

FILED

FEB 07 2020

Elizabeth A. Brown
CLERK OF COURT

BARRY HARRIS #95363

Electronically Filed
Feb 13 2020 09:28 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

CASE NO. 76774 / C326569

-U-

THE STATE OF NEVADA

NOTICE OF APPEAL

THIS my NOTICE OF APPEAL FROM
THE SUPREME COURT OF NEVADA ORDER ON
12/19/19.

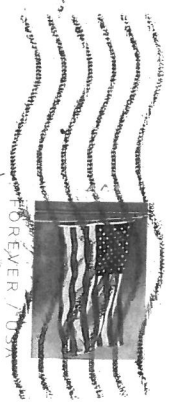
RECEIVED

FEB 07 2020

CLERK OF THE COURT

Barry Harris #95363
P.O. Box 1989
ELY NEVADA 89301

LAS VEGAS NV 890
06 FEB 2000 PM 5 L



STEVEN GRIERSON CLERK OF COURTS
200 LEWIS AVENUE 3RD FLOOR
LAS VEGAS, NEVADA 89155-1160

63104-630000



RECEIVED
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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

10 STATE OF NEVADA,

11 Plaintiff(s),

12 vs.

13 BARRY HARRIS
14 aka BARRY RASHAD HARRIS,

15 Defendant(s),

Case No: C-17-326569-1

Dept No: XX

16
17 **CASE APPEAL STATEMENT**
18

19 1. Appellant(s): Barry Harris

20 2. Judge: Eric Johnson

21 3. Appellant(s): Barry Harris

22 Counsel:

23 Barry Harris #95363
24 P.O. Box 1989
Ely, NV 89301

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: No

7. Appellant Represented by Appointed Counsel On Appeal: Yes

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

9. Date Commenced in District Court: September 19, 2017

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

Type of Judgment or Order Being Appealed: Unknown

11. Previous Appeal: Yes

Supreme Court Docket Number(s): 76774

12. Child Custody or Visitation: N/A

Dated This 10 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: Barry Harris

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY**CASE NO. C-17-326569-1**

State of Nevada
vs
Barry Harris

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§

Location: **Department 20**
Judicial Officer: **Johnson, Eric**
Filed on: **09/19/2017**
Cross-Reference Case Number: **C326569**
Defendant's Scope ID #: **1946231**
ITAG Booking Number: **1700172078**
ITAG Case ID: **1911556**
Lower Court Case # Root: **17F15265**
Lower Court Case Number: **17F15265X**
Metro Event Number: **1708224075**
Supreme Court No.: **76774**

CASE INFORMATION

Offense	Statute	Deg	Date	Case Type:	Felony/Gross Misdemeanor
1. COMPETENCY DETERMINATION	COMPETENCY	O	09/19/2017		
1. BURGLARY WHILE IN POSSESSION OF A FIREARM	205.060.4	F	08/22/2017	Case Status:	08/23/2018 Closed
Arrest: 08/29/2017					
2. FIRST DEGREE KIDNAPPING RESULTING IN SUBSTANTIAL BODILY HARM	200.310.1	F	08/22/2017		
3. ASSAULT	200.471.2b	F	08/22/2017		
4. BATTERY CONSTITUTING DOMESTIC VIOLENCE	200.481.2e	F	08/22/2017		
5. BATTERY CONSTITUTING DOMESTIC VIOLENCE - STRANGULATION	200.485.2	F	08/22/2017		
6. BATTERY RESULTING IN SUBSTANTIAL BODILY HARM CONSTITUTING DOMESTIC VIOLENCE	200.481	F	08/22/2017		
7. PREVENTING OR DISSUADING WITNESS OR VICTIM FROM REPORTING CRIME OR COMMENCING PROSECUTION	199.305	F	08/22/2017		
8. CARRYING CONCEALED FIREARM OR OTHER DEADLY WEAPON	202.350.1d1	F	08/22/2017		
9. OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON	202.360.1	F	08/22/2017		

Statistical Closures

08/23/2018 Jury Trial - Conviction - Criminal
10/18/2017 Transferred (before/during trial)

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

Case Number C-17-326569-1
Court Department 20
Date Assigned 09/19/2017
Judicial Officer Johnson, Eric

PARTY INFORMATION



















Defendant	Harris, Barry	<i>Lead Attorneys</i> Sheets, Damian R. <i>Court Appointed</i> 702-598-1299(W)
Plaintiff	State of Nevada	Wolfson, Steven B

CASE SUMMARY**CASE NO. C-17-326569-1**

702-671-2700(W)

DATE	EVENTS & ORDERS OF THE COURT	INDEX
	<u>EVENTS</u>	
09/19/2017	 Commitment and Order	
10/17/2017	 Order Filed By: Plaintiff State of Nevada <i>Order of Competency</i>	
10/18/2017	 Criminal Order to Statistically Close Case <i>Criminal Order to Statistically Close Case</i>	
01/16/2018	 Criminal Bindover Packet Las Vegas Justice Court	
01/16/2018	 Criminal Bindover - Confidential	
01/17/2018	 Information <i>Information</i>	
01/17/2018	 Notice of Witnesses and/or Expert Witnesses <i>State's Notice Of Expert Witnesses</i>	
01/21/2018	 Reporters Transcript Filed By: Plaintiff State of Nevada <i>Reporter's Transcript of Preliminary Hearing 12/14/2017- Volume 1</i>	
01/21/2018	 Reporters Transcript Filed By: Plaintiff State of Nevada <i>Reporter's Transcript of Preliminary Hearing 1/16/2018- Volume 2</i>	
02/13/2018	 Order <i>Order Releasing Medical Records</i>	
02/13/2018	 Order <i>Order Releasing Medical Records</i>	
02/13/2018	 Ex Parte Motion <i>Ex Parte Motion For Release Of Medical Records</i>	
02/13/2018	 Ex Parte Motion <i>Ex Parte Motion For Release Of Medical Records</i>	
03/08/2018	 Notice of Witnesses and/or Expert Witnesses Filed By: Plaintiff State of Nevada <i>State's Notice of Witnesses</i>	
04/02/2018	 Notice of Witnesses and/or Expert Witnesses Filed By: Plaintiff State of Nevada <i>State's Supplemental Notice of Witnesses</i>	

CASE SUMMARY
CASE NO. C-17-326569-1

04/04/2018	 Notice of Witnesses and/or Expert Witnesses Filed By: Plaintiff State of Nevada <i>State's Second Supplemental Notice of Witnesses</i>
04/09/2018	 Amended Information
04/09/2018	 Jury List
04/16/2018	 Verdict
04/16/2018	 Instructions to the Jury
04/16/2018	 Amended Jury List
05/17/2018	 PSI
05/17/2018	 PSI - Victim Impact Statements
08/16/2018	 Judgment of Conviction <i>JUDGMENT OF CONVICTION (JURY TRIAL)</i>
08/21/2018	 Notice of Appeal (criminal) Party: Defendant Harris, Barry <i>Notice of Appeal</i>
08/22/2018	 Case Appeal Statement <i>Case Appeal Statement</i>
08/23/2018	 Criminal Order to Statistically Close Case <i>Criminal Order to Statistically Close Case</i>
09/13/2018	 Motion <i>Motion of Ineffective Assistance of Counsel</i>
10/29/2018	 Application to Proceed in Forma Pauperis <i>Application to Proceed in Forma Pauperis</i>
11/16/2018	 Motion for Production of Transcript Filed By: Defendant Harris, Barry <i>Request for Transcripts of Proceedings</i>
11/21/2018	 Recorders Transcript of Hearing <i>Recorders Transcript of Hearing Re: Initial Arraignment</i>
11/26/2018	 Order to Proceed In Forma Pauperis Granted for: Defendant Harris, Barry
12/17/2018	 Recorders Transcript of Hearing <i>Calendar Call, February 27, 2018</i>
12/17/2018	

CASE SUMMARY
CASE NO. C-17-326569-1

	 Recorders Transcript of Hearing <i>Status Check: Resetting of Trial, March 27, 2018</i>
12/17/2018	 Recorders Transcript of Hearing <i>Calendar Call, April 3, 2018</i>
12/17/2018	 Recorders Transcript of Hearing <i>Sentencing, June 7, 2018</i>
12/17/2018	 Recorders Transcript of Hearing <i>Sentencing, July 24, 2018</i>
12/17/2018	 Recorders Transcript of Hearing <i>Sentencing, August 14, 2018</i>
03/04/2019	 Transcript of Proceedings <i>Jury Trial - Day 1, April 9, 2018</i>
03/04/2019	 Transcript of Proceedings <i>Jury Trial - Day 2, April 10, 2018</i>
03/04/2019	 Transcript of Proceedings <i>Jury Trial - Day 3, April 11, 2018</i>
03/04/2019	 Transcript of Proceedings <i>Jury Trial - Day 4, April 12, 2018</i>
03/04/2019	 Transcript of Proceedings <i>Jury Trial - Day 5, April 16, 2018</i>
01/16/2020	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed</i>
02/07/2020	 Notice of Appeal (criminal) Party: Defendant Harris, Barry <i>Notice of Appeal</i>
02/10/2020	 Case Appeal Statement Filed By: Defendant Harris, Barry <i>Case Appeal Statement</i>
	<u>DISPOSITIONS</u>
10/06/2017	Disposition (Judicial Officer: Johnson, Eric) 1. COMPETENCY DETERMINATION Remanded To Justice Court PCN: Sequence:
01/18/2018	Plea (Judicial Officer: Johnson, Eric) 1. BURGLARY WHILE IN POSSESSION OF A FIREARM Not Guilty PCN: Sequence: 2. FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL

CASE SUMMARY
CASE NO. C-17-326569-1

BODILY HARM

Not Guilty

PCN: Sequence:

3. ASSAULT WITH A DEADLY WEAPON

Not Guilty

PCN: Sequence:

4. BATTERY WITH USE OF A DEADLY WEAPON CONSTITUTING DOMESTIC VIOLENCE

Not Guilty

PCN: Sequence:

5. BATTERY CONSTITUTING DOMESTIC VIOLENCE - STRANGULATION

Not Guilty

PCN: Sequence:

6. BATTERY RESULTING IN SUBSTANTIAL BODILY HARM CONSTITUTING DOMESTIC VIOLENCE

Not Guilty

PCN: Sequence:

7. PREVENTING OR DISSUADING WITNESS OR VICTIM FROM REPORTING CRIME OR COMMENCING PROSECUTION

Not Guilty

PCN: Sequence:

8. CARRYING CONCEALED FIREARM OR OTHER DEADLY WEAPON

Not Guilty

PCN: Sequence:

04/09/2018 **Disposition** (Judicial Officer: Johnson, Eric)

9. OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON

Amended Information Filed/Charges Not Addressed

PCN: Sequence:

04/18/2018 **Disposition** (Judicial Officer: Johnson, Eric)

1. BURGLARY WHILE IN POSSESSION OF A FIREARM

Not Guilty

PCN: Sequence:

5. BATTERY CONSTITUTING DOMESTIC VIOLENCE - STRANGULATION

Not Guilty

PCN: Sequence:

7. PREVENTING OR DISSUADING WITNESS OR VICTIM FROM REPORTING CRIME OR COMMENCING PROSECUTION

Not Guilty

PCN: Sequence:

04/18/2018 **Disposition** (Judicial Officer: Johnson, Eric)

8. CARRYING CONCEALED FIREARM OR OTHER DEADLY WEAPON

Not Guilty

PCN: Sequence:

08/14/2018 **Disposition** (Judicial Officer: Johnson, Eric)

2. FIRST DEGREE KIDNAPPING RESULTING IN SUBSTANTIAL BODILY HARM

Guilty

PCN: Sequence:

CASE SUMMARY
CASE NO. C-17-326569-1

3. ASSAULT

Guilty

PCN: Sequence:

4. BATTERY CONSTITUTING DOMESTIC VIOLENCE

Guilty

PCN: Sequence:

6. BATTERY RESULTING IN SUBSTANTIAL BODILY HARM CONSTITUTING DOMESTIC VIOLENCE

Guilty

PCN: Sequence:

08/14/2018 **Adult Adjudication** (Judicial Officer: Johnson, Eric)

2. FIRST DEGREE KIDNAPPING RESULTING IN SUBSTANTIAL BODILY HARM

08/22/2017 (F) 200.310.1 (DC50056)

PCN: Sequence:

Sentenced to Nevada Dept. of Corrections

Term: Life with the possibility of parole after:15 Years

08/14/2018 **Adult Adjudication** (Judicial Officer: Johnson, Eric)

3. ASSAULT

08/22/2017 (F) 200.471.2b (DC50201)

PCN: Sequence:

Sentenced to CCDC

Term: 6 Months

Concurrent: Charge 2

08/14/2018 **Adult Adjudication** (Judicial Officer: Johnson, Eric)

4. BATTERY CONSTITUTING DOMESTIC VIOLENCE

08/22/2017 (F) 200.481.2e (DC57935)

PCN: Sequence:

Sentenced to CCDC

Term: 6 Months

Concurrent: Charge 3

08/14/2018 **Adult Adjudication** (Judicial Officer: Johnson, Eric)

6. BATTERY RESULTING IN SUBSTANTIAL BODILY HARM CONSTITUTING DOMESTIC VIOLENCE

08/22/2017 (F) 200.481 (DC57937)

PCN: Sequence:

Sentenced to Nevada Dept. of Corrections

Term: Minimum:24 Months, Maximum:60 Months

Concurrent: Charge 2

Credit for Time Served: 351 Days

Fee Totals:

AA Fee - Battery

Domestic Violence

35.00

\$35

Administrative

Assessment Fee

25.00

\$25

Genetic Marker

Analysis AA Fee

3.00

\$3

Fee Totals \$

63.00







\$150 DNA Fee Waived as previously imposed.

HEARINGS

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY


CASE NO. C-17-326569-1

10/06/2017	 Further Proceedings: Competency (9:00 AM) (Judicial Officer: Togliatti, Jennifer) Found Competent; Journal Entry Details: <i>Also present: Christina Greene of the Specialty Courts. There being no challenge by Defense Counsel, COURT FINDS Defendant COMPETENT pursuant to the Dusky Standard as Defendant is capable of understanding the nature of the charges against him / her and is able to assist counsel in his / her defense and ORDERED, pursuant to 178.420, matter TRANSFERRED back to the originating court for further proceedings. CASE CLOSED. CUSTODY 10/13/17 8:30 AM FURTHER PROCEEDINGS: RETURN FROM COMPETENCY COURT (JC DEPT. 10) ;</i>
01/18/2018	 Initial Arraignment (10:00 AM) (Judicial Officer: De La Garza, Melisa) Plea Entered; Journal Entry Details: <i>Deputized Law Clerk, Ann Dunn, present on behalf of the State. DEFT. HARRIS ARRAIGNED, PLED NOT GUILTY, and INVOKED the 60-DAY RULE. COURT ORDERED, matter set for trial. COURT FURTHER ORDERED, pursuant to Statute, Counsel has 21 days from today for the filing of any Writs; if the Preliminary Hearing Transcript has not been filed as of today, Counsel has 21 days from the filing of the Transcript. CUSTODY 2/27/18 8:30 AM CALENDAR CALL (DEPT 20) 3/19/18 9:00 AM JURY TRIAL (DEPT 20);</i>
02/27/2018	 Calendar Call (8:30 AM) (Judicial Officer: Johnson, Eric) Matter Heard; Journal Entry Details: <i>Mr. Lippmann appeared for Mr. Sheets, advised they are still doing investigation and can not announce ready today as the trial is still 3 weeks away, however, as Defendant has invoked they are trying to be ready. Ms. Thomson advised they will be ready and this matter can be referred to Overflow. Following colloquy, COURT ORDERED, matter REFERRED to Overflow. G. CRAGGS / D. SHEETS - D. LIPPMANN / 7-9 WITNESSES / 5 DAYS CUSTODY 3/16/19 9:00 AM CALENDAR CALL - OVERFLOW - DEPT. 23;</i>
03/16/2018	 Overflow (9:00 AM) (Judicial Officer: Villani, Michael) <i>Overflow (20) G. Craggs / D. Sheets - D. Lippmann / 7-9 Witnesses / 5 days</i> Referred; Overflow (20) G. Craggs / D. Sheets - D. Lippmann / 7-9 Witnesses / 5 days Journal Entry Details: <i>Counsel advised Mr. Sheets stated he wanted to file pre-trial motions which he believed would be favorable to defense, noted Deft. did want to proceed with trial next week, however, they believed the delay would benefit Deft. and requested a 30 day continuance. Upon Court's inquiry, counsel advised Mr. Sheets stated to the Court at calendar call, there would be chance they would be ready for trial. Argument by the State advising they had stopped preparing for this trial due to defense counsel's statements during previous discussions. Argument by Deft. Court pointed out there were no judges available to hear the trial next week and ORDERED, matter SET for status check with originating department. Statement by Deft. Court advised Deft's issues were to be addressed with originating department. CUSTODY 03-27-18 8:30 AM STATUS CHECK: RESETTING OF TRIAL;</i>
03/19/2018	CANCELED Jury Trial (9:00 AM) (Judicial Officer: Johnson, Eric) <i>Vacated</i>
03/27/2018	 Status Check (8:30 AM) (Judicial Officer: Johnson, Eric) <i>STATUS CHECK: RESETTING OF TRIAL</i> Trial Date Set; Journal Entry Details: <i>Mr. Sheets advised he has an incustody trial going next week and requested this trial be set next month. Upon Court's inquiry, this matter can go to Overflow. Defendant does not want to waive his sixty day trial rights. Following colloquy, Court FINDS good cause to set past the 60 days and ORDERED, trial date SET in April. CUSTODY 4/3/18 8:30 AM CALENDAR CALL 4/9/18 9:00 AM JURY TRIAL;</i>
04/03/2018	 Calendar Call (8:30 AM) (Judicial Officer: Johnson, Eric) Matter Heard; Journal Entry Details: <i>Upon Court's inquiry, Mr. Sheets advised he received some medical records, however, he will be prepared to go forward with trial on Monday. Ms. Sudano advised the records Mr. Sheets received were AMR records. As this Court has a trial set for next week, COURT ORDERED, matter REFERRED to the Overflow Calendar. M. SUDANO / D. SHEETS / 4-5 DAYS / 7-9 WITNESSES CUSTODY 4/6/18 9:00 AM CALENDAR CALL - OVERFLOW - DEPT. 23;</i>

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. C-17-326569-1

04/06/2018	<p>CANCELED Overflow (9:00 AM) (Judicial Officer: Miley, Stefany)</p> <p><i>Vacated</i></p> <p><i>Overflow (20) M. Sudano / D. Sheets / 4-5 Days / 7-9 Witnesses</i></p>
04/09/2018	<p>CANCELED Jury Trial (9:00 AM) (Judicial Officer: Johnson, Eric)</p> <p><i>Vacated</i></p>
04/09/2018	<p> Jury Trial (9:00 AM) (Judicial Officer: Johnson, Eric)</p> <p>04/09/2018-04/12/2018, 04/16/2018</p> <p>Trial Continues;</p> <p>Trial Continues;</p> <p>Trial Continues;</p> <p>Trial Continues;</p> <p>Verdict;</p> <p>Journal Entry Details:</p> <p><i>12:13 PM OUTSIDE PRESENCE OF THE JURY: Court advised that Jury Instructions have now been printed for all Jury members and inquired if counsel wanted them passed out now or given to them when they retired to deliberate. Ms. Sudano requested they be given in the deliberation room. Mr. Sheets submitted. Court advised the Jury Instructions would be left in the deliberation room. 12:29 PM JURY PRESENT: Counsel stipulated to the presence of the Jury: Continued closing arguments by Mr. Sheets. 12:59 PM Rebuttal argument by Ms. Sudano. 1:18 PM Court revealed the two Alternates that were thanked and excused. 1:23 PM Jury retires to deliberate. OUTSIDE PRESENCE OF THE JURY: Colloquy as to Jury Instructions for the firearm. Jury Instructions settled on the record. Defendant stated he had wanted a letter and photos presented to the Jury and was upset that they were not. Mr. Sheets advised it was a strategic move not to admit these. 2:59 PM OUTSIDE PRESENCE OF THE JURY: Defendant, Ms. Sudano and Ms. Craggs present and Mr. Sheets appeared via telephone. Court advised there was a question by the Jury. Colloquy as to how to answer the question. Court drafted a response that was agreed to by all counsel. Jury continued deliberations. 4:04 PM OUTSIDE PRESENCE OF THE JURY: Colloquy as to the bifurcated portion of the trial. Mr. Sheets advised Defendant will stipulate that he is a felon. Upon Court's inquiry, Defendant concurred. Second Amended Information FILED IN OPEN COURT. Stipulation drafted by the Court. Colloquy as to procedures. 4:14 PM JURY PRESENT: Counsel stipulated to the presence of the Jury. Upon Court's inquiry, Jury Foreman advised a verdict had been reached. Clerk read the following: We, the Jury in the above entitled case, find the Defendant BARRY HARRIS as follows: COUNT 1 - Burglary While in Possession of a Firearm - NOT GUILTY; COUNT 2 - First Degree Kidnapping with Use of a Deadly Weapon Resulting in Substantial Bodily Harm - GUILTY of FIRST DEGREE KIDNAPPING RESULTING IN SUBSTANTIAL BODILY HARM; COUNT 3 - Assault with Use of a Deadly Weapon - GUILTY of ASSAULT; COUNT 4 - Battery with Use of a Deadly Weapon Constituting Domestic Violence - GUILTY of BATTERY CONSTITUTING DOMESTIC VIOLENCE; COUNT 5 - Battery Constituting Domestic Violence - Strangulation - NOT GUILTY; COUNT 6 - Battery Resulting in Substantial Bodily Harm Constituting Domestic Violence - GUILTY of BATTERY RESULTING IN SUBSTANTIAL BODILY HARM CONSTITUTING DOMESTIC VIOLENCE; COUNT 7 - Preventing or Dissuading Witness or Victim from Reporting Crime or Commencing Prosecution - NOT GUILTY; COUNT 8 - Carrying Concealed Firearm or Other Deadly Weapon - NOT GUILTY. Court thanked and excused the Jury. Ms. Sudano advised they would not be proceeding on the last charge. Second Amended Information WITHDRAWN, however, Ms. Sudano requested Defendant be remanded without bail. COURT SO ORDERED. Further, matter REFERRED to the Division of Parole and Probation for a Pre-sentence Investigation Report and SET for sentencing. CUSTODY 6/7/18 9:00 AM SENTENCING;</i></p> <p>Trial Continues;</p> <p>Trial Continues;</p> <p>Trial Continues;</p> <p>Trial Continues;</p> <p>Verdict;</p> <p>Journal Entry Details:</p> <p><i>12:48 PM OUTSIDE PRESENCE OF THE JURY: Jury Instructions settled on the record. 2:10 PM JURY PRESENT: Counsel stipulated to the presence of the Jury. Jury Instructions read by the Court. 2:47 PM Closing arguments by Ms. Craggs. 3:20 PM Closing arguments by Mr. Sheets. 4:00 PM EVENING RECESS. ... CONTINUED 4/16/18 12:00 PM;</i></p> <p>Trial Continues;</p> <p>Trial Continues;</p> <p>Trial Continues;</p> <p>Trial Continues;</p> <p>Verdict;</p> <p>Journal Entry Details:</p> <p><i>9:19 AM OUTSIDE PRESENCE OF JURY: Mr. Sheets advised the Court held in abeyance the ruling as to the photos taken of the car. Mr. Sheets stated he had the registered owner of the vehicle present to testify that Defendant and her family members used the car. Ms. Sudano advised she is not noticed as a witness and would object to her testifying. Court noted there is testimony that this is the vehicle that Defendant used, so the pictures will be allowed, however,</i></p>

CASE SUMMARY

CASE NO. C-17-326569-1

will allow Mr. Sheets to call this witness. Statements by Mr. Sheets. 9:24 AM JURY PRESENT: Counsel stipulated to the presence of the Jury. Testimony and exhibits continued (see worksheets). 10:53 AM BREAK. 11:06 AM JURY PRESENT: Counsel stipulated to the presence of the Jury. Testimony and exhibits continued (see worksheets). 1:01 PM LUNCH BREAK. OUTSIDE PRESENCE OF THE JURY: Colloquy as to Jury instructions. 2:10 PM OUTSIDE PRESENCE OF JURY: Ms. Sudano advised that the jail calls have been redacted and Mr. Sheets will stipulate to their admission. Mr. Sheets concurred. Additionally, Defense has a witness that will need to be called out of Order. Court so noted. 2:13 PM JURY PRESENT: Counsel stipulated to the presence of the Jury. Testimony and exhibits continued (see worksheets). 3:38 PM BREAK. 3:50 PM JURY PRESENT: Counsel stipulated to the presence of the Jury. Testimony and exhibits continued (see worksheets). 4:25 PM BREAK. OUTSIDE PRESENCE OF THE JURY: Defendant advised of his right to testify. 4:41 PM JURY PRESENT: Counsel stipulated to the presence of the Jury. STATE RESTS. Testimony and exhibits continued (see worksheets). 4:56 PM DEFENSE RESTS. EVENING RECESS. OUTSIDE PRESENCE OF JURY: Colloquy as to Jury instructions. Questions by Defendant. 5:08 PM EVENING RECESS. ... CONTINUED 4/12/18 12:30 PM;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Verdict;

Journal Entry Details:

12:43 PM OUTSIDE PRESENCE OF JURY: Ms. Sudano advised there is a stipulation to admit State's proposed 1-48 and 63-64 and that there is an objection to 49-62. Mr. Sheets concurred. 12:46 PM JURY PRESENT: Counsel stipulated to the presence of the Jury. Instructions by the Court. Information read by Clerk. Opening statements by Ms. Sudano and Mr. Sheets. Testimony and exhibits presented (see worksheets). 2:41 PM BREAK. 2:56 PM JURY PRESENT: Counsel stipulated to the presence of the Jury. Testimony and exhibits continued (see worksheets). 5:11 PM EVENING RECESS. OUTSIDE PRESENCE OF JURY: Ms. Sudano argued to admit photos 49-62 of the vehicle showing the bullets. Arguments in objection by Mr. Sheets. Following, Court advised it will ponder the request but is leaning towards allowing the photos. Ms. Sudano advised at the time of Defendant's arrest, he was combative and uncooperative and would like to question him about that. Mr. Sheets objected and noted that Defendant was in warrant status. Following, Court DENIED any questioning as to this issue. Colloquy as to the line of questioning and that the Police Officer told the victim what to say. Mr. Sheets advised the State opened the door. Colloquy as to the State introducing the body cam videos. Ms. Sudano advised that there was previous domestic violence that the victim did not follow through with. Court does not see that the State opened the door and cautioned counsel to tread lightly. Continued arguments by Mr. Sheets as to the written statement and the Police Officer on the body cam. Colloquy as to Jury Instructions. Court requested State try to have the doctor testify before her other appearances. 5:46 PM EVENING RECESS. ... CONTINUED 4/11/18 9:00 AM;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Verdict;

Journal Entry Details:

9:21 AM OUTSIDE PRESENCE OF PROSPECTIVE JURORS: Defendant not present. Colloquy by Mr. Sheets as to the ex-felon charge in the Information not being read by the Clerk. Ms. Sudano advised she had an Amended Information to FILE IN OPEN COURT. 9:49 AM OUTSIDE PRESENCE OF PROSPECTIVE JURORS: Defendant now present. Mr. Sheets advised the offer of Second Degree Kidnapping and Domestic Violence with a Deadly Weapon was rejected by Defendant. 10:17 AM PROSPECTIVE JURORS PRESENT: Introductions by the Court and counsel. Jury selection begins. 11:47 AM OUTSIDE PRESENCE OF PROSPECTIVE JURORS: Colloquy as to who to excuse. 12:13 PM PROSPECTIVE JURORS PRESENT: Counsel stipulated to the presence of the prospective Jurors. Jury selection continues. 1:07 PM LUNCH BREAK. OUTSIDE PRESENCE OF PROSPECTIVE JURORS: Prospective Juror #28 questioned and was excused. Additional colloquy as to other prospective Jurors to excuse. Statements by Defendant. LUNCH BREAK. 2:11 PM PROSPECTIVE JURORS PRESENT: Counsel stipulated to the presence of the prospective Jurors. Jury selection continues. 3:18 PM BREAK. OUTSIDE PRESENCE OF PROSPECTIVE JURORS: Colloquy by counsel as to who to excuse. 3:53 PM PROSPECTIVE JURORS PRESENT: Counsel stipulated to the presence of the prospective Jurors. Jury selection continues. 5:21 PM Jury of 14 selected and sworn. Court thanked and excused the remaining prospective Jurors. 5:31 PM EVENING RECESS. OUTSIDE PRESENCE OF THE JURORS: Colloquy as to Jury Instructions. EVENING RECESS. ... CONTINUED 4/10/18 1:00 PM;

06/07/2018



Sentencing (9:00 AM) (Judicial Officer: Johnson, Eric)

Matter Continued;

Journal Entry Details:

As Defendant just received a copy of the Pre-sentence Report and would like to review it more, COURT ORDERED, matter CONTINUED to the next best day for the Court. CUSTODY ... CONTINUED 7/24/18 8:30 AM;

07/24/2018





Sentencing (8:30 AM) (Judicial Officer: Johnson, Eric)

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. C-17-326569-1

	<p>Matter Continued; Journal Entry Details: <i>Mr. Jones appeared for Ms. Craggs and Ms. Sudano. Upon Court's inquiry, Mr. Sheets advised Defendant has objections to the Pre-sentence Report and requested a continuance for him to video conference with Defendant as to these issues. At request of Court, issues stated by Mr. Sheets. Following, COURT ORDERED, matter CONTINUED THREE (3) WEEKS. CUSTODY ... CONTINUED 8/14/18 8:30 AM CLERK'S NOTE: After calendar, Court advised if it does not pick up an Overflow trial, will contact Mr. Sheets and the State to see if they can proceed on Friday, August 3rd.;</i></p>
08/14/2018	<p> Sentencing (8:30 AM) (Judicial Officer: Johnson, Eric) Defendant Sentenced; Journal Entry Details: <i>Upon Court's inquiry, Defendant advised he does not agree with the Offense Synopsis and they did not include his statement. Court so noted. Defendant and Mr. Sheets advised there are no other issues pursuant to the Stockmeier decision. By virtue of the Jury's Verdict and by Order of this Court, DEFENDANT HARRIS ADJUDGED GUILTY of COUNT 2 - FIRST DEGREE KIDNAPPING RESULTING IN SUBSTANTIAL BODILY HARM (F); COUNT 3 - ASSAULT (M); COUNT 4 - BATTERY CONSTITUTING DOMESTIC VIOLENCE (M) and COUNT 6 - BATTERY RESULTING IN SUBSTANTIAL BODILY HARM CONSTITUTING DOMESTIC VIOLENCE (F). Statements by Ms. Sudano, Mr. Sheets and Defendant. COURT ORDERED, in addition to the \$25 Administrative Assessment fee, \$3.00 DNA Collection fee and the \$35 Domestic Violence fee with the \$150 DNA Analysis fee being WAIVED as previously imposed, DEFENDANT SENTENCED as to: COUNT 2 - LIFE with the possibility of parole after FIFTEEN (15) YEARS in the Nevada Department of Corrections; COUNT 3 - SIX (6) MONTHS in the Clark County Detention Center, to run CONCURRENT with Count 2; COUNT 4 - SIX (6) MONTHS in the Clark County Detention Center, to run CONCURRENT with Count 3; COUNT 6 - a MINIMUM term of TWENTY-FOUR (24) MONTHS with a MAXIMUM term of SIXTY (60) MONTHS in the Nevada Department of Corrections, to run CONCURRENT with Count 2 with 351 days credit for time served. BOND, if any, EXONERATED. NDC;</i></p>
09/27/2018	<p> Status Check (9:00 AM) (Judicial Officer: Johnson, Eric) <i>Status Check: Supreme Court Order of Limited Remand for Designation of Counsel</i> Matter Heard; Journal Entry Details: <i>Mr. Maynard appeared for Damian Sheets who advised could accept the appointment for the appeal. COURT SO ORDERED. NDC;</i></p>

DATE

FINANCIAL INFORMATION

Defendant Harris, Barry	
Total Charges	63.00
Total Payments and Credits	0.00
Balance Due as of 2/10/2020	63.00

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 06, 2017

C-17-326569-1 State of Nevada
 vs
 Barry Harris

October 06, 2017 9:00 AM

**Further Proceedings:
Competency**

HEARD BY: Togliatti, Jennifer

COURTROOM: RJC Courtroom 10C

COURT CLERK: Denise Duron

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

PRESENT:	Harris, Barry	Defendant
	Harris, Belinda T.	Attorney
	Pace, Barter G	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Also present: Christina Greene of the Specialty Courts.

There being no challenge by Defense Counsel, COURT FINDS Defendant COMPETENT pursuant to the Dusky Standard as Defendant is capable of understanding the nature of the charges against him / her and is able to assist counsel in his / her defense and ORDERED, pursuant to 178.420, matter TRANSFERRED back to the originating court for further proceedings. CASE CLOSED.

CUSTODY

10/13/17 8:30 AM FURTHER PROCEEDINGS: RETURN FROM COMPETENCY COURT (JC DEPT. 10)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 18, 2018

C-17-326569-1 State of Nevada
 vs
 Barry Harris

January 18, 2018 10:00 AM Initial Arraignment

HEARD BY: De La Garza, Melisa

COURTROOM: RJC Lower Level Arraignment

COURT CLERK: Madalyn Kearney
Christopher Darling

RECORDER: Kiara Schmidt

REPORTER:

PARTIES

PRESENT:	Harris, Barry	Defendant
	Luong, Vivian	Attorney
	Sheets, Damian R.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Deputized Law Clerk, Ann Dunn, present on behalf of the State.

DEFT. HARRIS ARRAIGNED, PLED NOT GUILTY, and INVOKED the 60-DAY RULE. COURT ORDERED, matter set for trial. COURT FURTHER ORDERED, pursuant to Statute, Counsel has 21 days from today for the filing of any Writs; if the Preliminary Hearing Transcript has not been filed as of today, Counsel has 21 days from the filing of the Transcript.

CUSTODY

2/27/18 8:30 AM CALENDAR CALL (DEPT 20)

3/19/18 9:00 AM JURY TRIAL (DEPT 20)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 27, 2018

C-17-326569-1 State of Nevada
 vs
 Barry Harris

February 27, 2018 8:30 AM Calendar Call

HEARD BY: Johnson, Eric **COURTROOM:** RJC Courtroom 12A

COURT CLERK: Linda Skinner
 Madalyn Kearney

RECORDER: Angie Calvillo

REPORTER:

PARTIES

PRESENT:	Harris, Barry	Defendant
	Lippmann, Daniel F.	Attorney
	State of Nevada	Plaintiff
	Thomson, Megan	Attorney

JOURNAL ENTRIES

- Mr. Lippmann appeared for Mr. Sheets, advised they are still doing investigation and can not announce ready today as the trial is still 3 weeks away, however, as Defendant has invoked they are trying to be ready. Ms. Thomson advised they will be ready and this matter can be referred to Overflow. Following colloquy, COURT ORDERED, matter REFERRED to Overflow.

G. CRAGGS / D. SHEETS - D. LIPPMANN / 7-9 WITNESSES / 5 DAYS

CUSTODY

3/16/19 9:00 AM CALENDAR CALL - OVERFLOW - DEPT. 23

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 16, 2018**

C-17-326569-1 State of Nevada
vs
Barry Harris

March 16, 2018	9:00 AM	Overflow	Overflow (20) G. Craggs / D. Sheets - D. Lippmann / 7-9 Witnesses / 5 days
-----------------------	----------------	-----------------	---

HEARD BY: Villani, Michael**COURTROOM:** RJC Courtroom 12C**COURT CLERK:** Katherine Streuber**RECORDER:** Maria Garibay**REPORTER:****PARTIES**

PRESENT:	Harris, Barry	Defendant
	Lippmann, Daniel F.	Attorney
	State of Nevada	Plaintiff
	Sudano, Michelle L.	Attorney

JOURNAL ENTRIES

- Counsel advised Mr. Sheets stated he wanted to file pre-trial motions which he believed would be favorable to defense, noted Deft. did want to proceed with trial next week, however, they believed the delay would benefit Deft. and requested a 30 day continuance. Upon Court's inquiry, counsel advised Mr. Sheets stated to the Court at calendar call, there would be chance they would be ready for trial. Argument by the State advising they had stopped preparing for this trial due to defense counsel's statements during previous discussions. Argument by Deft. Court pointed out there were no judges available to hear the trial next week and ORDERED, matter SET for status check with originating department. Statement by Deft. Court advised Deft's issues were to be addressed with originating department.

CUSTODY

03-27-18 8:30 AM STATUS CHECK: RESETTING OF TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 27, 2018**

C-17-326569-1 State of Nevada
vs
Barry Harris

March 27, 2018 8:30 AM Status Check

HEARD BY: Johnson, Eric **COURTROOM:** RJC Courtroom 12A

COURT CLERK: Linda Skinner

RECORDER: Angie Calvillo

REPORTER:

PARTIES

PRESENT:	Craggs, Genevieve C.	Attorney
	Harris, Barry	Defendant
	Sheets, Damian R.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Mr. Sheets advised he has an incustody trial going next week and requested this trial be set next month. Upon Court's inquiry, this matter can go to Overflow. Defendant does not want to waive his sixty day trial rights. Following colloquy, Court FINDS good cause to set past the 60 days and ORDERED, trial date SET in April.

CUSTODY

4/3/18 8:30 AM CALENDAR CALL

4/9/18 9:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 03, 2018

C-17-326569-1 State of Nevada
 vs
 Barry Harris

April 03, 2018 8:30 AM Calendar Call

HEARD BY: Johnson, Eric **COURTROOM:** RJC Courtroom 12A

COURT CLERK: Linda Skinner

RECORDER: Angie Calvillo

REPORTER:

PARTIES

PRESENT:	Harris, Barry	Defendant
	Sheets, Damian R.	Attorney
	State of Nevada	Plaintiff
	Sudano, Michelle L.	Attorney

JOURNAL ENTRIES

- Upon Court's inquiry, Mr. Sheets advised he received some medical records, however, he will be prepared to go forward with trial on Monday. Ms. Sudano advised the records Mr. Sheets received were AMR records. As this Court has a trial set for next week, COURT ORDERED, matter REFERRED to the Overflow Calendar.

M. SUDANO / D. SHEETS / 4-5 DAYS / 7-9 WITNESSES

CUSTODY

4/6/18 9:00 AM CALENDAR CALL - OVERFLOW - DEPT. 23

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****April 09, 2018**

C-17-326569-1 State of Nevada
vs
Barry Harris

April 09, 2018**9:00 AM****Jury Trial****HEARD BY:** Johnson, Eric**COURTROOM:** RJC Courtroom 12A**COURT CLERK:** Linda Skinner**RECORDER:** Angie Calvillo**REPORTER:****PARTIES**

PRESENT:	Craggs, Genevieve C.	Attorney
	Harris, Barry	Defendant
	Sheets, Damian R.	Attorney
	State of Nevada	Plaintiff
	Sudano, Michelle L.	Attorney

JOURNAL ENTRIES

- 9:21 AM OUTSIDE PRESENCE OF PROSPECTIVE JURORS: Defendant not present. Colloquy by Mr. Sheets as to the ex-felon charge in the Information not being read by the Clerk. Ms. Sudano advised she had an Amended Information to FILE IN OPEN COURT. 9:49 AM OUTSIDE PRESENCE OF PROSPECTIVE JURORS: Defendant now present. Mr. Sheets advised the offer of Second Degree Kidnapping and Domestic Violence with a Deadly Weapon was rejected by Defendant.

10:17 AM PROSPECTIVE JURORS PRESENT: Introductions by the Court and counsel. Jury selection begins. 11:47 AM OUTSIDE PRESENCE OF PROSPECTIVE JURORS: Colloquy as to who to excuse. 12:13 PM PROSPECTIVE JURORS PRESENT: Counsel stipulated to the presence of the prospective Jurors. Jury selection continues.

1:07 PM LUNCH BREAK. OUTSIDE PRESENCE OF PROSPECTIVE JURORS: Prospective Juror #28 questioned and was excused. Additional colloquy as to other prospective Jurors to excuse.

Statements by Defendant. LUNCH BREAK.

2:11 PM PROSPECTIVE JURORS PRESENT: Counsel stipulated to the presence of the prospective Jurors. Jury selection continues. 3:18 PM BREAK. OUTSIDE PRESENCE OF PROSPECTIVE JURORS: Colloquy by counsel as to who to excuse. 3:53 PM PROSPECTIVE JURORS PRESENT: Counsel stipulated to the presence of the prospective Jurors. Jury selection continues.

5:21 PM Jury of 14 selected and sworn. Court thanked and excused the remaining prospective Jurors. 5:31 PM EVENING RECESS. OUTSIDE PRESENCE OF THE JURORS: Colloquy as to Jury Instructions. EVENING RECESS.

... CONTINUED 4/10/18 1:00 PM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****April 10, 2018**

C-17-326569-1 State of Nevada
vs
Barry Harris

April 10, 2018 12:30 AM Jury Trial

HEARD BY: Johnson, Eric**COURTROOM:** RJC Courtroom 12A**COURT CLERK:** Linda Skinner**RECORDER:** Angie Calvillo**REPORTER:****PARTIES**

PRESENT:	Craggs, Genevieve C.	Attorney
	Harris, Barry	Defendant
	Sheets, Damian R.	Attorney
	State of Nevada	Plaintiff
	Sudano, Michelle L.	Attorney

JOURNAL ENTRIES

- 12:43 PM OUTSIDE PRESENCE OF JURY: Ms. Sudano advised there is a stipulation to admit State's proposed 1-48 and 63-64 and that there is an objection to 49-62. Mr. Sheets concurred. 12:46 PM JURY PRESENT: Counsel stipulated to the presence of the Jury. Instructions by the Court. Information read by Clerk. Opening statements by Ms. Sudano and Mr. Sheets. Testimony and exhibits presented (see worksheets). 2:41 PM BREAK.

2:56 PM JURY PRESENT: Counsel stipulated to the presence of the Jury. Testimony and exhibits continued (see worksheets). 5:11 PM EVENING RECESS.

OUTSIDE PRESENCE OF JURY: Ms. Sudano argued to admit photos 49-62 of the vehicle showing the bullets. Arguments in objection by Mr. Sheets. Following, Court advised it will ponder the request but is leaning towards allowing the photos. Ms. Sudano advised at the time of Defendant's arrest, he was combative and uncooperative and would like to question him about that. Mr. Sheets objected and noted that Defendant was in warrant status. Following, Court DENIED any questioning

as to this issue. Colloquy as to the line of questioning and that the Police Officer told the victim what to say. Mr. Sheets advised the State opened the door. Colloquy as to the State introducing the body cam videos. Ms. Sudano advised that there was previous domestic violence that the victim did not follow through with. Court does not see that the State opened the door and cautioned counsel to tread lightly. Continued arguments by Mr. Sheets as to the written statement and the Police Officer on the body cam. Colloquy as to Jury Instructions. Court requested State try to have the doctor testify before her other appearances. 5:46 PM EVENING RECESS.

... CONTINUED 4/11/18 9:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****April 11, 2018**

C-17-326569-1 State of Nevada
vs
Barry Harris

April 11, 2018**9:00 AM****Jury Trial****HEARD BY:** Johnson, Eric**COURTROOM:** RJC Courtroom 12A**COURT CLERK:** Linda Skinner**RECORDER:** Angie Calvillo**REPORTER:****PARTIES**

PRESENT:	Craggs, Genevieve C.	Attorney
	Harris, Barry	Defendant
	Sheets, Damian R.	Attorney
	State of Nevada	Plaintiff
	Sudano, Michelle L.	Attorney

JOURNAL ENTRIES

- 9:19 AM OUTSIDE PRESENCE OF JURY: Mr. Sheets advised the Court held in abeyance the ruling as to the photos taken of the car. Mr. Sheets stated he had the registered owner of the vehicle present to testify that Defendant and her family members used the car. Ms. Sudano advised she is not noticed as a witness and would object to her testifying. Court noted there is testimony that this is the vehicle that Defendant used, so the pictures will be allowed, however, will allow Mr. Sheets to call this witness. Statements by Mr. Sheets. 9:24 AM JURY PRESENT: Counsel stipulated to the presence of the Jury. Testimony and exhibits continued (see worksheets). 10:53 AM BREAK.

11:06 AM JURY PRESENT: Counsel stipulated to the presence of the Jury. Testimony and exhibits continued (see worksheets). 1:01 PM LUNCH BREAK. OUTSIDE PRESENCE OF THE JURY: Colloquy as to Jury instructions.

2:10 PM OUTSIDE PRESENCE OF JURY: Ms. Sudano advised that the jail calls have been redacted and Mr. Sheets will stipulate to their admission. Mr. Sheets concurred. Additionally, Defense has a

witness that will need to be called out of Order. Court so noted. 2:13 PM JURY PRESENT: Counsel stipulated to the presence of the Jury. Testimony and exhibits continued (see worksheets). 3:38 PM BREAK.

3:50 PM JURY PRESENT: Counsel stipulated to the presence of the Jury. Testimony and exhibits continued (see worksheets). 4:25 PM BREAK. OUTSIDE PRESENCE OF THE JURY: Defendant advised of his right to testify. 4:41 PM JURY PRESENT: Counsel stipulated to the presence of the Jury. STATE RESTS. Testimony and exhibits continued (see worksheets). 4:56 PM DEFENSE RESTS. EVENING RECESS. OUTSIDE PRESENCE OF JURY: Colloquy as to Jury instructions. Questions by Defendant. 5:08 PM EVENING RECESS.

... CONTINUED 4/12/18 12:30 PM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 12, 2018

C-17-326569-1 State of Nevada
 vs
 Barry Harris

April 12, 2018 12:30 AM Jury Trial

HEARD BY: Johnson, Eric

COURTROOM: RJC Courtroom 12A

COURT CLERK: Linda Skinner

RECORDER: Angie Calvillo

REPORTER:

PARTIES

PRESENT:	Craggs, Genevieve C.	Attorney
	Harris, Barry	Defendant
	Sheets, Damian R.	Attorney
	State of Nevada	Plaintiff
	Sudano, Michelle L.	Attorney

JOURNAL ENTRIES

- 12:48 PM OUTSIDE PRESENCE OF THE JURY: Jury Instructions settled on the record. 2:10 PM JURY PRESENT: Counsel stipulated to the presence of the Jury. Jury Instructions read by the Court. 2:47 PM Closing arguments by Ms. Craggs. 3:20 PM Closing arguments by Mr. Sheets. 4:00 PM EVENING RECESS.

... CONTINUED 4/16/18 12:00 PM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****April 16, 2018**

C-17-326569-1 State of Nevada
vs
Barry Harris

April 16, 2018 12:00 AM Jury Trial

HEARD BY: Johnson, Eric**COURTROOM:** RJC Courtroom 12A**COURT CLERK:** Linda Skinner**RECORDER:** Angie Calvillo**REPORTER:****PARTIES**

PRESENT:	Craggs, Genevieve C.	Attorney
	Harris, Barry	Defendant
	Sheets, Damian R.	Attorney
	State of Nevada	Plaintiff
	Sudano, Michelle L.	Attorney

JOURNAL ENTRIES

- 12:13 PM OUTSIDE PRESENCE OF THE JURY: Court advised that Jury Instructions have now been printed for all Jury members and inquired if counsel wanted them passed out now or given to them when they retired to deliberate. Ms. Sudano requested they be given in the deliberation room. Mr. Sheets submitted. Court advised the Jury Instructions would be left in the deliberation room.

12:29 PM JURY PRESENT: Counsel stipulated to the presence of the Jury: Continued closing arguments by Mr. Sheets. 12:59 PM Rebuttal argument by Ms. Sudano. 1:18 PM Court revealed the two Alternates that were thanked and excused. 1:23 PM Jury retires to deliberate.

OUTSIDE PRESENCE OF THE JURY: Colloquy as to Jury Instructions for the firearm. Jury Instructions settled on the record. Defendant stated he had wanted a letter and photos presented to the Jury and was upset that they were not. Mr. Sheets advised it was a strategic move not to admit these.

2:59 PM OUTSIDE PRESENCE OF THE JURY: Defendant, Ms. Sudano and Ms. Craggs present and Mr. Sheets appeared via telephone. Court advised there was a question by the Jury. Colloquy as to how to answer the question. Court drafted a response that was agreed to by all counsel. Jury continued deliberations.

4:04 PM OUTSIDE PRESENCE OF THE JURY: Colloquy as to the bifurcated portion of the trial. Mr. Sheets advised Defendant will stipulate that he is a felon. Upon Court's inquiry, Defendant concurred. Second Amended Information FILED IN OPEN COURT. Stipulation drafted by the Court. Colloquy as to procedures.

4:14 PM JURY PRESENT: Counsel stipulated to the presence of the Jury. Upon Court's inquiry, Jury Foreman advised a verdict had been reached. Clerk read the following:

We, the Jury in the above entitled case, find the Defendant BARRY HARRIS as follows:

COUNT 1 - Burglary While in Possession of a Firearm - NOT GUILTY;

COUNT 2 - First Degree Kidnapping with Use of a Deadly Weapon Resulting in Substantial Bodily Harm - GUILTY of FIRST DEGREE KIDNAPPING RESULTING IN SUBSTANTIAL BODILY HARM;

COUNT 3 - Assault with Use of a Deadly Weapon - GUILTY of ASSAULT;

COUNT 4 - Battery with Use of a Deadly Weapon Constituting Domestic Violence - GUILTY of BATTERY CONSTITUTING DOMESTIC VIOLENCE;

COUNT 5 - Battery Constituting Domestic Violence - Strangulation - NOT GUILTY;

COUNT 6 - Battery Resulting in Substantial Bodily Harm Constituting Domestic Violence - GUILTY of BATTERY RESULTING IN SUBSTANTIAL BODILY HARM CONSTITUTING DOMESTIC VIOLENCE;

COUNT 7 - Preventing or Dissuading Witness or Victim from Reporting Crime or Commencing Prosecution - NOT GUILTY;

COUNT 8 - Carrying Concealed Firearm or Other Deadly Weapon - NOT GUILTY.

Court thanked and excused the Jury. Ms. Sudano advised they would not be proceeding on the last charge. Second Amended Information WITHDRAWN, however, Ms. Sudano requested Defendant be remanded without bail. COURT SO ORDERED. Further, matter REFERRED to the Division of Parole and Probation for a Pre-sentence Investigation Report and SET for sentencing.

CUSTODY

6/7/18 9:00 AM SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 07, 2018

C-17-326569-1 State of Nevada
 vs
 Barry Harris

June 07, 2018

9:00 AM

Sentencing

HEARD BY: Johnson, Eric

COURTROOM: RJC Courtroom 12A

COURT CLERK: Linda Skinner

RECORDER: Angie Calvillo

REPORTER:

PARTIES

PRESENT:

Craggs, Genevieve C.
Harris, Barry
Sheets, Damian R.
State of Nevada

Attorney
Defendant
Attorney
Plaintiff

JOURNAL ENTRIES

- As Defendant just received a copy of the Pre-sentence Report and would like to review it more,
COURT ORDERED, matter CONTINUED to the next best day for the Court.

CUSTODY

... CONTINUED 7/24/18 8:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****August 14, 2018**

C-17-326569-1 State of Nevada
vs
Barry Harris

August 14, 2018 8:30 AM Sentencing

HEARD BY: Johnson, Eric **COURTROOM:** RJC Courtroom 12A

COURT CLERK: Linda Skinner

RECORDER: Angie Calvillo

REPORTER:

PARTIES

PRESENT:	Harris, Barry	Defendant
	Sheets, Damian R.	Attorney
	State of Nevada	Plaintiff
	Sudano, Michelle L.	Attorney

JOURNAL ENTRIES

- Upon Court's inquiry, Defendant advised he does not agree with the Offense Synopsis and they did not include his statement. Court so noted. Defendant and Mr. Sheets advised there are no other issues pursuant to the Stockmeier decision. By virtue of the Jury's Verdict and by Order of this Court, DEFENDANT HARRIS ADJUDGED GUILTY of COUNT 2 - FIRST DEGREE KIDNAPPING RESULTING IN SUBSTANTIAL BODILY HARM (F); COUNT 3 - ASSAULT (M); COUNT 4 - BATTERY CONSTITUTING DOMESTIC VIOLENCE (M) and COUNT 6 - BATTERY RESULTING IN SUBSTANTIAL BODILY HARM CONSTITUTING DOMESTIC VIOLENCE (F). Statements by Ms. Sudano, Mr. Sheets and Defendant. COURT ORDERED, in addition to the \$25 Administrative Assessment fee, \$3.00 DNA Collection fee and the \$35 Domestic Violence fee with the \$150 DNA Analysis fee being WAIVED as previously imposed, DEFENDANT SENTENCED as to:

COUNT 2 - LIFE with the possibility of parole after FIFTEEN (15) YEARS in the Nevada Department of Corrections;

COUNT 3 - SIX (6) MONTHS in the Clark County Detention Center, to run CONCURRENT with Count 2;

COUNT 4 - SIX (6) MONTHS in the Clark County Detention Center, to run CONCURRENT with

Count 3;

COUNT 6 - a MINIMUM term of TWENTY-FOUR (24) MONTHS with a MAXIMUM term of SIXTY (60) MONTHS in the Nevada Department of Corrections, to run CONCURRENT with Count 2 with 351 days credit for time served.

BOND, if any, EXONERATED.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 27, 2018

C-17-326569-1 State of Nevada
 vs
 Barry Harris

September 27, 2018 9:00 AM Status Check

HEARD BY: Johnson, Eric **COURTROOM:** RJC Courtroom 12A

COURT CLERK: Linda Skinner
 Dara Yorke

RECORDER: Angie Calvillo

REPORTER:

PARTIES

PRESENT:	Maynard, Jay	Attorney
	State of Nevada	Plaintiff
	Sudano, Michelle L.	Attorney

JOURNAL ENTRIES

- Mr. Maynard appeared for Damian Sheets who advised could accept the appointment for the appeal. COURT SO ORDERED.

NDC

STATE'S EXHIBITS

CASE NO. C 324569

		Date Offered	Objection	Date Admitted	
1	Photo: Victim facing forward	4/10	STIP	4/10/18	WA
2	Photo: Close up victim left eye	4/10	STIP	4/10/18	WA
3	Photo: Close up victim face	4/10	STIP	4/10/18	WA
4	Photo: Victim facing forward by vehicle	4/10	STIP	4/10/18	WA
5	Photo: Victim face while crying	4/10	STIP	4/10/18	WA
6	Photo: Close up victim left eye crying	4/10	STIP	4/10/18	WA
7	Photo: Measure victim's left eye	4/10	STIP	4/10/18	WA
8	Photo: Victim face while crying tilted right	4/10	STIP	4/10/18	WA
9	Photo: Victim right wrist bottom view	4/10	STIP	4/10/18	WA
10	Photo: Victim right wrist top view	4/10	STIP	4/10/18	WA
11	Photo: Victim right wrist measurement	4/10	STIP	4/10/18	WA
12	Photo: Close up right side victim face	4/10	STIP	4/10/18	WA
13	Photo: Measure right side victim face	4/10	STIP	4/10/18	WA
14	Photo: Front of victim neck	4/10	STIP	4/10/18	WA
15	Photo: Close up front of victim neck	4/10	STIP	4/10/18	WA
16	Photo: Close up right side of victim neck	4/10	STIP	4/10/18	WA
17	Photo: Close up left side of victim neck	4/10	STIP	4/10/18	WA
18	Photo: Close up back of victim neck	4/10	STIP	4/10/18	WA
19	Photo: Outside apartment	4/10	STIP	4/10/18	WA
20	Photo: Apartment number 267	4/10	STIP	4/10/18	WA
21	Photo: Apartment door closed	4/10	STIP	4/10/18	WA
22	Photo: Living room	4/10	STIP	4/10/18	WA
23	Photo: Living room looking outside	4/10	STIP	4/10/18	WA
24	Photo: Living room looking into bedroom	4/10	STIP	4/10/18	WA

25	Photo: Kitchen overview	4/10	STIP	4/10/18	WA
26	Photo: Kitchen counter on left	4/10	STIP	4/10/18	WA
27	Photo: Kitchen counter right	4/10	STIP	4/10/18	WA
28	Photo: Sunkist bottle	4/10	STIP	4/10/18	WA
29	Photo: Living room closet	4/10	STIP	4/10/18	WA
30	Photo: Master bedroom bed	4/10	STIP	4/10/18	WA
31	Photo: Left master bedroom bed w/ nightstand	4/10	STIP	4/10/18	WA
32	Photo: Right master bedroom bed w/ fan	4/10	STIP	4/10/18	WA
33	Photo: Master bedroom looking into bathroom	4/10	STIP	4/10/18	WA
34	Photo: Master bedroom closet and bathroom	4/10	STIP	4/10/18	WA
35	Photo: Master bathroom overview	4/10	STIP	4/10/18	WA
36	Photo: Master bathroom shower	4/10	STIP	4/10/18	WA
37	Photo: Master bedroom mattress	4/10	STIP	4/10/18	WA
38	Photo: Close up master bedroom mattress	4/10	STIP	4/10/18	WA
39	Photo: Child's bedroom overview	4/10	STIP	4/10/18	WA
40	Photo: Child's bed	4/10	STIP	4/10/18	WA
41	Photo: Guest bathroom	4/10	STIP	4/10/18	WA
42	Photo: Floor of guest bathroom	4/10	STIP	4/10/18	WA
43	Photo: Guest bathroom toilet and shower	4/10	STIP	4/10/18	WA
44	Photo: Guest bathroom toilet	4/10	STIP	4/10/18	WA
45	Photo: Guest bathroom floor close-up reflection	4/10	STIP	4/10/18	WA
46	Photo: Linen closet door cracked	4/10	STIP	4/10/18	WA
47	Photo: Linen closet door open	4/10	STIP	4/10/18	WA
48	Photo: Guest bathroom toilet close-up	4/10	STIP	4/10/18	WA
49	Photo: Front of silver vehicle	4/11	OBS	4/11/18	WA
50	Photo: Left side of silver vehicle	4/11	OBS	4/11/18	WA

51	Photo: Back of silver vehicle	4/11	OBS	4/11/18	WA
52	Photo: Seal sticker on silver vehicle	4/11	OBS	4/11/18	WA
53	Photo: Inside driver's side silver vehicle	4/11	OBS	4/11/18	WA
54	Photo: Back seat silver bag	4/11	OBS	4/11/18	WA
55	Photo: Clothing inside silver vehicle	4/11	OBS	4/11/18	WA
56	Photo: Trunk of vehicle	4/11	OBS	4/11/18	WA
57	Photo: Back passenger side floor	4/11	OBS	4/11/18	WA
58	Photo: Open purple bag	4/11	OBS	4/11/18	WA
59	Photo: Magazine in brown bag	4/11	OBS	4/11/18	WA
60	Photo: Ammunition in plastic bag	4/11	OBS	4/11/18	WA
61	Photo: Magazine in purple bag	4/11	OBS	4/11/18	WA
62	Photo: Letter addressed to Defendant	4/11	OBS	4/11/18	WA
63	Records: AMR Medical Records	4/10	STIP	4/10/18	WA
64	Records: Sunrise Medical Records	4/10	STIP	4/10/18	WA
65	Disc: Defendant's calls to victim	4/11	STIP	4/11/18	WA
66	Disc: Body camera	4/11	OBS	4/11/18	WA

Case No: C 326569

BARRY HARRIS

Defendant's

[illegible]



VS.

EXHIBITS

Rev. 03/2016



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

BARRY HARRIS #95363
P.O. BOX 1989
ELY, NV 89301

DATE: February 10, 2020
CASE: C-17-326569-1

RE CASE: STATE OF NEVADA vs. BARRY HARRIS aka BARRY RASHAD HARRIS

NOTICE OF APPEAL FILED: February 7, 2020

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

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

☐

Case Appeal Statement

- NRAP 3 (a)(1), Form 2

☒

Order

☒

Notice of Entry of Order

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

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

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

Certification of Copy

State of Nevada }
County of Clark } SS:

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

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

STATE OF NEVADA,

Plaintiff(s),

vs.

BARRY HARRIS
aka BARRY RASHAD HARRIS,

Defendant(s).

Case No: C-17-326569-1

Dept No: XX

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 10 day of February 2020.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk