

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

ANDRE GRANT SNIPES,	)	SUPREME COURT NO. 82384
	)	
Appellant,	)	
	)	
vs.	)	<b>APPEAL</b>
	)	
STATE OF NEVADA,	)	
	)	
Respondent.	)	
	)	DISTRICT COURT NO. C-19-344461-2
	)	
	)	

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**APPELLANT'S APPENDIX**

**(VOLUME 5 OF 5)**

SANDRA L. STEWART  
Attorney at Law  
Nevada Bar No.: 6834  
1361 Babbling Brook Court  
Mesquite, Nevada 89034  
(702) 363-4656  
Attorneys for Appellant

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DISTRICT COURT  
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

November 12, 2020

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C-19-344461-2      State of Nevada  
                                 vs  
                                 Andre Snipes

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November 12, 2020      09:00 AM      Jury Trial

HEARD BY:      Johnson, Eric      COURTROOM: RJC Courtroom 03F

COURT CLERK: Tucker, Michele

RECORDER:      Calvillo, Angie

REPORTER:

## PARTIES PRESENT:

Andre Grant Snipes

Defendant

Chad N. Lexis

Attorney for Plaintiff

Daniel Hill

Attorney for Defendant

Michael J. Scarborough

Attorney for Plaintiff

State of Nevada

Plaintiff

## JOURNAL ENTRIES

OUTSIDE THE PRESENCE OF THE JURY: Colloquy regarding the agreed upon Jury Instructions having been sent to counsel to review. Mr. Hill indicated he need time to review them. Mr. Lexis moved the Court to withdraw exhibits 14 and 15 which were previously admitted. COURT ORDERED, Exhibit 14 and 15 WITHDRAWN.

INSIDE THE PRESENCE OF THE JURY: Testimony and exhibits resume. State RESTS at the hour of 10:31 a.m.

OUTSIDE THE PRESENCE OF THE JURY: Mr. Hill advised he had no objections to the Jury Instructions. Mr. Lexis moved to withdraw exhibits 16, 19 and 20 which have previously been admitted and admit them as a Court's Exhibit. Court NOTED exhibit 20 was previously withdrawn and marked as Court's Exhibit four (4). COURT ORDERED, Exhibits 16 and 19 WITHDRAWN and marked as Court's Exhibits five (5) and six (6). Court ADMONISHED the defendant regarding his right not to testify.

INSIDE THE PRESENCE OF THE JURY: Mr. Hill advised the Defense RESTS at the hour of 11:28 p.m. Court instructed the Jury on the law. Closing arguments by counsel. Marshal and matron SWORN to take charge of the Jury and Alternates. At the hour of 1:15 p.m., the Jury retired to deliberate. The Jury informed the Marshal they had selected a Foreperson and wish to resume deliberations in the morning and the COURT SO ORDERED.

Matter in RECESS.

CUSTODY

CONTINUED TO: 11/13/20 9:00 AM

*Steven D. Grierson*

TRAN

DISTRICT COURT  
CLARK COUNTY, NEVADA  
\* \* \* \* \*

THE STATE OF NEVADA,	)	CASE NO. C-19-344461-2
	)	
Plaintiff,	)	DEPT. NO. XX
	)	
v.	)	
	)	
ANDRE GRANT SNIPES,	)	
	)	
Defendant.	)	
	)	

BEFORE THE HONORABLE ERIC JOHNSON, DISTRICT COURT JUDGE

THURSDAY, NOVEMBER 12, 2020

**RECORDER'S TRANSCRIPT OF:  
JURY TRIAL - DAY 3**

APPEARANCES:

FOR THE STATE:

MICHAEL J. SCARBOROUGH, ESQ.  
*Deputy District Attorney*

CHAD N. LEXIS, ESQ.  
*Chief Deputy District Attorney*

FOR THE DEFENDANT:

DANIEL J. HILL, ESQ.

RECORDED BY: ANGIE CALVILLO, COURT RECORDER  
TRANSCRIBED BY: VERBATIM DIGITAL REPORTING, LLC

1                   LAS VEGAS, NEVADA, THURSDAY, NOVEMBER 12, 2020

2                   (Case called at 9:36 A.M.)

3                   (Outside the presence of the jury.)

4                   THE COURT: Are we on, Mark? All right.

5                   Let's call for the record State of Nevada versus  
6 Andre Snipes, Case No. C-344461.

7                   Counsel, go ahead and make your formal appearances  
8 for the record.

9                   MR. LEXIS: Chad Lexis for the State.

10                  MR. SCARBOROUGH: And Jory Scarborough for the  
11 State.

12                  MR. HILL: Dan Hill for Mr. Snipes.

13                  THE COURT: Okay. All right.

14                  On -- we went through the jury instructions on --  
15 I'm thinking this -- yesterday was Sunday. But I guess we  
16 went through the jury instructions on Tuesday.

17                  My Clerk sent two modified instructions out on  
18 Tuesday evening. Did you -- did everybody get those?

19                  MR. SCARBOROUGH: Yes, Judge.

20                  THE COURT: Okay. Anybody have an objection to  
21 using those two instructions for burglary and for organized  
22 retail theft?

23                  MR. LEXIS: No, Judge we are [inaudible].

24                  MR. SCARBOROUGH: No objection, Judge.

25                  THE COURT: All right. Mr. Hill?



1 MR. HILL: I'm going to pull it up here real quick,  
2 Judge.

3 THE COURT: All right. Well, we don't need to do it  
4 -- glance at them -- glance at them while we move forward and  
5 I'll ask you at the next break.

6 All right. Anything we need to talk about before we  
7 call our next witness?

8 MR. SCARBOROUGH: Yes. Mr. Lexis is up there. It  
9 looks like --

10 MR. LEXIS: Yes.

11 MR. SCARBOROUGH: -- we're going to withdraw some  
12 exhibits.

13 THE COURT: Okay.

14 MR. LEXIS: We're going to withdraw State's 14 and  
15 15 due to the witness having some emergency issues with his  
16 kid, 14 and 15 will be withdrawn.

17 THE COURT: All right. Mr. Hill, do you have any  
18 objection to the State withdrawing exhibits 14 and 15?

19 MR. HILL: No, Your Honor.

20 THE COURT: All right.

21 All right. I'll go ahead and withdraw 14 and 15.

22 (State's Exhibits 14 and 15 are withdrawn.)

23 All right. Those have never been shown to the jury,  
24 have they?

25 MR. LEXIS: No.

1 MR. SCARBOROUGH: No.

2 THE COURT: Okay. All right. Let's go ahead and  
3 bring in the jury and get started.

4 THE MARSHAL: All right.

5 (Pause in the proceedings.)

6 THE MARSHAL: All rise for the jury.

7 (In the presence of the jury.)

8 THE COURT: Do the parties stipulate to the presence  
9 of the jury panel?

10 MR. LEXIS: Yes, Your Honor.

11 THE COURT: Mr. Hill?

12 MR. HILL: Yes, Judge.

13 THE COURT: Okay. All right.

14 Okay. Good morning, ladies and gentlemen.

15 MEMBERS OF THE JURY PANEL: Good morning.

16 THE COURT: Thank you all for getting here in a  
17 timely fashion today. I really appreciate it. I know the  
18 parties do. I hope everybody had a great Veteran's Day  
19 yesterday. It was pretty decent weather. Nice day overall.  
20 And a good one to think about veterans and their services to  
21 the country.

22 And it's important to think also of you guys, like I  
23 said, are providing a very important service to your community  
24 and so, thank you again for your willingness to serve as  
25 jurors.

1 All right. We'll get started with the next witness.

2 The State may call their next witness.

3 MR. SCARBOROUGH: The State calls George Laster.

4 THE COURT: Sir, if you'd come up here to the  
5 witness stand. There is one step so sort of watch out. When  
6 you get to the top, stay standing for just a second and our  
7 Clerk will swear you in.

8 DETECTIVE GEORGE LASTER, STATE'S WITNESS, SWORN

9 THE CLERK: Please be seated.

10 Please state your first and last name and spelling  
11 it for the record.

12 THE WITNESS: George Laster, G-e-o-r-g-e,  
13 L-a-s-t-e-r.

14 THE COURT: Can I get you to scoot up just a little  
15 bit more?

16 THE WITNESS: Yes.

17 THE COURT: With the -- the plexiglass it really  
18 muffles sound so we really need you as close as we can get you  
19 the microphone.

20 All right. State may go whenever it's ready.

21 MR. SCARBOROUGH: Thank you, Your Honor.

22 DIRECT EXAMINATION

23 BY MR. SCARBOROUGH:

24 Q. Mr. Laster, thank you for coming in.

25 How are you currently employed?

1           A.    I'm currently a Detective at Convention Center Area  
2 Command for Las Vegas Metropolitan Police Department.

3           Q.    How long have you been employed in that capacity?

4           A.    I have been a Detective since 2007.  I've been on  
5 the Department since 1997, so 23 years.

6           Q.    Now, I want to direct your attention to a series of  
7 burglaries and robberies that you became involved in the  
8 investigation of.

9                   Did you become involved in the investigation of that  
10 series at various Foot Lockers, beginning on September 20th,  
11 2019?

12          A.    Yes, sir.  I did.

13          Q.    Okay.  And when you investigate a series such as  
14 this one, what types of things are you looking for to aid in  
15 your investigation and to develop suspects?

16          A.    In a series like this, we look for like history as  
17 far as like purchased or -- well, basically, the -- this  
18 series began as a -- as an armed robbery for me.  As I looked  
19 into the series it began to develop as a organized retail  
20 theft.

21                   So we looked at the -- the actions of the suspects  
22 as far as taking items and reselling items or trying to obtain  
23 money for those items.

24          Q.    So when you're speaking in terms of looking for the  
25 types of activities the suspects do, are you looking for more

1 or less a common modus operandi, like a motive and how they do  
2 things; is that correct?

3 A. Yes, sir.

4 Q. Okay. Now, when you became involved, you just  
5 mentioned that this started as an armed robbery investigation;  
6 correct?

7 A. Yes, sir.

8 Q. What was the first event in this series that you  
9 actually became involved in and that you responded to?

10 A. The first even that I became involved in was a  
11 robbery at the Champs Sports which occurred on September 24th,  
12 2019. And that was the reason why I got involved, because it  
13 came out as a armed robbery. So we responded directly to the  
14 Champs Sports at the Fashion Show Mall.

15 Q. Now, when you respond to investigations like this  
16 and armed robbery investigations, what happens when you  
17 respond to the scene? How do you start conducting the  
18 investigations?

19 A. Well, initially, when we respond to the scene we  
20 meet with the police officer that's taking the report. We get  
21 briefed on the situation. And then from there we find out who  
22 the witnesses are, who the victims are, and then eventually we  
23 make contact with the victims and get statements from them.

24 Q. Okay. So when you arrive, you are briefed as to the  
25 nature of the situation, and does that help guide the next

1 steps in your investigation?

2 A. Yes, sir. It does.

3 Q. Okay. Now, when you arrived at this location on  
4 September 24th, 2019, to inform the jury how you got to the  
5 next steps, what did you learn when you arrived about the  
6 details of the event?

7 A. When I arrived, we actually learned that on the  
8 scene was a witness or a victim who -- who directly was  
9 involved. He -- he was very close to the -- to the suspects  
10 that -- that were involved.

11 And we later found out that there were other  
12 incidents that occurred, actually, there was an incident that  
13 occurred four days prior inside of the same mall, however, it  
14 was at the Foot Locker. Because the employees were -- were  
15 kind of talking about that, and they kind of had information  
16 about that so.

17 Q. Okay. So before you learn about this other event  
18 that we'll get to --

19 A. Yes, sir.

20 Q. -- in terms of this 9/24, again, do you make contact  
21 with representatives from the store and the victim?

22 A. Yes, sir. At that time we made contact with the  
23 manager. We made contact with a victim by the name of Alden  
24 Abrego. And at that point, we got a statement from him.

25 Q. Okay. Now, you -- from that investigation did you

1 learn of potential suspects who were involved in that  
2 incident?

3 A. Yes. Initially, in meeting with Alden Abrego and  
4 with the managers in the store, they had information on a  
5 potential suspect through, I guess through their loyalty  
6 system and through information like that, from -- from their  
7 store database.

8 Q. So when you spoke to Alden Abrego, what did you  
9 learn essentially about the incident that went down with the  
10 suspects? What did -- what did you learn from him?

11 A. Well, basically, his statement to us was that the  
12 suspects came into the store. They were looking at jerseys,  
13 like NBA jerseys. And Abrego --

14 MR. HILL: I'm sorry, Judge. Is -- is this a -- a  
15 hearsay statement here?

16 THE COURT: Are you objecting?

17 MR. HILL: Yes, Judge.

18 THE COURT: I'll sustain that.

19 MR. SCARBOROUGH: Well, I laid the foundation before  
20 of how he's gathering statements to guide the next step of his  
21 investigation.

22 THE COURT: Well, we aren't going to go through --  
23 no, I sustained the objection.

24 MR. SCARBOROUGH: Okay.

25 //

1 BY MR. SCARBOROUGH:

2 Q. So after -- aside from learning the statements from  
3 Mr. Abrego, did you eventually conduct your own investigation  
4 in terms of reviewing surveillance on this incident?

5 A. Yes, I did, sir.

6 Q. Okay. And then in your review of surveillance, what  
7 did you learn and what did you see the suspects do in this  
8 case?

9 A. In reviewing surveillance, I saw the suspects enter  
10 the Champs Sports. They were in the store for no more than a  
11 minute and 30 seconds. You could see they entered together.  
12 They went -- it looks like from the camera they went to kind  
13 of the front of the store where I guess the jerseys were.

14 You can see Abrego kind of standing just trying to  
15 help them. And at one point during the -- during the incident  
16 you can see other employees coming kind of --

17 MR. HILL: Judge -- Judge, I think I'm going to  
18 object. This is cumulative at this point. We've seen the  
19 video.

20 THE COURT: Is -- is the video in evidence?

21 MR. SCARBOROUGH: Yes.

22 THE COURT: All right. I'll sustain the objection.

23 MR. SCARBOROUGH: Okay.

24 THE WITNESS: All right.

25 //



1 BY MR. SCARBOROUGH:

2 Q. So based on learning and watching the surveillance,  
3 and gathering the victim's statement --

4 A. Yes.

5 Q. -- what type of modus operandi or what type of  
6 activities did you -- did they do?

7 A. From what I saw in the video surveillance, I saw  
8 basically an armed robbery in -- in progress.

9 Q. Okay. So did they take NBA jerseys?

10 A. Yes, they did.

11 Q. Okay. And did you see two people involved in that  
12 incident?

13 A. Yes, sir.

14 Q. Okay.

15 MR. SCARBOROUGH: May I approach the witness?

16 THE COURT: Sure.

17 MR. SCARBOROUGH: Okay.

18 THE COURT: Well, what -- what are you going to be  
19 -- just so Mr. Hill knows what -- what are you showing him?

20 MR. HILL: It's the photos.

21 MR. SCARBOROUGH: Yeah, 17 and 16.

22 MR. HILL: Okay.

23 THE COURT: Very good.

24 BY MR. SCARBOROUGH:

25 Q. Okay. I'm showing you State's 17.

1 A. Yes, sir.

2 Q. Is that one of the suspects that was involved?

3 A. Yes, sir. That is.

4 Q. And who is this depicted in State's 17?

5 A. That is Mr. Gregory Morgan.

6 Q. Okay. And I'm showing you State's 16.

7 A. Yes, sir.

8 Q. Is that one of the suspects that was involved in  
9 this incident?

10 A. Yes, sir. That's Mr. Andre Snipes.

11 Q. Okay.

12 MR. SCARBOROUGH: And I'd ask for the stipulation on  
13 State's 16.

14 THE COURT: All right.

15 MR. HILL: So stipulated.

16 THE COURT: Mr. Hill, do you agree 16 is a  
17 photograph of the defendant, Mr. Snipes?

18 MR. HILL: Yes, Judge.

19 THE COURT: All right. The record will reflect the  
20 identification of the photograph of Mr. Snipes.

21 MR. SCARBOROUGH: I'd like to go to the Doc Cam  
22 please.

23 BY MR. SCARBOROUGH:

24 Q. Okay. Publishing State's 17. Is that Mr. Morgan?

25 A. Yes, sir. That is.

1 Q. Okay. Now, after you conducted the investigation on  
2 this event, you had indicated before you had learned of  
3 another event at the Fashion Show four days prior?

4 A. Yes, sir. I did.

5 Q. Okay. What did you do to follow up on that?

6 A. To follow up on that, once I completed the -- or the  
7 initial investigation at the Champs Sports, I walked over to  
8 the Fashion Show -- or to the Foot Locker because it was  
9 inside of the same mall.

10 At that point, I met with the managers at that Foot  
11 Locker. They explained to me what occurred four days prior.  
12 And at that point, they were able to show some of the video  
13 that they had.

14 Q. Okay. And then based on your follow-up  
15 investigation with that event, did you conclude that these two  
16 same gentlemen were involved in that event at 9/20 at Foot  
17 Locker?

18 A. Yes, sir. I did.

19 Q. Okay. And then to the details of that event,  
20 without getting into cumulative evidence, what -- what are the  
21 basic details of that event?

22 A. Basically, in that event the two people entered the  
23 store together. They attempted to return some merchandise.

24 MR. HILL: Judge, I really appreciate Mr.  
25 Scarborough's efforts here. But we've heard -- we've heard

1 and seen all this.

2 THE COURT: Yeah.

3 MR. SCARBOROUGH: Just, this goes to his  
4 investigation. I've got to get out that he's gathering this  
5 information to lead him to the next steps because it's a -- do  
6 you -- do you want to approach?

7 THE COURT: All right. Let's have a sidebar.

8 (Pause in the proceedings.)

9 (Sidebar begins.)

10 MR. SCARBOROUGH: And Judge, I just did not want to  
11 make any improper statements on the record.

12 The reason why I'm having this Detective testify to  
13 this stuff, I'm not trying to reiterate and compound anything  
14 that's already in evidence. The nature of the testimony  
15 that's going to come out is he took these investigations and  
16 he took charge of these investigations of these guys doing the  
17 same thing at multiple store.

18 Then eventually, that led him to another event at  
19 Downtown Summerlin where through his investigation he learned  
20 that the same MO was going on at other stores. So that's why  
21 I was asking him, hey, what did you learn, what did you learn  
22 about these guys doing because the information that he was in  
23 possession of after that event led him to the other events.

24 I'm not trying to compound it. I understand. But  
25 it's -- it's generally -- and for the effect on the listener.

1 I can be as broad stroked as I can be. But I'm just asking,  
2 what's the type of things that -- that he learned that they  
3 did in terms of NBA jerseys, going into the store, returning  
4 items, fraudulently based on them taking the items and  
5 returning them back because that led him to the other events.  
6 That's -- that's why I'm trying to get there.

7 THE COURT: All right. I don't have a real problem  
8 with him saying that he's went -- he pulled these together  
9 because they followed the same MO. But, I mean, he's breaking  
10 it down to, they came into the stores, they walked over here,  
11 they did the -- that's on the video.

12 Arguably, the jury can make this -- you know,  
13 they're -- you're here. They're going to instruct him on the  
14 law and they're going to decide if these are all related  
15 events following the same pattern.

16 MR. SCARBOROUGH: And I agree with you. I -- I do.  
17 Again, I'm not trying to have him rehash out the video. But  
18 what -- and the State's case allows him to investigate that  
19 stuff, for instance, some events, they go right to the back  
20 wall and then they take jerseys and leave.

21 And then in some other events --

22 THE COURT: But I mean you have -- well, you have  
23 witnesses testifying to all these events; right?

24 MR. SCARBOROUGH: Yes.

25 THE COURT: All right.

1 MR. SCARBOROUGH: And they did. And the reason why  
2 those little factors are important is because we believe  
3 intent might be an issue or them being in the store for as  
4 long as they are. We had questions from the defense counsel  
5 and -- asking, oh, they were in the store for ten minutes, 20  
6 minutes, or whatever.

7 In terms of --

8 THE COURT: Well, I mean, that -- that's fine. If  
9 he want -- if you want to say, I looked at the video and they  
10 were in the store for a minute and 30 seconds that's --

11 MR. SCARBOROUGH: Right.

12 THE COURT: -- that's -- that -- I -- I don't see a  
13 problem with that.

14 MR. SCARBOROUGH: Okay.

15 THE COURT: But I -- you know, him sitting there  
16 discussing what they did in the video which the jurors can see  
17 for themselves, and then, you know, the jurors are the ones  
18 who make the assessment whether or not this is all a pattern,  
19 which would amount to organized retail theft.

20 MR. SCARBOROUGH: Okay.

21 THE COURT: He's not the one that makes the  
22 decision.

23 MR. SCARBOROUGH: I agree with you. And I wasn't  
24 having -- that testimony, again, was not intended for him to  
25 come out and say, this is organized retail theft because X, Y

1 and Z. No, it -- it was literally just this is what guided my  
2 investigation. It's a common pattern. That's why I got to  
3 these other events. I --

4 THE COURT: You know, if you want him to say, you  
5 know, that I found another investigation that had a same  
6 common pattern out at Summerlin Foot Locker, or whatever it  
7 was, and so I went, and I -- then got the video and it showed  
8 -- and I was able to identify the --

9 MR. SCARBOROUGH: Fair enough.

10 THE COURT: -- subjects.

11 MR. SCARBOROUGH: Would you give me a little  
12 permission to lead then?

13 THE COURT: But you know and then, you know, if you  
14 want, how long were they in there; they were in there a  
15 minute-and-a-half.

16 Let me hear from you, Mr. Hill.

17 MR. HILL: I mean, all's I'm going to say is I --  
18 this Detective did a pretty good job. I've pretty much  
19 stippled to my guy being at all these places and we've seen it,  
20 and we've heard about it and -- the jury's heard, you know,  
21 the jury knows what happened and I think the Court's and the  
22 State's pretty clear where I'm headed in argument.

23 MR. SCARBOROUGH: Okay. If you give me permission  
24 to lead then I will just say, based on your investigation and  
25 your gathering of the common type of practice that these

1 suspects engaged in on these two events, did it lead you to --  
2 another --

3 THE COURT: That's fine.

4 MR. SCARBOROUGH: -- event at Summerlin.

5 THE COURT: That's fine.

6 MR. SCARBOROUGH: Is that okay?

7 THE COURT: That's fine. Yeah.

8 MR. SCARBOROUGH: Okay. I just didn't want to say  
9 all that in front of the jury.

10 THE COURT: No, that's fine.

11 MR. SCARBOROUGH: Okay.

12 THE COURT: But, I mean -- but I think, you know,  
13 ultimately, the jury is the one who has to [inaudible].

14 MR. SCARBOROUGH: [Inaudible].

15 THE COURT: All right.

16 MR. SCARBOROUGH: Okay.

17 (End of sidebar.)

18 THE COURT: All right. Continue, counsel.

19 MR. SCARBOROUGH: Thank you, Your Honor.

20 BY MR. SCARBOROUGH:

21 Q. Okay. So based on your investigation and the same  
22 type of MO that these two people were doing in the two stores,  
23 did you learn of other events that you eventually  
24 investigated?

25 A. Yes, I did, sir.



1 Q. Okay. And was one of those events a Downtown  
2 Summerlin event that took place on September 29th, 2019?

3 A. Yes, it was, sir.

4 Q. Was that along the same lines as the information  
5 that we have just gone over in terms of stealing jerseys?

6 A. Yes, it was, sir.

7 Q. And it was the two men involved?

8 A. Yes, sir.

9 Q. Okay. Now, from that event, and it being the  
10 similar circumstances, did you eventually develop the identity  
11 of the two men involved?

12 A. Yes, I did, sir.

13 Q. Okay. From that event, did you develop the person  
14 who is still published on Grand [sic] Jury Exhibit No. 17, as  
15 Gregory Morgan?

16 A. Yes, sir, I did.

17 Q. And through that event did you also -- and through  
18 other investigative means coinciding with those events,  
19 develop the identity of Andre Snipes?

20 A. Yes, sir. He was confirmed through that.

21 Q. He was confirmed?

22 A. Yes, sir.

23 Q. Okay. Is Andre Snipes present in the courtroom  
24 today?

25 A. Yes, he is, sir.

1 Q. Okay. Can you please point to the location of the  
2 courtroom that Andre Snipes is at, and identify an article of  
3 clothing so we can put it on the record.

4 A. He's the gentlemen to my right, your left. It looks  
5 like he's wearing a white long-sleeved shirt and a -- a light  
6 blue mask.

7 MR. SCARBOROUGH: Will the record reflect  
8 identification of the defendant?

9 THE COURT: All right. Any issue, Mr. Hill?

10 MR. HILL: No, Judge.

11 THE COURT: All right. The record will so reflect.  
12 BY MR. SCARBOROUGH:

13 Q. After you conducted the investigation and  
14 identified those two men, did you subsequently go back to the  
15 victims of those two robberies on 9/20/2019 and 9/24/2019 and  
16 do what's called a six-pack photo lineup?

17 A. Yes, sir. I did.

18 Q. Okay. And just generally, what's a six-pack photo  
19 lineup?

20 A. Basically, a six-pack photo lineup is a lineup that  
21 shows six individuals, six pictures of individuals, one of  
22 which would be the person that we believe is the suspect. The  
23 pictures that we show, do not show the person's name or  
24 identity. It's just a basic picture.

25 Q. So to reiterate, they're never informed of the --

1 the witness who is completing the lineup, they're never  
2 informed of the person's actual identity, it's just a picture?

3 A. No, they're not. Just the picture, sir.

4 Q. Okay.

5 MR. SCARBOROUGH: I'm -- I've showed defense counsel  
6 State's 6, 10, 7 and 9.

7 May I approach the witness, please?

8 THE COURT: Sure.

9 BY MR. SCARBOROUGH:

10 Q. Okay. I'm showing you what's marked as State's 7.  
11 What are we looking at here?

12 A. This is a photo lineup for Mr. Bryan Laws who was a  
13 witness.

14 Q. And which event was Bryan Laws associated with?

15 A. Bryan Laws was associated with the Foot Locker event  
16 I believe which occurred on September 20th.

17 Q. Okay. And then there are three pages in this  
18 document; correct?

19 A. Yes, sir.

20 Q. I'm showing the witness the third page of the  
21 document which for the record was not shown to the witness,  
22 Mr. Laws. What's this third page?

23 A. This third page is the -- the actual photo lineup  
24 itself. Actually, this is -- this one does not show the --  
25 the names of the individuals, so.

1 Q. Okay. And then the second page is usually the photo  
2 lineup, too; correct?

3 A. Yes, sir.

4 Q. Okay. Showing you the second page of this document.

5 A. All right.

6 Q. We see the different signature, correct?

7 A. Yes, sir.

8 Q. Okay. Normally and typically the third page, is  
9 that a roster --

10 A. Yes.

11 Q. -- [inaudible]?

12 A. On the third page is basically used for our -- for  
13 our records. It would show the names of all the people which  
14 is never shown to the victim. It will show the names of all  
15 the people that are used in the photo lineup.

16 Q. Okay.

17 MR. SCARBOROUGH: Permission to publish State's 7,  
18 Your Honor?

19 THE COURT: Go ahead.

20 BY MR. SCARBOROUGH:

21 Q. Okay. So what we were just showing to you --

22 MR. SCARBOROUGH: Let me turn on the lamp. Okay.

23 BY MR. SCARBOROUGH:

24 Q. Okay. Again, so this is the first page of the  
25 lineup with Mr. Laws; correct?

1 A. Yes, sir.

2 Q. Okay. And flipping to the second page we see an  
3 initial and a circle?

4 A. Yes, sir.

5 Q. And then does that reflect who the witness is  
6 identifying?

7 A. Yes. The circle and the initial was actually done  
8 by Mr. -- Mr. Laws.

9 Q. Okay. And then the third one, that's a third page.  
10 As we've typically said, this is a roster with a list of  
11 names; correct?

12 A. Yes, sir. Yes, sir.

13 Q. This is just a page that was printed without the  
14 names?

15 A. Yes, sir.

16 Q. But these correspond to the same order as the second  
17 page that I just showed?

18 A. Exact same.

19 Q. Okay. And then so who -- when Mr. Laws circled No.  
20 5, who was depicted in photograph 5?

21 A. That's Mr. Andre Snipes.

22 Q. Okay.

23 MR. SCARBOROUGH: And just to show the members of  
24 the jury, permission to publish State's 9 --

25 THE COURT: Sure.

1 MR. SCARBOROUGH: -- Your Honor?

2 BY MR. SCARBOROUGH:

3 Q. Okay. Is this another photo lineup by Mr. Laws?

4 A. Yes, sir. It is.

5 Q. Okay. Flipping to the second page, is this the  
6 photo lineup with Mr. Morgan?

7 A. Yes, sir. It is.

8 Q. And is Mr. Morgan circled and initialed?

9 A. Yes -- yes, he is, sir.

10 Q. Okay. Thank you.

11 And then to flip to the third page, this is what  
12 we're referring to here in terms of the roster and then the  
13 actual person listed?

14 A. Yes, sir.

15 Q. Okay. And then is Gregory Morgan listed there?

16 A. Yes, that is him.

17 Q. Okay. Now, that was the photo lineups for Mr. Laws  
18 at the Foot Locker on 9/20. Did you do the same with Mr.  
19 Abrego from the 9/24 event?

20 A. Yes, I did, sir.

21 Q. Okay.

22 MR. SCARBOROUGH: Your Honor, permission to publish  
23 State's 10?

24 THE COURT: Go ahead.

25 //

1 BY MR. SCARBOROUGH:

2 Q. Okay. Again, showing the first page of that. Is  
3 that Mr. Abrego?

4 A. Yes, sir.

5 Q. Okay. Flipping to the second page. Is this him  
6 signing and circling Number 2?

7 A. Yes, sir. That's his signature in this -- yes.

8 Q. Okay. And then again, here's the roster page that  
9 is never shown to the witness?

10 A. Yes, sir.

11 Q. And is Number 2 Gregory Morgan?

12 A. Yes, sir. That is him.

13 Q. Okay.

14 MR. SCARBOROUGH: Last, Your Honor, permission to  
15 publish State's 6, please?

16 THE COURT: Go ahead.

17 MR. SCARBOROUGH: Thank you.

18 BY MR. SCARBOROUGH:

19 Q. Showing the first page here, is that again Alden  
20 Abrego?

21 A. Yes, sir.

22 Q. Okay. Flipping to the second page, is that him  
23 circling Number 5 with his initials?

24 A. Yes, sir. It is.

25 Q. Okay. And then flipping to this last page with the

1 roster that corresponds to the same numbers. Are we looking  
2 at Number 5 and Andre Snipes?

3 A. Yes, sir. That is.

4 Q. Okay. Now, when you administer these photographs,  
5 do you read them that top paragraph?

6 A. Yes, sir. I do.

7 Q. And what does that top paragraph essentially mean?

8 A. It's essentially telling them not to discuss with  
9 anyone the photo lineup, if they've made a decision on -- on a  
10 person. And basically -- and instructing them -- actually a  
11 lot of this stuff is -- we've -- we did this by ourselves in a  
12 room so there was nobody else around, so there was nobody for  
13 them to talk to. But it's basically telling them not to talk  
14 about the -- the lineup and who they chose.

15 Q. Okay. So at this point, you had developed fully an  
16 identity of these two gentlemen; correct?

17 A. Yes, sir. I did.

18 Q. And if we look at the date that some of these were  
19 administered, as early as -- and I'm publishing State's 6 --  
20 as early as 9/26 --

21 A. Yes.

22 Q. -- you had developed an identity of these gentlemen;  
23 correct?

24 A. Yes, sir.

25 Q. Okay. Now, going to -- following up on a Foot



1 Locker event that took place on 9/20/2019.

2 A. Um-h'm.

3 Q. In this trial we've introduced video surveillance of  
4 the store. Were you able to successfully view or look or  
5 attempt to collect any evidence in that parking garage?

6 A. In the parking garage, no, we weren't successful in  
7 obtaining video evidence.

8 Q. Why? How come?

9 A. Well, I've worked with the Fashion Show Mall for  
10 quite a few years now, and in 2019, they were in the process  
11 of redoing their video surveillance systems. And at that  
12 point, they did not -- from what they were telling me, they  
13 did not have video surveillance in that area.

14 Q. Okay. So you did attempt to go into the parking  
15 garage and attempt to recover --

16 A. Yes, sir. I did.

17 Q. But there was no coverage?

18 A. There was no coverage.

19 Q. Okay. Now, we just walked through photo lineups of  
20 only two of the witnesses for the robbery events.

21 A. Yes.

22 Q. As you had stated before you became aware of other  
23 events, when you investigated the Downtown Summerlin event --

24 A. Yes, sir.

25 Q. -- why no photo lineup to the victim from that?

1           A.    There's no photo lineup because at that point we had  
2 already identified our suspects, our -- our people involved.

3           Q.    Okay.

4           A.    And it just wasn't necessary.

5           Q.    Okay. Now, on some of the events, we have  
6 introduced receipts and -- and stuff like that. So for the  
7 9/29 event in Downtown Summerlin, why don't we have receipts  
8 on that?

9           A.    At that point, we -- we had already spoken to  
10 managers. I believe I had -- at Downtown Summerlin area we  
11 had spoken to Ruby as a manager. Also at the Fashion Show  
12 Mall, we had spoken to the managers there.

13                   They were able to accurate -- well, what we feel was  
14 accurate reporting of the -- the actual price of the -- the  
15 merchandise. And we felt that, you know, we -- we had enough  
16 to proceed.

17           Q.    Okay. And then you're also familiar with the other  
18 events that took place at the Meadows Mall Foot Locker;  
19 correct?

20           A.    Yes, sir.

21           Q.    Okay. And we introduced testimony from someone  
22 named Elvin Castillo, a cashier at that store?

23           A.    Yes, sir.

24           Q.    Are you familiar with who he is?

25           A.    Yes, sir.

1 Q. Okay. Now, why no photo lineups with that  
2 gentleman?

3 A. Same thing. I believe those events occurred --  
4 well, the sequence of events, they basically occurred after  
5 the robberies occurred. And we had enough information on --  
6 on our side to know the -- the amount, to know the suspects, I  
7 mean, we had enough to -- to proceed at that point.

8 Q. Okay. And would it be typical in an investigation  
9 to conduct a six-pack photo lineup on just a random return  
10 transaction? Would you feel confident in any identification  
11 with that?

12 A. No. I wouldn't. I felt more confident with Laws  
13 and Abrego because they had direct contact with our people of  
14 interest.

15 Q. Okay.

16 MR. SCARBOROUGH: Brief indulgence, Your Honor.

17 THE COURT: Sure.

18 MR. SCARBOROUGH: Thank you, Detective.

19 I'll pass the witness.

20 THE WITNESS: Thank you.

21 THE COURT: All right.

22 Clean that off and we'll let Mr. Hill have some time  
23 to -- for cross-examination.

24 MR. SCARBOROUGH: Can we approach your Clerk, Judge?

25 THE COURT: Sure.

1 MR. SCARBOROUGH: While -- while he's --

2 (MR. SCARBOROUGH/MR. HILL CONFER.)

3 CROSS-EXAMINATION

4 BY MR. HILL:

5 Q. Howdy, sir.

6 A. Hi. How you doing, sir?

7 Q. I'm swell. How are you?

8 A. Good. Good.

9 Q. So I want to ask just some questions about kind of  
10 your role as the general investigative Detective of this  
11 series.

12 A. Yes.

13 Q. All right?

14 A. Yes.

15 Q. So fair to say that you were kind of in charge in  
16 accumulating all of these incidents; is that right?

17 A. Yes, sir.

18 Q. All right. And the first one you became aware of or  
19 involved in was the September the 24th Champs incident; is  
20 that right?

21 A. Yes, sir.

22 Q. And that was with Alden was the main witness you  
23 interacted with there?

24 A. Yes, sir.

25 Q. And then from there you reverse engineered to the

1 September 20th Foot Locker --

2 A. Yes, sir.

3 Q. -- and then the rest of them fell into place?

4 A. Yes, sir.

5 Q. All right. And what the State was trying to scratch  
6 at and what you were talking about with the State was kind of  
7 recurring or common activities in these incidents; right?

8 A. Yes, sir.

9 Q. And specifically, a recurring or a common movement  
10 of the guys that you were investigating?

11 A. Yes.

12 Q. All right. And for some of them, if not all of  
13 them, you looked at surveillance video; right?

14 A. Yes, sir.

15 Q. All right. And the -- the common movement or what  
16 you're seeing is -- well, let me -- let me break it down a  
17 little further. So there's incidents where supposedly stuff  
18 is taken; right?

19 A. Yes.

20 Q. And then there's incidents where there's just --

21 THE COURT: You need to speak up just a little bit.

22 THE WITNESS: All right. No problem. Yes.

23 BY MR. HILL:

24 Q. And then there's incidents where there's just some  
25 returns; right?

1 A. Yes, sir.

2 Q. Okay. So we have, sometimes there's just  
3 merchandise being returned and you looked at those and talked  
4 to witnesses about that?

5 A. Yes.

6 Q. And then other times you -- it looked like there was  
7 merchandise taken; right?

8 A. Yes, sir.

9 Q. All right. And so those are two kind of different  
10 categories; right?

11 A. Yes.

12 Q. So we're going to talk about specifically those  
13 where stuff was taken.

14 A. Okay.

15 Q. All right?

16 A. Yes.

17 Q. And you told the State that it looked like it was  
18 common and recurring on -- on those incidents; right?

19 A. Yes, sir.

20 Q. Which would be motion into the store by two guys?

21 A. Yes.

22 Q. And then leaving the store looking like with stuff;  
23 right?

24 A. Yes.

25 Q. All right. So in each incident you review, they go

1 in, sometimes they rummage around for a little while,  
2 sometimes -- I think you told the State one was a minute-and-  
3 a-half, but then they leave?

4 A. Yes.

5 Q. Right? And that was the recurring theme that you  
6 saw?

7 A. Um --

8 Q. Or -- or I shouldn't say "theme" but the recurring  
9 movement?

10 A. Yeah. It was a little different if -- I might say  
11 for the Foot Locker incident because they actually attempted  
12 to return and at the -- when they weren't able to return all  
13 the items they actually stole --

14 Q. Right. So in that one there was a guy at the cash  
15 register for awhile; right?

16 A. Uh --

17 Q. If you remember?

18 A. I believe at one point they were both at the cash  
19 register.

20 Q. Gotcha. And --

21 MR. HILL: Let me grab something here.

22 BY MR. HILL:

23 Q. And I want to clarify or break down what you told  
24 the State in relation to just a couple of the incidents.

25 A. Yes.

1 Q. And we'll start with September the 24th at Champs  
2 with Alden.

3 A. Yes, sir.

4 Q. You know that incident; right?

5 A. Yes, sir.

6 Q. That's the first one that you responded to?

7 A. Yes, sir.

8 Q. All right. And you arrived at the scene?

9 A. Yes.

10 Q. And you talked to Alden?

11 A. Yes.

12 Q. And Alden talked to you?

13 A. Yes, sir.

14 Q. And you reviewed some video?

15 A. Yes, I did.

16 Q. All right. And you told the State that what you saw  
17 was an armed robbery; right?

18 A. Yes.

19 Q. All right. I -- that's kind of what I want to break  
20 down just a little bit because what everybody's seeing is  
21 obviously a really big question for the jury; right?

22 A. Yes, sir.

23 Q. So turning your attention specifically to the video.

24 A. Yes.

25 Q. Do you remember that video?



1 A. Yes, I do.

2 Q. When's the last time you saw it?

3 A. Just recently, maybe less than a week ago.

4 Q. All right. So you got a chance to see it before the  
5 trial and everything?

6 A. Yes, sir.

7 Q. Because this was from like a long time --

8 A. A year ago or --

9 Q. -- ago?

10 A. -- more, yeah.

11 Q. And so you looked at your reports and the videos and  
12 everything like that?

13 A. Yes, sir.

14 Q. So turning your attention specifically to September  
15 24, at the Champs --

16 A. Yes.

17 Q. -- with Alden.

18 A. Yes.

19 Q. Do you remember that video? That's the one that's  
20 about a minute and 30; right?

21 A. Yes, sir.

22 Q. You didn't see any weapon on that video; true?

23 A. No, I did not.

24 Q. All right. You didn't see either gentleman lift  
25 their shirt up in that video; true?

1           A.    I -- I saw what Alden described in his statement  
2 and --

3           Q.    All right.  So I think maybe you took some of the  
4 dramatic wind out my sails here but we'll cut to the chase.

5           A.    Okay.  I'm sorry.

6           Q.    What -- what -- the reason you characterized it to  
7 the jury as an armed robbery isn't because of what you saw on  
8 the video; right?

9           A.    No.

10          Q.    In -- in whole?  In whole?

11          A.    Yeah.

12          Q.    You wouldn't have reached that conclusion just by  
13 watching the video, would you?

14          A.    No, it was the totality of the --

15          Q.    Gotcha.

16          A.    -- witness and the video.

17          Q.    Because on the video you didn't see a weapon?

18          A.    Exactly.

19          Q.    Right?  And you didn't see either gentleman stop and  
20 posture as they were leaving the store?

21          A.    He --

22          Q.    Well, how -- should I -- it's a minute-thirty.  
23 Should we look at it?

24          A.    Yeah.  We can.  Like can I add something?

25          Q.    Uh --

1 A. All right. I won't.

2 Q. Maybe in a -- maybe in a bit.

3 A. Okay.

4 THE COURT: The State will have a chance to redirect  
5 if they --

6 THE WITNESS: All right. No problem.

7 THE COURT: -- feel that it's appropriate.

8 THE WITNESS: Yes, sir.

9 MR. HILL: And permission, Judge, to publish State's  
10 Exhibit 3.

11 THE COURT: I'm sorry?

12 MR. HILL: No worries, Judge. Permission to publish  
13 State's Exhibit 3.

14 THE COURT: Oh. Go ahead. That's been admitted,  
15 right.

16 MR. HILL: May --

17 BY MR. HILL:

18 Q. So I've paused it at the first frame of State's  
19 Exhibit 3. This is probably your camera, huh?

20 A. Yes. This was --

21 Q. So you --

22 A. Yeah.

23 Q. So what we're looking at is you filming the store's  
24 security?

25 A. Yes, sir.

1 Q. Right. So this is when you watched the video  
2 probably for the first time?

3 A. I think we had gone through it a couple times and  
4 then I recorded it.

5 Q. Gotcha.

6 A. Yeah.

7 Q. Okay.

8 (STATE'S EXHIBIT 3 - VIDEO - PLAYING)

9 BY MR. HILL:

10 Q. And at four seconds there, that's the guys that you  
11 -- that we're talking about walking in, right?

12 A. Yes, sir.

13 Q. And I could save a minute of the jury's time, I'll  
14 fast forward to a minute 5 on State's 3.

15 (STATE'S EXHIBIT 3 - VIDEO - CONTINUED PLAYING)

16 BY MR. HILL:

17 Q. All right. So now we've all seen what it is that  
18 you saw, right?

19 A. Yes, sir.

20 Q. And if this is what you were looking at -- and  
21 again, I'm -- I'm not trying to be mean or nothing, I just  
22 want to make sure that the jury's got it totally clear.

23 A. Yes, sir.

24 Q. To parse your words, you didn't see an armed  
25 robbery; true?

1           A.    The definition that I know, from there, I saw an  
2 armed robbery.

3           Q.    On this screen?

4           A.    Yes, sir.

5           Q.    All right. I'm going --

6           A.    From --

7           Q.    -- to -- I'm going to have to ask you to pause when  
8 you -- when you see the weapon then.

9                    So I'll start it at a minute fourteen, and then yell  
10 "Geronimo" when you see it.

11                   (STATE'S EXHIBIT 3 - VIDEO - CONTINUED PLAYING)

12 BY MR. HILL:

13           Q.    Sorry. Do you want me to redo it?

14           A.    Oh, no, that's fine.

15           Q.    All right. So -- and I'm just asking a specific  
16 question and that is, on the video, we don't see an armed  
17 robbery?

18           A.    That is --

19           Q.    Maybe I should have been more specific.

20                   MR. SCARBOROUGH: Objection. He's --

21                   THE WITNESS: He --

22                   MR. SCARBOROUGH: -- asked this a couple of times  
23 and it's been answered.

24                   MR. HILL: All right.

25                   THE COURT: Well, I -- I think there is some

1 question. But I'll allow the last question and answer. I'll  
2 overrule for the last question and answer.

3 All right. Go ahead, Mr. Hill.

4 THE WITNESS: Say that one more time. I'm sorry.

5 BY MR. HILL:

6 Q. On the video, we don't see an armed robbery, do we?

7 A. In the video standing alone, not knowing the  
8 statement of Mr. Abrego, you do not see an armed robbery.  
9 However, you see the moment where Abrego describes seeing the  
10 gun.

11 Q. Understood. And turning your attention to the  
12 September 20th incident, which is one of them.

13 A. Yes, sir.

14 Q. That's going to be at Foot Locker. Do you remember  
15 that one?

16 A. Yes, sir.

17 Q. And that's with the guy, Bryan Laws, Mr. Laws.

18 A. Yes, sir.

19 Q. And you talked to Mr. Laws?

20 A. Yes, I did, sir.

21 Q. All right. So you know which one I'm talking about?

22 A. Yes, sir.

23 Q. All right. And so did you go back -- so certainly  
24 the police responded initially to that incident; right?

25 A. Yes.

1 Q. So you went back --

2 A. Yes, I did.

3 Q. -- a little later and talked to the same folks?

4 A. Yes, I did.

5 Q. All right. And you reviewed the video and stuff  
6 there, too?

7 A. Yes, sir.

8 Q. And not to beat a dead horse, but this is a  
9 different horse that's still kicking a little bit.

10 But you -- specifically with what you viewed, again,  
11 I just want the jury to be clear, that you didn't with your  
12 own two eyes see an armed robbery there either, right?

13 A. No, sir.

14 Q. All right. And in fact there where the witness said  
15 he saw something, it wasn't on video because it wasn't able to  
16 be captured at the time, true?

17 A. Yes, sir.

18 Q. So that was supposedly in the parking garage, right?

19 A. Yes, sir.

20 Q. And nobody could see, as we sit here today, we have  
21 to be only told about what happened in the parking garage,  
22 right?

23 A. Yes, sir.

24 Q. And then finally, I want to turn to your  
25 conversations with the folks that you talked to who saw what

1 happened, all right?

2 A. Yes, sir.

3 Q. And specifically that's going to be on September the  
4 24th it was Alden, right?

5 A. Yes, sir.

6 Q. Abrego. Mr. Abrego?

7 A. Yes, sir.

8 Q. And then on September the 20th, which isn't when you  
9 talked to him, but the guy from that one is Mr. Laws?

10 A. Yes, sir.

11 Q. All right. And certainly, you talked to them?

12 A. Yes, I did.

13 Q. And they were important people to talk to?

14 A. Yes, sir.

15 Q. And so you paid very close attention to what they  
16 were telling you?

17 A. Yes.

18 Q. And reduced in writing what they told you in your  
19 own way, right?

20 A. Yes, sir.

21 Q. Because certainly you're always, as a Detective,  
22 anticipating people sitting here, right?

23 A. Yes, sir.

24 Q. And this happened awhile ago?

25 A. Yes.



1 Q. And you've done a countless -- you've worked up  
2 countless incidents between then and now?

3 A. Yes, sir.

4 Q. So when you have conversations with eye witnesses,  
5 you summarize everything that they told you?

6 A. Yes, sir.

7 Q. All right. And you go through all kinds of training  
8 on how to do that properly, right?

9 A. Yes, sir.

10 Q. Because you want them all to be precise and  
11 thorough, right?

12 A. Yes, sir.

13 Q. You want it to accurately reflect what they say and  
14 all that, right?

15 A. Yes, sir.

16 Q. All right. And isn't it true that Mr. Abrego told  
17 you he saw what appeared to be a gun?

18 A. Yes, sir.

19 MR. HILL: Could I have a moment, Judge?

20 THE COURT: Sure.

21 MR. HILL: Very -- thank you, Detective.

22 Very well, Your Honor. Thank you.

23 That's all I have.

24 THE COURT: All right.

25 Let's clean it off and the State can redirect.

1 REDIRECT EXAMINATION

2 BY MR. SCARBOROUGH:

3 Q. Okay. Detective, I want to go back to this video  
4 surveillance that's up right now, as defense counsel shortened  
5 our time --

6 THE COURT: Let's clarify the -- this is Exhibit 3?

7 MR. SCARBOROUGH: I believe it is still Exhibit 3.  
8 Yes, Judge.

9 THE COURT: All right.

10 MR. SCARBOROUGH: It's State's Exhibit 3. That's  
11 still been playing. It is currently stopped at 1:24 on the  
12 player. I'm going to go back to minute 1:03, for the record,  
13 on State's Exhibit 3.

14 (STATE'S EXHIBIT 3 - VIDEO - CONTINUED PLAYING)

15 BY MR. SCARBOROUGH:

16 Q. Okay. So we just talked --

17 THE COURT: Just where did we stop?

18 MR. SCARBOROUGH: I stopped at -- pardon me, my --  
19 my bad, Your Honor.

20 THE COURT: Um --

21 MR. SCARBOROUGH: I talked at a minute-15.

22 BY MR. SCARBOROUGH:

23 Q. Okay. So we see Alden Abrego in this still frame;  
24 correct?

25 A. Yes, sir.

1 Q. Okay. Did you learn about the statements that were  
2 made by the defendant who we see in the frame there?

3 A. Yes, I did.

4 Q. And what were they?

5 A. The defendant said, You don't want to do that.

6 Q. So that man standing right there, said, You don't  
7 want to do that, or You don't want to do this?

8 A. Yes.

9 Q. As he's exiting the store?

10 A. Yes, sir.

11 Q. Okay. Pressing play at 1:15.

12 (STATE'S EXHIBIT 3 - VIDEO - CONTINUED PLAYING)

13 BY MR. SCARBOROUGH:

14 Q. So I stopped at a minute-eighteen. Do we see where  
15 that person's in the white tank top's hand is?

16 A. Yes, we do.

17 Q. Okay. And where's his hand?

18 A. His hand is in his -- like motioning towards his  
19 left front waistband or pocket area.

20 Q. Okay. So as a Detective of -- for -- or as a Metro  
21 police officer of over what, 23 years?

22 A. Yes, sir.

23 Q. How many violent crimes with firearms have you  
24 investigated?

25 A. Plenty. Quite a few.

1 Q. Plenty?

2 A. Yes, sir.

3 Q. Too much to count?

4 A. Yes, sir.

5 Q. Okay. What does the term "flashing" or  
6 "brandishing" mean to you in that context?

7 A. Basically, showing a weapon that you have on your  
8 person or possibly in your hand.

9 Q. Okay. Is that a display or -- or something like to  
10 -- to show force?

11 A. Yes, sir.

12 Q. Okay. Now, just to -- to clarify, defense counsel  
13 asked you, do you see an armed robbery. Is that what he asked  
14 you?

15 A. Yes, sir.

16 Q. All right. I have to ask a more precise question.  
17 Do you see a weapon in this video angle?

18 A. In this angle, I would say, no.

19 Q. Okay.

20 A. Yeah.

21 Q. But nonetheless, you, as you had testified before,  
22 still conclude --

23 MR. HILL: Judge --

24 MR. SCARBOROUGH: He asked the question. I'm asking  
25 it now.

1 MR. HILL: He said it on direct and I had to clean  
2 it up. He's not making another legal conclusion, Judge.

3 THE COURT: Yeah. I --

4 MR. SCARBOROUGH: He asked him if there was armed  
5 robbery.

6 THE COURT: No, no, I -- well, just because -- I  
7 will -- I will -- I'll sustain the objection.

8 BY MR. SCARBOROUGH:

9 Q. Okay. So when you're looking at the video  
10 surveillance, you see that Mr. Abrego is, to your guess, how  
11 many feet away from this person?

12 A. I mean, he's less than a foot away, probably inches  
13 away from him, nearly touching -- I -- it almost looks like  
14 he's touching his arm at that point, but.

15 Q. Okay. So he, in your investigation, would be the  
16 best person to relay accurate information to you about a gun?

17 A. Yes, sir.

18 Q. Okay. And him looking -- being right there, because  
19 we don't see a weapon in the video, would -- would it be a  
20 reasonable conclusion that the weapon is tucked into his  
21 pants?

22 MR. HILL: I don't know about all that, Judge. I  
23 object.

24 THE COURT: I'll sustain the objection.

25 MR. SCARBOROUGH: All right. Brief indulgence.

1 THE COURT: Sure.

2 BY MR. SCARBOROUGH:

3 Q. So you were also asked about Mr. Laws at the Foot  
4 Locker, correct, that event?

5 A. Yes, sir.

6 Q. Okay. And again, you did not see with your own  
7 eyes, the gun; correct?

8 A. No, sir.

9 Q. And then you were asked, we can only be told about  
10 what happened in the parking garage --

11 A. Yes, sir.

12 Q. -- correct?

13 Who told what happened in the parking garage?

14 A. Mr. Laws.

15 Q. Bryan Laws?

16 A. Yes, sir.

17 MR. SCARBOROUGH: Nothing further.

18 THE COURT: All right. Any recross?

19 MR. HILL: No, I -- no, thank you, Your Honor.

20 THE COURT: Okay. Any member of the jury have a  
21 question for this witness? If you do, write it on a clean  
22 sheet of paper with your juror number and signal the Marshal.

23 I'm not seeing any hands. Going once, going twice.

24 Thank you very much, Detective, for your testimony  
25 today. You're excused.

1 THE WITNESS: Thank you, Your Honor.

2 THE COURT: The State may call its next witness.

3 MR. SCARBOROUGH: Brief indulgence, Your Honor,  
4 please?

5 THE COURT: Sure.

6 MR. SCARBOROUGH: And State -- sorry, Your Honor,  
7 after consulting with my co-counsel, all of our exhibits are  
8 admitted by stipulation. At this point, the State doesn't  
9 have any further witnesses, and the State would rest its case.

10 THE COURT: Okay. Let's this is probably a good  
11 time for us to take a short break. We'll try to get back in  
12 action in about ten or 15 minutes.

13 While you're out there, do not talk to each other  
14 about the case or about anyone who has anything to do with it.  
15 Do not talk with anyone else about the case or about anyone  
16 who has anything to do with it.

17 Do not let anyone talk to you about the case or  
18 about anyone who has anything to do with it. If someone  
19 should try to talk to you, please report it to me immediately  
20 by contacting the Marshal.

21 Do not read any news stories or articles or listen  
22 to any radio or television reports about the case or about  
23 anyone who has anything to do with it. And do not visit the  
24 scene of any events mentioned during the trial, or undertake  
25 any investigation, experimentation or research on your own,

1 including use of social media, to in any way discuss the case.  
2 Or the use of the Internet to do any investigation or  
3 research. And do not begin to form or express any opinion on  
4 any subject connected with this case until it's finally  
5 submitted to you.

6 All right. We'll see you back in just a few  
7 minutes.

8 THE MARSHAL: All rise for the jury.

9 (Jury exits at 10:32 a.m.)

10 (Outside the presence of the jury.)

11 THE COURT: All right. Mr. Hill, did you have a  
12 chance to look at those two instructions that my Clerk sent  
13 over on Tuesday?

14 MR. HILL: I did, Your Honor. I don't have any  
15 objection.

16 THE COURT: Okay. Very good. And just to -- I want  
17 to note to the jury that a couple exhibits were withdrawn and  
18 I can't -- was it 14 and 15?

19 THE CLERK: Yes.

20 MR. SCARBOROUGH: Yeah.

21 THE COURT: The Clerk's saying, yes, so.

22 THE CLERK: It is.

23 THE COURT: All right. Now, we have used Exhibit  
24 16, is that the picture of the defendant?

25 MR. SCARBOROUGH: Yes, it is.



1 THE COURT: All right. Right now it's listed as  
2 having been admitted and it theoretically can go back to the  
3 jury. Do we want to withdraw that one and treat it as a Court  
4 Exhibit?

5 MR. SCARBOROUGH: Yeah, we were just going to make  
6 that -- I believe we were all in agreement to just have that  
7 be a court exhibit.

8 THE COURT: That was --

9 MR. LEXIS: That's -- that's a court's --

10 THE COURT: -- my understanding but technically  
11 moved everything in and so --

12 MR. LEXIS: Well, you wanted us to move everything  
13 in, Judge, and then discuss which ones are court exhibits.

14 The JOC is going to be a court exhibit. The booking  
15 photo of Mr. Snipes is a court exhibit. And the affidavit of  
16 the A/V witness who testified via video is a court exhibit.

17 THE COURT: Okay.

18 THE CLERK: Is that the -- is that Number 19?

19 THE COURT: All right. So what numbers are those?

20 MR. LEXIS: Let me look through it.

21 Court exhibit 19 is the affidavit.

22 THE COURT: Okay.

23 MR. LEXIS: And Court Exhibit 16 is the booking  
24 photo of Mr. Snipes.

25 THE COURT: All right.

1 MR. LEXIS: And Exhibits 15 and 14 are the ones that  
2 are withdrawn.

3 THE COURT: All right. And then the JOC was another  
4 Court Exhibit, right?

5 MR. LEXIS: Yeah. That was --

6 MR. SCARBOROUGH: 20. Should have been State's 20.

7 MR. LEXIS: And we don't have that. Apparently, you  
8 have that.

9 THE CLERK: I have it.

10 THE COURT: Okay. All right.

11 So 14 and 15 are withdrawn completely. And then we  
12 will withdraw as Trial Exhibits 16, 19 and 20, and we'll treat  
13 those as Court Exhibits.

14 All right. Mr. -- let me -- Mr. Hill, at this  
15 point, do you anticipate putting on any evidence?

16 MR. HILL: Yeah. I'm going to put that PO up for  
17 just a few minutes, Judge.

18 THE COURT: You're going to be what? I'm sorry?

19 MR. HILL: I'm going to put that PO up for just a  
20 few minutes.

21 THE COURT: Okay. Do you want me to go ahead now  
22 and canvass the defendant?

23 (MR. HILL/THE DEFENDANT CONFER.)

24 MR. LEXIS: And, Judge, as we all previously talked  
25 about, since the PO's getting up, we obviously have a right to

1 bring up why that man is carrying this device and --

2 MR. HILL: I'll -- I'll get into all that.

3 MR. LEXIS: You're going to get into all that?

4 MR. HILL: Okay.

5 THE COURT: All right. All right. And then you've  
6 got your rebuttal witnesses ready?

7 MR. LEXIS: They're on their way, Judge.

8 MR. SCARBOROUGH: Yeah, we texted them to come on  
9 down, so --

10 THE COURT: All right.

11 MR. SCARBOROUGH: -- they should be arriving.

12 MR. LEXIS: It's going to take them a few minutes to  
13 get here.

14 MR. SCARBOROUGH: Yeah. We -- yeah.

15 THE COURT: They've been --

16 MR. SCARBOROUGH: Well, we -- well, we --

17 THE COURT: -- they're --

18 MR. SCARBOROUGH: -- made them aware that they need  
19 to be on standby. We just needed to give them a little bit of  
20 notice.

21 THE COURT: Okay.

22 MR. SCARBOROUGH: But we texted them.

23 THE COURT: You've -- you've given them the notice.

24 MR. SCARBOROUGH: Yes, sir.

25 THE COURT: Okay.

1 THE CLERK: Can I have them give me the ones that  
2 the withdrew then?

3 THE COURT: Hum?

4 THE CLERK: Can I have them give me back the ones  
5 they withdrew?

6 THE COURT: Have them give you back the ones  
7 withdrawn?

8 THE CLERK: Yeah.

9 THE COURT: All right. Well, Mr. Lexis is on the  
10 phone.

11 Mr. Lexis, she needs to see again Exhibits 14 and  
12 15.

13 THE CLERK: Those ones they can keep. But I -- I  
14 need the ones --

15 THE COURT: Oh, no, you can keep those.

16 THE CLERK: I need 16 and 19 so I can put them in  
17 with the Court's.

18 THE COURT: All right. Could you give us 16 and 19?

19 MR. LEXIS: Which ones are those?

20 THE COURT: 16 is the picture -- well, they may need  
21 -- still need the picture.

22 THE CLERK: Oh. Okay.

23 THE COURT: That's 16. 19, is the --

24 THE COURT RECORDER: Affidavit.

25 THE COURT: -- affidavit.

1 MR. LEXIS: Well, here, so I know they're getting  
2 rid of. Here's the -- the two that we withdrew is 15 and 14.

3 THE CLERK: Okay.

4 MR. LEXIS: You could throw those away. Now, 16 is  
5 this.

6 THE CLERK: And that's the audio/visual thing?

7 MR. LEXIS: And 19 is the affidavit.

8 THE CLERK: Okay. So those are Court --

9 MR. LEXIS: And these are court exhibits.

10 THE CLERK: Court exhibits. Okay. Are you going to  
11 use them still?

12 MR. LEXIS: Well, we're definitely not going to use  
13 this no more.

14 THE COURT: Yeah.

15 MR. LEXIS: It might be used in this --

16 THE COURT: Why don't you --

17 THE CLERK: Okay.

18 THE COURT: -- hold that one for right now.

19 THE CLERK: Just make sure I get them back before  
20 they go back.

21 (Pause in the proceedings.)

22 THE COURT: Why don't you go off the record.

23 (Off the record at 10:40 a.m., until 10:43 a.m.)

24 (Outside the presence of the jury.)

25 THE COURT: Okay. All right.

1           Mr. Hill, I had asked a little bit ago if your -- if  
2 it was -- we could go ahead and do the canvass of the  
3 defendant. Are we in a position to do that?

4           MR. HILL: Yes, Your Honor.

5           THE COURT: All right.

6           THE COURT RECORDER: I'm sorry. Mr. Hill, can you  
7 move the mike over to the defendant, please?

8           MR. HILL: Oh, yes.

9           THE COURT RECORDER: Thank you.

10          THE MARSHAL: Judge, can you see, or do you want me  
11 to move the TV?

12          THE COURT: I can see the defendant. Excuse me.

13          THE MARSHAL: You sure? I can move the TV a little  
14 bit for now.

15          THE COURT: I -- I can see the defendant, Mr.  
16 Snipes.

17          THE MARSHAL: Okay.

18          THE COURT: All right. Mr. Snipes, I've had a -- I  
19 haven't ever formally introduced myself, but I'm Eric Johnson.  
20 I'm a District Court Judge here in Department 20, obviously,  
21 the Judge handling your -- your jury trial.

22                 At this stage of the trial, I'm required to ask you  
23 some questions to make sure you understand certain  
24 constitutional rights that you have -- have and can exercise.

25                 Is it all right if we go -- do that right now?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Okay. You have a right under the  
3 Constitution of the United States and under the Constitution  
4 of the State of Nevada not to be compelled to testify in this  
5 case. Do you understand that?

6 THE DEFENDANT: Yes, I do.

7 THE COURT: That means no one can make you take the  
8 witness stand and make you answer questions.

9 Again, do you understand that?

10 THE DEFENDANT: Yes, I do.

11 THE COURT: All right. You may, if you wish, give  
12 up this right, and you may take the witness stand and testify.  
13 If you do, you will be asked questions by your attorney and be  
14 subject to cross-examination by the Deputy District Attorney.

15 Do you understand you have a right to testify and be  
16 subject to cross-examination?

17 THE DEFENDANT: Yes, I do.

18 THE COURT: All right. Anything that you say,  
19 whether it is answers to questions put to you by your attorney  
20 or by the Deputy District Attorney, will be the subject of  
21 comment when the Deputy District Attorney and your attorney  
22 speak to the jury in final arguments.

23 Do you understand that?

24 THE DEFENDANT: Yes, I do.

25 THE COURT: Your testimony will be available to the

1 jurors to consider in their deliberations, and they will  
2 evaluate your testimony as any other witness, and may believe  
3 all your testimony, part of it, or none of it, and give it as  
4 much weight as they feel it deserves.

5 Do you understand that?

6 THE DEFENDANT: Yes, I do, sir.

7 THE COURT: If by chance you are convicted of any  
8 crime with which you are charged in this case your testimony  
9 will be the subject of comment by the Deputy District Attorney  
10 and your attorney during the sentencing hearing and the Court  
11 may consider your testimony in determining an appropriate  
12 sentence.

13 Do you understand that?

14 THE DEFENDANT: Yes, I do.

15 THE COURT: Your testimony will be recorded and  
16 public information and available to anyone and could be used  
17 on your behalf or against you as the law permits in any  
18 personal, business, or legal matter, including any subsequent  
19 criminal or civil litigation in which your testimony would be  
20 relevant.

21 Do you understand that?

22 THE DEFENDANT: Yes, I do.

23 THE COURT: If you choose not to testify, the Court  
24 will not permit the District Attorney to make any comments to  
25 the jury concerning the fact you have not testified.



1 Do you understand that?

2 THE DEFENDANT: Yes, I do.

3 (COURT/LAW CLERK CONFER.)

4 THE COURT: If you elect not to testify, the Court  
5 will instruct the jury, only if your attorney specifically  
6 requests, and Mr. Hill has specifically requested, an  
7 instruction which --

8 (COURT/LAW CLERK CONFER.)

9 THE COURT: Well, we'll -- we can use what's in here  
10 -- an instruction which reads substantially -- which reads  
11 essentially as follows:

12 "It is a constitutional right of a defendant in a  
13 criminal trial that he may not be compelled to testify. Thus,  
14 the decision as to whether he should testify is left to the  
15 defendant on the advice and counsel of his attorney. You must  
16 draw any inference of guilt from the fact that he does not  
17 testify nor should this fact be discussed by you or enter into  
18 your deliberations in any way."

19 Do you understand that I will give an instruction to  
20 that effect if you elect not to testify?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Do you have any questions that you'd  
23 like to ask me about your constitutional rights?

24 THE DEFENDANT: No, sir.

25 THE COURT: If you choose -- let's see, now is there

1 -- does the defendant have prior convictions which would be  
2 subject to cross-examination?

3 MR. LEXIS: That one that was admitted, Judge.

4 THE COURT: Okay.

5 MR. LEXIS: The other two are juvie convictions and  
6 I won't even argue that right now since we have the one coming  
7 in I'll --

8 THE COURT: Well, the one coming in is --

9 MR. LEXIS: But the one coming in is older than ten  
10 years so that won't even be coming in, Judge. So there --  
11 there is none that are within ten years, unless he opens the  
12 door then I do have his other two --

13 THE COURT: All right.

14 MR. LEXIS: -- felony juvie convictions and you have  
15 that conviction.

16 THE COURT: All right.

17 All right. From what I understand, there -- you  
18 have no convictions of which the State could use to impeach  
19 you. I will just note for the record that if you choose to  
20 testify, and if you've been convicted of a felony within the  
21 past ten years or have been on parole or probation for a  
22 felony within the past ten years, the District Attorney is  
23 permitted to ask you, one, if you have been convicted of a  
24 felony, two, what was the felony, and three, when it happened.  
25 No details may be gone into in regard to any prior felony

1 convictions. Do you understand that?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: If you were, if one of these convictions  
4 was admissible as to be questioned to -- was appropriate to  
5 question you, and you denied the felony conviction the State  
6 would be able to impeach your testimony with certified copies  
7 of conviction which may contain more information in them than  
8 simply that the -- what the felony was and when it occurred.

9 Do you understand that?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: All right. I don't want you to disclose  
12 any communications with your attorney. But have you discussed  
13 with your attorney your right to testify and your right not to  
14 testify in this trial?

15 THE DEFENDANT: Yes, I have.

16 THE COURT: All right. And have -- did he answer  
17 all of your questions?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: And do you feel you need anymore time to  
20 speak with your attorney about your right to testify or not  
21 testify?

22 THE DEFENDANT: No, sir.

23 THE COURT: All right. You should discuss with your  
24 attorney the options that you have and listen carefully to his  
25 advice. However, it's important for you to understand the

1 ultimate choice on whether or not to testify is your choice,  
2 not your attorney's.

3 Do you understand this?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: At this point in time, do you intend to  
6 testify in this trial?

7 THE DEFENDANT: No, sir.

8 THE COURT: All right. I want you to know what will  
9 happen next is, I'll ask Mr. Hill if he has any evidence that  
10 he wants to put on. Mr. Hill has indicated he's going to call  
11 one witness. When that witness is done testifying, I'll ask  
12 Mr. Hill to call his next witness.

13 I'm assuming at that point Mr. Hill will say that  
14 the defense rests. That indicates that the defense is done  
15 presenting evidence.

16 You have a right to change your mind up until the  
17 point Mr. Hill says, the defense rests. Do you understand  
18 that?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: But once he says the defense rests, then  
21 you don't have -- you can't change your mind at that point in  
22 time.

23 Do you understand that?

24 THE DEFENDANT: I -- I understand.

25 THE COURT: Oka. Does the State have anything

1 further they'd like me to canvass the defendant?

2 MR. LEXIS: No, Judge.

3 THE COURT: All right. Let's --

4 MR. HILL: May -- may I, Judge?

5 THE COURT: Sure.

6 MR. HILL: Just for a brief moment.

7 Mr. Snipes and I have -- this -- been agonizing over  
8 whether to put the PO up, who would testify that Mr. Morgan  
9 had a large black bulky scram device as a condition of his  
10 parole. We've gone back and forth over it. And we've opted  
11 not to call the PO. And I just, for a lot of strategic  
12 reasons, but Mr. Snipes is in agreement. And I just wanted to  
13 put that on.

14 THE COURT: All right. Well, just in that case, do  
15 you concur with that, Mr. Snipes?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: All right. So you're not going to put  
18 on any evidence?

19 MR. HILL: We're going to rest, Judge.

20 THE COURT: Okay. So well, then the case is  
21 essentially done. We'll move into -- why don't we go ahead  
22 and you print out the jury instructions. And you go to the  
23 restroom and as soon as we get the instructions printed out,  
24 I'll -- well, I can go ahead and start.

25 Danielle?

1 THE LAW CLERK: Yes?

2 (COURT/LAW CLERK CONFER.)

3 THE COURT: All right. And you've provided copies  
4 to both sides?

5 THE LAW CLERK: Yes.

6 THE COURT: All right. Take -- I'm going to run to  
7 the restroom. If anyone needs to go to the restroom, go to  
8 the restroom. While I'm out, take one final look at the  
9 packet and confirm that we're good to go with it. All right?

10 MR. HILL: Are we going to have a moment before  
11 closing, Judge? Or do you want us to go right into it?

12 THE COURT: I'm going to go right into doing the  
13 instructions. When I'm done with the instructions, if you  
14 want me to give you -- to do a short break with the jury at  
15 that point and give you a moment I'll -- I'll be glad to do  
16 that.

17 MR. HILL: Okay.

18 THE COURT: But when we bring the jurors -- I'm not  
19 going to bring the jurors all in. Here, you say, the defense  
20 rests. And then send them all out again.

21 So we're going to bring them in. I'll read them the  
22 instructions. That's going to take awhile. These are pretty  
23 -- pretty hefty instructions. And then when they're done I'll  
24 give them one more break and then we'll do the closing  
25 arguments. Okay?

1 MR. HILL: All right. Like what kind -- what kind  
2 of break? I'm just thinking if I should be gathering my  
3 thoughts during the instructions.

4 THE COURT: Well, probably about -- no more than 15  
5 minutes.

6 MR. HILL: All right.

7 THE COURT: But right now take a look at -- both  
8 sides take a look at the packet that Danielle has handed out  
9 and if you've got a problem or concern with anything let me  
10 know.

11 (Court recessed at 10:52 a.m., until 11:26 a.m.)

12 (In the presence of the jury.)

13 THE MARSHAL: All rise for the jury.

14 THE COURT: All right. Do the parties stipulate to  
15 the presence of the jury panel?

16 MR. LEXIS: Yes, Your Honor.

17 MR. HILL: Yes, Your Honor.

18 THE COURT: Okay. All right, ladies and gentlemen.  
19 The State as closed -- or rested its case.

20 That means that it's done presenting evidence to  
21 establish their -- to meet their burden, toward meeting their  
22 burden of -- in this case as to the elements of the crimes  
23 charged.

24 At this point in time the defense is given an  
25 opportunity if it wishes to do so to present evidence. But

1 the defense, as I've mentioned several times, has no  
2 obligation at all to present any evidence in a criminal case.  
3 The burden of proof, to prove the elements of the offenses  
4 beyond a reasonable doubt, lie completely and totally with the  
5 State. So the defense does not have to do anything. But we  
6 do provide them an opportunity to provide any evidence if they  
7 wish to do so.

8 Mr. Hill, does the defense wish to present any  
9 evidence?

10 MR. HILL: No, thank you, Your Honor.

11 THE COURT: All right. With that, that means that  
12 the evidence that you're going to have to make your decision  
13 in this case has been presented to you.

14 At this point in time, what happens is, I provide  
15 you the law of the case as to what to use as far as the laws  
16 that relates to looking at the evidence and what the elements  
17 of the offense are.

18 I have printed out just in the last few -- last half  
19 hour, copies of the jury instructions. I can -- if you -- if  
20 you would like a copy as I read through it, please raise your  
21 hand. I can also provide you with gloves if you would like to  
22 have gloves. You aren't required to have a copy of the jury  
23 instructions. But we do have, since some people like to  
24 utilize them, Danielle will hand them out if you want them.  
25 If you'd like to have gloves as you use them, we can provide



1 you with gloves, too.

2 Does anybody -- does anyone wish to have a copy of  
3 the jury instructions?

4 Okay. Does anybody want gloves to -- in -- in terms  
5 of handling them? Okay.

6 (LAW CLERK HANDS OUT JURY INSTRUCTIONS TO JURORS.)

7 THE COURT: Okay. Anybody else want a copy? Or  
8 anybody else want any gloves?

9 All right. Very good.

10 (JURY INSTRUCTIONS READ TO JURY BY THE COURT.)

11 THE COURT: All right. That concludes the statement  
12 of the law to you.

13 At this point in time we'll move into closing  
14 arguments. The State will go first, because the State has the  
15 burden of proof as to all of the elements of the offense  
16 charged beyond a reasonable doubt.

17 The defense will have an opportunity then to give a  
18 closing argument, and then the State has an opportunity to do  
19 a short rebuttal argument, and then the case will go to you  
20 for your deliberations.

21 One thing I want to emphasize as I did at the  
22 beginning of the case, is what the attorneys say to you in  
23 closing arguments is not evidence. They are making a -- these  
24 arguments are very important because they give you -- from one  
25 party's perspective, the law as it applies to the facts in the

1 case, as they may remember it, or think that the facts are  
2 established.

3 But what they say is not evidence. So if you hear  
4 an attorney in one of the closings say, as I said before, that  
5 witness A said 1, 2, 3, and your recollection is that witness  
6 A said 5, 6, 7, it is your memory of the evidence that  
7 controls.

8 But as I said, these are very important arguments  
9 for you to listen to, to help you understand from each side's  
10 perspective the law and the application of those -- of the law  
11 to the facts of this case. So I encourage your close  
12 attention to the attorneys.

13 We'll be pleased to hear the opening -- close of the  
14 State.

15 (COURT/THE MARSHAL CONFER.)

16 MR. LEXIS: Ready, Judge?

17 THE COURT: Go ahead.

18 STATE'S CLOSING ARGUMENT

19 MR. LEXIS: Folks, there's an overwhelming amount of  
20 evidence in this case. So it's no surprise what you've heard  
21 from defense as far as his cross and where he's going.

22 Blame the victim, blame the store managers, blame  
23 the cops. And when that doesn't work, blame the co-  
24 conspirator, the other guy, the guy who was aiding and  
25 abetting. You can do it all you want, it doesn't change the

1 facts.

2           You have a jury instruction that says, basically,  
3 common sense.

4           Although you are to consider only the evidence in  
5 this case in reaching your verdict, you must bring to the  
6 consideration of the evidence your everyday common sense and  
7 judgment as reasonable men and women.

8           There is only two types of ways to go about these  
9 types of cases One is claim identification. It wasn't me.

10           Well, that's out the window. As you heard from all  
11 of these people, identifying Snipes as the man. As one of the  
12 two men. Two of them did six-pack photo lineups of which were  
13 backed by video surveillance, business records, and eventually  
14 caught together doing a similar type activity.

15           So the only other way to go is to claim, oh, it was  
16 me but I -- I didn't commit the crimes. Well, that's not  
17 going to work either, not even close, folks.

18           You have a jury instruction, one of the only jury  
19 instructions the Judge went over before the trial started and  
20 at the end, which was direct and circumstantial evidence.

21           As I brought up during voir dire with -- with jury  
22 selection, there's two types of evidence. One is direct  
23 evidence. Testimony of a person who claims to have personal  
24 knowledge of the commission of the crime, such as an eye  
25 witness.

1           Sometimes all we have is that and you're stuck on  
2 whether or not you believe that person beyond a reasonable  
3 doubt based on just that one witness.

4           Other times, we don't have them. Sometimes we're  
5 basing our case 100 percent on circumstantial evidence.  
6 Circumstantial evidence is the proof of the chain of facts and  
7 circumstances which tend to show whether the defendant is  
8 guilty or not guilty.

9           It goes on to say, folks, that the law makes no  
10 distinction between the weight to be given to either direct or  
11 circumstantial evidence. Therefore, all the evidence in the  
12 case, including the circumstantial evidence, should be  
13 considered of you at arriving at the verdict.

14           This man made it exceptionally easy for you, given  
15 the fact that he could not stop committing crime. When you're  
16 looking at each one of these events and each one of these  
17 crimes, you don't just focus in, for example, on the Bryan  
18 Laws event, and disregard everything else.

19           No. When you're determining his intent you can  
20 start from the very first incident to the very last when he  
21 was caught by police engaging in similar type activity and  
22 everything in between.

23           You actually have one specific jury instruction that  
24 the law gives you in these type of fact patterns and it's  
25 called a flight instruction. The law realizes that when

1 people flee the scene and we establish that that's the man,  
2 that weapons are going to disappear. Property is going to  
3 disappear. Evidence is going to disappear. They're not to  
4 use that as a sword. In fact, it's the exact opposite.

5           The law states, the flight of a person immediately  
6 after the commission of the crime or after he's accused of a  
7 crime is not sufficient in itself to establish guilt, but is a  
8 fact which if proven, may be considered by you, with all the  
9 other facts, in deciding the question of his guilt or  
10 innocence.

11           Now, let's talk about criminal liability. Some of  
12 you might be wondering, well, he wasn't the one with the gun.  
13 It was Morgan. We understand that, folks. But he's still  
14 guilty of those crimes. Why? Because in criminal law land,  
15 there's three ways that you could be found guilty, and all you  
16 need to be found is one. Three layers of liability, no matter  
17 what the crime.

18           One is if you directly commit the crime. The second  
19 way is to aid and abet somebody who commits a crime. And the  
20 third way is pursuant to a conspiracy to commit a crime.

21           So let's go over it. What's conspiracy? Which by  
22 the way, folks, I'll also mention if 3 of you found it was --  
23 he was guilty on a particular charge pursuant to a conspiracy,  
24 and nine of you found he was guilty way of aiding and  
25 abetting, he's still guilty of the crime. It doesn't matter

1 which -- the mix match is.

2           The State of Nevada would tell you, on all these  
3 crimes, both of them are aiding and abetting one another and  
4 it's pursuant to a conspiracy. Maybe all these crimes, he's  
5 not directly committing the crimes, especially with regards to  
6 the weapon. But he's still guilty under aiding and abetting  
7 and pursuant to a conspiracy liability.

8           So let's go over conspiracy. Conspiracy is an  
9 agreement or mutual understanding between two or more people  
10 to commit a crime. To be guilty of a conspiracy a defendant,  
11 one, intends to commit, must intend to commit it, or aid in  
12 the commission of a crime.

13           Conspiracy is seldom going to susceptible of direct  
14 proof and is usually established by inference from the conduct  
15 of the parties.

16           Again, it's just another way of telling you to use  
17 all the direct and circumstantial evidence in the case that  
18 you'll see throughout all these instructions.

19           In particular, a conspiracy may be supported by a  
20 coordinated series of acts in furtherance of the underlying  
21 offense sufficient to infer the existence of an agreement.

22           What's that tell you? Obviously, we're not going to  
23 have no contract between people saying, yes, we're going to --  
24 we're going to have a contract to go commit a crime. We're  
25 not going to wear t-shirts saying, oh, yeah, we're going in

1 here to steal. You've got to use the direct and  
2 circumstantial evidence to -- of the case to -- to support the  
3 facts.

4 For example, I always thought that medallion above  
5 the Judge's head would look good in my living room. If I told  
6 Jory today, you know what, go out in the hallway after court  
7 and give me a quick knock on that wall if you see anybody  
8 coming because I want to take that medallion.

9 He reluctantly, he says, okay, fine. You're an  
10 idiot, but I'll do it. He goes out there and positions  
11 himself. In the meantime, I take it and I bring it home.

12 I -- Jory doesn't get any benefit out of this and  
13 let's say I get caught. Jory is just as guilty as me. I  
14 didn't pay him anything. And he's not getting any benefit out  
15 of that medallion. It's in my house. He didn't even have to  
16 knock on the wall.

17 Aiding and abetting and conspiracy liability, that  
18 would be. That's how broad it is.

19 Folks, it is not necessary to prove in a conspiracy  
20 to show a meeting of the alleged co-conspirators or a making  
21 of an express or formal agreement. The formation and  
22 existence may be inferred from all the circumstances tending  
23 to show the common intent and may be proved by both direct and  
24 circumstantial evidence.

25 All persons concerned in the commission of a crime

1 who either directly or actively commit the act constituting  
2 the offense, or who knowingly, with the criminal intent, aid  
3 and abet in its commission, or whether -- whether present or  
4 not, they don't even have to be present. We have cases where  
5 they're off in -- in another state, who advise and encourage  
6 its commissions with the intent that the crime be committed  
7 are regarded by the law as principals, and the crime was  
8 committed, and are equally guilty thereof.

9           The act of one co-conspirator pursuant to or in  
10 furtherance of a common design or conspiracy is the act of  
11 all. Every co-conspirator is legally responsible for the act  
12 of a co-conspirator that follows as one of the probable --  
13 probable and natural consequences of the object of the  
14 conspiracy, even if it was not intended as part of the  
15 original plan, and even if he was not present at the time of  
16 the commission of the act.

17           Me and Jory go -- run up to a 7-Eleven and he runs  
18 in to do a beer run. And I say, all right, I'll be the  
19 getaway driver. And while in there he gets caught. And he  
20 has to use force or he has to use fear to get away,  
21 essentially, a robbery.

22           Was that part of the original plan? No. But am I  
23 guilty as the getaway driver of that robbery [inaudible]?  
24 Absolutely. A natural consequences of the object of the  
25 conspiracy even if it was not intended as part of the original



1 plan.

2 Aiding and abetting. They overlap, folks. In this  
3 case, it's clear he did both.

4 All persons concerned in the commission of a crime  
5 who either direct -- directly or actively commit the act  
6 constituting the offense, or who knowingly and with criminal  
7 intent, aid and abet in its commission, or whether present or  
8 not, who advise and encourage its commission with the intent  
9 that the crime be committed, are regarded by the law as  
10 principals in the crime that's committed and are equally  
11 guilty.

12 A person who aids and abets the commission of a  
13 crime if he knowingly and with criminal intent aids, promotes,  
14 encourages, or instigate by after advice.

15 We do have that "or" like that. It's any of those.

16 To say this man didn't aid, both of them aided one  
17 another, is an understatement, given the facts and  
18 circumstances in this case.

19 The State is not required to prove precisely which  
20 defendant actually committed the crime and which defendant  
21 acted -- aided and abetted.

22 That -- those are situations, for example, when you  
23 have people wear a mask and we don't know which one actually  
24 did it and which one waited outside, et cetera. You don't  
25 even have to worry about that in this case. But that just

1 goes to show you how broad it is.

2 Now, what are the evidence of aiding, abetting and  
3 conspiracy? Well, they arrived together. They leave  
4 together. How they interact in the store. You know, some of  
5 -- some of it is going in and quickly doing a -- figuring out  
6 what they're going to steal and leaving. Some of it is --  
7 sometimes they go up and try to return some merchandise, wait  
8 for the opportune time, and then leave.

9 Defense counsel wants you to believe, oh, he's --  
10 they were in the store for quite a period of times sometimes.  
11 What's your common sense tell you?

12 There's a lot of criminals that go in and try to  
13 scope out the area, wait for the opportune moment, and then  
14 leave. And then you have sometimes where as clear as day,  
15 they're just not even going to waste any time. Just go in,  
16 find what they need, and the jersey they want, or the shoes  
17 they want, and out the -- out they go.

18 It's the same type of merchandise every time.  
19 Jerseys, shoes.

20 The time frame. Again, he makes it easy for you,  
21 given the fact that he can't help himself and commits crime  
22 after crime after crime. Some of these are within the same  
23 day. Numerous occurrences.

24 And then it doesn't get any better as far as when  
25 they're captured, of being caught doing similar type conduct

1 together.

2 Now, what's grand larceny? As you heard, some of  
3 the charges are grand larceny. To understand larceny -- grand  
4 larceny, you need to know what larceny means, which is  
5 essentially stealing something, folks.

6 Larceny is defined as the stealing, taking and  
7 carrying away of personal goods or property of another with  
8 the intent to permanently deprive the owner thereof. If the  
9 combined value is \$650 or more, the person is guilty of grand  
10 larceny.

11 Now, you have all these people testifying. All of  
12 them, store managers, or security personnel managers telling  
13 you they did an inventory of the stolen merchandise, all  
14 clearly above \$650. Some of them -- most of them backed by  
15 video surveillance.

16 Alden Abrego actually had the receipts. Carmina  
17 actually had a loss grid. Long story short, \$650 is easily  
18 met of the combined value of the stolen goods by both of these  
19 two men, combined.

20 Again, he's guilty three ways over of these charges.  
21 He either directly -- he directly did it. He aided and  
22 abetted and did it. And he formed a conspiracy to do it  
23 between the two. And again, all you need is one of the three.

24 Burglary. To understand burglary, folks, burglary  
25 is very broad. I could involve a boat, a car, an apartment, a

1 house, a store. Here we narrowed it down for you, which  
2 involves a store. It also involves you going into these  
3 particular places and for -- in our situation -- a store. And  
4 you can -- you can commit numerous crimes that would  
5 constitute a -- for it to be a burglary. Assault, battery,  
6 larceny, obtaining money under false pretense, any felony.

7           What are we dealing with here? We're dealing with  
8 larceny and obtaining money under false pretense.

9           Once again, larceny, essentially stealing. Larceny  
10 is defined as stealing, taking and carrying away of personal  
11 goods or property of another with the intent to permanently  
12 deprive the owner thereof.

13           Obtaining money under false pretense is, again,  
14 essentially stealing as well. But a different type of facts.  
15 Before I go over it, let me just give you a typical example of  
16 how we usually deal with this charge.

17           When somebody goes into a pawn shop and they don't  
18 normally -- and they don't properly own that item, they're not  
19 the rightful owner and they try to pawn it to the store.  
20 That's a burglary by -- by way of obtaining money under false  
21 pretense.

22           What are we alleging in this case? That he went  
23 into the store and tried to obtain money or gift cards by  
24 using property not rightfully his, therefore, obtaining money  
25 under false pretense.

1           It means when a person who normally and designedly  
2 by any false pretense obtains from any other person and/or  
3 business any money, goods, or other valuable thing with the  
4 intent to cheat or defraud the other person and/or business.

5           So burglary, folks. To find the defendant guilty of  
6 burglary you must find each of the following: one, that the  
7 defendant either by day or night entered a store, obviously,  
8 and second, the defendant entered the store with the intent to  
9 commit larceny and/or grand larceny or -- and/or obtain money  
10 under false pretense.

11           The intent -- if the intention with which entry was  
12 made is a question for facts which may be inferred from the  
13 defendant's conduct and all the other circumstances disclosed  
14 by the evidence.

15           So what's a distinction? Folks, let's say a child  
16 goes with his mother to the store to buy some hamburgers and  
17 hot dogs for dinner. He goes into the store to get the dogs  
18 and get the hamburgers and at the checkout line he asks the  
19 mom for some bubble gum. The mom says, no, absolutely not.  
20 Not today. Gets upset. And when mom's not looking he  
21 snatches the gum and puts it in his pocket.

22           Did that kid commit a larceny? Absolutely. Did he  
23 commit a burglary? No. Did he enter the store with the  
24 intent to commit a larceny and/or grand larceny or obtain  
25 money under false pretense? No.

1           Is that what we're dealing with here? Is that what  
2 the facts and circumstances of these -- all these charges and  
3 all these events show? No. These individuals went in that  
4 store with the intent to either steal by way of larceny or by  
5 way of obtaining money under false pretense, period.

6           It is not necessary that the State prove the  
7 defendant actually committed the larceny. Let's -- let me  
8 stop right there. That's how broad it is.

9           Let's say they went into another store. And this  
10 time, they are getting ready to steal, and Laws came by.  
11 Bryan Laws. And they recognize him. He's posting up by that  
12 front door. This time he's ready. And they drop everything  
13 in the store -- everything -- they drop everything in their  
14 hands and then leave.

15           We would still be here telling you that he's guilty  
16 of burglary in that event, as well. Why? Because once again,  
17 it's not necessary the State prove the defendant actually  
18 committed the larceny and/or grand larceny and obtained money  
19 under false pretense inside the store after he entered in  
20 order to find the individual guilty of burglary. The gist of  
21 the crime of burglary is the unlawful entry with criminal  
22 intent.

23           Therefore, a burglary was committed if defendant  
24 entered the store with the intent to commit a larceny and/or  
25 grand larceny and/or obtain money false pretense regardless of

1 whether or not the crime occurred.

2 Here you don't even need to go there, because he  
3 made it easy for you. They did obtain property, either  
4 jerseys, or shoes, or gift cards, or money at all these  
5 stores.

6 What's the defense comeback to that? Oh, well, you  
7 know, some of these stores, he was in there -- they were in  
8 there a long time. Yeah, no kidding. Looking for the  
9 opportune moment. Some of them, trying to get gift cards for  
10 seeing if that scam will work before making their way out.

11 There is no question, you take all the direct and  
12 circumstantial evidence in this case, these individuals, when  
13 they broke that line and crossed into the store, the evidence  
14 shows they went in with the intent to commit either a larceny  
15 or obtain money under false pretense.

16 Therefore, under these stores where he obtained  
17 money under false pretense, we'd ask that you find him guilty  
18 of burglary for each of those separate events.

19 In these events, where he flat out, him and his co-  
20 conspirator, and the person he was aiding and abetting one  
21 another with, took property out as -- and by the way, he's  
22 liable under theory one, too, by directly doing it. They took  
23 money -- excuse me -- they took property from that store by  
24 the way of clothes and/or shoes. Each or one of these you  
25 have individuals telling you that. Mostly backed by video

1 surveillance as well. We'd ask you find him guilty of  
2 burglary for all those stores.

3 Now, the highlighted ones in red. The reason why I  
4 highlighted them in red is because burglary is not the  
5 appropriate charge. Is it a burglary? Yes. But the proper  
6 charge for him to be convicted of is, burglary while in  
7 possession of a deadly weapon.

8 And notice that word, "possession" All we're  
9 talking about is possession, folks.

10 A old, elderly, frail lady goes into a store with  
11 the intent to steal, and has a gun in her purse. Never even  
12 zips open that purse. But she gets caught outside the store.  
13 And when they pat her down they find she has a gun in her  
14 purse. She'd be guilty of burglary while in possession of a  
15 deadly weapon.

16 Why? Because she simply possessed it. We're not  
17 talking about using it. We're talking about possessing it.

18 Now, to understand what a deadly weapon is, and this  
19 will be quick, folks. You have an instruction on what a  
20 deadly weapon is. It's extremely broad. There's the two  
21 parts. One -- the first part is any instrument which if used  
22 in the ordinary manner contemplated by its design and  
23 construction, will or likely -- will or is likely to cause  
24 substantial bodily harm or death.

25 Okay. Hammer, sword, knife, gun. There's no better



1 example than a gun.

2           It also goes on to say, basically, any instrument or  
3 material which if used or attempted to be used in the manner  
4 in which it's used. For example, a shoe string, if someone  
5 tries to use it to strangle somebody, that's -- can be a  
6 deadly weapon.

7           Here there's no question what we're dealing with is  
8 a deadly weapon. A gun.

9           Now, every person who commits the crime of burglary  
10 who has in his possession or gains possession of any deadly  
11 weapon at the time during the commission of a crime, at any  
12 time before leaving the structure or upon leaving the  
13 structure is guilty of burglary while in possession of a  
14 deadly weapon. And the State is not required to have  
15 recovered the deadly weapon or to produce the deadly weapon in  
16 court.

17           Now, once again, folks, are we telling you this man  
18 had the gun? No. Therefore, he's not guilty under this  
19 charge by the first theory of liability. But he sure is,  
20 theory two and three. He aided and abetted this man and  
21 pursuant to a conspiracy.

22           Now, for those two particular stores, Bryan Laws and  
23 Alden Abrego, I would submit to you that the proper conviction  
24 would not be burglary for each of those stores, it would  
25 burglary while in possession of a deadly weapon, that being

1 the gun.

2 Robbery. What's a robbery, folks? Also very broad.

3 Robbery is the unlawful taking -- before I even go  
4 on to that, let me just comment on this. I was going to  
5 comment on it for the robbery.

6 These two individuals you saw defense counsel attack  
7 the fact that, you know, whether or not it's a gun. Ask  
8 yourself, do these two people have some type of personal  
9 vendetta? Did that come out during this trial? Do these two  
10 even know each other?

11 There's no evidence that these two know each other  
12 or came up with some concoction, scheme to say this is a gun.  
13 There's no evidence in this case to suggest, oh yeah, they're  
14 after this guy, and they made up this story.

15 And defense counsel harps on the video. Well,  
16 folks, you -- you've seen the video. The angle does not -- is  
17 not a proper angle as far as Abrego, to see whether or not  
18 this man has a gun. Your common sense tells you, Morgan is  
19 not going to lift up his shirt to make it apparent to  
20 everybody he's got a gun.

21 This man is within a very short distance of him as  
22 he walks by. Right after the comment this man makes, you  
23 don't want to do this. And what's he tell you? He flashed it  
24 up. Abrego told you, I recognized a semi-automatic and I saw  
25 the back part of the handle of gun is black.

1           How about Laws? Is it hard to believe that he  
2 described it in more detail given the fact that the man took  
3 it completely out? Morgan took it completely out? As he also  
4 described it as a black semi-automatic with wood trim on the  
5 side of the grip.

6           Abrego sees the man coming by as he lifts up his  
7 shirt. Of course, given his angle, your common sense is going  
8 to tell you, he's going to see the back part, top of that --  
9 the back of the butt of the gun.

10           Which by the way, all of you who have gun experience  
11 could bring that common everyday, your common sense experience  
12 back to that jury deliberation room, and explain to those who  
13 don't, when you've -- when you typically see a wooden type  
14 handle on the side, on a semi-automatic black handgun.

15           Your common sense tells you also that given the  
16 situation -- think about this. The only two incidents where  
17 these two men were approached by a manager or security were  
18 these two events. Big surprise it was just these two events  
19 which they're telling you that Morgan flashed a gun.

20           Ask yourself this, too. If these people were so  
21 coached in trying to make you believe there's a gun, I would  
22 submit to you, they could have done a much better job. They  
23 could have got together. They could have told the police, oh  
24 yeah, when I continued to go after him, he also pointed it at  
25 me and he said, this is a gun. Don't make me use this gun.

1 Did you hear any of that? These people told you  
2 what they saw and what they did which is backed up by the  
3 evidence and make sense.

4 Also a fact that you need to consider, too, is both  
5 of these individuals told you that they have dealt with guns  
6 prior. Both of these individuals have told you -- Laws  
7 actually told you he's a carrying a concealed weapon permit  
8 holder and actively carries weapons. He's done so since he  
9 was a kid.

10 Look at that statement. Abrego, that happened right  
11 after this man says, you don't want to do this, right? Laws  
12 going after him, that's a big man. And as he's going after  
13 these two, what did he say? Stop. As they're in the garage.  
14 And that's when he tells you he was -- took out a gun.

15 Once again, folks, you better believe if we just had  
16 Bryan Laws event, we'd be here telling you, that this man is  
17 guilty of the weapon charges as well. But once again, you  
18 could use the direct and circumstantial evidence from start to  
19 finish. He makes it easy for you.

20 You could -- you could rely as well and use the  
21 facts and circumstances, the fact, oh, what a coincidence.  
22 Four days later you've got another person saying he brandished  
23 a semi-automatic.

24 Do we even got to prove that it's the same gun? No.  
25 Do we got show them? No. Why? Because you have the jury

1 instruction on flight. It's amazing how weapons disappear  
2 when they flee the scene.

3 Robbery, folks. Robbery is very broad. Robbery is  
4 the unlawful taking of personal property from the person of  
5 another or in his presence, against his will, by means of  
6 force or violence or fear of injury, to immediate or future,  
7 his person or property.

8 Now, are we talking about by means of force or  
9 violence? No. We're talking about the [inaudible]. Again  
10 these are "or", so all you need is one. We're talking about  
11 fear of injury. The robbery was committed in Alden Abrego is  
12 then two ways over. Not only did he aid and abet pursuant to  
13 conspiracy, but directly, "you don't want to do this", as  
14 Abrego approaches him, knowing that he's stolen property.

15 The lifting of the shirt. Even if there was no  
16 weapon, even if you find no weapon, it's still a robbery,  
17 given -- either/or the statement or the lifting of the shirt.

18 Why? Well, we'll go over it.

19 Such force or fear must be used to obtain or retain  
20 possession of the property to prevent or overcome resistance  
21 or to facilitate escape.

22 I would suggest to you, even though we just need  
23 one, oh, I'm -- why -- why are they using this? Why is he  
24 lifting up his shirt? Same thing with Laws. Even if you  
25 find, oh, he just lifted up his shirt acting like he had a

1 gun, not even a gun, it'd still be a robbery.

2           Why -- why are they doing this? Why is he saying,  
3 "you don't want to do this" as they're walking out the store?  
4 Why? Because they're trying to obtain possession of the  
5 property. To prevent resistance to the taking or to  
6 facilitate escape. They're trying to get away.

7           The degree of force is immaterial if used to compel  
8 acquiescence to the taking of the property.

9           It is unnecessary to prove both violence and  
10 intimidation if the facts be attended with circumstances of  
11 threatening word or gesture, again, a threatening word or a  
12 gesture as in common experience that is likely to create an  
13 apprehension of danger, and induce a man to part with his  
14 property for the safety of his person, it is a robbery. It is  
15 not necessary to prove actual fear as the law will presume it.

16           Well, they both told you they were in fear. That  
17 man told you when he said, "You don't want to do this", he was  
18 in fear. He also told you when he saw the man lift up his  
19 shirt, he was in fear.

20           Laws told you when he yelled "stop" and the man  
21 lifted up his shirt, he was in fear. Even if you don't even  
22 find a gun.

23           The State would tell you though, robbery is not the  
24 appropriate charge for him to be convicted of. The  
25 appropriate charge is not robbery, but robbery with a deadly

1 weapon.

2           If you find the defendant guilty of robbery you must  
3 also determine whether or not a deadly weapon was used in the  
4 commission of the crime. In order to use a deadly weapon,  
5 there need not be conduct which actually produces harm, but  
6 only conduct which produces a fear of harm or a force by means  
7 of display or display of the deadly weapon in aiding the  
8 commission of the crime.

9           Again, what are we talking about? Display. Conduct  
10 which produces fear; yeah, you got that. Force? No. Display  
11 of a deadly weapon? Yes. All you need is one.

12           We're not alleging, folks, that he shot some rounds  
13 off, that he pointed it at him, that he shot it at him. If he  
14 did, you better believe, we'd be right here a host of other  
15 additional more serious charges.

16           The State is not to -- we're not required to have  
17 recovered the deadly weapon used in the alleged crime, or to  
18 produce the deadly weapon in court at trial, but must  
19 establish that the deadly weapon was used in the commission of  
20 the crime. If more than one person commits a crime and one of  
21 them uses a deadly weapon in the commission of that crime,  
22 each may be convicted of using a deadly weapon even though he  
23 did not personally himself use the weapon.

24           Now, once again, I know I'm repeating myself. We  
25 are not alleging this man had a weapon. But he's guilty under

1 the aiding and abetting theory and pursuant to a conspiracy of  
2 robbery with use of a deadly weapon.

3           Therefore, we would ask both counts of robbery with  
4 a deadly weapon, one for Bryan Laws, one from Alden Abrego,  
5 again, you take out that gun, it's still a robbery. But with  
6 the gun, as we submit to you, using the direct and  
7 circumstantial evidence in this case, we'd ask that you find  
8 him guilty of robbery with use a deadly weapon.

9           The last charge is organized retail theft. Now, to  
10 find the defendant guilty of organized retail theft, you must  
11 find each of the following elements beyond a reasonable doubt.

12           First, the defendant engaged in organized retail  
13 theft, as a defendant either alone or with any other person,  
14 engaged in a series of theft of retail merchandise against one  
15 or more merchants.

16           Obviously, check.

17           Second. In engaging in the organized retail theft,  
18 the defendant acted with the intent to either return the  
19 merchandise to the merchant for value, or resell, trade for  
20 barter the merchandise.

21           What does the direct and circumstantial evidence in  
22 this case show you? That this man is obviously, him and his  
23 co-conspirator, they're the person he's aiding and abetting,  
24 is taking this -- this stuff, the merchandise, to either  
25 resell, trade or barter, or return, if you use the direct and



1 circumstantial evidence in this case. That's your only way --  
2 that's the only end conclusion, is that he is using this to do  
3 such things.

4 Third, the aggregated value of the property involved  
5 in all thefts committed in the organized retail theft is a  
6 period within 90 days -- it's obviously well within 90 days in  
7 this case -- and is at least \$3500.

8 Now, does it start with the \$3500? You must -- the  
9 amount involved in a single theft shall be deemed the highest  
10 value by any reasonable standard.

11 Well, I submit to you that a reasonable standard  
12 would be a manager of the store giving you the inventory  
13 amount of what is stolen.

14 And the amount involved in any thefts committed by  
15 all the participants in the organized retail -- retail theft  
16 must be aggregated to get to your \$3500.

17 The ones in red, folks, are once again the ones that  
18 are -- he's flat out, him and his co-conspirators, aiding,  
19 abettors, flat out taking from the store, merchandise they're  
20 taking.

21 The ones in blue are the ones that he's returning,  
22 either for money or gift cards, items. Now, folks, the reason  
23 why I highlighted this and want it separated is because it's a  
24 luxury for the jury to have these type of facts. Usually,  
25 we're stuck with a situation where they're caught with all

1 this stuff and we're telling the jury to, you know, use your  
2 common sense, use your -- the direct and circumstantial  
3 evidence.

4 Obviously, they are engaging in these thefts with  
5 the intent to either return the merchandise for value, or to  
6 resell, trade, or barter the merchandise on the street, or to  
7 stores, who knows where.

8 It doesn't get any better for a jury to have direct  
9 proof that this man is taking back items. Again, do we have a  
10 specific serial number to tell you, oh yeah, this was taken  
11 from this store and this return on this? No. But your common  
12 sense tells you what's going on. The direct and  
13 circumstantial evidence tells you what's going on, not to  
14 mention what's most telling of all is when the cops set up an  
15 undercover sting to catch these men on Facebook.

16 And what do they do? They find Morgan, setup a buy  
17 of -- big shocker -- Nike Jordans. They meet up with him at  
18 the -- at the location of the Rebel Gas Station. And sure  
19 enough, who's in the car? Him and Morgan. And what else?  
20 The shoes.

21 The State of Nevada asks that you hold this man  
22 accountable for his actions and find him guilty of all counts.

23 Thank you.

24 THE COURT: Thank you, Counsel.

25 We probably have -- the defense close will probably

1 be another half hour. Is everybody good with -- or do we need  
2 to take a bathroom break? Do we need to take a -- I want to  
3 make -- I want to make sure everybody's comfortable and can  
4 pay attention. So I don't mind taking a bathroom break if we  
5 need to take one.

6 All right. I'm not seeing anything.

7 We'll be pleased to hear the closing argument of the  
8 Defense.

9 If you want to move that at all, go ahead, Mr. Hill.

10 MR. HILL: What's that, Judge?

11 THE COURT: You were looking at the monitor. I  
12 didn't know if you wanted to move it.

13 MR. HILL: Just this. I'll use this. Thank you.

14 Could the Court pop over to the --

15 THE COURT RECORDER: Elmo?

16 DEFENDANT'S CLOSING ARGUMENT

17 MR. HILL: All right. Thank you, folks.

18 I think I remember from jury selection that it's  
19 everybody's first time being a juror. And I think you see now  
20 what an important role it is, that you've been called from the  
21 community to ask as its conscience and to figure out the facts  
22 of this case.

23 So the Judge has instructed you on the law and  
24 you're obligated to follow the law. But there's not a single  
25 other person on the planet that can decide the facts of this

1 case. And you've been chosen for your intelligence, and your  
2 common sense.

3           Folks are not convicted just by logic. That's why  
4 Mr. Snipes has a jury, and not a computer, not a cold hard  
5 fact finding machine.

6           You have been called to figure this case out and you  
7 and you alone can check the boxes. And if you check any "not  
8 guilty" boxes in this trial, not a single person, not Judge  
9 Johnson, not Chad or Jory, not the President of the United  
10 States can ask or inquire about why those boxes were checked.

11           Every now and then the defense and the State will  
12 agree on some things. And Mr. Lexis is right, this is not a  
13 who-done-it. All right? You must have heard me half a dozen  
14 times stipulate the photo was Mr. Snipes throughout the course  
15 of this trial.

16           We've seen videos of Mr. Snipes and Mr. Morgan  
17 walking in and out of these stores with jerseys. So I'll save  
18 you a little time back in the jury deliberation room, and  
19 hopefully some of you all are note-takers. I need some --  
20 some note-takers, because I'm going to narrow down what I want  
21 you to do back in the jury deliberation room, okay?

22           You're going to have a stapled packet of paper with  
23 verdict boxes. Counts 1 through 16. Here's what I want you  
24 to take a close look at: Counts 2, 3 and 4. That's our  
25 September 20th Foot Locker incident with Mr. Bryan Laws.

1           Counts 6, 8 and 9, that's the 9/24 Champs incident  
2 with Mr. Abrega.

3           Counts 5, 10 and 15, those are the three Foot Locker  
4 incidents where Mr. Snipes makes returns.

5           All right. That's where we're narrowing our  
6 inquiry. I know Mr. Lexis was talking about all the video and  
7 how we know it's Mr. Snipes and this, that and the other, and  
8 maybe some of you all were wondering what in the whole wide  
9 world are we doing here. Well, that's what we're doing here,  
10 to focus on those counts.

11           And we'll go through them one by one after I  
12 emphasize some of the instructions. So you're all going to  
13 have tangible copies of the instructions, I think, but I'd  
14 like to talk about just a couple of them.

15           One of them I have up here, in my opinion, for  
16 what's that worth, it's the most important. We've all heard  
17 that to check a guilty box on someone, the State has to prove  
18 beyond a reasonable doubt, all of the elements of that  
19 allegation, all right?

20           You've heard the Judge emphasize over and over again  
21 that Mr. Snipes doesn't have to do anything. We don't have to  
22 disprove any of the elements. You all are held to hold the  
23 State to its burden of proving these elements beyond a  
24 reasonable doubt.

25           What does that mean? When you're looking at the box

1 deciding which one to check you must feel an abiding  
2 conviction of the truth of the charge. An abiding conviction  
3 of the truth of the charge. And I'll probably say that  
4 another 700 times during the course of -- of my remarks here,  
5 but I want you to keep that in mind.

6           So let's turn our attention to the September 20th  
7 incident, all right? That's going to be Counts 2, 3 and 4  
8 that I want you to look at, all right? This is the incident  
9 -- actually, I'm going to start with the -- September the 24th  
10 incident. So this is the Champs, Mr. Abrega. All right?

11           This is going to be Counts 6, 8 and 9. So I'm  
12 narrowing your inquiry down quite a bit here. I'm not up here  
13 telling you this wasn't Mr. Snipes or that they didn't walk  
14 out with jerseys, et cetera, all right?

15           So let's laser focus this thing.

16           On Counts 6, 8 and 9, the State wants you to find  
17 beyond a reasonable doubt, meaning, having an abiding  
18 conviction, and a couple of things that Mr. Snipes vehemently  
19 disagrees the evidence shows, beyond a reasonable doubt.

20           Specifically, the robbery, and the use of a deadly  
21 weapon. Big shocker, huh?

22           And I'm going to ask you, if I didn't show it to you  
23 enough, when you're back there you can look at State's Exhibit  
24 3. It's that minute and 30 second video we watched over and  
25 over again during this trial, where we see Mr. Snipes and Mr.

1 Morgan walk in, and a minute and 30 seconds later they walk  
2 out with some jerseys, all right?

3 We see Mr. Snipes breeze by and we see Mr. Morgan  
4 breeze by, no stopping, no engaging. Am I hear to tell you  
5 that Mr. Abrego is lying, or he's cooked up some cockamamie  
6 scheme with the State, or he has it out for Mr. Snipes? No.  
7 That's not why I'm here.

8 If there was a lifting of the shirt, it was for a  
9 flash of a second. I mean, we went -- we watched it a dozen  
10 times. Nobody stops, nobody turns, and I played it over and  
11 over again from 18 seconds, 1:18 to 1:19, that's one second  
12 from being in front of Mr. Abrego, to being behind Mr. Abrego.

13 Do I think that there's some broad, ridiculous  
14 conspiracy with the State, that's trying to pin some -- no. I  
15 think we heard Mr. Laws say that he was under a lot of stress  
16 on the 9/20 incident. He was under a lot of stress. His  
17 adrenalin was going, all right?

18 We have on the 9/24 incident a second where somebody  
19 walks by Mr. Abrego and a second where Mr. Morgan walks by Mr.  
20 Abrego, and we don't see anything. What we know is just for a  
21 moment, a black something, a black handle, a black back end  
22 was seen, and we know from the minute and 30 second video,  
23 that it was for a second, less than a second, a flash, a  
24 moment. And we don't see the shirt come up very high at all.

25 In order to check the deadly weapon box, you have to

1 feel an abiding conviction that that was a gun, a firing gun,  
2 an abiding conviction from -- and we saw how much of an  
3 opportunity Mr. Abrego had. Again, am I asking you to find  
4 that he's some -- that he's some liar that who's just trying  
5 to bury Mr. Snipes? No.

6 I'm asking you to just acknowledge the video truth.  
7 We heard Mr. Laws say that he was under a tremendous amount of  
8 stress, adrenaline going. But we just a second (snaps  
9 fingers), all right?

10 Am I asking you to check the "not guilty" box on  
11 that Count 9 -- or that Count 6, burglary charge? No. I'm  
12 asking you to check the "not guilty" box on the deadly weapon,  
13 because the evidence before you is not enough for an abiding  
14 conviction, that that was a firearm, a whole working firearm.

15 Let's turn our attention to the next little cluster  
16 which is Counts 2, 3 and 4. That's our September 20th Foot  
17 Locker incident with Mr. Laws. Now, we saw the video here.  
18 They walked out of the store, some jerseys. No flashing, no  
19 turning, no posturing.

20 Mr. Laws pursues down the hallway and we end up in  
21 the parking garage. All right. And you heard the Detective  
22 say, we don't have any video of what happened in the parking  
23 garage. But we have Mr. Laws' testimony that Mr. Morgan was  
24 clear on the other side of the crosswalk area towards into the  
25 parking lot and your recollection controls, but Mr. Lexis and



1 I have a disagreement about that -- the -- the object we've  
2 been talking about was fully pulled out.

3 I remember it was a very similar set of  
4 circumstances to the 9/24 incident, a flash. All right?

5 In a parking garage, which is certainly a lot dimmer  
6 than a store, with a good amount of distance between Mr. Laws  
7 and Mr. Morgan. Again, what we're asking you all to return  
8 there is a "no" checkbox in the deadly weapon. The State has  
9 not produced enough evidence. I don't think Mr. Laws is  
10 cooking up a story either.

11 I think he admitted he was under a lot of stress and  
12 a lot of adrenaline and it happened very quickly. And we're  
13 talking about glimpses, flashes, seconds, moments.

14 For both of these, we can also talk about the  
15 conspiracy to commit robbery charge. And you're going to find  
16 those, that's going to be Counts No. 8, and Count 2.

17 And I'm going to turn your attention to Instruction  
18 No. 5, because it talks about how conspiratorial liability  
19 follows for the actions that are the probable and natural  
20 consequence.

21 Well, you heard the Detective talk about his common  
22 MO here which was going into stores, grabbing jerseys, and  
23 leaving. That's the MO we have here. The State's right, they  
24 often don't have an e-mail between parties laying out the  
25 terms of a conspiracy. We're almost always talking about

1 circumstantial evidence when it comes to a conspiracy.

2 But given what the Detective broadcast as what he  
3 determined the common MO here was, walking into a store. In  
4 fact, I probably asked him three times, walking into a store,  
5 grabbing jerseys and leaving, you'll have to ask yourself,  
6 because it's clear as day and I think the State even conceded,  
7 whatever this (snaps fingers) momentary thing that people were  
8 seeing on Mr. Morgan, Mr. Snipes never had, Mr. Snipes never  
9 flashed, right?

10 So the only way on this conspiracy robbery is we --  
11 we've got to decide if the flashing was a natural and probable  
12 consequence of the object, which was taking the jerseys.

13 Again, with the Detective's explanation of the MO, I  
14 propose the State has not shown enough evidence for you all to  
15 have an abiding conviction that that was part of any  
16 agreement.

17 Finally, I'm going to turn your attention to the  
18 last cluster of counts which is going to be 5, 10 and 15.  
19 Well, this is the one where the fellow came on the screen and  
20 talked about the returns. And 5, 10 and 15 are burglaries,  
21 burglary charges for going in and -- and making those returns.

22 Again, the State and I are in agreement on  
23 something, and that is, we don't have skews, bar codes, serial  
24 codes. There's nothing that the State can show you and that  
25 you've seen that shows that the jerseys he walked in there

1 with were stolen proceeds.

2           And again, it's not on Mr. Snipes to prove that they  
3 weren't. It's on the State to produce evidence to give you an  
4 abiding conviction of the truth that he walked into those  
5 stores, not to facilitate returns, but to obtain money under  
6 false pretenses, which is Instruction No. 12, Designedly by  
7 any false pretense obtains money, goods or other value of a  
8 thing with the intent to cheat or defraud, which would require  
9 the group of you all to agree, that there was enough evidence  
10 presented by the State to give you an abiding conviction that  
11 the merchandise trying to be returned or exchanged there, was  
12 stolen.

13           What is there to indicate that maybe it wasn't? We  
14 heard a number of the witnesses who came in and talked about  
15 some of the other incidents where there were receipts for some  
16 of the stuff, all right?

17           Chad says -- or Mr. Lexis says he wants you to bring  
18 your common sense and everything back there. I'm asking you  
19 to bring the evidence that the State has produced back there,  
20 and ask if they've given you enough to find an abiding  
21 conviction that that's what was happening, Instruction No. 12  
22 is what was happening, those three times the exchanges were  
23 made in the Foot Locker, in Counts No. 5, 10 and 15, where no  
24 security was called, no police was called, nothing out of the  
25 ordinary was remarked upon, nobody said nothing, it was

1 business as usual. We saw the videos, boring as can be.

2 Nobody flagged anything. Nothing showed up about  
3 the merchandise. You heard Mr. Laws testify that during some  
4 of the exchanges that were attempted there, there was flashes  
5 and dings on some of that merchandise. We didn't hear any  
6 testimony about that -- those returns and exchanges went off  
7 without a hitch, nobody said nothing.

8 So Mr. Scarborough gets to come up right after me  
9 and he'll say, oh, Mr. Hill said that, and Mr. Hill said that.  
10 And he'll get some time to try to bring it home.

11 So I'm just going to ask a couple of things: to  
12 follow the road map I've given you here, back in the jury  
13 instruction [sic] room. And when Mr. Scarborough sits down  
14 and you're back in the room, you can ask, after what he says,  
15 huh, if Mr. Hill had a chance to get back up there, I wonder  
16 what he would have said to that point. I wonder what he would  
17 have said to this point. And run through that.

18 Because I want to emphasize, Mr. Snipes doesn't have  
19 to send anything back into that room with you. It's all on  
20 these folks to give you an abiding conviction in the truth of  
21 the charges that they've pinned on Mr. Snipes. And I've told  
22 you the ones that we have an issue with.

23 And we'll leave it at that. Thank you so much,  
24 folks.

25 THE COURT: All right. Thank you, counsel.

1 Ladies and gentlemen, the State will have about a 7  
2 or 8 minute rebuttal. Is everybody good, or do we need to  
3 take a bathroom break? Again, I do not mind taking a bathroom  
4 break because it's really important that you be in a good  
5 frame of mind to pay attention to what counsel is saying.

6 But so if we need to, don't hesitate to signal to me  
7 that we need to take a bathroom break. But the rebuttal  
8 argument should only be around 7 or 8 minutes.

9 All right. We'll be glad to hear the rebuttal  
10 argument of the State.

11 MR. SCARBOROUGH: Thank you.

12 STATE'S REBUTTAL CLOSING ARGUMENT

13 MR. SCARBOROUGH: As you heard, ladies and  
14 gentlemen, I have limited time up here, so I want to just be  
15 very direct and very clear.

16 Instruction No. 22, is the instruction of reasonable  
17 doubt. And while Mr. Hill circled a portion of that, I want  
18 to circle another portion and -- and highlight one of them as  
19 well.

20 Doubt to be reasonable must be actual, not mere  
21 possibility or speculation. Amongst his argument you would  
22 hear stuff saying, maybe it wasn't, and what the State doesn't  
23 have. I'm here to hammer home what we do have.

24 So I'm going to in order of how he challenged our  
25 case and I want to rebut some of those points.

1           Going to the 9/20 event at Foot Locker and it --  
2   it's -- the writing's on the wall where the essential  
3   challenge here is for the deadly weapon. And what we look at  
4   is whether or not the State should have, could have, or would  
5   have, or if the video surveillance was there, or if there  
6   wasn't in the parking garage, and how light it is, and how  
7   dark it is. Again, that's speculation not amounting to  
8   reasonable doubt.

9           What you have is the testimony of Bryan Laws who, as  
10   in the words of defense counsel, we're -- he's not coming up  
11   here saying that he's lying or anything like that. But I  
12   think what you should really focus on, if you really want to  
13   shore everything up, is State's 5. That would be the 911 call  
14   from Mr. Laws.

15           When you think of why the State admits 911 calls, we  
16   admit them for many reasons. One of them would be the  
17   accuracy or the reliability of them, because the shock, the  
18   immediacy of the event.

19           Think about the amount of time that it took for Mr.  
20   Laws to pursue those two suspects, to chase them down, and to  
21   call 911. Do you think he had enough time to fabricate a  
22   story that there was a gun? Do you think he had enough time  
23   to fabricate a story that he saw the gun fall out in the  
24   street? And that he was pretty positive? He had no time to  
25   fabricate that.

1           Sure, we're looking at different descriptions of the  
2 gun. But what you hear and what you have and what you will  
3 take back with you is Bryan Laws' 911 call, you have his  
4 statements on the stand, and you have the video surveillance.

5           So moving on to -- and I just want to reiterate  
6 another point. The 911 call, it shows that the MO isn't as  
7 similar as just running in and running out on -- as other  
8 events, or just obtaining money under false pretenses.

9           That one, they went in, they cased it. They cased  
10 the place and then they took the jerseys out. And what I want  
11 to hit on in terms of whether or not you could tell that  
12 they're the same jerseys, State's 4 is that Fashion Foot  
13 Locker video surveillance. And when you look at Channel 6,  
14 you saw me navigating all those players.

15           Channel 6 is where it shows the video footage of the  
16 store. And when you fast forward to around 16:37 and 16:44 on  
17 the player mark, pay attention to what jerseys they're  
18 standing next to, and what jerseys ultimately leave that store  
19 in their hands. And you'll see why I asked the players,  
20 LeBron James, and Zion Williams, and Anthony Davis, and the  
21 type of Laker jerseys.

22           And then you couple that with that business record,  
23 of the loyalty entries that I entered into evidence, with not  
24 only Ms. Alvarez, but on video testimony of Elvin Castillo.  
25 When he goes through asking him on the receipt, what they

1 returned, and what was actually returned. And you can couple  
2 that with the video surveillance as well.

3           You have the values and everything. You have the  
4 business records. And yes, their -- you see their common MO.  
5 You use your common sense and you use the direct and  
6 circumstantial evidence to determine that, yes, they were  
7 going into these stores taking these jerseys, returning them  
8 at other stores fraudulently, for cash value. And you'll see  
9 that in those business records that we introduced. You'll see  
10 different dates where they go in.

11           Where Mr. Snipes is the one who goes in with those  
12 jerseys, sells them back to the Foot Locker that he just  
13 robbed at another location. Gets gift cards for them, then  
14 goes back another -- to another Foot Locker location, buys  
15 items with those, and then starts flipping those.

16           So you see the scheme. You use your common sense  
17 and you see that those items were stolen, and it begins the  
18 chain that he flips them, returns them, tries to sell them.  
19 You have evidence of them actually trying to conduct a  
20 transaction where they're selling it, not back to the store,  
21 but to an undercover officer.

22           And when you look at the picture that was introduced  
23 into evidence of the shoes and then you look at the Nike  
24 surveillance, you see Jordan boxes, the shoe that was being  
25 discussed, Jordan, that they sent.



1           So going to the Champs robbery. Defense used the --  
2 a phrase of breezed by, no stopping, no engaging, a flash of a  
3 second, something was seen for a flash.

4           You saw the video surveillance. We can't alter  
5 that. We're not trying to skew any fact. Ladies and  
6 gentlemen, that's all it takes. You saw him walk by and you  
7 saw him motion towards his waistband and you saw him and you  
8 saw Alden Abrego stop, and again, you have a 911 call to  
9 corroborate that. Think of the immediacy, the shock. Right  
10 away, right away, that Alden Abrego is saying to the 911  
11 operator, they pulled a gun. There was a gun. There was a  
12 gun. Same with Bryan Laws.

13           Now, to hit on the conspiracy, probable and natural  
14 consequence of whether or not flashing is the natural and  
15 probable consequence of going into a store and stealing  
16 merchandise. As my colleague pointed out, you look at the  
17 entirety of the event.

18           Start with the 9/20 event, at Foot Locker with Bryan  
19 Laws as the victim, where they went in and both of them ran  
20 out. They had the jerseys in their hands. They used force or  
21 fear when they were running away, when Mr. Morgan flashes the  
22 gun while right next to Mr. -- right next to the defendant  
23 running way.

24           So there's that event where it was the natural  
25 probable consequences because they were going in there to take

1 the property. And when you watch the surveillance on that  
2 event you'll see them kind of casing like I said, at 16:37.  
3 The reason why they're standing there for so, and you'll see  
4 it, is because there's an associate right by the jerseys and  
5 they're waiting. And you'll see them circle back, take them,  
6 and run away.

7 But when you think about the entire circumstance of  
8 it, flash forward to 9/24 at the Champs robbery. At that  
9 point, it's unavoidable, that the defendant knew it would have  
10 been the natural and probable consequences because they're  
11 doing the same thing as they did at another store, doing the  
12 same things that they did at the previous robbery.

13 They went in, looked to get jerseys. They were in  
14 the Champs store for even a shorter amount of time. He knew  
15 it was the natural probable consequence of it because they had  
16 just done it four days earlier.

17 Ladies and gentlemen, the deadly weapon, as my  
18 colleague hit on, we don't have to recover it and the law  
19 allows for us to tell you why we don't have to recover it.  
20 Look at the flight instruction. Yes, guns disappear. People  
21 flee the scene. They're not going to keep the gun in their  
22 hand and be like, yep, well, oh, this? You mean this gun,  
23 that I committed this robbery with? Here it is.

24 No. The law allows for the State still to prove  
25 beyond a reasonable doubt, again, without any, you know,

1 possibility or speculation of why we didn't recover it, or who  
2 we should have seen it on video surveillance. No. Guns tend  
3 to disappear. You have the statements of the two witnesses.  
4 You have the 911 calls, and you have the video surveillance.

5           And the conspiracy, there's no doubt there was a  
6 conspiracy robbery. There are no doubt. You see how they  
7 walk in together, walk out together, flee together, do after  
8 the 9/20 flashing of the gun by Mr. Morgan, where was Mr.  
9 Snipes? Right back with him again, in 9/24 in the Champs  
10 robbery. So you better believe that he knew exactly what the  
11 natural and probable consequences of that plan would be, the  
12 minute they got into that Fashion Show Mall and approached  
13 that Champs store.

14           THE COURT: Counsel, we need to be bringing it to a  
15 close.

16           MR. SCARBOROUGH: Yes, sir.

17           Ladies and gentlemen, you have the evidence in front  
18 of you. I direct your attention again to doubt must be  
19 reasonable -- or I'm sorry -- doubt must be actual and not  
20 mere possibility or speculation, and when you look at all the  
21 evidence you won't see any actual doubt, but you'll have an  
22 abiding conviction of the truth.

23           Thank you.

24           THE COURT: Thank you, counsel.

25           All right. Ladies and gentlemen, that concludes the

1 closing arguments. You now are ready to begin deliberations  
2 in this case.

3           Unfortunately, in beginning deliberations, a couple  
4 of your number will not be going back with you, because in  
5 every case we always select a couple jurors to be alternate  
6 jurors. It's not unheard of that once we start a trial  
7 somebody may become ill, or a family emergency might come up  
8 and there would be a need to have somebody replace a juror.  
9 So we always do select a couple of alternates.

10           In this case, our alternates were Mr. Allen and Mr.  
11 DeJesus. You won't be staying for deliberations, and I  
12 apologize for that. Hopefully, you got something out of this  
13 somewhat bizarre experience serving on a jury during the  
14 pandemic. And I thank you for coming down here and meeting  
15 your obligations.

16           I'm not going to excuse you at this point in time  
17 however. I'm going to keep you on as jurors because it's not  
18 unheard of that during the course of jury deliberations a  
19 juror might become ill or a family emergency might come up and  
20 we can then bring you back to serve as a juror and start  
21 deliberations over.

22           And in fact within the last year I had somebody,  
23 once jury deliberations started, they had a call that their  
24 wife had been injured and was at an emergency room and so we  
25 were able to let that juror go and then bring in another

1 juror. So I'm not going to excuse you.

2 I'm going to repeat one more time the admonition  
3 that I had given you before.

4 Until you are discharged by me, do not talk to each  
5 other about this case or about anyone who has anything to do  
6 with it until you have been discharged. Do not talk with  
7 anyone else about this case or about anyone who has anything  
8 to do with it until the trial has ended and you've been  
9 discharged as jurors.

10 Anyone else includes members of your family and your  
11 friends. You may tell them that you are a juror in a criminal  
12 case but don't tell them anything else about it until after  
13 you've been discharged by me.

14 Do not let anyone talk to you about the case or  
15 about anyone who has anything to do with it. If someone  
16 should try to talk to you please report it to me immediately  
17 by contacting the Marshal.

18 Do not read any news stories or articles or listen  
19 to any radio or television reports about the case or about  
20 anyone who has anything to do with it. Do not visit the scene  
21 of any of the events mentioned during the trial. Don't  
22 undertake any investigation, experimentation or research on  
23 your own, including use of social media, to in any way discuss  
24 the case, or the use of the Internet or other reference  
25 materials to do any investigation or research.

1           And do not begin to form or express any opinion on  
2 any subject connected with this case until you have been  
3 discharged by me.

4           Again, I want to thank you for your service here  
5 these last few days. I'm going to ask the Clerk to swear in  
6 Danielle to take our alternates out and make sure we've got  
7 contact information for them.

8                               (COURT/CLERK CONFER.)

9           (LAW CLERK SWORN BY CLERK TO TAKE CHARGE OF ALTERNATE JURORS.)

10           THE COURT: All right. If you'd go with Danielle.  
11 And again, thank you for your service.

12                               (Alternate jurors exit at 1:14 p.m.)

13           THE COURT: All right. I'll ask the Clerk to swear  
14 in the Marshal to watch over the jury deliberation.

15                               (CLERK SWEARS MARSHAL TO TAKE CHARGE OF THE JURORS.)

16           THE COURT: All right. Normally, we would have you  
17 go to a jury deliberation room. Unfortunately, we don't have  
18 a big enough room where you can socially distance. So we're  
19 going to just have you stay here in this courtroom.

20                               We ordered lunch. That should be coming in.

21                               We're going to need to have everybody clear out of  
22 the room. So I am going to put you -- have you do a ten  
23 minute break to allow everybody here to clear out of the room  
24 and get our stuff out of it. Then the Marshal will bring you  
25 back in and you can begin your deliberations.

1 All right. Thank you.

2 THE MARSHAL: All rise for the jury.

3 (Jury retires to deliberate at 1:16 p.m.)

4 (Outside the presence of the jury.)

5 THE COURT: All right. Does the State have a clean  
6 computer to --

7 MR. SCARBOROUGH: Yes, sir. We're providing that to  
8 the Court now.

9 THE COURT: All right.

10 Mr. Hill, you can check the computer if you want.

11 MR. HILL: It's fine.

12 THE COURT: All right.

13 THE CLERK: I need the exhibits to go through real  
14 quick.

15 MR. SCARBOROUGH: Yes, ma'am. I'll gather those  
16 right now.

17 THE CLERK: Thanks.

18 MR. LEXIS: I would like to see the exhibits, too.  
19 Those we're planning to give them to the -- the jury just to  
20 make sure.

21 (Pause in the proceedings.)

22 MR. SCARBOROUGH: This one will not be going back,  
23 right?

24 THE CLERK: Right.

25 MR. SCARBOROUGH: 16 will not. Just for continuity,

1 I'm going to hand you 16 so we don't mix it up with our  
2 exhibits, okay?

3 THE COURT RECORDER: Mr. Scarborough?

4 MR. SCARBOROUGH: Yes, ma'am.

5 THE COURT RECORDER: Do you want to just give them  
6 the access to your laptop so they can see it on the TVs just  
7 to let them -- if they need a video or something?

8 MR. SCARBOROUGH: Yeah, we're giving the laptop.

9 THE COURT RECORDER: Yeah, because it's been  
10 disconnected. It's not -- can we connect back to the We  
11 Present?

12 MR. SCARBOROUGH: Yeah. Yeah. Absolutely.

13 THE COURT RECORDER: Okay.

14 (Pause in the proceedings.)

15 (Court recessed at 1:17 p.m., until Friday,  
16 November 13, 2020 at 1:56 p.m.)

17 \* \* \* \* \*

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I N D E X

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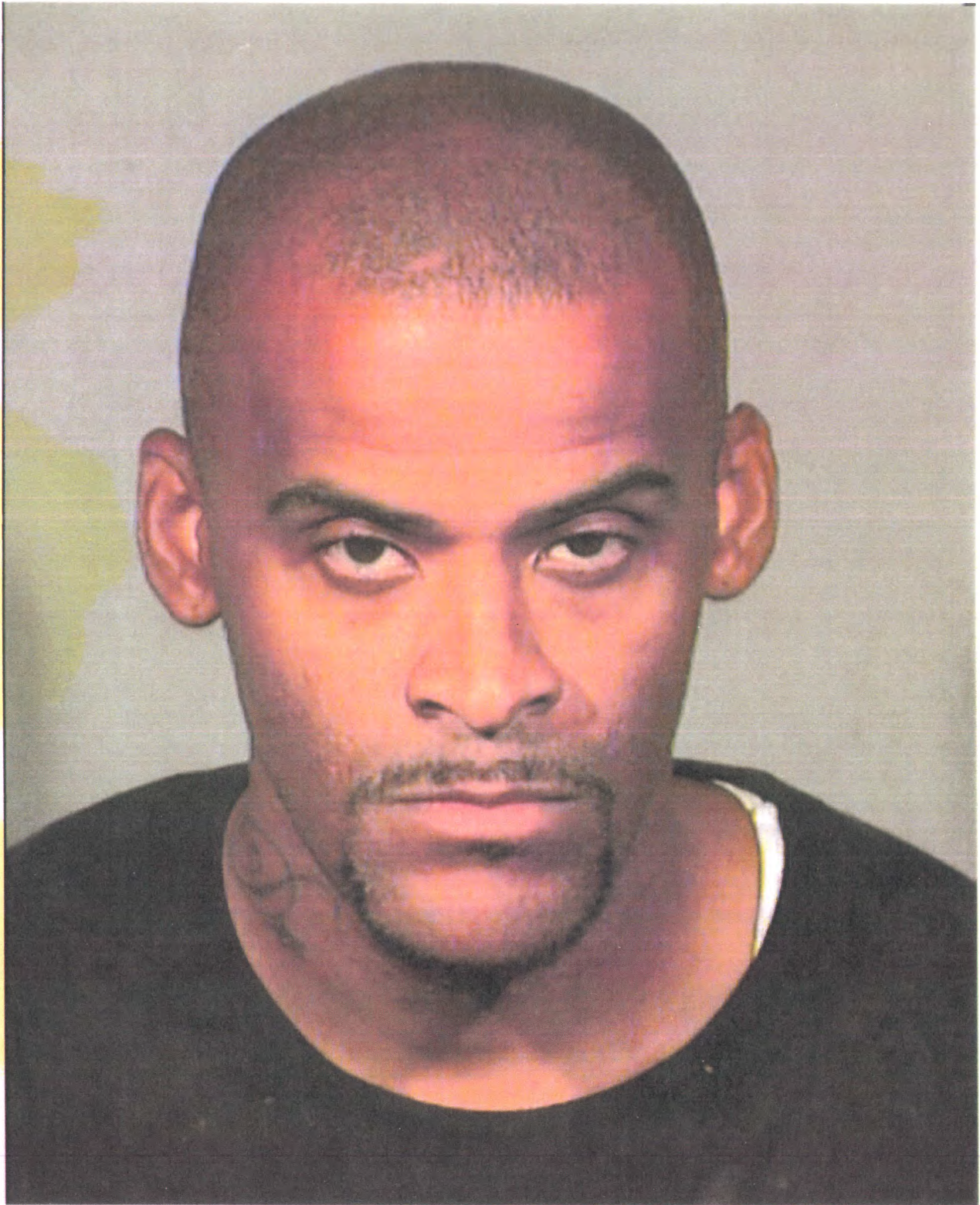
\* \* \* \* \*

ATTEST: I hereby certify that I have truly and correctly transcribed the audio/visual proceedings in the above-entitled case to the best of my ability.

*Julie Lord*

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VERBATIM DIGITAL REPORTING, LLC



Court's EX  
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~~STATE'S  
EXHIBIT  
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CT-5

FILED IN OPEN COURT  
STEVEN D. GRIERSON  
CLERK OF THE COURT

NOV 13 2020

BY, *Michele Tucker*  
MICHELE TUCKER, DEPUTY

1 INST

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4  
5 DISTRICT COURT  
6 CLARK COUNTY, NEVADA  
7

8 THE STATE OF NEVADA,

CASE NO: C-19-344461-2

9  
10 Plaintiff,

DEPT NO: XX

11  
12 -vs-

13  
14 ANDRE GRANT SNIPES, #7088448

15  
16 Defendant(s).

17 INSTRUCTIONS TO THE JURY (INSTRUCTION NO. 1)

18 MEMBERS OF THE JURY:

19 It is now my duty as judge to instruct you in the law that applies to this case. It is  
20 your duty as jurors to follow these instructions and to apply the rules of law to the facts as  
21 you find them from the evidence.

22 You must not be concerned with the wisdom of any rule of law stated in these  
23 instructions. Regardless of any opinion you may have as to what the law ought to be, it  
24 would be a violation of your oath to base a verdict upon any other view of the law than that  
25 given in the instructions of the Court.  
26  
27  
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C-19-344461-2  
INST  
Instructions to the Jury  
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11-13-20

INSTRUCTION NO. \_\_1\_\_

If, in these instructions, any rule, direction or idea is repeated or stated in different ways, no emphasis thereon is intended by me and none may be inferred by you. For that reason, you are not to single out any certain sentence or any individual point or instruction and ignore the others, but you are to consider all the instructions as a whole and regard each in the light of all the others.

The order in which the instructions are given has no significance as to their relative importance.

An Indictment is but a formal method of accusing a person of a crime and is not of itself any evidence of his guilt.

In this case, it is charged in an Indictment that the Defendant above named, ANDRE GRANT SNIPES, accused by the Clark County Grand Jury of the crime(s) of BURGLARY (Category B Felony - NRS 205.060 - NOC 50424); GRAND LARCENY; CONSPIRACY TO COMMIT ROBBERY; ROBBERY WITH USE OF A DEADLY WEAPON; BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON and PARTICIPATION IN ORGANIZED RETAIL THEFT, committed at and within the County of Clark, State of Nevada, on or between September 20, 2019 and October 7, 2019, as follows:

COUNT 1 - GRAND LARCENY

Defendant ANDRE SNIPES did on or about September 20, 2019, then and there willfully, unlawfully, and feloniously with intent to deprive the owner permanently thereof, steal, take and carry away, lead away or drive away property owned by FOOTLOCKER at 3200 S. Las Vegas Blvd., having a value of \$650.00 or more, to wit: merchandise, the Defendant(s) being criminally liable under one or more of the following principles of criminal liability, to wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime be committed, by counseling, encouraging, hiring, commanding, inducing and/or otherwise procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this crime be committed, Defendant and GREGORY DELLO MORGAN aiding or abetting and/or conspiring by Defendant and GREGORY DELLO MORGAN acting in concert throughout.

COUNT 2 - CONSPIRACY TO COMMIT ROBBERY

Defendant ANDRE SNIPES did on or about September 20, 2019, willfully, unlawfully, and feloniously conspire with GREGORY DELLO MORGAN to commit a robbery, by the defendants/conspirators committing the acts as set forth in Count 3, said acts being incorporated by this reference as though fully set forth herein.

1 COUNT 3 - ROBBERY WITH USE OF A DEADLY WEAPON

2 Defendant ANDRE SNIPES did on or about September 20, 2019, willfully,  
3 unlawfully, and feloniously take personal property, to wit: merchandise, from the person of  
4 BRYAN LAWS, or in his presence, without the consent and against the will of BRYAN  
5 LAWS, by means of force or violence or fear of injury, immediate or future, to his person,  
6 the person of a member of his family, or of anyone in his company at the time of the robbery,  
7 defendant using force or fear to obtain or retain possession of the property, to prevent or  
8 overcome resistance to the taking of the property, and/or to facilitate escape, with use of a  
9 deadly weapon, to wit: a firearm, the Defendant(s) being criminally liable under one or more  
10 of the following principles of criminal liability, to wit: (1) by directly committing this crime;  
11 and/or (2) by aiding or abetting in the commission of this crime, with the intent that this  
12 crime be committed, by counseling, encouraging, hiring, commanding, inducing and/or  
13 otherwise procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to  
14 commit this crime, with the intent that this crime be committed, Defendant and GREGORY  
15 DELLO MORGAN aiding or abetting and/or conspiring by Defendant and GREGORY  
16 DELLO MORGAN acting in concert throughout.

17 COUNT 4 - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON

18 Defendant ANDRE SNIPES did on or about September 20, 2019, willfully,  
19 unlawfully, and feloniously enter a retail establishment, owned or occupied by  
20 FOOTLOCKER at 3200 S. Las Vegas Blvd., located at 3200 South Las Vegas Boulevard,  
21 Las Vegas, Clark County, Nevada, with intent to commit larceny, while in possession of  
22 and/or gaining possession of a firearm, a deadly weapon, during the commission of the crime  
23 and/or before leaving the structure, the Defendant(s) being criminally liable under one or  
24 more of the following principles of criminal liability, to wit: (1) by directly committing this  
25 crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that  
26 this crime be committed, by counseling, encouraging, hiring, commanding, inducing and/or  
27 otherwise procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to  
28 commit this crime, with the intent that this crime be committed, Defendant and GREGORY



1 DELLO MORGAN aiding or abetting and/or conspiring by Defendant and GREGORY  
2 DELLO MORGAN acting in concert throughout.

3 COUNT 5 - BURGLARY

4 Defendant ANDRE SNIPES did on or about September 20, 2019, willfully,  
5 unlawfully, and feloniously enter a retail establishment and/or business, owned or occupied  
6 by FOOTLOCKER, located at 4300 MEADOWS LANE, Clark County, Nevada, with intent  
7 to commit a larceny and/or obtain money or property by false pretenses, the Defendant(s)  
8 being criminally liable under one or more of the following principles of criminal liability, to  
9 wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission  
10 of this crime, with the intent that this crime be committed, by counseling, encouraging,  
11 hiring, commanding, inducing and/or otherwise procuring the other to commit the crime;  
12 and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this crime be  
13 committed, Defendant and GREGORY DELLO MORGAN aiding or abetting and/or  
14 conspiring by Defendant and GREGORY DELLO MORGAN acting in concert throughout.

15 COUNT 6 - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON

16 Defendant ANDRE SNIPES did on or about September 24, 2019, willfully,  
17 unlawfully, and feloniously enter a retail establishment, owned or occupied by CHAMP'S  
18 SPORTS, located at 3200 South Las Vegas Blvd., Las Vegas, Clark County, Nevada, with  
19 intent to commit larceny, while in possession of and/or gaining possession of a firearm, a  
20 deadly weapon, during the commission of the crime and/or before leaving the structure, the  
21 Defendant(s) being criminally liable under one or more of the following principles of  
22 criminal liability, to wit: (1) by directly committing this crime; and/or (2) by aiding or  
23 abetting in the commission of this crime, with the intent that this crime be committed, by  
24 counseling, encouraging, hiring, commanding, inducing and/or otherwise procuring the other  
25 to commit the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the  
26 intent that this crime be committed, Defendant and GREGORY DELLO MORGAN aiding  
27 or abetting and/or conspiring by Defendant and GREGORY DELLO MORGAN acting in  
28 concert throughout.



1 COUNT 7 - GRAND LARCENY

2 Defendant ANDRE SNIPES did on or about September 24, 2019, then and there  
3 willfully, unlawfully, feloniously, and intentionally, with intent to deprive the owner  
4 permanently thereof, steal, take and carry away, lead away or drive away property owned by  
5 CHAMP'S SPORTS, having a value of \$650.00 or more, to wit: merchandise, the  
6 Defendant(s) being criminally liable under one or more of the following principles of  
7 criminal liability, to wit: (1) by directly committing this crime; and/or (2) by aiding or  
8 abetting in the commission of this crime, with the intent that this crime be committed, by  
9 counseling, encouraging, hiring, commanding, inducing and/or otherwise procuring the other  
10 to commit the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the  
11 intent that this crime be committed, Defendant and GREGORY DELLO MORGAN aiding  
12 or abetting and/or conspiring by Defendant and GREGORY DELLO MORGAN acting in  
13 concert throughout.

14 COUNT 8 - CONSPIRACY TO COMMIT ROBBERY

15 Defendant ANDRE SNIPES did on or about September 24, 2019, willfully,  
16 unlawfully, and feloniously conspire with GREGORY DELLO MORGAN to commit a  
17 robbery, by the defendants/conspirators committing the acts as set forth in Count 9, said acts  
18 being incorporated by this reference as though fully set forth herein.

19 COUNT 9 - ROBBERY WITH USE OF A DEADLY WEAPON

20 Defendant ANDRE SNIPES did on or about September 24, 2019, willfully,  
21 unlawfully, and feloniously take personal property, to wit: merchandise, from the person of  
22 ABREGO ALDEN, or in his presence, without the consent and against the will of ABREGO  
23 ALDEN, by means of force or violence or fear of injury, immediate or future, to his person,  
24 the person of a member of his family, or of anyone in his company at the time of the robbery,  
25 defendant using force or fear to obtain or retain possession of the property, to prevent or  
26 overcome resistance to the taking of the property, and/or to facilitate escape, with use of a  
27 deadly weapon, to wit: a firearm, the Defendant(s) being criminally liable under one or more  
28 of the following principles of criminal liability, to wit: (1) by directly committing this crime;

1 and/or (2) by aiding or abetting in the commission of this crime, with the intent that this  
2 crime be committed, by counseling, encouraging, hiring, commanding, inducing and/or  
3 otherwise procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to  
4 commit this crime, with the intent that this crime be committed, Defendant and GREGORY  
5 DELLO MORGAN aiding or abetting and/or conspiring by Defendant and GREGORY  
6 DELLO MORGAN acting in concert throughout.

7 COUNT 10 - BURGLARY

8 Defendant ANDRE SNIPES did on or about September 24, 2019, willfully,  
9 unlawfully, and feloniously enter a retail establishment and/or business, owned or occupied  
10 by FOOTLOCKER, located at 4300 MEADOWS LANE, Clark County, Nevada, with intent  
11 to commit a larceny and/or obtain money or property by false pretenses, the Defendant(s)  
12 being criminally liable under one or more of the following principles of criminal liability, to  
13 wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission  
14 of this crime, with the intent that this crime be committed, by counseling, encouraging,  
15 hiring, commanding, inducing and/or otherwise procuring the other to commit the crime;  
16 and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this crime be  
17 committed, Defendant and GREGORY DELLO MORGAN aiding or abetting and/or  
18 conspiring by Defendant and GREGORY DELLO MORGAN acting in concert throughout.

19 COUNT 11 - GRAND LARCENY

20 Defendant ANDRE SNIPES did on or about September 29, 2019, then and there  
21 willfully, unlawfully, feloniously, and intentionally, with intent to deprive the owner  
22 permanently thereof, steal, take and carry away, lead away or drive away property owned by  
23 FOOTLOCKER, located at 2120 Festival Plaza Drive, having a value of \$650.00 or more, to  
24 wit: basketball jerseys and/or other merchandise, the Defendant(s) being criminally liable  
25 under one or more of the following principles of criminal liability, to wit: (1) by directly  
26 committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with  
27 the intent that this crime be committed, by counseling, encouraging, hiring, commanding,  
28 inducing and/or otherwise procuring the other to commit the crime; and/or (3) pursuant to a

1 conspiracy to commit this crime, with the intent that this crime be committed, Defendant and  
2 GREGORY DELLO MORGAN aiding or abetting and/or conspiring by Defendant and  
3 GREGORY DELLO MORGAN acting in concert throughout.

4 COUNT 12 - BURGLARY

5 Defendant ANDRE SNIPES did on or about September 29, 2019, willfully,  
6 unlawfully, and feloniously enter a retail establishment, owned or occupied by  
7 FOOTLOCKER, located at 2120 Festival Plaza Drive, Las Vegas, Clark County, Nevada,  
8 with intent to commit larceny, the Defendant(s) being criminally liable under one or more of  
9 the following principles of criminal liability, to wit: (1) by directly committing this crime;  
10 and/or (2) by aiding or abetting in the commission of this crime, with the intent that this  
11 crime be committed, by counseling, encouraging, hiring, commanding, inducing and/or  
12 otherwise procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to  
13 commit this crime, with the intent that this crime be committed, Defendant and GREGORY  
14 DELLO MORGAN aiding or abetting and/or conspiring by Defendant and GREGORY  
15 DELLO MORGAN acting in concert throughout.

16 COUNT 13 - BURGLARY

17 Defendant ANDRE SNIPES did on or about October 2, 2019, willfully, unlawfully,  
18 and feloniously enter a building, owned or occupied by NIKE, located at 9851 S. Eastern  
19 Avenue, Las Vegas, Clark County, Nevada, with intent to commit larceny, the Defendant(s)  
20 being criminally liable under one or more of the following principles of criminal liability, to  
21 wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission  
22 of this crime, with the intent that this crime be committed, by counseling, encouraging,  
23 hiring, commanding, inducing and/or otherwise procuring the other to commit the crime;  
24 and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this crime be  
25 committed, Defendant and GREGORY DELLO MORGAN aiding or abetting and/or  
26 conspiring by Defendant and GREGORY DELLO MORGAN acting in concert throughout.

27 COUNT 14 - GRAND LARCENY  
28

1 Defendant ANDRE SNIPES did on or about October 2, 2019, then and there willfully,  
2 unlawfully, and feloniously with intent to deprive the owner permanently thereof, steal, take  
3 and carry away, lead away or drive away property owned by NIKE, located at 9851 S.  
4 Eastern Avenue, having a value of \$650.00 or more, to wit: merchandise, the Defendant(s)  
5 being criminally liable under one or more of the following principles of criminal liability, to  
6 wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission  
7 of this crime, with the intent that this crime be committed, by counseling, encouraging,  
8 hiring, commanding, inducing and/or otherwise procuring the other to commit the crime;  
9 and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this crime be  
10 committed, Defendant and GREGORY DELLO MORGAN aiding or abetting and/or  
11 conspiring by Defendant and GREGORY DELLO MORGAN acting in concert throughout.

12 COUNT 15 - BURGLARY

13 Defendant ANDRE SNIPES did on or about October 6, 2019, willfully, unlawfully,  
14 and feloniously enter a retail establishment and/or business, owned or occupied by  
15 FOOTLOCKER, located at 4300 MEADOWS LANE, Clark County, Nevada, with intent to  
16 commit a larceny and/or obtain money or property by false pretenses, the Defendant(s) being  
17 criminally liable under one or more of the following principles of criminal liability, to wit:  
18 (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission of  
19 this crime, with the intent that this crime be committed, by counseling, encouraging, hiring,  
20 commanding, inducing and/or otherwise procuring the other to commit the crime; and/or (3)  
21 pursuant to a conspiracy to commit this crime, with the intent that this crime be committed,  
22 Defendant and GREGORY DELLO MORGAN aiding or abetting and/or conspiring by  
23 Defendant and GREGORY DELLO MORGAN acting in concert throughout.

24 COUNT 16 - PARTICIPATION IN ORGANIZED RETAIL THEFT

25 Defendant ANDRE SNIPES did on or between September 20, 2019 and October 7,  
26 2019 willfully, unlawfully, and feloniously participate in organized retail theft, the  
27 aggregated value of the property in all the thefts committed in the organized retail theft in  
28 this State during a period of 90 days, being at least \$3,500.00, but less than \$10,000.00, by

1 entering and making exchanges for gift cards and/or taking merchandise from NIKE and/or  
2 FOOTLOCKER and/or CHAMPS'S SPORTS, the Defendant(s) being criminally liable  
3 under one or more of the following principles of criminal liability, to wit: (1) by directly  
4 committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with  
5 the intent that this crime be committed, by counseling, encouraging, hiring, commanding,  
6 inducing and/or otherwise the other to commit the crime; and/or (3) pursuant to a conspiracy  
7 to commit this crime, with the intent that this crime be committed, Defendant and  
8 GREGORY DELLO MORGAN aiding or abetting and/or conspiring by Defendant and  
9 GREGORY DELLO MORGAN acting in concert throughout.

10 It is the duty of the jury to apply the rules of law contained in these instructions to the  
11 facts of the case and determine whether or not the Defendant is guilty of the offense charged.  
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Conspiracy is an agreement or mutual understanding between two or more persons to commit a crime. To be guilty of conspiracy, a Defendant must intend to commit, or to aid in the commission of, the specific crime agreed to. The crime is the agreement to do something unlawful; it does not matter whether it was successful or not.

A person who knowingly does any act to further the object of a conspiracy, or otherwise participates therein, is criminally liable as a conspirator. However, mere knowledge or approval of, or acquiescence in, the object and purpose of a conspiracy without an agreement to cooperate in achieving such object or purpose does not make one a party to conspiracy. Conspiracy is seldom susceptible of direct proof and is usually established by inference from the conduct of the parties. In particular, a conspiracy may be supported by a coordinated series of acts, in furtherance of the underlying offense, sufficient to infer the existence of an agreement.

A conspiracy to commit a crime does not end upon the completion of the crime. The conspiracy continues until the co-conspirators have successfully gotten away and concealed the crime.

Crew v. State, 100 Nev. 38, 46 (1984); Foss v. State, 92 Nev. 163, 167 (1976)

It is not necessary in proving a conspiracy to show a meeting of the alleged conspirators or the making of an express or formal agreement. The formation and existence of a conspiracy may be inferred from all circumstances tending to show the common intent and may be proved in the same way as any other fact may be proved, either by direct testimony of the fact or by circumstantial evidence, or by both direct and circumstantial evidence. You are instructed that presence, companionship, and conduct before, during and after the offense are circumstances from which one's participation in the criminal intent may be inferred.

Doyle v. State, 112 Nev. 879, 894 (1996), *overruled on other grounds by Kaczmarek v. State*, 120 Nev. 314 (2004)  
CALJIC 6.12 (reformulated)

Each member of a criminal conspiracy is liable for each act and bound by each declaration of every other member of the conspiracy if the act or the declaration is in furtherance of the object of the conspiracy.

The act of one conspirator pursuant to or in furtherance of the common design of the conspiracy is the act of all conspirators. Every conspirator is legally responsible for an act of a co-conspirator that follows as one of the probable and natural consequences of the object of the conspiracy even if it was not intended as part of the original plan and even if he was not present at the time of the commission of such act.

Evidence of participation in a conspiracy may, in itself, be sufficient evidence of aiding and abetting an act in furtherance of the conspiracy to subject the participant to criminal liability as a principal.

Bolden v. State, 121 Nev. 908 (2005)  
CALJIC 6.11



Where two or more persons are accused of committing a crime together, their guilt may be established without proof that each personally did every act constituting the offense charged.

All persons concerned in the commission of a crime who either directly and actively commit the act constituting the offense or who knowingly and with criminal intent aid and abet in its commission or, whether present or not, who advise and encourage its commission, with the intent that the crime be committed, are regarded by the law as principals in the crime thus committed and are equally guilty thereof.

A person aids and abets the commission of a crime if he knowingly and with criminal intent aids, promotes, encourages or instigates by act or advice, the commission of such crime with the intention that the crime be committed.

The State is not required to prove precisely which defendant actually committed the crime and which defendant aided and abetted.

Robbery is the unlawful taking of personal property from the person of another, or in his presence, against his will, by means of force or violence or fear of injury, immediate or future, to his person or property, or the person or property of a member of his family, or of anyone in his company at the time of the robbery. Such force or fear must be used to obtain or retain possession of the property, to prevent or overcome resistance to the taking, or to facilitate escape, in either of which cases the degree of force is immaterial if used to compel acquiescence to the taking of or escaping with the property.

Robbery requires the intent to take property by fear or force; a good faith belief that the property at issue is one's own does not nullify the intent to take property from another by force.

It is unnecessary to prove both violence and intimidation. If the fact be attended with circumstances of threatening word or gesture as in common experience and is likely to create an apprehension of danger and induce a man to part with his property for the safety of his person, it is robbery. It is not necessary to prove actual fear, as the law will presume it in such a case.

The value of property or money taken is not an element of the crime of Robbery, and it is only necessary that the State prove the taking of some property or money.

NRS 200.380

Nevius v. State, 101 Nev. 238, 699 P.2d 1053 (1985)

Phillips v. State, 99 Nev. 693, 669 P.2d 206 (1983)

Simpson v. State, 2010 Nev. Unpub. LEXIS 297, 15-16 (Nev. 2010)

INSTRUCTION NO. 8

If you find the Defendant guilty of Robbery, you must also determine whether or not a deadly weapon was used in the commission of this crime.

As used in these instructions, a "deadly weapon" means:

(1) Any instrument which, if used in the ordinary manner contemplated by its design and construction, will or is likely to cause substantial bodily harm or death

OR

(2) Any weapon, device, instrument, material or substance which, under the circumstances in which it is used, attempted to be used or threatened to be used, is readily capable of causing substantial bodily harm or death.

INSTRUCTION NO. \_\_10\_\_

The State is not required to have recovered the deadly weapon used in an alleged crime, or to produce the deadly weapon in court at trial, to establish that a deadly weapon was used in the commission of the crime.

In order to “use” a deadly weapon, there need not be conduct which actually produces harm but only conduct which produces a fear of harm or force by means or display of the deadly weapon in aiding the commission of the crime.

If more than one person commits a crime, and one of them uses a deadly weapon in the commission of that crime, each may be convicted of using the deadly weapon, even though he did not personally himself use the weapon.

Harrison v. State, 96 Nev. 347, 350 (1980)

Allen v. State, 96 Nev. 334, 336, 609 P.2d 321, 322 (1980)

Brooks v. State, 124 Nev. 203 (2003)

INSTRUCTION NO. \_\_\_\_11\_\_\_\_

Larceny is defined as the stealing, taking and carrying away of the personal goods or property of another with the intent to permanently deprive the owner thereof

If the combined value is \$650.00 or more, the person is guilty of Grand Larceny.

INSTRUCTION NO. 12

Obtain Money or Property By False Pretenses means when a person who knowingly and designedly by any false pretense obtains from any other person or business money, goods or other valuable thing with the intent to cheat or defraud the other person.

To find the Defendant guilty of Burglary, you must find each of the following elements beyond a reasonable doubt:

First, the Defendant, either by day or night, entered a store;

Second, the Defendant entered the store with the intent to commit a Larceny and/or Grand Larceny and/or obtain money by false pretenses.

The intention with which entry was made is a question of fact, which may be inferred from the Defendant's conduct and all other circumstances disclosed by the evidence.

NRS 205.060

0280.004



It is not necessary that the State prove the defendant actually committed larceny and/or obtain money under false pretense inside the store after he entered in order for you to find him guilty of Burglary. The gist of the crime of Burglary is the unlawful entry with criminal intent. Therefore, a Burglary was committed if the defendant entered the store with the intent to commit larceny and/or obtain money under false pretense regardless of whether or not that crime occurred.

State v. Patchen, 36 Nev. 510 (1913)

INSTRUCTION NO. \_\_\_\_15\_\_\_\_

When two or more persons participate in the commission of a burglary, and one or more of them enters the store, it is not necessary to prove the other individual actually entered because one who aids and abets another in the commission of a burglary is equally guilty as a principal.

NRS 195.020

Block v. State, 95 Nev. 933 (1979)

Edwards v. State, 90 Nev. 255 (1974)

0280.026

INSTRUCTION NO. \_\_16\_\_

If you find the Defendant guilty of Burglary, you must also determine whether or not a deadly weapon was possessed at any time during the commission of the crime, at any time before leaving the structure, or upon leaving the structure

INSTRUCTION NO. 17

Every person who, in the commission of a burglary, commits any other crime, may be prosecuted for each crime separately.

To find the defendant guilty of organized retail theft you must find each of the following elements beyond a reasonable doubt:

First, the defendant engaged in an organized retail theft, that is the defendant either alone or with any other person or persons, engaged in a series of thefts of retail merchandise against one or more merchants in this State;

Second, in engaging in the organized retail theft, the defendant acted with the intent to either return the merchandise to the merchant for value or resell, trade or barter the merchandise for value; and

Third, the aggregated value of the property involved in all thefts committed in the organized retail theft in this State during a period of 90 days was at least \$3,500.

To determine the aggregated value of the property involved in all thefts committed in the organized retail theft in this State during a period of 90 days:

- 1) the amount involved in a single theft shall be deemed to be the highest value, by any reasonable standard, of the property which is obtained; and
- 2) the amounts involved in all thefts committed by all participants in the organized retail theft must be aggregated.

NRS 205.08345

The flight of a person after the commission of a crime is not sufficient in itself to establish guilt; however, if flight is proved, it is circumstantial evidence in determining guilt or innocence.

The essence of flight embodies the idea of deliberately going away with consciousness of guilt and for the purpose of avoiding apprehension or prosecution. The weight to which such circumstance is entitled is a matter for the jury to determine.

<sup>1</sup> NRS 484B.550(3)(b); Nelson v. State, 123 Nev. 534, 170 P.3d 517 (2007)

<sup>1</sup> NRS 484A.255

<sup>1</sup> Jackson v. State, 117 Nev. 116, \_\_\_\_ (2001); Hutchins v. State, 110 Nev. 103, 113 (1994); McGuire v. State, 86 Nev. 262, 265 n.2 (1970); Walker v. State, 113 Nev. 853, 853 n.4 (1997). Walker v. State, 113 Nev. 853, 871, 944 P.2d 762,773 (1997); Weber v. State, 121 Nev. 554, 582, 119 P.3d 107, 126 (2005); Miles v. State, 97 Nev. 82, 85, 624 P.2d 494, 496 (1981). Rosky v. State, 121 Nev. 184, 199, 111 P.3d 690, 699-700 (2005); Potter v. State, 96 Nev. 875, 876, 619 P.2d 1222 (1980). Jackson v. State, 117 Nev. 116, 121, 17 P.3d 998, 1001 (2001).

INSTRUCTION NO. 20

Although your verdict must be unanimous as to the charge, you do not have to agree on the theory of liability. Therefore, even if you cannot agree on whether the facts establish that the defendant is liable as a principal, aider and abettor, or co-conspirator, so long as all of you agree that the evidence establishes the defendant's guilt of the offense, you shall find him guilty of the offense.

To constitute the crime charged, there must exist a union or joint operation of an act forbidden by law and an intent to do the act.

The intent with which an act is done is shown by the facts and circumstances surrounding the case.

Do not confuse intent with motive. Motive is what prompts a person to act. Intent refers only to the state of mind with which the act is done.

Motive is not an element of the crime charged and the State is not required to prove a motive on the part of the Defendant in order to convict. However, you may consider evidence of motive or lack of motive as a circumstance in the case.



INSTRUCTION NO. 22

The Defendant is presumed innocent until the contrary is proved. This presumption places upon the State the burden of proving beyond a reasonable doubt every element of the crime charged and that the Defendant is the person who committed the offense.

A reasonable doubt is one based on reason. It is not mere possible doubt but is such a doubt as would govern or control a person in the more weighty affairs of life. If the minds of the jurors, after the entire comparison and consideration of all the evidence, are in such a condition that they can say they feel an abiding conviction of the truth of the charge, there is not a reasonable doubt. Doubt to be reasonable must be actual, not mere possibility or speculation.

If you have a reasonable doubt as to the guilt of the Defendant, he is entitled to a verdict of not guilty.

INSTRUCTION NO. 23

You are here to determine whether the Defendant is guilty or not guilty from the evidence in the case. You are not called upon to return a verdict of guilty or not guilty as to any other person. So, if the evidence in the case convinces you beyond a reasonable doubt of the guilt of the Defendant, you should so find, even though you may believe one or more persons are also guilty.

It is a constitutional right of a defendant in a criminal trial that he may not be compelled to testify. Thus, the decision as to whether he should testify is left to the defendant on the advice and counsel of his attorney. You must not draw any inference of guilt from the fact that he does not testify, nor should this fact be discussed by you or enter your deliberations in any way.

The evidence which you are to consider in this case consists of the testimony of the witnesses, the exhibits, and any facts admitted or agreed to by counsel.

There are two types of evidence; direct and circumstantial. Direct evidence is the testimony of a person who claims to have personal knowledge of the commission of the crime which has been charged, such as an eyewitness. Circumstantial evidence is the proof of a chain of facts and circumstances which tend to show whether the Defendant is guilty or not guilty. The law makes no distinction between the weight to be given either direct or circumstantial evidence. Therefore, all of the evidence in the case, including the circumstantial evidence, should be considered by you in arriving at your verdict.

Statements, arguments and opinions of counsel are not evidence in the case. However, if the attorneys stipulate to the existence of a fact, you must accept the stipulation as evidence and regard that fact as proved.

You must not speculate to be true any insinuations suggested by a question asked a witness. A question is not evidence and may be considered only as it supplies meaning to the answer.

You must disregard any evidence to which an objection was sustained by the court and any evidence ordered stricken by the court.

Anything you may have seen or heard outside the courtroom is not evidence and must also be disregarded.

1  
2 In deciding the facts in this case, you may have to decide which testimony to believe  
3 and which testimony not to believe. You may believe everything a witness says, or part of it,  
4 or none of it.

5 In considering the testimony of any witness, you may take into account:

6 (1) the opportunity and ability of the witness to see or hear or know the things  
7 testified to;

8 (2) the witness's memory;

9 (3) the witness's manner while testifying;

10 (4) the witness's interest in the outcome of the case, if any;

11 (5) the witness's bias or prejudice, if any;

12 (6) whether other evidence contradicted the witness's testimony;

13 (7) the reasonableness of the witness's testimony in light of all the evidence; and

14 (8) any other factors that bear on believability.

15 Sometimes a witness may say something that is not consistent with something else he  
16 or she said. Sometimes different witnesses will give different versions of what happened.  
17 People often forget things or make mistakes in what they remember. Also, two people may  
18 see the same event but remember it differently. You may consider these differences, but do  
19 not decide that testimony is untrue just because it differs from other testimony.

20 However, if you decide that a witness has deliberately testified untruthfully about  
21 something important, you may choose not to believe anything that witness said. On the other  
22 hand, if you think the witness testified untruthfully about some things but told the truth about  
23 others, you may accept the part you think is true and ignore the rest.

24 The weight of the evidence as to a fact does not necessarily depend on the number of  
25 witnesses who testify. What is important is how believable the witnesses were, and how  
26 much weight you think their testimony deserves.

INSTRUCTION NO. 27

Although you are to consider only the evidence in the case in reaching a verdict, you must bring to the consideration of the evidence your everyday common sense and judgment as reasonable men and women. Thus, you are not limited solely to what you see and hear as the witnesses testify. You may draw reasonable inferences from the evidence which you feel are justified in the light of common experience, keeping in mind that such inferences should not be based on speculation or guess.

A verdict may never be influenced by sympathy, prejudice or public opinion. Your decision should be the product of sincere judgment and sound discretion in accordance with these rules of law.

INSTRUCTION NO. 28

In your deliberation you may not discuss or consider the subject of punishment, as that is a matter which lies solely with the court. Your duty is confined to the determination of whether Defendant is guilty or not guilty.

During the course of this trial, and your deliberations, you are not to:

- (1) communicate with anyone in any way regarding this case or its merits-either by phone, text, Internet, or other means;
- (2) read, watch, or listen to any news or media accounts or commentary about the case;
- (3) do any research, such as consulting dictionaries, using the Internet, or using reference materials;
- (4) make any investigation, test a theory of the case, re-create any aspect of the case, or in any other way investigate or learn about the case on your own.



When you retire to consider your verdict, you must select one of your member to act as foreperson who will preside over your deliberation and will be your spokesperson here in court.

During your deliberation, you will have all the exhibits which were admitted into evidence, these written instructions and forms of verdict which have been prepared for your convenience.

Your verdict must be unanimous. As soon as you have agreed upon a verdict, have it signed and dated by your foreperson and then return with it to this room.

1  
2 If, during your deliberation, you should desire to be further informed on any point of  
3 law or hear again portions of the testimony, you may send a note through the marshal, signed  
4 by any one or more of you. No member of the jury should ever attempt to communicate with  
5 me except by a signed writing, and I will respond to the jury concerning the case only in  
6 writing or here in open court. If you send out a question, I will consult with the lawyers  
7 before answering it, which may take some time. You may continue your deliberations while  
8 waiting for the answer to any questions. Remember that you are not to tell anyone -  
9 including me - how the jury stands, numerically or otherwise, on any question submitted to  
10 you, including the question of the guilt of the defendant, until after you have reached a  
11 unanimous verdict or have been discharged.

12 Playbacks of testimony are time-consuming and are not encouraged unless you deem  
13 it a necessity. Should you require a playback, you must carefully describe the testimony to  
14 be played back so that the court recorder can arrange her notes. Remember, the court is not  
15 at liberty to supplement the evidence.  
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INSTRUCTION NO. 32

Now you will listen to the arguments of counsel who will endeavor to aid you to reach a proper verdict by refreshing in your minds the evidence and by showing the application thereof to the law; but, whatever counsel may say, you will bear in mind that it is your duty to be governed in your deliberation by the evidence as you understand it and remember it to be and by the law as given to you in these instructions, with the sole, fixed and steadfast purpose of doing equal and exact justice between the Defendant and the State of Nevada.

GIVEN: \_\_\_\_\_

DISTRICT JUDGE

FILED IN OPEN COURT  
STEVEN D. GRIERSON  
CLERK OF THE COURT

NOV 13 2020 1:57 pm

1 VER

2  
3 DISTRICT COURT BY, *Michele Tucker*  
CLARK COUNTY, NEVADA MICHELE TUCKER, DEPUTY

4 THE STATE OF NEVADA,

5 Plaintiff,

CASE NO: C-19-344461-2

6 -vs-

DEPT NO: XX

7 ANDRE GRANT SNIPES, #7088448

8 Defendant(s).

9  
10  
11  
12 VERDICT

13 We, the jury in the above entitled case, find the Defendant ANDRE GRANT SNIPES,  
14 as follows:

15 COUNT 1 – GRAND LARCENY – 9/20 Footlocker at 3200 S. Las Vegas Blvd.

16 *(Please check the appropriate box, select only one)*

17 ☒ Grand Larceny

18 ☐ Larceny

19 ☐ Not Guilty

20 COUNT 2 – CONSPIRACY TO COMMIT ROBBERY – 9/20 Footlocker at 3200 S. Las  
21 Vegas Blvd.

22 *(please check the appropriate box, select only one)*

23 ☒ Conspiracy to Commit Robbery

24 ☐ Not Guilty

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27  
28 C-19-344461-2

VER  
Verdict  
4935522



1151

11-13-20

1 **COUNT 3** – ROBBERY WITH USE OF A DEADLY WEAPON – 9/20 Footlocker at 3200  
2 S. Las Vegas Blvd.

3 *(Please check the appropriate box, select only one)*

- 4 ☒ Robbery with Use of a Deadly Weapon  
5 ☐ Robbery  
6 ☐ Not Guilty

7 **COUNT 4** – BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON – 9/20  
8 Footlocker at 3200 S. Las Vegas Blvd.

9 *(Please check the appropriate box, select only one)*

- 10 ☒ Burglary While in Possession of a Firearm  
11 ☐ Burglary  
12 ☐ Not Guilty

13 **COUNT 5** – BURGLARY – 9/20 Footlocker at 4300 Meadows Lane

14 *(please check the appropriate box, select only one)*

- 15 ☒ Burglary  
16 ☐ Not Guilty

17 **COUNT 6** – BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON – 9/24  
18 Champ Sports at 3200 S. Las Vegas Blvd.

19 *(Please check the appropriate box, select only one)*

- 20 ☐ Burglary While in Possession of a Firearm  
21 ☒ Burglary  
22 ☐ Not Guilty

23 **COUNT 7** – GRAND LARCENY– 9/24 Champ Sports at 3200 S. Las Vegas Blvd.

24 *(Please check the appropriate box, select only one)*

- 25 ☒ Grand Larceny  
26 ☐ Larceny  
27 ☐ Not Guilty  
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**COUNT 8** – CONSPIRACY TO COMMIT ROBBERY - 9/24 Champ Sports at 3200 S. Las Vegas Blvd.

*(please check the appropriate box, select only one)*

☒ Conspiracy to Commit Robbery

☐ Not Guilty

**COUNT 9** – ROBBERY WITH USE OF A DEADLY WEAPON – 9/24 Champ Sports at 3200 S. Las Vegas Blvd.

*(Please check the appropriate box, select only one)*

☐ Robbery with Use of a Deadly Weapon

☒ Robbery

☐ Not Guilty

**COUNT 10** – BURGLARY– 9/24 Footlocker at 4300 Meadows Lane

*(Please check the appropriate box, select only one)*

☒ Burglary

☐ Not Guilty

**COUNT 11** – GRAND LARCENY – 9/29 Footlocker at 2120 Festival Plaza

*(please check the appropriate box, select only one)*

☒ Grand Larceny

☐ Larceny

☐ Not Guilty

**COUNT 12** –BURGLARY – 9/29 Footlocker at 2120 Festival Plaza

*(Please check the appropriate box, select only one)*

☒ Burglary

☐ Not Guilty

**COUNT 13** – BURGLARY – 10/2 Nike at 9851 S. Eastern

*(Please check the appropriate box, select only one)*

☒ Burglary

☐ Not Guilty

1 **COUNT 14** – GRAND LARCENY – 10/2 Nike at 9851 S. Eastern

2 *(Please check the appropriate box, select only one)*

3 ☒ Grand Larceny

4 ☐ Larceny

5 ☐ Not Guilty

6 **COUNT 15** – BURGLARY – 10/6 Footlocker at 4300 Meadows Lane

7 *(please check the appropriate box, select only one)*

8 ☒ Burglary

9 ☐ Not Guilty

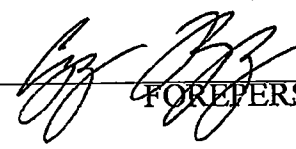
10 **COUNT 16** – PARTICIPATION IN ORGANIZED RETAIL THEFT

11 *(please check the appropriate box, select only one)*

12 ☒ Participation in Organized Retail Theft

13 ☐ Not Guilty

14  
15  
16  
17  
18 DATED this 13 day of November, 2020

19  
20   
21 FOREPERSON  
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DISTRICT COURT  
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

November 13, 2020

C-19-344461-2      State of Nevada  
                                 vs  
                                 Andre Snipes

November 13, 2020      09:00 AM      Jury Trial

HEARD BY:      Johnson, Eric      COURTROOM: RJC Courtroom 03F

COURT CLERK: Tucker, Michele

RECORDER:      Calvillo, Angie

REPORTER:

**PARTIES PRESENT:**

Andre Grant Snipes	Defendant
Chad N. Lexis	Attorney for Plaintiff
Daniel Hill	Attorney for Defendant
Michael J. Scarborough	Attorney for Plaintiff
State of Nevada	Plaintiff

**JOURNAL ENTRIES**

At the hour of 9:00 a.m., deliberations resumed.

INSIDE THE PRESENCE OF THE JURY: At the hour of 1:57 P.M., the Jury returned with the following verdicts:

COUNT 1 - GRAND LARCENY - 9/20 Footlocker at 3200 S. Las Vegas Blvd. - GUILTY OF GRAND LARCENY (F);

COUNT 2 - CONSPIRACY TO COMMIT ROBBERY- 9/20 Footlocker at 3200 S. Las Vegas Blvd. -GUILTY OF CONSPIRACY TO COMMIT ROBBERY (F);

COUNT 3 - ROBBERY WITH USE OF A DEADLY WEAPON 9/20 Footlocker at 3200 S. Las Vegas Blvd. - GUILTY OF ROBBERY WITH USE OF A DEADLY WEAPON (F);

COUNT 4 - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON - 9/20 Footlocker at 3200 S. Las Vegas Blvd. - GUILTY OF BURGLARY WHILE IN POSSESSION OF A FIREARM (F);

COUNT 5 - BURGLARY - 9/20 Footlocker at 4300 Meadows Lane - GUILTY OF BURGLARY (F);

COUNT 6 - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON - 9/24 Champ Sports at 3200 Las Vegas Blvd. - GUILTY OF BURGLARY (F);

COUNT 7 - GRAND LARCENY - 9/24 Champ Sports at 3200 Las Vegas Blvd. - GUILTY OF GRAND LARCENY (F);

COUNT 8 - CONSPIRACY TO COMMIT ROBBERY - 9/24 Champ Sports at 3200 Las Vegas

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Page 1 of 2

Minutes Date:

November 13, 2020

Prepared by: Michele Tucker



Blvd. - GUILTY OF CONSPIRACY TO COMMIT ROBBERY (F);

COUNT 9 - ROBBERY WITH USE OF A DEADLY WEAPON - 9/24 Champ Sports at 3200 Las Vegas Blvd. - GUILTY OF ROBBERY (F);

COUNT 10 - BURGLARY - 9/24 Footlocker at 4300 Meadows Lane - GUILTY OF BURGLARY (F);

COUNT 11 - GRAND LARCENY - 9/29 Footlocker at 2120 Festival Plaza - GUILTY OF GRAND LARCENY (F);

COUNT 12 - BURGLARY - 9/29 Footlocker at 2120 Festival Plaza - GUILTY OF BURGLARY (F);

COUNT 13 - BURGLARY - 10/2 Nike at 9851 S. Eastern - GUILTY OF BURGLARY (F);

COUNT 14 - GRAND LARCENY - 10/2 Nike at 9851 S. Eastern - GUILTY OF GRAND LARCENY (F);

COUNT 15 - BURGLARY - 10/6 Footlocker at 4300 Meadows Lane - GUILTY OF BURGLARY (F);

COUNT 16 - PARTICIPATION IN ORGANIZED RETAIL THEFT - GUILTY OF PARTICIPATION IN ORGANIZED RETAIL THEFT (F).

COURT ORDERED, matter REFERRED TO Parole and Probation and SET for SENTENCING. Court thanked and excused the Jury.

CUSTODY

12/29/20 1:45 PM SENTENCING

*Steven D. Grierson*

TRAN

DISTRICT COURT  
CLARK COUNTY, NEVADA  
\* \* \* \* \*

THE STATE OF NEVADA,	)	CASE NO. C-19-344461-2
	)	
Plaintiff,	)	DEPT. NO. XX
	)	
v.	)	
	)	
ANDRE GRANT SNIPES,	)	
	)	
Defendant.	)	
	)	

BEFORE THE HONORABLE ERIC JOHNSON, DISTRICT COURT JUDGE

FRIDAY, NOVEMBER 13, 2020

**RECORDER'S TRANSCRIPT OF:  
JURY TRIAL - DAY 4**

APPEARANCES:

FOR THE STATE:

MICHAEL J. SCARBOROUGH, ESQ.  
*Deputy District Attorney*

CHAD N. LEXIS, ESQ.  
*Chief Deputy District Attorney*

FOR THE DEFENDANT:

DANIEL J. HILL, ESQ.

RECORDED BY: ANGIE CALVILLO, COURT RECORDER  
TRANSCRIBED BY: VERBATIM DIGITAL REPORTING, LLC

1                   LAS VEGAS, NEVADA, FRIDAY, NOVEMBER 13, 2020

2                   \*    \*    \*    \*    \*

3                   (PLAYBACK FOR THE JURY 10:13 A.M. TO 11:09 A.M.)

4                   (PLAYBACK FOR THE JURY 11:22 A.M. TO 12:14 P.M.)

5                   \*    \*    \*    \*    \*

6                   (Case called at 1:56 p.m.)

7                   (Outside the presence of the jury.)

8                   THE COURT: All right. State of Nevada versus Andre  
9 Snipes. Case No. C-344461. Counsel, please note your  
10 appearances for the record.

11                  MR. SCARBOROUGH: Jory Scarborough for the State.

12                  MR. HILL: Dan Hill for Andre Snipes.

13                  MR. LEXIS: Chad Lexis for the State.

14                  THE COURT: Okay. Well, we've been informed that  
15 the jury has a verdict. Anything we need to talk about before  
16 we bring them in?

17                  MR. LEXIS: No.

18                  MR. SCARBOROUGH: No, sir.

19                  MR. HILL: No, Judge.

20                  THE COURT: Okay. Are they out there ready to go?

21                  THE MARSHAL: Yes, sir.

22                  THE COURT: All right. Go ahead and bring them on  
23 in.

24                  THE MARSHAL: All rise for the jury.

25                  //

1 (In the presence of the jury.)

2 THE COURT: All right. Do the parties stipulate to  
3 the presence of the jury panel?

4 MR. SCARBOROUGH: Yes, Your Honor.

5 MR. HILL: Yes, Judge.

6 THE COURT: Okay. Good afternoon, ladies and  
7 gentlemen. It's good to see you today.

8 It's my understanding, Mr. Rizzo, you were selected  
9 as the foreperson of the jury; is that --

10 JUROR NO. 3: Yes, Judge.

11 THE COURT: -- correct?

12 JUROR NO. 3: Yes.

13 THE COURT: It's also my understanding that the jury  
14 has reached a verdict. Is that correct?

15 JUROR NO. 3: Yes, Judge.

16 THE COURT: Now, have you filled out the Verdict  
17 form?

18 JUROR NO. 3: Yes.

19 THE COURT: Have you signed and dated it?

20 JUROR NO. 3: Yes.

21 THE COURT: All right.

22 Could you hand that to the Marshal?

23 THE MARSHAL: [Inaudible].

24 THE COURT: All right.

25 Just so we're clear here, you handed the Marshal a

1 folded copy. That was the original one which was missing a  
2 Count 12; is that correct?

3 JUROR NO. 3: Yes. Correct.

4 THE COURT: -- correct?

5 JUROR NO. 3: Yeah.

6 THE COURT: All right. The one that you have filled  
7 out, signed and dated, is the one in the blue folder; is  
8 that --

9 JUROR NO. 3: Correct.

10 THE COURT: -- correct?

11 JUROR NO. 3: Yes.

12 THE COURT: All right.

13 The Clerk will read the Verdict.

14 I'll ask the defendant to please rise.

15 THE CLERK: District Court, Clark County, Nevada,  
16 the State of Nevada, plaintiff, versus Andre Grant Snipes,  
17 Case No. C-19-344461-2, Department 20.

18 Verdict. We the jury in the above-entitled case  
19 find the defendant Andre Grant Snipes, as follows:

20 Count 1. Grand larceny - 9/20 Foot Locker at 3200  
21 South Las Vegas Boulevard; guilty of grand larceny.

22 Count 2. Conspiracy to commit robbery - 9/20 Foot  
23 Locker at 3200 Las Vegas Boulevard; conspiracy to commit  
24 robbery.

25 Count 3. Robbery with use of a deadly weapon - 9/20

1 Foot Locker at 3200 South Las Vegas Boulevard; robbery with  
2 use of a deadly weapon.

3 Count 4. Burglary while in possession of a deadly  
4 weapon on 9/20 Foot Locker at 3200 South Las Vegas Boulevard;  
5 burglary while in possession of a firearm.

6 Count 5. Burglary - 9/20 Foot Locker at 4300  
7 Meadows Lane; burglary.

8 Count 6. Burglary while in possession of a deadly  
9 weapon - 9/24, Champs Sports at 3200 South Las Vegas  
10 Boulevard; burglary.

11 Count 7. Grand larceny - 9/24, Champs Sports at  
12 3200 South Las Vegas Boulevard; grand larceny.

13 Count 8. Conspiracy to commit robbery - 9/24,  
14 Champs Sports at 3200 South Las Vegas Boulevard; conspiracy to  
15 commit robbery.

16 Count 9. Robbery with use a deadly weapon - 9/24,  
17 Champs Sports at 3200 South Las Vegas Boulevard; robbery.

18 Count 10. Burglary at 9/24 - Foot Locker at 4300  
19 Foot Locker at 4300 Meadows Lane; burglary.

20 Count 11. Grand larceny - 9/29, Foot Locker at 2120  
21 Festival Plaza; grand larceny.

22 Count 12. Burglary - 9/29, Foot Locker at 2120  
23 Festival Plaza; burglary.

24 Count 13. Burglary - 10/2, Nike at 9851 South  
25 Eastern; burglary.

1 Count 14. Larceny - 10/2, Nike at 9851 South  
2 Eastern; grand larceny.

3 Count 15. Burglary - 10/6, Foot Locker at 4300  
4 Meadows Lane; burglary.

5 Count 16. Participation in organized retail theft;  
6 participation in organized retail theft.

7 Dated this 13th day of November, 2020. Signed by  
8 Foreperson Copper Rizzo.

9 Ladies and gentlemen, of the jury, are these your  
10 verdicts as ready, so say you one, so say you all?

11 MEMBERS OF THE JURY PANEL: Yes.

12 THE COURT: Does either party wish to have the jury  
13 polled?

14 MR. SCARBOROUGH: No, Your Honor.

15 MR. HILL: No, Your Honor.

16 THE COURT: All right.

17 All right. Ladies and gentlemen, thank you.

18 This has been a unique experience for all of us  
19 here. But it is critical that we move forward with our  
20 justice system in the essential elements of -- of our society  
21 and one of those things is the criminal justice system.

22 So I really do appreciate each of you taking the  
23 time to come, meet your civic duty, to be considered and serve  
24 as jurors. And I know the parties all appreciate the time and  
25 effort that you've put into that, and listening to, you know,

1 getting the questions and seeing the time that passed, I -- I  
2 can tell, I'm sure the parties can tell, that you've put a lot  
3 of thought and effort into your determining what your verdict  
4 should be in this case.

5 At this point in time, you are excused as jurors.  
6 That also allows you to discuss, if you wish to, your  
7 experience as a juror, the -- and -- with anyone you want to.

8 It's not uncommon for the attorneys to often want to  
9 speak to you after the case is over to get your impressions as  
10 to how they did, and where they could have made things better,  
11 what your impressions of their presentation was, whatever it  
12 may be. I always did it, as I think I noted previously, when  
13 I was an attorney, and a prosecutor, because I always thought  
14 it would help to make me better, and I consider this whole  
15 process to be a learning one.

16 So you're free to talk to anyone, your family,  
17 friends, employer and the attorneys about the case and your  
18 experience now that you are excused.

19 By that same token, you don't have to. And if  
20 somebody should bother you or hassle you in any way about your  
21 service as a juror or want to speak to you, I don't anticipate  
22 of that will happen, but let me know and our office will take  
23 steps to make sure that doesn't happen.

24 But I'm pretty sure it won't. I can't think of any  
25 occasion in my 30-some years of doing that that we ever had



1 that kind of problem.

2 I am going to ask the attorneys to step out of the  
3 room. I'd like to -- and the staff to step out of the room.  
4 I'd like to take a brief moment to thank you personally. And  
5 I'd also like to get your impressions on this process that  
6 we've put together here to try to go forward with doing jury  
7 trials during the pandemic.

8 If you don't have time, then you can take off right  
9 now, if you want to. I appreciate that you've put in a full  
10 week in terms of doing this. But if you've got just about  
11 five minutes or so, I would appreciate that chance to  
12 personally thank you and get any impressions that you have  
13 that might be useful to the Court in doing future trials while  
14 we go through this period of time in our history.

15 But if you need to leave, go ahead. Thank you.

16 Otherwise, I'm going to ask the attorneys, the  
17 jurors will come out through the front, if you do want to  
18 speak with them. But I'm going to ask the attorneys and -- to  
19 leave, ask the defendant to be taken out of the courtroom, and  
20 -- actually come back for just one second.

21 THE MARSHAL: Okay. Dan? Dan? Hey, he wants you  
22 back.

23 THE COURT: This is -- I forgot, we -- usually we  
24 would have the jurors go back to the jury deliberation room to  
25 wait.

1 We do need to set a sentencing date.

2 MR. HILL: Yes.

3 THE COURT: So let's set a sentencing day.

4 THE CLERK: December 29th at 1:45 p.m.

5 THE COURT: All right.

6 MR. HILL: Very good, Your Honor.

7 THE COURT: All right. Thank you.

8 MR. HILL: So are -- are the party -- the -- we're  
9 released, right, Judge?

10 THE COURT: Is there anything else that we need to  
11 discuss prior to you being released today?

12 MR. SCARBOROUGH: No, Judge.

13 MR. HILL: No, thank you, Judge.

14 THE COURT: All right. Thank you, guys.

15 (Court adjourned at 2:06 P.M.)

16 \* \* \* \* \*

17 ATTEST: I hereby certify that I have truly and correctly  
18 transcribed the audio/visual proceedings in the above-entitled  
19 case to the best of my ability.

20

21

22

23

24

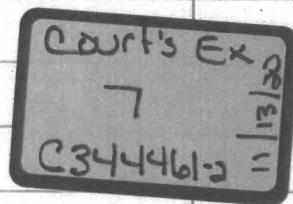
25

*Julie Lord*

---

VERBATIM DIGITAL REPORTING, LLC

Please provide the  
testimony on  
Bryan Laws  
ALVIN ABREGO  
a priest



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****December 29, 2020**

C-19-344461-2      State of Nevada  
vs  
Andre Snipes

**December 29, 2020      1:45 PM      Sentencing**

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

<b>PRESENT:</b>	Hill, Daniel	Attorney for Defendant
	Lexis, Chad N.	Attorney for Plaintiff
	Snipes, Andre Grant	Defendant
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Upon Court's inquiry, Mr. Hill and Defendant advised there are no issues pursuant to the Stockmeier decision. By virtue of a jury verdict and by Order of this Court, DEFENDANT SNIPES ADJUDGED GUILTY of COUNT 1 - GRAND LARCENY (F); COUNT 2 - CONSPIRACY TO COMMIT ROBBERY (F); COUNT 3 - ROBBERY WITH USE OF A DEADLY WEAPON (F); COUNT 4 - BURGLARY WHILE IN POSSESSION OF A FIREARM (F); COUNT 5 - BURGLARY (F); COUNT 6 - BURGLARY (F); COUNT 7 - GRAND LARCENY (F); COUNT 8 - CONSPIRACY TO COMMIT ROBBERY (F); COUNT 9 - ROBBERY (F); COUNT 10 - BURGLARY (F); COUNT 11 - GRAND LARCENY (F); COUNT 12 - BURGLARY (F); COUNT 13 - BURGLARY (F); COUNT 14 - GRAND LARCENY (F); COUNT 15 - BURGLARY (F); and COUNT 16 - PARTICIPATION IN ORGANIZED RETAIL THEFT (F). Matter argued and submitted. Statement by Defendant. COURT ORDERED, in addition to the \$25 Administrative Assessment fee, \$3.00 DNA Analysis fee and the \$150 DNA Analysis fee including testing to determine genetic markers, DEFENDANT SENTENCED as follows;

COUNT 1 - a MINIMUM of TWELVE (12) MONTHS and a MAXIMUM of THIRTY-SIX (36)

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Minutes Date: December 29, 2020

MONTHS in the Nevada Department of Corrections (NDC); CONCURRENT WITH COUNTS 3 & 16;

COUNT 2 - a MINIMUM of TWENTY-FOUR (24) MONTHS and a MAXIMUM of SEVENTY-TWO (72) MONTHS in the Nevada Department of Corrections (NDC); CONCURRENT WITH COUNTS 3 & 16;

COUNT 3 - a MINIMUM of TWENTY-FOUR (24) MONTHS and a MAXIMUM of SIXTY (60) MONTHS in the Nevada Department of Corrections (NDC); plus a CONSECUTIVE MINIMUM of TWELVE (12) MONTHS and a MAXIMUM of THIRTY-SIX (36) MONTHS in the Nevada Department of Corrections (NDC); for use of a deadly weapon;

COUNT 4 - a MINIMUM of TWENTY-FOUR (24) MONTHS and a MAXIMUM of SEVENTY-TWO (72) MONTHS in the Nevada Department of Corrections (NDC); CONCURRENT WITH COUNTS 3 & 16;

COUNT 5 - a MINIMUM of TWELVE (12) MONTHS and a MAXIMUM of THIRTY-SIX (36) MONTHS in the Nevada Department of Corrections (NDC); CONCURRENT WITH COUNTS 3 & 16;

COUNT 6 - a MINIMUM of TWELVE (12) MONTHS and a MAXIMUM of THIRTY-SIX (36) MONTHS in the Nevada Department of Corrections (NDC); CONCURRENT WITH COUNTS 3 & 16;

COUNT 7 - a MINIMUM of TWELVE (12) MONTHS and a MAXIMUM of THIRTY-SIX (36) MONTHS in the Nevada Department of Corrections (NDC); CONCURRENT WITH COUNTS 3 & 16;

COUNT 8 - a MINIMUM of TWENTY-FOUR (24) MONTHS and a MAXIMUM of SEVENTY-TWO (72) MONTHS in the Nevada Department of Corrections (NDC); CONCURRENT WITH COUNTS 3 & 16;

COUNT 9 - a MINIMUM of TWENTY-FOUR (24) MONTHS and a MAXIMUM of SIXTY (60) MONTHS in the Nevada Department of Corrections (NDC); CONCURRENT WITH COUNTS 3 & 16;

COUNT 10 - a MINIMUM of TWELVE (12) MONTHS and a MAXIMUM of THIRTY-SIX (36) MONTHS in the Nevada Department of Corrections (NDC); CONCURRENT WITH COUNTS 3 & 16;

COUNT 11 - a MINIMUM of TWELVE (12) MONTHS and a MAXIMUM of THIRTY-SIX (36)

MONTHS in the Nevada Department of Corrections (NDC); CONCURRENT WITH COUNTS 3 & 16;

COUNT 12 - a MINIMUM of TWELVE (12) MONTHS and a MAXIMUM of THIRTY-SIX (36) MONTHS in the Nevada Department of Corrections (NDC); CONCURRENT WITH COUNTS 3 & 16;

COUNT 13 - a MINIMUM of TWELVE (12) MONTHS and a MAXIMUM of THIRTY-SIX (36) MONTHS in the Nevada Department of Corrections (NDC); CONCURRENT WITH COUNTS 3 & 16;

COUNT 14 - a MINIMUM of TWELVE (12) MONTHS and a MAXIMUM of THIRTY-SIX (36) MONTHS in the Nevada Department of Corrections (NDC); CONCURRENT WITH COUNTS 3 & 16;

COUNT 15 - a MINIMUM of TWELVE (12) MONTHS and a MAXIMUM of THIRTY-SIX (36) MONTHS in the Nevada Department of Corrections (NDC); CONCURRENT WITH COUNTS 3 & 16;

COUNT 16 - a MINIMUM of TWELVE (12) MONTHS and a MAXIMUM of SIXTY (60) MONTHS in the Nevada Department of Corrections (NDC); CONSECUTIVE TO COUNT 3

for a TOTAL AGGREGATE SENTENCE OF a MINIMUM of SIXTY (60) MONTHS and a MAXIMUM of ONE HUNDRED FIFTY-SIX (156) MONTHS in the Nevada Department of Corrections (NDC); with FOUR HUNDRED FIFTY (450) DAYS credit for time served.

Mr. Hill moved to withdraw as counsel and have appellant counsel appointed. COURT FURTHER ORDERED, matter REFERRED to the office of appointed counsel for the appointment of appellant counsel and matter SET for Confirmation of Counsel. Court noted Mr. Hill is to appear at the next date in order to provide new counsel with the file.

NDC

1/12/2021 8:30 AM CONFIRMATION OF COUNSEL (APPELLANT)

CLERK'S NOTE: minutes corrected to reflect the correct charges adjudicated pursuant to the jury verdict. te 1/05/2021

PRINT DATE: 01/05/2021

Page 3 of 4

Minutes Date: December 29, 2020

*Steven D. Grierson*

RTRAN

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,  
Plaintiff,  
vs.  
ANDRE GRANT SNIPES,  
Defendant.

CASE #: C-19-344461-2

DEPT. XX

BEFORE THE HONORABLE ERIC JOHNSON, DISTRICT COURT JUDGE  
TUESDAY, DECEMBER 29, 2020

**RECORDER'S TRANSCRIPT OF HEARING:  
SENTENCING**

APPEARANCES [Via BlueJeans]

For the State: CHAD N. LEXIS  
Chief Deputy District Attorney

For the Defendant: DANIEL J. HILL, ESQ.

RECORDED BY: ANGIE CALVILLO, COURT RECORDER

1 [Las Vegas, Nevada, Tuesday, December 29, 2020, at 1:59 p.m.]

2

3 THE COURT: State of Nevada versus Andre Snipes, case  
4 number C344461. Counsel, please note your appearances.

5 THE JAIL OFFICER: He's still on the phone with his attorney.

6 THE COURT: Okay.

7 THE CLERK: Okay.

8 [Proceeding ended at 2:00 p.m.]

9 [Proceeding recalled at 2:27 p.m.]

10 THE COURT: State of Nevada versus Andres Snipes, case  
11 number C344461. Counsel, please note your appearances for the  
12 record.

13 MR. LEXIS: Chad Lexis for the State.

14 MR. HILL: Dan Hill for Mr. Snipes. He's present in custody  
15 via BlueJeans.

16 THE COURT: Okay. I'm showing this the time set for  
17 sentencing on the jury verdict in this case. Is that correct, Mr. Hill?

18 MR. HILL: Yes, Judge.

19 THE COURT: And so turning to the presentence investigation  
20 report dated December 14, 2020.

21 Mr. Hill, have you read that?

22 MR. HILL: I have, Your Honor.

23 THE COURT: Anything in there that you saw or needed to be  
24 corrected or brought to my attention?

25 MR. HILL: Nothing paramount, Your Honor. But he did



1 wanted the Court to be aware that unreflected in his employment status  
2 was work that he did at the Las Vegas Rescue Mission.

3 THE COURT: Okay. What do you want to reflect for that?

4 MR. HILL: Just that he was both a residence there and  
5 employed there for a period.

6 THE COURT: Okay.

7 State, have any comment?

8 MR. LEXIS: No, Judge.

9 THE COURT: All right. I'll note that for the record.

10 Anything else, Mr. Hill?

11 MR. HILL: No, Your Honor.

12 THE COURT: All right.

13 Mr. Snipes, have you had a chance to review your  
14 presentence investigation report?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Did have a chance, obviously, to discuss it with  
17 Mr. Hill?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Did he answer any questions you had about it?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Anything in there you saw that needed to be  
22 corrected or brought to my attention other than what he just mentioned?

23 THE DEFENDANT: No, sir.

24 THE COURT: All right. Then going to the jury verdict in this  
25 case, I do find on Counts 1, 7, 11 and 14 you guilty of grand larceny in

1 violation of Nevada Revised Statute 205.220.1 and 205.222.2; on  
2 Counts 2 and 8, I find you guilty of conspiracy to commit robbery in  
3 violation of Nevada Revised Statute 200.380 and 199.480; on Count 3,  
4 robbery with use of a deadly weapon, I find you guilty -- Count 3, I find  
5 you guilty of robbery with use of a deadly weapon in violation of Nevada  
6 Revised Statute 200.380 and 193.165, and Count 4, I find you guilty of  
7 burglary while in possession of a firearm in violation of Nevada Revised  
8 Statute 205.060; on Counts 5, 6, 10, 12, 13 and 15, I find you guilty of  
9 burglary in violation of Nevada Revised Statute 205.060; on Count 9,  
10 robbery -- or Count 9, I find you guilty of robbery in violation of Nevada  
11 Revised Statute 200.380, and on Count 16, I find you guilty of  
12 participation in organized retail theft in violation of Nevada Revised  
13 Statute 205.083545 [sic].

14 Does the State wish to make any statement?

15 MR. LEXIS: Yes, Judge. He was convicted of a total of 16  
16 counts. I am going to ask that you run three of those consecutive to  
17 each other, seven of those were burglary counts; four of them were  
18 grand larceny. Obviously, I'd ask you to max him out on one of the  
19 burglary counts and give him a free pass on all the other ones, so a four  
20 to 10 on one burglary count.

21 Judge, obviously, you don't see many people getting  
22 convicted of organized retail theft nor do we charge it a lot. Why?  
23 Because it takes a lot of effort on the defendant's part, both on the front  
24 end of that charge and on the back end, when they actually try to resale  
25 the stolen items; not to mention the numerous amount of incidents that

1 takes to make up that charge. So, obviously, I believe that a four to 10  
2 on that count should be -- run consecutive to the other counts given the  
3 nature of the charge.

4 In addition, Judge, he was also convicted of two counts  
5 of conspiracy robbery; a robbery, and a robbery with a deadly weapon. I  
6 would obviously ask for the robbery with the deadly weapon count to be  
7 run consecutive to the organized retail theft and the burglary count as  
8 well with a five to 15 which is, again, on the lower end of the spectrum  
9 on that charge.

10 So, Judge, if you give -- given the nature of these  
11 counts and the conspiracy that was formed, and over the nature and  
12 amount of incidents that it took to complete these charges, I'd ask for a  
13 four to 10 on one burg; a four to 10 on the organized retail theft, and five  
14 to 15 on the robbery with a deadly weapon; all to be run consecutive.

15 THE COURT: Okay. Thank you. Mr. Hill.

16 MR. HILL: Thank you, Your Honor.

17 I'll note to begin with, just a couple of things sealing  
18 points in the PSI; one of them being for the relatively light criminal  
19 history relative to what Your Honor might see in a similar case. I know  
20 Mr. -- for example, Mr. Snipes's initial co-defendant, who negotiated out  
21 of the case pretrial, was habitual eligible just as an example. Of note,  
22 the only previous one -- previous felony to speak of is the Uniform  
23 Controlled Substances Act violation that we spent some time in trial  
24 discussing because the incident stemmed from an incident when he was  
25 a minor, but he was ultimately adjudicated as an adult. And we spent

1 some time discussing that during trial, so that's just one factor to  
2 highlight from the PSI.

3 Another one being, I was impressed with Mr. Snipes's  
4 candor in the section on substance abuse; mainly that he concedes --  
5 although he has been in and out of treatment, short term in-patient type  
6 treatment in the past, notably the Las Vegas Rescue Mission where he  
7 did their one year residential program. He concedes that it continues to  
8 hound him.

9 He admits that during the incidents that we heard about  
10 at trial, he was under the influence of Methamphetamine. He has never  
11 had any kind of intensive counseling for it. It's always been something  
12 he's trying to -- has tried to arrest about -- as the court is well aware, it's  
13 an ongoing issue; that's a compulsion of the mind and an allergy of the  
14 body that unless it undergoes regular and aggressive attention, it's  
15 always going to come creeping back pretty much no matter how long  
16 after a period of sobriety. It's going to come back, if not, you know,  
17 regularly counsel rather through community support programs or  
18 counseling.

19 So Mr. Snipes has shown a willingness in the past to  
20 take a crack at it; has gone through periods of sobriety, but just for the  
21 court's edification and for mine and for Parole & Probation. He was  
22 candid with the fact that that was a factor during the underlying conduct.  
23 On that same note, I got a letter from a long-term romantic partner. I got  
24 it yesterday, so I wasn't able to file it; so I will share it sum and  
25 substance. She has known Mr. Snipes for 14 years. She has two

1 children with Mr. Snipes: a 16-year-old and a 19-year-old that he has  
2 been very much involved in they're raising. He also helps her out. She  
3 was diagnosed with congestive heart failure. And he has been very  
4 attentive to those issues and very attentive to the raising of the children  
5 with the difficulties that that provides.

6 I think just a small portion is worth quoting verbatim,  
7 Judge. She says, "Despite the decision of a guilty verdict, the man  
8 stands before Your Honor today is not violent. He is not a threat to  
9 society. He rarely raises his voice. He is gentle and loving and has  
10 been lost for a long time. As he has waited for trial over the last year,  
11 he's had the opportunity to think clearly toward his future and even the  
12 mistakes of his past. Andre needs professional therapy alongside the  
13 sobriety that he is walking in today at this moment. The boys have two  
14 parents dealing with very difficult circumstances, it's my hope the court  
15 will take in consideration my words when sentencing", and that is from  
16 Mikaela Marshall [phonetic].

17 So that's kind of the picture that we have to paint, Your  
18 Honor. We know that, from the testimony at jury trial, that Mr. Snipes  
19 conceded the vast majority of the charges at closing argument; mainly  
20 the larcenies and the taking of the property; the fact that he went in there  
21 with his former co-defendant. We fought tooth and nail on the armed  
22 charges and only because we're aware -- or I was -- had a good faith  
23 belief that it was his co-defendant's Bram breathalyzer device that was  
24 being flashed under his shirt. The jury acquitted on one; convicted on  
25 the other, so I understand, of course, that triggers statutory requirements

1 in terms of consecutive firearm sentencing but that's certainly what the  
2 trial came down to.

3 Mr. Snipes had conceded pretty much from opening  
4 statement with his permission; the vast majority of these charges. So  
5 that's the picture I wanted to paint for the court. I know Mr. Snipes is  
6 very regretful of these decisions. I've spoken -- in terms of the  
7 burglaries and the larcenies. I've spoken with him at length about those.  
8 Certainly, drugs played a large part of what happened there.

9 He's also aware, of course, that probation is not an  
10 option, but under the totality of the circumstances, Judge. And after  
11 conferring with Mr. Snipes, he has asked me to request of the court the  
12 aggregate sentence of three to eight.

13 THE COURT: All right. Does your client wish to make any  
14 statement?

15 THE DEFENDANT: I just want to say quickly, this whole thing  
16 has been a big misunderstanding. Of course, I always wanted to take  
17 responsibility for the larcenies and stuff. But I'm not a violent person.  
18 I've never hurt anybody. I've never threatened anybody. I'm not a bully.  
19 I don't like guns, I never had. I never owned a gun in my life or even  
20 been around a gun, and this whole situation has completely turned my  
21 life upside down.

22 I have been struggling with addiction for a couple years  
23 now. But for most of my adult life, I stayed out of trouble. I haven't been  
24 in trouble since 1999. The first time I was an adult when I got in trouble,  
25 I was only 18 -- I was 17 years old, actually. And since I was so close to

1 being 18, they charged me as an adult.

2 But for most of my adult life, I've always kept a job. I've  
3 always paid my taxes. I have raised both my kids. One of my sons  
4 graduated high school; the other one is 16 years old; he's on his way to  
5 be -- graduating. I'm not a bad person, I'm really not. I'm not a bully.  
6 I'm not a bad person. I've never hurt anybody in my life. And it was  
7 important for me to go trial because I just -- I needed the court to hear  
8 from the witnesses what happened. And, yeah, I'm sorry for everything  
9 that happened. And I'm not a bad person, that's all I got to say.

10 THE COURT: All right. Well, thank you, Mr. Snipes.  
11 Ultimately, you did go to trial; put the State to its proof and were  
12 convicted. In looking at this, I do look at this in the context of other  
13 organized retail theft cases that I've had before me. And I do appreciate  
14 that, in terms of the testimony at trial, the witnesses did not describe you  
15 as ever having the gun or having flashed the gun; this was always being  
16 done by Mr. Morgan.

17 I know you contend there was no weapon there. I do  
18 believe, though, there was a weapon there. And based upon the  
19 witnesses' testimony, I think that the jury obviously found in the one case  
20 that it would be on a reasonable doubt that the firearm was present.  
21 And so this was a serious event. But in looking at the context what you  
22 did and the context what your co-defendant did, what I feel is  
23 appropriate here is on Count 3, robbery with use of a deadly weapon, to  
24 sentence you to a term of 24 to 60 months on the robbery with a  
25 consecutive 12 to 36 months on the deadly weapon enhancement. On

1 Count 16, participation in organized retail theft, sentence you to a term  
2 of 12 to 60 months on that count to run consecutive to Count 3, resulting  
3 in a total sentence of 60 to 156 months in Nevada Department of  
4 Corrections. As to Counts 1, 7, 4 -- that's 1, 7, 11 and 14, grand larceny;  
5 I'll sentence you to 12 to 36 months on each of those counts to run  
6 concurrent with Counts 3 and 16. On Counts 2 and 8, conspiracy to  
7 commit robbery, I'll sentence you to a term of 24 to 72 months on those  
8 counts to run concurrent with Counts 3 and 16. On Count 4, burglary  
9 while in possession of a firearm, I'll sentence you to a term of 24 to 72  
10 months to run concurrent with Counts 3 and 16. On Counts 5, 6, 10, 12,  
11 13 and 5 [sic], I'll sentence you to a term of 12 to 36 months to run  
12 concurrent with Counts 3 and 16. And on Count 9, robbery, I'll sentence  
13 you to a term of 24 to 60 months to run concurrence with Counts 3 and  
14 16. Again, that runs -- results in a total sentence of 60 to 156 months in  
15 Nevada Department of Corrections.

16 I'll provide for the \$25 administrative assessment, \$3  
17 DNA administrative assessment, \$150 DNA testing fee and order the  
18 defendant to submit to DNA testing.

19 Do you agree with 450 days credit for time served, Mr.  
20 Hill?

21 MR. HILL: I do, Your Honor.

22 THE COURT: I have 450 days --

23 MR. LEXIS: Judge, what did you -- what did you sentence on  
24 Count 16?

25 THE COURT: Two to -- 24 to 60.



1 MR. LEXIS: Okay. Thank you.

2 THE JAIL OFFICER: And what's the total?

3 THE COURT: Total was 60 to 156.

4 MR. HILL: And if that's all, Your Honor, I wonder if I can bend  
5 your ear on one other matter unrelated to this case?

6 THE COURT: Sure, go ahead.

7 MR. HILL: I am -- I have a bunch of oral arguments coming  
8 up. I have a bunch of jury trials that are going to go pretty quick over in  
9 the federal system. Would the Court be willing to -- the Supreme Court  
10 does not entertain motions to withdraw as counsel once the notice is  
11 filed, absent exigent circumstances. I'm wondering if we can arrange for  
12 an appellate counsel here?

13 THE COURT: Have you discussed this with Mr. Snipes?

14 MR. HILL: I have discussed the fact that he wants an appeal.

15 THE COURT: Oh, yes, I'm not -- that doesn't surprise me, I  
16 would expect that. But, I mean, have you discussed the fact of you  
17 withdrawing with Mr. Snipes?

18 MR. HILL: I have not. If he wants me to do it, I'll figure it out  
19 but it might take a while.

20 THE COURT: Mr. Snipes, do you want Mr. Hill to remain on  
21 as your counsel?

22 THE DEFENDANT: No, I don't.

23 THE COURT: All right. I'll go ahead and we'll appoint  
24 appellate counsel.

25 THE DEFENDANT: Can I just ask, so in total it's basically five

1 to 15 years pretty much? Is that what I'm looking at, Dan?

2 THE COURT: That's what you're looking at.

3 MR. HILL: Yes, five to 15.

4 THE COURT: Who's next on our list?

5 THE CLERK: I believe since it's appellate, it'll be through  
6 Drew Christensen's office.

7 THE COURT: All right. Let's go ahead and set confirmation  
8 of counsel a week from today.

9 THE CLERK: That will be January 12<sup>th</sup> at 8:30.

10 MR. HILL: I really appreciate that, Your Honor. And I'll be  
11 reflected as withdrawn, or do you want me to keep the file until that  
12 confirmation of counsel date?

13 THE COURT: You're going to keep the file until the  
14 confirmation of counsel date. I want to make sure that we have a  
15 transfer, or otherwise I expect you to continue on as his attorney and  
16 make sure at least a notice of appeal is filed.

17 MR. HILL: Of course, Your Honor.

18 THE COURT: All right.

19 THE DEFENDANT: And, Dan, can you make sure that  
20 Mikaela [phonetic] gets everything please?

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MR. HILL: You got it.

THE DEFENDANT: Thanks.

[Hearing concluded at 2:45 p.m.]

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.



Angie Calvillo  
Court Recorder/Transcriber

JOC

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

ANDRE GRANT SNIPES  
#7088448

Defendant.

CASE NO. C-19-344461-2

DEPT. NO. XX

JUDGMENT OF CONVICTION  
(JURY TRIAL)

The Defendant previously entered a plea of not guilty to the crimes of COUNT 1 – GRAND LARCENY (Category C Felony) in violation of NRS 205.220.1, 205.222.2; COUNT 2 – CONSPIRACY TO COMMIT ROBBERY (Category B Felony) in violation of NRS 200.380, 199.480; COUNT 3 – ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony) in violation of NRS 200.380, 193.165; COUNT 4 – BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON (Category B Felony) in violation of NRS 205.060; COUNT 5 – BURGLARY (Category B Felony) in violation of NRS 205.060; COUNT 6 – BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON (Category B Felony) in

1 violation of NRS 205.060; COUNT 7 – GRAND LARCENY (Category C Felony) in violation  
2 of NRS 205.220.1, 205.222.2; COUNT 8 – CONSPIRACY TO COMMIT ROBBERY  
3 (Category B Felony) in violation of NRS 200.380, 199.480; COUNT 9 – ROBBERY WITH  
4 USE OF A DEADLY WEAPON (Category B Felony) in violation of NRS 200.380, 193.165;  
5 COUNT 10 – BURGLARY (Category B Felony) in violation of NRS 205.060; COUNT 11 –  
6 GRAND LARCENY (Category C Felony) in violation of NRS 205.220.1, 205.222.2; COUNT  
7 12 – BURGLARY (Category B Felony) in violation of NRS 205.060; COUNT 13 –  
8 BURGLARY (Category B Felony) in violation of NRS 205.060; COUNT 14 – GRAND  
9 LARCENY (Category C Felony) in violation of NRS 205.220.1, 205.222.2; COUNT 15 –  
10 BURGLARY (Category B Felony) in violation of NRS 205.060; and COUNT 16 –  
11 PARTICIPATION IN ORGANIZED RETAIL THEFT (Category B Felony) in violation of  
12 NRS 205.08345; and the matter having been tried before a jury and the Defendant having been  
13 found guilty of the crimes of COUNT 1 – GRAND LARCENY (Category C Felony) in  
14 violation of NRS 205.220.1, 205.222.2; COUNT 2 – CONSPIRACY TO COMMIT ROBBERY  
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20 DEADLY WEAPON (Category B Felony) in violation of NRS 205.060; COUNT 7 – GRAND  
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22 CONSPIRACY TO COMMIT ROBBERY (Category B Felony) in violation of NRS 200.380,  
23 199.480; COUNT 9 – ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony)

1 in violation of NRS 200.380, 193.165; COUNT 10 – BURGLARY (Category B Felony) in  
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4 NRS 205.060; COUNT 13 – BURGLARY (Category B Felony) in violation of NRS 205.060;  
5 COUNT 14 – GRAND LARCENY (Category C Felony) in violation of NRS 205.220.1,  
6 205.222.2; COUNT 15 – BURGLARY (Category B Felony) in violation of NRS 205.060; and  
7 COUNT 16 – PARTICIPATION IN ORGANIZED RETAIL THEFT (Category B Felony) in  
8 violation of NRS 205.08345; thereafter, on the 29<sup>th</sup> day of December, 2020, the Defendant was  
9 present in court for sentencing with counsel DANIEL J. HILL, ESQ., and good cause  
10 appearing,  
11

12  
13 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offenses and, in addition  
14 to the \$25.00 Administrative Assessment Fee and \$150.00 DNA Analysis Fee including testing  
15 to determine genetic markers plus \$3.00 DNA Collection Fee, the Defendant is SENTENCED  
16 to the Nevada Department of Corrections (NDC) as follows: **COUNT 1** - a MAXIMUM of  
17 THIRTY-SIX (36) MONTHS with a MINIMUM Parole Eligibility of TWELVE (12)  
18 MONTHS, CONCURRENT with COUNTS 3 and 16; **COUNT 2** - a MAXIMUM of  
19 SEVENTY-TWO (72) MONTHS with a MINIMUM Parole Eligibility of TWENTY-FOUR  
20 (24) MONTHS, CONCURRENT with COUNTS 3 and 16; **COUNT 3** - a MAXIMUM of  
21 SIXTY (60) MONTHS with a MINIMUM Parole Eligibility of TWENTY-FOUR (24)  
22 MONTHS plus a CONSECUTIVE term of THIRTY-SIX (36) MONTHS with a MINIMUM  
23 parole eligibility of TWELVE (12) MONTHS for the Use of a Deadly Weapon; **COUNT 4** – a  
24 MAXIMUM of SEVENTY-TWO (72) MONTHS with a MINIMUM Parole Eligibility of  
25 TWENTY-FOUR (24) MONTHS, CONCURRENT with COUNTS 3 and 16; **COUNT 5** – a  
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1 MAXIMUM of THIRTY-SIX (36) MONTHS with a MINIMUM Parole Eligibility of  
2 TWELVE (12) MONTHS, CONCURRENT with COUNTS 3 and 16; **COUNT 6** - a  
3 MAXIMUM of THIRTY-SIX (36) MONTHS with a MINIMUM Parole Eligibility of  
4 TWELVE (12) MONTHS, CONCURRENT with COUNTS 3 and 16; **COUNT 7** - a  
5 MAXIMUM of THIRTY-SIX (36) MONTHS with a MINIMUM Parole Eligibility of  
6 TWELVE (12) MONTHS, CONCURRENT with COUNTS 3 and 16; **COUNT 8** - a  
7 MAXIMUM of SEVENTY-TWO (72) MONTHS with a MINIMUM Parole Eligibility of  
8 TWENTY-FOUR (24) MONTHS, CONCURRENT with COUNTS 3 and 16; **COUNT 9** - a  
9 MAXIMUM of SIXTY (60) MONTHS with a MINIMUM Parole Eligibility of TWENTY-  
10 FOUR (24) MONTHS, CONCURRENT with COUNTS 3 and 16; **COUNT 10** - a MAXIMUM  
11 of THIRTY-SIX (36) MONTHS with a MINIMUM Parole Eligibility of TWELVE (12)  
12 MONTHS, CONCURRENT with COUNTS 3 and 16; **COUNT 11** - a MAXIMUM of  
13 THIRTY-SIX (36) MONTHS with a MINIMUM Parole Eligibility of TWELVE (12)  
14 MONTHS, CONCURRENT with COUNTS 3 and 16; **COUNT 12** - a MAXIMUM of  
15 THIRTY-SIX (36) MONTHS with a MINIMUM Parole Eligibility of TWELVE (12)  
16 MONTHS, CONCURRENT with COUNTS 3 and 16; **COUNT 13** - a MAXIMUM of  
17 THIRTY-SIX (36) MONTHS with a MINIMUM Parole Eligibility of TWELVE (12)  
18 MONTHS, CONCURRENT with COUNTS 3 and 16; **COUNT 14** - a MAXIMUM of  
19 THIRTY-SIX (36) MONTHS with a MINIMUM Parole Eligibility of TWELVE (12)  
20 MONTHS, CONCURRENT with COUNTS 3 and 16; **COUNT 15** - a MAXIMUM of  
21 THIRTY-SIX (36) MONTHS with a MINIMUM Parole Eligibility of TWELVE (12)  
22 MONTHS, CONCURRENT with COUNTS 3 and 16; **COUNT 16** - a MAXIMUM of  
23 SIXTY (60) MONTHS with a MINIMUM Parole Eligibility of TWELVE (12) MONTHS,  
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1 CONSECUTIVE to COUNTS 3; with FOUR HUNDRED FIFTY (450) DAYS credit for time  
2 served. The AGGREGATE TOTAL sentence is ONE HUNDRED FIFTY-SIX (156)  
3 MONTHS MAXIMUM with a MINIMUM Parole Eligibility of SIXTY (60) MONTHS.  
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5 Dated this 30th day of December, 2020

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9 F4A 601 9698 1EC9  
10 Eric Johnson  
11 District Court Judge  
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1 CSERV

2 DISTRICT COURT  
3 CLARK COUNTY, NEVADA

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6 State of Nevada

CASE NO: C-19-344461-2

7 vs

DEPT. NO. Department 20

8 Andre Snipes  
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District  
12 Court. The foregoing Judgment of Conviction was served via the court's electronic eFile  
13 system to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 12/30/2020

15 Cynthia Bush

cynthia.bush@clarkcountyda.com

16 James Ruggeroli

ruggeroli@icloud.com

17 Janet Robertson

Janet.Robertson@clarkcountyda.com

18 Skyler Sullivan

dept20lc@clarkcountycourts.us

*Heather S. Smith*  
CLERK OF THE COURT

AJOC

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

ANDRE GRANT SNIPES  
#7088448

Defendant.

CASE NO. C-19-344461-2

DEPT. NO. XX

AMENDED JUDGMENT OF CONVICTION

(JURY TRIAL)

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7 12 – BURGLARY (Category B Felony) in violation of NRS 205.060; COUNT 13 –  
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10 BURGLARY (Category B Felony) in violation of NRS 205.060; and COUNT 16 –  
11 PARTICIPATION IN ORGANIZED RETAIL THEFT (Category B Felony) in violation of  
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9 present in court for sentencing with counsel DANIEL J. HILL, ESQ., and good cause  
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11

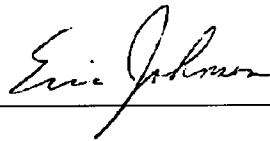
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13 THE DEFENDANT WAS HEREBY ADJUDGED guilty of said offenses and, in  
14 addition to the \$25.00 Administrative Assessment Fee and \$150.00 DNA Analysis Fee  
15 including testing to determine genetic markers plus \$3.00 DNA Collection Fee, the Defendant  
16 is SENTENCED to the Nevada Department of Corrections (NDC) as follows: **COUNT 1 - a**  
17 **MAXIMUM of THIRTY-SIX (36) MONTHS with a MINIMUM Parole Eligibility of**  
18 **TWELVE (12) MONTHS, CONCURRENT with COUNTS 3 and 16; COUNT 2 - a**  
19 **MAXIMUM of SEVENTY-TWO (72) MONTHS with a MINIMUM Parole Eligibility of**  
20 **TWENTY-FOUR (24) MONTHS, CONCURRENT with COUNTS 3 and 16; COUNT 3 - a**  
21 **MAXIMUM of SIXTY (60) MONTHS with a MINIMUM Parole Eligibility of TWENTY-**  
22 **FOUR (24) MONTHS plus a CONSECUTIVE term of THIRTY-SIX (36) MONTHS with a**  
23 **MINIMUM parole eligibility of TWELVE (12) MONTHS for the Use of a Deadly Weapon;**  
24 **COUNT 4 – a MAXIMUM of SEVENTY-TWO (72) MONTHS with a MINIMUM Parole**  
25 **Eligibility of TWENTY-FOUR (24) MONTHS, CONCURRENT with COUNTS 3 and 16;**  
26 **COUNT 5 – a**  
27  
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1 MAXIMUM of THIRTY-SIX (36) MONTHS with a MINIMUM Parole Eligibility of  
2 TWELVE (12) MONTHS, CONCURRENT with COUNTS 3 and 16; **COUNT 6** - a  
3 MAXIMUM of THIRTY-SIX (36) MONTHS with a MINIMUM Parole Eligibility of  
4 TWELVE (12) MONTHS, CONCURRENT with COUNTS 3 and 16; **COUNT 7** - a  
5 MAXIMUM of THIRTY-SIX (36) MONTHS with a MINIMUM Parole Eligibility of  
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7 MAXIMUM of SEVENTY-TWO (72) MONTHS with a MINIMUM Parole Eligibility of  
8 TWENTY-FOUR (24) MONTHS, CONCURRENT with COUNTS 3 and 16; **COUNT 9** - a  
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12 MONTHS, CONCURRENT with COUNTS 3 and 16; **COUNT 11** - a MAXIMUM of  
13 THIRTY-SIX (36) MONTHS with a MINIMUM Parole Eligibility of TWELVE (12)  
14 MONTHS, CONCURRENT with COUNTS 3 and 16; **COUNT 12** - a MAXIMUM of  
15 THIRTY-SIX (36) MONTHS with a MINIMUM Parole Eligibility of TWELVE (12)  
16 MONTHS, CONCURRENT with COUNTS 3 and 16; **COUNT 13** - a MAXIMUM of  
17 THIRTY-SIX (36) MONTHS with a MINIMUM Parole Eligibility of TWELVE (12)  
18 MONTHS, CONCURRENT with COUNTS 3 and 16; **COUNT 14** - a MAXIMUM of  
19 THIRTY-SIX (36) MONTHS with a MINIMUM Parole Eligibility of TWELVE (12)  
20 MONTHS, CONCURRENT with COUNTS 3 and 16; **COUNT 15** - a MAXIMUM of  
21 THIRTY-SIX (36) MONTHS with a MINIMUM Parole Eligibility of TWELVE (12)  
22 MONTHS, CONCURRENT with COUNTS 3 and 16; **COUNT 16** - a MAXIMUM of  
23 SIXTY (60) MONTHS with a MINIMUM Parole Eligibility of TWELVE (12) MONTHS,  
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1 CONSECUTIVE to COUNTS 3; with FOUR HUNDRED FIFTY (450) DAYS credit for time  
2 served. The AGGREGATE TOTAL sentence is ONE HUNDRED FIFTY-SIX (156)  
3 MONTHS MAXIMUM with a MINIMUM Parole Eligibility of SIXTY (60) MONTHS.  
4

5 THEREAFTER, on the 5<sup>th</sup> day of January, 2021, a clerical error having been  
6 discovered; COURT ORDERED, the following correction: Defendant is SENTENCED;  
7 COUNT 4 – BURGLARY WHILE IN POSSESSION OF A FIREARM (Category B Felony)  
8 in violation of NRS 205.060; COUNT 6 – BURGLARY (Category B Felony) in violation of  
9 NRS 205.060; and COUNT 9 – ROBBERY (Category B Felony) in violation of NRS  
10 200.380  
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12  
13 Dated this 7th day of January, 2021

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17 89B 7B7 98C5 B6E3  
18 Eric Johnson  
19 District Court Judge  
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2021-01-12 11:17

fax 7026135327 &gt;&gt; 17026714359

Electronically Filed  
01/12/2021 2:19 PM

CLERK OF THE COURT

**SANDRA L. STEWART**  
Attorney at Law  
Nevada Bar No. 6834  
1361 Babbling Brook Court  
Mesquite, Nevada 89034  
(702) 526-1867

Attorney for ANDRE GRANT SNIPES

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

STATE OF NEVADA,

Plaintiff,

v.

ANDRE GRANT SNIPES,

Defendant.

DISTRICT COURT NO.: - C-19-344461-2

GRAND JURY NO.: - 18CGJ163B

SUPREME COURT NO.: - TBD

**ORDER APPOINTING APPELLATE  
COUNSEL**

The district court having determined that ANDRE GRANT SNIPES wishes to appeal from his judgment of conviction, that he is indigent, and good cause appearing therefor,

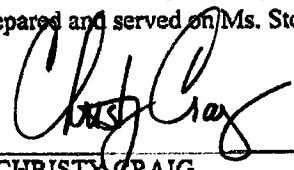
**IT IS HEREBY ORDERED AS FOLLOWS:**

1. **SANDRA L. STEWART, Esq.** be, and hereby is, appointed as counsel to represent ANDRE GRANT SNIPES at the appellate level;
2. The clerk of the Eighth District Judicial Court shall provide a copy of the entire court file to Ms. Stewart; and

3. All requested transcripts shall be prepared and served on Ms. Stewart.

Dated this 12th day of January, 2021.

Dated this 12th day of January, 2021

  
Hon. **CHRISTY CRAIG**  
Judge, Eighth Judicial District Court  
478 ASC 5C87 B272  
Christy Craig  
District Court Judge

1 CSERV

2 DISTRICT COURT  
3 CLARK COUNTY, NEVADA  
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6 State of Nevada

CASE NO: C-19-344461-2

7 vs

DEPT. NO. Department 32

8 Andre Snipes  
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District  
12 Court. The foregoing Order Appointing Counsel was served via the court's electronic eFile  
13 system to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 1/12/2021

15 Cynthia Bush

cynthia.bush@clarkcountynyda.com

16 James Ruggeroli

ruggeroli@icloud.com

17 Janet Robertson

Janet.Robertson@clarkcountynyda.com

18 Skyler Sullivan

dept20lc@clarkcountycourts.us  
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**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****January 12, 2021**

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C-19-344461-2      State of Nevada  
                                 vs  
                                 Andre Snipes

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**January 12, 2021      11:00 AM      Confirmation of Counsel**

**HEARD BY:**      Craig, Christy      **COURTROOM:** RJC Courtroom 16D

**COURT CLERK:** Jackson, Carolyn

**RECORDER:**      Berndt, Kaihla

**REPORTER:**

**PARTIES PRESENT:**

**Megan Thomson      Attorney for Plaintiff**

**State of Nevada      Plaintiff**

**JOURNAL ENTRIES**

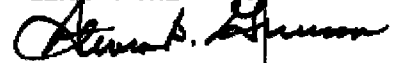
Sandra L. Stewart, Esq., also present.

Defendant not present; in custody of the Nevada Department of Corrections. Ms. Stewart accepted appointment as appointed appellant counsel and advised she overnighted an Order for signature. Court noted the Order had not been received and stated once the Order is received, it will be signed. Colloquy regarding Order. COURT ORDERED, counsel CONFIRMED as appointed appellant counsel for the Defendant and SET a status check regarding Order.

NDC

01/14/21 11:00 AM STATUS CHECK: ORDER

CLERK'S NOTE: Subsequent to the above hearing, the Order was executed and the status check canceled. /cj 01/12/21



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5 DISTRICT COURT  
6 CLARK COUNTY, NEVADA

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8 STATE OF NEVADA,  
9 Plaintiff,

CASE NO: C-19-344461-2

DEPT. XXXII

10 vs.

11 ANDRE GRANT SNIPES,  
12 Defendant.

13  
14 BEFORE THE HONORABLE CHRISTY CRAIG, DISTRICT COURT JUDGE  
TUESDAY, JANUARY 12, 2021

15 **RECORDER'S TRANSCRIPT OF PROCEEDINGS:**  
16 **CONFIRMATION OF COUNSEL**

17 APPEARANCES:

18 For the State:

MEGAN S. THOMSON, ESQ.  
Chief Deputy District Attorney

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20 For the Defendant:

SANDRA L. STEWART, ESQ.

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25 RECORDED BY: KAIHLA BERNDT, COURT RECORDER

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**ADDITIONAL APPEARANCES:**

**For the Defendant:**

**MICHAEL H. WILFONG, ESQ.**  
**Deputy Public Defender**

1 Las Vegas, Nevada; Tuesday, January 12, 2021

2  
3 [Proceeding commenced at 10:59 a.m.]

4 THE COURT: Page 11, so State of Nevada versus Andre  
5 Snipes, case C-19-344461, if you could state your appearances for the  
6 record.

7 MS. THOMSON: Megan Thomson for the State.

8 MS. STEWART: Sandra Stewart for Mr. Snipes. And I  
9 overnighted an order to you, Judge. Did you receive that?

10 THE COURT: Hang on and I'll go look at my orders. Did you  
11 file it?

12 MS. STEWART: No, I overnighted it for you to sign and send  
13 back to me so I could file it.

14 THE COURT: I have not yet received that, but I guess we'll  
15 go and look for it. We're not usually taking papers. You typically file the  
16 orders and it comes into an order app, I sign it, and then it gets returned  
17 to you. If you want to reach out to my JEA, Ms. Prisbrey, I'm sure she  
18 can explain to you how to get the order to me electronically.

19 MS. STEWART: I talked to her about it, and she said it was  
20 very difficult because of the email situation. So, I don't know how to do  
21 this, but I need to have the order signed because it's difficult for me to  
22 get transcripts unless I have that order.

23 THE COURT: All right, I will -- we'll -- I'll have her go and look  
24 for the order. Do you have -- did you get notification that it was  
25 delivered?

1 MS. STEWART: No, I haven't looked at that yet --  
2 THE COURT: Okay.  
3 MS. STEWART: -- so, I don't know.  
4 THE COURT: I will look for it.  
5 MS. STEWART: I sent it last week.  
6 THE COURT: All right. Would you like me --  
7 MS. STEWART: Alternatively, I could fax it to you if you have  
8 a fax number.  
9 THE COURT: Stand by, we'll get you the fax number.  
10 MS. STEWART: Thank you.  
11 THE COURT: Of course. Oh, I have it. The fax number is  
12 702-366-1416. Would you like me to set it for a status check on  
13 Thursday to make sure that we've gotten the order, and it's been filed,  
14 and you received a copy?  
15 MS. STEWART: That would be great. Yeah --  
16 THE COURT: Great.  
17 MS. STEWART: -- that would be great because I'm really  
18 concerned about getting that order signed.  
19 THE COURT: I understand. So, right now, I'll go ahead and  
20 confirm you then as counsel, Sandra Stewart. And we'll set a status  
21 check on Thursday for receipt of the order and getting it to you. Do you  
22 --  
23 MS. STEWART: Wait, and just for the record, I'd like the  
24 record to reflect that I'm being confirmed as appointed appellate counsel  
25 for Mr. Snipes in this case.

1 THE COURT: Thank you, ma'am.

2 THE COURT CLERK: January --

3 MS. STEWART: And what time will the status conference be,  
4 and will I also hook up again via this BlueJeans?

5 [Electronic interference]

6 THE COURT: Yes, it's via BlueJeans. And somebody's got to  
7 mute. Mr. McCoy, can you mute?

8 [Colloquy between the Court and Unidentified Speakers]

9 THE COURT: What's the date for Thursday?

10 THE COURT CLERK: January 14, 11:00 a.m.

11 THE COURT: Thank you, Ms. Stewart. We'll see you on  
12 Thursday.

13 MS. STEWART: Did she say 8:00 a.m.

14 THE COURT: I did not. It's --

15 THE COURT CLERK: 11:00 a.m.

16 MS. STEWART: 11 o'clock?

17 THE COURT: Yes, ma'am.

18 MS. STEWART: Okay, thank you very much, Your Honor.

19 THE COURT: You're welcome.

20 [Matter trailed at 11:03 a.m.]

21 [Matter recalled at 12:38 p.m.]

22 THE COURT: So, State of Nevada versus Andre Snipes,  
23 case C344461, page 11. Mr. Wilfong, this is just really brief, do you  
24 think you could stand in just for a second? We just set it over until  
25 Thursday.

1           Mr. Snipes, you were appointed a new attorney. Her name is  
2 Sandra Stewart. She has sent me an order so that she can get all of  
3 your records. We are putting this on for Thursday to make sure that the  
4 order has been received by the Court, that I signed it, and been able to  
5 give it back to her.

6           THE DEFENDANT: All right, so my appeal is processed, and  
7 it's all —

8           THE COURT: You have an attorney appointed to start  
9 working on your appeal. Her name is Sandra Stewart.

10          THE DEFENDANT: Okay.

11          THE COURT: And I will be signing an order. You'll be back  
12 on calendar on Thursday. You'll be able to see her then, and we'll have  
13 the order in place.

14          THE DEFENDANT: Okay. Okay, thank you.

15          THE COURT: Thank you.

16                       [Proceeding concluded at 12:39 p.m.]

17                       \* \* \* \* \*

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21   ATTEST: I do hereby certify that I have truly and correctly transcribed  
22 the audio/video proceedings in the above-entitled case to the best of my  
23 ability.

23

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25

  
\_\_\_\_\_  
Kaihla Berndt  
Court Recorder/Transcriber



**SANDRA L. STEWART**  
Attorney at Law  
Nevada Bar No. 6834  
1361 Babbling Brook Court  
Mesquite, Nevada 89034  
(702) 526-1867

Attorney for ANDRE GRANT SNIPES

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

STATE OF NEVADA,

Plaintiff,

v.

GREGORY DELLO MORGAN, ANDRE  
GRANT SNIPES,

Defendant.

DISTRICT COURT NO.: - C-19-344461-2

GRAND JURY NO.: - 18CGJ163B

SUPREME COURT NO.: - TBD

**NOTICE OF APPEAL**

NOTICE is hereby given that Defendant, ANDRE GRANT SNIPES, hereby appeals to the Nevada Supreme Court, from the Eighth Judicial District Court's Judgment of Conviction and all other appealable rulings rendered in this case.

Dated this 17<sup>th</sup> day of January, 2021.



**SANDRA L. STEWART**  
Attorney for ANDRE GRANT SNIPES



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**CERTIFICATE OF SERVICE**

I hereby certify that on January 17, 2021, I served a copy of the:

**NOTICE OF APPEAL**

by e-filing the document with the Eighth Judicial District Court via Wiznet, thereby providing  
access to a copy to all other interested parties, including but not limited to, the following:

STEVEN B. WOLFSON, ESQ.  
**CLARK COUNTY DISTRICT ATTORNEY**  
200 LEWIS AVENUE  
LAS VEGAS, NV 89155-2212

and by mailing via first class mail, postage thereon fully prepaid to:

ANDRE GRANT SNIPES, INM NO. 1240651  
**HIGH DESERT STATE PRISON**  
POST OFFICE BOX 650  
INDIAN SPRINGS, NV 89070

  
SANDRA L. STEWART

*Steven D. Grierson*

**SANDRA L. STEWART**  
Attorney at Law  
Nevada Bar No. 6834  
1361 Babbling Brook Court  
Mesquite, Nevada 89034  
(702) 526-1867

Attorney for ANDRE GRANT SNIPES

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

STATE OF NEVADA,

Plaintiff,

v.

GREGORY DELLO MORGAN, ANDRE  
GRANT SNIPES,

Defendant.

DISTRICT COURT NO.: - C-19-344461-2

GRAND JURY NO.: - 18CGJ163B

SUPREME COURT NO.: - TBD

**CASE APPEAL STATEMENT**

**1. Name of appellant filing this case appeal statement:**

ANDRE GRANT SNIPES

**2. Identify the judge issuing the decision, judgment, or order appealed from:**

Hon. ERIC JOHNSON

**3. Identify all parties to the proceedings in the district court:**

GREGORY DELLO MORGAN

ANDRE GRANT SNIPES

State of Nevada

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**4. Identify all parties involved in this appeal:**

ANDRE GRANT SNIPES  
State of Nevada

**5. Set forth the name, law firm, address, and telephone number of all counsel on appeal and identify the party or parties whom they represent:**

Sandra L. Stewart	Steven B. Wolfson, Esq.
Attorney at Law	Clark County District Attorney
1361 Babbling Brook Court	200 Lewis Avenue
Mesquite, NV 89034	Las Vegas, NV 89101
702-526-1867	702-671-2700
(for Andre Grant Snipes)	(for State)

**6. Indicate whether appellant was represented by appointed or retained counsel in the district court:**

Appointed.

**7. Indicate whether appellant is represented by appointed or retained counsel on appeal:**

Appointed.

**8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave:**

No.

**9. Indicate the date the proceedings commenced in the district court (e.g., date complaint, indictment, information, or petition was filed):**

November 1, 2019.

Dated this 17<sup>th</sup> day of January, 2021.



SANDRA L. STEWART  
Attorney for ANDRE GRANT SNIPES

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on January 17, 2021, I served a copy of the:


3 **CASE APPEAL STATEMENT**

4  
5 by e-filing the document with the Eighth Judicial District Court via Wiznet, thereby  
6 providing access to a copy to all other interested parties, including but not limited  
7 to, the following:  
8

9 STEVEN B. WOLFSON, ESQ.  
10 **CLARK COUNTY DISTRICT ATTORNEY**  
11 200 LEWIS AVENUE  
12 LAS VEGAS, NV 89155-2212

13 and by mailing via first class mail, postage thereon fully prepaid to:

14  
15 ANDRE GRANT SNIPES, INM NO. 1240651  
16 **HIGH DESERT STATE PRISON**  
17 POST OFFICE BOX 650  
18 INDIAN SPRINGS, NV 89070  
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22 SANDRA L. STEWART  
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