

IN THE SUPREME COURT OF THE STATE OF NEVADA

APRIL PARKS

Appellant,

v.

THE STATE OF NEVADA,

Respondent.

Electronically Filed
Nov 08 2021 03:30 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Case No. 8287696

District Court No. 8th JD A-19-807564-W
(Clark County)

RESPONDENT'S APPENDIX

CHRONOLOGICAL INDEX

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VOLUME 1

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2/19/2020 to 3/29/2021	Court Minutes, Case A-19-807564-W		0026 to 0031
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RESPECTFULLY SUBMITTED this 8th day of November 2021.

AARON D. FORD
Attorney General

By: /s/ Michael J. Bongard
Michael J. Bongard (Bar. No. 007997)
Senior Deputy Attorney General
State of Nevada
Office of the Attorney General
1539 Avenue F, Suite 2
Ely, Nevada 89301
Attorneys for Respondents

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing in accordance with this Court's electronic filing system and consistent with NEFCR 9 on November 8, 2021.

The following participants in this case are registered electronic filing system users and will be served electronically:

Jamie J. Resch
RESCH LAW, PLLC
2620 Regatta Dr., Suite 102
Las Vegas, Nevada, 89128
Jresch@convictionsolutions.com

/s/ M. Landreth
An employee of the Office of the Attorney General

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 08, 2017

C-17-321808-1 State of Nevada
vs
April Parks

March 08, 2017 11:45 AM All Pending Motions

HEARD BY: Togliatti, Jennifer

COURTROOM: RJC Courtroom 10C

COURT CLERK: Dulce Romea

RECORDER: Jill Hawkins

PARTIES

PRESENT:	Brower, Keith	Attorney for Defendant
	Laxalt, Adam Paul	Nevada Attorney General
	Raman, Jay	Deputy District Attorney
	State of Nevada	Plaintiff
	Westmeyer, Daniel	Deputy Attorney General
	Wolfson, Steven B	Clark County District Attorney

JOURNAL ENTRIES

- GRAND JURY INDICTMENT...EX PARTE MOTION ON BAIL

Ex Parte Motion on Bail FILED IN OPEN COURT.

Mr. Brower observed in the gallery.

Court noted media request submitted with no case number; the Court was notified via phone call, and as these proceedings are secret any media request would be entertained prior to the returns. COURT ORDERED, media request for KTNV Channel 13 GRANTED. Order signed and FILED IN OPEN COURT

Paul Mortaloni, Grand Jury Foreperson, stated to the Court that at least twelve members had concurred in the return of the true bill during deliberation, but had been excused for presentation to the Court. State presented Grand Jury Case Number 16AGJ151A to the Court. COURT ORDERED,
PRINT DATE: 03/08/2017 Page 1 of 2 Minutes Date: March 08, 2017

the Indictment may be filed and is assigned Case Number C-17-321808-1, Department X.

State requested a warrant and argued bail in the amount of \$1 million cash or surety with a source hearing in advance of posting bail; Deft is not in custody. COURT ORDERED, NO BAIL INDICTMENT WARRANT ISSUED; once the warrant is returned the assigned trial judge should hear this matter for purposes of bail as quickly as possible and whether a source hearing should be conducted.

COURT FURTHER ORDERED, Exhibits 1 - 16 to be lodged with the Clerk of the Court.

I.W.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 10, 2017

C-17-321808-1 State of Nevada
vs
April Parks

April 10, 2017 8:30 AM Indictment Warrant Return

HEARD BY: Saitta, Nancy **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Denise Duron

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT:	Brower, Keith	Attorney for Defendant
	Parks, April	Defendant
	Raman, Jay	Attorney for State
	State of Nevada	Plaintiff
	Westmeyer, Daniel	Attorney for State

JOURNAL ENTRIES

- CONFERENCE AT BENCH. Upon Court's inquiry, Mr. Brower stated the Defendant does have a copy of the Indictment and further stated he will not be able to confirm as counsel on this case. Court advised new counsel will need to be appointed. DEFT. PARKS ARRAIGNED and PLED NOT GUILTY. Colloquy regarding appointment of counsel. Mr. Brower stated there may be a conflict with appointing counsel from the Public Defender's office, noting they are representing one of the Co-Defendants in this case. Further, counsel requested that a status check be set regarding the appointment of a new attorney. COURT ORDERED, matter SET for status check.

CUSTODY

4/12/17 8:30 AM STATUS CHECK: APPOINTMENT OF COUNSEL

PRINT DATE: 04/14/2017

Page 1 of 1

Minutes Date: April 10, 2017

RA 0003

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 12, 2017

C-17-321808-1 State of Nevada
 vs
 April Parks

April 12, 2017 8:30 AM Status Check

HEARD BY: Saitta, Nancy **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Phyllis Irby

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT:	Goldstein, Anthony M.	Attorney for the Deft
	Parks, April	Defendant
	Raman, Jay	Attorney for the State
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Mr. Goldstein informed the Court Mr. Christiansen contacted his office to represent Deft; Mr. Goldstein requested a continuance before he can accept confirmation as counsel to run a conflict check and review all of the Discovery that has been provided by the State. The Court noted Deft may need to be rearraigned on this matter as well. Parties noted there is a co-Deft that will be on calendar on Monday as well. Mr. Goldstein stated he may not be prepared that soon and requested the additional time to prepare. COURT ORDERED, MATTER CONTINUED.

CUSTODY (COC)

4-19-17 8:30 AM CONFIRMATION OF COUNSEL/ ARRAIGNMENT (DEPT. X)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 19, 2017

C-17-321808-1 State of Nevada
 vs
 April Parks

April 19, 2017 8:30 AM Status Check

HEARD BY: Bonaventure, Joseph T. **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT: Goldstein, Anthony M. Attorney
 Parks, April Defendant
 Raman, Jay Attorney
 State of Nevada Plaintiff
 Westmeyer, Daniel Attorney

JOURNAL ENTRIES

- Mr. Goldstein advised there's no conflicts and confirmed as counsel. Upon Court's inquiry, deft. was arraigned previously. Further, deft. WAIVED the right to trial within 60 days. COURT ORDERED, trial date set on the date given.

CUSTODY

09/11/17 8:30 A.M. CALENDAR CALL

09/18/17 1:00 P.M JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 15, 2017

C-17-321808-1 State of Nevada
 vs
 April Parks

**May 15, 2017 8:30 AM Petition for Writ of Habeas
Corpus**

HEARD BY: Bonaventure, Joseph T. **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT: Goldstein, Anthony M. Attorney
 Parks, April Defendant
 State of Nevada Plaintiff
 Westmeyer, Daniel Attorney

JOURNAL ENTRIES

- There being no opposition, COURT ORDERED, Defendant April Marks' Motion for Extension of Time to File Petition for Writ of Habeas Corpus (Pretrial), GRANTED. Counsel advised the State agreed to a deadline of 6-30-17. Court so noted.

CUSTODY (COC)

Felony/Gross Misdemeanor

COURT MINUTES

September 25, 2017

C-17-321808-1 State of Nevada
 vs
 April Parks

September 25, 2017 08:30 AM Eighth Judicial District Court's Motion to Quash Subpoena or in
the Alternative, Limit Scope of Testimony on Order Shortening
Time

HEARD BY: Jones, Tierra

COURTROOM: RJC Courtroom 14B

COURT CLERK: Berkshire, Teri

RECORDER: Boyd, Victoria

REPORTER:

PARTIES PRESENT:

Jay Raman

Attorney for Plaintiff

Daniel Westmeyer

Attorney for Plaintiff

Anthony M. Goldstein

Attorney for Defendant

April Parks

Defendant

State of Nevada

Plaintiff

JOURNAL ENTRIES

APPEARANCES CONTINUED: Mr. Forman Esq., present on behalf of the Eighth Judicial District Court. Ms. Waldo Esq., on behalf of co-deft. Taylor. Mr. Terry Esq., not present on behalf of co-deft. Simpson. Ms. Border Esq., not present on behalf of co-deft. Simmons.

Mr. Raman advised they met with counsel for the Eighth Judicial District Court, and they agreed to strike expert notice on Hearing Master Norheim, and Judge Hoskin. Further, as to the rest of the motion, counsel will try to limit the scope of what Hearing Master Norheim testifies to, and there's no immediacy, since the trial is sometime next year. Court so noted and ORDERED, matter OFF CALENDAR.

CUSTODY (COC) - PARKS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 11, 2017

C-17-321808-1 State of Nevada
 vs
 April Parks

September 11, 2017 8:30 AM

All Pending Motions

HEARD BY: Jones, Tierra

COURTROOM: RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT:	Goldstein, Anthony M.	Attorney
	Parks, April	Defendant
	Raman, Jay	Attorney
	State of Nevada	Plaintiff
	Westmeyer, Daniel	Attorney

JOURNAL ENTRIES

- Eighth Judicial District Court's Motion to Quash Subpoena or in the Alternative Limit the Scope of Testimony....Calendar Call

APPEARANCES CONTINUED: Mr. Foreman Esq., present on behalf of the Eighth Judicial District Court. Ms. Gregory Esq., on behalf of co-deft. Taylor. Mr. Terry Esq., present on behalf of co-deft. Simpson. Ms. Border Esq., present on behalf of co-deft. Simmons.

Court noted it did not receive an opposition. Upon Court's inquiry, Mr. Raman advised they have been in contact with Mr. Foreman and they are going to see if they can fashion some remedy. Mr. Foreman stated no opposition to a continuance. COURT ORDERED, As to the Eighth Judicial District Court's Motion to Quash Subpoena or in the Alternative Limit the Scope of Testimony, CONTINUED to the date given. Mr. Terry advised each of the defense attorneys are going to request a trial continuance. Further, counsel requested to vacate the Writ as to co-deft Simpson, and they have given

PRINT DATE: 09/20/2017

Page 1 of 2

Minutes Date: September 11, 2017

RA 0008

the State an open extension to file a response. Further, counsel will re-calendar the matter. COURT SO ORDERED. Upon Court's inquiry, co-defendant Simpson, previously waived. As to co-defendant Taylor, Ms. Gregory advised they will be requesting a continuance and defendant previously waived. As to defendant Parks, Mr. Goldstein advised defendant waived with a previous attorney and counsel will be requesting a continuance. Colloquy regarding trial schedule. Conference at the bench. Ms. Border present. Co-defendant Simmons, agreed to trial continuance. COURT ORDERED, trial date VACATED and RE-SET on the date given. FURTHER COURT ORDERED, matter set for status check on the date given.

CUSTODY (ALL)

09/25/17 8:30 A.M. Eighth Judicial District Court's Motion to Quash Subpoena or in the Alternative Limit the Scope of Testimony (Taylor, Simpson, Simmons, Parks)

12/06/17 8:30 A.M. STATUS CHECK (Taylor, Simpson, Simmons, Parks)

04/30/18 8:30 A.M. CALENDAR CALL (Taylor, Simpson, Simmons, Parks)

05/07/18 10:30 A.M. JURY TRIAL (Taylor, Simpson, Simmons, Parks)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 06, 2017

C-17-321808-1 State of Nevada
 vs
 April Parks

December 06, 2017 8:30 AM Status Check

HEARD BY: Jones, Tierra **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Teri Berkshire
 Madalyn Kearney/ mk
 Christopher Darling
 Anntoinette Naumec-Miller

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT:	Goldstein, Anthony M.	Attorney for Deft.
	Parks, April	Defendant
	State of Nevada	Plaintiff
	Westmeyer, Daniel	Attorney for State

JOURNAL ENTRIES

- Mr. Goldstein advised he received Marcum notice in October and has been waiting to see if there will be any new charges. Mr. Westmeyer advised he anticipates being ready for trial in May. Mr. Goldstein advised it is unlikely he will be ready for trial in May due to the complexity of the case. Court advised all parties to continue going forward with trial preparation. COURT ORDERED, matter CONTINUED.

CUSTODY (COC)

CONTINUED TO: 2/5/18 8:30 AM

Felony/Gross Misdemeanor

COURT MINUTES

December 06, 2017

C-17-321808-1 State of Nevada
vs
April Parks

December 06, 2017 08:30 AM Status Check: Negos... trial readiness

HEARD BY: Jones, Tierra COURTROOM: RJC Courtroom 14B

COURT CLERK: Berkshire, Teri; Darling, Christopher; Kearney, Madalyn; Naumec-Miller, Anntoinette

RECORDER: Boyd, Victoria

REPORTER:

PARTIES PRESENT:

Anthony M. Goldstein Attorney for Defendant

April Parks Defendant

Daniel Westmeyer Attorney for Plaintiff

State of Nevada Plaintiff

JOURNAL ENTRIES

Mr. Goldstein advised he received Marcum notice in October and has been waiting to see if there will be any new charges. Mr. Westmeyer advised he anticipates being ready for trial in May. Mr. Goldstein advised it is unlikely he will be ready for trial in May due to the complexity of the case. Court advised all parties to continue going forward with trial preparation. COURT ORDERED, matter CONTINUED.

CUSTODY (COC)

CONTINUED TO: 2/5/18 8:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 05, 2018**

C-17-321808-1 State of Nevada
vs
April Parks

February 05, 2018 8:30 AM Status Check

HEARD BY: Jones, Tierra **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT:	Goldstein, Anthony M.	Attorney
	Parks, April	Defendant
	Raman, Jay	Attorney
	State of Nevada	Plaintiff
	Westmeyer, Daniel	Attorney

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Ms. Border. present for co-deft. Simmons, Ms. Waldo present for co-deft. Taylor, Mr. Terry present for co-deft. Simpson.

Upon Court's inquiry, Mr. Goldstein advised at the last hearing counsel advised they received Marcum notice. Court noted this Court is not going to wait to see if the DA is actually going to indict on the second case. Mr. Goldstein advised the May trial is not likely as a massive amount of investigation needs to be done, and there are 150 plus witnesses. Mr. Terry advised co-deft. Simpson is charged with two counts and they have a Writ that is pending, however he indicated to the State not to answer that in anticipation of further discussions with them. Further, counsel anticipates a motion to sever, and counsel is otherwise ready to proceed to trial. Ms. Border advised she does have a motion to sever on calendar for 2-12-18. Further, counsel was going to ask to push that out further, for the State to respond. Ms. Waldo advised she intends to be ready. Court noted its not going to vacate the trial date. Court directed counsel to get together on the motion to sever and do a stip and

PRINT DATE: 02/20/2018

Page 1 of 2

Minutes Date: February 05, 2018

RA 0012

order, and that will vacate the 2-12-18 date. COURT ORDERED, matter set for status check on trial readiness on the date given.

CUSTODY SIMMONS, TAYLOR, PARKS
NIC SIMPSON

03/05/18 8:30 A.M. STATUS CHECK: TRIAL READINESS (ALL)

Felony/Gross Misdemeanor

COURT MINUTES

March 05, 2018

C-17-321808-1 State of Nevada
 vs
 April Parks

March 05, 2018 08:30 AM Status Check: Negotiations / Trial Readiness

HEARD BY: Jones, Tierra COURTROOM: RJC Courtroom 14B

COURT CLERK: Berkshire, Teri

RECORDER: Boyd, Victoria

REPORTER:

PARTIES PRESENT:

Anthony M. Goldstein Attorney for Defendant

April Parks Defendant

Jay Raman Attorney for Plaintiff

State of Nevada Plaintiff

JOURNAL ENTRIES

APPEARANCES CONTINUED: Ms. Border. present for co-deft. Simmons, Ms. Waldo present for co-deft. Taylor, Ms. Athmann-Marcoux standing in for Mr. Terry on behalf of co-deft. Simpson.

Mr. Goldstein advised new case set for trial on 9-17-18 and requested to have this trial trail the other one. Ms. Waldo advised co-deft. Taylor was not indicted on the other case and she anticipates ready for the May trial date. Ms. Border joined Mr. Goldstein's requested to continue. Ms. Athmann-Marcoux advised co-deft. Simpson would prefer the May date. Mr. Raman advised the State is flexible and he can accommodate either setting. Further there's a motion to sever next week and the State filed an opposition. Court noted the motion to sever is for deft. Simmons, and ORDERED, trial date STANDS. Counsel can file whatever they need to file following the Court's ruling on the motion to sever.

CUSTODY SIMMONS, TAYLOR, PARKS
NIC SIMPSON

Felony/Gross Misdemeanor

COURT MINUTES

April 16, 2018

C-17-321808-1 State of Nevada
 vs
 April Parks

April 16, 2018 08:30 AM Status Check: Trial Setting

HEARD BY: Jones, Tierra COURTROOM: RJC Courtroom 14B

COURT CLERK: Berkshire, Teri; Kearney, Madalyn

RECORDER: Boyd, Victoria

REPORTER:

PARTIES PRESENT:

Anthony M. Goldstein Attorney for Defendant

April Parks Defendant

Daniel Westmeyer Attorney for Plaintiff

State of Nevada Plaintiff

JOURNAL ENTRIES

Anthony Goldstein, Esq., present on behalf of April Parks. Marissa Border, Esq., present on behalf of Mark Simmons. Jennifer Waldo, Esq., present on behalf of Gary Taylor. William Terry, Esq., present on behalf of Noel Simpson. Co-Deft's Taylor, Simpson and Simmons, also present.

Court noted Ms. Waldo and Mr. Terry were not present at last week's court date. Court advised the Motion to Sever in regards to Deft. Simmons was previously denied and parties agreed to continue the trial date for all Deft.'s to be heard together. Ms. Waldo explained she was not served with the Motion and was unaware of the court date. Ms. Waldo advised she will be filing a Motion to Sever at some point, but noted a trial setting in October or November would work best. Mr. Terry concurred and stated he is open to any trial date given by the Court. Mr. Terry added he has an open extension from the State on the Writ and is in the process of reviewing the Grand Jury transcript and exhibits. Colloquy regarding trial dates. COURT ORDERED, Trial VACATED and RESET as to all Deft's.

CUSTODY (COC)

11/19/18 8:30 AM CALENDAR CALL

11/26/18 10:30 AM JURY TRIAL

Felony/Gross Misdemeanor

COURT MINUTES

October 24, 2018

C-17-321808-1 State of Nevada
 vs
 April Parks

October 24, 2018 10:30 AM Status Check: Trial Readiness

HEARD BY: Jones, Tierra COURTROOM: RJC Courtroom 14B

COURT CLERK: Berkshire, Teri

RECORDER: Boyd, Victoria

REPORTER:

PARTIES PRESENT:

Anthony M. Goldstein Attorney for Defendant

April Parks Defendant

Daniel Westmeyer Attorney for Plaintiff

Jay Raman Attorney for Plaintiff

State of Nevada Plaintiff

JOURNAL ENTRIES

APPEARANCES CONTINUED: Ms. Waldo Esq., present on behalf of Co -Deft. Taylor.

Matter trailed for counsel to speak with defts. regarding the negotiations. Later matter recalled. Mr. Raman requested to pass the matter for all defendants to be present. Colloquy regarding scheduling. COURT ORDERED matter CONTINUED for Status Check trial readiness as to all defendants. Court directed counsel to contact chambers if they want co-deft. Melton from the other case on calendar, also.

CUSTODY (COC)

10/31/18 STATUS CHECK: TRIAL READINESS // NEGOTIATIONS (PARKS, SIMMONS, TAYLOR, SIMPSON)

Felony/Gross Misdemeanor

COURT MINUTES

October 31, 2018

C-17-321808-1 State of Nevada
 vs
 April Parks

October 31, 2018 08:30 AM Status Check: Trial Readiness

HEARD BY: Jones, Tierra COURTROOM: RJC Courtroom 14B

COURT CLERK: Berkshire, Teri

RECORDER: Boyd, Victoria

REPORTER:

PARTIES PRESENT:

Anthony M. Goldstein Attorney for Defendant

April Parks Defendant

Daniel Westmeyer Attorney for Plaintiff

Jay Raman Attorney for Plaintiff

State of Nevada Plaintiff

JOURNAL ENTRIES

Marissa Border, Esq., present on behalf of Mark Simmons. Jennifer Waldo, Esq., present on behalf of Gary Taylor. William Terry, Esq., and Alexandra Athmann-Marcoux Esq., present on behalf of Noel Simpson.

Court noted following conference at the bench, the parties are requesting a continuance on this case as to all defendants and case C329886. COURT ORDERED, matter CONTINUED to the date given for all defendants in both cases.

CUSTODY (COC) Parks, Simmons, CUSTODY Taylor
CASH BAIL Simpson

11/05/18 8:30 A.M. STATUS CHECK: TRIAL READINESS // NEGOTIATIONS - Parks, Taylor, Simpson and Simmons,

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 05, 2018

C-17-321808-1 State of Nevada
 vs
 April Parks

November 05, 2018 8:30 AM

**Status Check: Trial
Readiness**

HEARD BY: Jones, Tierra

COURTROOM: RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT:	Goldstein, Anthony M.	Attorney
	Parks, April	Defendant
	Raman, Jay	Attorney
	State of Nevada	Plaintiff
	Westmeyer, Daniel	Attorney

JOURNAL ENTRIES

- Negotiations are as contained in the GUILTY PLEA AGREEMENT PURSUANT TO ALFORD DECISION FILED IN OPEN COURT. Court canvassed deft. on the AMENDED INDICTMENT FILED IN OPEN COURT, charging COUNT - 1 EXPLOITATION OF AN OLDER/VULNERABLE PERSON (F), COUNT - 2, EXPLOITATION OF AN OLDER/VULNERABLE PERSON (F), COUNT - 3 THEFT (F), COUNT - 4 THEFT (F), and COUNT - 5 PERJURY (F). Mr. Raman recited the facts. Deft. pled guilty pursuant to ALFORD DECISION. Court accepted plea and referred the matter to the Division of Parole and Probation for a presentencing report (PSI) and set for sentencing on the date given. FURTHER COURT ORDERED, trial date VACATED.

CUSTODY

PRINT DATE: 12/13/2018

Page 1 of 2

Minutes Date: November 05, 2018

RA 0018

01/04/19 9:00 A.M. SENTENCING

Clerk's Note: On 12-13-18, minutes amended to correct typographical error. /tb

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

January 04, 2019

C-17-321808-1 State of Nevada
vs
April Parks

January 04, 2019 09:00 AM Sentencing

HEARD BY: Jones, Tierra COURTROOM: RJC Courtroom 14B

COURT CLERK: Berkshire, Teri

RECORDER: Boyd, Victoria

REPORTER:

PARTIES PRESENT:

Anthony M. Goldstein Attorney for Defendant

April Parks Defendant

Daniel Westmeyer Attorney for Plaintiff

Jay Raman Attorney for Plaintiff

State of Nevada Plaintiff

JOURNAL ENTRIES

DEFT. PARKS ADJUDGED GUILTY of COUNT - 1 EXPLOITATION OF AN OLDER/VULNERABLE PERSON (F), COUNT - 2, EXPLOITATION OF AN OLDER/VULNERABLE PERSON (F), COUNT - 3 THEFT (F), COUNT - 4 THEFT (F), and COUNT - 5 PERJURY (F). Arguments by counsel. Statements by deft. Victim Speakers SWORN Statements Given. Matter submitted. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, \$559.205.32 Restitution, to named victims, as follows: \$3,820.14 to Clyde Bowman, \$5,134.40 to Delmond Foster, \$6,346.30 to Delores Smith, \$4,528.00 to Harold Lockwood, \$6,032.50 to James Poya, \$4,766.37, to Janice Mitchell, 5,766.75 to Juanita Graham, \$11,582.40 to Marlene Homer, \$2,705.39 to Mary Vitek, \$4,533.20 to Norbert Wilkening, \$167,204.49 to Dorothy Trumbich, \$1,413.60 to Adolfo Gonzalez, \$3,804.49 to Carolyn Rickenbaugh, \$2,830.50 to Gloria Schneringer, \$2,622.62 to Kenneth Edwards, \$5,806.97 to Roy Franklin, \$6,262.48 to Marilyn Scholl, \$10,708.45 to Marie Long, \$2,074.80 to Rennie North, \$5,563.60 to Patricia Smoak, \$2,016.30 to Rudy North, \$13,180.67 to Ruth Braslow, \$4,183.08 to Walter Wright, \$9,470.80 to William Brady, \$4,807.61 to William Flewellen, \$3,699.28 to Yoshiko Kindaichi, \$15,068.18 to Norman Weinstock, \$6,920.00 to Maria Cooper, \$4,290.00, to Kenneth Cristopherson, \$5,396.40 to Joseph Massa, \$2,497.20 to Blanca Ginorio, \$8,149.70 to Daniel Currie, \$4,311.20 to Rita Lamppa, \$895.00 to Barbara Neely, \$3,819.60 to Audrey Weber, \$32,006.72 to Baxter Burns, \$3,445.26 to Linda Phillips, \$4,807.61 to William Flewellen, \$25,278.57 to Mary Woods and/or John and Sally Den, Jointly and Severally with co-defts Simmons and Taylor, a \$150.00 DNA Analysis fee including testing to determine genetic markers, and \$3.00 DNA Collection fee, Deft. SENTENCED As to COUNT -1 to a MINIMUM of SEVENTY-TWO (72) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC); As to COUNT - 2 to a MINIMUM of SEVENTY-TWO (72) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC); CONSECUTIVE to COUNT - 1; As to COUNT - 3 to a MINIMUM of TWENTY-FOUR (24) MONTHS and a MAXIMUM of SIXTY (60) MONTHS in the Nevada Department of Corrections (NDC); CONSECUTIVE to COUNT - 2; As to COUNT - 4 to a MINIMUM of TWENTY-FOUR (24) MONTHS and a MAXIMUM of SIXTY (60) MONTHS in the Nevada Department of Corrections (NDC); CONSECUTIVE to COUNT - 3; As to COUNT - 5 to a MINIMUM of NINETEEN (19) MONTHS and a MAXIMUM of FORTY-EIGHT (48) MONTHS in the Nevada Department of Corrections (NDC); CONCURRENT with COUNT - 3; with 668 DAYS credit for

time served. FURTHER COURT ORDERED, AGGREGATE total of a MINIMUM of ONE HUNDRED NINETY TWO (192) MONTHS and a MAXIMUM of FOUR HUNDRED EIGHTY (480) MONTHS in the Nevada Department of Corrections (NDC).

BOND if any, EXONERATED.

Felony/Gross Misdemeanor

COURT MINUTES

January 30, 2019

C-17-321808-1 State of Nevada
 vs
 April Parks

January 30, 2019 08:30 AM Request: Clarification of Restitution

HEARD BY: Jones, Tierra COURTROOM: RJC Courtroom 14B

COURT CLERK: Berkshire, Teri

RECORDER: Boyd, Victoria

REPORTER:

PARTIES PRESENT:

Anthony M. Goldstein Attorney for Defendant

Daniel Westmeyer Attorney for Plaintiff

State of Nevada Plaintiff

JOURNAL ENTRIES

APPEARANCES CONTINUED: Marisa Border Esq., present for co-deft. Simmons, and standing in for Ms. Waldo Esq., on behalf of co-deft. Taylor. Mr. Goldstein Esq., present on behalf of co-deft. Parks.

Deft. not present and in the Nevada Department of Corrections. Court noted this matter is on because the Court was notified by P&P that there's an issue with the restitution. Further, one of the victims was names twice. There being no opposition, COURT ORDERED, second order of restitution as to William Flewellen, STRICKEN. Conference at the bench. COURT ORDERED, the new total of restitution is \$554,397.71 Jointly and Severally with co-defts in all cases.

NDC

Felony/Gross Misdemeanor

COURT MINUTES

March 25, 2019

C-17-321808-1 State of Nevada
 vs
 April Parks

March 25, 2019 08:30 AM Motion for Withdrawal of Anthony M Goldstein Esq

HEARD BY: Jones, Tierra COURTROOM: RJC Courtroom 14B

COURT CLERK: Berkshire, Teri

RECORDER: Boyd, Victoria

REPORTER:

PARTIES PRESENT:

Anthony M. Goldstein Attorney for Defendant

Daniel Westmeyer Attorney for Plaintiff

Jay Raman Attorney for Plaintiff

State of Nevada Plaintiff

JOURNAL ENTRIES

Deft. not present and in the Nevada Department of Corrections. There being no opposition, COURT ORDERED, Motion for Withdrawal of Anthony M. Goldstein Esq, GRANTED. Mr. Goldstein to send the file. Order submitted, and following review, ORDER SIGNED IN OPEN COURT.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 26, 2019

C-17-321808-1 State of Nevada
 vs
 April Parks

August 26, 2019 8:30 AM Clarification of Sentence Per NDOC Request

HEARD BY: Jones, Tierra **COURTROOM:** RJC Courtroom 14B

COURT CLERK: April Watkins

RECORDER: Victoria Boyd

PARTIES

PRESENT: Raman, Jay District Attorney for Pltff.
 State of Nevada Plaintiff
 Westmeyer, Daniel Attorney General for Pltff.

JOURNAL ENTRIES

- Court stated issue is, the offenses committed are between 2011 and end in 2016, no distinction as to what days charged and ORDERED, sentencing and aggregate total STANDS.

NDC

Felony/Gross Misdemeanor

COURT MINUTES

November 06, 2019

C-17-321808-1 State of Nevada
 vs
 April Parks

November 06, 2019 08:30 AM All Pending Motions

HEARD BY: Jones, Tierra COURTROOM: RJC Courtroom 14B

COURT CLERK: Reid, Shannon

RECORDER: Boyd, Victoria

REPORTER:

PARTIES PRESENT:

Daniel Westmeyer Attorney for Plaintiff

State of Nevada Plaintiff

JOURNAL ENTRIES

Mr. Westmeyer stated the Attorney General's office had only received one of the Motions. Further, Mr. Westmeyer advised he had reached out to his investigator with regards to the property seized, and some property had been returned to one of the Co-Defendants, but wasn't clear as to what specific property it was. Court noted no itemized list was attached as to what was being requested returned and ORDERED, Motions DENIED. Mr. Westmeyer noted if the Defendant wanted to re-file the Motion with the specific list they would address it. Court DIRECTED Mr. Westmeyer to prepare the Order.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

February 19, 2020

A-19-807564-W April Parks, Plaintiff(s)
vs.
Dwight Neven, Defendant(s)

February 19, 2020 8:30 AM All Pending Motions

HEARD BY: Jones, Tierra **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Louisa Garcia

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT: Resch, Jamie J. Attorney
 Westmeyer, Daniel Attorney

JOURNAL ENTRIES

- PETITION FOR WRIT OF HABEAS CORPUS...PETITIONER'S MOTION FOR ORDER SETTING SCHEDULE FOR FILING OF SUPPLEMENTAL PETITION

Mr. Resch requested additional time to supplement briefing. There being no opposition, COURT ORDERED, Motion GRANTED. Supplemental Briefing DUE 9/30/20; State's Response DUE 12/31/20; Reply DUE 1/29/21 and hearing SET thereafter.

2/8/21 8:30 AM PETITION FOR WRIT OF HABEAS CORPUS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

February 08, 2021

A-19-807564-W April Parks, Plaintiff(s)
vs.
Dwight Neven, Defendant(s)

**February 08, 2021 8:30 AM Petition for Writ of Habeas
Corpus**

HEARD BY: Jones, Tierra **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Carina Bracamontez-Munguia

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT: Bongard, Michael J. Attorney
Resch, Jamie J. Attorney

JOURNAL ENTRIES

- Court noted it was unable to finish reviewing the briefing and doesn't believe it's fair to hear arguments without having fully reviewed briefing. Upon Court's inquiry, Mr. Bongard had no objection to a continuance. Mr. Resch requested matter be continued for 45-60 days, as in response to ground 2 the State cited the Gonzalez case, which was vacated. Further, Mr. Resch indicated it was just argued to the Supreme Court and it might benefit this case to see what the decision is in that matter. Upon Court's inquiry, Mr. Bongard stated it will also be a close call whether or not the Court will want an Evidentiary Hearing on ground 3, therefore, based upon that maybe the arguments should be sooner, then conduct an Evidentiary Hearing, and after allow a chance for arguments or briefing and by that time decision he believes a decision on Gonzales would be out. Colloquy regarding parties availability. COURT ORDERED matter CONTINUED.

CONTINUED TO: 02/22/2021 08:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

February 22, 2021

A-19-807564-W	April Parks, Plaintiff(s) vs. Dwight Neven, Defendant(s)
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February 22, 2021	8:30 AM	Petition for Writ of Habeas Corpus
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HEARD BY: Jones, Tierra	COURTROOM: RJC Courtroom 14B
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COURT CLERK: Nylasia Packer

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT:	Bongard, Michael J.	Attorney
	Resch, Jamie J.	Attorney

JOURNAL ENTRIES

- Arguments by counsel. Court accepted the Attorney Generals response on behalf of the State of Nevada. Following further arguments by counsel, Court stated its findings and ORDERED, petition DENIED as to grounds one and two. Court noted an evidentiary hearing is needed in regards to ground three. Court advised the Departments Judicial Executive Assistant will reach out to parties for scheduling of the evidentiary hearing. Counsel to arrange for Mr. Goldstein to be present for that hearing.

March 18, 2021

RA 0029

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus**COURT MINUTES****March 29, 2021**

A-19-807564-W April Parks, Plaintiff(s)
 vs.
 Dwight Neven, Defendant(s)

March 29, 2021 3:15 PM Minute Order

HEARD BY: Jones, Tierra **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Haly Pannullo

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Following review of the papers and pleadings on file herein, COURT ORDERED, Defendant s Petition for Writ of Habeas Corpus is DENIED. In Toston, the Nevada Supreme Court found that trial counsel has a constitutional duty to file a direct appeal in two circumstances: when requested to do so, and when the defendant expresses dissatisfaction with his conviction. Toston v. State, 127 Nev. 971 (2011). The court expressly acknowledged the potential for mischief with the second circumstance requiring trial counsel to file a direct appeal. Id. at 978. The Court went on to reason that the goal is to discern those clients who truly desire to appeal their conviction from those who are disappointed with their lot. Id. at 979. The Court further found that this is particularly important given that the burden is on the client to indicate to his attorney that he wishes to pursue an appeal. Id. The Court went on to state that trial counsel has a duty to file a direct appeal when the client s desire to challenge the conviction or sentence can be reasonably inferred from the totality of the circumstances, focusing on the information that counsel knew or should have known at the time. Id. Here, the testimony from Petitioner and Mr. Goldstein was that there was a discussion regarding how to proceed, at the jail, shortly after sentencing. Mr. Goldstein testified that the Petitioner never asked him to file an appeal, and Petitioner testified that she assumed she used the word appeal. Petitioner s request was then placed in writing when she wrote a letter to Mr. Goldstein inquiring about a sentence modification and again there was no mention of an appeal in said letter. Further, Exhibit 2 from the Evidentiary Hearing includes an open invitation for Petitioner to express any

questions to Mr. Goldstein, and no follow-up was done from Petitioner after receipt of Exhibit 2. As such, Petitioner has failed to meet her burden of establishing that she indicated to her attorney that she wished to file an appeal. Further, taking the reasonable inference from the totality of the circumstances, Mr. Goldstein did not fail in his duties regarding filing a direct appeal. As such, Defendant's Petition for Writ of Habeas Corpus is DENIED.

Defendant Dwight Nevin is ordered to file an Order consistent with the Court's findings within 10 days of receipt of this order.

CLERK'S NOTE: The above minute order has been distributed to:
MBongard@ag.nv.gov; 'jresch@convictionsolutions.com' hvp/3/29/21