

Electronically Filed
Feb 06 2020 10:19 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

District Clerk of Supreme Court X

Dept No- 12

To: The Nevada Supreme Court

Notice. OF Appeal.

From Judgment of Conviction,

Docket 80535 Document 2020-05160

Case Number: 09C253455

CLERK OF THE COURT

1 (2)

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AFFADZUIT

6 Appellant Lescan Thomas Collins- contends
7 That Lack of Jurisdiction, May be Raised
8 At Any time Including For the First
9 time on Appeal.
10

11 Appellant, contends, on - 10-6-2008
12 He Appeared In the Justice Court, North
13 Las Vegas township, AND WAS- Served,
14 A- Criminal Complaint, Absence, OF
15 Jurisdiction, Not charging Crimes OF
16 First Degree Arson- (Felony- NRS. 205.010
17 Burglary (Felony- NRS 205.060- AND
18 Resisting Arrest (Misdemeanor- NRS. 199.280)
19 In Violation, OF NRS- 171.178(4) When Appearing
20 Before A- Magistrate, A- Criminal Complaint
21 Must Be Filed Forthwith. AND Denied
22 Due process OF Law, 14th Amend U.S.CA,
23 In the Instant case, prosecutors For the
24 State Deliberately Ignored- NRS- 171.178(4)
25 thereafter, subjected Appellant, to prosecution
26 In the Justice Court, Without Acquiring
27 Subject Matter Jurisdiction, thereafter
28 Binding Appellant over, to the District
Court, For Further proceedings. In
Absence OF Jurisdiction, thereafter,
ON _____ Rendering- A- Conviction

1 (3)

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5 A-Conviction- AND Sentence OF 2-10-Life-

6

7 To Be Served In the Dept OF
8 Corrections, Without Jurisdiction,

9

10 Appellant-Contends, that Criminal Conviction
11 Based upon, Jurisdictional, AND Constitutional,
12 Grounds- Are Null AND Void. AND the

13 Reviewing Court Has- A- Duty to Address

14 Such Error, When it Comes to their Attention,

15 Appellant, contends, IF a lower court

16 Acts- Without Jurisdiction, the Appellant

17 Court, Will Acquire Jurisdiction- on- Appeal

18 to Correct the Error, In Jurisdiction,

19 Appellant, Further contends, that- An untimely
20 Notice OF Appeals, Fails to Vest Jurisdiction

21 In the Reviewing Court, See, Lozada vs State
22 110 Nev 349, 352, 871 p2d 944, 946- 1944

23 Appellant, Notes, that Failure to File below

24 Divest the lower court, AND the Reviewing

25 Court OF Jurisdiction, In Which the

26 proceedings- A- Conviction, Are Void,

27 the Appellate court Must Dismiss An

28 Appeal OF Such, Void Judgment- Because

29 The Appellate court Also lacks Jurisdiction-

30 to AFFIRM a Void Judgment, Appellant

31 moves FOR An Order OF Dismissal

32 OF Appeal- FOR lack OF Jurisdiction,

Submitted Lesann T. Collins

Under penalty OF perjury

I, the undersigned, certify, declare, or state
that the foregoing is true and correct, to the
best of my knowledge and belief, in accordance
with NRS-208.165. AND U.S.C.A-1745

Executed on the 10 day of Oct 2019

Leron Thomas Collins

#85039

Mr. & Dawn Collins
P.O. Box 650 Inds. P.
Indian Springs, Nev.
891070

LAS VEGAS NV 890

31 JAN 2020 PM 4 L

FOREVER USA

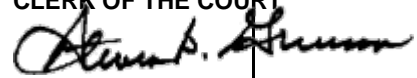
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Mr. & Stan D. Stevenson
200 E. Lewis Ave, 3rd Floor
Las Vegas Nevada 89155
UNIT 6 A/B

JAN 30 2020

UNIT

HIGH DESERT STATE PRISON



1 ASTA

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

9 STATE OF NEVADA,

10 Plaintiff(s),

11 vs.

12 LESEAN T. COLLINS,

13 Defendant(s),

Case No: 09C253455

Dept No: XII

14
15
16 **CASE APPEAL STATEMENT**

17
18 1. Appellant(s): Lesean Collins

19 2. Judge: Michelle Leavitt

20 3. Appellant(s): Lesean Collins

21 Counsel:

22 Lesean Collins #85039
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: April 8, 2009

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): 55716, 68838, 69269

12. Child Custody or Visitation: N/A

Dated This 4 day of February 2020.

Steven D. Grierson, Clerk of the Court

/s/ Amanda Hampton

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

cc: Lesean Collins

CASE SUMMARY**CASE No. 09C253455****The State of Nevada vs Lesean T Collins**§
§
§
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§

Location: **Department 12**
 Judicial Officer: **Leavitt, Michelle**
 Filed on: **04/08/2009**
 Case Number History:
 Cross-Reference Case Number: **C253455**
 Defendant's Scope ID #: **857181**
 Lower Court Case Number: **08GJ00112**
 Supreme Court No.: **68838**

CASE INFORMATION

Offense	Statute	Deg	Date	Case Type:	Felony/Gross Misdemeanor
1. ARSON IN THE FIRST DEGREE.	205.010	F	01/01/1900	Case Status: 07/01/2011 Inactive	
2. BURGLARY.	205.060	F	01/01/1900		
3. RECEIVING, POSSESSING OR WITHHOLDING STOLEN GOODS	205.275	G	01/01/1900		
3. DESTRUCTION OF PRIVATE OR PUBLIC PROPERTY	193.155	G	01/01/1900		

Warrants

Bench Warrant - Collins, Lesean T (Judicial Officer: Leavitt, Michelle)

04/14/2009 Quashed
 04/08/2009 Issued
 Fine: \$0
 Bond: \$0

Bench Warrant - Collins, Lesean T (Judicial Officer: Leavitt, Michelle)

04/10/2009 Quashed
 04/08/2009 Issued
 Fine: \$0
 Bond: \$0


DATE**CASE ASSIGNMENT****Current Case Assignment**

Case Number 09C253455
 Court Department 12
 Date Assigned 11/03/2009
 Judicial Officer Leavitt, Michelle

PARTY INFORMATION

		Lead Attorneys
Defendant	Collins, Lesean T	Carling, Matthew D. <i>Retained</i> 702-419-7330(W)
Plaintiff	State of Nevada	Wolfson, Steven B 702-671-2700(W)












DATE**EVENTS & ORDERS OF THE COURT****INDEX****EVENTS**

04/08/2009  Indictment
 (GRAND JURY) INDICTMENT Fee \$0.00

04/08/2009 Hearing
 GRAND JURY INDICTMENT

CASE SUMMARY

CASE No. 09C253455

04/08/2009	Hearing <i>INITIAL ARRAIGNMENT</i>
04/08/2009	 Conversion Case Event Type <i>INDICTMENT WARRANT</i>
04/09/2009	Bench Warrant <i>BENCH WARRANT ISSUED</i>
04/09/2009	Order <i>ORDER OF INTENT TO FORFEIT</i>
04/09/2009	 Bench Warrant <i>INDICTMENT WARRANT RETURN</i>
04/14/2009	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS - GRAND JURY VOLUME 2 - HEARD 04-07-09</i>
04/15/2009	Motion <i>ALL PENDING MOTIONS (04/15/09)</i>
04/16/2009	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS - GRAND JURY VOLUME 1</i>
04/29/2009	Motion <i>ALL PENDING MOTIONS (04/29/09)</i>
05/06/2009	Motion <i>ALL PENDING MOTIONS (05/06/09)_</i>
05/12/2009	 Petition <i>PTN FOR WRIT OF HABEAS CORPUS</i>
05/15/2009	 Order Filed By: Defendant Collins, Lesean T <i>ORDER</i>
05/18/2009	 Writ Filed by: Defendant Collins, Lesean T <i>WRIT OF HABEAS CORPUS</i>
05/29/2009	 Writ <i>RETURN TO WRIT OF HABEAS CORPUS</i>
07/08/2009	 Motion <i>DEFT'S MTN TO COMPEL DISCLOSURE OF EXCULPATORY EVID/12</i>
09/04/2009	 Motion <i>DEFT'S MTN TO PRECLUDE TESTIMONY OF MINOR CHILD TYSEAN COLLINS/15</i>
09/15/2009	 Opposition <i>STATES OPPOSITION TO DEFTS MTN TO PRECLUDE TESTIMONY OF MINOR CHILD TYSEAN COLLINS TYSEAN COLLINS</i>

CASE SUMMARY

CASE No. 09C253455

10/29/2009	Motion <i>MOTION CONDUCT VIDEOTAPED DEPOSITION TESTIMONY OF MATERIAL WITNESS</i>
10/29/2009	 Notice of Witnesses and/or Expert Witnesses <i>NOTICE OF WITNESSES AND/OR EXPERT WITNESSES</i>
11/02/2009	Hearing <i>VIDEOTAPED TRIAL TESTIMONY OF VIVIAN FURLOW</i>
11/02/2009	Motion <i>ALL PENDING MOTIONS (11/2/09)</i>
11/02/2009	 Notice of Witnesses and/or Expert Witnesses Filed By: Defendant Collins, Lesean T <i>DEFTS NOTICE OF WITNESSES PURSUANT TO NRS 174.234</i>
11/02/2009	 Notice Filed By: Defendant Collins, Lesean T <i>DEFENDANTS NOTICE OF ALIBI PURSUANT TO NRS 174.087</i>
11/02/2009	 Request <i>NOTICE OF MOTION AND MTN TO CONDUCT VIDEOTAPED DEPOSITION TESTIMONY OF MATERIAL WITNESS VIVIAL FURLOW MATERIAL WITNESS VIVIAL FURLOW</i>
11/04/2009	 Jury List <i>DISTRICT COURT JURY LIST</i>
11/06/2009	Conversion Case Event Type <i>SENTENCING</i>
11/06/2009	 Jury List <i>AMENDED DISTRICT COURT JURY LIST</i>
11/06/2009	 Instructions to the Jury <i>INSTRUCTIONS TO THE JURY - INSTRUCTION NO 1</i>
11/06/2009	 Filed Under Seal Filed By: Defendant Collins, Lesean T <i>Defense Offer of Proof Regarding Denial of Defense Motion to Continue</i>
11/06/2009	 Notice <i>NOTICE OF HABITUAL CRIMINALITY</i>
11/06/2009	 Judgment <i>VERDICT</i>
12/29/2009	 Motion <i>DEFT'S MTN TO CONTINUE SENTENCING DATE/22</i>
01/19/2010	 PSI
02/02/2010	 Ex Parte Order

CASE SUMMARY

CASE No. 09C253455

Filed By: Defendant Collins, Lesean T
EX PARTE APPLICATION AND ORDER TO PREPARE TRANSCRIPTS

02/03/2010



Receipt of Copy

Filed by: Defendant Collins, Lesean T
RECEIPT OF COPY

03/04/2010

Judgment

JUDGMENT OF CONVICTION/ADMIN ASSESSMENT

03/04/2010



Judgment of Conviction

Judgment of Conviction (Jury Trial)

03/25/2010



Notice of Appeal

Filed By: Defendant Collins, Lesean T
NOTICE OF APPEAL (SC 55716)

03/25/2010



Statement

Filed by: Defendant Collins, Lesean T
CASE APPEAL STATEMENT

04/27/2010



Reporters Transcript

REPORTER'S TRANSCRIPT OF PROCEEDINGS - INITIAL ARRAIGNMENT - HEARD 05-06-09

04/27/2010



Reporters Transcript

*REPORTER'S TRANSCRIPT OF PROCEEDINGS - DEFTS MTN TO COMPEL
DISCLOSURE OF EXCULPATORY EVIDENCE - HEARD 07-22-09 EXCULPATORY
EVIDENCE - HEARD 07-22-09*

04/27/2010



Reporters Transcript

*REPORTER'S TRANSCRIPT OF PROCEEDINGS - DEFTS WRIT OF HABEAS CORPUS -
HEARD 06-10-09 06-10-09*

04/30/2010



Reporters Transcript

REPORTER'S TRANSCRIPT OF PROCEEDINGS - CALENDAR CALL - HEARD 10-28-09

04/30/2010



Reporters Transcript

*REPORTER'S TRANSCRIPT OF PROCEEDINGS - DEFTS MTN TO PRECLUDE
TESTIMONY OF MINOR CHILD TYSEAN COLLINS - HEARD 09-16-09 MINOR CHILD
TYSEAN COLLINS - HEARD 09-16-09*

04/30/2010



Reporters Transcript

REPORTER'S TRANSCRIPT OF PROCEEDINGS CALENDAR CALL - HEARD 08/12/09

05/17/2010



Reporters Transcript

REPORTER'S TRANSCRIPT RE GRAND JURY INDICTMENT RETURN - HEARD 04/08/09

05/17/2010



Reporters Transcript

REPORTER'S TRANSCRIPT RE OVERFLOW CALENDAR CALL - HEARD 10/29/09

06/18/2010
















Reporters Transcript

*REPORTER'S TRANSCRIPT OF PROCEEDINGS - CONTINUED SENTENCING - HEARD
03-02-10*

CASE SUMMARY

CASE No. 09C253455

06/18/2010	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS - SENTENCING - HEARD 02-18-10</i>
07/09/2010	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS - TRIAL BY JURY DAY 2 - HEARD 11-05-09</i>
07/09/2010	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS - TRIAL BY JURY DAY 3 - HEARD 11-06-09</i>
07/12/2010	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS - VIDEOTAPED TESTIMONY OF VIVIAN FURLOW - HEARD 11-02-09 FURLOW - HEARD 11-02-09</i>
07/21/2010	 Transcript of Proceedings <i>Transcript of Proceedings Trial by Jury - Day 1 - 11/4/09</i>
05/17/2011	 Motion Filed By: Defendant Collins, Lesean T <i>Motion to Allow Attorneys for Lesean Collins to Review Sealed Video November 2, 2009, Motion Argument in Camera</i>
06/03/2011	 Transcript of Proceedings Party: Plaintiff State of Nevada <i>Transcript Of Proceedings - Defendant's Motion To Allow Attorney's For Lesean Collins To Review Sealed Video Of Nov. 2, 2009 Motion Argument In Camera - Heard June 2, 2011</i>
06/15/2011	 Order Denying Motion <i>Order Denying Defendant's Motion to Allow Attorney's for Lesean Collins to Review Sealed Video November 2, 2009, Motion Argument in Camera</i>
07/01/2011	 Transcript of Proceedings Party: Plaintiff State of Nevada <i>Transcript of Proceedings Sealed Portion of Proceeding of Jury Trial Held on November 2, 2009 [Ordered Unsealed for Viewing by Both Parties on June 15, 2011 by Court] - Heard November 2, 2009</i>
03/12/2012	 NV Supreme Court Clerks Certificate/Judgment - Affirmed
02/15/2013	 Petition for Writ of Habeas Corpus Filed by: Defendant Collins, Lesean T <i>Petition for A Writ of Habeas Corpus Relief by A Person in State Custody (Not Sentenced to Death)</i>
02/15/2013	 Application to Proceed in Forma Pauperis Filed By: Defendant Collins, Lesean T
02/15/2013	 Motion Filed By: Defendant Collins, Lesean T <i>Motion to Appoint Counsel</i>
02/15/2013	 Ex Parte Motion

CASE SUMMARY

CASE NO. 09C253455












Ex Parte Motion for Appointment of Counsel and Request for Evidentiary Hearing

03/04/2013	 Order for Petition for Writ of Habeas Corpus
04/29/2013	 Response Filed by: Plaintiff State of Nevada <i>Response to Defendant's Motion to Appoint Counsel</i>
05/28/2014	 Order Filed By: Defendant Collins, Lesean T <i>Order of Appointment</i>
09/16/2014	 Supplemental <i>Supplemental Petition for Writ of Habeas Corpus (Post Conviction)</i>
10/03/2014	 Notice of Motion Filed By: Defendant Collins, Lesean T <i>Defendant's Notice of Motion to Dismiss Counsel</i>
10/03/2014	 Motion Filed By: Defendant Collins, Lesean T <i>Defendant's Motion to Withdraw Counsel and Appointment of Alternate Counsel</i>
10/03/2014	 Motion Filed By: Defendant Collins, Lesean T <i>Defendant's Motion to Withdraw Counsel</i>
11/17/2014	 Response Filed by: Plaintiff State of Nevada <i>State's Response to Defendant's Supplemental Petition for Writ of Habeas Corpus (Post-Conviction)</i>
11/24/2014	 Order <i>Order Denying Defendant's Motion to Withdraw and Appointment of Alternate Counsel</i>
12/03/2014	 Reply Filed by: Defendant Collins, Lesean T <i>Reply in Support of Supplemental Petition for Writ of Habeas Corpus (Post Conviction)</i>
12/08/2014	 Response Filed by: Plaintiff State of Nevada <i>State's Response to New Issues Raised in Defendant's Reply</i>
01/06/2015	 Affidavit Filed By: Defendant Collins, Lesean T <i>Affidavit of LeSean T. Collins</i>
03/31/2015	 Supplemental Filed by: Defendant Collins, Lesean T <i>2nd Supplemental Petition for Writ of Habeas Corpus (Post Conviction)</i>
06/11/2015	 Response Filed by: Plaintiff State of Nevada

CASE SUMMARY

CASE NO. 09C253455

State's Response to Defendant's Second Supplemental Post-Conviction Petition for Writ of Habeas Corpus

07/08/2015	 Recorders Transcript of Hearing Party: Plaintiff State of Nevada <i>Recorder's Transcript Re: Defendant's Pro Per Petition for Writ of Habeas Corpus Relief by a Person in State Custody (Not Sentenced to Death) Thursday, June 18, 2015</i>
07/20/2015	 Order <i>Order Releasing Evidence</i>
07/24/2015	 Findings of Fact, Conclusions of Law and Order
07/27/2015	 Objection Filed By: Defendant Collins, Lesean T <i>Objection to Findings of Fact, Conclusions of Law and Order</i>
07/27/2015	 Request Filed by: Defendant Collins, Lesean T <i>Request for Rough Draft Transcripts</i>
07/27/2015	 Notice of Entry Filed By: Plaintiff State of Nevada <i>Notice of Entry of Findings of Fact, Conclusions of Law and Order</i>
09/17/2015	 Notice of Appeal (criminal) Party: Defendant Collins, Lesean T <i>Notice of Appeal</i>
09/17/2015	 Case Appeal Statement Filed By: Defendant Collins, Lesean T <i>Case Appeal Statement</i>
12/24/2015	 NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>Nevada Supreme Court Clerk's Certificate Judgment - Dismissed</i>
02/03/2020	 Notice of Appeal (criminal) <i>Notice of Appeal</i>
02/04/2020	 Case Appeal Statement Filed By: Defendant Collins, Lesean T <i>Case Appeal Statement</i>
11/06/2009	<u>DISPOSITIONS</u> Plea (Judicial Officer: Leavitt, Michelle) 1. ARSON IN THE FIRST DEGREE. Guilty PCN: Sequence: 2. BURGLARY. Guilty PCN: Sequence: 3. RECEIVING, POSSESSING OR WITHHOLDING STOLEN GOODS Guilty PCN: Sequence:

CASE SUMMARY

CASE No. 09C253455

	<p>3. DESTRUCTION OF PRIVATE OR PUBLIC PROPERTY Guilty PCN: Sequence:</p>
11/06/2009	<p>Disposition (Judicial Officer: Leavitt, Michelle)</p> <p>1. ARSON IN THE FIRST DEGREE. Guilty PCN: Sequence:</p> <p>2. BURGLARY. Guilty PCN: Sequence:</p> <p>3. RECEIVING, POSSESSING OR WITHHOLDING STOLEN GOODS Guilty PCN: Sequence:</p> <p>3. DESTRUCTION OF PRIVATE OR PUBLIC PROPERTY Guilty PCN: Sequence:</p>
03/02/2010	<p>Adult Adjudication (Judicial Officer: Leavitt, Michelle)</p> <p>3. RECEIVING, POSSESSING OR WITHHOLDING STOLEN GOODS 01/01/1900 (G) 205.275 (205.275) PCN: Sequence:</p>
03/02/2010	<p>Adult Adjudication (Judicial Officer: Leavitt, Michelle)</p> <p>1. ARSON IN THE FIRST DEGREE. 01/01/1900 (F) 205.010 (205.010) PCN: Sequence:</p> <hr/> <p>Comment (03/02/10 - LARGE HABITUAL CRIMINAL STATUTE IMPOSED) Sentenced to Nevada Dept. of Corrections Term: Life with the possibility of parole after:10 Years</p>
03/02/2010	<p>Adult Adjudication (Judicial Officer: Leavitt, Michelle)</p> <p>2. BURGLARY. 01/01/1900 (F) 205.060 (205.060) PCN: Sequence:</p> <hr/> <p>Comment (03/02/10 - LARGE HABITUAL CRIMINAL STATUTE IMPOSED) Sentenced to Nevada Dept. of Corrections Term: Life with the possibility of parole after:10 Years Concurrent: Charge 1</p>
03/02/2010	<p>Adult Adjudication (Judicial Officer: Leavitt, Michelle)</p> <p>3. DESTRUCTION OF PRIVATE OR PUBLIC PROPERTY 01/01/1900 (G) 193.155 (193.155) PCN: Sequence:</p> <hr/> <p>Sentenced to CCDC Term: 12 Months Concurrent: Charge 1 & 2 Credit for Time Served: 516 Days Comments: \$25.ADM, \$150.DNAF</p>

HEARINGS

CASE SUMMARY

CASE No. 09C253455

04/08/2009	<p>Grand Jury Indictment (1:15 PM) <i>GRAND JURY INDICTMENT Court Clerk: Tina Hurd Reporter/Recorder: Richard Kangas Heard By: David Barker</i> Bench Warrant Issued; GRAND JURY INDICTMENT Court Clerk: Tina Hurd Reporter/Recorder: Richard Kangas Heard By: David Barker Journal Entry Details: <i>Walter Olenderski, Grand Jury Foreman, 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. The State presented Grand Jury Case Number 08AGJ112X to the Court. COURT ORDERED, the indictment may be filed and is assigned Case Number C253455, Department 11. Mr. Tomscheck advised Deft. Collins is currently in custody with no bail on a Murder charge and was on a no-bail hold in Justice Court for these charges. Colloquy. COURT ORDERED, BENCH WARRANT WILL ISSUE, \$301,000.00 BAIL. Matter set for initial arraignment. Exhibit(s) 1, 1a & 2 lodged with Clerk of District Court. B.W. (COC) 4-15-09 9:00 AM INITIAL ARRAIGNMENT (DEPT. XI) ;</i></p>
04/13/2009	<p>Bench Warrant Return (1:30 PM) Events: 04/09/2009 Bench Warrant <i>INDICTMENT WARRANT RETURN Court Clerk: Sandy Harrell/Michele Tucker/mlt Relief Clerk: Sharon Coffman Reporter/Recorder: Kiara Schmidt Heard By: Williams, Kevin V</i> Matter Continued; INDICTMENT WARRANT RETURN Court Clerk: Sandy Harrell/Michele Tucker/mlt Relief Clerk: Sharon Coffman Reporter/Recorder: Kiara Schmidt Heard By: Williams, Kevin V Journal Entry Details: <i>Ms. Dixon advised this matter is on calendar for 4/15 for arraignment. COURT ORDERED, matter CONTINUED to that date. CUSTODY (B.W.(COC) ;</i></p>
04/15/2009	<p>Initial Arraignment (9:00 AM) Events: 04/08/2009 Hearing <i>INITIAL ARRAIGNMENT</i></p>
04/15/2009	<p>Bench Warrant Return (9:00 AM) <i>INDICTMENT WARRANT RETURN</i></p>
04/15/2009	<p>All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS (04/15/09) Court Clerk: Kathy Klein Reporter/Recorder: Jill Hawkins Heard By: Elizabeth Gonzalez</i> Matter Heard; ALL PENDING MOTIONS (04/15/09) Court Clerk: Kathy Klein Reporter/Recorder: Jill Hawkins Heard By: Elizabeth Gonzalez Journal Entry Details: <i>BENCH WARRANT RETURN...INITIAL ARRAIGNMENT State noted Mr. Tomscheck is the Attorney on this case. Mr. Trauth advised Deft. is in custody on other charges and requested a continuance and noted the Special Public Defender may take this case. COURT ORDERED, matter CONTINUED. CUSTODY (COC) 04/29/09 9:00 AM BENCH WARRANT RETURN...INITIAL ARRAIGNMENT ;</i></p>
04/29/2009	<p>Initial Arraignment (9:00 AM) <i>INITIAL ARRAIGNMENT</i></p>
04/29/2009	<p>Bench Warrant Return (9:00 AM) <i>INDICTMENT WARRANT RETURN</i></p>
04/29/2009	<p>All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS (04/29/09) Court Clerk: Kathy Klein Reporter/Recorder: Jill Hawkins Heard By: Elizabeth Gonzalez</i> Matter Heard; ALL PENDING MOTIONS (04/29/09) Court Clerk: Kathy Klein Reporter/Recorder: Jill Hawkins Heard By: Elizabeth Gonzalez Journal Entry Details: <i>INDICTMENT WARRANT RETURN...INITIAL ARRAIGNMENT Ms. Jones requested matters be continued, and noted the they did not receive the transcript. State noted the transcript was filed. COURT ORDERED, matter CONTINUED. CUSTODY (COC) 05/06/09 9:00 AM INDICTMENT WARRANT RETURN...INITIAL ARRAIGNMENT ;</i></p>

CASE SUMMARY

CASE No. 09C253455

05/06/2009	Initial Arraignment (9:00 AM) <i>INITIAL ARRAIGNMENT</i>
05/06/2009	Bench Warrant Return (9:00 AM) <i>INDICTMENT WARRANT RETURN Court Clerk: Sandy Harrell/Michele Tucker/mlt Relief Clerk: Sharon Coffman Reporter/Recorder: Kiara Schmidt</i>
05/06/2009	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS (05/06/09)_ Court Clerk: Kathy Klein Reporter/Recorder: Jill Hawkins Heard By: Elizabeth Gonzalez</i> <i>Matter Heard; ALL PENDING MOTIONS (05/06/09)_ Court Clerk: Kathy Klein Reporter/Recorder: Jill Hawkins Heard By: Elizabeth Gonzalez</i> <i>Journal Entry Details:</i> <i>INDICTMENT WARRANT RETURN...INITIAL ARRAIGNMENT Mr. Jones advised Deft. is ready to proceed. DEFT. COLLINS ARRAIGNED, PLED NOT GUILTY and WAIVED THE 60-DAY RULE. COURT ORDERED, matter set for trial. CUSTODY (COC) 08/12/09 9:00 AM CALENDAR CALL 08/17/09 10:00 AM JURY TRIAL ;</i>
06/01/2009	Petition for Writ of Habeas Corpus (9:00 AM) <i>Events: 05/12/2009 Petition</i> <i>PTN FOR WRIT OF HABEAS CORPUS Court Clerk: Kathy Klein Reporter/Recorder: Jill Hawkins Heard By: Gonzalez, Elizabeth</i> <i>Matter Continued; PTN FOR WRIT OF HABEAS CORPUS Court Clerk: Kathy Klein Reporter/Recorder: Jill Hawkins Heard By: Gonzalez, Elizabeth</i> <i>Journal Entry Details:</i> <i>At the request of Counsel, COURT ORDERED, matter CONTINUED. CUSTODY (COC) ;</i>
06/10/2009	Petition for Writ of Habeas Corpus (9:00 AM) <i>PTN FOR WRIT OF HABEAS CORPUS Court Clerk: Kathy Klein Reporter/Recorder: Jill Hawkins Heard By: Elizabeth Gonzalez</i> <i>Denied; PTN FOR WRIT OF HABEAS CORPUS Court Clerk: Kathy Klein Reporter/Recorder: Jill Hawkins Heard By: Elizabeth Gonzalez</i> <i>Journal Entry Details:</i> <i>Arguments by Counsel. COURT stated its findings and ORDERED, Petition DENIED. CUSTODY (COC) ;</i>
07/22/2009	Motion to Compel (9:00 AM) <i>Events: 07/08/2009 Motion</i> <i>DEFT'S MTN TO COMPEL DISCLOSURE OF EXCULPATORY EVID/12 Court Clerk: Kathy Klein Reporter/Recorder: Jill Hawkins Heard By: Elizabeth Gonzalez</i> <i>Granted; DEFT'S MTN TO COMPEL DISCLOSURE OF EXCULPATORY EVID/12 Court Clerk: Kathy Klein Reporter/Recorder: Jill Hawkins Heard By: Elizabeth Gonzalez</i> <i>Journal Entry Details:</i> <i>Mr. Tomsheck noted this was Ms. Jeanneys' case and further noted the State had no objection. COURT ORDERED, Deft's Motion to Compel Disclosure of Exculpatory Evidence, GRANTED. CUSTODY (COC) ;</i>
08/12/2009	Calendar Call (8:30 AM) <i>CALENDAR CALL Court Clerk: Katherine Streuber Relief Clerk: Melissa Benson/mb Reporter/Recorder: Jill Jacoby Heard By: Doug Smith</i> <i>Matter Heard; CALENDAR CALL Court Clerk: Katherine Streuber Relief Clerk: Melissa Benson/mb Reporter/Recorder: Jill Jacoby Heard By: Doug Smith</i> <i>Journal Entry Details:</i> <i>Counsel stated the matter has not been resolved and requested a continuance. State had no opposition but did note readiness to proceed. COURT ORDERED, trial VACATED and RESET. CUSTODY 10/28/09 8:30 AM CALENDAR CALL (FIRM SETTING) 11/02/09 10:00 AM TRIAL BY JURY (FIRM SETTING) ;</i>
08/17/2009	CANCELED Jury Trial (10:00 AM) <i>Vacated</i>
09/16/2009	Motion (8:30 AM) <i>Events: 09/04/2009 Motion</i>

CASE SUMMARY

CASE No. 09C253455

	<p><i>DEFT'S MTN TO PRECLUDE TESTIMONY OF MINOR CHILD TYSEAN COLLINS/15 Court Clerk: Katherine Streuber Relief Clerk: Melissa Benson/mb Reporter/Recorder: Patti Slattery Heard By: Doug Smith</i></p> <p>Denied; DEFT'S MTN TO PRECLUDE TESTIMONY OF MINOR CHILD TYSEAN COLLINS/15 Court Clerk: Katherine Streuber Relief Clerk: Melissa Benson/mb Reporter/Recorder: Patti Slattery Heard By: Doug Smith</p> <p>Journal Entry Details:</p> <p><i>Counsel advised of receipt of States opposition. Arguments by counsel. COURT ORDERED, motion DENIED. Trial STANDS. CUSTODY (COC) ;</i></p>
10/28/2009	<p>Calendar Call (8:30 AM)</p> <p><i>CALENDAR CALL (FIRM SETTING) Court Clerk: Katherine Streuber Reporter/Recorder: Jill Jacoby Heard By: Doug Smith</i></p> <p>Matter Heard; CALENDAR CALL (FIRM SETTING) Court Clerk: Katherine Streuber Reporter/Recorder: Jill Jacoby Heard By: Doug Smith</p> <p>Journal Entry Details:</p> <p><i>Ms. Jones advised Deft. had not been cooperating with their investigator and noted they are currently in another trial are not prepared to go forward. COURT ORDERED, trial VACATED and matter REFERRED to Overflow. CUSTODY 10-29-09 9:00 AM OVERFLOW (8) - J. TOMSHECK/T. JONES/3-4 DAYS/10-13 WITNESSES/1 OUT OF STATE ;</i></p>
10/29/2009	<p>Overflow (9:00 AM)</p> <p><i>OVERFLOW(8)- J. TOMSHECK/T. JONES/3-4DAY10-13 WITNESSES/1 OUT OF STATE Relief Clerk: Tia Everett/te Reporter/Recorder: Richard Kangas Heard By: David Barker</i></p> <p>Matter Heard; OVERFLOW(8)- J. TOMSHECK/T. JONES/3-4DAY10-13 WITNESSES/1 OUT OF STATE Relief Clerk: Tia Everett/te Reporter/Recorder: Richard Kangas Heard By: David Barker</p> <p>Journal Entry Details:</p> <p><i>Ms. Jones advised she has been in trial all week and there is additional investigation which needs to be done in this case before trial. Mr. Tomscheck informed the Court when Judge Smith continued the trial last time he told parties will be ready to go on this trial date. Ms. Jones advised an offer has been received in this case as well as the Defendant's other case which she and Ms. Maningo will discuss with Defendant about today. COURT ORDERED, Request to continued DENIED and matter REFERRED to Department 12 for trial. CUSTODY (COC) 11/4/09 9:00 AM JURY TRIAL ;</i></p>
11/02/2009	<p>CANCELED Jury Trial (10:00 AM)</p> <p><i>Vacated</i></p>
11/02/2009	<p>Motion (11:00 AM)</p> <p>Events: 10/29/2009 Motion</p> <p><i>MOTION CONDUCT VIDEOTAPED DEPOSITION TESTIMONY OF MATERIAL WITNESS Court Clerk: April Watkins Reporter/Recorder: Kerry Esparza Heard By: Michelle Leavitt</i></p> <p>Matter Heard; MOTION CONDUCT VIDEOTAPED DEPOSITION TESTIMONY OF MATERIAL WITNESS Court Clerk: April Watkins Reporter/Recorder: Kerry Esparza Heard By: Michelle Leavitt</p> <p>Journal Entry Details:</p> <p><i>State's Motion to Conduct Videotaped Deposition Testimony of Material Witness Vivian Furlow FILED IN OPEN COURT. Mr. Tomscheck advised State announced ready, sent to overflow, case was suppose to start today, subpoenas went out and now Ms. Furlow advised she is leaving tonight to go to Florida on a cruise until the 12th of this month. Ms. Jones stated Deft's counsel announced not ready and argued counsel will not even be ready to go on Wednesday but can be if the Court wants counsel to be. Further, Ms. Jones argued her investigator is not done with investigation as well as counsel being in trial last week and counsel is not ready. Colloquy. Ms. Parolise objected to motion filed by the State and argued not one judicial day notice. Further, Ms. Parolise does not believe counsel has had time to respond and argued witness not permanently unavailable, only not available for next two weeks. Offer of proof by the State as to Ms. Furlow. Court stated standard met as being material. Additional argument by Ms. Jones. Mr. Tomscheck argued Ms. Furlow is a material witness. COURT ORDERED, motion GRANTED. CUSTODY (COC) ;</i></p>
11/02/2009	<p>All Pending Motions (11:00 AM)</p> <p><i>ALL PENDING MOTIONS (11/2/09)</i></p>

CASE SUMMARY**CASE NO. 09C253455**

11/02/2009

Hearing (1:00 PM)*VIDEOTAPED TRIAL TESTIMONY OF VIVIAN FURLOW Court Clerk: April Watkins**Reporter/Recorder: Kerry Esparza Heard By: Michelle Leavitt**Matter Heard; VIDEOTAPED TRIAL TESTIMONY OF VIVIAN FURLOW Court Clerk:**April Watkins Reporter/Recorder: Kerry Esparza Heard By: Michelle Leavitt**Journal Entry Details:*

Court stated she did go to the custody door attempting to speak to Deft. about his refusal to come into the courtroom. Further, Deft. stated he does not want to come in, believes his rights have been violated and advised the Deft. he had to come in and make a record of it. Dianne Dickson, present and speaking to Deft. now. Ms. Parolise inquired as to the Court's ruling regarding videotaped deposition of witness. Court stated she was advised through her staff that the State was seeking a request to take witness testimony as witness was leaving on vacation. Additionally, Court advised the State was advised to contact defense counsel immediately of the pending motion and defense would of had plenty of time to prepare cross examination. Ms. Parolise stated they were advised Thursday afternoon. Court stated she did not require the State to file an order shortening time (OST). Ms. Parolise inquired as to it not being one judicial day notice. Again Court stated she did not require the State to file OST but did instruct the State to advise Deft's counsel immediately. Further argument by Ms. Parolise. Court stated let the record reflect Deft. is now present. Court inquired of Deft's counsel as to what prevented Deft's counsel from preparing for cross examination. Ms. Parolise argued Deft's counsel not ready to go, investigation not completed and believes counsel is limited as to cross examination. Further, counsel argued she will be ineffective and advised she can provide an affidavit to the Court for in camera review. Mr. Tomsheck gave brief history of this case and advised Deft. has murder trial set for next year in March and argued it is obvious counsel wants this case to trail that case. Further, Mr. Tomsheck stated there is less then 100 pages of discovery in this case and Judge Smith told counsel this was a firm setting. Additionally, it was represented to Judge Smith Deft. was not cooperating with counsel and Judge Smith sent matter to overflow with the same representations being made there and Judge Barker gave counsel until Wednesday of this week to prepare. State's attorneys have exited the courtroom and this part of the record ORDERED SEALED. THIS PORTION SEALED BY THE COURT. State's attorney's back in courtroom. Vivian Furlow, sworn and testified. CUSTODY (COC) ;

11/04/2009

Jury Trial (9:00 AM)*TRIAL BY JURY Court Clerk: April Watkins Reporter/Recorder: Kerry Esparza Heard By: Leavitt, Michelle**Matter Continued; TRIAL BY JURY Court Clerk: April Watkins Reporter/Recorder: Kerry Esparza Heard By: Leavitt, Michelle**Journal Entry Details:*

PROSPECTIVE JURORS PRESENT: Jury and one alternate selected and sworn. OUTSIDE THE PRESENCE OF THE JURY: Ms. Jones requested the Court admonish witness Eddins not to testify as to Deft's prior criminal history. Mr. Tomsheck stated witness has been instructed not to mention it. Court stated she will admonish witness if Deft's counsel request it. Ms. Jones stated she believes the State has admonished witness appropriately. Also, Ms. Jones stated when Deft. was arrested in this case, he was also wanted by North Las Vegas in a murder case and request this not be mentioned as well. Mr. Tomsheck stated he has instructed Ms. Eddins and other witnesses they are only suppose to talk about this case and not the murder case. COURT ORDERED, both request GRANTED. Ms. Jones stated on September 29, 2009, there was another tire slashing and request it not be talked about as well as Deft. was never charged with it. Mr. Tomsheck argued course and conduct by Deft. Ms. Jones stated she is o.k. with her saying something was wrong with her tires, just don't want it referenced Deft. did not because Deft. was not charged with it. Court stated witness can testify her tires were flat and that her father came over to help have them repaired. Additional argument by Mr. Tomsheck. Court FINDS it probative and relevant. Ms. Parolise argued Deft's counsel did not receive expert witness notice as to Detective Longpre. Mr. Tomsheck advised he is not a detective, he is the Arson Investigator for North Las Vegas and he investigated, made determinations in this case. Further, Mr. Tomsheck advised he will not give any opinion testimony. Further argument by Ms. Parolise. Court noted he has been identified and prepared report which was given to Deft's counsel. Mr. Tomsheck stated he will not ask any opinionated questions. Ms. Parolise argued it will be opinion testimony. Mr. Tomsheck further argued at time of Grand Jury he gave and recited his education and training experience. Court noted in transcripts, he talks about his 20 plus years experience. Additional arguments by counsel. Court FINDS State has met their burden and ORDERED, request DENIED. JURY PRESENT: Clerk read the Indictment to the jury and stated the Deft's plea thereto. Opening statements by counsel. OUTSIDE THE PRESENCE OF THE JURY: Court held hearing per State vs. Fernando Hernandez and Deft. agreed to concede to guilt freely, voluntarily and knowingly that he understands trial strategy and consented thereto. State of Nevada present in the courtroom and

CASE SUMMARY**CASE No. 09C253455**

advised by the Court determination was made Deft. has conceded to Count 3, each and every element except for the amount of damage being over \$250.00 and under \$5,000.00. Court also advised, the Court ordered the proceedings that just took place to be sealed and will not be unsealed except for an order from the Court. JURY PRESENT: Continuation of opening statements. Testimony and exhibits presented. (See worksheets.) Court recessed. ;

11/05/2009

Jury Trial (10:30 AM)

TRIAL BY JURY Court Clerk: April Watkins Relief Clerk: Tia Everett/te Reporter/Recorder: Kerry Esparza Heard By: Leavitt, Michelle

Matter Continued; TRIAL BY JURY Court Clerk: April Watkins Relief Clerk: Tia Everett/te Reporter/Recorder: Kerry Esparza Heard By: Leavitt, Michelle

Journal Entry Details:

JURY PRESENT: Tia Everett, Court Clerk present. CONFERENCE AT BENCH. Testimony and exhibits presented. (See worksheets.) April Watkins, Court Clerk present. Further testimony and exhibits. State rests. OUTSIDE THE PRESENCE OF THE JURY: Ms. Jones moved for a mistrial as to witnesses statements made during testimony and argued counsel believes jury knows Deft. was in custody doing time. Court stated the State's question did not call for her to respond as to Deft. being in custody. Further argument by Ms. Jones. Opposition by the State. Court stated witness called as an alibi witness who did not know him for a long time. Additional argument by Ms. Jones. Court FINDS statement does not rise to the level of mistrial and ORDERED, motion DENIED. Deft. advised of his right not to testify. Ms. Parolise stated as to denial of the trial continuance, request to file affidavit under seal as to what trial counsel would have done. Court stated counsel can file affidavit. Court recessed. ;

11/06/2009

Jury Trial (10:30 AM)

TRIAL BY JURY Court Clerk: April Watkins Reporter/Recorder: Kerry Esparza Heard By: Michelle Leavitt


Matter Heard; TRIAL BY JURY Court Clerk: April Watkins Reporter/Recorder: Kerry Esparza Heard By: Michelle Leavitt

Journal Entry Details:

OUTSIDE THE PRESENCE OF THE JURY: Defense Offer of Proof Regarding Denial of Defense Motion to Continue FILED IN OPEN COURT AND FILED UNDER SEAL. Notice of Habitual Criminality FILED IN OPEN COURT. Upon Court's inquiry, Deft. advised he will be testifying. Instructions settled. Ms. Jones objected to the playing of the video when Deft. is being interviewed and argued prejudicial to Deft. Mr. Tomsheck stated he is not sure what will happen as counsel does not know how Deft. will testify. Court stated counsel will have to approach and request to play video. Ms. Jones further argued interview also talks about pending murder charge. Court stated she will rule if issue comes up, will clear the courtroom and will watch video. Court inquired of Deft. as to why he is back in Clark County Detention Center (CCDC) clothing. Deft. stated he does not want to testify anymore. Court made a record as to the Court's practice when a Deft. who is in custody testifies. Further statement by Deft. Court stated there is no prejudice to the Deft. as to the Court's policy regarding in custody Deft's testifying. Additional statement by Deft. Court further stated there are times that there are witnesses that are already in witness box before jury comes in, depends on situation and not jut in custody Deft's. Deft. again advised he wants to now testify. Ms. Jones stated it is her understanding, if Deft. testifies, State will ask him questions as to the fire, advised it may lead into the pending murder charges and requested the State not get into that. Court stated she is not sure what questions counsel will ask and cannot make that ruling yet. Deft. now advised he no longer wants to testify. Court advised Juror #1, David Jones, has airline tickets to leave tonight, has to leave at 3:30 p.m., and he will be replaced with alternate juror #1, Katelyn Kraut. There being no objection, COURT ORDERED, Juror #1, David Jones, EXCUSED and Alternate Juror #1, Katelyn Kraut, SEATED as Juror #1. Ms. Parolise argued Deft. being forced to choose between his Fifth and Sixth Amendment rights. Opposition by the State. Court stated if Deft. wants to testify, counsel knows how to limit direct so that would limit cross. Additional arguments by counsel. Court stated she will not make any type of ruling until after the Court hears direct examination. JURY PRESENT: Court instructed the jury. Closing arguments by counsel. At the hour of 3:09 p.m., the jury retired to deliberate. At the hour of 4:50 p.m., jury returned with a verdict of GUILTY of COUNT 1 FIRST DEGREE ARSON (F), GUILTY of COUNT 2 BURGLARY (F) and GUILTY of COUNT 3 MALICIOUS INJURY TO VEHICLE, VALUE \$250.00 OR GREATER (F). Jury polled. Court thanked and excused the jury. OUTSIDE THE PRESENCE OF THE JURY: Mr. Tomsheck requested bail be revoked and Deft. held without bail. Ms. Jones requested to have bail at it's current setting stand. COURT ORDERED, BAIL REVOKED; DEFT. HELD WITHOUT BAIL; matter REFERRED to the Division of Parole and Probation (P & P) and SET for sentencing. CUSTODY 1/28/10 8:30 AM SENTENCING ;

CASE SUMMARY

CASE No. 09C253455

01/12/2010	<p>Motion to Continue (8:30 AM)</p> <p>Events: 12/29/2009 Motion</p> <p><i>DEFT'S MTN TO CONTINUE SENTENCING DATE/22 Court Clerk: April Watkins Relief Clerk: Tia Everett/te Reporter/Recorder: Kerry Esparza Heard By: Michelle Leavitt</i></p> <p>Matter Heard; DEFT'S MTN TO CONTINUE SENTENCING DATE/22 Court Clerk: April Watkins Relief Clerk: Tia Everett/te Reporter/Recorder: Kerry Esparza Heard By: Michelle Leavitt</p> <p>Journal Entry Details:</p> <p><i>COURT ORDERED, Motion GRANTED. CUSTODY 2/9/10 8:30 AM SENTENCING ;</i></p>
01/28/2010	<p>Sentencing (8:30 AM)</p> <p>Events: 11/06/2009 Conversion Case Event Type</p> <p><i>SENTENCING Heard By: Michelle Leavitt</i></p>
02/09/2010	<p>Sentencing (8:30 AM)</p> <p><i>SENTENCING Heard By: Michelle Leavitt</i></p>
02/18/2010	<p>Sentencing (8:30 AM)</p> <p><i>SENTENCING Relief Clerk: Kristen Brown/kb Reporter/Recorder: Kerry Esparza Heard By: Leavitt, Michelle</i></p> <p>Matter Continued; SENTENCING Relief Clerk: Kristen Brown/kb Reporter/Recorder: Kerry Esparza Heard By: Leavitt, Michelle</p> <p>Journal Entry Details:</p> <p><i>Mr. Tomsheck advised the Court that the deft. refused to be transported to court and requested a written order be prepared so that the deft. will be transported. Ms. Jones requested the deft. be given one chance and if he does not appear at the next hearing, then an order can be prepared. Court stated it will give the deft. one last opportunity to come and if the deft. refuses, and order will issue. COURT ORDERED, matter CONTINUED. CUSTODY ;</i></p>
02/25/2010	<p>Sentencing (8:30 AM)</p> <p><i>SENTENCING Court Clerk: April Watkins Reporter/Recorder: Kerry Esparza Heard By: Michelle Leavitt</i></p>
03/02/2010	<p>Sentencing (8:30 AM)</p> <p><i>SENTENCING Court Clerk: April Watkins Reporter/Recorder: Kerry Esparza Heard By: Michelle Leavitt</i></p> <p>Matter Heard; SENTENCING Court Clerk: April Watkins Reporter/Recorder: Kerry Esparza Heard By: Michelle Leavitt</p> <p>Journal Entry Details:</p> <p><i>DEFT. COLLINS ADJUDGED GUILTY as to COUNT 1 FIRST DEGREE ARSON (F), as to COUNT 2 BURGLARY (F) and as to COUNT 3 MALICIOUS INJURY TO VEHICLE (GM). Ms. Jones advised Deft. is requesting to be excused from proceedings. Colloquy between Court and Deft. COURT ORDERED, request DENIED. Exhibits presented. (See worksheet.) Arguments by counsel. Statement by Deft. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee and \$150.00 DNA Analysis fee including testing to determine genetic markers, Deft. SENTENCED UNDER THE LARGE HABITUAL CRIMINAL STATUTE as to COUNT 1 to LIFE in the Nevada Department of Corrections (NDC) with the possibility of parole after a MINIMUM of TEN (10) YEARS has been served, as to COUNT 2 to LIFE in the Nevada Department of Corrections (NDC) with the possibility of parole after a MINIMUM of TEN (10) YEARS has been served, CONCURRENT with COUNT 1 and as to COUNT 3 to the Clark County Detention Center (CCDC) for TWELVE (12) MONTHS, CONCURRENT with COUNTS 1 & 2 with FIVE HUNDRED SIXTEEN (516) DAYS credit for time served. BOND, if any, EXONERATED. ;</i></p>
06/02/2011	<p> Motion (8:30 AM) (Judicial Officer: Leavitt, Michelle)</p> <p>Events: 05/17/2011 Motion</p> <p><i>Motion to Allow Attorneys for Lesean Collins to Review Sealed Video November 2, 2009, Motion Argument in Camera</i></p> <p>Denied;</p> <p>Journal Entry Details:</p> <p><i>Deputy District Attorney Frank Ponticello present for the State. Deputy Public Defender David Westbrook present for Defendant. Defendant not present. Arguments by counsel. Court stated its findings and that there was no basis to keep the records sealed, and ORDERED,</i></p>

CASE SUMMARY

CASE No. 09C253455

Defendant's Motion is DENIED. The records are ordered unsealed as both sides can view them. The State to prepare the Order. The Court's Court Recorder to burn another CD. NDC ;

05/02/2013



Request (8:30 AM) (Judicial Officer: Leavitt, Michelle)

Status Check for Appointment of Counsel

Hearing Set;

Journal Entry Details:

Deft. not present; incarcerated in Nevada Department of Corrections (NDC). COURT ORDERED, Attorney Blaine Beckstead, Esq., APPOINTED as counsel for Deft. FURTHER, case CONTINUED; matter SET for confirmation of appointed counsel; Petition for May 16, 2013 is VACATED at this time. Clerk to notify Mr. Beckstead regarding next Court appearance date. NDC 5/16/13 8:30 A.M. CONFIRMATION OF APPOINTED COUNSEL (BLAINE BECKSTEAD, ESQ.) CLERK'S NOTE: A copy of the above minute order has been delivered by facsimile to: Blaine Beckstead, Esq. (Fax No. (702) 384-6006). /// sj CLERK'S NOTE: Minutes amended to reflect that the May 16, 2013 hearing, on the Petition for Writ of Habeas Corpus, was vacated. /// sj ;

05/16/2013

CANCELED Petition for Writ of Habeas Corpus (8:30 AM) (Judicial Officer: Leavitt, Michelle)

Vacated - per Clerk

05/16/2013



Confirmation of Counsel (8:30 AM) (Judicial Officer: Leavitt, Michelle)

CONFIRMATION OF COUNSEL (BLAINE BECKSTEAD, ESQ.)

MINUTES

Set Status Check;

Journal Entry Details:

Deft. not present; incarcerated in Nevada Department of Corrections (NDC). Mr. Beckstead confirmed as counsel for Deft, and requested a continuance to review the case file. COURT ORDERED, status check hearing SET. Thereafter, Court advised Mr. Beckstead he was appointed, due to conflict with the Public Defender's office. Counsel acknowledged. NDC 6/13/13 8:30 A.M. STATUS CHECK: FILE REVIEW ;

SCHEDULED HEARINGS



Status Check (06/13/2013 at 8:30 AM) (Judicial Officer: Leavitt, Michelle)

STATUS CHECK: FILE REVIEW

06/13/2013



Status Check (8:30 AM) (Judicial Officer: Leavitt, Michelle)

STATUS CHECK: FILE REVIEW

MINUTES

Briefing Schedule Set;

Journal Entry Details:

Deft. not present; incarcerated in Nevada Department of Corrections (NDC). COURT ORDERED, briefing schedule SET as follows: supplemental briefs due September 12, 2013; State's response due November 14, 2013; and replies are due by December 12, 2013. COURT FURTHER ORDERED, matter SET for hearing. NDC 1/02/14 10:30 A.M. PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION) ;

SCHEDULED HEARINGS



Petition for Writ of Habeas Corpus (01/02/2014 at 10:30 AM) (Judicial Officer: Leavitt, Michelle)

01/02/2014, 12/09/2014, 03/19/2015, 06/18/2015

Defendant's Pro Per Petition for a Writ of Habeas Corpus Relief by a Person in State Custody (Not Sentenced to Death)

01/02/2014



Petition for Writ of Habeas Corpus (10:30 AM) (Judicial Officer: Leavitt, Michelle)

01/02/2014, 12/09/2014, 03/19/2015, 06/18/2015

Defendant's Pro Per Petition for a Writ of Habeas Corpus Relief by a Person in State Custody (Not Sentenced to Death)

Time changed to 10:30 a.m.

CASE SUMMARY

CASE NO. 09C253455

Briefing Schedule Set;

Continued; Defendant's Pro Per Petition for a Writ of Habeas Corpus Relief by a Person in State Custody (Not Sentenced to Death)

Continued;

Vacated at request of counsel - parties to notify Chambers to have the matter rescheduled

Denied; Deft's Pro Per Petition For Writ Of Habeas Corpus Relief By A Person In State Custody (Not Sentenced To Death)

Journal Entry Details:

Deft. not present; incarcerated in Nevada Department of Corrections (NDC). Mr. Carling argued in support of Supplemental Petition for Writ of Habeas Corpus; and further argued as to Mickens case, prior counsel's performance, ethical conflict of interest, Strickland matter, and structural flaw claims. Ms. Bluth opposed the Petition; and argued as to Deft's other case being a murder, scheduled to go forward with trial in two weeks, the arson, and defense having failed to demonstrate the conflict of interest. Discussions as to correction to be made in the murder case about the Petrocelli hearing. Further arguments as to State having more than evidence to convict Deft. on the arson. Mr. Carling argued the murder and arson are connected. COURT ORDERED, Petition DENIED. State to prepare order. NDC ;

Time changed to 10:30 a.m.

Briefing Schedule Set;

Continued; Defendant's Pro Per Petition for a Writ of Habeas Corpus Relief by a Person in State Custody (Not Sentenced to Death)

Continued;

Vacated at request of counsel - parties to notify Chambers to have the matter rescheduled

Denied; Deft's Pro Per Petition For Writ Of Habeas Corpus Relief By A Person In State Custody (Not Sentenced To Death)

Journal Entry Details:

Deft. not present; incarcerated in Nevada Department of Corrections (NDC). Mr. MacDonald and Mr. Schwartz are not present. Ms. O'Halloran is present, and stood in for the State. Court stated it did not receive additional briefing. Mr. Carling advised he will present arguments and let the Court decide on the relief. Additionally, prior trial counsel who current defense met with regarding this case, will not sign any affidavits. Ms. Halloran was excused. Court TRAILED and RECALLED matter for the State to appear. Mr. MacDonald and Mr. Schwartz are now present in Court. Mr. Carling reiterated what he stated earlier; and requested to argue and submit on the pleadings. Arguments by counsel as to conflict issue. Mr. MacDonald responded; and argued State does not see a conflict of interest that meets the standard. Upon Court's inquiry to both parties, Mr. MacDonald advised he will submit it on the arguments. Mr. Carling advised he can file a memorandum on the ethical conflict issue. Court agreed; and ORDERED, Deft. to file supplemental pleadings by April 2, 2015; and State will file a response by April 16, 2015. FURTHER, matter CONTINUED. NDC 5/12/15 10:30 A.M. DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS RELIEF BY A PERSON IN STATE CUSTODY (NOT SENTENCED TO DEATH) ;

Time changed to 10:30 a.m.

Briefing Schedule Set;

Continued; Defendant's Pro Per Petition for a Writ of Habeas Corpus Relief by a Person in State Custody (Not Sentenced to Death)

Continued;

Vacated at request of counsel - parties to notify Chambers to have the matter rescheduled

Denied; Deft's Pro Per Petition For Writ Of Habeas Corpus Relief By A Person In State Custody (Not Sentenced To Death)

Journal Entry Details:

Defendant not present, incarcerated in the Nevada Department of Corrections (NDC). Discussions regarding Deft's murder trial in another case; and possible conflict between Deft. and previous trial counsel from this case, who now work for the District Attorney's Office. Further discussions on the relationship of the murder case and this case. Court stated it was unable to determine if a conflict exists; and suggested Mr. Carling to meet with the attorneys who represented Deft. in this matter during trial, and supplement the pleadings. Counsel agreed. COURT ORDERED, matter CONTINUED; defense to file any supplemental motions by January 8, 2015, State to respond by January 21, 2015. NDC ;

Time changed to 10:30 a.m.

Briefing Schedule Set;

Continued; Defendant's Pro Per Petition for a Writ of Habeas Corpus Relief by a Person in State Custody (Not Sentenced to Death)

Continued;





Vacated at request of counsel - parties to notify Chambers to have the matter rescheduled

Denied; Deft's Pro Per Petition For Writ Of Habeas Corpus Relief By A Person In State

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. 09C253455

	<p>Custody (Not Sentenced To Death)</p> <p>Journal Entry Details:</p> <p><i>Court noted the absence of the Defendant as he is currently in the Nevada Department of Corrections (NDC) and, ORDERED, Defendant's presence WAIVED this date. Court also noted the absence of Mr. Beckstead, advised it would set the briefing schedule and have clerk notify Mr. Beckstead of that briefing schedule. COURT ORDERED, supplemental brief to be filed by 1/30/14, State to respond by 4/3/14, Mr. Beckstead to reply by 5/8/14 and matter set for HEARING. NDC 5/22/14 10:30 AM HEARING: DEFENDANT'S PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION) CLERK'S NOTE: Mr. Beckstead appeared after case was called and was advised of the above briefing schedule and hearing date. cd ;</i></p>
05/08/2014	<p> Confirmation of Counsel (8:30 AM) (Judicial Officer: Leavitt, Michelle)</p> <p><i>Confirmation of Counsel (Matthew Carling)</i></p> <p>MINUTES</p> <p>Set Status Check;</p> <p>Journal Entry Details:</p> <p><i>Ms. Engler appeared on behalf of Deft; and accepted the appointment of counsel on behalf of Mr. Carling. SO NOTED. COUNSEL CONFIRMED. At request of defense, COURT ORDERED, matter SET for status check for a briefing schedule to be set; hearing set for May 22, 2014 is VACATED. NDC 7/15/14 8:30 A.M. STATUS CHECK: SET BRIEFING SCHEDULE ;</i></p> <p>SCHEDULED HEARINGS</p> <p> Status Check (07/15/2014 at 8:30 AM) (Judicial Officer: Leavitt, Michelle)</p> <p><i>Status Check: Set Briefing Schedule</i></p>
05/22/2014	<p>CANCELED Hearing (10:30 AM) (Judicial Officer: Leavitt, Michelle)</p> <p><i>Vacated - per Judge</i></p> <p><i>DEFT'S PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION)</i></p>
07/15/2014	<p> Status Check (8:30 AM) (Judicial Officer: Leavitt, Michelle)</p> <p><i>Status Check: Set Briefing Schedule</i></p> <p>Briefing Schedule Set;</p> <p>Journal Entry Details:</p> <p><i>Deft. not present; incarcerated in Nevada Department of Corrections (NDC). Ms. Engler appeared for Mr. Carling, on behalf of Deft; and requested an additional sixty days to provide supplemental pleadings. COURT ORDERED, briefing schedule SET as follows: Deft's opening briefs due September 15, 2014; State's response due November 17, 2014; and Deft's reply due December 1, 2014. FURTHER, matter SET for hearing on Deft's Petition for Writ of Habeas Corpus (Post-Conviction). NDC 12/09/14 10:30 A.M. DEFT'S PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION) ;</i></p>
10/28/2014	<p> Motion (8:30 AM) (Judicial Officer: Leavitt, Michelle)</p> <p><i>Defendant's Pro Per Motion to Withdraw Counsel and Appointment of Alternate Counsel</i></p> <p>Denied;</p> <p>Journal Entry Details:</p> <p><i>Deft. not present; incarcerated in Nevada Department of Corrections (NDC). COURT ORDERED, Motion DENIED. NDC ;</i></p>

DATE

FINANCIAL INFORMATION

Defendant Collins, Lesean T

Total Charges

Total Payments and Credits

Balance Due as of 2/4/2020

175.00

0.00

175.00

FILED

MAR - 4 2010

Alma L. Johnson
CLERK OF COURT

JOC

ORIGINAL

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

LESEAN TARUS COLLINS
#0857181

Defendant.

CASE NO. C253455

DEPT. NO. XII

JUDGMENT OF CONVICTION

(JURY TRIAL)

The Defendant previously entered a plea of not guilty to the crimes of COUNT 1 – FIRST DEGREE ARSON (Category B Felony) in violation of NRS 205.010, COUNT 2 - BURGLARY (Category B Felony) in violation of NRS 205.060, COUNT 3 – MALICIOUS INJURY TO VEHICLE (Gross Misdemeanor) in violation of NRS 205.274, 193.155; and the matter having been tried before a jury and the Defendant having been found guilty of the crimes of COUNT 1 – FIRST DEGREE ARSON (Category B Felony) in violation of NRS 205.010, 207.010; COUNT 2 - BURGLARY (Category B Felony) in violation of NRS 205.060, 207.010; and COUNT 3 – MALICIOUS INJURY TO VEHICLE (Gross Misdemeanor) in violation of NRS 205.274, 193.155, 207.010; thereafter, on the

RECEIVED

MAR - 3 2010

DEPARTMENT 12

1 2ND day of March, 2010, the Defendant was present in court for sentencing with his
2 counsel TIERRA D. JONES, Deputy Public Defender, and good cause appearing,

3 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offenses under the
4 LARGE HABITUAL CRIMINAL STATUTE and, in addition to the \$25.00 Administrative
5 Assessment Fee and a \$150.00 DNA Analysis Fee including testing to determine
6 genetic markers, the Defendant is SENTENCED to the Nevada Department of
7 Corrections (NDC) as follows: AS TO COUNT 1 - TO LIFE with a MINIMUM parole
8 eligibility after TEN (10) YEARS; AS TO COUNT 2 - TO LIFE with a MINIMUM parole
9 eligibility after TEN (10) YEARS, COUNT 2 to run CONCURRENT with COUNT 1; AS
10 TO COUNT 3 - to TWELVE (12) MONTHS in the Clark County Detention Center
11 (CCDC), COUNT 3 to run CONCURRENT with COUNTS 1 & 2; with FIVE HUNDRED
12 SIXTEEN (516) DAYS credit for time served.
13
14
15
16

17 DATED this 3 day of March, 2010.

18
19 
20 MICHELLE LEAVITT
21 DISTRICT JUDGE
22
23
24
25
26
27
28

5d

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 08, 2009

09C253455

The State of Nevada vs Lesean T Collins

April 08, 2009

1:15 PM

Grand Jury Indictment

**GRAND JURY
INDICTMENT**
**Court Clerk: Tina
Hurd**
**Reporter/Recorder:
Richard Kangas**
**Heard By: David
Barker**

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Mitchell, Scott S.

Attorney

Tomsheck, Joshua L.

Attorney

JOURNAL ENTRIES

- Walter Olenderski, Grand Jury Foreman, 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. The State presented Grand Jury Case Number 08AGJ112X to the Court. COURT ORDERED, the indictment may be filed and is assigned Case Number C253455, Department 11. Mr. Tomsheck advised Deft. Collins is currently in custody with no bail on a Murder charge and was on a no-bail hold in Justice Court for these charges. Colloquy. COURT ORDERED, BENCH WARRANT WILL ISSUE, \$301,000.00 BAIL. Matter set for initial arraignment. Exhibit(s) 1, 1a & 2 lodged with Clerk of District Court.

B.W. (COC)

4-15-09 9:00 AM INITIAL ARRAIGNMENT (DEPT. XI)

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****April 13, 2009**

09C253455

The State of Nevada vs Lesean T Collins

April 13, 2009**1:30 PM****Bench Warrant Return****INDICTMENT
WARRANT
RETURN Court
Clerk: Sandy
Harrell/Michele
Tucker/mlt Relief
Clerk: Sharon
Coffman
Reporter/Recorder:
Kiara Schmidt Heard
By: Williams, Kevin
V****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

PRESENT:	Collins, Lesean T	Defendant
	Dickson, Dianne	Attorney
	Tomsheck, Joshua L.	Attorney

JOURNAL ENTRIES

- Ms. Dixon advised this matter is on calendar for 4/15 for arraignment. COURT ORDERED, matter CONTINUED to that date.
CUSTODY (B.W.(COC)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 15, 2009

09C253455

The State of Nevada vs Lesean T Collins

April 15, 2009

9:00 AM

All Pending Motions

**ALL PENDING
MOTIONS (04/15/09)**
**Court Clerk: Kathy
Klein**
**Reporter/Recorder:
Jill Hawkins** **Heard
By: Elizabeth
Gonzalez**

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Collins, Lesean T
 O'Brien, Glen
 Public Defender
 Trauth, Jason

Defendant
 Attorney
 Attorney
 Attorney

JOURNAL ENTRIES**- BENCH WARRANT RETURN...INITIAL ARRAIGNMENT**

State noted Mr. Tomscheck is the Attorney on this case. Mr. Trauth advised Deft. is in custody on other charges and requested a continuance and noted the Special Public Defender may take this case.

COURT ORDERED, matter CONTINUED.

CUSTODY (COC)

04/29/09 9:00 AM BENCH WARRANT RETURN...INITIAL ARRAIGNMENT

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****April 29, 2009**

09C253455

The State of Nevada vs Lesean T Collins

April 29, 2009**9:00 AM****All Pending Motions**

**ALL PENDING
MOTIONS (04/29/09)
Court Clerk: Kathy
Klein
Reporter/Recorder:
Jill Hawkins Heard
By: Elizabeth
Gonzalez**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Collins, Lesean T

Defendant

Jones, Tierra D.

Attorney

Parolise, Abigail

Attorney

Public Defender

Attorney

Tomsheck, Joshua L.

Attorney

JOURNAL ENTRIES

- INDICTMENT WARRANT RETURN...INITIAL ARRAIGNMENT

Ms. Jones requested matters be continued, and noted the they did not receive the transcript. State noted the transcript was filed. COURT ORDERED, matter CONTINUED.

CUSTODY (COC)

05/06/09 9:00 AM INDICTMENT WARRANT RETURN...INITIAL ARRAIGNMENT

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 06, 2009**

09C253455

The State of Nevada vs Lesean T Collins

May 06, 2009**9:00 AM****All Pending Motions****ALL PENDING
MOTIONS****(05/06/09)_ Court****Clerk: Kathy Klein****Reporter/Recorder:****Jill Hawkins Heard****By: Elizabeth****Gonzalez****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Collins, Lesean T

Defendant

Jones, Tierra D.

Attorney

Public Defender

Attorney

Tomsheck, Joshua L.

Attorney

JOURNAL ENTRIES**- INDICTMENT WARRANT RETURN...INITIAL ARRAIGNMENT**Mr. Jones advised Deft. is ready to proceed. DEFT. COLLINS ARRAIGNED, PLED NOT GUILTY and
WAIVED THE 60-DAY RULE. COURT ORDERED, matter set for trial.**CUSTODY (COC)****08/12/09 9:00 AM CALENDAR CALL****08/17/09 10:00 AM JURY TRIAL**

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****June 01, 2009**

09C253455

The State of Nevada vs Lesean T Collins

June 01, 2009**9:00 AM****Petition for Writ of Habeas
Corpus****PTN FOR WRIT OF
HABEAS CORPUS
Court Clerk: Kathy
Klein
Reporter/Recorder:
Jill Hawkins Heard
By: Gonzalez,
Elizabeth****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Collins, Lesean T
Jones, Tierra D.
Public Defender
Tomsheck, Joshua L.Defendant
Attorney
Attorney
Attorney**JOURNAL ENTRIES**

- At the request of Counsel, COURT ORDERED, matter CONTINUED.
CUSTODY (COC)

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****June 10, 2009**

09C253455

The State of Nevada vs Lesean T Collins

June 10, 2009**9:00 AM****Petition for Writ of Habeas
Corpus****PTN FOR WRIT OF
HABEAS CORPUS
Court Clerk: Kathy
Klein
Reporter/Recorder:
Jill Hawkins
Heard
By: Elizabeth
Gonzalez****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Collins, Lesean T

Defendant

Jones, Tierra D.

Attorney

Public Defender

Attorney

Tomsheck, Joshua L.

Attorney

JOURNAL ENTRIES

- Arguments by Counsel. COURT stated its findings and ORDERED, Petition DENIED.
CUSTODY (COC)

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****July 22, 2009**

09C253455

The State of Nevada vs Lesean T Collins

July 22, 2009**9:00 AM****Motion to Compel****DEFT'S MTN TO
COMPEL
DISCLOSURE OF
EXCULPATORY
EVID/12 Court
Clerk: Kathy Klein
Reporter/Recorder:
Jill Hawkins Heard
By: Elizabeth
Gonzalez****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

PRESENT:	Collins, Lesean T	Defendant
	Jones, Tierra D.	Attorney
	Public Defender	Attorney
	Tomsheck, Joshua L.	Attorney

JOURNAL ENTRIES

- Mr. Tomsheck noted this was Ms. Jeanneys' case and further noted the State had no objection.
COURT ORDERED, Deft's Motion to Compel Disclosure of Exculpatory Evidence, GRANTED.
CUSTODY (COC)

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****August 12, 2009**

09C253455

The State of Nevada vs Lesean T Collins

August 12, 2009**8:30 AM****Calendar Call****CALENDAR CALL****Court Clerk:****Katherine Streuber****Relief Clerk: Melissa****Benson/mb****Reporter/Recorder:****Jill Jacoby Heard By:****Doug Smith****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Collins, Lesean T

Defendant

Jones, Tierra D.

Attorney

Public Defender

Attorney

Tomsheck, Joshua L.

Attorney

JOURNAL ENTRIES

- Counsel stated the matter has not been resolved and requested a continuance. State had no opposition but did note readiness to proceed. COURT ORDERED, trial VACATED and RESET.
CUSTODY

10/28/09 8:30 AM CALENDAR CALL (FIRM SETTING)

11/02/09 10:00 AM TRIAL BY JURY (FIRM SETTING)

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****September 16, 2009**

09C253455

The State of Nevada vs Lesean T Collins

September 16, 2009**8:30 AM****Motion****DEFT'S MTN TO
PRECLUDE
TESTIMONY OF
MINOR CHILD
TYSEAN
COLLINS/15 Court
Clerk: Katherine
Streuber Relief
Clerk: Melissa
Benson/mb
Reporter/Recorder:
Patti Slattery Heard
By: Doug Smith****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Collins, Lesean T
Jeanney, Jacqueline
Jones, Tierra D.
Public DefenderDefendant
Attorney
Attorney
Attorney**JOURNAL ENTRIES**

- Counsel advised of receipt of States opposition. Arguments by counsel. COURT ORDERED, motion DENIED. Trial STANDS.
CUSTODY (COC)

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****October 28, 2009**

09C253455

The State of Nevada vs Lesean T Collins

October 28, 2009**8:30 AM****Calendar Call****CALENDAR CALL
(FIRM SETTING)****Court Clerk:****Katherine Streuber****Reporter/Recorder:****Jill Jacoby Heard By:****Doug Smith****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Collins, Lesean T

Defendant

Jones, Tierra D.

Attorney

Parolise, Abigail

Attorney

Public Defender

Attorney

Tomsheck, Joshua L.

Attorney

JOURNAL ENTRIES

- Ms. Jones advised Deft. had not been cooperating with their investigator and noted they are currently in another trial are not prepared to go forward. COURT ORDERED, trial VACATED and matter REFERRED to Overflow.

CUSTODY

10-29-09 9:00 AM OVERFLOW (8) - J. TOMSHECK/T. JONES/3-4 DAYS/10-13 WITNESSES/1 OUT OF STATE

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 29, 2009**

09C253455

The State of Nevada vs Lesean T Collins

October 29, 2009**9:00 AM****Overflow**

**OVERFLOW(8)- J.
TOMSHECK/T.
JONES/3-4DAY10-13
WITNESSES/1 OUT
OF STATE Relief
Clerk: Tia Everett/te
Reporter/Recorder:
Richard Kangas
Heard By: David
Barker**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

PRESENT:	Collins, Lesean T	Defendant
	Jeanney, Jacqueline	Attorney
	Jones, Tierra D.	Attorney
	Public Defender	Attorney
	Tomsheck, Joshua L.	Attorney

JOURNAL ENTRIES

- Ms. Jones advised she has been in trial all week and there is additional investigation which needs to be done in this case before trial. Mr. Tomsheck informed the Court when Judge Smith continued the trial last time he told parties will be ready to go on this trial date. Ms. Jones advised an offer has been received in this case as well as the Defendant's other case which she and Ms. Maningo will discuss with Defendant about today. COURT ORDERED, Request to continued DENIED and matter REFERRED to Department 12 for trial.
CUSTODY (COC)

11/4/09 9:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****November 02, 2009**

09C253455

The State of Nevada vs Lesean T Collins

November 02, 2009**11:00 AM****Motion**

**MOTION
CONDUCT
VIDEOTAPED
DEPOSITION
TESTIMONY OF
MATERIAL
WITNESS Court
Clerk: April Watkins
Reporter/Recorder:
Kerry Esparza Heard
By: Michelle Leavitt**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

PRESENT:	Collins, Lesean T	Defendant
	Jeanney, Jacqueline	Attorney
	Jones, Tierra D.	Attorney
	Parolise, Abigail	Attorney
	Public Defender	Attorney
	Tomsheck, Joshua L.	Attorney

JOURNAL ENTRIES

- State's Motion to Conduct Videotaped Deposition Testimony of Material Witness Vivian Furlow
FILED IN OPEN COURT.

Mr. Tomsheck advised State announced ready, sent to overflow, case was suppose to start today, subpoenas went out and now Ms. Furlow advised she is leaving tonight to go to Florida on a cruise until the 12th of this month. Ms. Jones stated Deft's counsel announced not ready and argued counsel

will not even be ready to go on Wednesday but can be if the Court wants counsel to be. Further, Ms. Jones argued her investigator is not done with investigation as well as counsel being in trial last week and counsel is not ready. Colloquy. Ms. Parolise objected to motion filed by the State and argued not one judicial day notice. Further, Ms. Parolise does not believe counsel has had time to respond and argued witness not permanently unavailable, only not available for next two weeks. Offer of proof by the State as to Ms. Furlow. Court stated standard met as being material. Additional argument by Ms. Jones. Mr. Tomsheck argued Ms. Furlow is a material witness. COURT ORDERED, motion GRANTED.

CUSTODY (COC)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****November 02, 2009**

09C253455

The State of Nevada vs Lesean T Collins

November 02, 2009**1:00 PM****Hearing**

**VIDEOTAPED
TRIAL TESTIMONY
OF VIVIAN
FURLOW Court
Clerk: April Watkins
Reporter/Recorder:
Kerry Esparza Heard
By: Michelle Leavitt**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Collins, Lesean T
Jeanney, Jacqueline
Jones, Tierra D.
Parolise, Abigail
Public Defender
Tomsheck, Joshua L.

Defendant
Attorney
Attorney
Attorney
Attorney
Attorney

JOURNAL ENTRIES

- Court stated she did go to the custody door attempting to speak to Deft. about his refusal to come into the courtroom. Further, Deft. stated he doe snot want to come in, believes his rights have been violated and advised the Deft. he had to come in and make a record of it.

Dianne Dickson, present and speaking to Deft. now.

Ms. Parolise inquired as to the Court's ruling regarding videotaped deposition of witness. Court stated she was advised through her staff that the State was seeking a request to take witness testimony as witness was leaving on vacation. Additionally, Court advised the State was advised to contact defense counsel immediately of the pending motion and defense would of had plenty of time

to prepare cross examination. Ms. Parolise stated they were advised Thursday afternoon. Court stated she did not require the State to file an order shortening time (OST). Ms. Parolise inquired as to it not being one judicial day notice. Again Court stated she did not require the State to file OST but did instruct the State to advise Deft's counsel immediately. Further argument by Ms. Parolise. Court stated let the record reflect Deft. is now present. Court inquired of Deft's counsel as to what prevented Defts' counsel from preparing for cross examination. Ms. Parolise argued Defts' counsel not ready to go, investigation not completed and believes counsel is limited as to cross examination. Further, counsel argued she will be ineffective and advised she can provide an affidavit to the Court for in camera review. Mr. Tomsheck gave brief history of this case and advised Deft. has murder trial set for next year in March and argued it is obvious counsel wants this case to trail that case. Further, Mr. Tomsheck stated there is less then 100 pages of discovery in this case and Judge Smith told counsel this was a firm setting. Additionally, it was represented to Judge Smith Deft. was not cooperating with counsel and Judge Smith sent matter to overflow with the same representations being made there and Judge Barker gave counsel until Wednesday of this week to prepare. State's attorneys have exited the courtroom and this part of the record ORDERED SEALED.

THIS PORTION SEALED BY THE COURT.

State's attorney's back in courtroom.
Vivian Furlow, sworn and testified.
CUSTODY (COC)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****November 04, 2009**

09C253455

The State of Nevada vs Lesean T Collins

November 04, 2009**9:00 AM****Jury Trial****TRIAL BY JURY****Court Clerk: April
Watkins****Reporter/Recorder:****Kerry Esparza Heard****By: Leavitt, Michelle****HEARD BY:****COURTROOM:** No Location**COURT CLERK:** April Watkins**RECORDER:** Kerry Esparza**REPORTER:****PARTIES****PRESENT:**

Collins, Lesean T
 Jeanney, Jacqueline
 Jones, Tierra D.
 Parolise, Abigail
 Public Defender
 Tomsheck, Joshua L.

Defendant
 Attorney
 Attorney
 Attorney
 Attorney
 Attorney

JOURNAL ENTRIES**- PROSPECTIVE JURORS PRESENT:**

Jury and one alternate selected and sworn.

OUTSIDE THE PRESENCE OF THE JURY:

Ms. Jones requested the Court admonish witness Eddins not to testify as to Deft's prior criminal history. Mr. Tomsheck stated witness has been instructed not to mention it. Court stated she will admonish witness if Deft's counsel request it. Ms. Jones stated she believes the State has admonished witness appropriately. Also, Ms. Jones stated when Deft. was arrested in this case, he was also wanted by North Las Vegas in a murder case and request this not be mentioned as well. Mr. Tomsheck stated he has instructed Ms. Eddins and other witnesses they are only suppose to talk about this case and not the murder case. COURT ORDERED, both request GRANTED. Ms. Jones

stated on September 29, 2009, there was another tire slashing and request it not be talked about as well as Deft. was never charged with it. Mr. Tomsheck argued course and conduct by Deft. Ms. Jones stated she is o.k. with her saying something was wrong with her tires, just don't want it referenced Deft. did not because Deft. was not charged with it. Court stated witness can testify her tires were flat and that her father came over to help have them repaired. Additional argument by Mr. Tomsheck. Court FINDS it probative and relevant. Ms. Parolise argued Deft's counsel did not receive expert witness notice as to Detective Longpre. Mr. Tomsheck advised he is not a detective, he is the Arson Investigator for North Las Vegas and he investigated, made determinations in this case. Further, Mr. Tomsheck advised he will not give any opinion testimony. Further argument by Ms. Parolise. Court noted he has been identified and prepared report which was given to Deft's counsel. Mr. Tomsheck stated he will not ask any opinionated questions. Ms. Parolise argued it will be opinion testimony. Mr. Tomsheck further argued at time of Grand Jury he gave and recited his education and training experience. Court noted in transcripts, he talks about his 20 plus years experience. Additional arguments by counsel. Court FINDS State has met their burden and ORDERED, request DENIED.

JURY PRESENT:

Clerk read the Indictment to the jury and stated the Deft's plea thereto. Opening statements by counsel.

OUTSIDE THE PRESENCE OF THE JURY:

Court held hearing per State vs. Fernando Hernandez and Deft. agreed to concede to guilt freely, voluntarily and knowingly that he understands trial strategy and consented thereto.

State of Nevada present in the courtroom and advised by the Court determination was made Deft. has conceded to Count 3, each and every element except for the amount of damage being over \$250.00 and under \$5,000.00. Court also advised, the Court ordered the proceedings that just took place to be sealed and will not be unsealed except for an order from the Court.

JURY PRESENT:

Continuation of opening statements. Testimony and exhibits presented. (See worksheets.) Court recessed.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 05, 2009

09C253455

The State of Nevada vs Lesean T Collins

November 05, 2009

10:30 AM

Jury Trial

TRIAL BY JURY

Court Clerk: April

Watkins Relief

Clerk: Tia Everett/te

Reporter/Recorder:

Kerry Esparza Heard

By: Leavitt, Michelle

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Collins, Lesean T

Defendant

Jeanney, Jacqueline

Attorney

Jones, Tierra D.

Attorney

Parolise, Abigail

Attorney

Public Defender

Attorney

Tomsheck, Joshua L.

Attorney

JOURNAL ENTRIES**- JURY PRESENT:**

Tia Everett, Court Clerk present. CONFERENCE AT BENCH. Testimony and exhibits presented.
(See worksheets.)

April Watkins, Court Clerk present. Further testimony and exhibits. State rests.

OUTSIDE THE PRESENCE OF THE JURY:

Ms. Jones moved for a mistrial as to witnesses statements made during testimony and argued counsel believes jury knows Deft. was in custody doing time. Court stated the State's question did not call for her to respond as to Deft. being in custody. Further argument by Ms. Jones. Opposition by the State. Court stated witness called as an alibi witness who did not know him for a long time. Additional

argument by Ms. Jones. Court FINDS statement does not rise to the level of mistrial and ORDERED, motion DENIED.

Deft. advised of his right not to testify.

Ms. Parolise stated as to denial of the trial continuance, request to file affidavit under seal as to what trial counsel would have done. Court stated counsel can file affidavit.

Court recessed.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****November 06, 2009**

09C253455

The State of Nevada vs Lesean T Collins

November 06, 2009**10:30 AM****Jury Trial****TRIAL BY JURY****Court Clerk: April
Watkins****Reporter/Recorder:****Kerry Esparza Heard****By: Michelle Leavitt****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Collins, Lesean T

Defendant

Jeanney, Jacqueline

Attorney

Jones, Tierra D.

Attorney

Parolise, Abigail

Attorney

Public Defender

Attorney

Tomsheck, Joshua L.

Attorney

JOURNAL ENTRIES**- OUTSIDE THE PRESENCE OF THE JURY:**

Defense Offer of Proof Regarding Denial of Defense Motion to Continue FILED IN OPEN COURT
AND FILED UNDER SEAL.

Notice of Habitual Criminality FILED IN OPEN COURT.

Upon Court's inquiry, Deft. advised he will be testifying.

Instructions settled.

Ms. Jones objected to the playing of the video when Deft. is being interviewed and argued prejudicial to Deft. Mr. Tomsheck stated he is not sure what will happen as counsel does not know how Deft. will testify. Court stated counsel will have to approach and request to play video. Ms. Jones further argued interview also talks about pending murder charge. Court stated she will rule if issue comes

up, will clear the courtroom and will watch video.

Court inquired of Deft. as to why he is back in Clark County Detention Center (CCDC) clothing. Deft. stated he does not want to testify anymore. Court made a record as to the Court's practice when a Deft. who is in custody testifies. Further statement by Deft. Court stated there is no prejudice to the Deft. as to the Court's policy regarding in custody Deft's testifying. Additional statement by Deft. Court further stated there are times that there are witnesses that are already in witness box before jury comes in, depends on situation and not just in custody Deft's. Deft. again advised he wants to now testify. Ms. Jones stated it is her understanding, if Deft. testifies, State will ask him questions as to the fire, advised it may lead into the pending murder charges and requested the State not get into that. Court stated she is not sure what questions counsel will ask and cannot make that ruling yet. Deft. now advised he no longer wants to testify.

Court advised Juror #1, David Jones, has airline tickets to leave tonight, has to leave at 3:30 p.m., and he will be replaced with alternate juror #1, Katelyn Kraut. There being no objection, COURT ORDERED, Juror #1, David Jones, EXCUSED and Alternate Juror #1, Katelyn Kraut, SEATED as Juror #1.

Ms. Parolise argued Deft. being forced to choose between his Fifth and Sixth Amendment rights. Opposition by the State. Court stated if Deft. wants to testify, counsel knows how to limit direct so that would limit cross. Additional arguments by counsel. Court stated she will not make any type of ruling until after the Court hears direct examination.

JURY PRESENT:

Court instructed the jury. Closing arguments by counsel. At the hour of 3:09 p.m., the jury retired to deliberate. At the hour of 4:50 p.m., jury returned with a verdict of GUILTY of COUNT 1 FIRST DEGREE ARSON (F), GUILTY of COUNT 2 BURGLARY (F) and GUILTY of COUNT 3 MALICIOUS INJURY TO VEHICLE, VALUE \$250.00 OR GREATER (F).

Jury polled.

Court thanked and excused the jury.

OUTSIDE THE PRESENCE OF THE JURY:

Mr. Tomsheck requested bail be revoked and Deft. held without bail. Ms. Jones requested to have bail at it's current setting stand. COURT ORDERED, BAIL REVOKED; DEFT. HELD WITHOUT BAIL; matter REFERRED to the Division of Parole and Probation (P & P) and SET for sentencing. CUSTODY

1/28/10 8:30 AM SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****January 12, 2010**

09C253455

The State of Nevada vs Lesean T Collins

January 12, 2010**8:30 AM****Motion to Continue****DEFT'S MTN TO
CONTINUE
SENTENCING
DATE/22 Court
Clerk: April Watkins
Relief Clerk: Tia
Everett/te
Reporter/Recorder:
Kerry Esparza Heard
By: Michelle Leavitt****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

PRESENT:	Collins, Lesean T	Defendant
	Jones, Tierra D.	Attorney
	Public Defender	Attorney
	Schifalacqua, Marc M.	Attorney

JOURNAL ENTRIES

- COURT ORDERED, Motion GRANTED.
CUSTODY
2/9/10 8:30 AM SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 18, 2010**

09C253455

The State of Nevada vs Lesean T Collins

February 18, 2010**8:30 AM****Sentencing****SENTENCING****Relief Clerk: Kristen
Brown/kb****Reporter/Recorder:
Kerry Esparza Heard
By: Leavitt, Michelle****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Jones, Tierra D.

Attorney

Public Defender

Attorney

Tomsheck, Joshua L.

Attorney

JOURNAL ENTRIES

- Mr. Tomsheck advised the Court that the deft. refused to be transported to court and requested a written order be prepared so that the deft. will be transported. Ms. Jones requested the deft. be given one chance and if he does not appear at the next hearing, then an order can be prepared. Court stated it will give the deft. one last opportunity to come and if the deft. refuses, and order will issue.

COURT ORDERED, matter CONTINUED.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 02, 2010**

09C253455

The State of Nevada vs Lesean T Collins

March 02, 2010**8:30 AM****Sentencing****SENTENCING****Court Clerk: April
Watkins****Reporter/Recorder:****Kerry Esparza Heard****By: Michelle Leavitt****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Collins, Lesean T

Defendant

Jeanney, Jacqueline

Attorney

Jones, Tierra D.

Attorney

Public Defender

Attorney

Tomsheck, Joshua L.

Attorney

JOURNAL ENTRIES

- DEFT. COLLINS ADJUDGED GUILTY as to COUNT 1 FIRST DEGREE ARSON (F), as to COUNT 2 BURGLARY (F) and as to COUNT 3 MALICIOUS INJURY TO VEHICLE (GM). Ms. Jones advised Deft. is requesting to be excused from proceedings. Colloquy between Court and Deft. COURT ORDERED, request DENIED. Exhibits presented. (See worksheet.) Arguments by counsel. Statement by Deft. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee and \$150.00 DNA Analysis fee including testing to determine genetic markers, Deft. SENTENCED UNDER THE LARGE HABITUAL CRIMINAL STATUTE as to COUNT 1 to LIFE in the Nevada Department of Corrections (NDC) with the possibility of parole after a MINIMUM of TEN (10) YEARS has been served, as to COUNT 2 to LIFE in the Nevada Department of Corrections (NDC) with the possibility of parole after a MINIMUM of TEN (10) YEARS has been served, CONCURRENT with COUNT 1 and as to COUNT 3 to the Clark County Detention Center (CCDC) for TWELVE (12)

MONTHS, CONCURRENT with COUNTS 1 & 2 with FIVE HUNDRED SIXTEEN (516) DAYS credit for time served.

BOND, if any, EXONERATED.

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****June 02, 2011**

09C253455

The State of Nevada vs Lesean T Collins

June 02, 2011**8:30 AM****Motion****HEARD BY:** Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Billie Jo Craig**RECORDER:** Kerry Esparza**REPORTER:****PARTIES****PRESENT:****JOURNAL ENTRIES**

- Deputy District Attorney Frank Ponticello present for the State. Deputy Public Defender David Westbrook present for Defendant. Defendant not present.

Arguments by counsel. Court stated its findings and that there was no basis to keep the records sealed, and ORDERED, Defendant's Motion is DENIED. The records are ordered unsealed as both sides can view them. The State to prepare the Order. The Court's Court Recorder to burn another CD.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****May 02, 2013**

09C253455

The State of Nevada vs Lesean T Collins

May 02, 2013**8:30 AM****Request****HEARD BY:** Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Susan Botzenhart**RECORDER:** Theresa Sanchez**REPORTER:****PARTIES****PRESENT:**Burns, J Patrick
Imlay, Darin F.
Public Defender
State of Nevada

Attorney

Plaintiff

JOURNAL ENTRIES

- Deft. not present; incarcerated in Nevada Department of Corrections (NDC). COURT ORDERED, Attorney Blaine Beckstead, Esq., APPOINTED as counsel for Deft. FURTHER, case CONTINUED; matter SET for confirmation of appointed counsel; Petition for May 16, 2013 is VACATED at this time. Clerk to notify Mr. Beckstead regarding next Court appearance date.

NDC

5/16/13 8:30 A.M. CONFIRMATION OF APPOINTED COUNSEL (BLAINE BECKSTEAD, ESQ.)

CLERK'S NOTE: A copy of the above minute order has been delivered by facsimile to: Blaine Beckstead, Esq. (Fax No. (702) 384-6006). /// sj

CLERK'S NOTE: Minutes amended to reflect that the May 16, 2013 hearing, on the Petition for Writ of Habeas Corpus, was vacated. /// sj

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****May 16, 2013**

09C253455

The State of Nevada vs Lesean T Collins

May 16, 2013**8:30 AM****Confirmation of Counsel****HEARD BY:** Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Susan Botzenhart**RECORDER:** Theresa Sanchez**REPORTER:****PARTIES****PRESENT:**

Beckstead, Blaine D.

Attorney

Edwards, Michelle

Attorney

State of Nevada

Plaintiff

JOURNAL ENTRIES

- Deft. not present; incarcerated in Nevada Department of Corrections (NDC). Mr. Beckstead confirmed as counsel for Deft, and requested a continuance to review the case file. COURT ORDERED, status check hearing SET. Thereafter, Court advised Mr. Beckstead he was appointed, due to conflict with the Public Defender's office. Counsel acknowledged.

NDC

6/13/13 8:30 A.M. STATUS CHECK: FILE REVIEW

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****June 13, 2013**

09C253455

The State of Nevada vs Lesean T Collins

June 13, 2013**8:30 AM****Status Check****HEARD BY:** Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Susan Botzenhart**RECORDER:** Theresa Sanchez**REPORTER:****PARTIES****PRESENT:**

Beckstead, Blaine D.

Attorney

Hayes, Trevor

Attorney

State of Nevada

Plaintiff

JOURNAL ENTRIES

- Deft. not present; incarcerated in Nevada Department of Corrections (NDC). COURT ORDERED, briefing schedule SET as follows: supplemental briefs due September 12, 2013; State's response due November 14, 2013; and replies are due by December 12, 2013. COURT FURTHER ORDERED, matter SET for hearing.

NDC

1/02/14 10:30 A.M. PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 02, 2014**

09C253455

The State of Nevada vs Lesean T Collins

January 02, 2014**10:30 AM****Petition for Writ of Habeas
Corpus****HEARD BY:** Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Carole D'Aloia**RECORDER:** Kristine Santi**REPORTER:****PARTIES****PRESENT:**

Beckstead, Blaine D.
Burton, Chris
State of Nevada

Attorney
Attorney
Plaintiff

JOURNAL ENTRIES

- Court noted the absence of the Defendant as he is currently in the Nevada Department of Corrections (NDC) and, ORDERED, Defendant's presence WAIVED this date. Court also noted the absence of Mr. Beckstead, advised it would set the briefing schedule and have clerk notify Mr. Beckstead of that briefing schedule. COURT ORDERED, supplemental brief to be filed by 1/30/14, State to respond by 4/3/14, Mr. Beckstead to reply by 5/8/14 and matter set for HEARING.

NDC

5/22/14 10:30 AM HEARING: DEFENDANT'S PETITION FOR WRIT OF HABEAS
CORPUS (POST CONVICTION)

CLERK'S NOTE: Mr. Beckstead appeared after case was called and was advised of the above briefing schedule and hearing date. cd

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****May 08, 2014**

09C253455

The State of Nevada vs Lesean T Collins

May 08, 2014**8:30 AM****Confirmation of Counsel****HEARD BY:** Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Susan Botzenhart**RECORDER:** Kristine Santi**REPORTER:****PARTIES****PRESENT:**

Burton, Chris

Attorney

Engler, Alissa

Attorney

State of Nevada

Plaintiff

JOURNAL ENTRIES

- Ms. Engler appeared on behalf of Deft; and accepted the appointment of counsel on behalf of Mr. Carling. SO NOTED. COUNSEL CONFIRMED. At request of defense, COURT ORDERED, matter SET for status check for a briefing schedule to be set; hearing set for May 22, 2014 is VACATED.

NDC

7/15/14 8:30 A.M. STATUS CHECK: SET BRIEFING SCHEDULE

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****July 15, 2014**

09C253455

The State of Nevada vs Lesean T Collins

July 15, 2014**8:30 AM****Status Check****HEARD BY:** Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Susan Botzenhart**RECORDER:** Kristine Santi**REPORTER:****PARTIES****PRESENT:**

Edwards, Michelle

Attorney

Engler, Alissa

Attorney

State of Nevada

Plaintiff

JOURNAL ENTRIES

- Deft. not present; incarcerated in Nevada Department of Corrections (NDC). Ms. Engler appeared for Mr. Carling, on behalf of Deft; and requested an additional sixty days to provide supplemental pleadings. COURT ORDERED, briefing schedule SET as follows: Deft's opening briefs due September 15, 2014; State's response due November 17, 2014; and Deft's reply due December 1, 2014. FURTHER, matter SET for hearing on Deft's Petition for Writ of Habeas Corpus (Post-Conviction).

NDC

12/09/14 10:30 A.M. DEFT'S PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****October 28, 2014**

09C253455

The State of Nevada vs Lesean T Collins

October 28, 2014**8:30 AM****Motion****HEARD BY:** Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Susan Botzenhart
Deborah Miller**RECORDER:** Kristine Santi**REPORTER:****PARTIES**

PRESENT:	Carling, Matthew D.	Attorney
	Schwartzner, Michael J.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Deft. not present; incarcerated in Nevada Department of Corrections (NDC). COURT ORDERED, Motion DENIED.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****December 09, 2014**

09C253455

The State of Nevada vs Lesean T Collins

December 09, 2014	10:30 AM	Petition for Writ of Habeas Corpus	Defendant's Pro Per Petition for a Writ of Habeas Corpus Relief by a Person in State Custody (Not Sentenced to Death)
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HEARD BY: Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Susan Botzenhart
Deborah Miller**RECORDER:** Kristine Santi**REPORTER:****PARTIES**

PRESENT:	Carling, Matthew D.	Attorney
	MacDonald, Ryan J, ESQ	Attorney
	Schwartz, Bryan A.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Defendant not present, incarcerated in the Nevada Department of Corrections (NDC). Discussions regarding Deft's murder trial in another case; and possible conflict between Deft. and previous trial counsel from this case, who now work for the District Attorney's Office. Further discussions on the relationship of the murder case and this case.

Court stated it was unable to determine if a conflict exists; and suggested Mr. Carling to meet with the attorneys who represented Deft. in this matter during trial, and supplement the pleadings. Counsel agreed. COURT ORDERED, matter CONTINUED; defense to file any supplemental motions by January 8, 2015, State to respond by January 21, 2015.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 19, 2015**

09C253455

The State of Nevada vs Lesean T Collins

March 19, 2015**10:30 AM****Petition for Writ of Habeas
Corpus****HEARD BY:** Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Susan Botzenhart
Shelley Boyle**RECORDER:** Kristine Santi**REPORTER:****PARTIES****PRESENT:**

Carling, Matthew D.	Attorney
MacDonald, Ryan J, ESQ	Attorney
O'Halloran, Rachel	Attorney
Schwartz, Bryan A.	Attorney
State of Nevada	Plaintiff

JOURNAL ENTRIES

- Deft. not present; incarcerated in Nevada Department of Corrections (NDC). Mr. MacDonald and Mr. Schwartz are not present. Ms. O'Halloran is present, and stood in for the State. Court stated it did not receive additional briefing. Mr. Carling advised he will present arguments and let the Court decide on the relief. Additionally, prior trial counsel who current defense met with regarding this case, will not sign any affidavits. Ms. Halloran was excused. Court TRAILED and RECALLED matter for the State to appear. Mr. MacDonald and Mr. Schwartz are now present in Court. Mr. Carling reiterated what he stated earlier; and requested to argue and submit on the pleadings. Arguments by counsel as to conflict issue. Mr. MacDonald responded; and argued State does not see a conflict of interest that meets the standard. Upon Court's inquiry to both parties, Mr. MacDonald advised he will submit it on the arguments. Mr. Carling advised he can file a memorandum on the ethical conflict issue. Court agreed; and ORDERED, Deft. to file supplemental pleadings by April 2, 2015; and State will file a response by April 16, 2015. FURTHER, matter CONTINUED.

NDC

PRINT DATE:

02/04/2020

Page 37 of 39

Minutes Date:

April 08, 2009

5/12/15 10:30 A.M. DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS RELIEF BY A
PERSON IN STATE CUSTODY (NOT SENTENCED TO DEATH)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 18, 2015**

09C253455

The State of Nevada vs Lesean T Collins

June 18, 2015**8:30 AM****Petition for Writ of Habeas
Corpus****Deft's Pro Per
Petition For Writ Of
Habeas Corpus Relief
By A Person In State
Custody (Not
Sentenced To Death)****HEARD BY:** Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Susan Botzenhart**RECORDER:** Kristine Santi**REPORTER:****PARTIES****PRESENT:**

Bluth, Jacqueline
Carling, Matthew D.
Luzaich, Elissa
State of Nevada

Attorney
Attorney
Attorney
Plaintiff

JOURNAL ENTRIES

- Deft. not present; incarcerated in Nevada Department of Corrections (NDC).

Mr. Carling argued in support of Supplemental Petition for Writ of Habeas Corpus; and further argued as to Mickens case, prior counsel's performance, ethical conflict of interest, Strickland matter, and structural flaw claims. Ms. Bluth opposed the Petition; and argued as to Deft's other case being a murder, scheduled to go forward with trial in two weeks, the arson, and defense having failed to demonstrate the conflict of interest. Discussions as to correction to be made in the murder case about the Petrocelli hearing. Further arguments as to State having more than evidence to convict Deft. on the arson. Mr. Carling argued the murder and arson are connected. COURT ORDERED, Petition DENIED. State to prepare order.

NDC

**GRAND JURY INDICTMENTS RETURNED IN OPEN COURT APRIL 8, 2009
(From Grand Jury sessions held on February 24, and April 7, 2009)**

JUDGE LINDA MARIE BELL

FOREPERSON

**CHIEF DEPUTY DISTRICT ATTORNEY SCOTT S. MITCHELL
CHIEF DEPUTY DISTRICT ATTORNEY BRUCE NELSON
DEPUTY DISTRICT ATTORNEY JOSH TOMSHECK**

**CASE NO. C253455
DEPT. NO. XI
DDA JOSH TOMSHECK, GCU**

Defendant(s): LESEAN TARUS COLLINS

Case No(s): 08AGJ112X (RANDOMLY TRACKS TO DEPTS IX, XI & III)

**Charge(s): (1) CT – FIRST DEGREE ARSON
(1) CT – BURGLARY
(1) CT – MALICIOUS INJURY TO VEHICLE**

Def. Counsel(s): PUBLIC DEFENDER'S OFFICE

**WARRANT:
SET FELONY ARRAIGNMENT (ONE WEEK)
DEFT IN CUSTODY AT CCDC**

Exhibits:

- 1. Proposed Indictment**
- 1a. Second Proposed Indictment**
- 2. Photo**

Exhibits 1-2, to be lodged with the Clerk of the Court.

STATE'S EXHIBITS

CASE NO. C253455

Date	Offered	OBJ	Admitted	Date
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[illegible]

STATE'S EXHIBITS

CASE NO. C253455

Date Offered OBJ Admitted Date

#24	Photo - Burned bedroom	"15	✓	obj	✓	"15
#25	Photo - Room w/ kids toys		✓		✓	
#26	Photo - Closet w/ hanging clothing		✓		✓	
#27	Photo - Burned hallway		✓		✓	
#28	Photo - Bathroom		✓		✓	
#29	Photo - Burned Room w/ dresser		✓		✓	
#30	Photo - Burned Room		✓		✓	
#31	Photo - Burned Room		✓		✓	
#32	Photo - door Jam w/ yellow measuring tape		✓		✓	
#33	Photo - door Jam w/ yellow measuring tape		✓		✓	
#34	Photo - door Jam w/ yellow measuring tape		✓		✓	
#35	Photo - Washer & dryer w/ 3 items on top		✓		✓	
#36	Photo - Front of home		✓		✓	
#37	Photo - Front of home		✓		✓	
#38	Photo - Front of home		✓		✓	
#39	Photo - Address PLATE "1519"		✓		✓	
#40	Photo - inside of garage		✓		✓	
#41	Photo - inside of garage		✓		✓	
#42	Photo - front doors to home		✓		✓	
#43	Photo - front doors to home		✓		✓	
#44	Photo - Washer & dryer w/ 3 items on top		✓		✓	
#45	Photo - Cabinets in laundry room	✓	✓	✓	✓	✓
#46	Photo - Several door ways	"15	✓	obj	✓	"15

STATE'S EXHIBITS

CASE NO. C253455

Date Offered OBJ Admitted Date

#1	Photo - Kitchen Area	11/5	✓	Shp	✓	11/5
#2	Photo - Entry Way		✓		✓	
#3	Photo - Kitchen/Family Room Area		✓		✓	
#4	Photo - Family Room		✓		✓	
#5	Photo - White PAPER on floor		✓		✓	
#6	Photo - White PAPER on floor		✓		✓	
#7	Photo - White PAPER under Black chair		✓		✓	
#8	Photo - Burned Bed + Room		✓		✓	
#9	Photo - Burned Bed + Room		✓		✓	
#10	Photo - Burned Room		✓		✓	
#11	Photo - Burned Room		✓		✓	
#12	Photo - Wadded up PAPER towels on table		✓		✓	
#13	Photo - Various food products on shelves		✓		✓	
#14	Photo - Various items on shelves		✓		✓	
#15	Photo - door JAM w/ yellow measuring tape		✓		✓	
#16	Photo - Burned bed + Room		✓		✓	
#17	Photo - damage to bathroom		✓		✓	
#18	Photo - Burned bed + Room		✓		✓	
#19	Photo - Burned Room		✓		✓	
#20	Photo - White PAPER by plant		✓		✓	
#21	Photo - front door		✓		✓	
#22	Photo - Closet w/ items on shelf	✓	✓	✓	✓	✓
#23	Photo - Burned bathroom	11/5	✓	Shp	✓	11/5

COURT'S EXHIBITS

CASE NO: 1253455

[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):

TO THE NEVADA SUPREME COURT NOTICE OF APPEAL; FROM JUDGMENT OF CONVICTION; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; JUDGMENT OF CONVICTION (JURY TRIAL); DISTRICT COURT MINUTES; EXHIBITS LIST

STATE OF NEVADA,

Plaintiff(s),

vs.

LESEAN T. COLLINS,

Defendant(s).

Case No: 09C253455

Dept No: XII

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 4 day of February 2020.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk