1;

COUNT 3 a MAXIMUM of SEVENTY-TWO (72) MONTHS and a MINIMUM of TWENTY-FOUR (24) MONTHS to the Nevada Department of Corrections, CONCURRENT with COUNT 2;

COUNT 4 a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS and a MINIMUM of FORTY-EIGHT (48) MONTHS to the Nevada Department of Corrections, plus a CONSECUTIVE term of a MAXIMUM of SIXTY (60) MONTHS and a MINIMUM of TWENTY-FOUR (24) MONTHS for both enhancements, CONSECUTIVE to COUNT 3;

COUNT 5 - a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS and a MINIMUM of FORTY-EIGHT (48) MONTHS to the Nevada Department of Corrections, plus a CONSECUTIVE term of a MAXIMUM of SIXTY (60) MONTHS and a MINIMUM of TWENTY-FOUR (24) MONTHS for the deadly weapon enhancement, CONSECUTIVE to COUNT 4;

COUNT 6 a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS and a MINIMUM of FORTY-EIGHT (48) MONTHS to the Nevada Department of Corrections, plus a CONSECUTIVE term of a MAXIMUM of SIXTY (60) MONTHS and a MINIMUM of TWENTY-FOUR (24) MONTHS for the deadly weapon enhancement, CONSECUTIVE to COUNT 5;

COUNT 7 - a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS and a MINIMUM of THIRTY-SIX (36) MONTHS to the Nevada Department of Corrections, plus a CONSECUTIVE term of a MAXIMUM of SIXTY (60) MONTHS and a MINIMUM of TWENTY-FOUR (24) MONTHS for the victim 60 years of age or older enhancement, CONCURRENT with COUNT 6;

and COUNT 8 - a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS and a MINIMUM of THIRTY-SIX (36) MONTHS to the Nevada Department of Corrections, CONCURRENT with COUNT 7;

with ONE HUNDRED SEVENTY-NINE (179) DAYS credit for time served. The AGGREGATE TOTAL sentence is a MAXIMUM of FOUR HUNDRED EIGHTY (480) MONTHS and a MINIMUM of ONE HUNDRED NINETY-TWO (192) MONTHS.

COURT ADVISED, only one enhancement can be imposed pursuant to statute with respect to the aggregate sentence.

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BOND, if any, EXONERATED.

NDC

Exhibits:

- 1. Proposed Indictment**
- 1a. Proposed Superseding Indictment**
- 2. Jury Instructions**
- 3. withdrawn**
- 4. DVD/CD**
- 5. Photo**
- 6. Photo**
- 7. Photo**
- 8. Photo**
- 9. Photo**
- 10. Photo**
- 11. Photo**
- 12. Photo**
- 13. Photo**
- 14. Photo**
- 15. Photo**
- 16. Photo**
- 17. Photo**
- 18. Photo**
- 19. Photo**
- 20. Photo**

Exhibit 1a & 20 to be lodged with the Clerk of the Court.

Exhibits 1 - 19 were previously lodged with the Clerk of the Court.

EXHIBIT(S) LIST

Case No.: **C337017**

Trial Date: **JULY 8, 2019**

Dept. No.: **V**

Judge: **CAROLYN ELLSWORTH**

Court Clerk: **ANDREA NATALI / JEANETTE VELAZQUEZ**

Plaintiff: **STATE OF NEVADA**

Recorder: **LARA CORCORAN**

Counsel for Plaintiff: **LINDSEY MOORS, DEP. D.A.**

& **NICOLE CANNIZZARO, CHF. DEP. D.A.**

Defendant: **DEVOHN MARKS**

Counsel for Defendant: **JESS MATSUDA, ESQ.**

TRIAL BEFORE THE COURT

STATE'S EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted	
1	Photo Torrey Pines Pub bldg	7/22/19	N	7/22/19	WA
2	Photo Torrey Pines Pub entrance	7/22/19		7/22/19	WA
3	Photo double door w/ address	7/22/19		7/22/19	WA
4	Photo Torrey Pines w/ metro vehicle	7/22/19		7/22/19	WA
5	Photo Side door	7/22/19	✓	7/22/19	WA
6	Photo Side door zoomed view	7/22/19	N	7/22/19	WA
7	Photo Side door wide view	7/22/19		7/22/19	WA
8	Photo Side view w/ vehicle	7/22/19		7/22/19	WA
9	Photo tan building w/ camera & trees	7/22/19		7/22/19	WA
10	Photo parking lot w/ tree & part of bldg	7/22/19		7/22/19	WA
11	Photo parking lot w/ tree	7/22/19		7/22/19	WA
12	Photo red door	7/22/19		7/22/19	WA
13	Photo bar w/ 3 people on right	7/22/19		7/22/19	WA
14	Photo bar w/ eagles sign	7/22/19		7/22/19	WA
15	Photo bar center corner	7/22/19		7/22/19	WA
16	Photo bar w/ 2 people on left	7/22/19	✓	7/22/19	WA
17	Photo bar hallway	7/22/19		7/22/19	WA

EXHIBIT(S) LIST

C337017

STATE OF NEVADA

VS.

DEVOHN MARKS

STATE'S EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted	
18	Photo bar Walkway(left)	7/22/19	N	7/22/19	WA
19	Photo bar w/ video games	7/22/19		7/22/19	WA
20	Photo bar exit	7/22/19	↓	7/22/19	WA
21	Photo doors w/ thermostat on wall	7/22/19	N	7/22/19	WA
22	Photo open door w/ left gate	7/22/19	N	7/22/19	WA
23	Photo bar Walkway w/ skull decor	7/22/19		7/22/19	WA
24	Photo bar w/ 2 people sitting on right	7/22/19		7/22/19	WA
25	Photo pool table centered	7/22/19		7/22/19	WA
26	Photo pool table(left)	7/22/19		7/22/19	WA
27	Photo pool tables	7/22/19		7/22/19	WA
28	Photo pool tables(right)	7/22/19		7/22/19	WA
29	Photo pool table w/ person sitting down	7/22/19		7/22/19	WA
30	Photo bar TV w/ tables	7/22/19		7/22/19	WA
31	Photo bar Walkway w/ popcorn machine	7/22/19	↓	7/22/19	WA
32	Photo bar Walkway w/ popcorn machine ^{pool}	7/22/19	N	7/22/19	WA
33	Photo bar counter w/ towels	7/22/19		7/22/19	WA
34	Photo bloodied towels	7/22/19		7/22/19	WA
35	Photo gaming machine w/ towel	7/22/19		7/22/19	WA
36	Photo ash tray w/ card	7/22/19		7/22/19	WA
37	Photo blood on floor	7/22/19		7/22/19	WA
38	Photo blood on floor(left)	7/22/19		7/22/19	WA
39	Photo blood splatter on floor	7/22/19		7/22/19	WA
40	Photo pool of blood on floor	7/22/19		7/22/19	WA
41	Photo pool of blood w/ measure	7/22/19	↓	7/22/19	WA
42	Photo behind bar	7/22/19	N	7/22/19	WA

EXHIBIT(S) LIST

C337017

STATE OF NEVADA

VS.

DEVOHN MARKS

STATE'S EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted	
43	Photo behind bar w/grade A sign	7/22/19	N	7/22/19	WA
44	Photo behind bar zoomed	7/22/19		7/22/19	WA
45	Photo behind bar w/debris on floor	7/22/19		7/22/19	WA
46	Photo behind bar w/trash can (centered)	7/22/19	✓	7/22/19	WA
47	Photo behind bar w/trash can (right)	7/22/19	N	7/22/19	WA
48	Photo behind bar floor w/debris	7/22/19		7/22/19	WA
49	Photo green zippered pouch	7/22/19		7/22/19	WA
50	Photo cash drawer w/bottles on left	7/22/19		7/22/19	WA
51	Photo cash drawer	7/22/19	✓	7/22/19	WA
52	Photo behind bar exit	7/22/19	N	7/22/19	WA
53	Photo bar counter w/fire extinguisher	7/22/19	N	7/22/19	WA
54	Photo man w/hospital gown	7/22/19	N	7/22/19	WA
55	Photo man's head (face)	7/22/19	N	7/22/19	WA
56	Photo man's injured back & head	7/22/19	N	7/22/19	WA
57	Photo head wound (wide)	7/22/19	N	7/22/19	WA
58	Photo head wound (zoomed)	7/22/19	N	7/22/19	WA
59	Photo head wound w/measure	7/22/19	N	7/22/19	WA
60	Photo bar w/TV turned on	7/22/19	N	7/22/19	WA
61	Photo behind bar w/man raising right arm	7/22/19	N	7/22/19	WA
62	Photo man sitting @ bar	7/22/19	N	7/22/19	WA
63	DVD Torrey Pines Pub video #2	7/22/19	S	7/22/19	WA
64	DVD Torrey Pines Pub video #1	7/22/19	S	7/22/19	WA
65	CD cell data	7/24/19	S	7/24/19	WA
66	CD Reports	7-25-19	N	7-25-19	WA
64A	DVD Torrey Pines Pub Video #2 (working) video of 63	7/24/19	S	7/24/19	WA

C337017

DEVOHN MARKS

[illegible]

EXHIBIT(S) LIST

Case No.: C337017

Trial Date: JULY 8, 2019

Dept. No.: **V**

Judge: CAROLYN ELLSWORTH

Court Clerk: ANDREA NATALI / JEANETTE VELASQUEZ

Plaintiff: **STATE OF NEVADA**

Recorder: LARA CORCORAN

Counsel for Plaintiff: LINDSEY MOORS, DEP. D.A.

vs.

& NICOLE CANNIZZARO, CHF. DEP. D.A.

Defendant: **DEVOHN MARKS**

Counsel for Defendant: JESS MATSUDA, ESQ.

TRIAL BEFORE THE COURT

COURT'S EXHIBITS

[illegible]

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 AND RESTITUTION (JURY TRIAL);
DISTRICT COURT MINUTES; EXHIBITS LIST

STATE OF NEVADA,

Plaintiff(s),

vs.

DEVOHN MARKS,

Defendant(s).

Case No: C-18-337017-2

Dept No: V

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 20 day of February 2020.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk