

IN THE SUPREME COURT OF THE STATE OF NEVADA

* * * * *

TOYER EDWARDS

S.C. CASE NO. 82639

Appellant,

Electronically Filed
Dec 10 2021 04:46 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

vs.

THE STATE OF NEVADA,

Respondent.

APPEAL FROM JUDGMENT OF CONVICTION
EIGHTH JUDICIAL DISTRICT COURT
THE HONORABLE JUDGE CARLI KIERNY, PRESIDING

~~~~~  
APPELLANT'S APPENDIX TO THE OPENING BRIEF  
VOLUME V  
~~~~~

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IN THE SUPREME COURT OF NEVADA

TOYER EDWARDS

CASE NO. 82639

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

OPENING BRIEF APPENDIX

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TRANSCRIPT OF PROCEEDINGS RE:
SENTENCING MAY 10, 2018
(FILED APRIL 14, 2021)

VERDICT
(FILED MARCH 02, 2018)

779-794

701-702

CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court 10th day of December, 2021. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

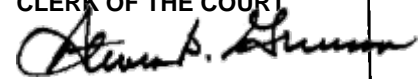
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CHRISTOPHER R. ORAM, ESQ.

BY:

/s/ Nancy Medina
An Employee of Christopher R. Oram, Esq.



1 **MEMO**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 ERIKA MENDOZA
6 Chief Deputy District Attorney
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8 200 Lewis Avenue
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DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-vs-

TOYER EDWARDS, aka,
Toyer Fidel Edwards, #878456
Defendant.

CASE NO: C-17-324805-1

DEPT NO: XVIII

STATE'S SENTENCING MEMORANDUM

DATE OF HEARING: April 26, 2017
TIME OF HEARING: 9:00 AM

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through ERIKA MENDOZA, Chief Deputy District Attorney, and hereby submits this Memorandum for the Court's consideration.

POINTS AND AUTHORITIES

STATEMENT OF FACTS

As the Court heard during Defendant's trial, on the morning of June 18, 2017, Defendant was sleeping in a public area on Las Vegas Boulevard at Hawaiian Marketplace. Two (2) security officers approached him and asked him to leave. Defendant argued with the officers and reached for a knife. One of the security officers pepper sprayed Defendant. Defendant thereafter stabbed both officers with the knife. Body camera video revealed Defendant was belligerent after taken into custody. Defendant was screaming, laughing, and

1 taunting the injured security officers, yelling "you can't fuck with me on your best day and
2 my worst day", "they underestimate me, I took they bitch ass down", and "I tore his ass up".
3 Defendant brags "I've been on every yard" and also warned "they gonna keep going to the
4 hospital" and "every time I get out of jail this is the first place I'm coming".

5 Defendant's criminal history includes six (6) felonies, four (4) gross misdemeanors,
6 and ninety-seven (97) misdemeanors. His criminal history is so extensive that Metro assigned
7 him a second ID number. His scope report under his original ID number is forty-eight (48)
8 pages, while the report under his second ID number is fourteen (14) pages. He has been the
9 defendant in one hundred and two (102) cases submitted to the DA's office. His criminal
10 history dates back thirty-one (31) years and includes violent felony convictions of Robbery
11 and Assault With a Deadly Weapon. Defendant's on going history demonstrates he is
12 incredibly violent and a prolific nuisance in the strip corridor. Just a few of the cases
13 demonstrating Defendant's character are as follows:

14 **87M05487X (Event 87-83701)**

15 On September 3, 1987, Defendant was at the Holiday Casino on Las Vegas Boulevard
16 to report a lost wallet. See, State's Exhibit 1, Arrest Report. Security realized Defendant was
17 a prior trespass, did a records check, and discovered he was "wanted". Id. When security
18 informed Defendant he was wanted, Defendant attempted to flee. Id. Security officers chased
19 Defendant and Defendant picked up a chair and attached a security officer by striking him on
20 the leg with the chair. Id. Security was able to restrain Defendant until police arrived.
21 Defendant was charged with Battery and adjudicated guilty.

22 **98F16114X (Metro Event 981113-1547)**

23 On November 30, 1998, Defendant was intoxicated and violent in his home. See,
24 State's Exhibit 2, Crime Report. Defendant attempted to throw a coffee table out the window.
25 Id. Defendant threatened multiple family members, including three (3) children, 8-10 years
26 old, with a twelve (12) inch knife. Id. Defendant ran towards the children with the knife,
27 yelling "I'm going to kill you if you don't go in your room". Id. Defendant thereafter held the
28 victims in the room by threatening to kill them. Id. Defendant pled guilty to Assault.

1 **03F21064X (Metro Event 031130-0538)**

2 On November 30, 2003, officers received a report of fight between a man and a woman
3 on the corner of Paradise and Harmon, outside the Hard Rock Casino. See, State's Exhibit 3,
4 Arrest Report. Police did not find anyone at the location. Id. However, shortly thereafter they
5 responded to the Hard Rock regarding a Robbery. Id. The victim, matching the description of
6 the female in the earlier call, said she had been drinking and gambling at the Hard Rock with
7 Defendant, who matched the description of the male from the earlier call. Id. The victim left
8 to buy cigarettes at a nearby store and Defendant followed her. Id. While on the corner of
9 Paradise and Harmon, Defendant asked for money. Id. When the victim said no, Defendant
10 threw her to the ground and grabbed her wallet. Id. The victim and Defendant physically
11 struggled and Defendant took the victim's shoe. Id.

12 Defendant claimed he never had any contact with the victim and was at Hard Rock by
13 himself. Id. However, several security officers saw Defendant and the victim together at the
14 Hard Rock. Id. Further, one of the security officers witnessed Defendant throw something into
15 a dumpster. Id. The security officer recovered a shoe, matching the one the victim was missing,
16 from the dumpster. Id. Defendant was charged with Robbery. However, the State dismissed
17 the case when the victim failed to appear at the preliminary hearing.

18 **05M21861X/05M23709X (Metro Event 050920-1860)**

19 On September 20, 2005, Defendant was sleeping in the sports book at the Mirage. See,
20 State's Exhibit 4, Citation and Voluntary Statements. When a Mirage employee asked
21 Defendant to leave, Defendant replied "fuck you, you broke ass nigger, I'll cut you from your
22 navel to your throat". Id. The employee notified security, who attempted to detain Defendant.
23 Id. Defendant pulled out a knife and told security "I will cut your boy". Id. Defendant had
24 recently been trespassed from MGM properties and therefore was taken into custody and cited
25 for Trespass. Id. Defendant was adjudicated guilty of Trespass and Possession Drug
26 Paraphernalia.

27 ///

28 ///

1 **06M22751X (Metro Event 060925-2742)**

2 On September 25, 2006, Defendant approached a couple on Las Vegas Boulevard and
3 offered to sell them a shirt. See, State's Exhibit 5, Arrest Report. When the couple declined
4 Defendant said "don't be so rude or I'll fuck you up" then reached into his pocket and said
5 "I'm gunna shoot you mother fucker". Id. One of the victims pushed Defendant away. Id.
6 Defendant pulled something out of his pocket and swung it at the victim's side. Id. The victim
7 believed the object was a knife and therefore pulled out his own pocket knife. Id. Defendant
8 then fled the scene, but was apprehended by police officers. Id. Police submitted the case on a
9 Battery charge, but the State did not file a complaint before the statute of limitations expired.

10 **07M23392X (Metro Event 070713-1793)**

11 On July 13, 2007, Defendant stole several pieces of merchandise from a business on
12 Twain Avenue. See, State's Exhibit 6, Citation and Voluntary Statement. When an employee
13 attempted to stop Defendant he pushed her to the ground and exited the business. Id. Defendant
14 was cited for Battery and adjudicated guilty.

15 **07M36971X/07M36979X (Metro Event 070927-1781)**

16 On September 27, 2007, Defendant attempted to steal merchandise from Walgreens on
17 Las Vegas Boulevard. See, State's Exhibit 7, Citation and Voluntary Statement. Defendant
18 physically attacked multiple employees who tried to stop him. Id. Defendant punched an
19 employee, bit an employee, and threw merchandise at several employees. Id. Defendant pulled
20 out pliers, which one of the employees was able to recover. Id. Employees and other witnesses
21 detained Defendant until police arrived. Id. Defendant "insulted everyone with racial
22 comments and saying threatening things. [Defendant] never shut his mouth." Id. Defendant
23 was cited for Battery and Disorderly Conduct and was adjudicated guilty of both.

24 **08M21369X (Metro Event 080722-3650)**

25 On August 7, 2008, Defendant was harassing customers at the Stage Door Casino, just
26 east Las Vegas Boulevard. See, State's Exhibit 8, Arrest Report and Voluntary Statement.
27 Security officers asked Defendant to leave. Id. As officers read Defendant a trespass warning
28 Defendant pulled a knife. Id. Defendant eventually retreated after officers pulled their batons.

Id. As Defendant walked away he told them “I got something else for ya” and “I’ll pop both your asses” while motioning towards a container he held. Id.

Police responded and found Defendant nearby drinking liquor. Id. Defendant ran from police and initially refused to provide identifying information. Id. Defendant had imitation cocaine on his person. Id. Police submitted charges for Consuming Liquor Where Purchased, Obstructing, and Possession Imitation Controlled Substance. However, the State did not file a complaint prior to the expiration of the statute of limitations.

C248058 (Metro Event 080901-1780)

On September 1, 2008, Defendant concealed bleach and several cans of insecticide in a bag at Albertson's and left without paying. See, State's Exhibit 9, Arrest Report. Defendant pled guilty to Burglary and was sentenced to 12-30 months.

C264910 (Metro Event 100414-4804)

On April 14, 2010, Defendant approached two (2) restaurant employees and tried to sell them alcohol. See, State's Exhibit 10, Arrest Report. When the employees declined, Defendant told them he had a gun and would shoot them. Id. Defendant pulled a large shiny item of his pocket and waved it at the employees. Id. The shiny item turned out to be a large pair of nail clippers. Id. Police also found imitation controlled substances in Defendant's belongings. Id. Defendant plead guilty to Assault With a Deadly Weapon and the State agreed to dismiss 10F07851X (see below). Defendant was sentenced to 19-48 months.

10F07851X (Metro Event 100425-0008)

On April 25, 2010, nine (9) days after the above robbery, Defendant was ordered to leave the MGM after causing a disturbance. See, State's Exhibit 11, Arrest Report. Defendant was drunk, struggling with security, and refused to leave. Id. Police officers intervened. Id. Defendant was extremely intoxicated and uncooperative. Id. Defendant tried to bite multiple officers and refused to walk. Id. On the way to jail Defendant kicked out one of the windows in the police vehicle. Id. Defendant had imitation cocaine on his person. Id. The case was dismissed pursuant to negotiations in C264910.

///

1 **12F13108X (Metro Event 120816-3714)**

2 On August 16, 2012, Defendant attempted to steal alcohol from a convenient store on
3 the strip. See, State's Exhibit 12, Arrest Report. When the manager attempted to stop
4 Defendant, he grabbed a glass bottle and tried to hit her with it. Id. Defendant then pulled
5 "something shiny" on a security guard and told the security guard he (Defendant) was going
6 to hurt him (the security guard). Id. The security guard believed Defendant had a knife and ran
7 away. Id. Defendant ran off through Planet Hollywood. Id. A second security officer came
8 into contact with Defendant in the Planet Hollywood shops. Id. Defendant was verbally
9 abusive and yelling. Id. Security turned Defendant over to police. Id.

10 A police officer tried to walk Defendant to the police vehicle. Id. Defendant refused to
11 walk, kicked the officer, and tried to bite the officer. Id. Defendant also kicked the window
12 out of the patrol car. Id. Officers found imitation cocaine on Defendant's person. Id. Defendant
13 pled guilty to Assault and Trespass with eight (8) months in CCDC.

14 **C293768 (Metro Event 131012-3855)**

15 On October 12, 2013, undercover police officers came into contact with Defendant on
16 Las Vegas Boulevard. See, State's Exhibit 13, Arrest Report. Defendant tried to sell the
17 officers a bottle of vodka. Id. The officers thought the bottle looked suspicious as the label
18 was torn in a way that suggested a security device had been ripped off. Id. Officers searched
19 Defendant's backpack and discovered another bottle of vodka, a bottle of champagne, and
20 some sharp clippers. Id. Moreover, officers discovered imitation cocaine and a hotel room key
21 card in Defendant's wallet. Id. Officers also discovered Petit Larceny citations from other
22 events wherein Defendant was cited for stealing a bottle of champagne from Harrah's and a
23 backpack from Paris. Id.

24 Officers contacted an employee at a nearby liquor store, who stated a male matching
25 Defendant's description (including his black and white backpack) comes by almost every day
26 and tries to steal liquor. Id. Defendant told police he "constantly steals alcohol on the strip
27 because it's easy". Id. Defendant specifically admitted to stealing from Paris, Bally's, The
28 Quad, MGM, Excalibur, and numerous other casinos. Id. Defendant further told police that

1 arresting him is a waste of time because he will just receive credit for time served. Id. He
2 explained "stealing alcohol and selling it to tourists was [his] hustle], and that's how [he] made
3 money, and that [he] was going to continue doing it, regardless of the outcome." Id. Defendant
4 pled guilty to Conspiracy Burglary and was sentenced to three hundred and sixty four (364)
5 days.

6 ARGUMENT

7 In light of Defendant's history and the facts of the underlying case, Defendant should
8 be adjudicated under the large habitual criminal statute with a sentence of life without the
9 possibility of parole as recommended by the Department of Parole and Probation.

10 The purpose behind habitual criminal statutes is to increase sanctions for the recidivist
11 in an effort to discourage repeat offenders. Lisby v. State, 82 Nev. 183, 414 P.2d 592 (1966);
12 Rezin v. State, 95 Nev. 461, 596 P.2d 226 (1979). The statute allows an enlarged punishment
13 for one who cannot be rehabilitated, and, who as a recidivist, repeatedly violates the law.
14 Howard v. State, 83 Nev. 53, 422 P.2d 548 (1967). In Howard, the Supreme Court noted,
15 "society has the right to remove from its ranks for a longer time those who refuse to conform
16 to a lawful mode of living." Id.

17 Sentencing under the habitual criminal statute is within the discretion of the sentencing
18 court. While the defense frequently argues one should be excused from habitual treatment
19 because priors are "stale" or for nonviolent offenses, the Nevada Supreme Court has
20 acknowledged the statute makes no special allowance for such crimes. Arajakis v. State, 108
21 Nev. 976, 843 P.2d 800 (1992), citing French v. State, 98 Nev. 235, 645 P.2d 220 (1982). The
22 appellate court reviews a habitual sentence for an abuse of discretion as the Supreme Court
23 previously noted it is "presumptively improper for this court to superimpose its own views on
24 sentences of incarceration lawfully pronounced by our sentencing judges." Arajakis, 108 Nev.
25 at 984, citing Sims v. State, 107 Nev. 438, 814 P.2d 63 (1991). As such, the appellate courts
26 routinely uphold habitual sentences¹.

27 ¹ Arajakis, 108 Nev. 976 (two (2) consecutive life without the possibility of parole sentences under habitual criminal
28 statute upheld for embezzlement convictions where State provided three (3) prior fraud related convictions, including
one from 1977); Sims, 107 Nev. 438 (habitual life without the possibility of parole sentence upheld for Grand Larceny
where Sims stole a purse and had three (3) prior felonies); White v. State, 105 Nev. 121, 771 P.2d 52 (1989)(10-life

1 In determining whether to impose a habitual sentence, the sentencing court should not
2 only consider the prior felonies forming the basis of the request for habitual treatment, but
3 totality of circumstances. See, Tillema v. State, 112 Nev. 266, 914 P.2d 605 (1996). Such
4 includes, but is not limited to, the facts of the offenses, the presentence investigation report,
5 other convictions and arrests, and a defendant's prior performance on supervision. Id.;
6 Arajakis, 108 Nev. 976.

7 Here, Defendant has six (6) prior felonies, four (4) gross misdemeanors, and ninety-
8 seven (97) misdemeanor convictions. He also has two hundred and twenty-one (221) arrests
9 in Nevada alone². Such excludes several years Defendant was in Minnesota in the early 1990s.
10 The only years during which Defendant has zero (0) arrests coincides with extended periods
11 of incarceration³. Defendant returns to theft and violence again and again despite convictions
12 and incarcerations. Defendant's pattern is to steal repeatedly, cause disturbances on the strip,
13 and threaten violence against anyone who attempts to stop him.

14 The underlying event wherein he stabbed two (2) security officers is one of seven (7)
15 events the State discovered wherein he threatened employees or victims with weapons when
16 the victims thwarted his plans (outlined above). Defendant's history is also replete with arrests
17 for Obstructing/Resisting an Officer and Petit Larcenies. See, p.6-7 PSI. Moreover, by
18 Defendant's own admissions in C293768, he is going to continue pursuing "his hustle" of
19 stealing on the strip regardless of the consequences. Defendant is exactly the criminal the
20

21
22 habitual sentence for Burglary upheld where defendant had six (6) prior felonies, including one (1) violent
23 felony)(subsequently overruled on other grounds); Tanksley v. State, 113 Nev. 997, 946 P.2d 148 (1997)(habitual
24 sentence of life with the possibility of parole for Arson upheld where defendant had priors for Criminal Mischief,
25 Possession of Firearm by Ex Felon, and Aggravated Assault ranging from three (3) to sixteen (16) years old). Sessions v.
26 State, 106 Nev. 186 (1990) is the only case wherein the Nevada Supreme Court found the lower court abused its
27 discretion in imposing a habitual sentence. Defendant Sessions was sentenced to life without the possibility of parole for
28 a marijuana offense. Id. Sessions' priors were 23-30 years old and were for Theft, Grand Theft, and Escape Without the
Use of Force. Id.

² According to Defendant's SCOPE report, he was arrested thirteen (13) times in 1987, fifteen (15) times in 1993, nine
(9) times in 1995, twelve (12) times in 1996, eight (8) times in 1997, sixteen (16) times in 1998, ten (10) times in 1999,
ten (10) times in 2001, five (5) times in 2002, eight (8) times in 2003, two (2) times in 2004, fifteen (15) times cics
in 2005, seven (7) times in 2006), twenty-three (23) times in 2007, twelve (12) times in 2008, three (3) times in 2010, six
(6) times in 2012, sixteen (16) times in 2013, nine (9) times in 2014, seven (7) times in 2015, ten (10) times in 2016, and
five (5) times between January, 2017 and June, 2017.

³ 1994 – in prison on C117388; 2000 – incarcerated on C183974 and C315661; 2009 – in prison on C248058; 2011 – in
prison on C264910

1 legislature enacted the habitual statute for – one who refuses to confirm to a lawful mode of
2 living.

3 Additionally, Defendant is transient with no employment history or family support.
4 While such are unfortunate circumstances, such also means Defendant has no feasible options
5 for a lawful existence out of custody. The only way to ensure Defendant will not threaten the
6 lives of productive, law abiding citizens is to incarcerate him for the rest of his life.

7 **CONCLUSION**

8 In light of the foregoing, the State respectfully requests both Courts to sentence
9 Defendant as a large habitual criminal and impose a life without the possibility of parole as
10 recommended by the Department of Parole and Probation.

11 DATED this 24th day of April, 2018.

12 Respectfully submitted,

13 STEVEN B. WOLFSON
14 Clark County District Attorney
Nevada Bar #001565

15 BY /s/ ERIKA MENDOZA
16 ERIKA MENDOZA
17 Chief Deputy District Attorney
Nevada Bar #12520

18
19 **CERTIFICATE OF SERVICE**

20 I certify that on the 16th day of April, 2018, I e-mailed a copy of the foregoing State's
21 Sentencing Memorandum, to:

22 DEPUTY PUBLIC DEFENDER
23 pdclerk@clarkcountynv.gov

24
25 BY: /s/ J. MOSLEY
26 Secretary for the District Attorney's Office
27
28

EXHIBIT "1"

PAGE 1 OF 3

SPECIFIC CRIME(S)

FIELD

PT. TELEPHONE

STATION

CITY

COUNTY

SECTOR/BEAT

M-1

BATT W/ DEADLY WEAPON

EVENT NO.

0120

DR.

87-23701

VICTIM'S NAME (Last, First, Middle) FIRM NAME IF BUSINESS

EGAN JAMES L

PHONES

RES

BUS

N/A

VICTIM'S ADDRESS (No. Street, City, State, Zip Code)

3475 L.V. BLVD SO. L.V. NV. 89109

STATEMENT

S.S. NO.

DATE OF BIRTH

OCCUPATION AND BUSINESS FIRM NAME

310 HOLIDAY CASINO

BDPC (LOCATION OR PHONE)

369-5000

TIME

0800

OCCURRED

MO

DAY

YR

DAY/WK

TIME

REPORTED

MO

DAY

YR

TIME

N.H. MEMBER

ON OR BTWN.

03

03

87

THUR

03:40

09

03

87

02:45

YES

AND

N/A

POINT OF ENTRY (FOR BURGLARIES ONLY)

N/A

LOCATION OF OCCURRENCE

SECURITY OFFICE HOLIDAY CASINO

IF VISITOR, LOCAL ADDRESS

DEPARTURE DATE

VEHICLE

YEAR

MAKE

BODY TYPE

MODEL

LICENSE NO

STATE

COLOR

INFORMATION - VICTIM

N/A

If arrest was made, name of arrestee on Page 2 and place number in box.

Was there a witness to the crime? Place Name, Address on Page 2.

Victim

Other

If no, place an X in Box A

If no, place an X in Box B

If no, place an X in Box C

If no, place an X in Box D

If no, place an X in Box E

If no, place an X in Box F

A

B

C

D

E

F

X

Can suspect be named? If so, explain in "Suspect Section" - Page 2

Can suspect be located? Explain in narrative.

Can suspect be described? If so, explain in "Suspect Section" - Page 2

Can suspect be identified? Explain in narrative.

Can suspect vehicle be identified? If so, describe on Page 2.

DESCRIBE PROPERTY STOLEN/DAMAGED

N/A

IDENTIFICATION INFO

SERIAL NO.

MODEL NO.

VALUE

ENTERED

MJP

PROPERTY LIST.

COMPLETE

CONTINUED ON REVERSE SIDE

ADDITIONAL VICTIM'S INFORMATION (FORM 607) WILL FOLLOW

Is stolen property traceable (identifiable)?

Is there significant physical evidence present? If yes, describe in narrative

Is there significant M.O. present? If yes, describe in narrative

Has criminalistic work been performed? Yes If yes, I.D. Specialist's P. Number

No

If no, place an X in Box G

If no, place an X in Box H

If no, place an X in Box I

G

H

I

DEATH

OR

INJURY

X

NONE

REMOVED

N/A

DATE:

TIME:

MAID INFORMATION

MAID:

INSPECTRESS:

WHERE HOSPITALIZED/MORTUARY

N/A

DATE/TIME PRONOUNCED

CORONER YES

NOTIFIED NO

P.T.O. TAKING AT:

N/A

P.T.O. SIGNATURE:

OFFICER'S RECOMMENDATIONS:

FOLLOW-UP

SUSPEND

CONNECTING REPORTS - TYPE AND DR NO.

CONTINUATION - 369-5000

REPORTING OFFICER(S)

SUPERVISOR APPROVING REPORT

SUPERVISOR RECOMMENDATIONS:

FOLLOW-UP

SUSPEND

COMMENTS:

P. NO.

2296

This information is furnished to Criminal Justice Agencies ONLY. Secondary dissemination to Non-Criminal Justice Agencies is prohibited.

YES

NO

FEB 22 2018

Released to County Attorney

Law Enforcement Department

By

0713

EDWARDS, TOYER F NO PERM. ADDRESS
 M N BIK BRO 5'6 138 08/24/59 SUM X 878456
 WORK

ONE REPORT / DENIES

N/A

N/A

P/R Egan, James L.
 N/A

WORK

08:00
12:00

N/A

W M

VICTIM OF BATTERY

X

S/O - HOLIDAY CASINO

W-I KLEIN, MARK

WORK

08:00
12:00

N/A

W M

SAW EDWARDS THROW
 CHAIR AT EGAN

A S/O HOLIDAY CASINO

EDWARDS WAS IN THE HOLIDAY

CASINO SECURITY OFFICE TO REPORT A LOST WALLET. BECAUSE EDWARDS HAD
 PREVIOUSLY BEEN TRESPASSED FROM THE HOLIDAY CASINO, THEY DID A RECORDS
 CHECK WHICH SHOWED THAT EDWARDS WAS WANTED. WHEN EDWARDS
 HEARD THE SECURITY OFFICER SAY THAT HE WAS WANTED EDWARDS
 STOOD UP AND RAN TOWARDS THE DOOR. AS S/O EGAN WAS
 MOVING TOWARDS EDWARDS TO RESTRAIN HIM, EDWARDS PICKED
 UP A CHAIR AND THREW IT AT EGAN, STRIKING HIM ON THE LEFT

PAGE 3 OF 3

OFFICER(S) B. CASSELL 1M12 P. NO. 3077 DR. 87-83701

ADDITIONAL SUSPECTS

NO.	SUSPECT (LAST, FIRST, MIDDLE)						RESIDENCE ADDRESS (NO., STREET, CITY, STATE, ZIP CODE)			
	<u>N/A</u>									
SEX	RACE	HAIR	EYES	HEIGHT	WEIGHT	AGE OR D.O.B.	BUILD	ARRESTED	I.D.	
								<input type="checkbox"/> YES <input type="checkbox"/> NO		
IDENTIFYING MARKS AND CHARACTERISTICS							COMPLETE DESCR. OF TOOLS OR WEAPON USED			
LAST SEEN WEARING										

NO.	SUSPECT (LAST, FIRST, MIDDLE)						RESIDENCE ADDRESS (NO., STREET, CITY, STATE, ZIP CODE)			
	<u>N/A</u>									
SEX	RACE	HAIR	EYES	HEIGHT	WEIGHT	AGE OR D.O.B.	BUILD	ARRESTED	I.D.	
								<input type="checkbox"/> YES <input type="checkbox"/> NO		
IDENTIFYING MARKS AND CHARACTERISTICS							COMPLETE DESCR. OF TOOLS OR WEAPON USED			
LAST SEEN WEARING										

PERSONS CONTACTED (Additional Witnesses or Victims)

CODE	NAME (LAST, FIRST, MIDDLE)	BEST DAYTIME POINT OF CONTACT (BDPC)	TIME	BDPC PHONE
<u>W-2</u>	<u>DAKS RICHARD</u>	<u>WORK</u>	<u>08:00</u> <u>17:00</u>	<u>369-5000</u>
RESIDENCE ADDRESS (NO., STREET, CITY, STATE, ZIP CODE)		RES. PHONE	D.O.B.	RACE SEX
<u>N/A</u>		<u>N/A</u>		<u>W</u> <u>M</u>
KNOWLEDGE OF EVENT CIRCUMSTANCES		STATEMENT OBTAINED	SIGNATURE (VICTIM'S ONLY)	
<u>SAW EDWARDS THROW</u> <u>CHAIR AT EGAN</u>		<input checked="" type="checkbox"/>	<u>N/A</u>	
PROPERTY TAKEN (VICTIM'S ONLY)			VALUE	
<u>N/A</u>				

CODE	NAME (LAST, FIRST, MIDDLE)	BEST DAYTIME POINT OF CONTACT (BDPC)	TIME	BDPC PHONE
	<u>N/A</u>			
RESIDENCE ADDRESS (NO., STREET, CITY, STATE, ZIP CODE)		RES. PHONE	D.O.B.	RACE SEX
KNOWLEDGE OF EVENT CIRCUMSTANCES		STATEMENT OBTAINED	SIGNATURE (VICTIM'S ONLY)	
		<input type="checkbox"/>		
PROPERTY TAKEN (VICTIM'S ONLY)			VALUE	

NARRATIVE: SHAN I SAW A FRESH ABRASION APPROXIMATELY 1/2" LONG,
AND SWELLING AND BRUISES ON EGAN'S LEFT SHIN. EDWARDS
WAS SUBDUED BY SECURITY OFFICERS AND PLACED IN
MANDUCUES. METRO WAS THEN CALLED

28010008010

0715

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
 CONTINUATION/FOLLOW-UP REPORT

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT

TYPE CRIME BUDW

DR NO. 87-83701

DATE OCCURRED: 9-3-87 TIME OCCURRED: 0220

LOCATION OF OCCURRENCE: Security Office

NAME OF PERSON GIVING STATEMENT: JAMES L. EGAN

RESIDENCE ADDRESS: N/A PHONE: N/A

BUSINESS ADDRESS: Howard Cabana PHONE:

DATE OF BIRTH: BEST TIME TO CONTACT DURING THE DAY: AM

BEST PLACE TO CONTACT DURING THE DAY: Home

DETAILS: On this Date 9-3-87 and Time 0220, James L. Egan #57

Along with Sgt. M. Nien and Sgt. Richard Chris were in the
Security Office processing (1) B.M.A. Taylor Edwards.
Sgt. Nien called Metro for wants & search that
Mr. Edwards has wants on him and Metro is on the
way. But here at that time, Taylor Edwards tried to
run out the Security Office. While doing so, he
picked up a chair & threw it at my left leg,
leaving (1) Bruise on my left leg. At that point, I
called #57, and #57 and #57 took the handcuffs on Taylor
Edwards and waited for Metro.

Dissemination is restricted to Criminal
Justice Agencies Only. Secondary
Agencies is PROHIBITED.

I HAVE READ THIS STATEMENT CONSISTING OF 1 PAGE(S) AND I AFFIRM TO THE TRUTH AND ACCURACY OF THE FACTS CONTAINED
HEREIN. THIS STATEMENT WAS COMPLETED AT (LOCATION) Security Office ON THE 3 DAY
OF September AT 2:20 (AM/PM), 19 87.

FEB 22 2018

WITNESS: Bill Casell #3077

WITNESS:

LVMPD 48 (REV 1-83)

Released to County Attorney
Not to be used for any other purpose
By 153201

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT

TYPE CRIME BURDEN

DR NO. 87-83701

DATE OCCURRED: 9-3-87 TIME OCCURRED: 2:10 A.M.

LOCATION OF OCCURRENCE: HOLIDAY CASINO & HOLIDAY INN SECURITY OFFICE

NAME OF PERSON GIVING STATEMENT: MARK KLEIN

RESIDENCE ADDRESS: _____ PHONE: _____

BUSINESS ADDRESS: 1125 E. LAS VEGAS BLVD 5. PHONE: _____

DATE OF BIRTH: _____ BEST TIME TO CONTACT DURING THE DAY: 08:00-17:00

BEST PLACE TO CONTACT DURING THE DAY: HOLIDAY CASINO

DETAILS: on 9-3-87 at 2:10 A.M. while in the security office, Mark Klein was detained by a police officer. He was taken to the Holiday Inn Security Office where he was interviewed. He stated that he was a security guard at the Holiday Inn and was on duty at the time of the incident. He was asked to provide a statement and was given a chair to sit in while waiting for the results of the investigation. He was then released and was not seen in the left leg.

I HAVE READ THIS STATEMENT CONSISTING OF 1 PAGE(S) AND I AFFIRM TO THE TRUTH AND ACCURACY OF THE CONTENTS CONTAINED HEREIN. THIS STATEMENT WAS COMPLETED AT (LOCATION) HOLIDAY CASINO & HOLIDAY INN ON 9-3-87 AT 2:10 A.M. (AM/PM), 19 87.
Dissemination is restricted to Criminal Justice Agencies only. Dissemination to the Criminal Justice Agencies is PROHIBITED.

WITNESS: Bill Hestell #3077

WITNESS: _____

LVMPD 68 (REV. 3-85)

FEB 22 2018

Signature of Person Giving Statement
Released to County Attorney
Las Vegas Metropolitan Police Dept.
By CORNER

0717

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT

TYPE CRIME B.W.D.W.

DR NO. 87-83701

DATE OCCURRED: 9-3-87 TIME OCCURRED: 2:00 AM

LOCATION OF OCCURRENCE: Holiday Casino 3475 LV Blvd 50 LV NEV 89102

NAME OF PERSON GIVING STATEMENT: Richard Oaks

RESIDENCE ADDRESS: _____ PHONE: _____

BUSINESS ADDRESS: 3475 LV Blvd 50 LV NEV 89102 PHONE: 89102

DATE OF BIRTH: _____ BEST TIME TO CONTACT DURING THE DAY: after 3:00 pm

BEST PLACE TO CONTACT DURING THE DAY: Residence

DETAILS: on 9-3-87 at 2:00 AM This R/O was

in The Security Office. When S/O Egan and
Sgt Klein Brought a subject into The Security
Office To Take a lost and Found Report. When
it Klein called Metro To check on his lost wallet
he was informed The Subject had a Warrant
out on him.

The Subject Then became Violent Threw
a chair at S/O Officer Egan and Tried
To Run out of The Office. This R/O and
S/O Egan had To use Force on The Subject
To in order to protect ourselves and The
Hotel property

Dissemination is restricted to Criminal

Justice Agencies ONLY. Secondary
Dissemination to Non-Criminal Agencies
is PROHIBITED.

I HAVE READ THIS STATEMENT CONSISTING OF 1 PAGE(S) AND I AFFIRM TO THE TRUTH AND ACCURACY OF THE FACTS CONTAINED
HEREIN. THIS STATEMENT WAS COMPLETED AT (LOCATION) HOLIDAY CASINO ON THIS 3 DAY
OF SEPT AT 3:00 (AM/PM), 1987.

WITNESS: Till Cassel #3077

FEB 22 2018

WITNESS: _____

LVMPD 88 (REV 7-85)

By Richard Oaks
Las Vegas Metropolitan Police Dept.

0718

EXHIBIT “2”

Las Vegas Metropolitan Police Department
400 S. Martin Luther King Blvd.
Las Vegas, NV 89106



Case Report No: LLV981113001547

Administrative

Location 4400 E KELL LA, Apt#310 LAS VEGAS, NV 89115
Occurred On (Date and Time) 11/13/1998 6:08:00 PM
Reporting Officer
Entered By Brown, Tracey E

Sector/Beat F1

Or Between (Date and Time)
Report Taken On 11/13/1998 6:57:00 PM
Entered On 11/14/1998 10:54:51 AM

Offenses:

CHILD ENDANGERMENT

Completed Yes Domestic Violence No Hate/Bias

Victims:

Name: BROWN, C

Victim Type Individual

DOB Age 8 Sex Male Written Statement No Can ID Suspect No
Height Weight Race Black or African American
Hair Color Black Eye Color Brown

Addresses

4400 E KELL LA, Apt#310 LAS VEGAS, NV 89115 USA

Phones

Residence/Home

Name: BROWN, C

Victim Type Individual

DOB Age 10 Sex Male Written Statement No Can ID Suspect No
Height Weight Race Black or African American
Hair Color Black Eye Color Brown

Addresses

4400 E KELL LA, Apt#310 LAS VEGAS, NV 89115 USA

Phones

Residence/Home 702 438-9255

Name: EDWARDS

Victim Type Individual

DOB Age 9 Sex Male Written Statement No Can ID Suspect No
Height Weight Race Black or African American
Hair Color Black Eye Color Brown

Addresses

4400 E KELL LA, Apt#310 LAS VEGAS, NV 89115 USA

Phones

Residence/Home

Arrestees:

Name: EDWARDS, TOYER FIDEL

Aliases:

EDWARDS, TOYER FIDEL

Written Statement No
DOB 8/24/1959 Age 39 Sex Male Race Black or African American
Height 5' 10" Weight 135 Hair Color Black Eye Color Brown

Addresses

4400 E KELL LA, Apt#310 LAS VEGAS, NV 89115 USA

Phones

Residence/Home

Witnesses:

Name: HARRIS

Written Statement No

DOB Age 47 Sex Female Can ID Suspect No
Height Weight Race Black or African American
Hair Color Black Eye Color Brown

Addresses

4400 E KELL LA, Apt#310 LAS VEGAS, NV 89115 USA

Phones

Residence/Home

Dissemination is restricted to Criminal
Justice Agencies ONLY. Secondary
Dissemination to Non-Criminal Justice
Agencies is PROHIBITED.

FEB 22 2018

Released to County Attorney
Las Vegas Metropolitan Police Dept.
By K. J. [Signature]

0720

Other Entities:Name: Contact HILL

Written Statement No

DOB

Height

Addresses

Age 28

Weight

Sex

Female

Can ID Suspect No

Race

Hair Color Black

Black or African American

Eye Color

Brown

LAS VEGAS, NV 89115 USA

Phones

Residence/Home

Properties:

Type: HOUSEHOLD GOODS, APPLIANCES

Status Impounded (Towed)

Description FRENCH KNIFE W/ 12" BLADE

Quantity 1.00

Value

Color

Type: MISCELLANEOUS, (BICYCLES, AUTO PARTS, ETC.)

Status Impounded (Towed)

Description GLASS SMOKING PIPE

Quantity 1.00

Value

Color

Narrative:

Subject: CHILD ENDANGERMENT

Author: MCGINNIS, M 4878 [4878]

Entered Date: 11/13/1998 18:57

Narrative Type: INCIDENT REPORT

THE SUSPECT LIVES WITH FAMILY MEMBERS #1-5. THE SUSPECT BECAME ANGRY AND VIOLENT, THROWING ITEMS IN THE HOUSE AND ATTEMPTED TO THROW THE COFFEE TABLE OUT A WINDOW. THE SUSPECT WAS INTOXICATED AND STATED TO OFFICERS HE HAD BEEN SMOKING MARIJUANA. THE SUSPECT GRABBED A 12" FRENCH KNIFE FROM THE KITCHEN AND RAN TOWARDS VICTIM 1 AND 2 STATING "I'M GONNA KILL YOU IF YOU DON'T GO IN YOUR ROOM." THE SUSPECT WAS REFERRING TO THE MASTER BEDROOM OF THE MOBILE HOME. THE SUSPECT THEN TURNED AND CHASED VICTIMS #3 & 4 INTO THE MASTER BEDROOM AS WELL. THE SUSPECT HELD THE VICTIMS IN THE ROOM BY THREATENING TO KILL THE VICTIM WITH THE KNIFE. VICTIM 4 CALLED 911 AND THE SUSPECT PUT THE KNIFE DOWN AND WAITED FOR POLICE. VICTIMS 1-3 ARE 8, 9, AND 10 YOA.

EXHIBIT "3"

0722

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
ARREST REPORT

03F210644

☐ City ☒ County ☒ Adult ☐ Juvenile Sector/Beat N3

ID/EVENT# 878456	ARRESTEE'S NAME EDWARDS, TOYER <small>(Last, First, Middle)</small>				S.S.#									
ARRESTEE'S ADDRESS <small>(Number, Street, City, State, Zip Code)</small>														
TRANSIENT														
CHARGES: ROBBERY														
OCCURRED:		DATE 11/30/03	DAY OF WEEK SUN	TIME 0845	LOCATION OF ARREST <small>(Number, Street, City, State, Zip Code)</small> 4455 PARADISE ROAD, LVN 89108									
RACE B	SEX M	D.O.B. 08/24/69	HT 5'5"	WT 130	HAIR BLK	EYES BRO	PLACE OF BIRTH							

CIRCUMSTANCES OF ARREST

OFFICERS INVOLVED:

E. Ortega, P#6747
E. Rosenthal, P#7778

VICTIM:

Armfield, Karen
Res. Add: Henderson, NV 89012
DOB SSN
Res. Phone No.

WITNESS:

Meisel, Eric
Res. Add:

Place of employment: Hard Rock Hotel
4455 Paradise Road
LVN 89128

Home Phone No.
Work Phone No.

DETAILS:

On 11/30/03, I, Officer E. Ortega, P#6747, and Officer E. Rosenthal, P#7778, were dispatched to the area of Harmon and Paradise in Las Vegas, NV in reference to a possible 417 occurring on the street or near those two cross streets. We were assigned the call at 0608 and we arrived and searched the area without finding the suspects. We cleared from that call at 0614. Details of the call stated that a cab driver, a Mr. Glen Taylor, phone number 279-9281, had been in that area and he had seen a black male and a black female possibly involved in a fight on that corner. Details of the call stated that the

ARRESTING OFFICER(S)	P#	APPROVED BY	CONNECTING RPTS. (Type or Event Number)
E. ORTEGA	6747	Lt. K. Hughes; 2928 12-1-03 @ 1030 hours	031130-0538

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
CONTINUATION REPORT

Page 2 of

ID/Event Number: 878456

black female was wearing a black leather jacket and blue pants and that the black male involved in that incident was of medium height, medium build, with short hair wearing a dark sweatshirt and dark pants. Not finding those two suspects anywhere near the corner of Paradise and Harmon, Officer Rosenthal and I cleared from that call as being unable to locate or suspects GOA.

After clearing that call, we were assigned to call number 031130-0538 in which we were told the Hard Rock security had a suspect in custody and a victim standing by at their security office. Details of the call stated that the victim had been robbed or had items stolen from her by the suspect. We immediately went to the Hard Rock Hotel and made contact with the victim who identified herself as Karen Armfield. She was wearing a black leather coat and blue pants which matched the description of the black female who was involved in the altercation on the corner of Harmon and Paradise that we had been dispatched to earlier. She stated that she had met a friend inside the Hard Rock Hotel; a person that she knew that she identified to us as Toyer Edwards. She said that they had been inside the bar and that they had been gambling and drinking together and Ms. Armfield stated that she got up out of the bar and walked out of the Hard Rock casino and was walking to the St. Tropez Market which is located on the southwest corner of Harmon and Paradise near the Hard Rock Hotel. She said she was walking towards the St. Tropez Market to buy a pack of cigarettes and she said she did not buy the cigarettes inside the Hard Rock Hotel because they wanted \$6.00 for one pack of cigarettes and she could get them cheaper at the St. Tropez. She said that her friend, Edwards, had followed her out of the casino and had approached her as she was standing on the northwest corner of Harmon and Paradise near the Hard Rock Café which is located to the east of the Hard Rock casino. She said that Edwards approached her and asked her for money. Armfield said she refused to give him any money at which time Edwards had grabbed her and thrown her on the ground and had grabbed her black wallet forcibly from her hands and had taken the wallet. She said that that wallet contained personal papers and personal items and approximately \$150.00 in cash. She said that she began to fight with Edwards and that during the incident she had lost a shoe and that she believed that Edwards had taken her shoe with him.

I then made contact inside the security office with the suspect, Toyer Edwards. He refused to answer any questions and refused to talk to police officers, but he did say that he had not been with the victim, Karen Armfield, and he said that he had had absolutely no contact with Armfield. He said that he did not know who she was and he said that he had been inside the Hard Rock casino completely by himself and had not talked to anybody. He said that he had not had any contact with any female or anybody else outside the casino and that he was absolutely totally not involved in any incident that morning.

I then spoke with Hard Rock security officers including Michael Meisel. Meisel and other Hard Rock security officers told me that they had asked Armfield and Edwards to leave the casino because they believed that the two were bothering people inside the bar trying to get those people to buy them drinks. They said that they had been watching the two for a few minutes and that Edwards and Armfield had been sitting together and had been drinking together earlier in the evening. Security Officer Meisel said that after he had been informed that there had been robbery and that Edwards had been involved in that robbery, Meisel stated that he had seen Edwards standing near a dumpster which is located on the

0724

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
CONTINUATION REPORT

Page 3 of

ID/Event Number: 878456

east side of the Hard Rock casino property. He said that he had seen Edwards throw some object into that dumpster. He said that he had approached Edwards and again advised him that he was not to be on the property and that Edwards had left the dumpster and walked back towards the Hard Rock casino where Edwards was subsequently taken into custody by other Hard Rock security personnel. Meisel said that after discovering that Edwards was a suspect in a robbery, he had returned to the dumpster that Edwards had been standing next to and had retrieved a shoe from the top of that dumpster. This shoe was the match of the shoe that Armfield was wearing. It was the shoe that Armfield stated she believed Edwards had taken from her during the robbery incident.

At this time, I, again, attempted to speak with Edwards and he, again, stated that he would not answer any questions, but did deny having any contact with Armfield whatsoever. I then spoke with Armfield again and she told me that her purse had contained approximately \$150.00 and, again, told me that Edwards had forcibly taken the purse from her hands and had, in fact, punched her and thrown her on the ground to take that purse from her. At this time, Edwards was placed under arrest for ROBBERY. Edwards was wearing a dark sweatshirt and dark pants and he had short hair and was of medium height and build and Edwards also matched the description given by the cab driver, Mr. Glen Taylor, as being involved in an altercation with a black female on that corner of Harmon and Paradise. Armfield sustained no visible injuries from the altercation and was not photographed. Security Officer Meisel retrieved the shoe from the dumpster before police officers could photograph the dumpster with the shoe in it and Armfield was unsure as to the exact location of the incident where she was pushed to the ground so that crime scene could not be found. Edwards was transported and booked into CCDC and charged with ROBBERY.

EO:jks (Records)

Job #136906

Date & Time Dictated: 11/30/03 2240 hours

Date & Time Transcribed: 12/01/03 0700 hours

cc: Officer E. Ortega/SCAC
Officer E. Rosenthal/SCAC

0725

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT

ENTERED B38532
Event # 0311300538

THIS PORTION TO BE COMPLETED BY OFFICER

Specific Crime <u>ROBBERY</u>	Date Occurred <u>11-26-03</u>	Time Occurred <u>1600</u>
Location of Occurrence <u>Hard Rock Cafe - sidewalk</u>	<u>11-26-03</u>	<input type="checkbox"/> City <input checked="" type="checkbox"/> County

Your Name (Last / First / Middle) <u>Armfield, Karen</u>				Date of Birth [REDACTED]		Social Security # [REDACTED]	
Race <u>B</u>	Sex <u>A</u>	Height <u>5'9</u>	Weight <u>125</u>	Hair <u>brn.</u>	Eyes <u>brn.</u>	Work Sched. (Hours) <u>open</u>	(Days Off)
Residence Address: (Number & Street) <u>1411</u>				State <u>NV</u>		Zip Code <u>89101</u>	
Bus. (Local) Address: (Number & Street) <u>1411</u>				State <u>NV</u>		Zip Code <u>89101</u>	
Best place to contact you during the day <u>Home - 914/6774-731-4114</u>				Best time to contact you during the day <u>11-26-03</u>			
Can You Identify the Suspect?				<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			

DETAILS I again, Met Suspect 1/2 hrs Ago. Haven't seen him in months. Ran into him this evening. Had a few drinks. I wanted to purchase some Marijuana, so he said he could help. I gave him \$10.00. But he wanted more. When I said no, he got shitty. I said, forget it, keep the \$10.00 just go away. On my way for Sigs, a convenient store, I crossed the street and he followed. We had words, and he knocked me down. I hit him back, then tried to get up, he punched me. I believe I passed out, that's when he got my Billfold. He tried to get Kings, etc. (One Diamond Engagement) - I was screaming for help, and a man stopped and brought me to the front doors of Hard Rock. In the Billfold was approx. \$150.00 and some pocket change - approx. 10-15.00

I HAVE READ THIS STATEMENT AND I AFFIRM TO THE TRUTH AND ACCURACY OF THE FACTS CONTAINED HEREIN. THIS STATEMENT WAS COMPLETED AT (LOCATION) HARD ROCK HOTEL ON THE 30 DAY OF NOV AT 0700 (AM) (PM), 2003

Witness/Officer: E. ORTEGA (SIGNATURE)
Witness/Officer: E. ORTEGA (PRINTED)
LVMPD 85 (REV. 1-94)

Released to: Security Attorney
Signed: [Signature]
By: [Signature]

EXHIBIT “4”

0727

L.V.M.P.D.
ORIGINAL
DO NOT DESTROY

ENT'D

Released to County Attorney
Las Vegas Metropolitan Police Dept.
By 1802ER

0728

THIS PORTION TO BE COMPLETED BY OFFICER

Specific Crime ASSAULT ON EMPLOYEE	Date Occurred 9/20/05	Time Occurred 14:30 HRS
Location of Occurrence MIRAGE	Section/Beat	<input checked="" type="checkbox"/> City <input type="checkbox"/> County

Your Name (Last / First / Middle) MARTIN RAY DEAN		Date of Birth	Social Security #
Race W	Sex M	Height 5'5"	Weight 178
Hair BLN	Eyes BLU	Work Sched. (Hours) 2-10 PM	(Days Off) FRI SAT
Residence Address: (Number & Street) 3400 S LAS VEGAS BLVD		Bldg./Apt. # L	City LAS VEGAS
BUA. (Local) Address: (Number & Street) 3400 S LAS VEGAS BLVD		Bldg./Apt. # L	City LAS VEGAS
Best place to contact you during the day Home or Work		Best time to contact you during the day	
Occupation SECURITY		Depart Date (if visitor)	
Can You Identify the Suspect?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

DETAILS At APPROXIMATELY 1430 HRS SUSPECT WAS 97 AT THE MIRAGE HOTEL. I OBSERVED SUSPECT WITH EMPLOYEE CEDRIC (ENG) I APPROACHED HIM WHEN HE SHOWED ME A ^(WIFE) 413A AND THREATEN TO CUT MY BOY WITH A KNIFE. AFTER SEEING THE 413A I BACKED OFF AND FOLLOWED THE SUSPECT. OUR MONITOR ROOM NOTIFIED METRO AND WE CONTINUED TO FOLLOW SUSPECT TILL HE WAS IN CUSTODY BY METRO. HIS OWN WORDS TO ME WERE I WILL CUT YOUR BOY WHEN HE SHOWED ME THE KNIFE. MR EDWARDS IS A PRIOR FROM THE MGM WHICH IS PART OF THE MIRAGE. HE WAS TRASPASSED ON 12/1/04 BY OFFICER VOTHANON AND CAME BACK THREE DAYS LATER AND WAS TRASPASSED AGAIN ON 12/3/04 BY OFFICER PERRIER.

I HAVE READ THIS STATEMENT AND I AFFIRM TO THE TRUTH AND ACCURACY OF THE FACTS CONTAINED HEREIN. THIS STATEMENT HAS JUSTICE AGENCIES ONLY. Secondary Agencies is PROHIBITED.

COMPLETED AT (LOCATION) MIRAGE ON THE 20 DAY OF SEPT AT 2:30 (AM) (PM)

Witness/Officer: S. DAVIES (SIGNATURE)
 S. DAVIES (PRINTED) P# 6046

FEB 22 2018
 SIGNATURE OF REPORTING OFFICER
 Las Vegas Metropolitan Police Dept.
 By: [Signature]

VOLUNTARY STATEMENT INTERVIEW

LIBRARY

THIS PORTION TO BE COMPLETED BY OFFICER

Specific Crime	Date Occurred	Time Occurred
DATE IN GUN IN THREATENING MANNER	9-20-05	1430
Location of Occurrence	Sector/Beat	<input type="checkbox"/> City <input checked="" type="checkbox"/> County
3400 S. LV BLVD	142	8

Records Distribution

Your Name (Last/ First/Middle) DAVIS CEDRIC CARL				Date of Birth 1/25/71		Social Security # 000-00-0000	
Race BLK	Sex M	Height 6'5"	Weight 270	Hair BLK	Eyes BRN	Work Schol. (Hours) 5 & 1/2	(Days Off) Sat/Sun
Residence Address: (Number & Street) 3400 CV Blvd				Bldg./Apt.# City State Zip Code MI 48129		Business / School MIRAGE	
Bus. (Local) Address: (Number & Street) 3400 CV Blvd				Bldg./Apt.# City State Zip Code MI 48129		Occupation LABORER	
Best place to contact you during the day				Best time to contact you during the day		Can You Identify the Suspect? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

DETAILS

DETAILS On 9.20.05 at approximately 2:30 while
mowing a lawnmower machine at the
California Kenya Kitchen. I was walking
through the Store Room when I noticed
a black male adult asleep. I approached
the gentleman and said "Sir you can't sleep
in the boot, if you take a walk and get
some fresh air you are welcome to return."
His response was "fuck you, you broke my
nose, I'll get you from your nose to
your throat." I then called security. Once I
identified him to security he then jumped the
fence and went back into the Casino
where he was taken into custody by security
nothing further at the time. I

~~Dissemination is restricted to Criminal Justice Agencies ONLY. Secondary dissemination to Non-Criminal Justice Agencies is PROHIBITED.~~

I HAVE READ THIS STATEMENT AND I AFFIRM TO THE TRUTH AND ACCURACY OF THE FACTS
COMPLETED AT (LOCATION) LSBLVD MGM MIDVALE
ON THE 201 DAY OF SEPTEMBER AT 230 (AM/PM)

Witness/Officer:

SIGNATURE

-Witness/Officer:
LYMPD85 (REV. 5-0)

S. DAVENPORT
(PRINTED)

PA 6246

SIGNATURE OF PERSON GIVING STATEMENT

Las Vegas Metropolitan Police Dept.
By

0730

Las Vegas Metropolitan Police Department
400 S. Martin Luther King Blvd.
Las Vegas, NV 89106



Case Report No: LLV050920001860

Administrative

Location 3400 S LAS VEGAS BL, Bldg#MIRAGE LAS VEGAS, NV 89109 Sector/Beat M2
Occurred On (Date and Time) 9/20/2005 12:00:00 AM Or Between (Date and Time)
Reporting Officer 3984 - THOMPSON, D 3984 Report Taken On 9/20/2005 2:50:00 PM
Entered By Strauss, Ann R Entered On 9/24/2005 7:34:39 AM

Offenses:

DRAW DEADLY WEAPON IN A THREATENING MANNER

Completed Yes Domestic Violence No Hate/Bias

Victims:

Name: Victim type individual
DOB Age 51 Sex Male Written Statement Yes Can ID Suspect Yes
Height 5' 5" Weight 178 Race Black or African American
Employer/School MIRAGE Hair Color Bald/Unknown Eye Color Blue
Occupation/Grade SECURITY Work Schedule 1400 - 2200
Addresses
Business 3400 S LAS VEGAS BL LAS VEGAS, NV 89109 USA
Phones
Business/Work

Arrestees:

Name: EDWARDS, TOYER
Aliases:
EDWARDS, TOYER
Written Statement No
DOB 8/24/1959 Age 46 Sex Male Race Black or African American
Height 5' 5" Weight 150 Hair Color Black Eye Color Brown
Addresses
Residence 6700 E RUSSELL RD LAS VEGAS, NV 89122 USA

Narrative:

Subject: DRAWING WEAPON IN THREATENING MANNER

Author: THOMPSON, D 3984 [3984]

Entered Date: 09/20/2005 14:50

Narrative Type: INCIDENT CRIME REPORT

THE ABOVE LISTED SUBJECT WAS AT THE MIRAGE CASINO INSIDE AND WAS BEING CONTACTED BY SECURITY WHEN THE SUSPECT PRODUCED A KNIFE AND THREATENED A THIRD PERSON. THE SUSPECT WAS A PREVIOUS TRESPASS AT MGM RESORTS.

Dissemination is restricted to Criminal
Justice Agencies ONLY. Secondary
dissemination to Non-Criminal Justice
Agencies is PROHIBITED.

FEB 22 2018

Released to County Attorney
Las Vegas Metropolitan Police Dept.
By IC 113762

0731

EXHIBIT "5"

0732

Entered LRMS
A9134P

06M22751X
LAS VEGAS METROPOLITAN POLICE DEPARTMENT
DECLARATION OF CITIZEN'S ARREST

060925-2742

STATE OF NEVADA)
COUNTY OF CLARK)

ss:

ATTENTION

ID #: 0878456

EVENT #: 060925-2742

On this date 9-25-06, I HOWARD SAVAGE declare
under penalty of perjury that the following is true and correct:

1. That declarant learned the following facts and circumstances which lead declarant to believe that _____

JOYCE EDWARDS committed (or was committing) the offense of BATTERY
at the location of 3799 LVS CL NV 89169

2. That the offense occurred at approximately 1929 hours, on the 25 day of SEPT, 2006

I WAS STANDING AT THE INTERSECTION OF LAS VEGAS BLVD
AND TROPICANA WAITING TO CROSS THE STREET. THE SUSPECT
APPROACHED ME AND MY SPOUSE AND SON AND ASKED IF WE
WANTED TO BUY A SHIRT, MY SON AND I SAID "NO THANK YOU".
SUSPECT SAID "NO, YOU WANNA BUY A SHIRT". I SAID "NO, WE
DON'T WANT TO BUY A SHIRT, PLEASE GO AWAY". SUSPECT THEN
SAID "DON'T BE SO RUDE OR I'LL FUCH YOU UP". SUSPECT
THEN REACHED HIS RIGHT HAND INTO HIS RIGHT PANTS POCKET
AND SAID "I'M GONNA SHOOT YOU MOTHER Fucker". I
IMMEDIATELY PULLED HIM AWAY USING MY OPEN HANDS TO HIS
CHEST. AND HE PULLED SOMETHING OUT OF HIS PANTS POCKET AND
SWUNG IT AT MY LEFT SIDE. I BELIEVED IT WAS A KNIFE AS
IT HIT MY LEFT SIDE. I PULLED A POCKET KNIFE OUT OF
MY POCKET AND HE RAN AWAY EAST ON TROPICANA.
I LOCATED A POLICE OFFICER ACROSS THE STREET WHO
PURSUED AND APPREHENDED SUSPECT WHO I POSITIVELY
IDENTIFIED ON SCENE. I NOTED A BLACK MARK
ON MY LEFT SIDE OF MY WHITE SHIRT THAT WAS NOT
THERE PREVIOUS TO MY CONTACT WITH SUSPECT.

Wherefore, declarant prays that a finding be made by a magistrate that probable cause exists to hold said person for preliminary hearing (if charges are a felony or gross misdemeanor) or for trial (if charges are a misdemeanor).

Howard Savage
Declarant's Signature

7927
Witness' Signature

SECOND COPY MUST HAVE
ORIGINAL SIGNATURE.

First Appearance: Date _____ Time _____ Court: Justice ☐ Municipal ☐ Juvenile ☐

Standard Bail ☐ "OR" Release ☐ Probable Cause: Yes ☐ No ☐ Judge _____

LVMPD 18 (REV. 3-00)

0733

EXHIBIT "6"

0734

☐ In the Municipal Court of
☒ In the Justice Court of Clark County
Court Case #

07M23392X
State of Nevada

CLARK COUNTY 010113

Las Vegas Metropolitan Police Department

TRAFFIC/MISDEMEANOR CITATION/COMPLAINT

☒ Adult ☐ Juvenile

☐ Traffic ☐ Accident
☒ Non-Traffic ☐ Warning
☐ Parking ☐ Meter #

☐ School Zone ☐ Hazmat
☐ Construction Zone ☐ S.T.E.P.

☒ Urban ☐ Rural

Event #: 1793COURT 878456

ID #: 080713-1793

☐ Injuries ☒ Crime Report

☐ Officer's Report

☐ Evidence Logged ☐ Arrest

☐ Aircraft Clock Number

☐ Radar ☐ Other

Explain:

Travel Direction: ☐ N ☐ S ☐ E ☐ W ☐ Beav/ Area: NO

At Location: 8100 E. Tropicana Ln 87109

Violation Date: 07-13-07 Time: 1448

Issue Date: 07-13-07 Time: 1448

Day Code: ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☒ 6 ☐ 7

Had Been Drinking: ☐ Yes ☒ No ☐ Unknown

Defendant Type: ☐ Driver ☐ Passenger ☐ Pedestrian

Test Type: ☐ PBT ☐ Blood ☐ Breath ☐ UA

Other Explain: SUSPECT

☐ Drugs Suspected Results: %

THE UNDERSIGNED CERTIFIES AND SAYS THAT IN THE STATE OF NEVADA:

NAME (Last, First, Middle): JAMES EDWARDS Social Security #: 350-58-5248

Address: ☐ Physical ☐ Mailing City: LV State: NV Zip: City:

DOB: 08-24-59 Race: B Sex: M Height: 5'5 Weight: 135 Hair: BLX Eyes: BRO

OLN/ID: ☐ CDL State: Class: Expiration: Restrictions: Endorsements:

Vehicle has current proof of insurance? ☒ Yes ☐ No Expiration Date of Insurance Card:

DID OPERATE THE FOLLOWING VEHICLE/MOTOR VEHICLE AT THE ABOVE LISTED LOCATION:

Commercial Vehicle ☐ US DOT #: VIN #:

Vehicle License: Lic. State: Expiration: Year: Make: Model: Type: Color:

Reg. Owner: ☐ Same Address:

DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE(S):

1 Violation: BATTERY 5582

Posted: Actual Speed: Cited Speed: ☒ NRS ☐ CFR ☐ County Code ☐ Municipal Code

To Wh: DID WILLFULLY + UN- NRS/County/City # 200.481

LAUGHLIN USE FORCE + VIOLENCE UPON THE PERSON OF

ANOTHER TO WIT: MICHELLE SMITH, BY RUSHING HER

WITH BOTH HANDS Violation Code:

2 Violation: CODE

To Wh: ☐ NRS ☐ CFR ☐ County Code ☐ Municipal Code

NRS/County/City #

Violation Code:

I certify (or declare) that I have reasonable grounds/probable cause to believe and do believe that above named person committed the above offense(s) contrary to law.

Officer/Complainant's PRINTED Name: Officer/Complainant's Signature: P#: Bureau:

F. Ennel Michelle Edwards 7/11/07 2780: 5023

Las Vegas Municipal Court 200 Lewis St. Las Vegas, NV 89155 702-382-6876 1-800-954-6856

Las Vegas Justice Court 200 Lewis St. Las Vegas, NV 89155 702-871-3444

JUVENILE Justice Services 601 N. Pease Rd. Las Vegas, NV 89101 702-455-5380

Goodenough Justice Court Box 19155 Jean, NV 89018 702-874-1405

Henderson Justice Court 243 Water St. Henderson, NV 89015 702-455-7880

Henderson Municipal Court 243 Water St. Henderson, NV 89015 702-585-2075

North Las Vegas Justice Court 2425 Martin Luther King Blvd., North Las Vegas, NV 89032 702-455-7801

Township: Justice Court: Phone:

You are hereby ordered to appear on 27th day of AUG. year 2007 at 8 a.m. OR Regular Business Hours

WITHOUT ADMITTING, HAVING COMMITTED THE ABOVE OFFENSE(S), I HEREBY PROMISE TO RESPOND AS DIRECTED ON THIS NOTICE AND WAIVE MY RIGHT TO BE TOLD IMMEDIATELY BEFORE A MAGISTRATE (NRS 484.789 AND NRS 484.803).

Defendant's Signature: JAMES EDWARDS ☐ Interpreter Needed? ☒ Court Mandatory Violation Code(s):

Failure to comply with this complaint or future dates relating to this complaint will constitute a separate offense.

1-04007877A



0735

Page 1 of 1LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT

070713-1793

Event #
070713-1783

THIS PORTION TO BE COMPLETED BY OFFICER

Specific Crime <u>BATTERY</u>	Date Occurred <u>7-13-07</u>	Time Occurred <u>1400</u>
Location of Occurrence <u>860 E. TOWSON</u>	Sector/Beat <u>W2</u>	<input type="checkbox"/> City <input checked="" type="checkbox"/> County

Your Name (Last / First / Middle) <u>Smith Michelle E</u>						Date of Birth	
Race <u>W</u>	Sex <u>F</u>	Height <u>160</u>	Weight	Hair <u>Blk</u>	Eyes <u>Green</u>	Work Sched. (Hours)	(Days Off)
Residence Address				City		State	Zip Code
Bus. (Local) Address: (Number & Street)				Bldg./Apt.#		City	State Zip Code
Best place to contact you during the day				Best time to contact you during the day		Can You Identify <input type="checkbox"/> Yes the Suspect? <input type="checkbox"/> No	

DETAILS Suspect came into store. I followed him. Suspect picked up merchandise (laundry detergent, packaged shirts as well as other unknown products tucked under his shirt. We, I and Vern. stopped him at the door (front) and asked for our merchandise. He said he did not have it and ran out the emergency exit in back of store. I then grabbed his luggage at back door. Vern & I came back to front w/ his luggage. he then reentered store through back door grabbed his luggage. I stood in front of him and he then pushed me around and then he exited front door. Door greeter and cashier locked door to keep him out.

I HAVE READ THIS STATEMENT AND I AFFIRM TO THE TRUTH AND ACCURACY OF THE FACTS CONTAINED HEREIN. THIS STATEMENT WAS COMPLETED AT (LOCATION) 860 E. TOWSON ON THE 13 DAY OF July AT 6:00 (AM/PM) 2007.

Witness/Officer: [Signature]

(SIGNATURE)

Witness/Officer: A. [Signature]

LVMPD 55 (REV. 6-00)

(PRINTED)

PH 5634

SIGNATURE OF PERSON GIVING STATEMENT

0736

Page 1 of 1

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT

070713 - 1793
Event #
070713 - 1793

THIS PORTION TO BE COMPLETED BY OFFICER

Specific Crime BATTERY	Date Occurred 7-13-07	Time Occurred 1407
Location of Occurrence 860 E. TURNER	Sector/Beat N2	<input type="checkbox"/> City <input checked="" type="checkbox"/> County

Your Name (Last / First / Middle) MARTIN LOUARD RICHARD						Date of Birth 12-19-68		Social Security # 123-45-6789	
Race W	Sex M	Height 5'6"	Weight 162	Hair BROWN	Eyes BROWN	Work Sched. (Hours) 12:00 - 7:00 PM	(Days Off) NO	Business / School UNIVERSITY	
Residence Address: (Number & Street) 812 E. TURNER			Bldg./Apt. # 102		City LAS VEGAS	State NV	Zip Code 89102	Res. Phone 702-555-1234	
Bus. (Local) Address: (Number & Street) 812 E. TURNER			Bldg./Apt. # 102		City LAS VEGAS	State NV	Zip Code 89102	Occupation STUDENT	
Best place to contact you during the day 812 E. TURNER LAS VEGAS						Best time to contact you during the day 7:00 - 9:00 PM		Can You Identify the Suspect? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

DETAILS AT ABOUT 2:00 PM ON 7/13/07 A BLACK MALE WAS ASKED FOR THE MERCHANTS HE WAS UNDER HIS SHIRT. HE SAID HE DIDN'T HAVE ANYTHING. HE THEN WENT OUT BACK DOOR AND A WHITE MALE WENT BACK TO GET HIS SUITCASE. THE D.S. PR. APPROACHED HIM AND HE PUSHED HIM OUT OF THE WAY AND WENT OUT FRONT DOOR AND THEN TRIED TO COME BACK IN. IF THEY LOCKED HIM SO HE COULDN'T ENTER.

I HAVE READ THIS STATEMENT AND I AFFIRM TO THE TRUTH AND ACCURACY OF THE FACTS CONTAINED HEREIN. THIS STATEMENT WAS COMPLETED AT (LOCATION) **812 E. TURNER** ON THE **13** DAY OF **JULY** AT **2:00** (AM) (PM) **2007**

Witness/Officer: **[Signature]** (SIGNATURE)

Witness/Officer: **C. S. EDWARDS #1634** (PRINTED)

[Signature]
SIGNATURE OF PERSON GIVING STATEMENT

EXHIBIT “7”

0738

☐ In the Municipal Court of
☒ In the Justice Court of Clark County
Court Case #

01M36971X / 07M3697X

State of Nevada
CLARK COUNTY

Las Vegas Metropolitan Police Department

TRAFFIC/MISDEMEANOR CITATION/COMPLAINT

COURT CT

Event # 0709271781

ID #: 878456

☒ Adult ☐ Juvenile

☐ Traffic ☐ Accident
☒ Non-Traffic ☐ Warning
☐ Parking Meter #

☐ School Zone ☐ Hazmat
☐ Construction Zone ☐ S.T.E.P.

☐ Injuries ☒ Crime Report
☐ Officer's Report

☐ Evidence Logged ☐ Arrest

☐ Aircraft Clock Number
☐ Radar ☐ Other
Explain:

Travel Direction: ☐ N ☐ S ☐ E ☐ W ☐ Bear Area: M Mile Marker:

At Location: 3025 S. W. Blvd. L. N. 89109

Violation Date: 09/27/2007 Time: 1350

Issue Date: 09/27/2007 Time:

Day Code: ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☒ 5 ☐ 6 ☐ 7

Had Been Drinking: ☐ Yes ☒ No ☐ Unknown

Defendant Type: ☐ Driver ☐ Passenger ☐ Pedestrian

Test Type: ☐ PBT ☐ Blood ☐ Breath ☐ UA

Other Explain: SUSPECT

☐ Drugs Suspected Results: %

THE UNDERSIGNED CERTIFIES AND SAYS THAT IN THE STATE OF NEVADA

NAME (Last, First, Middle): EDWARDS T. J. Social Security #: 356 58 5348

Address: 6700 E. Russell City: LV State: NV Birth Date: 08/24/59

DOB: 08/24/59 Race: B Sex: M Height: 505 Weight: 160 Hair: BEO Eyes: BRO

OLN / ID: N/A ☐ CDL State: Class: Expiration: Restrictions: Endorsements:

Vehicle has current proof of insurance? ☐ Yes ☐ No Expiration Date of Insurance Card:

DID OPERATE THE FOLLOWING VEHICLE/MOTOR VEHICLE AT THE ABOVE LISTED LOCATION:

Commercial Vehicle ☐ US DOT #: VIN #:

Vehicle License: Lic. State: Expiration: Yes: Make: Model: Type: Color:

Reg. Owner: ☐ Same Address:

DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE(S):

1 Violation: BATTERY 6018

Posted Speed: Actual Speed: Cited Speed: ☒ NRS ☐ CFR ☐ County Code ☐ Municipal Code

To Wit: DID WILLFULLY AND UNLAWFULLY

TRESPASS ON THE LAND OF ANOTHER AND DID UNLAWFULLY

USE FORCE AND VIOLENCE UPON THE PERSON OF ANOTHER

TO WIT: STEVEN BIEDA, MARY BY STEVEN BIEDA

2 Violation: CONTINUED 6018

To Wit: WITH A CLOSED EYE TO THE

RIGHT CHEEK CAUSING REDNESS

AND PAIN

I certify (or declare) that I have reasonable grounds/probable cause to believe and do believe that above named person, committed the above offense(s) contrary to law.

Officer/Complainant's PRINTED Name: BICSMAL KYK... Officer/Complainant's Signature: [Signature] PA: 6012 Bureau: 5044

Las Vegas Municipal Court 200 Lewis St. Las Vegas, NV 89155 702-392-6678 1-800-854-6856
Las Vegas Justice Court 200 Lewis St. Las Vegas, NV 89155 702-671-3444 1-877-671-3183
Buccell Justice Services 631 N. Pecos Rd. Las Vegas, NV 89101 702-455-5580
Goodspeed Justice Court Box 19185 Jean, NV 89016 702-974-1405
Henderson Justice Court 243 Water St. Henderson, NV 89015 702-455-7980
Henderson Municipal Court 243 Water St. Henderson, NV 89015 702-455-2075
North Las Vegas Justice Court 2428 Marat/Laker King Blvd. North Las Vegas, NV 89032 702-455-7801

Township: Justice Court: Phone: 7305

You are hereby ordered to appear on 21st day of December 2007 at 7:30 a.m. OR ☐ Regular Business Hours

WITHOUT ADMITTING HAVING COMMITTED THE ABOVE OFFENSE(S), I HEREBY PROMISE TO RESPOND AS DIRECTED ON THIS NOTICE AND WAIVE MY RIGHT TO BE TAKEN IMMEDIATELY BEFORE A MAGISTRATE (NRS 484.799 AND NRS 484.803).

Defendant's Signature: [Signature] ☐ Interpreter Needed? ☒ Court Mandatory

Failure to comply with this citation in future dates relating to this complaint will constitute a separate offense

070927-1781
1-04053440 A

1-04053440A



Page 1 of 1

ENTERED
LAS VEGAS METROPOLITAN POLICE DEPARTMENT
LAW ENFORCEMENT VOLUNTARY STATEMENT

Event #

0709271781

THIS PORTION TO BE COMPLETED BY OFFICER

Specie-Game <u>BATTERY / PETIT LARCENY / DOG</u>	Date Occurred <u>9-27-7</u>	Time Occurred <u>2:00 PM</u>
Location of Occurrence <u>3025 S. LV BLVD</u>	Sector/Beat <u>M.1</u>	<input type="checkbox"/> City <input type="checkbox"/> County

Your Name (Last / First / Middle) <u>Siembreda Mary Clare</u>						Date of Birth		Social Security #	
Race <u>White</u>	Sex <u>F</u>	Height <u>5'7"</u>	Weight <u>155</u>	Hair <u>blonde</u>	Eyes <u>blue</u>	Work Schdl. (Hours) <u>Varies</u>	(Days Off)	Business / School <u>WALGREENS</u>	
Residence Address: (Number & Street) <u>Walgreens</u>				Bldg./Apt. #	City	State	Zip Code	Res. Phone:	
Bus. (Local) Address: (Number & Street) <u>3025 S. LV Blvd</u>				Bldg./Apt. #	City	State	Zip Code	Bus. Phone: <u>836-5500 0818</u>	
Occupation <u>EXA</u>				Depart Date (if visitor)					
Best place to contact you during the day						Best time to contact you during the day		Can You Identify <input checked="" type="checkbox"/> Yes the Suspect? <input type="checkbox"/> No	

DETAILS On 9-27-7 a black man was leaving the store w/ a mesh bag w/ our products in it. He didn't pay for. Mr. Worth, my store manager, asked him to stop & show us the receipt, he started cussing at us & I think pushed me, when I told him not to touch me - he punched me in the face - Mr. Worth took him down. The man said he has a knife & he's going to kill Mr. Worth. There were 2 baseball caps - that we sell for \$14.99. He started to throw all these products at us - a watch for \$9.99. The man kept saying it was a black issue - We said it's a theft issue. \$39.92 total. My face & the back of my head was punched with a closed fist. I'm starting to feel a bit of pain right.

I HAVE READ THIS STATEMENT AND I AFFIRM TO THE TRUTH AND ACCURACY OF THE FACTS CONTAINED HEREIN. THIS STATEMENT WAS COMPLETED AT (LOCATION) 3025 S. LV BLVD NV 89109 ON THE 27 DAY OF SEPTEMBER 1997 AT 2:00 (AM / PM)

Witness/Officer:

(SIGNATURE)

Witness/Officer:

Brown Jerry
(PRINTED)

602

LVMPD 68 (REV. 5-80)

SIGNATURE OF PERSON GIVING STATEMENT

0740

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
INTEVIEW STATEMENT

Event #
070927-1781

LFMSK9176

THIS PORTION TO BE COMPLETED BY OFFICER	
Specific Crime <u>BATTERY / PETIT LARCENY / DOC</u>	Date Occurred <u>09-27-07</u>
Location of Occurrence <u>3025 LV BLVD LV NV 89109</u>	Time Occurred <u>1400</u>
Sector/Beat <u>M1</u>	<input type="checkbox"/> City <input checked="" type="checkbox"/> County

Morse Randalie Ann

Your Name (Last / First / Middle)
MORSE Randalie Ann

Residence Address: (Number & Street) Las Vegas NV 89101 Bldg./Apt.# City State Zip Code

Bus. (Local) Address: (Number & Street) Las Vegas NV 89101 Bldg./Apt.# City State Zip Code

Best place to contact you during the day
Ross Parking Lot

Best time to contact you during the day
4:30 - 4:30

Can You Identify the Suspect? ☒ Yes ☐ No

DETAILS Was sitting under Silver City Sign in Ross
Parking Lot When I noticed Two Walgreen employees
struggling with suspect. Came up Front to Help
did not touch him Kicked plyers away from
H.m.

I HAVE READ THIS STATEMENT AND I AFFIRM TO THE TRUTH AND ACCURACY OF THE FACTS CONTAINED HEREIN. THIS STATEMENT WAS
 COMPLETED AT (LOCATION) 3025 LV BLVD LV NV 89109
 ON THE 27 DAY OF SEPTEMBER AT 2:35 (AM / PM) 2007.

Witness/Officer: [Signature] (SIGNATURE)
 Witness/Officer: [Signature] (PRINTED) P# 4094
 LVMPD 88 (REV. 6-04)

Randalie Morse
 SIGNATURE OF PERSON GIVING STATEMENT

ENTITLED LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT

Event # 070927-1781

THIS PORTION TO BE COMPLETED BY OFFICER			
Specific Crime <u>BATTERY / PETE CARLSON / DOC</u>		Date Occurred <u>09-27-07</u>	Time Occurred <u>1400</u>
Location of Occurrence <u>FRONT OF WAL CREEK'S 3025 LU BLVD LUN89109</u>		Section/Beat <u>11</u>	<input type="checkbox"/> City <input checked="" type="checkbox"/> County

Your Name (Last / First / Middle) <u>SHEA DANIEL F.</u>		Date of Birth	Social Security #
Race <u>W</u>	Sex <u>M</u>	Height <u>5'10</u>	Weight <u>190</u>
Hair <u>GRY</u>	Eyes	Work Schdl. (Hours)	(Days Off)
Residence Address (Number & Street) <u>3025 LU BLVD</u>		City <u>LAS VEGAS</u>	State Zip Code <u>NV 89109</u>
Bus. (Local) Address: (Number & Street)		Bldg./Apt.# City	State Zip Code
Best place to contact you during the day		Best time to contact you during the day	
Occupation <u>SECURITY</u>		Depart Date (if visitor)	
Can You Identify the Suspect?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

DETAILS HOLD BLACK MALE DOWN TILL METRO OFFICER
ON SCENE SUSPECT WAS VERY ~~WARY~~ WOLLY

TIME 150 PM DATE 9-27

I AM A SECURITY GUARD FOR ROSS PARKING LOT
MY COMPANY IS ANDREW INTERNATIONAL
ALSO I TOOK A PAIR OF NEEDLE NOSE PLIER OF
SUSPECT

I HAVE READ THIS STATEMENT AND I AFFIRM TO THE TRUTH AND ACCURACY OF THE FACTS CONTAINED HEREIN, THIS STATEMENT WAS
COMPLETED AT (LOCATION) 3025 LU BLVD 89109
ON THE 27 DAY OF SEPTEMBER AT 2:25 (AM / PM), 2007.

Witness/Officer: [Signature]
(SIGNATURE)
Witness/Officer: S. KROST PH 9694
(PRINTED)

[Signature]
SIGNATURE OF PERSON GIVING STATEMENT

ENTERED VOLUNTARY STATEMENT

Event #

070927-1781

THIS PORTION TO BE COMPLETED BY OFFICER.

Specific Crime <u>BATTERY / PETIT LARCENY / DOC</u>	Date Occurred <u>09-27-07</u>	Time Occurred <u>1400</u>
Location of Occurrence <u>3025 LV BLVD LV NV 89109</u>	Sector/Beat <u>M1</u>	<input type="checkbox"/> City <input checked="" type="checkbox"/> County

Your Name (Last / First / Middle) <u>Vargas Daisy</u>		Printed Address		Printed Signature	
Race <u>Hispanic</u>	Sex <u>F</u>	Height <u>55</u>	Weight <u>130</u>	Hair <u>Black</u>	Eyes <u>Brown</u>
Work Sched. (Hours) <u>9am to 3pm</u>		Days Off <u>Tues - Wed</u>		Business / School	
Res. Address <u>3025 S Las Vegas Blvd</u>		City <u>Las Vegas NV</u>		State Zip Code <u>89104</u>	
Bus. (Local) Address: (Number & Street) <u>3025 S Las Vegas Blvd</u>		Bldg./Apt.# <u></u>		City <u>Las Vegas NV</u>	
State Zip Code <u>89109</u>		Occupation <u>Cashier</u>		Depart Date (if visitor) <u></u>	
Best place to contact you during the day <u>on my work</u>			Best time to contact you during the day <u>1:00 pm.</u>		Can You Identify the Suspect? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

DETAILS

I came out of the store and saw that the guy was fighting on the floor with the two managers because they ~~the~~ want to calm down this guy and they were waiting for the police and the guy was insulting with bad words the managers and that the guy bite the head of mr word.

I HAVE READ THIS STATEMENT AND I AFFIRM TO THE TRUTH AND ACCURACY OF THE FACTS CONTAINED HEREIN. THIS STATEMENT WAS COMPLETED AT (LOCATION) 3025 S Las Vegas Blvd ON THE 27 DAY OF SEP. AT 2:25 (AM / PM).

Witness/Officer: [Signature]

(SIGNATURE)

Witness/Officer: S. Kobascki PA 9044

LVMPD 88 (REV. 5-00)

(PRINTED)

SIGNATURE OF PERSON GIVING STATEMENT

Event # 070927-1781

THIS PORTION TO BE COMPLETED BY OFFICER			
Specific Crime BATTERY / PETIT LARCENY / DOC		Date Occurred 09-27-07	Time Occurred 2:00 PM
Location of Occurrence 3025 LV BLVD LV NV 89109		Sector/Beat M1	<input type="checkbox"/> City <input checked="" type="checkbox"/> County

Your Name (Last / First / Middle) Vargas Maria Guadalupe		Race H		Sex F	Height 5'5"	Weight 180	Hair Brown	Eyes Brown	Work Schedl. (Hours)	(Days Off)	Business / School
Address 3025 S. Las Vegas Blvd		Bldg./Apt. #	City Las Vegas	State NV	Zip Code 89109	Res. Phone:		Bus. Phone:			
Bus. (Local) Address: (Number & Street)		Bldg./Apt. #	City	State	Zip Code	Occupation Photo Specialist	Depart Date (if visitor)				
Best place to contact you during the day						Best time to contact you during the day			Can You Identify the Suspect? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		

DETAILS I came out of the store and saw my store manager and one of the property security that had the suspect pinned down and on the ground was some merchandise from our store that we sell. (2 hats and a watch that the officer took out of the suspects pocket) My store manager had blood on his hand. ~~where~~ The ambulance came and took my store manager to the hospital because of hand injuries. Suspect kept insulting every one with racial comments and saying threatening things. Suspect never shut his mouth.

I HAVE READ THIS STATEMENT AND I AFFIRM TO THE TRUTH AND ACCURACY OF THE FACTS CONTAINED HEREIN. THIS STATEMENT WAS COMPLETED AT (LOCATION) 3025 S. Las Vegas Blvd. ON THE 27 DAY OF Sept. AT 2:45 (AM / PM), 2007.

Witness/Officer: [Signature] (SIGNATURE)

Witness/Officer: S. K. [Signature] PR# 9644 (PRINTED)

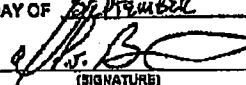
Maria Guadalupe Vargas
 SIGNATURE OF PERSON GIVING STATEMENT

THIS PORTION TO BE COMPLETED BY OFFICER			
Specific Crime	Date Occurred	Time Occurred	
PEET LARCENY / BATTERY / DOC	9-27-07	1346	
Location of Occurrence	Sector/Beat	<input type="checkbox"/> City <input checked="" type="checkbox"/> County	
3025 S LV BLVD	M2		

Your Name (Last / First / Middle)						Date of Birth		Social Security #	
Justin Plank									
Race	Sex	Height	Weight	Hair	Eyes	Work Sched. (Hours)	Days Off	Business / School	
W	M	4'02"	120	Blk	BW	0600-1500	M-F	US6644 (All SOL)	
Residence Address				Bldg. / Apt. # City		State Zip Code		Res. Phone	
				LV		NV 89109		Bus. Phone:	
Bus. (Local) Address: (Number & Street)				Bldg./Apt.# City		State Zip Code		Occupation	
								Depart Date (if visitor)	
Best place to contact you during the day				Best time to contact you during the day				Can You Identify the Suspect? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

DETAILS I arrived on the scene when I saw a scuffle going on I approached thinking it was medical I realize 2 managers holding suspect down. Recinto also arrived and assisted in detaining suspect and pulled physics out of his pocket then police arrived.

I HAVE READ THIS STATEMENT AND I AFFIRM TO THE TRUTH AND ACCURACY OF THE FACTS CONTAINED HEREIN. THIS STATEMENT WAS COMPLETED AT (LOCATION) 3025 S LV BLVD LV NV 89109
ON THE 27TH DAY OF SEPTEMBER AT 1400 (AM / PM) 2007.

Witness/Officer:  (SIGNATURE)
Witness/Officer: 310500210 (PRINTED) PH 602
LVMPS (REV. 5-00)

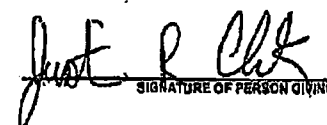
 SIGNATURE OF PERSON GIVING STATEMENT

EXHIBIT "8"

0746

Page 1 of 2

070702-3650 08M21369X
LAS VEGAS METROPOLITAN POLICE DEPARTMENT
DECLARATION OF ARREST

I.D. # 0878458

True Name: EDWARDS TOYER FTOFL Date of Arrest: 07-22-08 Time of Arrest: 2314

OTHER CHARGES RECOMMENDED FOR CONSIDERATION:

THE UNDERSIGNED MAKES THE FOLLOWING DECLARATION SUBJECT TO THE PENALTY FOR PERJURY AND SAYS: That I am a peace officer with LUMP (Department), Clerk County, Nevada, being so employed for a period of 1 (year/months). That I learned the following facts and circumstances which lead me to believe that the above named subject committed (or was committing) the offense of OBSTRUCTIVE APP at the location of KOVAL, CLARK CO (ADDRESS / CITY / STATE / ZIP) and that the offense occurred at approximately 2314 hours on the 22 day of JULY, 2008. In the county of Clark or ☐ City of Las Vegas, NV.

DETAILS FOR PROBABLE CAUSE:

ON 07-22-08 AT APPROX 2300 HRS I OFFICER P. SHEARWOOD PH 9979 OPERATING AS MARKED PATROL UNIT 30P14 WAS DISPATCHED TO A PERSON WITH A KNIFE CALL AT 4000 AUDITE UPON ARRIVAL AT THE AREA OF KOVAL & FLAMING I WITNESSED A BLACK MALE, WITH A TAN CAP, BROWN ^{SHORT} SHIRTS, AND WHITE SHORTS DRINKING A BOTTLE OF WHAT WAS LATTER DETERMINED TO BE A HENNESSY 375 ML ALCOHOLIC BEVERAGE IN THE SHELL PARKING LOT. THE BLACK MALE ALSO MATCHED THE DESCRIPTION OF THE PERSON WITH THE KNIFE. I THEN WENT TO MAKE CONTACT WITH THE BLACK MALE AND TOLD HIM "POLICE COME OUT HERE" THE BLACK MALE THEN ATTEMPTED TO FLEE AND I TOOK HIM TO THE GROUND AND PLACED HIM IN CUSTODY. THE MALE WOULD NOT GIVE HIS NAME OR DOB THEN LATER DID. THE MALE WAS IDENTIFIED AS TOYER EDWARDS DOB 08-24-59. TOYER EDWARDS WAS ARRESTED, TRANSPORTED AND BOOKED INTO CCR FOR OBSTRUCTING IN A PARKING LOT, AND OBSTRUCTING A P.O.

Wherefore, Declarant prays that a finding be made by a magistrate that probable cause exists to hold said person for preliminary hearing (if charges are a felony or gross misdemeanor) or for trial (if charges are a misdemeanor).

Declarant's Signature

W. MOSHER 8706

P. SHEARWOOD 9979

Print Declarant's Name

LVMPD 22 - A (REV. 6-01)

(2) ORIGINAL - RECORDS

0747

080722-3630
LAS VEGAS METROPOLITAN POLICE DEPARTMENT
DECLARATION OF ARREST CONTINUATION PAGE

Page 2 of 2

ID #: 0878456

I OFFICER W. MOSHER PH 8726 WHILE TRANSPORTING EDWARDS INTO CCDC HANDLED EDWARDS OFF TO CO W. CAREY PH 8707. WHILE SEARCHING EDWARDS FOR CONTRABAND, OFFICER CAREY FOUND THE FOLLOWING ITEMS INSIDE A SMALL BLACK POUCH ON EDWARDS BELT: (3) SMALL PAPER PACKETS CONTAINING AN UNKNOWN WHITE POWDERY SUBSTANCE AND (1) SMALL PLASTIC BAGGIE CONTAINING AN UNKNOWN WHITE ROCK LIKE SUBSTANCE. THE SUBSTANCE IN THE PAPER PACKETS APPROXIMATELY 1.6 GRAMS. ODV TESTS FOR COCAINE AND METHAMPHETAMINE WERE NEGATIVE.

THE ROCK LIKE SUBSTANCE WEIGHED APPROXIMATELY 2.8 GRAMS AND TESTED NEGATIVE FOR COCAINE. EDWARDS HAS NUMEROUS PRIORS FOR PCS AND PCS - IMITATION AND WAS IN AN AREA KNOWN FOR HIGH NARCOTICS ACTIVITY. ADDITIONALLY, THE ABOVE LISTED ITEMS WERE PACKAGED IN PACKAGING COMMON TO THE PACKAGING USED TO PACKAGE NARCOTICS. EDWARDS WAS ALSO BOOKED FOR PCS - ION.

Wherefore, Declarant prays that a finding be made by a magistrate that probable cause exists to hold said person for preliminary hearing (if charges are a felony or gross misdemeanor) or for trial (if charges are a misdemeanor).

Declarant's Signature

Print Declarant's Name

W. Mosher

W. MOSHER

8726

PH

LVMPD 22-B (3-91)

(2) ORIGINAL - RECORDS



0748

Page 1 of 1

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT**

Event # 080722-3650

THIS PORTION TO BE COMPLETED BY OFFICER		
Specific Crime <u>CRIMINALLY ASSAULT WITH A DEADLY WEAPON IN THREATENING MANNER</u>	Date Occurred <u>0722-08</u>	Time Occurred <u>2250</u>
Location of Occurrence <u>4000 AUDRE ST. LV NV 89109</u>	Sector/Beat <u>M2</u>	<input type="checkbox"/> City <input checked="" type="checkbox"/> County

Your Name (Last / First / Middle) <u>SAWNER CHRIS MICHAEL</u>								Date of Birth		Social Security #	
Race <u>W</u>	Sex <u>M</u>	Height <u>6'</u>	Weight <u>190</u>	Hair <u>BRN</u>	Eyes <u>BRN</u>	Work Sched. (Hours) <u>GRAVE</u>	(Days Off) <u>SUN/MON</u>	Business / School <u>STAGE DOOR CASINO</u>			
Residence Address: (Number & Street)				Bldg./Apt.# City		State Zip Code		Res. Phone:			
Bus. (Local) Address: (Number & Street)				Bldg./Apt.# City		State Zip Code		Bus. Phone:		Occupation	
<u>4000 AUDRE ST.</u>				<u>— LAS VEGAS</u>		<u>NV 89119</u>		<u>SECURITY</u>		Depart Date (if visitor)	
Best place to contact you during the day <u>WORK</u>						Best time to contact you during the day <u>BETWEEN 2230 & 0630</u>			Can You Identify <input type="checkbox"/> Yes the Suspect? <input type="checkbox"/> No		

DETAILS AT APPROX 1030PM THE SUBJECT IDENTIFIED BY LUMPID AS EDWARDS TOYER ENTERED THE STAGE DOOR AND BEGAN HARASSING CUSTOMERS. WE APPROACHED THE SUBJECT AND ADVISED HIM TO LEAVE. HE STATED "DONT FKKIN TOUCH ME" WE AGAIN ADVISED HIM. HE WAS BEING TRESPASSED AND TO LEAVE. HE TURNED AND APPROACHED ME IN AN ATTEMPT TO INTIMIDATE BUT DID WALK OUTSIDE. WHILE ATTEMPTING TO READ THE SUBJECT NRS 201.200 HE PULLED A KNIFE FROM HIS POCKET MY PARTNER AND I BOTH PULLED OUR BATONS TO DEFEND OURSELVES. AT THIS POINT THE SUBJECT BEGAN WALKING AWAY HE AGAIN STOPPED AND STATED "I GOT SOMETHING ELSE FOR YA" AND REACHED INTO A RED CONTAINER. HE INDICATED HE HAD A GUN BY STATING "ILL POP BOTH YOUR ASSES" BUT HE DID NOT PULL ANYTHING OUT. 911 WAS CALLED AND THE SUBJECT LEFT PROPERTY.

I HAVE READ THIS STATEMENT AND I AFFIRM TO THE TRUTH AND ACCURACY OF THE FACTS CONTAINED HEREIN. THIS STATEMENT WAS COMPLETED AT (LOCATION) 4000 AUDRE ST. LAS VEGAS NV. 89119 ON THE 22 DAY OF JULY AT 2345 (AM / PM), PM.

Witness/Officer: D. Brooks (SIGNATURE)
Witness/Officer: D. Brooks (PRINTED) P# 7947
LVMPD 85 (REV. 5-90)

[Signature]
SIGNATURE OF PERSON GIVING STATEMENT

0749

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT

Event #

080722-3650

THIS PORTION TO BE COMPLETED BY OFFICER

Specific Crime DRAWING A DEADLY WEAPON	Date Occurred 07-22-08	Time Occurred 2253
Location of Occurrence 4000 AUDRIE	Sector/Beat NA	<input type="checkbox"/> City <input checked="" type="checkbox"/> County

Your Name (Last / First / Middle) DONALD E. Runnells						Date of Birth		Last Known Address	
Race B/K	Sex M	Height 6'2"	Weight 285	Hair B/K	Eyes Brown	Work Schol. (Hours) 10.30am-6pm	(Days Off)	Business / School	
Rank/Grade		Ida./Apt.# City Las Vegas		State, Zip Code NV 89146		Res. Phone:		Bus. Phone:	
Bus. (Local) Address: (Number & Street) 4000 Audrie				Bldg./Apt.# City		State, Zip Code		Occupation Security	
Best place to contact you during the day				Best time to contact you during the day MORNING		Can You Identify <input checked="" type="checkbox"/> Yes the Suspect? <input type="checkbox"/> No			

DETAILS my partner Chris contact me about
A Black male, About 5'6 150 lbs Brown shirt
white short pants, getting money from a
minor out side store, we decide to watch
him, In store when He started to get
aggressive with custom, and store personal
Gable, when she told him he had to get
in line, he started to act uncontrollable
That Chris decided to ask him to leave
I came in from the outside where
I was watching the person we was trying
to buy liquor for one out side, once
he was out side we were trespassing
him then he Reach in pocket and
Pull a knife and on me and Chris

I HAVE READ THIS STATEMENT AND I AFFIRM TO THE TRUTH AND ACCURACY OF THE FACTS CONTAINED HEREIN. THIS STATEMENT WAS
COMPLETED AT (LOCATION) **4000 AUDRIE LV, NV 89108**
ON THE **22ND** DAY OF **JULY** AT **2330** (AM / PM) **2008**

Witness/Officer: **M. PLUCK** (SIGNATURE)
Witness/Officer: **M. PLUCK** (PRINTED) P# **10005**
LVMPD 85 (REV. 5-00)

SIGNATURE OF PERSON GIVING STATEMENT

0750

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT CONTINUATION

Page 2 of 2

Event #: 080722-3650

I Step Back and pull my Potomac
and he started moving under our
start moving off property because lot
of people were around and we did
want no body to get hurt, the we send
I have something for you two and
reach in a red container as like
he was pull something out of the container
and started walk down Highway 210

Witness:

M. PLUCK

Witness:

M. PLUCK 1000T

SIGNATURE OF PERSON GIVING STATEMENT

[Signature]

PRINT NAME OF PERSON GIVING STATEMENT

0751

EXHIBIT “9”

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

ARREST REPORT

☐ City☒ County☒ Adult☐ JuvenileSector/Beat H2

ID/EVENT# 878456	ARRESTEE'S NAME EDWARDS, TOYER (Last, First, Middle)		S.S.#	
ARRESTEE'S ADDRESS (Number, Street, City, State, Zip Code) 6700 EAST RUSSELL ROAD, LAS VEGAS, NEVADA, 89122				
CHARGES: BURGLARY				
OCCURRED:	DATE 09/01/08	DAY OF WEEK MONDAY	TIME 1345 HRS	LOCATION OF ARREST (Number, Street, City, State, Zip Code) FLAMINGO AND MARYLAND PARKWAY, LAS VEGAS, NEVADA, 89169
RACE B	SEX M	D.O.B. 08/24/59	HT	WT
			HAIR BLK	EYES BRO
			PLACE OF BIRTH CHICAGO, ILLINOIS	

CIRCUMSTANCES OF ARREST

OFFICERS INVOLVED:

Officer N. Banez, P#9030, 2H1
 Officer C. Bambeck, P#6902, 2K2
 Officer S. Lehtinen, P#5995, T251

VICTIM:

Albertson's grocery store

WITNESS:

Stevenson, Sam, III
 DOB: 02/18/66

Ramirez,
 Store manager
 DOB:

PROPERTY RECOVERED:

One plastic bottle of Clorox

Metropolitan Police
 Records Distribution
 Distr. 102478
 WVS _____

Three cans of Raid bug spray

All items were recovered from the suspect's bag
 and returned back to the store

DETAILS:

On September 1, 2008, while operating as marked patrol unit 2H1, I, Officer N. Banez, P#9030, was dispatched to assist T251, Officer S. Lehtinen, P#5995, in reference to a petite larceny call. Upon arrival, I made contact with the store employee, Sam Stevenson, who said that he saw a black male with a black duffle bag walking up and down aisle number six. The black male appeared nervous. The black male then walked passed all points of pay in a hurry with his bag. Stevenson then notified the store manager, Juan Ramirez, date of birth 02/14/71. Ramirez then viewed the store surveillance camera and

ARRESTING OFFICER(S)	P#	APPROVED BY	CONNECTING RPTS. (Type or Event Number)
N. BANEZ	9030		080901-1780 VOLUNTARY STATEMENT, VICTIM'S INFORMATION GUIDE, TCR, DOA, REQUEST FOR PROSECUTION, WITNESS LIST

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
CONTINUATION REPORT

ID/Event Number: 878456

Page 2 of 2

saw the black male stuff items that were three cans of Raid bug spray and one bottle of Clorox bleach into his duffle bag. The black male then walked passed all points of pay in a hurry and went out of the store without paying. Officer S. Lehtinen, P#5995, who was in the area of Maryland Parkway and Flamingo was hailed by a citizen in reference to a black male with a black bag that was stealing from the above address.

Officer S. Lehtinen, P#5995, took the black male into custody, who was in the area of Maryland Parkway and Flamingo. The black male identified himself as Toyer Edwards, date of birth 08/24/59, verbally. At 1330 hours, Officer S. Lehtinen, P#5995, read Edwards his Miranda rights. At which time, Edwards said, "Yes," he understood his rights. A one-on-one was conducted with Officer C. Barnbeck, P#6902, call sign 2K2, and Ramirez pointed out Edwards as the person that took items off the shelf through the video surveillance. While sitting in the back of my patrol car, Edwards told me what he did was a petite larceny because the items he took was less than \$20. Edwards repeating saying, "It's a petite larceny," without him asking me any questions. A records check showed that Edwards has priors for petite larceny. Based on the above circumstances, the fact that Edwards entered the store without money and with a duffle bag, Edwards also knew that the items he was going to take were less than \$250, he was placed under arrest for burglary and transported to Clark County Detention Center. It should be noted that the items were recovered from Edwards' bag and were returned to the store.

NB/dkj (Reports)

Job#109779

Date & Time Dictated: 09/01/08 1706 hours

Date & Time Transcribed: 09/02/08 0942 hours

cc: Officer N. Banez/SE24
Sergeant Lourenco/SE24

0754

EXHIBIT “10”

0755

10F07095X

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

ARREST REPORT

<input type="checkbox"/> City	<input checked="" type="checkbox"/> County	<input checked="" type="checkbox"/> Adult	<input type="checkbox"/> Juvenile	Sector/Beat	L1
ID/EVENT# 878456		ARRESTEE'S NAME (Last, First, Middle) EDWARDS, TOYER			S.S.#
ARRESTEE'S ADDRESS (Number, Street, City, State, Zip Code) 6700 EAST RUSSELL ROAD, LAS VEGAS, NEVADA, 89122					
CHARGES: ASSAULT WITH A DEADLY WEAPON PCS IMITATION CONTROLLED SUBSTANCE					
OCCURRED: DATE 04/14/10		DAY OF WEEK WEDNESDAY	TIME 2355 HRS	LOCATION OF ARREST (Number, Street, City, State, Zip Code) PALOS VERDE AND ALBERT STREET, LAS VEGAS, NEVADA, 89109	
RACE	SEX	D.O.B. 08/24/59	HT	WT	HAIR
					EYES
					PLACE OF BIRTH

CIRCUMSTANCES OF ARREST

OFFICERS INVOLVED:

Officer G. McAnally, P#13911
Officer G. Stevens, P#13907

VICTIMS:

John
DOB: 1

Derrick
DOB:

WITNESS:

Ryan
DOB:

PROPERTY IMPOUNDED:

Large pair of Revlon nail clippers

Eight folded pieces of paper containing a white powdery substance that ODV tested negative for cocaine

Baggy of a green, leafy substance that ODV tested negative for marijuana

These items were impounded at Convention Center Area Command evidence vault.

DETAILS:

On April 14, 2010, while on duty as a uniformed marked patrol unit, call sign 1M31, I, Officer G. McAnally, P#13911, and Officer G. Stevens, P#13907, responded to a call for

ARRESTING OFFICER(S)	P#	APPROVED BY	CONNECTING RPTS. (Type or Event Number)
G. MCANALLY	13911		100414-4804, REQUEST FOR PROSECUTION, WITNESS LIST, CASE SCREENING, TCR, DOA, THREE VOLUNTARY STATEMENTS, PROPERTY- IMPOUND REPORT, TWO ODV TEST REPORTS, ONE FOR MARIJUANA AND ONE FOR COCAINE
G. STEVENS	13907		

LVMPD 602 (REV. 12-80) - AUTOMATED

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
CONTINUATION REPORT

ID/Event Number: 878456

Page 2 of 3

service at 412 East Flamingo, Las Vegas, Nevada, 89109. The details of the call were a black male adult, carrying a white grocery bag, who had threatened people with a pair of scissors in the parking lot at the location of 412 East Flamingo. Further details included that the black male adult had proceeded on foot northbound on Palos Verde Street.

Officer Stevens and myself made contact with a black male adult, carrying a white grocery bag, heading northbound on foot at the location of Palos Verde and Albert Street, Las Vegas, Nevada, 89109. The black male adult was later identified by his Nevada inmate ID and social security card as Edwards, Toyer, date of birth 08/24/59. When Edwards was initially contacted he stated that he only had a pair of nail clippers in his back pocket. The clippers were found in Edwards's rear pants pocket by Officer Stevens during a patdown for weapons.

Officer Stevens began to conduct a patdown for weapons. I, Officer G. McAnally, asked Edwards if he had anything illegal on him and could we pat him down and search. Edwards responded by saying, "No," he did not have anything illegal and by stating, "Go ahead. You guys are going to do what you do." Edwards at that time informed officers that he was an ex-felon and had just recently been released.

During Officer Stevens's patdown and search of Edwards, a small baggy containing a green, leafy substance was found in Edwards's front-left pants pocket. The green, leafy substance was rolled into a small ball and tightly covered with the baggy, which was tied in a knot at one end. Officer Stevens also found two tightly folded pieces of paper in the right-front coin pocket of Edwards's pants. The papers were folded into the shape of a closed envelope. I opened the envelopes and found they both contained white powder. Initially when the white powder and green, leafy substance were found, due to the way they were packaged and carried in Edwards's pants, it was suspected that the substances were cocaine and marijuana.

Edwards also had two bags in his possession. One bag was a white grocery bag, and the other was a black satchel-type bag. Again Edwards was asked by officers if there was anything illegal in the bags and could officers search them. Edwards again replied, "Go ahead. You guys are going to do what you do." In the black satchel a small plastic bag was found. The plastic bag contained several pieces of paper folded up containing white powder. The white powder, due to the individual packaging and the way it was possessed was suspected of being cocaine.

All substance were ODV tested. The substances were negative for cocaine and marijuana. Edwards was walking through the parking lot at 412 East Flamingo prior to being contacted by police officers. Witnesses stated that Edwards was trying to sell two employees alcohol in the parking lot. Bell, John, date of birth 07/24/91, and Carver, Derrick, date of birth 12/20/89, stated that Edwards approached them and tried to sell them alcohol. When Bell and Carver told Edwards no, Edwards became irate. Bell and Carver stated that Edwards told them he had a gun and would shoot them. Both Bell and Carver stated that Edwards then pulled a shiny item from his person. Smith, Marshall, date of birth 10/18/85, witnessed what happened and also stated that Edwards had an unidentified shiny object in his hands, saying that he had a gun and was going to shoot someone. Witnesses stated that eventually Edwards produced the item in his hand, which turned out to be a large pair

0757

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
CONTINUATION REPORT

ID/Event Number: 878456

Page 3 of 3

of nail clippers, approximately four to five inches in length and three inches wide. Edwards then took the clippers and waved them and pointed them with the sharp end in Bell and Carver's face in a threatening manner.

Due to the above circumstances of intentionally placing another person in reasonable apprehension of immediate bodily harm and possessing the present ability to use a deadly weapon, the clippers concealed to resemble a gun and stating he had a gun in his possession and then taking the sharp instrument and waving it in a threatening manner at people's faces, Edwards was arrested for assault with a deadly weapon. Also due to the circumstances of possessing individually-wrapped packages of a white powder substance resembling cocaine and an individually-wrapped baggy of green, leafy substance resembling marijuana, Edwards was arrested for PCS imitation controlled substance. Edwards was arrested, transported to Clark County Detention Center, and booked accordingly. The clippers and the packages of imitation controlled substance were digitally photographed and downloaded into G-Pack system (phonetic). All evidentiary items were impounded at Convention Center Area Command evidence vault.

GM/egw (Records)

Job #148664

Date & Time Dictated: 04/15/10 1953 hours

Date & Time Transcribed: 04/16/10 0613 hours

cc: Officer G. McNally/CCAC
Officer G. Stevens/CCAC

0758

Page 1 of 1

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT

Event # 100414-4804

THIS PORTION TO BE COMPLETED BY OFFICER

Specific Crime <u>AWDW/PCS IMITATION CONTROLLED SUBSTANCE</u>	Date Occurred <u>4/14/10</u>	Time Occurred <u>2355</u>
Location of Occurrence <u>PALOS VERDE/ALBERT LV NV 89109</u>	Section/Beat <u>L1</u>	<input type="checkbox"/> City <input checked="" type="checkbox"/> County

Your Name (Last / First / Middle) <u>Carver Derrick Kirk</u>						Date of Birth		Social Security #	
Race <u>W</u>	Sex <u>M</u>	Height <u>6'2"</u>	Weight <u>205</u>	Hair <u>Brown</u>	Eyes <u>Hazel</u>	Work Sched. (Hours) <u>Mon-Fri 8:00-5:00</u>	(Days Off) <u>Tues</u>	Business / School <u>Buena Di Beppo</u>	
Residence Address (Number & Street) <u>Las Vega NV 89109</u>				Bldg./Apt. # <u></u>	City <u>Las Vega</u>	State <u>NV</u>	Zip Code <u>89109</u>	Res. Phone: <u></u>	
Bus. (Local) Address: (Number & Street) <u></u>				Bldg./Apt. # <u></u>	City <u></u>	State <u></u>	Zip Code <u></u>	Bus. Phone: <u></u>	
Best place to contact you during the day <u>702-326-4014</u>						Best time to contact you during the day <u>Any</u>		Can You Identify <input checked="" type="checkbox"/> Yes the Suspect? <input type="checkbox"/> No	

DETAILS John and I were sitting outside of are work, and the suspect came up to us asking if we wanted to buy any alcohol, we said no many of times. We told him to leave are work countless of times and he got mad and started to yell at John and I, so john got mad and they started arguing. The suspect kept saying he had a gun, and he threatened to pull it on us. He pulled something out of his pocket and we caught a glimpse of it, so we thought he had one. Then are GM Ryan came out and the suspect pulled out the weapon and pointed it in are faces. The weapon he pulled looked like brass knuckles with a spike ~~been~~ on it.

I HAVE READ THIS STATEMENT AND I AFFIRM TO THE TRUTH AND ACCURACY OF THE FACTS CONTAINED HEREIN. THIS STATEMENT WAS COMPLETED AT (LOCATION) PALOS VERDE/ALBERT LV NV 89109
ON THE 14 DAY OF April AT 2355 (AM/PM) 2010.

Witness/Officer: [Signature]
(SIGNATURE)
Witness/Officer: G. STEVENS P# 13907
(PRINTED)

[Signature]
SIGNATURE OF PERSON GIVING STATEMENT

Page 1 of 1

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT

Event #

100414-4804

THIS PORTION TO BE COMPLETED BY OFFICER

Specific Crime <u>ANDW/PCS IMITATION CONTROLLED SUBSTANCE</u>	Date Occurred <u>4/14/10</u>	Time Occurred <u>2350</u>
Location of Occurrence <u>PALOS VERDE/ALBERT LV NV 89109</u>	Section/Beat <u>L1</u>	<input type="checkbox"/> City <input checked="" type="checkbox"/> County

Your Name (Last / First / Middle) <u>Smith Ryan Marshall</u>						Date of Birth		Social Security #	
Race <u>White</u>	Sex <u>M</u>	Height <u>5'11"</u>	Weight <u>190</u>	Hair <u>Brown</u>	Eyes <u>Brown</u>	Work Schdl. (Hours)	(Days Off) <u>Wed/Fri</u>	Business / School <u>Sec 21 Bppo</u>	
Residence Address (Home & Phone #) <u>Las Vegas NV 89109</u>				City <u>Las Vegas</u>		State <u>NV</u>		Zip Code <u>89109</u>	
Bus. (Local) Address: (Number & Street)				City		State		Zip Code	
Best place to contact you during the day <u>646 344 2901</u>				Best time to contact you during the day				Can You Identify <input type="checkbox"/> Yes the Suspect? <input type="checkbox"/> No	

DETAILS I (Ryan Smith) exited the front doors of my building 412 E Flamingo and saw a vagrant harassing one of my staff members (John Bell). Then the vagrant said he had a gun, followed by pulling out what looked like a pair of scissors holding them very close to John's face. At which point I made John go to the other side of the building while I called met road gave direction where this guy was heading while I was outside during this occurrence he made many threats saying "I'm going to kick your ass" also threatening to shoot my employee with the "gun" he had.

I HAVE READ THIS STATEMENT AND I AFFIRM TO THE TRUTH AND ACCURACY OF THE FACTS CONTAINED HEREIN, THIS STATEMENT WAS COMPLETED AT (LOCATION) Palos Verde / Flamingo ON THE 14 DAY OF April AT 12:00 (AM/PM).

Witness/Officer:

Witness/Officer:

LVMPD 88 (REV. 6/08)

G. STEVENS
(PRINT NAME)

PH 13907

SIGNATURE OF PERSON GIVING STATEMENT

0760

Page 1 of 1

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT

Event # 100414-4804

THIS PORTION TO BE COMPLETED BY OFFICER

Specific Crime <u>AIWDW/PCS IMITATION CONTROLLED SUBSTANCES</u>	Date Occurred <u>4/14/10</u>	Time Occurred <u>2355</u>
Location of Occurrence <u>PALOS VERDE/ALBERT LV NV 89109</u>	Section/Beat <u>U</u>	<input type="checkbox"/> City <input checked="" type="checkbox"/> County

Your Name (Last / First / Middle) <u>Bell P.D. John</u>				Date of Birth		Social Security #	
Race <u>Black</u>	Sex <u>M</u>	Height <u>5'5</u>	Weight <u>150</u>	Hair <u>Black</u>	Eyes <u>Brown</u>	Work Sched. (Hours) <u>Mon/Fri 1st 12</u>	Business / School <u>Buchard Beppo</u>
Residence Address: (Number & Street) <u>Las Vegas NV 89169</u>				Bldg/Apt. #	City	State	Zip Code
Bus. (Local) Address: (Number & Street)				Bldg/Apt. #	City	State	Zip Code
Best place to contact you during the day <u>702-490-1568</u>				Best time to contact you during the day <u>Anytime</u>		Can You Identify the Suspect? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

DETAILS I John was sitting down and the suspect was trying to sell some liquor to me when I said no he got mad and got real stupid and wanted to fight I got mad and wanted to fight as well but my co worker held me back as we were arguing and he pulled something out of his pocket I felt threatening and I really did not know what he was going to do so I got even more mad. He kept threatening to shoot me as he kept walking around me that's when my boss came outside and stopped me from fighting the guy said he called you guys. I thought the guy had a gun in his hand. he waved the object in my face.

I HAVE READ THIS STATEMENT AND I AFFIRM TO THE TRUTH AND ACCURACY OF THE FACTS CONTAINED HEREIN. THIS STATEMENT WAS COMPLETED AT (LOCATION) PALOS VERDE/ALBERT LV NV 89109 ON THE 14 DAY OF APRIL AT 2355 (AM / PM) 2010.

Witness/Officer: [Signature]
(SIGNATURE)
Witness/Officer: G. STEVENS PH 13907
(PRINTED)

[Signature]
SIGNATURE OF PERSON GIVING STATEMENT

0761

EXHIBIT “11”

0762

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

ARREST REPORT

10F07851X

☐ City☒ County☒ Adult☐ Juvenile

Sector/Beat

M3

ID/EVENT# 878456	ARRESTEE'S NAME EDWARDS, TOYER (Last, First, Middle)	S.S.# 356-58-5348					
ARRESTEE'S ADDRESS (Number, Street, City, State, Zip Code) TRANSIENT, LAS VEGAS, NEVADA							
CHARGES: MISDEMEANOR DISORDERLY CONDUCT MISDEMEANOR POSSESSION OF IMITATION CONTROLLED SUBSTANCE TWO COUNTS OF GROSS MISDEMEANOR ASSAULT ON A POLICE OFFICER GROSS MISDEMEANOR INJURY TO OTHER PROPERTY							
OCCURRED: DATE 04/24/10	DAY OF WEEK SATURDAY	TIME 2355 HRS					
LOCATION OF ARREST (Number, Street, City, State, Zip Code) 3786 SOUTH LAS VEGAS BOULEVARD, LAS VEGAS, NEVADA, 89109							
RACE	SEX M	D.O.B.	HT	WT	HAIR	EYES	PLACE OF BIRTH

CIRCUMSTANCES OF ARREST

OFFICERS INVOLVED:

Officer F. Bien, P#7946
Officer J. Bertuccini, P#8247
Officer M. Fairweather, P#8390
Officer C. Acosta, P#4421
Officer C. Payson, P#4752

WITNESS:

Dennis
DOB:
SS#:

Las Vegas, Nevada 89169
Phone:

Michael
DOB:
SS#:

Las Vegas, Nevada 89110
Phone:

PROPERTY IMPOUNDED:

4.88 grams gross of imitation controlled substance
(imitation cocaine), impounded as evidence at
Convention Center Area Command

DETAILS:

ARRESTING OFFICER(S)	P#	APPROVED BY	CONNECTING RPTS. (Type or Event Number)
F. BIEN	7946		100426-0008 REQUEST FOR PROSECUTION, WITNESS LIST, TCR, DOA, PROPERTY REPORT, VOLUNTARY STATEMENTS, FIELD TEST FOR COCAINE

LVMPD 602 (REV. 12-10) - AUTOMATED

0763

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
CONTINUATION REPORT

ID/Event Number: 878456

Page 2 of 3

On April 24, 2010, at approximately 2355 hours, I, Officer F. Bien, P#7946, and Officer J. Bertuccini, P#8247, were operating in a plain-clothes capacity at 3785 South Las Vegas Boulevard.

We were alerted to a disturbance when we observed Toyer Edwards struggling with security at the food court. Toyer was asked to leave several times by security and refused. When I observed Toyer, he was in a place open to the public, and because he was drunk and struggling with security, he was causing a disturbance. The choice was made to arrest Toyer for disorderly conduct. Officer Bertuccini then identified himself as a police officer by badge and police ID. Toyer was placed under arrest for disorderly conduct.

A search incident to arrest revealed a plastic baggy of a white, powder substance believed to be cocaine. It was found in his front, right pocket by Officer Bertuccini. The powder was weighed at 4.88 grams gross and ODV-tested negative. As Officer Bertuccini was testing the powder substance, Toyer stated, "It's fake dope." The charge of imitation controlled substance was added.

Toyer was extremely intoxicated and being uncooperative. He kept standing up and trying to walk away. Both Officer Bien and Officer Bertuccini had to force Toyer to sit down for fear that he was going to run. When Officer Bertuccini pushed down on Toyer's right shoulder, Toyer made an attempt to bite Officer Bertuccini on his right forearm. Luckily, Officer Bertuccini was able to quickly move his arm, avoiding the bite.

Toyer was then escorted to a different location by Officer M. Fairweather, P#8390, and Officer Bien. In the process of moving Toyer, he purposely fell to the ground to make it difficult for officers to move him. Toyer then told Officer Fairweather he was going to get up and run. Officer Fairweather grabbed his shoulder, and when he did, Toyer tried to bite Fairweather in his left knee. Again, because Officer Fairweather was aware of his biting history, he was able to move quickly and avoid being bit. The charge of assault on a police officer was added, two counts, for intentionally placing two officers in reasonable apprehension of immediate bodily harm.

Toyer was then escorted by Officer Fairweather and other officers to marked patrol unit CC1918 to be transported to jail. Once placed in the back, passenger's seat of the patrol vehicle, he kicked the back, passenger's window and shattered it. The charge of destruction of county property was then added.

Digital photos of the damage were taken and downloaded. Voluntary statements by Michael Sartor and Dennis Pait were obtained to document the disorderly conduct. Toyer was then transported to the Clark County Detention Center and booked accordingly.

The total estimated value of the broken window per LVMPD Risk Management is \$475.00. After further examination of marked patrol unit CC1918, it was determined that the hinges to the rear, passenger's door were also bent and damaged, thus not allowing the door to close properly.

FB/mad (Records)
Job# 149244

0764

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT
CONTINUATION REPORT**

ID/Event Number: 878468

Page 3 of 3

**Date & Time Dictated: 04/25/10 0245 hours
Date & Time Transcribed: 04/25/10 1639 hours**

cc: Officer F. Bien/CCAC

0765

EXHIBIT “12”

0766

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

ARREST REPORT

☐ City☒ County☒ Adult☐ JuvenileSector/Beat M3

ID/EVENT# 878456	ARRESTEE'S NAME (Last) EDWARDS		(First) TOYER		(Middle)	S.S.#
ARRESTEE'S ADDRESS (Number, Street, City, State, Zip Code)						
CHARGES 2 AWDW						
OCCURRED 08/16/12	DATE	DAY OF WEEK	TIME 2015	LOCATION OF ARREST (Number, Street, City, State, Zip Code) 3663 LAS VEGAS BOULEVARD, LAS VEGAS, NEVADA, 89109		
RACE	SEX	D.O.B.	HT.	WT.	HAIR	EYES
PLACE OF BIRTH						
ARRESTING OFFICER #1: A. KELVINGTON			P#: 8878	ARRESTING OFFICER #2:		P#:
CONNECTING REPORTS (Type or Event Number) 120816-3714						

APPROVED BY (PRINTED NAME): _____

CIRCUMSTANCES OF ARREST:

OFFICER INVOLVED:

Officer A. Kelvington, P#8878

DETAILS:

On 08/16/12, I, Officer A. Kelvington, P#8878, and Officer B. Leahy, P#9021, were working as marked patrol unit 3M5 bike, when a person with a knife call came out at 3663 South Las Vegas Boulevard. The details of the call stated that the subject tried to steal from the ABC Store and threatened security with a knife when confronted.

Myself and Officer Leahy were parked out front, immediately arrived. I then made contact with security officer Javier Ochoa. Ochoa said that ABC manager, Yili Zhang, said that a subject, later IDed in SCOPE as Toyer Edwards, ID#878456, tried to steal alcohol from the ABC store. Zhang confronted Edwards and Edwards put the bottle of alcohol back. Zhang then attempted to flag down security officer Ochoa. Edwards saw that Zhang was trying to flag security, so Edwards grabbed a glass bottle and tried to hit Zhang with it.

Edwards then walked out of the store. As Edwards walked out, Ochoa saw him and tried to escort him out. Edwards then reached behind and removed something "shiny" that Ochoa believed was a knife. Edwards then told Ochoa he was going to hurt him and started to chase him. Ochoa ran away and Edwards ran through Planet Hollywood, where Ochoa lost sight.

A second security officer located Edwards inside Urban Outfitters, also at 3663 South Las Vegas Boulevard. I then made contact with Edwards and Edwards became verbally abusive and started yelling. I then took Edwards into custody without incident. I then began to walk Edwards back to my car. After 20 yards of walking, Edwards started collapsing, using his body weight to fall to the ground. I then had security get a wheel chair.

CONTINUATION REPORT

ID/EVENT #: 878456

As Edwards was waiting for the wheelchair, he started trying to bite me. I held him down so he wouldn't hurt himself. Edwards then started to kick me. At this point Officer Leahy arrived.

I then conducted a search incident to arrest where I located in Edwards's back pocket a large set of clippers. The clippers were pointed and sharp. I then removed from Edwards's front pocket a white powdered substance, which had the appearance of cocaine. Edwards laughed and made the statement, "That ain't cocaine, you don't have anything on me." The powdered substance was tested for cocaine, ODV, and returned negative.

Edwards was then placed into wheelchair and taken back to the patrol car. While Edwards was in the patrol car, he kicked out the driver's side rear window. The car had to be taken out of service until repaired. A new event# was created for the damage to the car, event# 120816-3858. An officer's report is completed under that event#.

Based on the above facts and statements, that Ochoa thought and felt Edwards would stab him, and Zhang though Edwards would hit him with a glass bottle, Edwards was booked into Clark County Detention Center for AWDW times two.

The large clippers and white powdered substance were booked into evidence at Convention Center Area Command.

AK/klb (Records)

Job# 188947

Date & Time Dictated: 08/16/12 2153 hours

Date & Time Transcribed: 08/16/12 2310 hours

EXHIBIT “13”

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

ARREST REPORT

☐ City☒ County☒ Adult☐ JuvenileSector/Beat M3

ID/EVENT# 878456	ARRESTEE'S NAME (Last) (First) (Middle) EDWARDS TOYER		S.S.#				
ARRESTEE'S ADDRESS (Number, Street, City, State, Zip Code) TRANSIENT							
CHARGES BURGLARY MANUFACTURING CONTROLLED SUBSTANCE UNLAWFUL POSSESSION OF HOTEL ROOM KEY POSSESSION OF BURGLARY TOOLS							
OCURRED	DATE 10/12/13	DAY OF WEEK SATURDAY	TIME 2215	LOCATION OF ARREST (Number, Street, City, State, Zip Code) 3790 SOUTH LAS VEGAS BOULEVARD, LAS VEGAS, NV 89109			
RACE B	SEX M	D.O.B.	HT.	WT.	HAIR	EYES	PLACE OF BIRTH
ARRESTING OFFICER #1: R. NAKHLA		P#: 9665		ARRESTING OFFICER #2:		P#:	
CONNECTING REPORTS (Type or Event Number) 131012-3855							

APPROVED BY (PRINTED NAME): _____

CIRCUMSTANCES OF ARREST:

OFFICERS INVOLVED:

Detective R. Nakhla, P#9665
Detective V. Leaman, P#9628
Detective B. Rose, P#9661
Detective D. Denton, P#7306
Detective T. McMurtry, P#8375

VICTIM:

24-7 Liquors
Excalibur Hotel/Casino
3790 South Las Vegas Boulevard
Las Vegas, Nevada 89109

DETAILS:

On October 12, 2013, at 2200 hours, Detectives R. Nakhla, P#9665; V. Leaman, P#9628; B. Rose, P#9661; D. Denton, P#7306; and T. McMurtry, P#8375, were patrolling the area of Tropicana and Las Vegas Boulevard in a plainclothes capacity. Extra patrol was being conducted there based on the increase in crime, per LVMPD crime statistics.

Detective Nakhla began talking to a male later identified as Toyer Edwards, date of birth 08/24/59. Edwards was holding a bottle of Ciroc liquor. The top of the bottle, where a security device would be placed, looked tampered. The top label was completely torn, as if someone forcibly had taken off the security device. Edwards attempted to sell the bottle of Ciroc to Detective Nakhla for \$25.00.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
CONTINUATION REPORT

ID/EVENT #: 878456

Detective Nakhla bargained the price, at which time Edwards told Detective Nakhla to follow him into the New York-New York Casino to sell him the Ciroc. Detective Nakhla followed Edwards into the casino. Edwards wanted to sell Detective Nakhla the bottle of Ciroc inside the New York-New York Casino. Detectives recognized Edwards from prior contacts. Detectives believed that Edwards was committing a crime or was going to commit a crime.

Detectives identified themselves verbally and physically by showing Edwards their LVMPD-issued badges and identification cards. Detective McMurtry asked Edwards if he could search his pockets and backpack. Edwards replied, "Yes." Edwards had a black and white backpack, which was on his back while he was walking. Inside Edwards' backpack, Detective Denton recovered two more bottles of liquor—one of Smirnoff vodka and one of Moet champagne. Also in the backpack was a pair of sharp clippers.

Inside Edwards' wallet, Detective Rose recovered two baggies of a white substance consistent with cocaine. Also, inside Edwards' coin pocket was a baggie containing a white substance also consistent with cocaine. Edwards also had a pipe inside his crotch area. When Detective Nakhla asked Edwards what was inside his crotch, he replied, "a crack pipe." Detective Nakhla removed the pipe, which was consistent with the type of pipe used to smoke crack cocaine.

Detective Leaman made contact with Edin Neal (phonetic), who works at 24-7 Liquor, located at the Excalbur Casino, where Edwards was walking from. Edin stated she observed a black male in his 40s or 50s with a black and white backpack enter the store and take the alcohol. Edin stated that she sees the male come by the store almost every day and look inside the store to see who is working.

Edin stated the male constantly steals liquor from the store and that she calls security every time she sees him enter. But by the time security responds, Edwards is nowhere to be found. Edin stated that the male used his backpack to conceal the bottles of liquor prior to exiting the store.

Inside Edwards' wallet were two citations. Under LVMPD event #130913-3398, Edwards was cited for petit larceny for stealing a bottle of Moet champagne from the Harrah's Casino. Under LVMPD event #131008-2455, Edwards was cited for petit larceny for stealing a backpack from the Paris Hotel/Casino. Edwards also had a Bally's room key inside his wallet. Detective Rose asked Edwards if he was staying at Bally's. He stated that he was trespassed from Bally's.

At 2215 hours, Detective Nakhla read Miranda to Edwards from his LVMPD-issued 148 card. Edwards replied that he understood his rights, in the presence of Detective Rose. Edwards stated that he used the Bally's room key card to break into locked doors, placing the card in between the door and the door frame, where the lock would be. Detective Rose made contact with security officer Travis Farris, who stated that Edwards was not staying on property. Edwards was arrested for illegal possession of hotel room key card.

The white substance tested negative for cocaine. Edwards stated that he sells the white substance, a powder he disguises as cocaine, for \$180 for one gram. Edwards has numerous priors for possessing an imitation controlled substance. Based on Edwards manufacturing a substance to resemble cocaine, which he sells to tourists for \$180 a gram, Edwards was arrested for manufacturing a controlled substance.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
CONTINUATION REPORT

ID/EVENT #: 878456

Based on Edwards entering a structure (7-24 Liquor) to taking liquor without permission of the owner, he was in violation of NRS 205.060, burglary. Based on Edwards using the backpack to conceal the liquor, he was arrested for possession of burglary tools. Edwards stated to Detectives Nakhla and Rose that he constantly steals alcohol on the strip because it's easy. Edwards stated that he has stolen from the Paris, Bally's, The Quad, MGM, Excalibur, and numerous other casinos on the Las Vegas Strip.

Edwards stated that arresting him was a waste of time, because when he gets out of CCDC for credit time served, he will be on the Strip doing the same thing. Edwards stated that stealing alcohol and selling it to tourists was his hustle, and that's how he made money, and that he was going to continue doing it, regardless of the outcome. Edwards stated that the judge was just going to give him time served for this offense, so it was a complete waste of time.

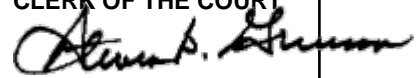
Edwards was arrested and transported to Clark County Detention Center, where he was booked accordingly.

RN/lkt (Records)

Job #199779

Date & Time Dictated: 10/13/13 0145 hours

Date & Time Transcribed: 10/13/13 0926 hours



PHILIP J. KOHN, PUBLIC DEFENDER
NEVADA BAR NO. 0556
ELAINE ODEH, DEPUTY PUBLIC DEFENDER
NEVADA BAR NO. 14099
PUBLIC DEFENDERS OFFICE
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Las Vegas, Nevada 89155
Telephone: (702) 455-4685
Facsimile: (702) 455-5112
elaine.odeh@clarkcountynv.gov
Attorneys for Defendant

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

v.

TOYER EDWARDS,

Defendant,

CASE NO. C-17-324805-1

DEPT. NO. XVIII

DATE: May 10, 2018

TIME: 9:00 a.m.

DEFENDANT'S SENTENCING MEMORANDUM

COMES NOW, the Defendant, TOYER EDWARDS, by and through ELAINE ODEH, Deputy Public Defender and hereby submits this memorandum for the Court's consideration.

STATEMENT OF FACTS

On June 18, 2017, the Defendant, Toyer Edwards had just taken medication for a heart condition, which makes him drowsy, and he fell asleep while sitting at a table at the outdoor Hawaiian Marketplace on the Las Vegas Strip. Within minutes of his arrival, he was approached by security guards, Allison and Lovato. They woke Mr. Edwards up, and when he did not immediately leave the area, the situation was escalated. When Mr. Edwards stood from his chair he was sprayed with pepper spray by Lovato. As Mr. Edwards backed up with his hand in his pocket clutching his knife, Allison moved in to take Mr. Edwards down. As Allison put his hands upon Mr. Edwards, Mr. Edwards cut Allison and then as Lovato moved in, Mr. Edwards cut him as well. As a result, Mr. Edwards was charged with two counts of Battery with a Deadly

0773

1 Weapon Resulting in Substantial Bodily Harm. After a jury trial before this Court, Mr. Edwards
2 was found guilty of both counts.

3 ARGUMENT

4 The Department of Parole and Probation prepared a Pre-Sentence Report (PSR) in this
5 case detailing Mr. Edwards background. It appears from the PSR that Mr. Edwards has an
6 extensive criminal background. However, the defense believes that when the details of the PSR
7 are looked at more closely, Mr. Edwards history is not as egregious as it seems.

8 The State, in its Sentencing Memorandum, lists some of Mr. Edward's criminal history.
9 Presumably, the State presents the worst of his offenses to support their argument for the
10 imposition of a habitual sentence of life without the possibility of parole. The State chose to
11 highlight the following from Mr. Edward's history:

12 1987 – Misdemeanor Battery

13 1998 – Misdemeanor Assault

14 2003 – Robbery - Case dismissed

15 2005 – Misdemeanor Trespass and Misdemeanor Possession of Drug Paraphernalia

16 2006 - Battery – No charges filed

17 2007 – Misdemeanor Battery

18 2007 – Misdemeanor Battery and Disorderly Conduct

19 2008 – Consuming Liquor, Possessing Imitation Controlled Substance – No charges filed

20 2008 – Burglary – for stealing bleach and insecticide from Albertson's

21 2010 – Assault with a Deadly Weapon – The “weapon” being fingernail clippers

22 2010 – Injury to Property of Another – Case dismissed

23 2012 – Misdemeanor Assault and Trespass

24 2013 – Conspiracy Burglary – for selling a stolen bottle of liquor.

1 This is not the type of offender background the legislature had in mind when it enacted
2 the habitual offender statute. “The purpose of the habitual criminality statute is to allow the
3 criminal justice system to deal determinedly with career criminals *who seriously threaten public*
4 *safety*”. (emphasis added). Johnson v. State, 131 Nev. Adv. Op. 58, 354 P.3d 667, 677 (Nev.
5 App. 2015) citing Sessions v. State, 106 Nev. 186, 191, 789 P.2d 1242, 1245 (1990). It is within
6 this Court’s discretion to decide whether or not to treat Mr. Edwards as a habitual criminal under
7 NRS 207.010, and to disregard the enhanced sentencing when the prior offenses are stale or
8 trivial, or in other circumstances where an adjudication of habitual criminality would not serve
9 the purposes of the statute or the interests of justice. French v. State, 98 Nev. 235, 237, 645 P.2d
10 440, 441 (1982).

11 In this case, justice would not be served by treating Mr. Edwards as a habitual criminal.
12 His PSR reflects the history of a homeless drug user and not a serious threat to the public safety.
13 58-year-old Toyer Edwards has been on his own since the age of 13. It appears that in his 100+
14 contacts with the criminal justice system (for mostly petty nuisance offenses), rather than being
15 assisted or provided services so that he could be a productive member of our society, he was
16 instead repeatedly locked up. Mr. Edwards history is a reflection of the failings of our criminal
17 justice system.

18 The purpose of the PSR is to aid this Court in its sentencing decision. The defense
19 is asking this Court to not rely on the PSR entirely in making its sentencing decision. First, the
20 offenses for which Mr. Edwards has been convicted are not as serious as their titles would
21 suggest. For example, he was convicted in 2010 of Assault with a Deadly Weapon – that weapon
22 being a fingernail clipper, Burglary in 2008 for stealing household necessities (bleach and
23 insecticide) from Albertson’s, and Conspiracy Burglary in 2013 for selling a stolen bottle of
24 liquor. Second, Parole and Probation utilizes a points system to determine their recommended
25 sentencing structure: x amount of points means x amount of time. However, Parole and
26 Probation was not there when this Defendant had to face the world alone at 13, and they were not
27 there for his trial in this case. The PSR points system does not even begin to tell the story.

1 Mr. Edwards' past behavior, as well as his behavior in this case, certainly does not
2 warrant habitual criminal treatment, and the defense argues that it does not even warrant the 66-
3 18- month sentence recommended by Parole and Probation.

4 Mr. Edwards lives on the streets of Las Vegas, which is no doubt a dangerous situation. It
5 is not unreasonable for him to carry a weapon (a kitchen knife here) in the event that he needs to
6 protect himself. Additionally, it would be fair to assume that Mr. Edwards' experience with
7 police officers and Las Vegas Strip security, over mostly petty homeless person crimes, does not
8 include being offered assistance or being treated with human kindness. So, it should be no
9 surprise that when confronted by such authority, he would be defensive. On the day of this
10 offense, Mr. Edwards was not causing any trouble. He was sound asleep. Perhaps he should not
11 have taken a nap at the Hawaiin Marketplace, but everything that happened after he fell asleep
12 happened because security guards Allison and Lovato were either not properly trained, were on a
13 power trip, or both.

14 Allison and Lovato immediately escalated the situation. Before Mr. Edwards was fully
15 awake or even knew what was happening he was maced. In the scuffle that followed, Allison and
16 Lovato were cut. They characterized their injuries as "stabs", but even the police officer who
17 took their statements and made the report in this case called their injuries "minor". In fact, when
18 asked by Parole and Probation if they wanted to include an impact statement or make a claim for
19 restitution, Allison and Lovato declined.

20 Mr. Edwards was found guilty, he respects the jury's verdict, and he understands that
21 there must be consequences. But this Court's duty is not to rubber-stamp the PSR. In considering
22 an appropriate sentence, the court "may consider facts such as a defendant's criminal history,
23 mitigation evidence, victim impact statements and the like." O'Neill v. State, 123 Nev. 9, 15, 153
24 P.3d 38, 42 (2007). The Court has the ability to look at the human being behind the charge and at
25 the circumstances and to make a thoughtful decision as to the appropriate sentence. A sentence
26 where the punishment fits the crime.

CONCLUSION

Mr. Edwards' behavior under these circumstances does not justify a severe penalty. An appropriate penalty considering Mr. Edwards' background and the circumstances of this case would be 24 to 60 months in the Nevada Department of Corrections.

DATED this 4th day of May, 2018.

Respectfully submitted,

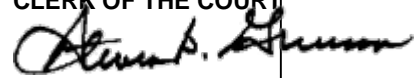
PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

By: /s/Elaine Odeh
ELAINE ODEH, #14099
Deputy Public Defender

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By: /s/Chapri Wright
An employee of the
Clark County Public Defender's Office

An employee of the
Clark County Public Defender's Office



TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff(s),

vs.

TOYER EDWARDS,

Defendant(s).

Case No. C-17-324805-1

Department XXI

BEFORE THE HONORABLE MARK B. BAILUS,
DISTRICT COURT JUDGE

THURSDAY, MAY 10, 2018

TRANSCRIPT OF PROCEEDINGS RE:
SENTENCING

APPEARANCES:

For the Plaintiff(s):

EKATERINA DERJAVINA, ESQ.
Deputy District Attorney

For the Defendant(s):

ELAINE ODEH, ESQ.
Deputy Public Defender

RECORDED BY: ROBIN PAGE, COURT RECORDER

1 **LAS VEGAS, NEVADA, THURSDAY, MAY 10, 2018**

2 [Proceeding commenced at 9:22 a.m.]

3
4 THE COURT: C-17-324805, State versus Edwards.

5 Counsel, state your appearances, please.

6 MS. DERJAVINA: Katie Derjavina on behalf of the State.

7 MS. ODEH: Elaine Odeh on behalf of Toyer Edwards,
8 who's present and in custody.

9 THE COURT: This time is set for enter a judgment
10 position sentence, is there any legal cause or reason why judgment
11 should not be pronounced at this time?

12 MS. ODEH: No.

13 MS. DERJAVINA: No, Your Honor.

14 THE COURT: Sir, by virtue of your-- of the verdict of the
15 jury, I hereby judge you guilty of the offenses Count 1 and 2,
16 Battery With Use of a Deadly Weapon Resulting in Substantial
17 Bodily Harm.

18 State, what's your position on sentencing?

19 MS. DERJAVINA: And, Your Honor, State at this time is
20 requesting defendant to be sentenced under the Large Habitual. I
21 do have with me four certified judgment convictions. Before I
22 approach, just for the record, they're all out of the Eighth District
23 Court. One is a 1994 felony conviction for attempt grand larceny,
24 Case Number C-117388; 1999 felony conviction for attempted
25 burglary, C-158661; a 2007 felony conviction for burglary, Case

1 C248058; and a 2010 felony conviction for assault with a deadly
2 weapon, Case C-264910. And copies were provided to defense
3 counsel.

4 May I approach?

5 THE COURT: Is that correct, Ms. Odeh?

6 MS. ODEH: Yes. I did get copies.

7 THE COURT: And do you have any objection to the
8 filing of the certified copies of judgment convictions?

9 MS. ODEH: No.

10 MS. DERJAVINA: May I approach, Your Honor?

11 THE COURT: You may.

12 MS. DERJAVINA: And, Your Honor, the State did submit
13 a sentencing memorandum in this case. One of the reasons is we
14 did want to provide to Your Honor some of the police reports from
15 Defendant's other case. But I do have some points that I'd like to
16 highlight.

17 First, obviously, as a memorandum mentions --

18 THE COURT: Counsel?

19 UNIDENTIFIED SPEAKER: Apologize.

20 THE COURT: That's all right.

21 Go ahead.

22 MS. DERJAVINA: In this case, the State is requesting
23 that you adjudicate him under the Large Habitual and you sentence
24 him to life without the possibility of parole.

25 Now, State realizes that is a high sentence. But in this

1 case, it is warranted. If you look at the PSI, it actually does
2 recommend that if this Honor is to adjudicate Defendant under the
3 Large Habitual, that he be sentenced to life without parole. And, as
4 Your Honor knows, that is rare for parole and probation to
5 recommend such a sentence. But they realize what a danger this
6 defendant is.

7 First, if you just look at the length of his criminal history,
8 it's appalling. First, the defendant actually has two Scope IDs
9 because of the length of his criminal history. And even though I
10 haven't been a deputy for that long, this is the first time that I've
11 ever seen somebody have such a lengthy criminal history where
12 they need to give him a second Scope ID. His first Scope ID has 48
13 pages.

14 Now, he has six felonies, four gross misdemeanors, 97
15 misdemeanors, and I'll talk about the concern for those
16 misdemeanors. Because if you look closely, those misdemeanors
17 should have been filed as felonies, because they weren't just
18 trespasses or batteries, they were assaults with deadly weapons,
19 they were battery with deadly weapons. He's been in prison six
20 times and he's been in jail 101 times. And again, as I'll talk about it,
21 a lot of those should have been felonies in the first place.

22 Now, one thing that I found interesting is that in
23 defense's sentencing memorandum, they talk about what the intent
24 of the Habitual Criminal Statute was, and that's -- it's to determine
25 and deal with career criminals who are a serious threat to public

1 safety. And they argue the defendant is not that. And the State
2 would respectfully totally disagree. The defendant is the definition
3 of somebody that the Large Habitual Statute was meant for.

4 Now, a lot of the things that defense mentions in their
5 sentencing memorandum and the fact that was elicited at trial, the
6 fact the defendant is homeless, and that's a sad fact. It's sad that he
7 had a rough life, it's sad the fact that he's living on the streets.

8 But with all due respect to Defendant, a lot of the crimes
9 that he's committing are more than just sleeping in public or
10 trespassing or petty larcenies. If you look deeply into the fact of all
11 his criminal history, it relates to the fact that he has total disregard
12 for the law. He does not care what the law is, he has full disregard
13 for authority, full disregard for peoples' safety. And that is a very
14 big concern for the State.

15 Now, in their sentencing memorandum, I believe what
16 defense writes is if you look at the details of the PSI more closely,
17 Defendant's criminal history is not as egregious as it seems. And
18 the State would respectfully disagree.

19 I think when you look at that criminal history closely, it's
20 the total opposite, that it actually is a lot more egregious than what
21 it appears. Because as they mentioned in their sentencing
22 memorandum, they list a lot of the charges Defendant was charged
23 with, which was battery misdemeanor, assault misdemeanor,
24 trespass, things like that, what are just misdemeanors. But if you
25 look closely at the facts, and which is the reason we did a

1 sentencing memorandum, in order to be able to highlight those
2 facts, in order for Your Honor to be able to read the police reports
3 and realize that this defendant has gotten break after break after
4 break. He commits serious offenses that are felonies, when you
5 read the facts. But he gets cited for trespass or he gets cited for a
6 simple misdemeanor. And he doesn't face the consequences.

7 I believe this is the first time where he committed a
8 serious offense and he was charged properly for that offense when
9 it relates to assaulting security officers or assaulting officers in
10 general.

11 And that again, is a very, very big concern for the State.
12 I'm not going to go into the details, because you had a sentencing
13 memorandum and I know Your Honor does a wonderful job of
14 reading everything in detail. But as you saw in those, he batters
15 police officers, he batters security guards, he assaults customers in
16 stores, he assaults employees in stores, he is a threat to visitors on
17 the Strip, because when he's trying to sell alcohol to them and they
18 refuse it, he starts threatening them.

19 He is not just a nuisance, and that's not the reason that
20 the State is seeking Large Habitual; he's somebody who is a serious
21 threat. And in this case, he started off with first having the knife in
22 his pocket and then using it.

23 And the concern the State has is eventually he's going to
24 kill somebody. And it's obvious in this case that he has no problem
25 using a deadly weapon on somebody, and that's a very big concern

1 for the State.

2 Now, one of the things I know defense counsel mentions
3 in their sentencing memorandum, and I think that was a clear thing
4 that they argued at trial is the fact that this case would have never
5 happened if it wasn't for the security officers, that they're the ones
6 who escalated this, that if they didn't bother him, he would have
7 never pulled the knife, that he did it in self-defense. Which I think is
8 an argument maybe you can make at trial. But now that we have
9 his criminal history, that argument goes out the door, because his
10 criminal history is totally counterintuitive to that.

11 Because as Your Honor saw, there are two cases that we
12 mention in our sentencing memorandum. One is on page 3, that,
13 basically, are the exact same facts of this case, where he's asked to
14 leave the Mirage, he refuses, and he tells them, Fuck you, you
15 broke-ass niggers, I'll cut you from your navel to your throat, I will
16 cut you, boy. Which is exactly what he did in this case and pretty
17 much exactly what he was threatening the security guards in this
18 case. And this case was from 2005. And in that case, all he got
19 charged with was trespass and possession of drug paraphernalia.

20 But, ultimately, that's not a misdemeanor case. That is
21 an assault with a deadly weapon, because I believe he had
22 something in his hand. But, again, that just goes to show that this
23 theory of all he's doing is trying to protect himself, that they
24 escalated this, that if they didn't think they are wanna-be cops, none
25 of this would have happened. And his criminal history shows the

1 opposite. It shows that this is his pattern, this is what he does.

2 And the other big concern the State has, and we
3 mentioned in our sentencing memorandum, is he's never going to
4 stop. And how do we know that? We know it by his own words. In
5 this case, first of all, he tells the officers and you -- Your Honor got
6 to see the video when the jury's watching the video, got to see his
7 demeanor, this wasn't somebody who was scared or remorseful.
8 This is somebody who did not care.

9 And as he is yelling profanities at the two people that he
10 stabbed, what does he tell them? He tells them, Hey, I know where
11 you work, and when I get out, I'm coming right back here. Which is,
12 basically, telling us that he's never going to stop. And the concern
13 with that is that's not the first time he's said that. Because if you
14 look in one of the cases that we mention in our sentencing
15 memorandum, he basically tells the cops the same thing. He tells
16 them that I steal and I sell alcohol, because that's my hustle, that's
17 what I do. Go ahead, arrest me. That's a waste of time, because
18 I'm going to get credit time served and I'll be back out here,
19 because I don't care about the consequences.

20 And his criminal history shows that's exactly what he
21 does. Because the only time since 1987 that he's not committed
22 crimes is when he's been incarcerated. And that, Your Honor, is a
23 definition of somebody who needs to be sentenced by a Large
24 Habitual. This is not somebody who's going to stop. This is
25 somebody, by his own words and by his criminal history, as soon

1 as he's let out, he's going to commit more crimes. And for the
2 safety of this community and with the intent of the Large Habitual
3 Statute is, is for Defendant to be sentenced to life without parole.

4 THE COURT: Thank you.

5 MS. DERJAVINA: We'll submit with that.

6 THE COURT: Mr. Edwards, before your attorneys speak,
7 is there anything you'd like to tell the Court in your own behalf
8 before I pronounce sentence?

9 THE DEFENDANT: No.

10 THE COURT: Defense, any argument in mitigation?

11 MS. ODEH: Yes. Thank you, Judge.

12 So I'll agree, on paper, on the PSI, Toyer Edwards looks
13 terrible. He has a long criminal history and the PSI makes him look
14 very bad. But the reason that we're all here, the reason that Your
15 Honor is here, is because there's more to sentencing than what we
16 see on the PSI.

17 And I'm going to reiterate, when we look closer at it, it's
18 not what it seems. His history isn't what it seems. Now, the State
19 is asking you to lock him up for the rest of his life. And they filed a
20 sentencing memorandum to support that.

21 And in their sentencing memorandum, they included a
22 whole list of prior offenses, presumably, the worst ones that they
23 could pick out of his hundred-plus contacts with police to show
24 Your Honor what a bad guy he is. And that list is:

25 1987, misdemeanor battery.

1 1998, misdemeanor assault.
2 2003, robbery, case dismissed.
3 2005, misdemeanor trespass, misdemeanor possession
4 of drug paraphernalia.
5 A 2006 battery, no charges filed.
6 2007, misdemeanor battery.
7 2007, a misdemeanor battery.
8 2008, consuming liquor and possessing an imitation
9 controlled substance, no charges even filed.
10 2008, burglary, which is one of the JOCs they submitted.
11 This is a burglary for stealing bleach and insecticide from
12 Albertson's.
13 2010, assault with a deadly weapon. Another JOC. The
14 deadly weapon was a pair of nail clippers.
15 2010, injury to property of another, case dismissed.
16 2012, misdemeanor assault and trespass.
17 2013, conspiracy burglary for selling a stolen bottle of
18 liquor.
19 Is this is the worst the State can pick out, the -- his
20 history is not as bad as it appears on paper.
21 This is a PSI of a homeless drug user, not a dangerous
22 criminal that needs to be removed from the streets. Mr. Edwards,
23 as you see from the PSI, has been on his own since he was 13 years
24 old. And I'm going to ask, as a society, what have we done for this
25 man in all the contacts he's had with the police? Have we offered

1 him any assistance? Any kind of rehabilitation? As a society, what
2 have we done to help our fellow human being? It looks like
3 nothing.

4 And then we're going to turn around and blame him for
5 what he's become. He is a product of our criminal justice system.
6 And I think blaming him for what he's turned out to be at 58 years
7 old is wrong. And asking Your Honor to lock him up and throw
8 away the key is just wrong.

9 Now, the purpose of the PSI is to give Your Honor
10 information, and it's to aid you in making your sentencing decision.
11 I'm going to ask you to not rely entirely on the PSI for a couple of
12 reasons.

13 First, the offenses are not as serious as they seem.
14 Assault with a nail clipper, stealing bleach from Albertson's.

15 And secondly, what Parole and Probation does when
16 they recommend a sentence is they have some kind of point
17 system. And in this case, 31 points equals x-amount of time,
18 whether Your Honor treats it as nonhabitual, small habitual, or
19 large, the point system just -- they recommend a certain amount of
20 time.

21 But P&P wasn't here for the trial. They didn't hear all the
22 circumstances. They're not here right now. They didn't see the
23 videos. Your Honor is in a better position to make a reasoned
24 judgment as to sentencing.

25 I would submit that Mr. Edwards' behavior does not

1 warrant habitual treatment. I don't even think it warrants the 66
2 to 180 months that Probation recommends.

3 So I wanted to say a few words about what happened in
4 this case in the context of Mr. Edwards' personal history and his
5 experience. So, as we know, he's had I think over 100 interactions
6 with police and probably many more with Strip security. And as I
7 said before, I think it's fair to say that he wasn't treated with -- he
8 wasn't given assistance, treated with kindness, or even basic
9 respect in those interactions.

10 So he comes into this with an idea of how he feels about
11 authority, about security, and about the police, and how he's
12 treated when he has interactions with them.

13 Secondly, Judge, I ask you to remember that he's
14 homeless. And being homeless in Las Vegas is very dangerous. I
15 don't think it's unusual to expect that a person would carry a
16 weapon for self-protection. I can say that when I count my
17 blessings, at the top is that I have a roof over my head. I can't
18 imagine what it's like to live on the streets. So I don't think it's
19 unreasonable to expect that he would be carrying a weapon to
20 protect himself.

21 So on this day, as we saw in the trial, he wasn't
22 bothering anybody. He -- you know, was it wrong for him to take a
23 nap outside? I don't know. It was 7:00 in the morning, there was
24 nobody around. He didn't hurt or interfere with anybody.

25 And I think it's true, everything that happened, from the

1 point he fell asleep, was because of what these security guards did.
2 They either were not properly trained, they were on a power trip, or
3 it was a combination of both. But they're the ones that came upon
4 a sleeping man and escalated the situation.

5 In the scuffle, these guards were cut. They weren't
6 stabbed. And I understand he was charged with that. But the
7 testimony at trial was, from the State's own witness, that these
8 injuries were minor.

9 MS. DERJAVINA: And, objection. That's not what the
10 testimony came out. They didn't testify to it being minor.

11 THE COURT: Okay. I heard the trial, counsel.

12 MS. DERJAVINA: Thank you.

13 MS. ODEH: And I'm -- just so I'm clear, the officer
14 testified he made the report that the injuries were minor.

15 I believe, as the State says, if Mr. Toyer wanted to kill
16 them, I think he certainly could have. He had the weapon, he had
17 the ability. He didn't. He cut them and got them off of him.

18 And then the State's going to ask you to look at his
19 statements that he made afterwards, after he was in custody,
20 handcuffed to a chair, he starts yelling. Well, why is he yelling? Is
21 that wrong? He's worked up. He -- a few minutes earlier, he had
22 just been sleeping. Now he's sitting there in handcuffs and he's the
23 one who was the most injured, Judge. I would ask if you recall,
24 Toyer Edwards was the one that was the most injured, even when
25 the paramedics got there, Your Honor, they went straight to

1 Mr. Edwards. And the police officers told them, No, not him. Go
2 treat these people.

3 So, of course, he was angry. Of course he was upset.
4 And we're going to stand here and say Toyer Edwards, how dare
5 you be mad that you got knocked in the side of your head, that your
6 face was bleeding, and that nobody offered you assistance.

7 THE COURT: Counsel.

8 MS. ODEH: How dare you be angry?

9 THE COURT: Counsel, if you could -- counsel --

10 MS. DERJAVINA: I think he --

11 THE COURT: He got -- if you all could speak a little bit
12 lower. Thank you.

13 I'm sorry, go ahead, counsel.

14 MS. ODEH: So, Judge, I think to fault him for being
15 angry after what happened to him, again, is just wrong. He's not
16 even being treated with the most basic human dignity.

17 He was found guilty after trial, and we do respect the
18 verdict. And he understandings that there has to be consequences.
19 But the reason that there's a person here, the reason Your Honor is
20 here is because you have the ability to look at the circumstances, to
21 look at the man, to look at his history, and to make a reasoned,
22 rational judgment, and not just rubber-stamp the PSI.

23 His behavior on that day, under these circumstances, I
24 believe warrants a sentence of 24 to 60 months in the Department
25 of Corrections. That's what I'm going to ask Your Honor to impose.

1 Consequences that are appropriate, punishment that fits the crime.
2 Thank you.

3 THE COURT: Thank you, counsel.

4 In accordance with the law of the State of Nevada, this
5 Court does now sentence you as to Count -- I am going to --

6 Counsel, I am going to adjudicate him on -- under the
7 Large Habitual Criminal Statute.

8 In accordance with the law of the State of Nevada, this
9 Court does now sentence you to confinement in the Nevada
10 Department of Corrections for a definite term of 25 years with
11 eligibility for parole beginning when a minimum of 10 years has
12 been served in the Nevada Department of Corrections. That is as to
13 Count 1.

14 As to Count 2, I sentence you to confinement in Nevada
15 Department of Corrections for a definitely term of 25 years with
16 eligibility for parole beginning with a memo that 010 years has
17 been served. County 1 will run concurrent to Count 2 -- I'm sorry,
18 Count 2 will run concurrent to Count 1.

19 In addition, there will be a \$25 as administrative
20 assessment fee, \$150 for a DNA analysis, fee, \$3 for a DNA
21 administrative assessment fee, no fine is imposed, no restitution is
22 owed. You'll be given 313 days credit for time served.

23 MS. DERJAVINA: And, Your Honor, I believe we can -- I
24 don't know if you said we can waive the DNA, I believe it's been
25 taken already.

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THE COURT: DNA fee will be waived.

MS. DERJAVINA: Thank you, Your Honor.

THE COURT: Thank you, counsel.

[Court recessed at 9:41 a.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.



Shawna Ortega, CET*562

Steven D. Grierson

JOC

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

TOYER EDWARDS
aka TOYER FIDEL EDWARDS
#0878456

Defendant.

CASE NO. C-17-324805-1

DEPT. NO. XVIII

JUDGMENT OF CONVICTION
(JURY TRIAL)

The Defendant previously entered a plea of not guilty to the crimes of COUNTS 1 and 2 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM (Category B Felony) in violation of NRS 200.481; and the matter having been tried before a jury and the Defendant having been found guilty of the crimes of COUNT 1 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM (Category B Felony) in violation of NRS 200.481 and COUNT 2 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM; thereafter, on the 10th day of May,

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

3F

0795

1 2018, the Defendant was present in court for sentencing with his counsel, Elaine Odeh,
2 Deputy Public Defender, and good cause appearing,

3 THE DEFENDANT IS HEREBY ADJUDGED guilty of said crimes as set forth in
4 the jury's verdict under the LARGE HABITUAL Criminal Statute and, in addition to the
5 \$25.00 Administrative Assessment Fee and \$3.00 DNA Collection Fee, the Defendant
6 is SENTENCED as follows: a MAXIMUM of TWENTY-FIVE (25) YEARS with a
7 MINIMUM parole eligibility of TEN (10) YEARS in the Nevada Department of
8 Corrections (NDC), and COUNT 2 - a MAXIMUM of TWENTY-FIVE (25) YEARS with a
9 MINIMUM parole eligibility of TEN (10) YEARS in the Nevada Department of
10 Corrections (NDC), to run CONCURRENT with Count 1; with THREE HUNDRED AND
11 FIFTEEN (315) DAYS credit for time served.
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14 DATED this 21 day of May, 2018.

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MARK B. BAILUS
DISTRICT COURT JUDGE

District Court

Clark County Nevada

Steven D. Grierson

State of Nevada-

CASE NO-C17-324805-1

Plaintiff

Dept-NO-II

(VS)

TO- The Nevada-

Toyer Edwards

Supreme Court

Defendant

Notice of (Appeal) From Judgment of Conviction

Defendant- Toyer Edwards- IN- Pro- Se- Appeals

His Judgment of (Conviction) of the Charges

① - Battery With the Use of A.

Deadly Weapon- NRS. 200.481

② - Battery with the Use of

A. Deadly Weapon- NRS. 200.481

IN which sentence of 10-25^{yo}

was imposed on May-24- 2019

To Be served IN the Dept of Corrections.

Defendant- Toyer Edwards contends

that lack of Jurisdiction may Be Raised

For the First time ON Appeal, Even though

Defendant- Toyer Edwards- Failed to Raise

lack of Jurisdiction IN the Court Below.

See: Attached Affidavit IN support

of Notice of Appeal.

RECEIVED
OCT 29 2018

CLERK OF THE COURT

0797

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AFFIDAVIT

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Defendant Toyen Edwards - contends
that lack of Jurisdiction - may Be

Raised for First time on Appeal

Even though Defendant Toyen Edwards
For to Raise lack of Jurisdiction

In the Court Below

(Facts of case)

Defendant Toyen Edwards - Appeared

In the Justice Court Dept No 8

on 6-20 2017 AND WAS Improperly
Served - A Jurisdictionally Defective

Criminal Complaint - Without the
Complaint - Filing or charging the

Crimes of Battery with the use

of a Deadly Weapon - NRS. 200.481

IN Violation of NRS- 171.178 (4)

where a person Arrested Without

a Warrant Is Brought Before

the Justice Court Magistrate. A

Complaint must Be Filed Togeth with,

Defendant Toyen Edwards - contends

where He WAS Served - A Jurisdictional

Defective Criminal Complaint - the

Justice Court Never Acquired Subject

Matter Jurisdiction, Once Defendant

Toyen Edwards thereafter.

lack Jurisdiction. to Bind

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Defendant - Toyen Edwards to
the District Court Dept ²
In which, the District Court,
was without jurisdiction, to
conduct further proceedings
which were void, for lack of
jurisdiction thereafter, such
conviction and sentence
of 10-25 yrs without jurisdiction
to be served in the Dept
of Correction was an illegal
sentence, thereafter, the District
Court assumed jurisdiction when
such trial and conviction
was void and nullity
see - In Re Alexander - 393 P2d 615
Defendant Toyen Edwards, demonstrate
by Exhibit (A) - that the criminal
complaint, was jurisdictionally
defective on its face, and
fails to charge crime for which
Defendant - Toyen Edwards, was
punishable in the Court Below
Defendant - Toyen Edwards, moves
that the Nevada Supreme Court
dismiss the appeal for lack
of jurisdiction, and correct the error
in jurisdiction.

Submitted - Toyen Edwards

0799

EXHIBIT

Exbit. A -

Establishes. Jurisdictionally Detection
Criminal Complaint, which fails
to charge Crime, Absence
on it then, which, prompt
the lower court from accepting
person and subject matter
jurisdiction. In which
Conviction and Sentence
Is Nullity and Void -

EXHIBIT

702-455-3946

Elaine Ockh

JUSTICE COURT, LAS VEGAS TOWNSHIP
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

CASE NO: 17F11042X

DEPT NO: 8

TOYER EDWARDS, aka,
Toyer Fidel Edwards #0878456,

Defendant.

CRIMINAL COMPLAINT

The Defendant above named having committed the crime of BATTERY WITH USE
OF A DEADLY WEAPON (Category B Felony - NRS 200.481 - NOC 50223), in the manner
following, to-wit: That the said Defendant, on or about the 18th day of June, 2017, at and
within the County of Clark, State of Nevada,

COUNT 1

did willfully, unlawfully, and feloniously use force or violence upon the person of
another, to wit: WILLIAM ALLISON, with use of a deadly weapon, to wit: a knife, by
stabbing and/or cutting the said WILLIAM ALLISON with said knife.

COUNT 2

did willfully, unlawfully, and feloniously use force or violence upon the person of
another, to wit: CHASE LOVATO, with use of a deadly weapon, to wit: a knife, by stabbing
and/or cutting the said CHASE LOVATO with said knife.

All of which is contrary to the form, force and effect of Statutes in such cases made and
provided and against the peace and dignity of the State of Nevada. Said Complainant makes
this declaration subject to the penalty of perjury.

06/20/17

17F11042X/cb
LVMPD EV# 1706181158
(TK8)

Total bail = ~~200K~~
\$50K

6/21/17

CTH JCB

P/C

Troyer & Associates

P.O. BOX 2003

LAS VEGAS, NV 890

23 OCT 2018 PM 5 L



To: District Court Clerk
200 E. Hoover Ave.
3rd Floor
Las Vegas, Nevada

SOUTHERN DESERT
CORRECTIONAL CENTER
OCT 22 2018
OUTGOING MAIL


IN THE SUPREME COURT OF THE STATE OF NEVADA

TOYER FIDEL EDWARDS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 77334

FILED

NOV 16 2018

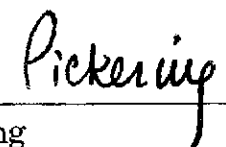
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK


ORDER DISMISSING APPEAL

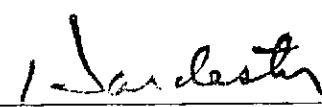
This is a pro se appeal from a judgment of conviction. Eighth Judicial District Court, Clark County; Mark B. Bailus, Judge.

This court's preliminary review of this appeal reveals a jurisdictional defect. Specifically, the district court entered the judgment of conviction on May 22, 2018. Appellant did not file the notice of appeal, however, until October 29, 2018, well after the expiration of the 30-day appeal period prescribed by NRAP 4(b). "[A]n untimely notice of appeal fails to vest jurisdiction in this court." *Lozada v. State*, 110 Nev. 349, 352, 871 P.2d 944, 946 (1994). Accordingly, we conclude that we lack jurisdiction to consider this appeal, and we

ORDER this appeal DISMISSED.


Pickering, J.


Gibbons, J.


Hardesty, J.

cc: Hon. Mark B. Bailus, District Judge
Toyer Fidel Edwards
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

IN THE SUPREME COURT OF THE STATE OF NEVADA

TOYER FIDEL EDWARDS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

Supreme Court No. 77334
District Court Case No. C324805

FILED

DEC 14 2018


CLERK OF COURT

CLERK'S CERTIFICATE

STATE OF NEVADA, ss.

I, Elizabeth A. Brown, the duly appointed and qualified Clerk of the Supreme Court of the State of Nevada, do hereby certify that the following is a full, true and correct copy of the Judgment in this matter.

JUDGMENT

The court being fully advised in the premises and the law, it is now ordered, adjudged and decreed, as follows:

"ORDER this appeal DISMISSED."

Judgment, as quoted above, entered this 16th day of November, 2018.

IN WITNESS WHEREOF, I have subscribed
my name and affixed the seal of the Supreme
Court at my Office in Carson City, Nevada this
December 11, 2018.

Elizabeth A. Brown, Supreme Court Clerk

By: Amanda Ingersoll
Chief Deputy Clerk



C-17-324805-1
CCJD
NV Supreme Court Clerks Certificate/Judge
4803348



IN THE SUPREME COURT OF THE STATE OF NEVADA

TOYER FIDEL EDWARDS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 77334

FILED

NOV 16 2018


ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK


ORDER DISMISSING APPEAL

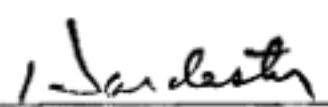
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Toyer Fidel Edwards
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk



CERTIFIED COPY

This document is a full, true and correct copy of
the original on file and of record in my office.

DATE: 12/11/18

Supreme Court Clerk, State of Nevada

By A. Hagan Deputy

IN THE SUPREME COURT OF THE STATE OF NEVADA

TOYER FIDEL EDWARDS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

Supreme Court No. 77334
District Court Case No. C324805

REMITTITUR

TO: Steven D. Grierson, Eighth District Court Clerk

Pursuant to the rules of this court, enclosed are the following:

Certified copy of Judgment and Opinion/Order.
Receipt for Remittitur.

DATE: December 11, 2018

Elizabeth A. Brown, Clerk of Court

By: Amanda Ingersoll
Chief Deputy Clerk

cc (without enclosures):
Hon. Mark B. Bailus, District Judge
Toyer Fidel Edwards
Clark County District Attorney
Attorney General/Carson City

RECEIPT FOR REMITTITUR

Received of Elizabeth A. Brown, Clerk of the Supreme Court of the State of Nevada, the
REMITTITUR issued in the above-entitled cause, on DEC 14 2018.

HEATHER UNGERMANN
Deputy District Court Clerk

RECEIVED
APPEALS

DEC 13 2018

CLERK OF THE COURT

IN THE SUPREME COURT OF THE STATE OF NEVADA

TOYER FIDEL EDWARDS,
Appellant,
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Supreme Court No. 77334
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FILED

DEC 31 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

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Elizabeth A. Brown, Clerk of Court

By: Amanda Ingersoll
Chief Deputy Clerk

cc (without enclosures):
Hon. Mark B. Bailus, District Judge
Toyer Fidel Edwards
Clark County District Attorney
Attorney General/Carson City

RECEIPT FOR REMITTITUR

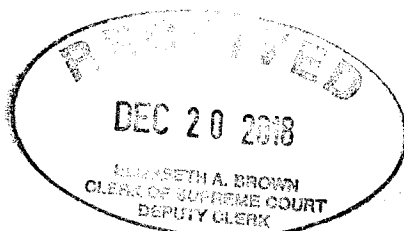
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[Signature]
Deputy District Court Clerk

RECEIVED
APPEALS

DEC 13 2018

CLERK OF THE COURT



IN THE SUPREME COURT OF THE STATE OF NEVADA

TOYER FIDEL EDWARDS,
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IN WITNESS WHEREOF, I have subscribed
my name and affixed the seal of the Supreme
Court at my Office in Carson City, Nevada this
December 11, 2018.

Elizabeth A. Brown, Supreme Court Clerk

By: Amanda Ingersoll
Chief Deputy Clerk

Toyer Edwards, 61957
Petitioner/In Propria Persona
Post Office Box 208, SDCC
Indian Springs, Nevada 89070

FILED

APR 25 2019

John J. Smith
CLERK OF COURT

IN THE 8th JUDICIAL DISTRICT COURT OF
THE STATE OF NEVADA IN AND FOR THE
COUNTY OF CLARK

Toyer Edwards

Petitioner,

vs.

The State of
Nevada
Scott Howell, Warden

Respondent(s).

Case No. A-19-793729-W

Dept. No. Dept. XXIX

Docket _____

PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)

INSTRUCTIONS:

- (1) This petition must be legibly handwritten or typewritten signed by the petitioner and verified.
- (2) Additional pages are not permitted except where noted or with respect to the facts which you rely upon to support your grounds for relief. No citation of authorities need be furnished. If briefs or arguments are submitted, they should be submitted in the form of a separate memorandum.
- (3) If you want an attorney appointed, you must complete the Affidavit in Support of Request to Proceed in Forma Pauperis. You must have an authorized officer at the prison complete the certificate as to the amount of money and securities on deposit to your credit in any account in the institution.
- (4) You must name as respondent the person by whom you are confined or restrained. If you are in a specific institution of the department of corrections, name the warden or head of the institution. If you are not in a specific institution of the department within its custody, name the director of the department of corrections.
- (5) You must include all grounds or claims for relief which you may have regarding your conviction and sentence.

RECEIVED

APR 25 2019

CLERK OF THE COURT

0812

1 Failure to raise all grounds in this petition may preclude you from filing future petitions
2 challenging your conviction and sentence.

3 (6) You must allege specific facts supporting the claims in the petition you file seeking relief
4 from any conviction or sentence. Failure to allege specific facts rather than just conclusions may
5 cause your petition to be dismissed. If your petition contains a claim of ineffective assistance of
6 counsel, that claim will operate to waive the attorney-client privilege for the proceeding in which
7 you claim your counsel was ineffective.

8 (7) If your petition challenges the validity of your conviction or sentence, the original and one
9 copy must be filed with the clerk of the district court for the county in which the conviction
10 occurred. Petitions raising any other claim must be filed with the clerk of the district court for the
11 county in which you are incarcerated. One copy must be mailed to the respondent, one copy to the
12 attorney general's office, and one copy to the district attorney of the county in which you were
13 convicted or to the original prosecutor if you are challenging your original conviction or sentence.
14 Copies must conform in all particulars to the original submitted for filing.

15 PETITION

16 1. Name of institution and county in which you are presently imprisoned or where and who you
17 are presently restrained of your liberty: S.D.C.C., Clark County, Nev., Warden, Jerry Howell.

18 2. Name the location of court which entered the judgment of conviction under attack: 8th Judicial
19 District Court, Clark County, NV, Judge MARK R. BAILUS, Dept. 29

20 3. Date of judgment of conviction: 5-22-18

21 4. Case number: _____

22 5. (a) Length of sentence: 10 to 25 (Ten to twenty-five years)

23 (b) If sentence is death, state any date upon which execution is scheduled: N/A

24 6. Are you presently serving a sentence for a conviction other than the conviction under attack in
25 this motion:

26 Yes _____ No ☒ If "Yes", list crime, case number and sentence being served at this time: _____

27 7. Nature of offense involved in conviction being challenged: Batt. with/use deadly
28 weapon, resulting in substantial bodily harm (count one (1))
Batt. with/use deadly weapon, resulting in substantial bodily harm
(count two (2))

1 8. What was your plea? (Check one)

2 (a) Not guilty ☒

3 (b) Guilty _____

4 (c) Nolo contendere _____

5 9. If you entered a guilty plea to one count of an indictment or information, and a not guilty plea
6 to another count of an indictment or information, or if a guilty plea was negotiated, give details: _____
7 _____
8 _____

9 10. If you were found guilty after a plea of not guilty, was the finding made by: (check one)

10 (a) Jury ☒

11 (b) Judge without a jury _____

12 11. Did you testify at trial? Yes _____ No ☒

13 12. Did you appeal from the judgment of conviction?

14 Yes _____ No ☒

15 13. If you did appeal, answer the following:

16 (a) Name of court:

17 (b) Case number or citation:

18 (c) Result:

19 (d) Date of appeal:

20 (Attach copy of order or decision, if available).

21 14.) If you did not appeal, explain briefly why you did not: _____
22 _____
23 _____

24 15. Other than a direct appeal from the judgment of conviction and sentence, have you previously
25 filed any petitions, applications or motions with respect to this judgment in any court, state or
26 federal? Yes ☒ No _____
27
28

1 16. If your answer to No 15 was "Yes", give the following information:

2 (a) (1) Name of court: 8th Judicial dist. Court, Clark County Nev. Dist II

3 (2) Nature of proceedings: Motion to Withdraw Counsel filed 2/11/19

4 case no 24805 and Notice of appeal filed 11/6/18 case no 77384.

5 (3) Grounds raised: _____

6 _____

7 _____

8 (4) Did you receive an evidentiary hearing on your petition, application or motion?

9 Yes _____ No ☒

10 (5) Result: _____

11 (6) Date of result: _____

12 (7) If known, citations of any written opinion or date of orders entered pursuant to each

13 result: _____

14 (b) As to any second petition, application or motion, give the same information:

15 (1) Name of Court: N/A

16 (2) Nature of proceeding: _____

17 (3) Grounds raised: _____

18 (4) Did you receive an evidentiary hearing on your petition, application or motion?

19 Yes _____ No _____

20 (5) Result: _____

21 (6) Date of result: _____

22 (7) If known, citations or any written opinion or date of orders entered pursuant to each

23 result: _____

24 (c) As to any third or subsequent additional application or motions, give the same

25 information as above, list them on a separate sheet and attach. N/A

26

27

28

1 (d) Did you appeal to the highest state or federal court having jurisdiction, the result or action
2 taken on any petition, application or motion? N/A

3 (1) First petition, application or motion?

4 Yes ☐ No ☒

5 Citation or date of decision: _____

6 (2) Second petition, application or motion?

7 Yes ☐ No ☒

8 Citation or date of decision: _____

9 (e) If you did not appeal from the adverse action on any petition, application or motion,
10 explain briefly why you did not. (You may relate specific facts in response to this question. Your
11 response may be included on paper which is 8 1/2 x 11 inches attached to the petition. Your response
12 may not exceed five handwritten or typewritten pages in length). N/A

13 _____
14 _____
15 17. Has any ground being raised in this petition been previously presented to this or any other
16 court by way of petition for habeas corpus, motion or application or any other post-conviction
17 proceeding? If so, identify: NO

18 (a) Which of the grounds is the same: _____

19 _____
20 (b) The proceedings in which these grounds were raised: N/A

21 _____
22 (c) Briefly explain why you are again raising these grounds. (You must relate specific facts
23 in response to this question. Your response may be included on paper which is 8 1/2 x 11 inches
24 attached to the petition. Your response may not exceed five handwritten or typewritten pages in
25 length). N/A

1 18. If any of the grounds listed in Nos. 23(a), (b), (c), and (d), or listed on any additional pages
2 you have attached, were not previously presented in any other court, state or federal, list briefly what
3 grounds were not so presented, and give your reasons for not presenting them. (You must relate
4 specific facts in response to this question. Your response may be included on paper which is 8 1/2 x
5 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten
6 pages in length). n/a

7
8 19. Are you filing this petition more than one (1) year following the filing of the judgment of
9 conviction or the filing of a decision on direct appeal? If so, state briefly the reasons for the delay.
10 (You must relate specific facts in response to this question. Your response may be included on
11 paper which is 8 1/2 x 11 inches attached to the petition. Your response may not exceed five
12 handwritten or typewritten pages in length). n/a

13
14
15 20. Do you have any petition or appeal now pending in any court, either state or federal, as to the
16 judgment under attack?

17 Yes ☐ No ☒

18 If "Yes", state what court and the case number: _____

19
20 21. Give the name of each attorney who represented you in the proceeding resulting in your
21 conviction and on direct appeal: Elaine Odeh (chief counsel) there
22 was also another attorney who assisted appoint counsel
23 (Elaine Odeh) during my trial. I don't know her name.

24 22. Do you have any future sentences to serve after you complete the sentence imposed by the
25 judgment under attack?

26 Yes ☐ No ☒ If "Yes", specify where and when it is to be served, if you know: _____

Summarize briefly the facts supporting each ground. If necessary, you may attach pages stating additional grounds and facts supporting same.

23. (a) GROUND ONE: Petitioners 5th, 6th and 14th amendment rights of the us. Constitution and Nevada Constitution Art.1 Sec.8 were Violated due to Ineffective assistance of trial and appeal (Direct appeal) counsel

23. (a) SUPPORTING FACTS (Tell your story briefly without citing cases or law): (Elaine Odeh)

ON February 22, 2018 Petitioner appeared for trial represented by Elaine Odeh

On March 2, 2018 Petitioner was found guilty by Jury Verdict

On May 10, 2018 Petitioner was sentenced to 10 to 25 years Following Jury trial Petitioner told Counsel Elaine Odeh I want to fight this, this was self defense" Counsel responded I'll be to see you. He never did. Next time I saw Counsel was at Sentencing Where Judge "Bailus Mark B Sentenc me to 10 to 25 years. Me being 58 years Old that would make me 68 or 69 years Old at my earliest release date. following Sentencing I told

Counsel Elaine Odeh Miss you got to do something I might not live through this. I didn't take any plea deals and I repeatedly express my dissatisfaction with the guilty verdict and sentence. My statement and actions made my desire to appeal clear. I was transferred to High Desert Correctional Center around June. I spent 23 days in fish tank (intake) During the next several months I believed Counsel was appealing my case. I arrived at Southern Desert Correctional Center During a conversation with a friend about my case he suggested that I file a notice of appeal (Supreme Court Case no. 77334) to find out the status of my case this is how and when I first learned that nothing had been filed (notice of direct appeal) But I was close to defaulting any appeal of my case whatsoever. I'm indigent I don't have money or family that can or will hire Counsel. I don't have money to pay for inmate help. I'm completely at the mercy of friends advise good or bad as my understanding, knowledge and/or ability to appeal is Zero, Null. I have been going to the Law Library every week (all that is allowed), trying to learn all that I can. but there is no way for me to prepare. I am overwhelmed, lost, I need Counsel. (appointed Counsel Elaine Odeh had a duty and or obligation to consult with me and to appeal (file a notice of appeal and brief my case

Whether pursuant to statute, Caselaw and or Court Rules or Lawyer's rules of professional Conduct Appointed Counsels Elaine Odeh, abandonment of petitioner (Toyer Edwards) by not filing a timely notice of appeal (Direct appeal) apprising me and the Court of their refusal and or intent not to file an appeal, Clearly is ineffective assistance of Counsel especially when petitioner expressed his desire to fight and Considering petitioners Age 58 (At time of Conviction) a Sentence of 10 to 25 years potentially, even highly probably a death Sentence life without parole). Petitioner believes He is entitled to a determination that appointed Counsel (Elaine Odeh) was Ineffective for failing to perfect my Direct Appeal there by Causing me to loose my right to Challenge my Conviction before it became final limiting petitioner to post. Conviction (N.R.S 34.720 thru 34.830, exclusive) which was also Jeopardized by their actions.

Lozada V Deeds 964 F.2d 956, 958-59 (9th Cir 1991)

Lozada V Deeds 498 US 430 (1991)

Lozada V Deeds 1995 US APP. lexis 34479 (9th Cir)

Strickland V Washington 466 US 668 (1984)

Jones V. Barnes 463 US 745 (1983)

Relief ReRequested

That petitioner's Direct Appeal be reinstated That petitioner's be appointed effective Counsel to represent him (Toyer Edwards) Throughout his direct Appeal Process

1 WHEREFORE, Troyer F. EDWARDS, prays that the court grant Postconvict. Writ habeas
2 relief to which he may be entitled in this proceeding.

3 EXECUTED at Southern Desert Correctional Center, P.O. 208, Indio Springs
4 nv. 89070
on the 18 day of April, 2019.

5
6 Troyer F Edwards
7 Signature of Petitioner

8 VERIFICATION

9 Under penalty of perjury, pursuant to N.R.S. 208.165 et seq., the undersigned declares that he is
10 the Petitioner named in the foregoing petition and knows the contents thereof; that the pleading is
11 true and correct of his own personal knowledge, except as to those matters based on information and
12 belief, and to those matters, he believes them to be true.

13
14 Troyer F Edwards
15 Signature of Petitioner

16
17 PRO SE
18 Attorney for Petitioner

CERTIFICATE OF SERVICE BY MAILING

I, Toyer F Edwards #61957, hereby certify, pursuant to NRCP 5(b), that on this 18
day of April, 2019, I mailed a true and correct copy of the foregoing, "Post-conviction
petition for writ of habeas corpus (filed PRO SE)"
by placing document in a sealed pre-postage paid envelope and deposited said envelope in the
United State Mail addressed to the following:

Steven D. Grierson
clerk of the court
200 Lewis Ave 3rd floor
Las Vegas, NV. 89155-1160

CC:FILE

DATED: this 18 day of April, 2019.

Toyer F Edwards
/In Propria Personam
Post Office Box 208, S.D.C.C.
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

0 S.A.C.C.

P.O. Box 208

Indian Springs, NV 89070

NV 890

23 APR '19

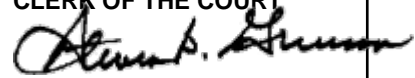
PM 5 L

B/S#
2360324

STEVEN D. GARIERSON, CLERK OF THE COURT
200 Lewis Ave., 3rd Floor
LAS VEGAS, NV. 89155-1160

89101-630000

|||||



RSPN
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
KAREN MISHLER
Deputy District Attorney
Nevada Bar #13730
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-vs-

TOYER EDWARDS, aka,
Toyer Fidel Edwards, #0878456
Defendant.

CASE NO: A-19-793729-W

DEPT NO: XXIX

**STATE'S RESPONSE TO DEFENDANT'S PETITION FOR WRIT OF HABEAS
CORPUS**

DATE OF HEARING: OCTOBER 10, 2019
TIME OF HEARING: 9:00 AM

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through KAREN MISHLER, Deputy District Attorney, and hereby submits the attached Points and Authorities in State's Response to Defendant's Supplemental Petition for Writ of Habeas Corpus.

This response is made and based upon all the papers and pleadings on file herein, the attached points and authorities in support hereof, and oral argument at the time of hearing, if deemed necessary by this Honorable Court.

///

///

///

///

1 **POINTS AND AUTHORITIES**

2 **STATEMENT OF THE CASE**

3 On July 6, 2017, the State filed an Information, charging Toyer Edwards with two
4 counts of Battery With Use Of A Deadly Weapon Resulting in Substantial Bodily Harm. On
5 March 2, 2018, the jury found Edwards guilty on all counts. On May 10, 2018, the District
6 Court sentenced Edwards to the following: Count one – a maximum of twenty-five (25) years
7 and a minimum of ten (10) years; Count two – maximum of twenty-five (25) years and a
8 minimum of ten (10) years, concurrent with Count one, with 315 days credit for time served.
9 On May 22, 2018 the Court filed Edwards' Judgment of Conviction. Edwards filed a pro se
10 appeal on October 29, 2018. On November 16, 2018, the Nevada Supreme Court filed an Order
11 of Dismissal due to untimeliness. On April 25, 2019, Edwards filed a Post-Conviction Petition
12 for Writ of Habeas Corpus.

13 **STATEMENT OF FACTS**

14 On June 18, 2017, Defendant Toyer Edwards, was sleeping in a public area on Las
15 Vegas Boulevard at Hawaiian Marketplace. Two security officers approached him and asked
16 Edwards to leave. Edwards argued with the officers and reached for a knife. One of the security
17 officers pepper sprayed Edwards. Edwards thereafter stabbed both officers with the knife. The
18 officers wrestled the knife away from Mr. Edwards and ultimately took him into custody.
19 Metropolitan Police Officers arrived, and body camera video revealed Defendant was
20 belligerent and obnoxious. Edwards was screaming, laughing, and taunting the injured security
21 officers, yelling "you can't fuck with me on your best day and my worst day," "they
22 underestimate me, I took they bitch ass down," and "I tore his ass up." Defendant continued
23 to brag shouting racial slurs and odd phrases. Police officers located the knife in Mr. Edwards'
24 right front pocket. Mr. Edwards was arrested and transported to the Clark County Detention
25 Center.

26 ///

27 ///

28 ///

1 **ARGUMENT**

2 **I. DEFENDANT HAS A RIGHT TO A LIMITED EVIDENTIARY**
3 **HEARING**

4
5 Under Hathaway v. State, 119 Nev. 248, 254-55, 71 P.3d 503, 507-08 (2003), the
6 deprivation of a right to appeal may constitute good cause if the defendant actually believed
7 an appeal was pending, such belief was objectively reasonable, and the defendant brought his
8 post-conviction request for relief within a reasonable time after discovering no appeal was
9 pending. Such a claim of ineffective assistance of counsel was available to Defendant within
10 the statutory time period provided by NRS 34.726. See Hathaway, 119 Nev. at 253-54, 71 P.3d
11 at 507 (distinguishing between claims that counsel refused to file a requested direct appeal
12 from circumstances where counsel promises to file a requested appeal but fails to do so and
13 finding the former must be brought within one year after the Judgment of Conviction). The
14 Court in Hathaway held: “A petitioner’s mistaken but reasonable belief that his or her attorney
15 was pursuing a direct appeal is good cause if the petitioner raises the claim within a reasonable
16 time after learning that his or her attorney was not in fact pursuing a direct appeal on the
17 petitioner’s behalf.” Hathaway, 119 Nev. at 251, 71 P.3d at 505. (Emphasis added).

18 Moreover, the Nevada Legislature has given courts the discretion to appoint post-
19 conviction counsel so long as “the court is satisfied that the allegation of indigency is true and
20 the petition is not dismissed summarily.” NRS 34.750. NRS 34.750 reads:

21 A petition may allege that the Defendant is unable to pay the costs of
22 the proceedings or employ counsel. If the court is satisfied that the
23 allegation of indigency is true and the petition *is not dismissed*
summarily, the court may appoint counsel at the time the court orders
the filing of an answer and a return. In making its determination, the
court may consider whether:

- 24 (a) The issues are difficult;
25 (b) The Defendant is unable to comprehend the proceedings;
or
26 (c) Counsel is necessary to proceed with discovery.

27 (emphasis added). Under NRS 34.750, it is clear that the court has discretion in determining
28 whether to appoint counsel.

Here, Defendant's timely Petition claims counsel failed to file a requested appeal. Defendant's claims, while suspect, are not strictly belied by the record, and Defendant may be entitled to file an appeal. See Hathaway v. State, 119 Nev. 248, 71 P.3d at 503. Even though Defendant's appeal deprivation claims are presented in a bare and naked fashion, this issue should be decided by an evidentiary hearing. Consequently, the Court should hold an evidentiary hearing strictly limited to the appeal deprivation claim per Hathaway v. State, 119 Nev. 248, 71 P.3d at 503 Lozada v. State, 110 Nev. 349, 871 P.2d 944 (1994), and Roe v. Ortega, 528 U.S. 470, 120 S.Ct. 1029 (2000). Since Defendant is currently a pro se litigant, this Court has the discretion under NRS 34.750 to appoint counsel for the purpose of an evidentiary hearing.

CONCLUSION

Based on the foregoing, the State suggests a limited evidentiary hearing on Defendant's appeal deprivation claim. The State submits Defendant's request for counsel to the Court's discretion.

DATED this 2nd day of October, 2019.

Respectfully submitted,

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #1565

BY /s/ KAREN MISHLER
KAREN MISHLER
Deputy District Attorney
Nevada Bar #13730

///

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///

///

///

///

///

CERTIFICATE OF MAILING

I hereby certify that service of the above and foregoing was made this 2nd day of October, 2019, by depositing a copy in the U.S. Mail, postage pre-paid, addressed to:

TOYER EDWARDS, BAC #61957
S.D.C.C.
P.O. BOX 208
INDIAN SPRINGS, NV, 89070

BY /s/ J. MOSLEY
Secretary for the District Attorney's Office

Steven D. Grierson

1 **ORDR**

2
3
4 **DISTRICT COURT**
5 **CLARK COUNTY, NEVADA**

6
7
8 **TOYER EDWARDS,**

9 **Petitioner,**

10 **v.**

11 **STATE OF NEVADA,**

12 **Respondent.**

CASE NO: A-19-793729-W

DEPT. NO.: XXIX

13
14 **ORDER GRANTING PETITIONER'S WRIT OF HABEAS CORPUS**

15 **Petitioner Toyer Edwards ("Petitioner") filed a Post-Conviction Petition for Writ of**
16 **Habeas Corpus ("Petition") on April 25, 2019. Following a response by the state, an**
17 **evidentiary hearing was set. This Court held an evidentiary hearing on December 3, 2019.**
18 **Having considered the papers and pleadings on file and the testimony at the evidentiary**
19 **hearing, this Court hereby GRANTS the Petition.**

20 **"A petitioner's mistaken but reasonable belief that his attorney was pursuing a direct**
21 **appeal is good cause if the petitioner raises the claim within a reasonable time after learning**
22 **that his attorney was not in fact pursuing a direct appeal on the petitioner's behalf."**
23 ***Hathaway v. State*, 71 P.3d 503, 505-07 (Nev. 2003). Here, Petitioner argues that his trial**
24 **and direct appeal counsel was ineffective because she failed to file a notice of appeal.**
25 **Petitioner contends that he voiced his desire to appeal the conviction and believed counsel**
26 **was appealing his case. He discovered that belief was wrong when he filed a notice of**
27 **appeal on October 29, 2018, which the Supreme Court of Nevada dismissed as untimely. At**
28

RECEIVED

DEC 11 2019

CLERK OF THE COURT

0829

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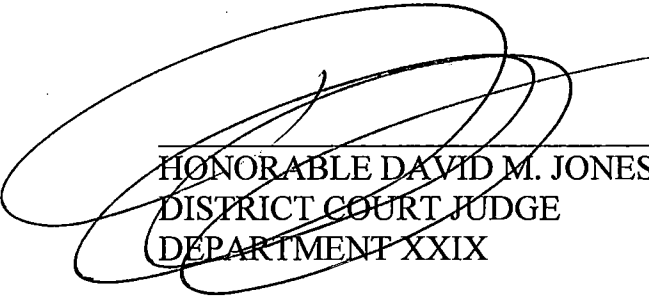
1 the evidentiary hearing, Shana Brouwers, second chair at the trial, testified that anytime a
2 guilty verdict comes back subsequent to a jury trial it is the Public Defenders Office's policy
3 to send the file to the appellate team for review. It is also the Office's policy to send the file
4 for review regardless of whether the defendant requests counsel to pursue an appeal. Ms.
5 Brouwers further testified that lead trial counsel never sent the file to the appellate team for
6 review. Ultimately, Ms. Brouwers admitted that lead trial counsel failing to file a notice of
7 appeal was ineffective.

8 Petitioner was clearly deprived of his right to appeal. Accordingly, the Court finds
9 that there is good cause for Petitioner's delay in filing his notice of appeal. The Court
10 further finds that lead trial counsel was ineffective in not sending Petitioner's file to the
11 appellate team and failing to file a notice of appeal.

12
13 **IT IS HEREBY ORDERED** the Petition is GRANTED

14 **IT IS HEREBY ORDERED** that pursuant to NRS 34.750, post-conviction counsel is to be
15 appointed.
16

17
18 IT IS SO ORDERED this 4th day of December, 2019.
19

20
21 
22 _____
23 HONORABLE DAVID M. JONES
24 DISTRICT COURT JUDGE
25 DEPARTMENT XXIX
26
27
28

CERTIFICATE OF SERVICE

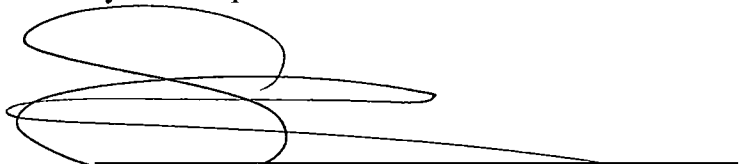
I hereby certify that on or about the date signed, a copy of this Order was electronically filed and served to all registered parties in the Eighth Judicial District Court Electronic Filing Program and/or placed in the attorney's folder maintained by the Clerk of the Court and/or transmitted via facsimile and/or mailed, postage prepaid, by United States mail to the proper parties as follows:

Toyer Edwards

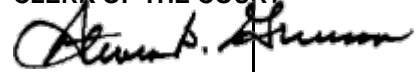
Petitioner

Noreen DeMonte

Attorney for Respondent



Susan M. Linn
Judicial Executive Assistant
Department XXIX



NEOJ

**DISTRICT COURT
CLARK COUNTY, NEVADA**

TOYER EDWARDS,

Petitioner,

Case No: A-19-793729-W

Dept. No: XXIX

vs.

STATE OF NEVADA,

Respondent,

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that on December 11, 2019, the court entered a decision or order in this matter, a true and correct copy of which is attached to this notice.

You may appeal to the Supreme Court from the decision or order of this court. If you wish to appeal, you must file a notice of appeal with the clerk of this court within thirty-three (33) days after the date this notice is mailed to you. This notice was mailed on December 13, 2019.

STEVEN D. GRIERSON, CLERK OF THE COURT

/s/ Amanda Hampton

Amanda Hampton, Deputy Clerk

CERTIFICATE OF E-SERVICE / MAILING

I hereby certify that on this 13 day of December 2019, I served a copy of this Notice of Entry on the following:

☒ By e-mail:

Clark County District Attorney's Office
Attorney General's Office – Appellate Division-

☒ The United States mail addressed as follows:

Toyer Edwards # 61957
P.O. Box 208
Indian Springs, NV 89070

/s/ Amanda Hampton

Amanda Hampton, Deputy Clerk

Steven D. Grierson

1 **ORDR**

2
3
4 **DISTRICT COURT**
5 **CLARK COUNTY, NEVADA**

6
7
8 **TOYER EDWARDS,**

9 **Petitioner,**

10 **v.**

11 **STATE OF NEVADA,**

12 **Respondent.**

CASE NO: A-19-793729-W

DEPT. NO.: XXIX

13
14 **ORDER GRANTING PETITIONER'S WRIT OF HABEAS CORPUS**

15 **Petitioner Toyer Edwards ("Petitioner") filed a Post-Conviction Petition for Writ of**
16 **Habeas Corpus ("Petition") on April 25, 2019. Following a response by the state, an**
17 **evidentiary hearing was set. This Court held an evidentiary hearing on December 3, 2019.**
18 **Having considered the papers and pleadings on file and the testimony at the evidentiary**
19 **hearing, this Court hereby GRANTS the Petition.**

20 **"A petitioner's mistaken but reasonable belief that his attorney was pursuing a direct**
21 **appeal is good cause if the petitioner raises the claim within a reasonable time after learning**
22 **that his attorney was not in fact pursuing a direct appeal on the petitioner's behalf."**
23 ***Hathaway v. State*, 71 P.3d 503, 505-07 (Nev. 2003). Here, Petitioner argues that his trial**
24 **and direct appeal counsel was ineffective because she failed to file a notice of appeal.**
25 **Petitioner contends that he voiced his desire to appeal the conviction and believed counsel**
26 **was appealing his case. He discovered that belief was wrong when he filed a notice of**
27 **appeal on October 29, 2018, which the Supreme Court of Nevada dismissed as untimely. At**
28

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DEC 11 2019

CLERK OF THE COURT

0833

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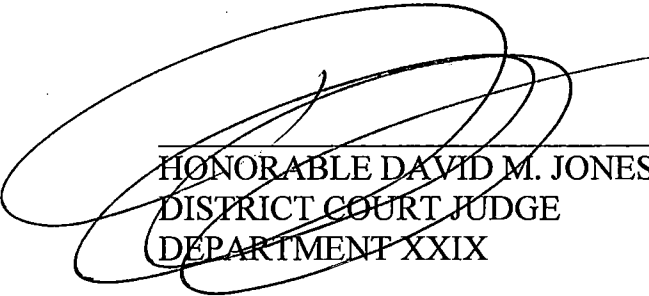
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5 Brouwers further testified that lead trial counsel never sent the file to the appellate team for
6 review. Ultimately, Ms. Brouwers admitted that lead trial counsel failing to file a notice of
7 appeal was ineffective.

8 Petitioner was clearly deprived of his right to appeal. Accordingly, the Court finds
9 that there is good cause for Petitioner's delay in filing his notice of appeal. The Court
10 further finds that lead trial counsel was ineffective in not sending Petitioner's file to the
11 appellate team and failing to file a notice of appeal.

12
13 **IT IS HEREBY ORDERED** the Petition is GRANTED

14 **IT IS HEREBY ORDERED** that pursuant to NRS 34.750, post-conviction counsel is to be
15 appointed.
16

17
18 IT IS SO ORDERED this 4th day of December, 2019.
19

20
21 
22 _____
23 HONORABLE DAVID M. JONES
24 DISTRICT COURT JUDGE
25 DEPARTMENT XXIX
26
27
28

CERTIFICATE OF SERVICE

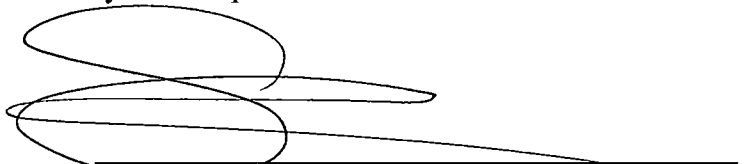
I hereby certify that on or about the date signed, a copy of this Order was electronically filed and served to all registered parties in the Eighth Judicial District Court Electronic Filing Program and/or placed in the attorney's folder maintained by the Clerk of the Court and/or transmitted via facsimile and/or mailed, postage prepaid, by United States mail to the proper parties as follows:

Toyer Edwards

Petitioner

Noreen DeMonte

Attorney for Respondent



Susan M. Linn
Judicial Executive Assistant
Department XXIX

ORDR

JESSIE L. FOLKESTAD, ESQ.
Nevada Bar No. 14518
Law Office of Christopher R. Oram
520 South 4th Street, Second Floor
Las Vegas, Nevada 89101
Telephone: (702) 384-5563

Attorney for Petitioner
TOYER EDWARDS

DISTRICT COURT
CLARK COUNTY, NEVADA

TOYER EDWARDS,

Petitioner,

-vs-

STATE OF NEVADA,

Respondent.

CASE NO: A-19-793729-W

DEPT NO: 2 Related Case
C-17-324805-1

AMENDED ORDER GRANTING PETITIONER'S WRIT OF HABEAS CORPUS

DATE OF HEARING: March 11, 2021
TIME OF HEARING: 12:30 p.m.

THIS CAUSE having come on for hearing before the Honorable Carli Kierny, District Judge, on the 11th day of March, 2021, the Petitioner represented by JESSIE L. FOLKESTAD, the Respondent being represented by STEVE WOLFSON, District Attorney, and the Court having considered the matter, reviewing all documents on file herein, including the December 11, 2019, Order Granting Petitioner's Writ of Habeas Corpus, now therefore, the Court makes the following additional findings:

FINDINGS OF FACT

Petitioner Toyer Edwards previously filed a Post-Conviction Petition for Writ of Habeas Corpus on April 25, 2019. Following a response by the State, an evidentiary hearing was set. The district court held an evidentiary hearing on December 3, 2019.

Thereafter, the district court granted the Petition, finding Mr. Edwards was deprived of his right to a direct appeal and the Order was filed December 11, 2019. The December 11, 2019 Order found:

“A petitioner’s mistaken but reasonable belief that his attorney was pursuing a direct appeal is good cause if the petitioner raises the claim within a reasonable time after learning that his attorney was not in fact pursuing a direct appeal on the petitioner’s behalf.” *Hathaway v. State*, 71 P.3d 503, 505—07 (Nev. 2003). Here, Petitioner argues that his trial and direct appeal counsel was ineffective because she failed to file a notice of appeal. Petitioner contends that he voiced his desire to appeal the conviction and believed counsel was appealing the case. He discovered that belief was wrong when he filed a notice of appeal on October 29 2018, which the Supreme Court of Nevada dismissed as untimely. At the evidentiary hearing, Shana Brouwers, second chair at the trial, testified that anytime a guilty verdict comes back subsequent to a jury trial it is the Public Defenders Office’s policy to send the file to the appellate team for review. It is also the Office’s policy to send the file for review regardless of whether the defendant requests counsel to pursue an appeal. Ms. Brouwers further testified that lead trial counsel never sent the file to the appellate team for review. Ultimately, Ms. Brouwers admitted that lead trial counsel failing to file a notice of appeal was ineffective.

Petitioner was clearly deprived of his right to appeal. Accordingly, the Court finds that there is good cause for Petitioner’s delay in filing his notice of appeal. The Court further finds that lead trial counsel was ineffective in not sending Petitioner’s file to the appellate team and failing to file a notice of appeal.

The district court also ordered appointment of counsel to assist Mr. Edwards. On March 11, 2021, counsel was appointed to assist Mr. Edwards with his direct appeal. Therefore:

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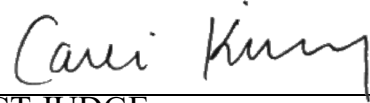
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IT IS ORDERED that the district court clerk is to prepare and file, within 7 days of the entry of the instant order, a Notice of Appeal from the judgment of conviction and sentence on the petitioner's behalf in substantially the form provided in Form 1 in the Appendix of Forms in accordance with NRAP 4(c).

DATED this _____ day of _____, 2021.

Dated this 12th day of March, 2021



DISTRICT JUDGE

SUBMITTED BY:

/s/ Jessie L. Folkestad, Esq.
JESSIE L. FOLKESTAD, ESQ.
NEVADA BAR NO. 4349
LAW OFFICE OF CHRISTOHPER R. ORAM
520 SOUTH 4TH STREET, 2ND FLOOR
LAS VEGAS, NEVADA 89101
TELEHPONE: (702) 598-1471

Attorney for Petitioner
TOYER EDWARDS

DE8 291 050A 9FEC
Carli Kierny
District Court Judge

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Toyer Edwards, Plaintiff(s)

CASE NO: A-19-793729-W

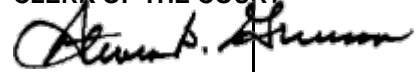
7 vs.

DEPT. NO. Department 2

8 State of Nevada, Defendant(s)
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 Electronic service was attempted through the Eighth Judicial District Court's
12 electronic filing system, but there were no registered users on the case. The filer has been
13 notified to serve all parties by traditional means.
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1 NOASC

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

9 THE STATE OF NEVADA,

10 Plaintiff,

11 vs.

12
13 TOYER EDWARDS
aka TOYER FIDEL EDWARDS,

14 Defendant,

Case No: C-17-324805-1
Related Case A-19-793729-W

Dept No: II

15
16
17 **NOTICE OF APPEAL**

18
19 Notice is hereby given that the Defendant above named, hereby appeals to the Supreme
20 Court of Nevada from the Judgment of Conviction (Jury Trial) entered in this action on May 22,
21 2018.

22 STEVEN D. GRIERSON, CLERK OF THE COURT

23 /s/ Heather Ungermann

24 Heather Ungermann, Deputy Clerk

25
26 CERTIFICATE OF E-SERVICE / MAILING

27 I hereby certify that on this 17 day of March 2021, I served a copy of this Notice of Entry on the following:

28 ☒ By e-mail:

Clark County District Attorney's Office

Attorney General's Office – Appellate Division-

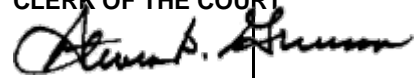
- ☒ The United States mail addressed as follows:

Toyer Edwards # 61957	Jessie L. Fokestad, Esq.
P.O. Box 208	520 S. 4 th St., Second Floor
Indian Springs, NV 89070	Las Vegas, NV 89101

- ☒ This appeal was electronically submitted to the Clerk of the Supreme Court.

/s/ Heather Ungermann

Heather Ungermann, Deputy Clerk



NEOJ

**DISTRICT COURT
CLARK COUNTY, NEVADA**

TOYER EDWARDS,

Petitioner,

Case No: C-17-324805-1

Dept. No: II

vs.

THE STATE OF NEVADA,

Respondent,

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that on March 12, 2021, the court entered a decision or order in this matter, a true and correct copy of which is attached to this notice.

You may appeal to the Supreme Court from the decision or order of this court. If you wish to appeal, you must file a notice of appeal with the clerk of this court within thirty-three (33) days after the date this notice is mailed to you. This notice was mailed on March 17, 2021.

STEVEN D. GRIERSON, CLERK OF THE COURT

/s/ Heather Ungermann

Heather Ungermann, Deputy Clerk

CERTIFICATE OF E-SERVICE / MAILING

I hereby certify that on this 17 day of March 2021, I served a copy of this Notice of Entry on the following:

☒ By e-mail:

Clark County District Attorney's Office
Attorney General's Office – Appellate Division-

☒ The United States mail addressed as follows:

Toyer Edwards # 61957
P.O. Box 208
Indian Springs, NV 89070

Jessie L. Folkestad, Esq.
520 S. 4th St., Second Floor
Las Vegas, NV 89101

/s/ Heather Ungermann

Heather Ungermann, Deputy Clerk

ORDR

JESSIE L. FOLKESTAD, ESQ.
Nevada Bar No. 14518
Law Office of Christopher R. Oram
520 South 4th Street, Second Floor
Las Vegas, Nevada 89101
Telephone: (702) 384-5563

Attorney for Petitioner
TOYER EDWARDS

DISTRICT COURT
CLARK COUNTY, NEVADA

TOYER EDWARDS,

Petitioner,

-vs-

STATE OF NEVADA,

Respondent.

CASE NO: A-19-793729-W

DEPT NO: 2 Related Case
C-17-324805-1

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DATE OF HEARING: March 11, 2021
TIME OF HEARING: 12:30 p.m.

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FINDINGS OF FACT

Petitioner Toyer Edwards previously filed a Post-Conviction Petition for Writ of Habeas Corpus on April 25, 2019. Following a response by the State, an evidentiary hearing was set. The district court held an evidentiary hearing on December 3, 2019.

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“A petitioner’s mistaken but reasonable belief that his attorney was pursuing a direct appeal is good cause if the petitioner raises the claim within a reasonable time after learning that his attorney was not in fact pursuing a direct appeal on the petitioner’s behalf.” *Hathaway v. State*, 71 P.3d 503, 505—07 (Nev. 2003). Here, Petitioner argues that his trial and direct appeal counsel was ineffective because she failed to file a notice of appeal. Petitioner contends that he voiced his desire to appeal the conviction and believed counsel was appealing the case. He discovered that belief was wrong when he filed a notice of appeal on October 29 2018, which the Supreme Court of Nevada dismissed as untimely. At the evidentiary hearing, Shana Brouwers, second chair at the trial, testified that anytime a guilty verdict comes back subsequent to a jury trial it is the Public Defenders Office’s policy to send the file to the appellate team for review. It is also the Office’s policy to send the file for review regardless of whether the defendant requests counsel to pursue an appeal. Ms. Brouwers further testified that lead trial counsel never sent the file to the appellate team for review. Ultimately, Ms. Brouwers admitted that lead trial counsel failing to file a notice of appeal was ineffective.

Petitioner was clearly deprived of his right to appeal. Accordingly, the Court finds that there is good cause for Petitioner’s delay in filing his notice of appeal. The Court further finds that lead trial counsel was ineffective in not sending Petitioner’s file to the appellate team and failing to file a notice of appeal.

The district court also ordered appointment of counsel to assist Mr. Edwards. On March 11, 2021, counsel was appointed to assist Mr. Edwards with his direct appeal. Therefore:

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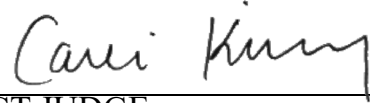
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IT IS ORDERED that the district court clerk is to prepare and file, within 7 days of the entry of the instant order, a Notice of Appeal from the judgment of conviction and sentence on the petitioner's behalf in substantially the form provided in Form 1 in the Appendix of Forms in accordance with NRAP 4(c).

DATED this _____ day of _____, 2021.

Dated this 12th day of March, 2021



DISTRICT JUDGE

SUBMITTED BY:

/s/ Jessie L. Folkestad, Esq.
JESSIE L. FOLKESTAD, ESQ.
NEVADA BAR NO. 4349
LAW OFFICE OF CHRISTOHPER R. ORAM
520 SOUTH 4TH STREET, 2ND FLOOR
LAS VEGAS, NEVADA 89101
TELEHPONE: (702) 598-1471

Attorney for Petitioner
TOYER EDWARDS

DE8 291 050A 9FEC
Carli Kierny
District Court Judge

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Toyer Edwards, Plaintiff(s)

CASE NO: A-19-793729-W

7 vs.

DEPT. NO. Department 2

8 State of Nevada, Defendant(s)
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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12 electronic filing system, but there were no registered users on the case. The filer has been
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