IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed
May 27 2021 04:14 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

TONEY ANTHONY WHITE,
Appellant(s),

vs.

THE STATE OF NEVADA,
Respondent(s),

Case No: A-20-824261-W

Docket No: 82889

RECORD ON APPEAL
VOLUME
1

ATTORNEY FOR APPELLANT
TONEY WHITE #1214172,
PROPER PERSON
P.O. BOX 650
INDIAN SPRINGS, NV 89070

ATTORNEY FOR RESPONDENT
STEVEN B. WOLFSON,
DISTRICT ATTORNEY
200 LEWIS AVE.
LAS VEGAS, NV 89155-2212

A-20-824261-W TONEY WHITE vs. CALVIN JOHNSON, WARDEN

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vs.
Calvin Johnson, Warden, Defendant(s)

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ORIGINAL

Case No. C-16-313216-2

Dept. No. XII

FILED
NOV 05 2020
CLERK OF COURT

IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR THE COUNTY OF CLARK.

A-20-824261-W
Dept. 12

TONEY A. WHITE, III,
Petitioner,

v.

CALVIN JOHNSON, WARDEN,
Respondent.

PETITION FOR WRIT
OF HABEAS CORPUS
(POSTCONVICTION)

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're not in a specific institution of the Department but 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 or sentence. Failure to raise all grounds in this petition may preclude you from filing future petitions challenging your conviction and sentence.

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

RECEIVED
OCT 22 2020
CLERK OF THE COURT

(7) When the petition is fully completed, the original and one copy must be filed with the clerk of the state district court for the county in which you were convicted. One copy must be mailed to the respondent, one copy to the Attorney General's Office, and one copy to the district attorney of the county in which you were convicted or to the original prosecutor if you are challenging your original conviction or sentence. Copies must conform in all particulars to the original submitted for filing.

PETITION

1. Name of institution and county in which you are presently imprisoned or where and how you are presently restrained of your liberty: HIGH DESERT STATE PRISON

2. Name and location of court which entered the judgment of conviction under attack: 8TH JUDICIAL DISTRICT COURT, COUNTY OF CLARK

3. Date of judgment of conviction: MARCH 19, 2019

4. Case number: C-16-313216-2

5. (a) Length of sentence: 20 YEARS TO LIFE

(b) If sentence is death, state any date upon which execution is scheduled: _____

6. Are you presently serving a sentence for a conviction other than the conviction under attack in this motion? Yes ____ No X
If "yes", list crime, case number and sentence being served at this time: _____

7. Nature of offense involved in conviction being challenged: KIDNAP, ATTEMPTED ROBBERY, BURGLARY, BATTERY W/ USE, CONSPIRACY, IMPERSONATION OF OFFICER

8. What was your plea? (check one):
(a) Not guilty ____ (b) Guilty X (c) Nolo contendere ____

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

10. If you were found guilty after a plea of not guilty, was the finding made by: (check one)
(a) Jury X (b) Judge without a jury ____

11. Did you testify at the trial? Yes ____ No X

12. Did you appeal form the judgment of conviction? Yes X No ____

13. If you did appeal, answer the following:
(a) Name of Court: NEVADA SUPREME COURT
(b) Case number or citation: 78483
(c) Result: AFFIRMED

(d) Date of result:_____
(Attach copy of order or decision, if available.)

14. If you did not appeal, explain briefly why you did not: N/A

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

16. If your answer to No. 15 was "yes", give the following information:
(a)(1) Name of court:_____
(2) Nature of proceeding:_____
(3) Grounds raised:_____
(4) Did you receive an evidentiary hearing on your petition, application or motion?
Yes _____ No _____
(5) Result:_____
(6) Date of result:_____
(7) If known, citations of any written opinion or date of orders entered pursuant to such result:

(b) As to any second petition, application or motion, give the same information:
(1) Name of court:_____
(2) Nature of proceeding:_____
(3) Grounds raised:_____
(4) Did you receive an evidentiary hearing on your petition, application or motion?
Yes _____ No _____
(5) Result:_____
(6) Date of result:_____
(7) If known, citations of any written opinion or date of orders entered pursuant to such a result:_____

(c) As to any third or subsequent additional applications or motions, give the same Information as above, list them on a separate sheet and attach.
(d) Did you appeal to the highest state or federal court having jurisdiction, the result or action taken on any petition, application or motion?
(1) First petition, application or motion? Yes _____ No _____
Citation or date of decision:_____
(2) Second petition, application or motion? Yes _____ No _____
Citation or date of decision:_____
(3) Third or subsequent petitions, applications or motions? Yes _____ No _____
Citation or date of decision:_____
(e) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 ½ by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.)_____

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17. Has any ground being raised in this petition been previously presented to this or any other court by way of petition for habeas corpus, motion, application or any other postconviction proceeding? If so, identify:

(a) Which of the grounds is the same: FARETTA CLAIM AND FRANKS CLAIM

(b) The proceedings in which these grounds were raised: PREVIOUS TRIAL COURT MOTION HEARD 4/18/17 AND HABEAS CORPUS (PRE-TRIAL) FILED 5/3/17

(c) Briefly explain why you are again raising these grounds. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 ½ by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.) FRANKS CLAIM NOT DISPOSED OF BY TRIAL COURT. FARETTA MOTION IMPROPERLY DENIED.

18. If any of the grounds listed in No.'s 23(a), (b), (c) and (d), or listed on any additional pages you have attached, were not previously presented in any other court, state or federal, list briefly what grounds were not so presented, and give your reasons for not presenting them. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 ½ by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.) WITH EXCEPTION TO ABOVE 2 ISSUES NO OTHER ISSUES HAVE BEEN PREVIOUSLY PRESENTED DUE TO APPEAL IAC AND PENDENCY OF DIRECT APPEAL

19. Are you filing this petition more than one year following the filing of the judgment of conviction or the filing of a decision on direct appeal? If so, state briefly the reasons for the delay. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 ½ by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.) NO.

20. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment under attack? Yes _____ No X

If yes, state what court and case number:

21. Give the name of each attorney who represented you in the proceeding resulting in your conviction and on direct appeal: MICHAEL SANFT, HARVEY GRUBER AND TERRENCE M. JACKSON

22. Do you have any future sentences to serve after you complete the sentence imposed by the judgment under attack? Yes _____ No X

If yes, specify where and when it is to be served, if you know:

23. State concisely every ground on which you claim that you are being held unlawfully. summarize briefly the facts supporting each ground. If necessary you may attach pages stating additional grounds and facts supporting same.

(a) **Ground One:** SEE ATTACHED PETITION

Supporting **FACTS** (Tell your story briefly without citing cases or law.):
SEE ATTACHED PETITION

(b) **Ground Two:** SEE ATTACHED PETITION

Supporting **FACTS** (Tell your story briefly without citing cases or law.):
SEE ATTACHED PETITION

(c) **Ground Three:** SEE ATTACHED PETITION

Supporting **FACTS** (Tell your story briefly without citing cases or law.):
SEE ATTACHED PETITION

(d) **Ground Four:** SEE ATTACHED PETITION

Supporting **FACTS** (Tell your story briefly without citing cases or law.):
SEE ATTACHED PETITION

WHEREFORE, petitioner prays that the court grant petitioner relief to which he may be entitled in this proceeding.

EXECUTED at ~~Ely~~ HIGH DESERT State Prison, on the 16TH day of the month of OCTOBER of the year 2020.

Signature of petitioner

~~Ely State Prison~~
~~Post Office Box 1989~~
~~Ely, Nevada 89301-1989~~
HIGH DESERT STATE PRISON
POST OFFICE BOX 650
INDIAN SPRINGS, NV, 89070

Signature of Attorney (if any)

TONEY A. WHITE, III.
Attorney for petitioner
P.O. BOX 650, INDIAN SPRINGS, NV, 89070
Address

VERIFICATION

Under penalty of perjury, the undersigned declares that he is the petitioner named in the foregoing petition and knows the contents thereof, that the pleading is true of his own knowledge, except as to those matters stated on information and belief, and as to such matters he believes them to be true.

Petitioner

TONEY A. WHITE, III
Attorney for petitioner

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CERTIFICATE OF SERVICE BY MAIL

I, TONEY A. WHITE, III, hereby certify pursuant to N.R.C.P. 5(b), that on this 16th day of the month of OCTOBER, of the year 2020 I mailed a true and correct copy of the foregoing **PETITION FOR WRIT OF HABEAS CORPUS** addressed to:

CALVIN JOHNSON
~~BRIAN WILLIAMS, WARDEN~~
Respondent prison or jail official

22020 COLD CREEK ROAD
INDIAN SPRINGS, NV, 89018
Address

Attorney General
Heroes' Memorial Building
100 North Carson Street
Carson City, Nevada 89710-4717

STEVEN B. WOLFSON
District Attorney of County of Conviction

200 LEWIS AVENUE
LAS VEGAS, NV 89101
Address

Signature of Petitioner

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AFFIRMATION

Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding [illegible]

[illegible] PETITION FOR WRIT OF HABEAS CORPUS

(Title of Document)

filed in District Court Case No. C-16-321216-Z

☒ Does not contain the social security number of any person.

-OR-

☐ Contains the social security number of a person as required by:

A. A specific state or federal law, to wit:

(State specific law)

-OR-

B. For the administration of a public program or for an application for a federal or state grant.

[illegible]

(Signature)

[illegible]

(Date)

I. JURISDICTION

THIS IS A POST-CONVICTION RELIEF PETITION ("PCR") FOR WRIT OF HABEAS CORPUS COMMENCED PURSUANT TO ARTICLE 6, § 6 OF THE NEVADA STATE CONSTITUTION. JURISDICTION IS CONFERRED UPON THIS COURT PURSUANT TO NRS § 34.724.

II. HISTORY OF THE CASE

DURING THE JANUARY 21, 2016 COMMISSION OF THE CHARGED OFFENSES PETITIONER WAS INTOXICATED ON METHAMPHETAMINE, LORA-TABS, HYDROCODONE FROM PRE-ARREST PRESCRIPTIONS (PETITIONER'S APPENDIX ("PA") 249-251) AND ALCOHOL (PA 223) AND ALTHOUGH DIAGNOSED WITH SEVERE PSYCHOTIC AILMENTS HE HAD NOT BEEN CONSUMING HIS EXTREMELY POWERFUL ANTI-PSYCHOTICS (PA 215), IN FACT, PRE-ARREST PRESCRIPTION RECORDS (PA 249-251), PHOTOS OBTAINED BY HENDERSON POLICE DEPARTMENT ("HPD") OF THE BLACK JEEP CHEROKEE BELONGING TO PETITIONER (PA 223) AND PHOTOS OF ITEMS DISCOVERED DURING PETITIONER'S APARTMENT SEARCH (PA 215) REVEALED A PRESCRIPTION FOR HALOPERADOL (HALDOL) A RELATIVELY POWERFUL ANTI-PSYCHOTIC MEDICATION. SUCH AMPLIFIED AND IN-TENSIFIED HIS FEARS OF HIS CO-DEFENDANT MARLAND DEANN COMPELLING HIM TO PARTICIPATE IN THE OFFENSE UNDER DURESS.

DURING THE INTERVIEWS OF JASON CLIFF (PA 135-141) AND MARLENE BURKHALTER (PA 142-148) FOLLOWING THE OFFENSES, DETECTIVES LEARNED THAT EACH ACCRUED PREVIOUS FELONY CONVIC-TIONS AND AS A RESULT OF A CONSENTED SEARCH INCIDENT TO THE OFFENSE, DETECTIVES DISCOVERED CLIFF TO BE RUNNING A COMPLEX FRAUD LAB FROM THE RESIDENCE RESULTING IN CRIMINAL CHARGES BEING BROUGHT AGAINST CLIFF (PA 85). IN INTERVIEWS OF SEXTON (PA 132-134) AND PETITIONER (PA 121-131), DETECTIVES LEARNED THAT EACH FEARED CO-DEFENDANT DEANN WHO WAS OBSERVED BY CLIFF TO BE THE MASTERMIND (SEE GRAND JURY TESTIMONY AT PAGE 54 AND PA 140) WHO AT ALL TIMES OF THE OFFENSE DIRECTED PETITIONER AND SEXTON. PLAINTIFFS JANUARY 21, 2016 ARREST AND PSYCHOTIC PARANOIA STATE AND BEHAVIOR WAS CAPTURED ON BODY CAM FOOTAGE THAT WAS NEITHER DISCOVERED BY COUNSEL NOR PRODUCED BY THE STATE PRIOR TO TRIAL.

THROUGHOUT THE POST-ARREST INTERROGATIONS OF PETITIONER AND HIS FIANCE SEXTON, IT REMAINED CLEARLY EVIDENT THAT PETITIONER WAS UNDER THE INFLUENCE, WAS PLACED UNDER DURESS BY AND HE AND SEXTON BOTH FEARED THE SAFETY OF THEMSELVES AND FAMILY FROM DEANN'S ABILITY TO COORDINATE RETALIATION THROUGH HIS GANG ASSOCIATES. SEE PETITIONER'S INTERROGATION AT 2:13-25; 3:1-5; 5:22-25; 6:1; 8:23-25; 9:1-4; 10:13-15; 14:9-13; 21:10-17; 24:10-13; 39:15-19 AND SEXTON'S AT 8:9-11; 10:1-4; 11:9; AND 11:12-15 (PA 121-134).

ON FEBRUARY 01, 2016, PETITIONER APPEARED IN HENDER-SON JUSTICE COURT WHEREIN DUE TO INDIGENCY COUNSEL HARVEY GRUBER WAS APPOINTED TO REPRESENT PETITIONER AND REMAINED COUNSEL OF RECORD THRU FEBRUARY 06, 2018.

ON MARCH 08, 2016 AND WITHOUT PROVIDING PETITIONER ANY NOTICE AS REQUIRED BY NRS § 172.241 A GRAND JURY PROCEEDING CONVENED RESULTING IN HIS INDICTMENT ON MARCH 09, 2016 (APPELLANT'S APPENDIX ("AA") 'A' - 'F')1/. SAID INDICTMENT LISTED ALL STATE WITNESSES INCLUDING GLEN COUSERT, ANN WHITE, MARLENE BURKHALTER AND JASON CLIFF2/. ID. PETITIONER WAS INITIALLY ARRAIGNED AND ENTERED A 'NOT GUILTY' PLEA ON MARCH 17, 2016. ON ADVICE OF GRUBER, PETITIONER WAIVED HIS 60 DAY RIGHT TO SPEEDY TRIAL (AA 637-645).

AS EARLY AS MAY 18, 2016 AND JUNE 02, 2016, BOTH GRUBER AND THE DISTRICT COURT WERE ON NOTICE OF PETITIONER'S MENTAL HEALTH HISTORY, LACK OF PSYCHOTROPIC MEDICATIONS AND INTOXICATION ON JANUARY 21, 2016 AS WELL AS RECENT HEAD TRAUMA (PA 254, 260) (MAY 18TH AND JUNE 02ND, 2016 MOTIONS TO RECUSE COUNSEL). IN THESE PRO SE MOTIONS, PETITIONER FURTHER DOCUMENTED GRUBER'S FAILURE TO COMMUNICATE ANTICIPATED TACTICS, STRATEGIES AND DEFENSES AND FOLLOW CLIENTS OBJECTIVES IN PURSUING PETITIONER'S MENTAL HEALTH HISTORY, INTOXICATION AND APPLY FOR EXPERTS TO EXAMINE PETITIONER (PA 252-262). SAID 2 MOTIONS, WHICH ALSO SOUGHT TO PROCEED PRO SE WERE WITHDRAWN BY PETITIONER BASED ON FALSE ASSURANCES AND HOLLOW PROMISES OF GRUBER THAT HE WOULD FILE CERTAIN MOTIONS INCLUDING ONE TO CHALLENGE THE MARCH 08, 2016 UNLAWFUL GRAND JURY ASSEMBLY WITHOUT PROVIDING PETITIONER NOTICE, ONE TO SUPPRESS ILLEGALLY OBTAINED EVIDENCE WITH CO-DEFENDANT KEVIN WONG'S COUNSEL CONCERTEDLY AND ADVOCATE FOR PETITIONER. ON JUNE 17, 2016 PETITIONER EXECUTED A RELEASE OF INFORMATION ("ROI") PERMITTING GRUBER TO ACCESS HIS CCDC MENTAL HEALTH AND MEDICAL RECORDS FOR PURPOSES OF THE CASE AND TO SUBSTANTIATE AND PURSUE PETITIONERS MENTAL HEALTH AND NEUROLOGY AILMENTS AS WELL AS PETITIONER'S TRAUMATIC BRAIN INJURY ("TBI") AS RECENT AS SEPTEMBER 03, 2015 (PA 221-222). GRUBER NEVER OBTAINED THESE RECORDS. AT A JULY 25, 2016 VISIT WITH GRUBER (PA 226-228) PETITIONER ADVISED GRUBER OF THE ROI PROVIDING HIM COPIES AS WELL AS A COPY OF THE JULY 10, 2016 AFFIDAVIT OF TRINA FORTLOCK WHICH ALERTED GRUBER OF PETITIONER'S INTOXICATION ON JANUARY 21, 2016 AND OF PRE-EXISTING MENTAL HEALTH AFFLICTION (PA 200-204).

PETITIONER FILED A STATE BAR COMPLAINT AGAINST GRUBER ON NOVEMBER 18, 2016 DUE TO DISPARAGING HIS MOTHER TELEPHONICALLY IN NEVADA STATE BAR COMPLAINT NO: OBC-16-1438. AWARE OF THE BAR COMPLAINT, ON NOVEMBER 22, 2016 GRUBER MOTIONED TO WITHDRAW AS COUNSEL CITING DECLARED CONFLICT (AA 0001-0004). IN SUPPORT OF HIS MOTION, GRUBER ADDUCED A NOVEMBER 21, 2016 CERTIFIED AFFIDAVIT STATING HE COULD NO LONGER REPRESENT PETITIONER DUE TO A DECLARED CONFLICT (AA 0004). THE DISTRICT COURT DENIED THE MOTION ON DECEMBER 13, 2016 FORCING GRUBER TO CONTINUE TO REPRESENT PETITIONER (AA 0631-0634).

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1. REFERENCES TO "AA" REFER TO PETITIONER'S "APPELLANT'S APPENDIX" LODGED WITH THE RECORD OF PETITIONER'S DIRECT APPEAL IN NEVADA SUPREME COURT CASE NUMBER 78483.

2. NO NOTICE WAS PROVIDED PURSUANT TO NRS § 172.241 AND SHERIFF V. MARCUM, 105 NEV. 824 (1989). ALTHOUGH PETITIONER HAS PRESSED THIS ISSUE TO DATE, NO AFFIRMATIVE EVIDENCE IN GRUBER, SANFT OR JACKSON'S CLIENT FILES PROVIDED PETITIONER AFFIRMATIVELY SUGGEST ANY NOTICE WAS SERVED PRIOR TO THE MARCH 08, 2016 GRAND JURY COMPOSITION. IN FACT, BY CORRESPONDENCE DATED AUGUST 05, 2020 JACKSON ADMITS THE FILES ARE DEVOID OF ANY SUCH NOTICE (PA 313).

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AGAIN ON JUNE 28, 2017 PETITIONER EXECUTED A POI FOR GRUBER TO OBTAIN MENTAL HEALTH RECORDS FROM VARIOUS PROVIDERS UNDER COVER OF CORRESPONDENCE DATED JUNE 28, 2017 (PA 271-274). GRUBER DID NOT ORDER ANY RECORDS UNTIL AUGUST 16, 2017 AND SOLELY ORDERED FROM ONE OF THE VARIOUS PROVIDERS (PA 316). THE RECORDS FROM THE ONLY PROVIDER HE ORDERED FROM WERE PROVIDED SEPTEMBER 14, 2017 (PA 315-331). ALTHOUGH GRUBER RETAINED THE MENTAL HEALTH RECORDS FROM SEPTEMBER 14, 2017 THRU HIS FEBRUARY 06, 2018 RELIEVE AS COUNSEL (SOME 5 MONTHS) HE GAVE NO INDICATION OF HIS POSSESSION NOR PURSUED OR UTILIZED THE INFORMATION. IN FACT, THESE REPORTS WERE ONLY PRODUCED TO PETITIONER RECENTLY ON AUGUST 31, 2020 (PA 314-331).

GRUBER CONTINUED REPRESENTING PETITIONER THROUGH FEBRUARY 06, 2018 CONDUCTING NO PRE-TRIAL INVESTIGATION AND REFUSING TO INTERVIEW ANY WITNESSES, PURSUE PETITIONERS MENTAL HEALTH, ENLIST PSYCHIATRIC EXPERTS FOR FORENSIC EXAMINATION OF PETITIONER AND OBTAIN ADDITIONAL MENTAL HEALTH RECORDS AND HISTORY OF PETITIONER DESPITE PETITIONERS PERSISTENT AND UNEQUIVOCAL CONVEYANCES OF THESE OBJECTIVES AND HIS DESIRE THAT GRUBER DO SO (PA 264, 270, 272, 275). GRUBER'S NOVEMBER 21, 2016 AFFIDAVIT EMPHASIZED THAT HIS AND PETITIONER'S RELATIONSHIP HAD BECOME SO ADVERSARIAL THAT HE WAS UNABLE TO REPRESENT PETITIONER TO THE BEST OF HIS ABILITY (AA 0004).

ON DECEMBER 06, 2016 PETITIONER FILED A PRE-TRIAL HABEAS CORPUS PETITION TO ADDRESS THE MARCUM VIOLATION (PA 2, 278-283). THE TRIAL COURT FAILED TO DECIDE IT PRE-TRIAL. ON MARCH 24, 2017 THRU CORRESPONDENCE, PETITIONER SOUGHT THAT GRUBER BRING DEANN'S PRESSURING AND THREATS TO THE COURT'S ATTENTION AND HE FAILED TO DO SO (PA 265).

ON VARIOUS OCCASIONS, PETITIONER FILED MOTIONS AND AT LEAST 2 PRE-TRIAL HABEAS CORPUS PETITIONS WITH THE TRIAL COURT SEEKING RECUSAL OF COUNSEL, TO REPRESENT HIMSELF, TO SUPPRESS EVIDENCE AND DUE TO THE MARCUM VIOLATION (SEE MOTIONS DATED 05/18/16; 06/02/16; 06/15/16; 11/22/16; 12/06/16; 12/28/16; 03/27/17; 05/03/17; 01/09/18; 01/12/18; 03/28/19; 05/02/19; AND 05/13/19 AND LETTER DATED 12/14/17 (AA 0005-0042; PA 2, 3, 28-29, 231-239, 252-262, 278-288). NEITHER OF THE HABEAS CORPUS PETITIONS RECEIVED PRE-TRIAL RULING. 2 OF THE MOTIONS TO RECUSE COUNSEL AND PROCEED PRO PER WERE WITHDRAWN BY PETITIONER. THE THIRD MOTION TO RECUSE COUNSEL AND PROCEED PRO SE FILED MARCH 27, 2017 (PA 231-239) CAME ON FOR HEARING ON APRIL 18, 2017 (PA 9, 10, 21-22).

WITHOUT CONDUCTING ANY FARETTA[3] CANVASS AND SUMMARILY CONCLUDING THAT IT FOUND "NO LEGAL BASIS," THE COURT DENIED THE MOTION. ID. GRUBER FAILED TO OBJECT OR ADVOCATE PETITIONER'S 6TH AMENDMENT CONSTITUTIONAL GUARANTEE TO REPRESENT HIMSELF AND TO AUTONOMY. ID. TO PRESERVE APPELLATE REVIEW OF THIS ARBITRARY DENIAL, ON MAY 03, 2017 PETITIONER FILED FORMAL OBJECTIONS THERETO (PA 29, 240) AS WELL AS FILED A SECOND PRE-TRIAL PETITION UNDER FRANKS[4] TO SUPPRESS ILLEGALLY OBTAINED EVIDENCE (AA 0005-0042) (PA 2). THE COURT FAILED TO DECIDE IT PRE-TRIAL. ID.

3. FARETTA V. CALIFORNIA, 422 U.S. 806 (1975).

4. FRANKS V. DELAWARE, 438 U.S. 154 (1978).

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ON OCTOBER 19, 2017 PETITIONER ENTERED A NEGOTIATED PLEA TO THE INDICTMENT FOLLOWING INTIMIDATION AND COERCION OF DEANN TO DO SO (AA 0043-0051, 0063-0075) AND TO A NDOC TERM OF 9-TO-25 YEARS. PETITIONER'S INITIAL PSI WAS FILED DECEMBER 01, 2017 (PA 03 AND EXHIBIT "3" OF SEAL MOTION). THE PSI ALERTED GRUBER THAT PETITIONER WAS AFFLICTED WITH SCHIZOPHRENIA AND WAS PRESCRIBED MEDICATIONS FOR THE MENTAL MALADY. HE ACKNOWLEDGED THAT DRUGS AND ALCOHOL WERE A PROBLEM FOR HIM AND ADMITTED TO PREVIOUS SUICIDE ATTEMPTS. ID. FAR PRIOR TO THE FILING OF THE PSI AND IN CONTACTS WITH GRUBER, PETITIONER ALERTED COUNSEL OF HIS MENTAL ILLNESS, LACK OF PSYCHOTROPIC MEDICINES ON JANUARY 21, 2016 COMBINED WITH A SEPTEMBER 03, 2015 SUBSTANTIAL HEAD TRAUMA WHICH CAUSED MENTAL BLACK OUTS, MENTAL LAPSES, SLOW THINKING AND SUSCEPTABILITY TO INTIMIDATION AND MANIPULATION. COUNSEL WAS FURTHER ALERTED TO PETITIONER'S HISTORY OF RIGHT FRONTAL CRANIOTOMY SUBDURAL HEMOTOMA EVACUATION (PA 270, 272).

THE MATTER WAS SET FOR SENTENCING ON DECEMBER 14, 2017 WHEN PETITIONER REFUSED TO APPEAR DUE TO CONTINUING INTIMIDATION AND THREATS FROM DEANN WHO ALSO APPEARED SAID DATE (AA 0635-0636). PETITIONER PLACED THE COURT ON NOTICE OF THE BASIS OF HIS APPEARANCE REFUSAL THRU CORRESPONDENCE DATED DECEMBER 14, 2017 (PA 25-29). THE CORRESPONDENCE ADVISED THE COURT OF COUNSEL'S KNOWLEDGE OF SAID COERCION AND OF HIS DESIRE THAT COUNSEL WITHDRAW THE PLEA. IT FURTHER COMPLAINED OF BRADY[5] VIOLATIONS IN THE PROSECUTION'S FAILURE TO DISCLOSE THE VICTIMS DRUG USE RECORDS; FORGERY REPORTS AND CONVICTIONS OF CLIFF; FAILURE OF COUNSEL TO CONDUCT PRE-TRIAL INVESTIGATIONS AND INTERVIEW WITNESSES WHITE, WONG, BURTON, COUSERT AND THE VICTIMS; A FARETTA VIOLATION; FORCING COUNSEL UPON PETITIONER UNWILLINGLY; AND FAILURE TO OBTAIN PETITIONER'S MENTAL HEALTH EXAMINATION AND INVESTIGATE HIS COMPETENCY AT THE TIME OF THE OFFENSE. PETITIONER'S DECEMBER 23, 2017 MOTION TO WITHDRAW HIS GUILTY PLEA WHICH WAS FILED JANUARY 09, 2018 (AA 0052-0062) AGAIN PLACED GRUBER ON NOTICE OF PETITIONER'S COERCEMENT CAUSING HIS GUILTY PLEA AND SOUGHT TO RECUSE GRUBER AND FOR APPOINTMENT OF NEW COUNSEL OR TO PROCEED IN PRO SE (AA 0052-0062, 0537-0547; PA 03).

SENTENCING WAS CONTINUED UNTIL JANUARY 18, 2018 (PA 11). DUE TO DEANN'S PRESENCE AGAIN ON JANUARY 18, 2018, PETITIONER AGAIN REFUSED TO APPEAR. AT SAID HEARING GRUBER PLACED THE COURT AND PROSECUTION ON NOTICE OF PETITIONER'S CIVIL RIGHTS ACTION AGAINST THE SITTING JUDGE, PROSECUTOR AND GRUBER AND FURTHER DISCUSSED PETITIONER'S DECEMBER 14, 2017 LETTER (AA 0646-0653; PA 30). NEITHER RECUSED THEMSELVES. ID. THE MATTER WAS TRAILED UNTIL JANUARY 30, 2018 (AA 0652; PA 12-13, 30).

5. BRADY V. MARYLAND, 373 U.S. 83 (1963)

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AT THE JANUARY 30, 2018 HEARING, GRUBER FAILED TO APPEAR AND THE MATTER WAS CONTINUED UNTIL FEBRUARY 06, 2018 (AA 0654-0655; PA 12-13). IN THE TWO-YEARS OF GRUBER'S REPRESENTATION OF PETITIONER THE SOLE PLEADING FILED WAS A 4-PAGE MOTION TO WITHDRAW ON NOVEMBER 22, 2016 (AA 0001-0004; PA 2). AT THE FEBRUARY 06, 2018 HEARING THE COURT ACKNOWLEDGED PETITIONER'S DESIRE TO WITHDRAW HIS GUILTY PLEA AND APPOINTED MICHAEL V. SANFT AS COUNSEL FOR "LIMITED PURPOSES" OF ASCERTAINING WHETHER LEGAL BASIS EXISTED FOR PETITIONER TO WITHDRAW HIS GUILTY PLEA (PA 23-24)[6]. ALTHOUGH THE MOTION ALSO SOUGHT TO PROCEED PRO SE, THE COURT CONDUCTED NO FARETTA CANVASS (AA 0657-0663; PA 13-14, 23-24). FOR 7 MONTHS SANFT INVESTIGATED THE BASIS UNDERLYING PETITIONER'S DESIRE TO WITHDRAW HIS GUILTY PLEA. DURING THIS TIME AND ON JUNE 11, 2018, PETITIONER WAS REFERRED TO MENTAL HEALTH SPECIALTY COURT DUE TO HIS EXTENDED HISTORY OF MENTAL ILLNESS AND DECOMPENSATION (PA 216-220). THE MENTAL HEALTH SPECIALTY COURT WAS ALSO LOCATED IN THE REGIONAL JUSTICE CENTER BUILDING WHICH SANFT REPRESENTED PETITIONER IN THE CRIMINAL MATTER. SANFT REMAINED COMPLETELY OBLIVIOUS TO THIS CRUCIAL DEVELOPMENT.

ON SEPTEMBER 05, 2018 PETITIONER MADE A SECOND MOTION TO WITHDRAW HIS GUILTY PLEA WITH ASSISTANCE OF SANFT. THE MOTION WAS SUPPORTED BY THE DECLARATION OF ANN WHITE WHICH WAS FILED UNSEALED THERETO AS EXHIBIT "B" AND MADE AVAILABLE TO THE PUBLIC PROMPTING FURTHER RETALIATION AGAINST ANN WHITE BY COHORTS OF DEANN (AA 0076-0087; EXHIBIT "1" OF SEAL MOTION; PA 3). AFTER SEVERAL HEARINGS, ON DECEMBER 20, 2018 THE COURT GRANTED PETITIONER'S MOTION TO WITHDRAW HIS FIRST GUILTY PLEA (AA 0664-0690; PA 17). MR. NADIG APPEARED FOR SANFT ON DECEMBER 20, 2018 AND, WITHOUT ANY PRE-TRIAL PREPARATION OR INVESTIGATION, INSISTED ON A TRIAL DATE ASAP (AA 0688-0690; PA 17). WITHOUT ANY PRE-TRIAL PREPARATION, PETITIONER WAS USHERED INTO TRIAL DESPITE THE PENDENCY OF THE MENTAL HEALTH SPECIALTY COURT REFERRAL AND NOT AWARE OF WHAT SANFT'S DEFENSE WAS. WITNESSES WHITE, BENNETT, HOYER, CLIFF BURKHALTER, BURTON, COUSERT, PORTLOCK, DEANN, WONG AND SEXTON WERE NEVER INTERVIEWED AS SOUGHT BY PETITIONER BY EITHER SANFT OR GRUBER.

THE COURT RE-SET THE TRIAL WHICH COMMENCED FEBRUARY 19, 2019 (AA 0133; PA 18). UPON LEARNING OF THE SERIOUSNESS OF IMMINENT THREATS POSED AGAINST THE LIFE OF ANN WHITE AND PETITIONER'S DISABLED MOTHER, WITHOUT ANY NEGOTIATIONS WHATSOEVER AND DUE TO INTERVENING MENTAL CONDITIONS, PETITIONER INSTANTANEOUSLY MID-TRIAL PLED GUILTY TO ALL CHARGES ON FEBRUARY 21, 2019 (AA 0490; PA 18; EXHIBIT "1" OF SEAL MOTION).

6. A DISPARITY EXISTS BETWEEN THE CLERK AND REPORTER TRANSCRIPTS AND THE CASE SUMMARY REGARDING THE COLLOQUY HELD AT THIS HEARING (AA 0657-0663; PA 13-14, 23-24). THE CASE SUMMARY REPORTS SANFT AND THE COURT STATING HIS APPOINTMENT WAS FOR LIMITED PURPOSES OF REVIEWING THE RECORD AND BASIS FOR PETITIONER TO WITHDRAW HIS GUILTY PLEA. SANFT ADVISED HE DIDN'T BELIEVE REVIEWING THE WHOLE FILE WAS GOING TO BE THE ISSUE. SANFT IS "ONLY" FOCUSING ON THE GUILTY PLEA.

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ALIKE GRUBER, BOTH THE DECEMBER 01, 2017 AND MARCH 11, 2019 PSI'S PLACED SANFT ON NOTICE OF PETITIONER'S EXTENSIVE MENTAL HEALTH HISTORY AND ILLNESS AND BEING UNDER THE INFLUENCE OF DRUGS AND ALCOHOL ON THE NITE OF THE CRIME. THE MARCH 11, 2019 PSI CLEARLY ALERTED SANFT:

"HE WAS UNDER THE INFLUENCE OF ALCOHOL AND METHAMPHETAMINE DURING THE INSTANT OFFENSE. THE DEFENDANT FEELS HE IS ADDICTED TO METH AND COCAINE. HE SPENDS $200.00 WEEKLY ON BOTH SUBSTANCES."

IT FURTHER ALERTED THAT PETITIONER HAD BEEN DIAGNOSED:

"WITH PARANOIA SCHIZOPHRENIA AND PSYCHOTIC DISORDER. HE HAS PARTICIPATED IN MENTAL HEALTH COUNSELING THROUGHOUT HIS LIFE AND IS PRESCRIBED ZOLOFT AND HALDOL . . . HE FEELS THAT HIS MENTAL HEALTH CAUSED OR CONTRIBUTED TO THE PROBLEMS IN HIS LIFE. DEFENDANT FEELS THAT HIS MEDICATION MAKES HIM MORE SUSCEPTIBLE TO MANIPULATION."

SEE EXHIBIT "4" OF SEAL MOTION.

THE MARCH 11, 2019 PSI SENTENCE RECOMMENDATION SELECTION SCALE AT PAGE 2 IN THE FIELD "OTHER AREAS OF CONCERN" INVITES ONE TO "√" ALL THAT APPLY AND "MENTAL HEALTH ISSUES" IS CHECKED. ID. SANFT NEVER FILED A SENTENCE MEMORANDUM NOR RESPONDED TO THE STATE'S DESPITE THE EXISTENCE OF SUBSTANTIAL MITIGATION EVIDENCE WORTHY OF SENTENCE CONSIDERATION (PA 3).

PETITIONER WAS SENTENCED MARCH 19, 2019 TO AN AGGREGATE SENTENCE OF LIFE WITH A MINIMUM PAROLE ELIGIBILITY OF 20 YEARS (AA 0113-0115, 0121-0132; PA 3, 18-19).

PETITIONER FILED A PRO SE NOTICE OF APPEAL MARCH 28, 2019 (AA 0116-0117; PA 3). AFTER APPOINTMENT OF APPELLATE COUNSEL TERRENCE M. JACKSON (PA 4) A DIRECT APPEAL ENSUED IN NEVADA SUPREME COURT CASE NO. 78483 AND CONCLUDED MAY 11, 2020 WITH THE NSC AFFIRMING THE CONVICTION AND SENTENCE (AA 0116-0120; PA 242-246). THE REMITTITUR ISSUED JUNE 05, 2020 (PA 247-248). DURING THE COURSE OF PETITIONER'S DIRECT APPEAL AND PRIOR TO THE SEPTEMBER 19, 2019 FILING OF THE OPENING BRIEF, APPELLATE COUNSEL TERRENCE M. JACKSON RECEIVED ANN WHITE'S AFFIDAVIT AND FAILED TO INCLUDE ITS ISSUE IN PETITIONER'S OPENING BRIEF.

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ON JUNE 11, 2020 APPELLATE COUNSEL FILED MOTION TO WITHDRAW AS COUNSEL. SAID MOTION WAS GRANTED JULY 02, 2020 AND PETITIONER WAS RESTORED TO PRO SE. THE CLIENT FILE WAS DELIVERED TO PETITIONER IN 2 PARCELS COLLECTIVELY ON JULY 15TH AND 27TH, 2020 BY A CORRECTIONS OFFICER WHO AT THE TIME OF ISSUANCE SIGNED ACKNOWLEDGING THAT EXHIBIT "1" OF SEAL MOTION'S EXHIBIT "B" AND PA 200-204 WERE AMONGST THE CONTENTS FORWARDED TO PETITIONER FROM MR. JACKSON ON JULY 15, 2020 (PA 200-204, 241; EXHIBIT "1" OF SEAL MOTION AT EXHIBIT "B" THEREOF).

THIS PCR NOW FOLLOWS.

MEMORANDUM OF POINTS AND AUTHORITIES

I. THE DISTRICT COURT ERRED WHEN IT DENIED PETITIONER HIS CONSTITUTIONAL RIGHT TO REPRESENT HIMSELF UNDER THE FARETTA DECISION WITHOUT CONDUCTING A CANVASS OF PETITIONER. IT WAS INEFFECTIVE ASSISTANCE OF APPELLATE COUNSEL IN FAILING TO RAISE THIS CLAIM ON DIRECT APPEAL.

FAR PRIOR TO THE FEBRUARY 06, 2018 HEARING ARTICULATED BY APPELLATE COUNSEL IN THE OPENING BRIEF, AND ON MARCH 27, 2017 (SOME 2 YEARS PRIOR TO TRIAL'S COMMENCEMENT) PETITIONER MOTIONED THE DISTRICT COURT FOR A 180 DAY TRIAL EXTENSION, TO RECUSE COUNSEL GRUBER AND TO REPRESENT HIMSELF (PA 2, 231-239).

THE MATTER CAME ON FOR HEARING ON APRIL 18, 2017. AT THE HEARING THE COURT ADVISED PETITIONER THAT IT CONSIDERED HIS MOTION TO REPRESENT HIMSELF. IN SUMMARILY DENYING THE MOTION WITHOUT THE REQUISITE CANVASS WARRANTED BY FARETTA, THE COURT STATED IT DOES NOT BELIEVE THERE IS ANY LEGAL BASIS FOR HIM TO REPRESENT HIMSELF (PA 9-10, 21-22).

A REVIEW OF THE CASE SUMMARY CONTAINED AT PA 1-20 DEMONSTRATES THAT NO REQUEST WAS RECEIVED FROM APPELLATE COUNSEL ORDERING THIS PORTION OF THE RECORD. APPELLATE COUNSEL'S JUNE 04, 2019 REQUEST FOR TRANSCRIPTS SOLELY ENCOMPASSED THE DATES OF MARCH 17, 2016; JUNE 09, 2016; DECEMBER 13, 2016; DECEMBER 14, 2017; JANUARY 18, 2018; JANUARY 30, 2018; FEBRUARY 06, 2018; FEBRUARY 15, 2018; MARCH 29, 2018; APRIL 05, 2018; APRIL 24, 2018; MAY 10, 2018; JUNE 05, 2018; JUNE 28, 2018; SEPTEMBER 06, 2018; DECEMBER 20, 2018; FEBRUARY 19TH - 21ST, 2019; AND, MARCH 19, 2019. NO REQUEST WAS RECEIVED FROM COUNSEL FOR PREPARATION OF THE APRIL 18, 2017 TRANSCRIPT NOR THE MARCH 27, 2017 MOTION AND MAY 03, 2017 FORMAL OBJECTIONS MADE BY PETITIONER [7].

7. THE COPIES AT PA 231-240 WERE CONTAINED IN THE GRUBER CLIENT FILE PROVIDED PETITIONER BY APPELLATE COUNSEL JACKSON ON JULY 27, 2020.

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HOWEVER, A REVIEW OF THE JOURNAL ENTRIES CONTAINED AT PA 21-22 READS IN A PASSAGE:

"COURT ADVISED DEFENDANT IT READ HIS PRO PER MOTION AND THE COURT DOES NOT BELIEVE THERE IS ANY LEGAL BASIS... MOTION DENIED." (PA 9,10,21,22).

TO PRESERVE THE ARBITRARY DENIAL FOR APPELLATE REVIEW, PETITIONER ON MAY 03, 2017 (PA 240) FILED WRITTEN FORMAL OBJECTIONS TO THE COURT'S ARBITRARY DENIAL OF HIS PRO PER MOTION IN WHICH HE CONVEYED:

"ON MARCH 27, 2017, DEFENDANT WHITE FILED A MOTION THAT WAS SET FOR HEARING ON APRIL 18, 2017, WHICH AMONG OTHER MATTERS SOUGHT RECUSAL OF COUNSEL. THE COURT DENIED THE MOTION RETAINING COUNSEL ON DEFENDANT'S CASE. DEFENDANT HEREBY INCORPORATES BY REFERENCE THE ENTIRETY OF THE MOTION AS IF CONTAINED HERE AT FULL LENGTH.

FULL OBJECTION IS GIVEN TO THE COURT'S DENIAL OF THE MOTION TO PRESERVE APPELLATE REVIEW."

(SEE PA 2, 240).

EVEN MONTHS AFTER THE MAY 03, 2017 OBJECTIONS AND IN HIS DECEMBER 14, 2017 LETTER (PA 25-29) PETITIONER CONTINUED COMPLAINING SOME 7 MONTHS LATER OF THE FACT THAT THE COURT TRAMPLED ROUGHSHOD OVER HIS FARETTA ENTITLEMENTS BY DENYING HIM SELF REPRESENTATION AND AUTONOMY BY FORCING COUNSEL UPON A UNWILLING DEFENDANT.

GENERALLY, A DEFENDANT MUST OBJECT, EVEN TO ALLEGED STRUCTURAL ERRORS, SO THAT THE DISTRICT COURT HAS AN OPPORTUNITY TO CORRECT IT. JEREMIAS V. STATE, 412 P.3D 43 (NEV. 2018); CITING VALDEZ V. STATE, 196 P.3D 465 (NEV. 2008).

THROUGHOUT THE CASE PETITIONER FILED SEVERAL PLEADINGS IN THE DISTRICT COURT INCLUDING 2 PRE-TRIAL HABEAS CORPUS PETITIONS 8/; SEVERAL MOTIONS AS WELL AS LETTERS ENABLING THE COURT TO GAUGE AND OBSERVE HIS INTELLIGENCE, EDUCATION AND EXPERIENCE WITH THE CRIMINAL JUSTICE SYSTEM. SEE PRO PER FILINGS OF 05/18/16; 06/15/16; 12/06/16; 12/28/16; 03/27/17; 05/03/17; 12/14/17; 01/09/18; 01/12/18; AND 03/28/19. THE DECEMBER 14, 2017 CORRESPONDENCE AGAIN PUT THE COURT ON NOTICE OF IT'S FORCING GRUBER UPON PETITIONER (PA 25-29). MORE IMPORTANTLY, THE COURT AND COUNSEL EXPRESSLY ACKNOWLEDGED PETITIONER'S INTELLIGENCE, GIFTED ABILITIES AND ADVANCED UNDERSTANDING OF THE LAW AT A JUNE 28, 2018 COLLOQUY AND ONE ON FEBRUARY 06, 2018 (AA 0657-0663, 0676-0686).

8. PETITIONER SUBMITS THAT THE COURT ABUSED IT'S DISCRETION AND ERRED IN NOT ADJUDICATING THESE PRE-TRIAL PETITIONS THAT MAY HAVE BEEN DISPOSITIVE OF THE CASE PRIOR TO THE FEBRUARY 19, 2019 TRIAL.

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THE REFUSAL BY THE DISTRICT COURT TO CANVASS PETITIONER ON HIS MARCH 27, 2017 REQUEST FOR SELF-REPRESENTATION IS REVERSIBLE ERROR. THE CASE LAW IS ALMOST UNANIMOUS THAT A DEFENDANT HAS AN ABSOLUTE RIGHT TO REPRESENT HIMSELF IN A CRIMINAL PROCEEDING ABSENT SOME UNUSUAL EXCEPTIONS. JACKSON V. FLST, 921 F.2D 882 (9TH CIR. 1990); PEOPLE V. PHILLIPS, 169 CAL. APP. 3D 632 (1985). SEE PEOPLE V. MORGAN, 161 CAL. RPTR. , 101 CAL. APP. 3D 523 (1980) (HOLDING DENIAL PROPER WHEN MOTION MADE UNTIMELY). SEE ALSO, PEOPLE V. HILL, 150 CAL. RPTR. 628, 87 CAL. APP. 3D 125 (1978).

THE RIGHT TO SELF REPRESENTATION MAY ALSO BE DENIED IF THE DEFENDANT DOES NOT HAVE THE MENTAL CAPACITY TO MAKE A KNOWING AND VOLUNTARY WAIVER OR IF THE DEFENDANT IS DISRUPTIVE IN COURT. PEOPLE V. MANSON, 139 CAL. RPTR. 275, 71 CAL. APP. 3D 1 (1977); VANISI V. STATE, 117 NEV. 330 (2001). CLEARLY NONE OF THESE EXCEPTIONS TO FARETTA APPLIED IN THIS CASE AND DENIAL OF SELF REPRESENTATION WAS THEREFORE REVERSIBLE ERROR.

THE ACCUSED IN A CRIMINAL CASE HAS THE CONSTITUTIONAL RIGHT TO REPRESENT HIMSELF, CONDUCT HIS OWN DEFENSE AND REFUSE THE SERVICES OF COUNSEL IF HE CHOOSES TO DO SO KNOWINGLY AND INTELLIGENTLY. FARETTA V. CALIFORNIA, 422 U.S. 806 (1975); GRAVES V. STATE, 112 NEV. 118, 124 (1996); HARRIS V. STATE, 113 NEV. 799 (1997); LYONS V. STATE, 106 NEV. 438, 443 (1990); ART. 1, § 8 NEV. CONST. DENIAL OF THE RIGHT IS PER SE HARMFUL. ID. LYONS. DISTRICT COURTS HAVE DISCRETION TO DENY SELF REPRESENTATION REQUESTS WHEN THEY ARE MADE IN AN UNTIMELY FASHION. ID. "FORCING A LAWYER ON AN UNWILLING DEFENDANT IS CONTRARY TO HIS BASIC RIGHT TO DEFEND HIMSELF IF HE TRULY WANTS TO DO SO." ID. 817; FARETTA (EMPHASIS ADDED). FARETTA ALSO TEACHES THAT THE RIGHT TO COUNSEL IS 'PERSONAL' STATING "... THE 6TH AMENDMENT DOES NOT PROVIDE MERELY THAT A DEFENSE SHALL BE MADE FOR THE ACCUSED, IT GRANTS THE ACCUSED PERSONALLY TO MAKE THAT DEFENSE NOT COUNSEL." ID. 819 (EMPHASIS ADDED); JOHNSON V. STATE, 117 NEV. 153 (2001). TRIAL MANAGEMENT IS THE ATTORNEY'S PROVINCE: COUNSEL PROVIDES HIS ASSISTANCE BY MAKING DECISIONS SUCH AS WHAT ARGUMENTS TO PURSUE, WHAT EVIDENTIARY OBJECTIONS TO MAKE OR RAISE AND WHAT AGREEMENTS TO CONCLUDE REGARDING THE ADMISSION OF EVIDENCE. GONZALES V. U.S., 553 U.S. 242, 248 (2008). SOME DECISIONS, HOWEVER, ARE RESERVED FOR THE CLIENT - NOTABLY WHETHER TO PLEAD GUILTY, WAIVE THE RIGHT TO JURY TRIAL, TESTIFY ON ONE'S OWN BEHALF AND FOREGO AN APPEAL. SEE JONES V. BARNES, 463 U.S. 745, 751 (1983).

A DEFENDANT NEED NOT SHOW THAT HE HAS THE SKILLS AND EXPERTISE OF AN ATTORNEY, BUT MUST MAKE HIS CHOICE KNOWINGLY AND VOLUNTARILY AWARE OF THE DANGERS OF SELF REPRESENTATION. FARETTA, 422 U.S. AT 835; JOHNSON V. ZERBST, 304 U.S. 464, 465 (1938); MOLTYEV V. GILLIES, 332 U.S. 708, 723-24; ADAMS V. U.S. EX REL. MCMANN, 317 U.S. 269, 279 (1942); HOOKS V. STATE, 124 NEV. 48, 54 (2008); TANKSLEY V. STATE, 113 NEV. 997 (1997); AND JOHNSON, SUPRA. DENIAL OF THE RIGHT OF SELF REPRESENTATION FOR A DEFENDANT WHO MAKES A TIMELY, UNEQUIVOCAL REQUEST IS REVERSIBLE ERROR. MCKASKLE V. WIGGINS, 465 U.S. 168 (1984). IN ORDER TO PROCEED PRO SE NO AUTHORITY EXPRESSLY REQUIRES A DEFENDANT TO UTTER ANY CERTAIN TALISMANIC PHRASES.

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THE 6TH AMENDMENT RIGHT TO COUNSEL IMPLICITLY EMBODIES A "CORRELATIVE RIGHT TO DISPENSE WITH A LAWYER'S HELP." ADAMS, SUPRA. THE 6TH AMENDMENT DOES NOT REQUIRE THAT A COUNSEL BE FORCED UPON A DEFENDANT. CARTER V. ILLINOIS, 329 U.S. 173, 174-175; MOORE V. MICHIGAN, 355 U.S. 155, 161. THE RIGHT TO ASSISTANCE OF COUNSEL IS "THE RIGHT OF THE ACCUSED TO PERSONALLY MAKE AND CONTROL HIS OWN DEFENSE IN A CRIMINAL CASE." MCKASKLE, ID. AT 174; HASLAM V. U.S., 431 F.2D 362, 365 (9TH CIR.). A DEFENDANTS PRO PER INVOCATION MUST BE HONORED OUT OF "THAT RESPECT FOR THE INDIVIDUAL WHICH IS THE LIFEBLOOD OF THE LAW." ILLINOIS V. ALLEN, 397 U.S. 337, 350-51 (1970); FARETTA, AT 819-820.

TO ENSURE A VALID WAIVER OF COUNSEL, A JUDGE SHOULD MAKE A "SEARCHING AND FORMAL INQUIRY" INTO BOTH THE DEFENDANT'S UNDERSTANDING OF THE 6TH AMENDMENT WAIVER AND AWARENESS OF THE DISADVANTAGES OF SELF-REPRESENTATION. IOWA V. TOVAR, 541 U.S. 77, 89 (2004)(QUOTING JOHNSON V. ZERBST, 304 U.S. AT 458, 464). IN DOING SO THE COURT LOOKS AT THE CIRCUMSTANCES OF THE CASE INCLUDING A DEFENDANT'S BACKGROUND, EDUCATION AND EXPERIENCE IN ASSESSING THE WAIVER. HOOKS V. STATE, SUPRA.

TO AID AND STREAMLINE THE PROCESS FOR DOING SO IN NEVADA, THE NEVADA SUPREME COURT EFFECTIVE MARCH 31, 1997 PROMULGATED SUPREME COURT RULE 253 WHICH ARE GUIDELINES AND PROCEDURES IN CRIMINAL PROCEEDINGS IN THE DISTRICT COURT WHERE THE DEFENDANT ELECTS SELF-REPRESENTATION. SCR 253 ALIGNS WITH ALL THE PREREQUISITES DICTATED BY FARETTA, IOWA V. TOVAR AND JOHNSON V. ZERBST, SUPRA. SUBSECTION 5 OF SCR 253 SPECIFICALLY MANDATES:

> "(5)... IF THE DISTRICT COURT APPOINTS COUNSEL TO REPRESENT A DEFENDANT WHO INSISTS ON EXERCISING HIS OR HER RIGHT TO SELF-REPRESENTATION, THEN THE DISTRICT COURT SHOULD STATE THE BASIS FOR DENYING THE DEFENDANT'S REQUEST FOR SELF-REPRESENTATION." (EMPHASIS ADDED).

STATING IT "DID NOT BELIEVE THERE WERE ANY LEGAL BASIS" DID NOT COMPORT WITH FARETTA OR SCR 253. THE RIGHT TO APPEAR PRO SE EXISTS TO AFFIRM THE DIGNITY AND AUTONOMY OF THE ACCUSED. MCKASKLE V. WIGGINS, 465 U.S. 168 (1984); MCCOY V. LOUISIANA, 584 U.S. ___, 138 S.CT. 1500 (2018); GIANNETTCO V. DEPASQUALE, 443 U.S. 368, 382 N.10 (1979)(THE 6TH AMENDMENT CONTEMPLATES A NORM IN WHICH THE ACCUSED, NOT A LAWYER, IS MASTER OF HIS OWN DEFENSE). PETITIONER WAS DIVESTED OF THE AFFIRMATION OF HIS DIGNITY AND HIS RIGHT TO AUTONOMY AS THE ACCUSED.

AN APPELLATE COURT GIVES DIFFERENCE TO THE DISTRICT COURT'S DECISION TO ALLOW A DEFENDANT TO WAIVE HIS RIGHT TO COUNSEL. SEE WAYNE V. STATE, 100 NEV. 582 (1984); JOHNSON V. STATE, 117 NEV. 153, 164 (2001); TANKSLEY V. STATE, 113 NEV. 997, 1001 (1997); GRAVES V. STATE, SUPRA.

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PETITIONER NEED NOT SHOW ACTUAL PREJUDICE TO ESTABLISH A FARETTA VIOLATION. SUCH ERROR IS STRUCTURAL ERROR NOT SUBJECT TO HARMLESS ERROR REVIEW. MCKASKLE, 465 U.S. AT 177 N.8 (HARMLESS ERROR ANALYSIS IS INAPPLICABLE TO DEPRIVATION OF THE SELF-REPRESENTATION RIGHT, BECAUSE "[THE RIGHT IS EITHER RESPECTED OR DENIED; IT CANNOT BE HARMLESS]". U.S. V. GONZALES-LOPEZ, 548 U.S. 140, 150 (2006) (CHOICE OF COUNSEL IS STRUCTURAL); MCCOY, SUPRA. THE U.S. SUPREME COURT HAS EMPHASIZED THAT A CRIMINAL TRIAL INFECTED BY STRUCTURAL ERROR "CANNOT RELIABLY SERVE ITS FUNCTION AS A VEHICLE FOR DETERMINATION OF GUILT OR INNOCENCE AND NO CRIMINAL PUNISHMENT MAY BE REGARDED AS FAIR." ARIZONA V. FULMINANTE, 499 U.S. 279 (1991).

APPELLATE COUNSEL WAS APPOINTED BY THE DISTRICT COURT ON MAY 09, 2019 (PA 19). ON JUNE 04, 2019 COUNSEL FILED HIS REQUEST WITH THE DISTRICT COURT FOR TRANSCRIPTS (PA 4). THE DISTRICT COURT FULFILLED COUNSEL'S REQUESTS JUNE 21, 2019, JULY 10, 2019 AND JULY 12, 2019, RESPECTIVELY (PA 4-5, 199). FOR REASONS UNKNOWN TO PETITIONER, APPEAL COUNSEL DID NOT ORDER NOR DID THE DISTRICT COURT CLERK PROVIDE THE RECORD FROM MARCH 27, 2017; APRIL 18, 2017; AND MAY 03, 2017. DESPITE NEV. R. APP. PROC. RULE 11 AND PETITIONER'S ENTITLEMENT OF 1 FREE COPY OF THE COMPLETE TRIAL COURT RECORD FOR APPEAL AND PCR PURPOSES UNDER GRIFFIN V. ILLINOIS, 351 U.S. 12 (1956), THE RECORD REQUESTED AND OBTAINED BY APPELLATE COUNSEL WAS INCOMPLETE.

THIS LACK OF COMPLETENESS REMAINED THE LYNCH-PIN IN COUNSEL'S OMISSION AND INABILITY TO FULLY BRIEF AND EXPOUND UPON THIS ASPECT OF PETITIONER'S FARETTA CLAIM ON DIRECT APPEAL. THROUGH CORRESPONDENCE DATED SEPTEMBER 02ND, 25TH AND 29TH, 2019 AND OCTOBER 04, 2019, PETITIONER VEHEMENTLY INSISTED THAT THIS ASPECT OF HIS FARETTA CLAIM BE INCORPORATED INTO HIS DIRECT APPEAL TO NO AVAIL (PA 289-295).

STATES MUST APPOINT COUNSEL ON A PRISONER'S DIRECT APPEAL. DOUGLAS V. CALIFORNIA, 372 U.S. 353 (1963). MERE APPOINTMENT DOES NOT SUFFICE TO SATISFY THE CONSTITUTIONAL COMMAND. THE REPRESENTATION OF COUNSEL ON APPEAL MUST BE EFFECTIVE REPRESENTATION. EVITTS V. LUCEY, 469 U.S. 387 (1985); DOUGLAS, ID. AT 357-58. AN ATTORNEY HAS A DUTY TO PERFECT AN APPEAL WHEN A CONVICTED DEFENDANT EXPRESSES SUCH A DESIRE. PREJUDICE IS PRESUMED FOR PURPOSES OF ESTABLISHING IAC WHEN COUNSEL DENIES A DEFENDANT A APPEAL. MANN V. STATE, 118 NEV. 351 (2002); DAVIS V. STATE, 115 NEV. 17 (1999); AND MEANS V. STATE, 120 NEV. 1014-15 (2004).

AN APPEAL COUNSEL, AN ATTORNEY HAS A DUTY TO SUBMIT A COGENT, EFFECTIVE BRIEF WHICH WILL BEST SERVE THE INTERESTS OF THE CLIENT. HERNANDEZ V. STATE, 117 NEV. 463 (2001). IT IS NOT COUNSEL'S OBLIGATION TO RAISE AND PRESENT EVERY NON-FRIVOLOUS CLAIM. NEVADA SUPREME COURT RULE 250 DOES NOT IMPOSE SUCH A DUTY. ID. ON THE CONTRARY THE U.S. SUPREME COURT WARNS THAT A BRIEF THAT RAISES EVERY COLORABLE ISSUE RUNS THE RISK OF BURYING GOOD ARGUMENTS, JONES V. BARNES, 463 U.S. 745, 753 (1983) AND HAS EXPLICITLY HELD THAT APPELLATE COUNSEL "NEED NOT (AND SHOULD NOT) RAISE EVERY NON-FRIVOLOUS CLAIM, BUT RATHER MAY SELECT FROM AMONG THEM IN ORDER TO MAXIMIZE THE LIKELIHOOD OF SUCCESS ON APPEAL." SMITH V. ROBBINS, 528 U.S. 259, 288 (2000) (EMPHASIS ADDED).

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TO THIS END THE NINTH CIRCUIT HAS EXPLAINED THAT "THE WEEDING OUT OF WEAKER ISSUES IS RECOGNIZED AS ONE OF THE HALLMARKS OF EFFECTIVE APPEAL ADVOCACY. LIKE OTHER MORTALS, APPELLATE JUDGES HAVE A FINITE SUPPLY OF TIME AND TRUST; EVERY WEAK ISSUE IN APPELLATE BRIEFS OR ARGUMENTS DETRACTS FROM THE ATTENTION A JUDGE CAN DEVOTE TO THE STRONGER ISSUES AND REDUCES APPELLATE COUNSEL'S CREDIBILITY BEFORE THE COURT. FOR THESE REASONS, A LAWYER WHO THROWS IN EVERY ARGUABLE POINT... "JUST IN CASE"... IS LIKELY TO SERVE HER CLIENT LESS EFFECTIVELY THAN ONE WHO CONCENTRATES SOLELY ON THE STRONG ARGUMENTS." MILLER V. KEENEY, 882 F.2D 1428, 1434 (9TH CIR. 1989).

ALTHOUGH APPELLATE RAISED A FARETTA ISSUE IN PETITIONER'S OPENING BRIEF ON APPEAL, IT WAS LIMITED IN SCOPE AND WAS PREMISED ON THE FEBRUARY 06, 2018 HEARING AND DID NOT ENCOMPASS THE FARETTA VIOLATION RELATIVE TO THE COURT'S APRIL 18, 2017 DENIAL OF PETITIONER TO REPRESENT HIMSELF. COUNSEL'S FAILURE IN ORDERING A COMPLETE COPY OF THE DISTRICT COURT RECORDS FOR APPEAL PURPOSES TO ENABLE A FULL AND ADEQUATE REVIEW OF THE RECORD PREPARATORY TO BRIEFING RENDERED COUNSEL'S PERFORMANCE INEFFECTIVE.

PETITIONER UNEQUIVOCALLY PRESERVED THE ISSUE FOR APPELLATE REVIEW IN THE DISTRICT COURT THROUGH HIS MAY 03, 2017 FILING OF FORMAL OBJECTIONS (PA 240). THE ISSUE WAS GIVEN OVERSIGHT DUE TO COUNSEL'S FAILURE TO SECURE THE COMPLETE DISTRICT COURT RECORD AND DESPITE PETITIONER'S INSISTANCE EXPRESSED TO COUNSEL THAT HE ARTICULATE THIS ASPECT OF PETITIONER'S FARETTA CLAIM INTO THE DIRECT APPEAL (PA 289-293, 295).

EXPANDING PETITIONER'S FARETTA CLAIM TO INCLUDE THE APRIL 18, 2017 DENIAL DID NOT RUN ANY RISKS OF BURYING GOOD ARGUMENTS OR DETRACTING FROM THE ISSUES AND WAS INHERENTLY APPROPRIATE AND WARRANTED TO MAXIMIZE LIKELIHOOD OF SUCCESS ON APPEAL OF PETITIONER'S FARETTA CLAIMS COMBINED AND CAN'T CONCEIVABLY BE DISMISSED AS A "TACTICAL" DECISION. IN FACT, THIS FARETTA CONTENTION WAS MORE LUCID AND POTENT THAN THAT ACTUALLY SUBMITTED BY APPEAL COUNSEL IN THE OPENING BRIEF.

PETITIONER'S MARCH 27, 2017 UNEQUIVOCAL REQUEST TO REPRESENT HIMSELF MADE SOME 2 YEARS PRIOR TO TRIAL WAS UNDISPUTABLY AND IRREFUTABLY A TIMELY REQUEST AND WOULD HAVE OCCASIONED NO TRIAL DELAY. PETITIONER SOUGHT TO SELF-REPRESENT AND RECUSE COUNSEL. RATHER THAN HONORING PETITIONER'S AUTONOMY AND PRO PER INVOCATION AND CONDUCTING THE ESSENTIAL FARETTA CANVASS, THE COURT ARBITRARILY DENIED THE REQUEST UNPRECEDENTLY CONCLUDING THAT PETITIONER IS BURDENED WITH THE OBLIGATION OF SATISFYING SOME PRE-CONDITIONAL AMORPHOUS "LEGAL BASIS" IN ORDER TO ENJOY HIS 6TH AMENDMENT GUARANTEES. PETITIONER HAS FOUND ABSOLUTELY NO AUTHORITY WHICH REMOTELY SUPPORTS SUCH AN ABSURD PROPOSITION.

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BOTH THE DISTRICT COURT BY ITS APRIL 18, 2017 DENIAL OF PETITIONER'S RIGHT TO PROCEED PRO PER AND APPEAL COUNSEL'S FAILURE TO RAISE THE STRUCTURAL ERROR AT PETITIONER'S URGING DIVESTED PETITIONER OF AND USURPED HIS 6TH AMENDMENT SECURED AUTONOMY AND RIGHT TO DICTATE HIS PERSONAL CHOICE ABOUT HOW BEST TO PROTECT HIS OWN LIBERTY AND MASTER AND MANAGE HIS OWN DEFENSE. SEE McCOY, SUPRA; AND WEAVER V. MASSACHUSETTS, 137 S.CT. 1899 (2017) (SELF-REPRESENTATION WILL OFTEN INCREASE THE LIKELIHOOD OF AN UNFAVORABLE OUTCOME BUT "IS BASED ON THE FUNDAMENTAL LEGAL PRINCIPAL THAT A DEFENDANT MUST BE ALLOWED TO MAKE HIS OWN CHOICE ABOUT THE PROPER WAY TO PROTECT HIS OWN LIBERTY); MARTINEZ V. CRT. OF APPEALS OF CALIF., 528 U.S. 152, 165 (SCALIA, J., CONCURRING IN JUDGMENT) ("OUR SYSTEM OF LAWS GENERALLY PRESUMES THAT THE CRIMINAL DEFENDANT, AFTER BEING FULLY INFORMED, KNOWS HIS OWN BEST INTERESTS AND DOES NOT NEED THEM DICTATED BY THE STATE").

RATHER THAN AFFORDING PETITIONER THE CONSTITUTIONAL GUARANTEE AND FUNDAMENTAL RIGHT TO REPRESENT HIMSELF, CONDUCT AND MANAGE HIS OWN DEFENSE AND DISPENSE WITH HIS COUNSEL'S HELP, SOME 5 MONTHS AFTER HIS ATTORNEY OPENLY DECLARED THAT HIS AND PETITIONER'S RELATIONSHIP HAD BECOME SO ADVERSARIAL THAT HE WAS INCAPABLE OF REPRESENTING PETITIONER TO THE BEST OF HIS ABILITY (AA 0004), THE DISTRICT COURT CONVERSELY DENIED THE MOTION TO RECUSE COUNSEL AND ALLOW PETITIONER TO SELF-REPRESENT, IN TURN FORCING COUNSEL'S SERVICES UPON PETITIONER OVER HIS OBJECTIVES, OBJECTIONS AND IRRESPECTIVE OF HIS UNEQUIVOCAL REQUESTS.

PRIVILEGED WITH THE ABILITY TO SELF REPRESENT SURELY PETITIONER WOULD HAVE PURSUED THE MAROUM VIOLATION, FRANKS AND SUPPRESSION ISSUES, PURSUED HIS INTOXICATION, DURESS, MENTAL CAPACITY AND TBI DEFENSES, OBTAINED PSYCHIATRIC EXAMS AS TO HIS MENTAL CONDITION AT THE TIME OF THE INCIDENT, OBTAINED AND USED HIS MENTAL HEALTH RECORDS FROM THE ENTITIES SET FORTH IN PA 221-222, 272, 276-277, 315-331 AND 338 IN DEFENSE, INTERVIEWED AND INVESTIGATED ALL VICTIMS AND WITNESSES TO THE EVENTS. HE CERTAINLY WOULD HAVE FILED MORE THAN A 4 PAGE PLEADING IN DEFENSE OF THE CHARGES AND WOULD HAVE SUBJECTED THE STATE'S CASE TO FIERCE TESTING. PETITIONER'S MENTAL CAPACITY WOULD NOT HAVE PRECLUDED HIS SELF-REPRESENTATION AS THE COURT ON OCTOBER 19, 2017 FOUND HIM COMPETENT TO ACCEPT HIS FIRST PLEA (AA-CO 43-0051, 0063-0075). PETITIONER PRESERVED THE FARETTA VIOLATION THROUGH HIS MAY 03, 2017 OBJECTIONS AND CONTINUED TO DO SO AGAIN IN HIS DECEMBER 14, 2017 CORRESPONDENCE SOME 7 MONTHS LATER. ALTHOUGH BEING PRESENTED OPPORTUNITY TO CORRECT THE ERROR, THE DISTRICT COURT DECLINED TO DO SO.

THE FEBRUARY 06, 2018 FARETTA CONTENTION WAS ADJUDICATED ON DIRECT APPEAL AND HAS BECOME THE LAW OF THE CASE. THE MARCH 27, 2017, AND APRIL 18, 2017 FARETTA CIRCUMSTANCES ARE MORE POTENT AND ARE CLEARLY DISTINGUISHABLE THAN THOSE INVOLVED IN THE FEBRUARY 06, 2018 FARETTA VIOLATION. IN THE PREVIOUS CLAIMED VIOLATION, PLAINTIFF SOUGHT RECUSAL OF COUNSEL, APPOINTMENT OF NEW COUNSEL OR TO SELF-REPRESENT. FINDING THAT PETITIONER'S REQUEST FOR NEW COUNSEL WAS GRANTED, THE COURT FOUND NO TECHNICAL VIOLATION OF HIS FARETTA GUARANTEE AS THE COURT GRANTED HIM COUNSEL TO WHICH HE "AGREED THAT THE DISTRICT COURT ADDRESSED HIS CONCERNS" (PA 242-243)

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UNDER HERNANDEZ, JONES, SMITH AND MILLER, APPELLATE COUNSEL SHOULD HAVE WEEDED OUT THE FEBRUARY 06, 2018 FARETTA ISSUE AS WEAKER THAN THE INSTANT ONE AS THE RECORD BELIED THE FIRST CLAIM. RATHER, AT PETITIONER'S URGING COUNSEL SHOULD HAVE HONORED THOSE OBJECTIVES AND ADVANCED THE INSTANT FARETTA CLAIM GIVEN ITS POTENCY AND BEING CLEARLY BOLSTERED BY THE RECORD.

IN THE INSTANT CASE CLOSE TO 2 YEARS PRIOR TO TRIAL PETITIONER SOUGHT TO RECUSE HARVEY GRUBER, SOUGHT A 6 MONTH TRIAL EXTENSION AND TO ENJOY HIS AUTONOMY AND SELF-REPRESENT. AT THE HEARING, THE COURT PURPORTEDLY FINDING "NO LEGAL BASIS" SUMMARILY DENIED HIS FARETTA MOTION WITHOUT A CANVASS AND FORCED GRUBER'S REPRESENTATION OVER PETITIONER'S DESIRE. PETITIONER TIMELY OBJECTED TO THE DENIAL FORMALLY ON MAY 03, 2017 (PA 240) AND CONTINUED THESE OBJECTIONS THROUGH HIS DECEMBER 14, 2017 LETTER (PA 29). THE COURT WAS PRESENTED WITH 2 ALTERNATIVES BY PETITIONER'S FILING OF THE MARCH 27, 2017 MOTION: (1) RECUSE AND REPLACE COUNSEL GRUBER; OR (2) CONDUCT A FARETTA CANVASS AND PERMIT PETITIONER TO PROCEED IN PRO SE (PA 231-239). IT DECLINED TO RECUSE AND APPOINT NEW COUNSEL AND REFUSED TO CANVASS PETITIONER AS IT FOUND "NO LEGAL BASIS."

THE FACTS ARE UNDISPUTED AND THE COURT MUST THEREFORE REVERSE THE CONVICTION OF PETITIONER. U.S. V. SMITH, 780 F.2D 810 (9TH CIR. 1986); GALLEGO V. STATE, 117 NEV. 348, 356 (2001).

II. MATERIAL INFORMATION AND EVIDENCE INTRODUCED AT TRIAL WAS OBTAINED IN VIOLATION OF PETITIONER'S FOURTH AMENDMENT PROTECTIONS AND WARRANTED SUPPRESSION. ADDITIONALLY, STATE AGENTS KNOWING INCLUSION OF FALSE AND MISLEADING STATEMENTS IN THEIR AFFIDAVIT IN SUPPORT OF ALL SEARCH WARRANTS RENDER THEM VOID UNDER FRANKS V. DELAWARE, 438 U.S. 154 (1978).

ON MAY 03, 2017 AND CLOSE TO 2 YEARS PRIOR TO TRIAL'S COMMENCEMENT IN THIS ACTION, PETITIONER MADE A PRE-TRIAL PETITION FOR WRIT OF HABEAS CORPUS (AA 0005-0042) PURSUANT TO FRANKS V. DELAWARE, 438 U.S. 154 (1978). BY VIRTUE OF THE PETITION, PETITIONER SOUGHT TO SUPPRESS CERTAIN EVIDENCE OBTAINED IN VIOLATION OF HIS FOURTH AMENDMENT PROTECTIONS AND FURTHER SOUGHT A FRANKS HEARING DUE TO THE INCLUSION OF FALSE AND MISLEADING STATEMENTS MADE BY THE LAW ENFORCEMENT AFFIANT IN SUPPORT OF THE CHALLENGED SEARCH WARRANT AND IN WHICH TO COMPORT WITH HIS DUE PROCESS SAFEGUARDS. PRIOR TO COMMENCEMENT OF TRIAL ON FEBRUARY 19, 2019 AND THROUGH THE CURRENT DATE, THE DISTRICT COURT HAS FAILED TO RENDER A RULING ON THE PETITION DESPITE ITS FORMAL FILING MAY 03, 2017 AT 11:15 A.M. (AA 0005; PA 02).

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THE FACTS AS THEY RELATE TO THIS CLAIM ARE AS FOLLOWS:

ON JANUARY 20, 2016, OFFICERS DISPATCHED TO 950 SEVEN HILLS DRIVE, HENDERSON, NEVADA, OBSERVED KEVIN WONG BETWEEN 2 VEHICLES KEEPING "LOOK OUT" AS THEY RESPONDED TO NUMBER 2511. OFFICER ENGEL TALKED TO WONG AS LEINAN ENTERED THE APARTMENT. ENGEL RESPONDED TO A SIGHTING OF SUSPECT WHEN WONG ENTERED THE JEEP OWNED BY PETITIONER AND WITHOUT PETITIONER OR HIS FIANCE (SEXTON)'S CONSENT, EXITED THE COMPLEX WITH PETITIONER'S VEHICLE 9/. (PA 69-70, 83, 88-89);

RADIO CALLS WERE DISPATCHED BY OFFICER ENGEL ON THE JEEP DUE TO "UNKNOWN PROBLEMS," AND ON ST. ROSE PARKWAY AND JEFFRIES INTERSECTION SOME 6+ MARKED POLICE PATROL VEHICLES CONDUCTED A FELONY STOP 10/. OF THE JEEP DEMANDING WONG'S EXIT HANDS UP BACKING INTO OFFICER HANSON. WONG WAS ORDERED TO KNEEL, CROSS HIS LEGS AND LIE FACE-DOWN WITH BOTH ARMS EXTENDED. HE WAS SECURED IN HANDCUFFS AND PLACED IN THE BACK SEAT OF HANSON'S PATROL VEHICLE. UPON INSPECTING THE JEEP FURTHER, IT WAS CLEARED AS WONG WAS THE SOLE PASSENGER. PURPORTEDLY WONG WAS STOPPED DUE TO SEVERAL UNSPECIFIED DRIVING INFRACTIONS. HANSON AT THAT TIME DISCOVERED PETITIONER TO BE THE VEHICLE'S OWNER (PA 88-89, 91-92);

DETECTIVE RYAN ADAMS WAS DISPATCHED TO THE FELONY STOP FROM AN UNKNOWN LOCATION AND AFTER HANSON DISCOVERED PETITIONER'S OWNERSHIP OF THE VEHICLE. UPON ADAMS ARRIVAL, PURPORTEDLY THRICE WONG "CONSENTED" TO A VEHICLE SEARCH 11/. DURING ADAMS' SEARCH PETITIONER'S FIANCE SEXTON'S IDENTIFICATION CARD WAS DISCOVERED 12/. SPARKING THE SERIES OF EVENTS THAT ATTACHED TO THAT DISCOVERY. 13/ WONG CONTINUED TO DIALOG WITH ADAMS FOR "SEVERAL MINUTES" BEFORE BEING PLACED INTO CUSTODY 14/. (PA 69-104);

9. WONG'S MANY ACCOUNTS INITIALLY REMAINED UNCLEAR AS TO WHO DROVE PETITIONER'S JEEP TO THE CRIME SCENE LOCATION. FINALLY, HE ADMITTED THAT PETITIONER'S FIANCE SEXTON DROVE THE JEEP TO THE LOCATION WITH WONG AS A PASSENGER. LEAVING THE KEY IN THE IGNITION FOR HER RETURN FOLLOWING RETURN FROM APARTMENT NO. 2511, SHE INSTRUCTED WONG TO LOOKOUT (PA 163-165, 180, 183, 187).

10. ALTHOUGH LAPEER AND ADAMS DESCRIBED THE EVENT AS A "TRAFFIC STOP" (PA 84, 94), OFFICERS MCDERMED, HANSON AND ENGEL DESCRIBE A "FELONY STOP" (PA 88-89, 92).

11. ALTHOUGH ADAMS CONTENDS THIS "CONSENT" WAS COMMUNICATED IN THE PRESENCE OF HANSON (PA 94), INTERESTINGLY THIS CRUCIAL FACT APPEARS NOWHERE IN HANSONS REPORT (PA 91-92). ALTHOUGH HPD FORM 0037 IS TO BE SIGNED BY THE INDIVIDUAL GIVING CONSENT FOR SEARCH AT THE TIME OF CONSENT, INTERESTINGLY WONG WAS NEVER PRESENTED SUCH FOR SIGNING (PA 94-97).

12. ADAMS CONTENTION OF SEXTON'S IDENTIFICATION BEING VISIBLE ON TOP OF HER PURSE IS FALSE AS IT WAS CONTAINED IN A CREDIT CARD SLOT INSIDE SEXTON'S PURSE WALLET. THERE ARE FURTHER DISCREPANCIES AS TO THE ACTUAL LOCATION OF THE PURSE UPON THE STOP. LAPEER REPORTED IT AS IN THE PASSENGER SEAT (PA 84) WHEREAS ADAMS STATES IT WAS IN THE CENTER OF THE REAR PASSENGER SEAT (PA 94)

13. ALTHOUGH WONG INSISTED THAT HE BORROWED THE VEHICLE FROM HIS "FRIEND" JASON, JARED, OR DUSTIN, HANSON AND ADAMS KNEW OTHERWISE AFTER RUNNING THE VEHICLE (PA 92, 94, 95).

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DURING BUSINESS HOURS ON JANUARY 21, 2016, DETECTIVE EBERT SUCCESSFULLY OBTAINED SEARCH WARRANTS FOR PETITIONER'S JEEP AND HIS AND SEXTON'S APARTMENT (PA 31-68, 71)[15]. BOTH RELEVANT AFFIDAVITS SUBMITTED UNDER OATH TO JUSTIFY PROBABLE CAUSE CONTAINED KNOWINGLY FALSE, SPECULATIVE AND INACCURATE INFORMATION. THEY FURTHER CONTAINED TAINTED INFORMATION WHICH WERE FRUITS OF THE UNCONSTITUTIONAL SEARCH AND SEIZURE OF PETITIONER'S VEHICLE. THE RETURN ON THE JEEP LISTED 9 SEIZED ITEMS WHEREAS THE APARTMENT RETURN LISTED 11 (PA 48,49,68-A, 68-B).

A. THE WARRANTLESS SEARCH.

THE FOURTH AMENDMENT TO THE UNITED STATES CONSTITUTION PROVIDES:

"THE RIGHT OF THE PEOPLE TO BE SECURED IN THEIR PERSONS, HOUSE, PAPERS AND EFFECTS, AGAINST UNREASONABLE SEARCHES AND SEIZURES, SHALL NOT BE VIOLATED, AND NO WARRANTS SHALL ISSUE, BUT UPON PROBABLE CAUSE, SUPPORTED BY OATH OR AFFIRMATION, AND PARTICULARLY DESCRIBING THE PLACE TO BE SEARCHED AND THE PERSON OR THINGS TO BE SEIZED."

NEVADA CONSTITUTION, ART. I, § 18 CONTAINS A SIMILAR COMPONENT. SAID PROTECTIONS, AS FUNDAMENTAL AS THEY ARE, ONLY PERMIT SEARCHES AND SEIZURES BASED ON PROBABLE CAUSE AND SUPPORTED BY OATH OR AFFIRMATION. FOR A INDIVIDUAL TO CHALLENGE THE ILLEGALITY OF A SEARCH, THE PARTY MUST HAVE "STANDING" TO ASSERT THE CONTENTION. ONE ASPECT OF "STANDING" IS THAT THE PARTY SEEKING RELIEF MUST HAVE AN ADVERSE INTEREST AND PERSONAL STAKE IN THE OUTCOME OF THE CONTROVERSY. BAKER V. CARR, 369 U.S. 182 (1962). WHEN A PERSON HAS NO PRIVACY INTERESTS WHATSOEVER IN A PARTICULAR PLACE, 4TH AMENDMENT ANALYSIS IS STRAIGHT FORWARD, THE PERSON LACKS STANDING TO SUPPRESS THE EVIDENCE. RAWLINGS V. KENTUCKY, 448 U.S. 98 (1980).

14. SEVERAL REPORTS STATE WONG WAS "DETAINED" SEE HANSON AND ADAMS REPORTS (PA 84, 92, 94). LAPEER AND ADAMS REPORTS CONVERSELY STATE WONG WAS PLACED INTO CUSTODY.

15. IT IS UNCLEAR AS TO THE NECESSITY OF A "POST-CONSENT" WARRANT TO SEARCH THE JEEP. IF OFFICERS PERCEIVED WONG'S CONSENT TO BE LEGITIMATE AND GENUINE, THERE WAS NO PURPOSE FOR A WARRANT WHICH MAKES SUSPECT ADAMS' CLAIM OF 3 CONSENTS FROM WONG. IT IS FURTHER BOLSTERED BY THE FACT THAT BOTH GLEN COUSERT AND ANN WHITE ALSO GAVE CONSENT FOR SEARCH OF THEIR PREMISES AND PROPERTY AND NO "POST-CONSENT" WARRANT WAS SOUGHT WITH RESPECT TO THEM (PA 195-196).

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FOR THAT MATTER, ANY DEFENDANT IN A CRIMINAL CASE AGAINST WHOM EVIDENCE ALLEGED TO HAD BEEN SEIZED ILLEGALLY IS BEING OFFERED QUALIFIES. IN MOST AREAS OF CONSTITUTIONAL LAW, HOWEVER, IT IS ALSO NECESSARY THAT THE ADVERSE INTEREST BE BASED UPON A VIOLATION OF THE RIGHTS OF THE INDIVIDUAL RAISING THE CLAIM RATHER THAN THE VIOLATION OF THE RIGHTS OF SOME THIRD PARTY. THE CHALLENGING PARTY "MUST HAVE BEEN A VICTIM OF A SEARCH OR SEIZURE." THIS IS BECAUSE RIGHTS ASSURED BY THE 4TH AMENDMENT ARE PERSONAL RIGHTS AND MAY BE ENFORCED BY EXCLUSION OF EVIDENCE ONLY AT THE INSTANCE OF ONE WHO'S OWN PROTECTION WAS INFRINGED BY THE SEARCH AND SEIZURE. JONES V. U.S., 362 U.S. 257 (1960).

JUST WHO SHOULD BE DEEMED A "VICTIM OF THE SEARCH" UNDER THE LINE OF REASONING HAS PROVEN OVER THE YEARS TO BE A DIFFICULT AND PROVOCATIVE QUESTION. THE CURRENT VIEW OF THE HIGH COURT, HOWEVER, IS THAT THE FUNDAMENTAL INQUIRY TO BE MADE IN ASCERTAINING WHETHER THE DEFENDANT HAS FOURTH AMENDMENT STANDING IS WHETHER THE CONDUCT THE DEFENDANT WANTS TO PUT IN ISSUE INVOLVED AN INTRUSION INTO HIS EXPECTATION OF PRIVACY. RAWLINGS, SUPRA. NAMELY, THE QUESTION IS "DID THE POLICE INTRUDE UPON THE DEFENDANT'S JUSTIFIED EXPECTATION OF PRIVACY."

ANOTHER RELATIVELY EASY CASE ARISES WHEN 2 PEOPLE SHARE IDENTICAL, OVERLAPPING PRIVACY INTERESTS IN A PARTICULAR PLACE... BOTH SHARE THE POWER TO SURRENDER EACH OTHER'S PRIVACY TO A THIRD PARTY. PERSONS WHO SHARE ACCESS ALSO SHARE THE POWER TO CONSENT TO A SEARCH. ONLY IF NEITHER CONSENTS DO BOTH RETAIN THE RIGHT AND STANDING TO OBJECT TO THE FRUITS OF AN UNLAWFUL SEARCH. KATZ V. U.S., 389 U.S. 374 (1967); U.S. V. WHITE, 401 U.S. 745 (1971); FERNANDEZ V. CALIFORNIA, 571 U.S. 292 (2014).

IF THE POLICE MAKE AN UNWARRANTED SEARCH OF A HOUSE AND SEIZE TANGIBLE ITEMS BELONGING TO THIRD PARTIES, THE HOMEOWNER MAY OBJECT TO ITS USE AGAINST HIM, NOT BECAUSE HE HAS AN INTEREST IN THE SEIZED ITEMS AS "EFFECTS" PROTECTED BY THE 4TH AMENDMENT, BUT BECAUSE THEY WERE THE FRUITS OF AN UNAUTHORIZED SEARCH OF HIS HOUSE, WHICH IS ITSELF EXPRESSLY PROTECTED BY THE 4TH AMENDMENT. U.S. V. KARO, 468 U.S. 705 (1984). THIS SAME CONCEPT APPLIES IN A VEHICLE CONTEXT AS WELL. ONE CANNOT HAVE A LEGITIMATE EXPECTATION OF PRIVACY FOR STANDING PURPOSES WITHOUT HAVING A "RIGHT TO EXCLUDE OTHER PEOPLE FROM ACCESS TO THE PLACE IN QUESTION." RAWLINGS, SUPRA. THE OWNER OF PROPERTY OF COURSE, HAS A RIGHT TO EXCLUDE FROM IT, ALL THE WORLD, INCLUDING GOVERNMENT AND A CONCOMITANT RIGHT TO USE IT EXCLUSIVELY FOR HIS OWN PURPOSE. ANY SUCH INVASION BY GOVERNMENT IS A INTERFERENCE WITH POSSESSORY RIGHTS.

ANOTHER WAY BY WHICH ONE CAN ACQUIRE STANDING WAS RECOGNIZED IN JONES V. U.S., SUPRA, IN WHICH THE COURT CONCLUDED ANYONE LEGITIMATELY ON PROPERTY AT THE TIME OF A SEARCH HAS STANDING. STILL ANOTHER TYPE OF CASE IS THAT IN WHICH THE DEFENDANT CLAIMS STANDING WITH RESPECT TO SEARCH OF HIS PERSONAL PROPERTY AT A PLACE THAT WASN'T HIS AND AT A TIME HE WAS PRESENT. STANDING HAS FREQUENTLY BEEN RECOGNIZED IN SUCH INSTANCES OFTEN BY RELIANCE ON U.S. V. JEFFERS, 342 U.S. 48 (1951).

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AS TO WHETHER STANDING CAN BE ESTABLISHED UNDER THE JEFFERS RULE WHEN THE ITEMS IN QUESTION ARE STOLEN PROPERTY IS UNCLEAR. COMPARE COMBS V. U.S., 408 U.S. 224 (1972) WITH BROWN V. U.S. 223 (1973). A BAILOR'S RIGHT TO EXCLUDE OTHERS IS IMPORTANT IN FOURTH AMENDMENT LAW, BUT FOR OTHER PURPOSES, DECIDING THE LAWFULNESS OF A SEARCH CONSENTED TO BY THE BAILEE.

THE HOLDING IN JONES THAT STANDING COULD BE FOUNDED UPON BEING "LEGITIMATELY ON PREMISES WHERE A SEARCH OCCURS" PROMPTED OTHER COURTS TO RULE THAT A PERSON DRIVING A VEHICLE, WITH THE OWNER'S CONSENT, AND THE PASSENGER HAVING PERMISSION TO BE IN THE CAR, HAVE STANDING TO OBJECT TO A SEARCH OF THE VEHICLE. CONVENTIONAL STANDING REQUIREMENTS REQUIRE THE DEFENDANT TO CLAIM EITHER TO HAVE OWNED OR POSSESSED THE SEIZED PROPERTY OR TO HAVE HAD A SUBSTANTIAL INTEREST IN THE PREMISES SEARCHED. STANDING TO CONSENT TO A SEARCH MUST BE MADE BY A INDIVIDUAL WHO POSSESSES COMMON AUTHORITY OVER THE PREMISES OR EFFECTS TO BE SEARCHED. U.S. V. MATLOCK, 415 U.S. 165, 170 (1974).

THEN CAME RAKAS V. ILLINOIS, 439 U.S. 128 (1976) WHERE POLICE STOPPED A CAR THEY BELIEVED TO BE A ROBBERY GET AWAY CAR, ORDERED THE OCCUPANTS OUT OF THE VEHICLE AND THEN SEARCHED THE VEHICLE FINDING CONTRABAND. THE COURT RULED THAT THE PASSENGER CLAIMING NO OWNERSHIP LACKED STANDING TO CHALLENGE THE SEARCH AND SEIZURE.

COURTS AGREE THAT A OCCUPANT OF A VEHICLE CANNOT BE SAID TO HAVE STANDING BY VIRTUE OF HIS PRESENCE IF HE IS IN POSSESSION OF A STOLEN OR OTHERWISE ILLEGALLY POSSESSED OR CONTROLLED VEHICLE. A THIEF DRIVING A STOLEN VEHICLE THUS CANNOT GAIN STANDING AS TO THE CAR BY HIS WRONGFUL POSSESSION OF IT. U.S. V. THOMAS, F.3D (9TH CIR. 2006). A CONSENT TO SEARCH A ILLEGALLY POSSESSED OR CONTROLLED VEHICLE BY AN UNAUTHORIZED DRIVER IS SURELY A TAINTED CONSENT. VALE V. LOUISIANA, 399 U.S. 30, 35 THE HIGH COURT RECOGNIZED THAT A AUTHORIZED BY CONSENT IS WHOLLY VALID IF THE PERSON CONSENTING HAS LAWFUL AUTHORITY TO DO SO. SEE ALSO, DAVIS V. U.S., 328 U.S. 593-594. A PERSON ILLEGALLY POSSESSING AND CONTROLLING A VEHICLE WITHOUT THE OWNERS CONSENT HAS NO STANDING TO CHALLENGE NOR IS HE IN ANY BETTER POSITION OF AUTHORITY TO CONSENT TO A SEARCH. CONSENT IS A WAIVER OF A PERSON'S RIGHTS UNDER THE 4TH AND 14TH AMENDMENTS. BY ALLOWING GOVERNMENT TO CONDUCT A SEARCH, A PERSON WAIVES WHATEVER RIGHT HE HAD TO PREVENT THE POLICE FROM SEARCHING. JOHNSON V. ZERBST, 304 U.S. 458, 464 (1938).

THE MERE FACT THAT A SEARCH APPEARS AT FACE VALUE TO BE VOLUNTARY BASED ON CONSENT DOES NOT IMPLY THAT IT IS UNTAINTED. BROWN V. ILLINOIS, 422 U.S. 590 (1975). WHILE A SEARCH AND SEIZURE OTHERWISE UNREASONABLE AND ILLEGAL MAY BE CONSENTED TO, SUCH CONSENT MUST NOT BE LIGHTLY INFERRED, BUT MUST BE PROVED BY CLEAR AND POSITIVE TESTIMONY AND THERE MUST BE NO DURESS, ACTUAL OR IMPLIED AND THE CONSENT MUST BE UNEQUIVOCAL, SPECIFIC AND FREELY AND INTELLIGENTLY GIVEN. CHANNEL V. U.S., 285 F.2D 217 (9TH CIR. 1960), IN RE TOMICH, 221 F. SUPP. 500 (D. MO. 1963).

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CONSENT SEARCHES ARE PERMISSIBLE WARRANTLESS SEARCHES ONLY WHEN CONDUCTED PURSUANT TO CONSENT OF A PARTY LAWFULLY AUTHORIZED TO MAKE SUCH CONSENT. SCHNECKLOTH V. BUSTAMONTE, 412 U.S. 218, 228, 231-232 (1973); U.S. V. MATLOCK, SUPRA; GEORGIA V. RANDOLPH, 547 U.S. 103, 128 (2006) ("A WARRANTLESS SEARCH IS REASONABLE IF POLICE OBTAIN THE VOLUNTARY CONSENT OF A PERSON AUTHORIZED TO GIVE IT.") (EMPHASIS ADDED).

THERE IS NO WAR BETWEEN THE CONSTITUTION, LAWS OF THE UNITED STATES AND COMMON SENSE. THE CONCEPT OF "STANDING" IS TWO-FOLD, DOUBLE-EDGED AND CUTS BOTH WAYS. BY VIRTUE OF HIS ILLEGAL POSSESSION AND OPERATING THE VEHICLE WITHOUT PETITIONER OR HIS FIANCE'S CONSENT, WONG WOULD LAWFULLY HAVE NO STANDING TO CHALLENGE A SEARCH OF A VEHICLE HE HAD NO RIGHT TO POSSESS. COMMON SENSE DICTATES THAT HE SURELY WOULDN'T HAVE AUTHORITY TO WAIVE FUNDAMENTAL RIGHTS OF PETITIONER AS THE LAWFUL OWNER AND PETITIONER'S REASONABLE EXPECTATION OF PRIVACY IN THE CONTENTS AND EFFECTS IN THE VEHICLE WHETHER OWNED BY PETITIONER'S FIANCE OR OTHERWISE. ALDERMAN V. V. U.S., 394 U.S. 165, 176-177 (1969). PETITIONER RETAINS "STANDING" TO OBJECT TO ANY USE AGAINST HIM AS THE ITEMS AND INFORMATIONS WERE THE PRODUCT AND FRUIT OF AN UNCONSTITUTIONAL SEARCH OF HIS VEHICLE. WONG TOOK THE VEHICLE ON HIS OWN VOLITION AND ACCORD WITHOUT PETITIONER OR HIS FIANCE'S PERMISSION OR CONSENT. THEY DISCOVERED ITS ABSENCE AFTER WONG'S UNAUTHORIZED DEPARTURE.

IF PLACEMENT OF ITEMS IN A FOOTLOCKER WOULD ENTITLE PETITIONER AS THE OWNER TO CONCEAL ITS LOCATION FROM OFFICIAL INSPECTION, SURELY A VEHICLE SUFFICES AS WELL. U.S. V. CHADWICK, 433 U.S. 1 (1977); U.S. V. KARO, SUPRA. UNLIKE THE PETITIONER IN RAWLINGS, SUPRA, PETITIONER HAD STANDING TO CONTEST THE SEARCH OF SEXTON'S PURSE AS IT REGULARLY CONTAINED HIS AND HER BELONGINGS AND EFFECTS AND THEIR HOUSE KEY AND HE RETAINED A LEGITIMATE EXPECTATION OF PRIVACY FROM GOVERNMENT INTRUSION INTO HIS VEHICLE LESS ALONE HIS FIANCE'S PURSE WHICH HE REGULARLY HAD ACCESS TO. THEY EACH WERE IN A DATING RELATIONSHIP.

THERE WAS NO BAILMENT OF THE PURSE OR VEHICLE. IT IS OBVIOUS THAT PETITIONER AND SEXTON ENTRUSTED EACH OTHER WITH THE OTHER'S PRIVACY AS THEY JOINTLY LEASED AN APARTMENT, SHARING AND OCCUPYING THE SAME ROOM AND CLEARLY BOTH OF THEM RETAINED THE AUTHORITY AND RIGHT TO EXCLUDE OTHERS FROM THE VEHICLE AND PURSE BUT FOR WONG'S TAINTED CONSENT. IN FACT, AMONGST THE CONTENTS DISCOVERED IN THE ILLEGALLY SEARCHED VEHICLE WAS THE JOINT LEASE OF THE CHARLESTON RESIDENCE LEASED BY THE COUPLE WHICH WAS THE LEAD LEADING OFFICERS TO ITS LOCATION (PA 59, 86) ("DOCUMENTATION LISTED AN ADDRESS OF 2895 EAST CHARLESTON BLVD., NO. 2085, LAS VEGAS, NV, 89104").

SEXTON "CONSENTED" TO PETITIONER'S BELONGINGS AND EFFECTS IN HER PURSE JUST AS PETITIONER "CONSENTED" TO HER PURSE AND OTHER EFFECTS IN THE VEHICLE OWNED BY HIM. BOTH HAD A ADVERSE INTEREST AND PERSONAL STAKE IN THE OUTCOME OF A SUPPRESSION HEARING HAD THE DISTRICT COURT NOT ABUSED ITS DISCRETION IN FAILING TO ORDER ONE. PETITIONER RETAINED A SUBSTANTIAL INTEREST IN THE SEARCH OF HIS VEHICLE AS ITS OWNER.

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WONG WAS NOT LEGITIMATELY OPERATING PETITIONER'S VEHICLE WITH CONSENT AND HAD NO FOURTH AMENDMENT RIGHT, AUTHORITY OR INTEREST IN THE VEHICLE IN WHICH TO CONSENT TO A SEARCH. BASED UPON THE ABOVE, THE SEARCH AND SEIZURE OF PETITIONER'S VEHICLE WAS UNCONSTITUTIONAL AND ALL ITEMS AND INFORMATION ASSOCIATED WITH AND/OR IN THE DISCOVERY LINK OF THOSE INFORMATIONS AND EFFECTS SHOULD BE SUPPRESSED AS FRUITS OF THE POISONOUS TREE. (SEE ATTACHED DIAGRAM AT PA 197 HEREOF. ALSO SEE AA0005-0042).

B. PRE-ARREST SURREPTITIOUS SURVEILLANCE OF PETITIONER.

ALTHOUGH DETECTIVE LAPEER'S GATHERING OF FACTS FROM WITNESS VICTIM STATEMENTS DIDN'T CONCLUDE TO DEVELOP PROBABLE CAUSE UNTIL HIS JANUARY 21, 2016 3:00 A.M. TERMINATION OF INTERVIEWING VICTIM JASON CLIFF AT THE HOSPITAL, DETECTIVES AS EARLY A 1/2 HOUR BEFORE SAID INTERVIEW TERMINATION INITIATED A WARRANTLESS SURREPTITIOUS SURVEILLANCE OF PETITIONER'S SECOND PLACE OF RESIDENCE AT 9457 SOUTH LAS VEGAS BOULEVARD, NO. 145, LAS VEGAS, NV, 89145 WHICH CONTINUED THROUGH THE A.M. HOURS UNTIL THE TIME OF PETITIONER'S ARREST (PA 85, 97-98).

ALTHOUGH THE HIGH COURT IN OLMSTEAD V. U.S., 277 U.S. 438 INITIALLY SUPPOSED THAT SURVEILLANCE WITHOUT ANY PHYSICAL TRESPASS AND WITHOUT THE SEIZURE OF A PHYSICAL MATERIAL OBJECT FELL OUTSIDE THE AMBIT OF THE CONSTITUTION, THE COURT HAS SINCE DEPARTED FROM SUCH THE NARROW VIEW UPON WHICH OLMSTEAD RESTED. HOLDING THAT THE 4TH AMENDMENT PROTECTS "PEOPLE" AND NOT SIMPLY PLACES AND PROPERTY, THE HIGH COURT FOUND IT EVIDENT THAT THE REACH OF THE 4TH AMENDMENT DOES NOT TURN UPON THE PRESENCE OR ABSENCE OF A PHYSICAL INTRUSION INTO ANY GIVEN ENCLOSURE. SILVERMAN V. U.S., 365 U.S. 505, 511; GOLDMAN V. U.S., 316 U.S. 129, 134-136; FLORIDA V. JARDINES, 569 U.S. 1 (2013). THE HIGH COURT CONCLUDED THAT THE UNDERPINNINGS OF OLMSTEAD AND GOLDMAN HAVE BEEN SO ERODED BY SUBSEQUENT DECISIONS HOLDING THAT THE TRESPASS DOCTRINE COULD NO LONGER BE REGARDED AS CONTROLLING PRINCIPLE. KATZ V. U.S., 389 U.S. 347, 353 (1967). PHYSICAL PENETRATION INTO AN ENVIRONMENT IS OF NO MORE CONSTITUTIONAL SIGNIFICANCE IN 4TH AMENDMENT CASES.

THE QUESTION AS IN KATZ REMAINING FOR DECISION IS WHETHER THE SEARCH AND SEIZURE CONDUCTED IN THE FORM OF SURREPTITIOUS SURVEILLANCE COMPLIED WITH CONSTITUTIONAL STANDARDS. IN THE ABSENCE OF SUCH SAFEGUARDS BEING COMMENCED IN ADVANCE OF THE CHALLENGED SURVEILLANCE (I.E., PRESENTATION OF PROBABLE CAUSE FOR DETACHED SCRUTINY BY A NEUTRAL MAGISTRATE, ECT.), THE HIGH COURT HAS NEVER SUSTAINED A SEARCH UPON THE SOLE GROUNDS THAT OFFICERS REASONABLY EXPECTED TO FIND EVIDENCE OF A PARTICULAR CRIME OR SUSPECT AND VOLUNTARILY CONFINED THEIR ACTIVITIES TO THE LEAST INTRUSIVE MEANS.

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SEARCHES CONDUCTED WITHOUT WARRANTS HAVE BEEN HELD UNLAWFUL "NOTWITHSTANDING FACTS UNQUESTIONABLY SHOWING PROBABLE CAUSE." AGNELLO V. U.S., 269 U.S. 20, 30. FOR THE CONSTITUTION REQUIRES "THAT THE DELIBERATE, IMPARTIAL JUDGMENT OF A JUDICIAL OFFICER... BE INTERPOSED BETWEEN THE CITIZEN AND THE POLICE..." WONG SUN V. U.S., 371 U.S. 471, 481-82. OVER AND OVER AGAIN THE HIGH COURT HAS EMPHASIZED THAT THE MANDATE OF THE 4TH AMENDMENT REQUIRES ADHERENCE TO JUDICIAL PROCESSES AND THAT SEARCHES CONDUCTED OUTSIDE THE JUDICIAL PROCESS, WITHOUT PRIOR APPROVAL BY A JUDGE OR MAGISTRATE, ARE PER SE UNREASONABLE UNDER THE 4TH AMENDMENT. U.S. V. JEFFERS, 342 U.S. 48, 51 (1951) -- SUBJECT TO ONLY A FEW SPECIFICALLY ESTABLISHED AND WELL-DELINEATED EXCEPTIONS.

WHEREVER A MAN MAY BE, HE IS ENTITLED TO KNOW THAT HE WILL REMAIN FREE FROM UNREASONABLE SEARCH AND SEIZURE. THE OFFICERS IN THE INSTANT CASE IGNORED THE CONSTITUTIONALLY MANDATED PROCEDURE OF ANTECEDENT JUSTIFICATION... THAT IS CENTRAL TO THE FOURTH AMENDMENT, A PROCEDURE HELD BY THE HIGH COURT TO BE A CONSTITUTIONAL PRECONDITION TO SURVEILLANCE. OSBORN V. U.S., 385 U.S. 323, 330. BECAUSE THE SURVEILLANCE HERE FAILED TO MEET THAT CONDITION AND BECAUSE IT LED TO PETITIONER'S CONVICTION, THE JUDGMENT SHOULD BE REVERSED.

C. OATH OR AFFIRMATION.

THE 4TH AMENDMENT COMMANDS THAT "NO WARRANTS SHALL ISSUE BUT UPON PROBABLE CAUSE OR AFFIRMATION," HAS PROMPTED LITIGATION CONCERNING WHAT INFORMATION TRANSMITTED IN WHAT FASHION AND UNDER WHAT CIRCUMSTANCES, MAY BE TAKEN INTO ACCOUNT LATER IN DECIDING WHETHER A WARRANT WAS ISSUED ON PROBABLE CAUSE. IN WHITELEY V. WARDEN, 401 U.S. 560 (1971) THE HIGH COURT DETERMINED "AN OTHERWISE INSUFFICIENT AFFIDAVIT CANNOT BE REHABILITATED BY TESTIMONY CONCERNING INFORMATION POSSESSED BY THE AFFICIANT WHEN HE SOUGHT THE WARRANT BUT DID NOT DISCLOSE TO THE ISSUING MAGISTRATE," REASONING THAT A CONTRARY RULE WOULD "RENDER THE WARRANT REQUIREMENT OF THE FOURTH AMENDMENT MEANINGLESS."

DESPITE WHAT METHOD, OATH OR AFFIRMATION IS MADE OR HOW INFORMATION UNDERLYING A WARRANT IS TRANSMITTED, THE END RESULT REQUIRES THAT THE INFORMATION BE SWORN TO. THE TRUE TEST IS WHETHER THE PROCEDURES FOLLOWED WERE SUCH "THAT PERJURY COULD BE CHARGED THEREIN IF ANY MATERIAL ALLEGATION CONTAINED THERE IS FALSE." SIMON V. STATE, 515 P.2D 1161 (OKLA. CRIM. APP. 1973). THE OATH AFFIRMATION REQUISITE PROTECTS THE TARGET OF A SEARCH FROM IMPERMISSIBLE STATE ACTION BY CREATING LIABILITY FOR PERJURY OR FALSE SWEARING FOR THOSE WHO ABUSE THE WARRANT PROCESS BY GIVING FALSE, MISLEADING OR FRAUDULENT INFORMATION.

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UNDER FRANKS V. DELAWARE, 438 U.S. 154 (1978), COURTS WERE SPLIT AS TO WHETHER A DEFENDANT WAS AT LIBERTY TO INTRODUCE ADDITIONAL EVIDENCE AT A SUPPRESSION HEARING FOR THE PURPOSE OF PROVING THAT SOME OF THE ALLEGATIONS IN A FACIALLY-SUFFICIENT SEARCH WARRANT AFFIDAVIT WERE FALSE. THE FALSELY DISCOVERED INFORMATION INCLUDED IN THE AFFIDAVIT FOR THE SEARCH WARRANT ALSO INVALIDATE THE WARRANT IF SAID FACT WAS CRITICAL TO ESTABLISHING PROBABLE CAUSE FOR ISSUING THE WARRANT AS SUCH ARE FRUITS OF THE POISONOUS TREE.

AS FOR WHAT INACCURACIES JEOPARDIZE THE WARRANT, THE COURT IN FRANKS HELD IT MUST BE ESTABLISHED THAT A FALSE KNOWINGLY AND INTENTIONALLY, OR WITH RECKLESS DISREGARD FOR THE TRUTH FACT WAS INCLUDED BY THE AFFIANT IN THE WARRANT APPLICATION/AFFIDAVIT. RECKLESS DISREGARD COVERS THE CASE IN WHICH THE AFFIANT "IN FACT ENTERTAINS SERIOUS DOUBT AS TO THE TRUTH OF HIS ALLEGATIONS." U.S.V. WILLIAMS, 737 F.2D 594 (7TH CIR. 1984). FRANKS EMPHASIZES THAT THE DELIBERATE FALSITY OR RECKLESS DISREGARD MUST BE THAT OF THE AFFIANT NOT ANY GOVERNMENT WITNESSES.

FRANKS LEAVES NO DOUBT AS TO WHAT CONSEQUENCES ARE TO FOLLOW FROM THE REQUISITE INACCURACIES. A NUMBER OF LOWER COURTS HAVE ADOPTED THE APPROACH THAT INTENTIONAL FALSEHOODS "RENDER THE WARRANT INVALID REGARDLESS OF WHETHER SUCH STATEMENTS ARE MATERIAL TO ESTABLISHING PROBABLE CAUSE." U.S.V. HUNT, 496 F.2D 888 (5TH CIR. 1974). TO OBTAIN A FRANKS HEARING, THE DEFENDANT MUST "POINT SPECIFICALLY THE PORTION OF THE WARRANT AFFIDAVIT THAT IS CLAIMED TO BE FALSE" AND GIVE A "STATEMENT OF SUPPORTING REASONS." THE STANDARD OF PROOF AT THE HEARING IS A PREPONDERANCE OF THE EVIDENCE. FRANKS ALSO APPLIES WHERE THE AFFIDAVIT FAILED TO NOTE THE INFORMANT WAS AN ADMITTED LIAR AND HAD CONFESSED TO BEING INVOLVED IN FORGERY, EMBEZZLEMENT AND OTHER CRIMES OF MORAL TURPITUDE.

THE WARRANT AFFIDAVIT CONTENTS IN DISPUTE ARE CONTAINED AT PA 34-40 AND 53-60 AND CONTAIN THE FOLLOWING MISREPRESENTATIONS, DISTORTIONS, OMISSIONS, INACCURACIES AND/OR FALSITIES:

1. NOWHERE ON DISPATCH RECORDS WAS "HOME INVASION" MENTIONED (PA 34, 53, 107-120);

2. AT THE TIME OFFICER LEHMAN ENTERED THE APARTMENT OBSERVING A BLACK MALE WITH A TACTICAL VEST ENGEL COULDN'T HAVE OBSERVED A SECOND BLACK MALE RUNNING THROUGH THE PARKING LOT WITH A SIMILAR BLACK TACTICAL VEST ON (PA 34-35, 54, 89-90);

3. NOT A SINGLE PERSON OBSERVED THE BLACK MALE AND WHITE FEMALE JUMP OUT OF THE MASTER BEDROOM WINDOW AND BEGIN TO RUN TOWARD 7 HILLS (PA 35, 54, 69-104)

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4. NOT A SINGLE PERSON OBSERVED THE MALE AND FEMALE DROP A ASP AND 2 SETS OF GLOVES (PA 35, 54, 69-104);

5. THE BLACK MALE DID NOT EVADE OFFICERS "WHILE OFFICERS" WERE LOOKING FOR THE "SUSPECTS" WHO RAN AWAY NOR DID HE DISAPPEAR IN A "UNKNOWN" DIRECTION (PA 35, 54, 69-104);

6. WONG WAS NOT STOPPED NOR CITED FOR "SEVERAL DRIVING INFRACTIONS" (PA 35, 54, 88, 92);

7. NO PERSON REPORTED SEEING ALL SUSPECTS IN BLUE LATEX GLOVES (PA 35, 36, 55, 69-104);

8. NOONE REPORTED OR OBSERVED THE FEMALE HOLDING PAPERS IN HER HANDS WHEN SHE PLACED MARLENE IN HANDCUFFS (PA 37, 56, 69-104);

9. KEVIN WAS NOT WEARING SIMILAR CLOTHES AS SUSPECTS (PA 37, 56, 69-104);

10. KEVIN NEVER GAVE ADAMS CONSENT TO SEARCH THE VEHICLE (PA 37, 56, 92, 94, 149-194);

11. THE STOP ADAMS RESPONDED TO WAS A FELONY STOP NOT A TRAFFIC STOP (PA 37, 56, 88, 92);

12. KEVIN NEVER ADVISED/AGREED "TO DRIVE AMANDA" TO THE "HOME INVASION" NOR STATE SUCH TO OFFICERS (PA 38, 57, 94-97, 149-194);

13. KEVIN NEVER STATED THAT 2 BLACK MALES GOT OUT OF THE MUSTANG AND FORCED THEIR WAY INTO APARTMENT 2511 WITH AMANDA (PA 38, 57, 94-97, 149-194);

14. KEVIN NEVER STATED HE OBSERVED THE BLACK MALES AND AMANDA FLEE BEFORE HE DECIDED TO LEAVE IN THE JEEP (PA 38, 57, 94-97, 149-194);

15. KEVIN NEVER STATED HE SEEN THE BLACK MALES "RUNNING DOWN THE STREET" BEFORE HE "PASSED THEM" PRIOR TO BEING STOPPED (PA 38, 57, 94-97, 149-194);

16. DETECTIVES LAPEER AND ADAMS NEVER "CONFIRMED" THAT 2 BLACK MALES EXITED THE RED MUSTANG (PA 38, 57-58, 83-87, 94-97, 149-194);

17. KEVIN WAS PLACED UNDER ARREST FAR PRIOR TO ADAMS' ARRIVAL (PA 38, 57, 70, 84, 88, 92);

18. DURING THE CONVERSATION WITH KEVIN HE ADMITTED TO BEING A DRUG ADDICT (PA 152, 153, 168-170);

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19. DURING THE CONVERSATIONS WITH MARLENE AND JASON THEY BOTH ADMITTED TO BEING CONVICTED OF CRIMES OF MORAL TURPITUDE (IE., CREDIT CARD FRAUD, THEFT, EMBEZZLEMENT, ECT.) (PA 137, 138, 135, 141, 142-148);

20. DURING THE CONVERSATION WITH GLEN COUSERT HE ADMITTED BEING CONVICTED OF CRIMES OF MORAL TURPITUDE (FRAUD, FORGERY, ECT.) (SEE COUSERT'S GRAND JURY TESTIMONY AT P. 80);

21. UPON OFFICERS ARRIVAL AT JASON AND MARLENE'S RESIDENCE THEY DISCOVERED AN ACTIVE COMPLEX FORGERY LAB (PA 85, 136-137, 141, 145);

22. ANN WHITE NEVER CONFIRMED PETITIONER AND SEXTON WERE IN A DATING RELATIONSHIP NOR DID SHE CONVEY PETITIONER'S BIRTHDAY AND SOCIAL SECURITY NUMBER (PA 69-104);

23. OTHER EFFECTS OUT OF SEXTON'S PURSE WERE REMOVED AND HANDLED BY ADAMS IN ADDITION TO HER IDENTIFICATION CARD (PA 69-104).

1. PORTION OF AFFIDAVIT FALSITIES

A). RECKLESS DISREGARD FOR THE TRUTH

PARAGRAPHS 1, 2 AND 5-23;

B). SERIOUS DOUBT AS TO PROOF

PARAGRAPHS 1-6, 8-10, 12-17 AND 22;

C). KNOWING AND INTENTIONAL FALSEHOODS

PARAGRAPHS 2, 5, 6, 8, 9, 10, 12-16 AND 22;

D). OMISSIONS

PARAGRAPHS 6, 7, 11, 17-21 AND 23.

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2. STATEMENT OF SUPPORTING REASONS

WITH RESPECT TO PARAGRAPHS 1-8, 11, 16, 17, 21 AND 23, REPORTS CONFIRM OR CONTRADICT THESE FACTUAL ASSERTIONS AND CONCLUSIONS.

WITH RESPECT TO PARAGRAPHS 9, 10, 12-15, 18 AND 22, DIRECT ASSERTIONS FROM HIM/HER NEGATE AND REFUTE THESE ASSERTIONS.

WITH RESPECT TO PARAGRAPHS 9, 12-15 AND 18-21, TRANSCRIPTS SUPPORT OR REFUTE THESE ASSERTIONS.

WITH RESPECT TO PARAGRAPH 9, OFFICIAL BOOKING PHOTOS, BODY CAM AND PATROL CAR VIDEO FOOTAGE SUPPORTS THIS ASSERTION.

BASED ON THE FOREGOING FACTUAL ALLEGATIONS, PETITIONER RESPECTFULLY SOUGHT A FRANKS HEARING AND THE ABILITY TO USE THE COMPULSORY PROCESS OF THE DISTRICT COURT TO SUBPOENA ALL RELEVANT PARTIES AND EVIDENCE TO PROVE-UP HIS ASSERTIONS AND ENSURE THAT JUSTICE AND FAIRNESS PREVAILED TO NO AVAIL AS THE DISTRICT COURT FAILED AND ERRED BY NOT MAKING A PRE-TRIAL RULING ON SAID CLAIMS IN SQUARE CONTRAVENTION TO PETITIONER'S CONSTITUTIONAL RIGHTS UNDER THE 4TH AND 14TH AMENDMENTS TO THE U.S. CONSTITUTION.

III. THE PROSECUTION BREACHED ITS DUTY UNDER BRADY V. MARYLAND, 373 U.S. 83 (1963) IN FAILING TO DISCLOSE, PRE-TRIAL, THE CRIMINAL HISTORIES OF MARLENE BURKHALTER, JASON CLIFF, ANN WHITE, GLEN COUSERT, KRISTIN BURTON AND KATHLEEN PEPPY AS WELL AS OTHER MATERIAL DISCOVERY IN ITS POSSESSION.

THE PROSECUTION HAD A VARIETY OF EXCULPATORY INFORMATION IT DID NOT DISCLOSE TO PETITIONER IN VIOLATION OF BRADY INCLUDING THE CRIMINAL HISTORIES OF THE VICTIMS, PROSECUTION WITNESSES, SEARCH WARRANT AND RETURN ON VICTIMS APARTMENT, POLICE REPORTS AND CRIMINAL DOCUMENTS CRIMINALLY CHARGING CLIFF AND BODY CAM FOOTAGE OF PETITIONER'S ARREST WHICH WERE ALL IMPEACHMENT MATERIALS AND EXCULPATORY EVIDENCE.

BY VIRTUE OF THE STATE'S FIRST INDICTMENT AGAINST PETITIONER FILED MARCH 09, 2016 (AA 'A'-'F'), THE STATE ENLISTED WITNESSES IT PERCEIVABLY ANTICIPATED SUMMONING TO TRIAL. AMONGST THESE WITNESSES AND MATERIAL TO PETITIONER'S BRADY CLAIM WERE PROSECUTION WITNESSES JASON CLIFF, MARLENE BURKHALTER, GLEN COUSERT AND ANN WHITE. ON FEBRUARY 20, 2019 THE STATE AMENDED THE INDICTMENT (AA0083-0093). THESE AMENDMENTS CONTINUED TO ENLIST THE 4 ABOVE-WITNESSES AS PROSECUTORIAL WITNESSES IN ADDITION TO KATHLEEN PEPPY AND KRISTIN BURTON WHOM THE PROSECUTION ANTICIPATED CALLING AT THE UNDERLYING TRIAL (AA 0139, 0347, 0353, 0359).

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AT THE TRIAL, THE PROSECUTION EXPRESSED IT'S INTENT ON CALLING CLIFF, BURKHALTER, WHITE, BURTON, COUSERT AND PERRY AMONG OTHER WITNESSES. CONSEQUENTLY, AT NO POINT IN DISCOVERY OR PRIOR TO THE COMMENCEMENT OF TRIAL ON FEBRUARY 19, 2019, DID THE PROSECUTION DISCLOSE THE CRIMINAL HISTORIES OF THESE WITNESSES, POLICE REPORTS AND STATE CHARGING DOCUMENTS CHARGING CLIFF FROM EVENTS DISCOVERED ON JANUARY 21, 2016, THE ASSOCIATED SEARCH WARRANT AND RETURN ON CLIFF'S RESIDENCE, AND BODY CAM FOOTAGE OF PETITIONER'S ARREST. THESE WERE AMONG THE CONCERNS ARTICULATED BY PETITIONER IN HIS DECEMBER 14, 2017 CORRESPONDENCE AND AT THE APRIL 18, 2017 HEARING IN WHICH THE COURT EXPRESSLY DIRECTED THE PROSECUTION TO DISCLOSE EVERYTHING AND TO WHICH THE PROSECUTION FALSELY AFFIRMED TO THE COURT AND COUNSEL THAT EVERYTHING HAD BEEN TURNED OVER (PA 21,22,28,29). TODATE THE 7 OFFICER REPORTS MENTIONED AT PA 234 FN.6 (SEE ALSO PA 69-104). RECENTLY DISCOVERED BODY CAM VIDEO FOOTAGE OF PETITIONER AND WONG'S ARREST WAS NEVER PRODUCED PRIOR TO TRIAL WHICH BEARED ON THE CREDIBILITY OF THE TESTIFYING OFFICERS AT TRIAL AND PROSPECTIVE DEFENSES OF PETITIONER.

BRADY V. MARYLAND, 373 U.S. 83 (1963) AND ITS PROGENCY REQUIRE A PROSECUTOR TO DISCLOSE MATERIAL EVIDENCE FAVORABLE TO THE DEFENSE. EVIDENCE IS MATERIAL IF THERE IS A REASONABLE PROBABILITY THAT THE RESULT WOULD HAVE BEEN DIFFERENT IF IT HAD BEEN DISCLOSED. SEE JIMENEZ V. STATE, 112 NEV. 610, 618-19 (1996). SUCH A REASONABLE PROBABILITY IS SHOWN WHERE THE NON-DISCLOSURE UNDERMINES CONFIDENCE OF THE OUTCOME OF THE TRIAL. KYLES V. WHITNEY, 514 U.S. 419, 434 (1995).

IT IS A VIOLATION OF DUE PROCESS FOR THE PROSECUTION TO WITHHOLD EXCULPATORY EVIDENCE AND HIS MOTIVE FOR DOING SO IS IMMATERIAL. WALLACE V. STATE, 88 NEV. 549, 551-52 (1972); BRADY, SUPRA. THE PROSECUTOR REPRESENTS THE STATE AND HAS A DUTY TO SEE THAT JUSTICE IS DONE IN A CRIMINAL PROSECUTION. WHERE EVIDENCE IS FAVORABLE TO AN ACCUSED AND IS MATERIAL TO EITHER GUILT OR PUNISHMENT IT MUST BE DISCLOSED BY THE PROSECUTOR. ROBERTS V. STATE, 110 NEV. 1121, 1127 (1994).

THE STANDARD FOR DETERMINING THE MATERIALITY OF WITHHELD EVIDENCE VARIES. IN CASES WHERE THE DEFENSE MAKES NO REQUEST OR A GENERAL REQUEST FOR EVIDENCE, "IF THE OMITTED EVIDENCE CREATES A REASONABLE DOUBT WHICH DID NOT OTHERWISE EXIST, CONSTITUTIONAL ERROR HAS BEEN COMMITTED." ID. AT 1128 (QUOTING U.S. V. AGURS, 427 U.S. 97 (1976) (EMPHASIS ADDED IN ROBERTS). UNDER THIS STANDARD, EVIDENCE IS MATERIAL IF THERE IS A REASONABLE PROBABILITY THAT THE RESULT WOULD HAVE BEEN DIFFERENT IF THE EVIDENCE HAD BEEN DISCLOSED. ID. A REASONABLE PROBABILITY IS ONE SUFFICIENT TO UNDERMINE CONFIDENCE IN THE OUTCOME. ID.

IT IS WELL-SETTLED THAT EVIDENCE THAT WOULD ENABLE EFFECTIVE CROSS-EXAMINATION AND IMPEACHMENT MAY BE MATERIAL AND THAT NON-DISCLOSURE OF SUCH EVIDENCE MAY DEPRIVE AN ACCUSED OF A FAIR TRIAL. ROBERTS, 110 NEV. 1132-33. THIS IS SIMPLY ANOTHER APPLICATION OF BRADY AND ITS PROGENCY. SEE ID. EVEN IF THE PROSECUTION WAS UNAWARE OF THESE WITNESSES' CRIMINAL HISTORY WITHOUT CONCEDING HE WAS, ANY FAILURE TO DISCLOSE MATERIAL WOULD BE REVIEWABLE FOR PREJUDICE TO THE DEFENDANT.

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MOREOVER, THE STATE ATTORNEY IS CHARGED WITH CONSTRUCTIVE KNOWLEDGE AND POSSESSION OF EVIDENCE WITHHELD BY OTHER STATE AGENTS, SUCH AS LAW ENFORCEMENT OFFICERS. GORHAM V. STATE, 597 SO.2D 782, 784 (FLA. 1992); CF. U.S.V. BUTLER, 567 F.2D 885, 891 (9TH CIR. 1978)

A REASONABLE PROBABILITY OF A DIFFERENT RESULT WAS HIGHLY LIKELY HAD THE CHALLENGED, MATERIAL, RELEVANT AND/OR IMPEACHMENT EVIDENCE BEEN DISCLOSED TO PETITIONER PRIOR TO TRIAL. DUE TO TRIAL COUNSEL'S INEFFECTIVENESS, LACK OF PRE-TRIAL INVESTIGATION AND PREPARATION AND INTENT ON BASING PETITIONER'S DEFENSE EXCLUSIVELY ON THE PROSECUTION'S EVIDENCE AND CASE IN CHIEF (AA 0139-0140), ASIDE FROM THE COERCIVE TACTICS AND MENTAL HEALTH BASIS, MID-TRIAL WITHOUT THE BENEFITS OF NEGOTIATIONS, DUE TO A SENSE OF DEFEAT, HOPELESSNESS AND LACK OF FIERCE DEFENSE PRESENTATION BY COUNSEL, PETITIONER PLED GUILTY TO ALL COUNTS OF THE INDICTMENT.

ARMED WITH THIS INFORMATION APART FROM THE COERCIVE THREATS AND INTERVENING MENTAL HEALTH FACTORS, PETITIONER WOULD HAVE ABSTAINED FROM PLEADING GUILTY, PROCEEDED THROUGH TRIAL AND EXERCISED HIS 6TH AMENDMENT GUARANTEE IN CONFRONTING BURKHALTER, CLIFF, WHITE, COUSERT, BURTON AND PERRY WITH SAID POWERFUL IMPEACHMENT EVIDENCE. CLEARLY AT FULL TRIAL JURORS WOULD HAVE BEEN ABLE TO DISCOUNT THE TESTIMONY OF THESE WITNESSES HAD THEY BEEN INFORMED THAT EACH OF THESE WITNESSES WERE CONVICTED FELONS, SOME SPECIFICALLY INCURRING CONVICTIONS OF CRIMES INVOLVING MORAL TURPITUDE. WITH RESPECT TO THE BODY CAM FOOTAGES DESPITE THE CASH OF OTHER NOTICES AND INDICATIONS COUNSEL WAS AFFORDED, THE VIDEO OF PETITIONER'S ARREST WOULD HAVE ALERTED BOTH COUNSEL EARLY ON IN THE CASE WITH RESPECT TO AND BOLSTERED THE BASIS OF A MENTAL HEALTH DEFENSE. THE SEARCH WARRANT AND RETURN ON CLIFF, WONG'S ARREST VIDEO FOOTAGE, POLICE REPORTS INDICATED AT FN 6 OF PA 234 AND THE STATE'S CHARGING DOCUMENTS AGAINST CLIFF WERE ESSENTIAL FOR PROPER AND EFFECTIVE CROSS EXAMINATION AND TO SUBJECT THE STATE'S CASE TO FIERCE TESTING TO COMPORT WITH DEFENDANTS DUE PROCESS.

JUST AS THE COURT CONDUCTED A NCIC INQUIRY ON PROSPECTIVE JUROR 0518 ON FEBRUARY 19, 2019 INSTANTANEOUSLY, IT CAN DO THE SAME TO CONFIRM THE EXISTENCE AND DISCLOSURE WORTHY NATURE OF PREVIOUS CONVICTIONS OF EACH OF THE ABOVE MENTIONED WITNESSES (AA 143-145, 194-195). A NCIC CHECK WILL CONFIRM CONVICTIONS OF EACH OF THE PROSECUTIONS 6 ABOVE IDENTIFIED WITNESSES WHOMS SOCIAL SECURITY NUMBERS AND DATES OF BIRTH HAVE BEEN FILED UNDER SEAL TO PROTECT THEIR PRIVACIES AT EXHIBIT "2" OF SEAL MOTION.

BASED ON THESE EGREGIOUS BRADY VIOLATIONS, PETITIONER WAS DENIED A FAIR AND JUST TRIAL. HAD HE BEEN MADE AWARE OF THIS BRADY MATERIAL PRIOR TO TRIAL, IT WOULD HAVE FACTORED SUBSTANTIALLY AND DISCOURAGED HIS GUILTY PLEA TO THE SHEET. ACCORDINGLY, PETITIONER'S CONVICTION MUST BE REVERSED ON THIS GROUND.

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IV BOTH TRIAL AND APPELLATE COUNSEL RENDERED INEFFECTIVE ASSISTANCE OF COUNSEL AS THERE CONDUCTS FELL BELOW AN OBJECTIVE STANDARD OF REASONABLENESS UNDER STRICKLAND V. WASHINGTON, 466 U.S. 668 (1984).

THE AMERICAN BAR ASSOCIATION (ABA) STANDARDS ON THE PROSECUTION AND DEFENSE FUNTIONS EMPHASIZES THE CRUCIAL IMPORTANCE OF INVESTIGATION BY CRIMINAL DEFENSE ATTORNEYS FOR THEIR CLIENTS. SEE ABA STANDARDS 4.1 WHICH STATES, INTER ALIA:

4.1 DUTY TO INVESTIGATE

IT IS THE DUTY OF THE LAWYER TO CONDUCT A PROMPT INVESTIGATION OF THE CIRCUMSTANCES OF THE CASE AND EXPLORE ALL AVENUES LEADING TO FACTS RELEVANT TO GUILT AND DEGREE OF GUILT OR PENALTY. THE INVESTIGATION SHOULD ALWAYS INCLUDE EFFORTS TO SECURE INFORMATION IN THE POSSESSION OF THE PROSECUTION AND LAW ENFORCEMENT AUTHORITIES. THE DUTY TO INVESTIGATE EXISTS REGARDLESS OF THE ACCUSED'S ADMISSIONS OR STATEMENTS TO THE LAWYER OF FACTS CONSTITUTING GUILT OR HIS STATED DESIRE TO PLEAD GUILTY (EMPHASIS ADDED).

THIS ENTAILS CONDUCTING CAREFUL FACTUAL AND LEGAL INVESTIGATIONS AND INQUIRIES WITH A VIEW TO DEVELOPING MATTERS OF DEFENSE IN ORDER THAT HE MAY MAKE INFORMED DECISIONS ON HIS CLIENT'S BEHALF BOTH AT THE PLEADING STAGE... AND AT TRIAL. IN RE SAUNDERS, 472 P.2D 921, 926 (CAL. 1970). COUNSEL'S FAILURE TO UNDERTAKE THESE CAREFUL INVESTIGATIONS AND INQUIRIES RESULT IN OMITTING A CRUCIAL DEFENSE FROM THE DEFENSE'S CASE. PEOPLE V. STANWORTH, 522 P.2D 1058 (CAL. 1974). THE SAME ABA STANDARDS FOR CRIMINAL JUSTICE FURTHER SET FORTH MANDATORY STANDARDS BY IN WHICH THE ASSISTANCE OF COUNSEL MAY BE JUDGED. PEOPLE V. WHITE, 514 P.2D 69, 71-72 (COLO. 1973). THE FOLLOWING SECTIONS OF THE DEFENSE FUNCTION STANDARDS ARE FURTHER OF PARTICULAR RELEVANCE HERE: 1.1 (B) (ROLE OF DEFENSE COUNSEL); AND 3.2 (INTERVIEWING OF CLIENT).

FURTHER OF RELEVANCE TO THIS CLAIM IS THE NEVADA INDIGENT DEFENSE STANDARDS OF PERFORMANCE - FELONY AND MISDEMEANOR TRIAL CASES AND APPELLATE AND POST-CONVICTION REPRESENTATION STANDARDS ADOPTED BY THE NEVADA SUPREME COURT JANUARY 04, 2008 IN ADKT NO. 411 AS WILL BE RECITED, INFRA.

THE TWO-PART TEST APPLICABLE FOR A CLAIM OF INEFFECTIVE ASSISTANCE OF COUNSEL IS THAT SETFORTH IN STRICKLAND V. WASHINGTON, 466 U.S. 668 (1984):

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FIRST, THE DEFENDANT MUST SHOW COUNSEL'S PERFORMANCE WAS DEFICIENT... SECOND, DEFENDANT MUST SHOW THAT THE DEFICIENT PERFORMANCE PREJUDICED THE DEFENSE...

CONCERNING THE FIRST REQUIREMENT, THE U.S. SUPREME COURT HAS EXPLAINED THAT THE ACCUSED "MUST SHOW THAT COUNSEL'S REPRESENTATION FELL BELOW AN OBJECTIVE STANDARD OF REASONABLENESS." ID. AT 688. THE COURT HAS ALSO EXPLAINED THAT, IN MEETING THE SECOND REQUIREMENT, THE ACCUSED CAN ESTABLISH PREJUDICE BY SHOWING THAT THE ATTORNEY'S DEFICIENT PERFORMANCE "ACTUALLY HAD AN ADVERSE EFFECT ON THE DEFENSE;" THAT IS, THAT THE ATTORNEY'S PERFORMANCE WAS SUFFICIENTLY POOR THAT IT "UNDERMINES CONFIDENCE IN THE OUTCOME." ID. AT 693-94. ALSO SEE KIRKSEY V. STATE, 112 NEV. 980 (1996).

THE UNITED STATES SUPREME COURT IN STRICKLAND NOTED THAT:

... JUDICIAL SCRUTINY OF COUNSELS PERFORMANCE MUST BE HIGHLY DEFERENTIAL, HOWEVER, COUNSEL MUST AT A MINIMUM CONDUCT A REASONABLE INVESTIGATION ENABLING HIM TO MAKE INFORMED DECISIONS ABOUT HOW BEST TO REPRESENT HIS CLIENT.

STRICKLAND, ID. 691 (EMPHASIS ADDED). SEE ALSO, KIRKSEY, SUPRA, 112 NEV. AT 987-88.

REVERSING A CONVICTION FOR INEFFECTIVE ASSISTANCE OF COUNSEL, THE NEVADA SUPREME COURT IN SANBORN V. STATE, 107 NEV. 399 (1991) STATED:

"TO STATE A CLAIM OF IAC THAT IS SUFFICIENT TO INVALIDATE A JUDGMENT OF CONVICTION, SANBORN MUST DEMONSTRATE THAT THAT TRIAL COUNSEL'S PERFORMANCE FELL BELOW AN OBJECTIVE STANDARD OF REASONABLENESS AND THAT COUNSEL'S DEFICIENCIES WERE SO SEVERE THAT THEY RENDERED THE JURY'S VERDICT UNRELIABLE. SEE STRICKLAND V. WASHINGTON, 466 U.S. 668 (1984); WARDEN V. LYONS, 100 NEV. 430, 683 P.2D 504 (1984); CERT. DENIED, 471 U.S. 1004 (1985). FOCUSING ON COUNSEL'S PERFORMANCE AS A WHOLE, AND WITH DUE REGARD FOR THE STRONG PRESUMPTION OF EFFECTIVE ASSISTANCE ACCORDED COUNSEL BY THIS COURT AND STRICKLAND, WE HOLD THAT SANBORNS REPRESENTATION INDEED FELL BELOW AN OBJECTIVE STANDARD OF REASONABLENESS. TRIAL COUNSEL DID NOT ADEQUATELY PERFORM PRETRIAL INVESTIGATION, FAILED TO PURSUE EVIDENCE SUPPORTIVE OF A CLAIM OF SELF-DEFENSE, AND FAILED TO EXPLORE ALLEGATIONS OF THE VICTIM'S PROPENSITY TOWARD VIOLENCE. THUS, HE "WAS NOT FUNCTIONING AS THE 'COUNSEL' GUARANTEED THE DEFENDANT BY THE SIXTH AMENDMENT. STRICKLAND, 466 U.S. AT 687..."

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IN UNITED STATES V. GRAY, 878 F.2D 701 (3RD CIR. 1989), THE COURT FOUND COUNSEL INEFFECTIVE FOR FAILING TO ADEQUATELY INVESTIGATE, STATING:

"INEFFECTIVE ASSISTANCE IS GENERALLY CLEAR IN THE CONTEXT OF COMPLETE FAILURE TO INVESTIGATE BECAUSE COUNSEL CAN HARDLY BE SAID TO HAVE MADE A STRATEGIC CHOICE AGAINST PURSUING A CERTAIN LINE OF INVESTIGATION WHEN HE HAD NOT YET OBTAINED THE FACTS ON WHICH SUCH A DECISION COULD BE MADE." SEE STRICKLAND, 466 U.S. AT 690-91; SEE ALSO, DEBANGO, 780 F.2D AT 85 ("THE FAILURE TO INVESTIGATE POTENTIALLY CORROBORATING WITNESSES... CAN HARDLY BE CONSIDERED A TACTICAL DECISION"); SULLIVAN, 819 F.2D AT 1389; NEALY, 764 F.2D AT 1178; CRISP, 743 F.2D AT 584.

"SUCH IS THE SITUATION PRESENTED IN THIS CASE. COUNSEL OFFERED NO STRATEGIC JUSTIFICATION FOR HIS FAILURE TO MAKE ANY EFFORT TO INVESTIGATE THE CASE, AND INDEED HE COULD HAVE OFFERED NO SUCH RATIONALE. AS HE ADMITTED, HE DID NOT GO TO THE CRIME SCENE OF THE INCIDENT TO INTERVIEW POTENTIAL WITNESSES, EVEN THOUGH, AS THE POLICE OFFICERS TESTIFIED, THERE WERE AS MANY AS 25 WITNESSES INCLUDING MANY PERSONS WHO WOULD HAVE BEEN EASILY LOCATED, SUCH AS THE BARTENDER AND PEOPLE WHO CAME OUT OF THEIR HOUSES TO OBSERVE THE DISTURBANCE." ID. 711. SEE ALSO, U.S. V. BURROWS, 872 F.2D 915, 918 (9TH CIR. 1989), (QUOTING SPANO V. NEW YORK, 360 U.S. 315, 326 (1959) (DOUGLAS, J., CONCURRING) (EMPHASIS ADDED).

FELONY AND MISDEMEANOR TRIAL CASES STANDARDS CONCERNING REPRESENTATION OF INDIGENT DEFENDANTS IN CRIMINAL CASES ("ADKT 411") STANDARD 4(C) REQUIRED BOTH GRUBER AND SANFT TO ACQUIRE CERTAIN INFORMATION FROM PETITIONER AT THEIR INITIAL INTERVIEWING OF HIM INCLUDING HIS PHYSICAL AND MENTAL HEALTH AND HIS IMMEDIATE MEDICAL NEEDS. STANDARD 6(D) REQUIRED THAT WHEN GRUBER BECAME AWARE THAT PETITIONER WAS SUBJECT OF A GRAND JURY INVESTIGATION, HE WAS OBLIGATED TO CONSULT WITH AND DISCUSS THE GRAND JURY PROCESS WITH PETITIONER INFORMING OF HIS RIGHT TO TESTIFY AND PRESENT EVIDENCE AT SAID PROCEEDING. STANDARD 7(B)(5) AND (6) REQUIRED BOTH SANFT AND GRUBER IN PREPARING AND INVESTIGATING THE CASE TO REQUEST AND SECURE DISCOVERY INCLUDING EXCULPATORY/IMPEACHING INFORMATION AND PROSECUTION WITNESSES CRIMINAL RECORDS, 911 TAPES, ALL DOCUMENTS RELEVANT TO ANY SEARCHES CONDUCTED, MENTAL HEALTH, DRUG TREATMENT AND OTHER RECORDS OF PETITIONER AND OBTAIN THE ASSISTANCE OF SUCH EXPERTS AS ARE APPROPRIATE TO THE FACTS OF THE CASE.

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APPELLATE AND POST-CONVICTION REPRESENTATION STANDARDS OF ADKT 411 STANDARD 2(A) AND (E) REQUIRED JACKSON TO CONDUCT A THOROUGH REVIEW OF THE TRIAL TRANSCRIPT, THE PLEADINGS AND DOCKET ENTRIES IN THE CASE AND INFORM PETITIONER WHEN COUNSEL HAS DECIDED NOT TO RAISE ISSUES THAT PETITIONER DESIRES TO BE RAISED AND THE REASON WHY THE ISSUES WERE NOT RAISED. STANDARD 5(B) REQUIRED JACKSON TO DISCUSS THE MERITS, STRATEGY AND RAMIFICATIONS OF THE PROPOSED APPEAL AND PROVIDE PETITIONER A WRITTEN SUMMARY OF THE MERITS AND STRATEGY TO BE EMPLOYED IN THE APPEAL ALONG WITH A STATEMENT OF THE REASONS CERTAIN ISSUES WILL NOT BE RAISED. STANDARD 5(E) REQUIRED JACKSON AS APPELLATE COUNSEL TO RESPOND IN A TIMELY MANNER TO ALL CORRESPONDENCE FROM PETITIONER AS HIS CLIENT, PROVIDED THAT THE CLIENT CORRESPONDENCE IS OF A REASONABLE NUMBER AND AT A REASONABLE INTERVAL. STANDARD 8(6) REQUIRED THAT JACKSON COOPERATE WITH PETITIONER ... IN SECURING THE TRIAL AND APPELLATE RECORD AND INVESTIGATION OF POTENTIAL CLAIMS FOR POST-CONVICTION REVIEW.

THE RIGHT TO EFFECTIVE ASSISTANCE OF COUNSEL AT TRIAL IS A BEDROCK PRINCIPAL IN OUR JUSTICE SYSTEM. IT IS DEEMED AS AN "OBVIOUS TRUTH" THE IDEA THAT "ANY PERSON HAILED INTO COURT, WHO IS TOO POOR TO HIRE AN ATTORNEY, CANNOT BE ASSURED A FAIR TRIAL UNLESS COUNSEL IS PROVIDED FOR HIM." GIDEON V. WAINWRIGHT, 372 U.S. 335, 344 (1963). INDEED, THE RIGHT TO COUNSEL IS THE FOUNDATION FOR OUR ADVERSARY SYSTEM. DEFENSE COUNSEL TESTS THE PROSECUTION'S CASE TO ENSURE THE PROCEEDINGS SERVE THE FUNCTION OF ADJUDICATING GUILT OR INNOCENCE, WHILE PROTECTING THE RIGHTS OF THE PERSON CHARGED. POWELL V. ALABAMA, 287 U.S. 45, 68-69 (1932) ("[T]HE DEFENDANT) REQUIRES THE GUIDING HAND OF COUNSEL AT EVERY STEP IN THE PROCEEDINGS AGAINST HIM. WITHOUT IT, THOUGH HE BE NOT GUILTY, HE FACES THE DANGER OF CONVICTION BECAUSE HE DOES NOT KNOW HOW TO ESTABLISH HIS INNOCENCE." EFFECTIVE TRIAL COUNSEL PRESERVES CLAIMS TO BE CONSIDERED ON APPEAL. EDWARDS V. CARPENTER, 529 U.S. 446 (2000). WHEN A CLIENT EXPRESSLY ASSERTS HIS OBJECTIVES TO HIS COUNSEL IN A PROCEEDING, WHETHER BEING TRIAL OR APPEAL, HIS COUNSEL MUST ABIDE BY THAT OBJECTIVE AND MAY NOT OVERRIDE IT. U.S. CONST. AMEND. 6 (EMPHASIS ADDED). SEE ABA MODEL RULES OF PROF. CONDUCT 1.2(A)(2016) (A "LAWYER SHALL ABIDE BY A CLIENTS DECISION CONCERNING THE OBJECTIVES OF THE REPRESENTATION."); NEV. R. PROF. CONDUCT 1.2(A). SEE ALSO ADKT 411.

THE DEFENDANT'S CONSTITUTIONAL GUARANTEE OF COUNSEL "CANNOT BE SATISFIED BY MERE FORMAL APPOINTMENT." AVERY V. ALABAMA, 308 U.S. 444, 446 (1940). THE FACT THAT THE PERSON WHO HAPPENS TO BE A LAWYER IS PRESENT ALONGSIDE THE ACCUSED HOWEVER, IS NOT ENOUGH TO SATISFY THE CONSTITUTIONAL COMMAND. "AN ACCUSED IS ENTITLED TO BE ASSISTED BY AN ATTORNEY, WHETHER RETAINED OR APPOINTED, WHO PLAYS THE ROLE NECESSARY TO ENSURE THAT THE TRIAL IS FAIR." STRICKLAND, 466 U.S. 685; MCMANN V. RICHARDSON, 397 U.S. 759, 771 (1970). THE RIGHT TO COUNSEL IS A RIGHT TO EFFECTIVE COUNSEL NOT MERELY JUST A WARM BODY NEXT TO THE DEFENDANT. CUYLER V. SULLIVAN, 446 U.S. 344 (1980).

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THIS GUARANTEE BY THE SIXTH AMENDMENT IS A FUNDAMENTAL RIGHT. ARGERSINGER V. HAMLIN, 407 U.S. 25, 29-33. A VIOLATION OF THE 6TH AMENDMENT IS SHOWN UPON DEMONSTRATION OF A CONFLICT OF INTEREST ADVERSELY AFFECTING A LAWYER'S PERFORMANCE. GLASSER V. U.S., 315 U.S. 60, 92 (1942). COUNSEL'S EFFECTIVE PERFORMANCE, IN ORDER TO SATISFY THE 6TH AMENDMENT, MUST NOT REDUCE THE PLEADINGS TO A FARCE OR PRETENSE. INACTION IN CONDUCTING PRETRIAL INVESTIGATION RENDERS ASSISTANCE A SHAM. JACKSON V. WARDEN, 91 NEV. 430 (1975); WARDEN V. LISCHKO, 90 NEV. 221, 223 (1974). BUT SEE STATE V. LOVE, 109 NEV. 1136, 1139 (1993).

PREJUDICE IN THE CONTEXT OF IAC WAS AFFIRMED BY THE HIGH COURT IN 2017 IT WHICH IT CONCLUDED WHAT HAS BEEN ARGUED FOR DECADES. IN BUCK V. DAVIS, 137 S.CT. 759 (2017) IN REVIEWING A IAC CLAIM THE COURT CONCLUDED THAT IF IT IS REASONABLY PROBABLE THAT "AT LEAST 1 JUROR WOULD HAVE HARBORED A REASONABLE DOUBT" THEN ONE HAS PROVEN PREJUDICE SUFFICIENT FOR A IAC CLAIM. IT IS IMPORTANT TO REMEMBER THAT THE "REASONABLE PROBABILITY" STANDARD IS LESS DEMANDING THAN THE "PREPONDERANCE OF EVIDENCE" STANDARD WHICH IS A GENERAL STANDARD OF PROOF IN CIVIL CASES. THE PHRASE REFERS TO THE DEGREE OF PROOF THAT WOULD LEAD THE TRIER OF FACT TO FIND THAT THE EXISTENCE OF THE FACT IN ISSUE IS MORE PROBABLE THAN NOT. BARRON'S DIC. OF LAW TERMS (5TH ED. 2016) AT P. 438. PREPONDERANCE OF THE EVIDENCE STANDARD HAS BEEN INTERPRETED BY JUDGES AS A MEDIAN PROBABILITY OF 5.4 OUT OF 10 WITH 7.1 OUT OF 10 BEING THE MEDIAN FOR JURORS. SEE R. SIMON AND L. MAHAN, QUANTIFYING BURDENS OF PROOF, 5 LAW AND SOC. REV. 319 (1971).

IN ALCALA V. WOODFORD, 334 F.3D 862, 869 (9TH CIR. 2003), THE NINTH CIRCUIT ECHOED OTHER FEDERAL CASES IN STATING THAT A HABEAS PETITIONER MUST PROVE THE FACTUAL ALLEGATIONS UNDERLYING CLAIMS OF IAC BY A PREPONDERANCE OF THE EVIDENCE. CHOOSING CONSISTENCY WITH FEDERAL AUTHORITY, NEVADA SUPREME COURT IN MEANS V. STATE, 120 NEV. 1001 (2004) HELD THAT FROM THERE FORWARD A PETITIONER ON PCR MUST PRESENT THE DISPUTED FACTUAL ALLEGATIONS UNDERLYING HIS IAC CLAIM BY A PREPONDERANCE OF THE EVIDENCE AND EXPRESSLY OVERRULED DAVIS V. STATE, 115 NEV. 17, 20 (1999) AND ITS PREDECESSORS. A CLAIM OF IAC PRESENTS A MIXED QUESTION OF LAW AND FACT SUBJECT TO INDEPENDENT REVIEW (KIRKSEY V. STATE, 112 NEV. 980 (1996)) AND MUST BE PURSUED AT FIRST INSTANCE IN PCR PROCEEDINGS IN THE DISTRICT COURT. MCGEE V. STATE, 105 NEV. 718 (1989); BRYANT V. STATE, 102 NEV. 268 (1986); GIBBONS V. STATE, 97 NEV. 520 (1981)

PETITIONER SUBMITS THAT NEITHER OF HIS TRIAL COUNSEL CONDUCTED PRETRIAL INVESTIGATION AND WERE UNPREPARED TO CROSS EXAMINE PROSECUTION WITNESSES AND CALL FRIENDLY WITNESSES. GRUBER FAILED IN ENSURING PETITION WAS PROVIDED A MARCUM NOTICE AND OPPORTUNITY TO TESTIFY AND PRESENT EVIDENCE TO THE GRAND JURY. BOTH PRETRIAL COUNSEL FAILED TO COMMUNICATE ALL ANTICIPATED TACTICS/STRATEGIES RELATED TO THE CASE OR PURSUE PETITIONER'S MEDICAL, MENTAL HEALTH, HEAD TRAUMA, INTOXICATION, DIMINISHED CAPACITY AND DURESS CLAIMS TO SUPPORT THESE DEFENSES AND FAILED ANY ATTEMPT AT OBTAINING OR MERELY APPLYING FOR MEDICAL AND MENTAL HEALTH EXPERTS TO EVALUATE AND EXAMINE PETITIONER BEFORE TRIAL. COUNSEL IN ANY CASE MUST DEVELOP A TRIAL STRATEGY AND DISCUSS IT WITH HIS CLIENT. FLORIDA V. NIXON, 543 U.S. 175, 178 (2004). SUCH WAS NOT DONE IN THIS CASE.

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NEITHER COUNSEL EVEN ATTEMPTED TO EXPLORE THE BASIS UNDERLYING PETITIONER'S DESIRE TO SUPPRESS EVIDENCE BEING OFFERED AGAINST HIM NOR EVER ALERTED THE COURT OF PROSECUTOR NOR EVEN EXPLORED OR INVESTIGATED HIS MENTAL ILLNESS AND EXTENSIVE HISTORY, A CIRCUMSTANCE THAT AFFECTED AND IMPACTED HIS PLEA (IE., PTSD, TBI, PARANOID SCHIZOPHRENIA, HISTORY OF SUICIDE BEHAVIORS, HALLUCINATIONS, DRINKING BLEACH, INTOXICATION, ECT.) (PLAUSIBLE DEFENSES) AND WHICH WERE MITIGATING CIRCUMSTANCES AT SENTENCING AND DESPITE THE ROI'S EXECUTED BY PETITIONER ENABLING GRUBER TO ACCESS HIS MENTAL HEALTH AND MEDICAL RECORDS (PA 221-222, 272-274). ALTHOUGH GRUBER ULTIMATELY RECEIVED MENTAL HEALTH RECORDS FROM SUNRISE SEPTEMBER 14, 2017 (PA 315-331-A) HE NEVER USED OR ACTED ON SAID LEADS AND INFORMATION. HAD HE ORDERED PETITIONERS MENTAL HEALTH RECORDS FROM CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION ("CDCR") (PA 272-274) SOME 1458 PAGES OF RESPONSIVE TREATMENT RECORDS WOULD HAVE BEEN PROVIDED TO SUPPORT A MENTAL HEALTH DEFENSE (PA 338)[16]. SANFT'S INVESTIGATION IF ANY, WAS SO MINISCULE AND IN SUCH OBLIVION THAT HE WAS NOT EVEN AWARE OF THE FACT THAT PETITIONER -- HIS OWN CLIENT WAS REFERRED TO SPECIALTY MENTAL HEALTH COURT IN THE SAME COURTHOUSE HOSTING HIS TRIAL (PA 216-220). PETITIONER'S MENTAL HEALTH HISTORY LED TO FACTS RELEVANT TO BOTH GUILT AND PUNISHMENT AND WERE OBJECTIVES OF PETITIONER'S DEFENSE AND AUTONOMY NOT ADHERED TO BY COUNSELS. SEE ABA MODEL RULES 1.2(A) AND 4.1.

DESPITE BEING PROVIDED INFORMATION OF DEFENSE WITNESSES AND IN GRUBER'S CASE THE ACTUAL AFFIDAVIT OF PORTLOCK, NEITHER COUNSEL MADE A SINGLE ATTEMPT OR EFFORT AT CONTACTING THEM OR INVESTIGATING THEIR WHEREABOUTS NAMELY PORTLOCK, BENNETT, HOYER, WHITE AND BURTON. BOTH COUNSELS INVESTIGATION AT THE DISTRICT COURT LEVEL CONSISTED OF REVIEWING AND RELYING ON THE INVESTIGATIVE FILE AND CASE IN CHIEF OF THE PROSECUTION. NO NEUTRAL, IMPARTIAL, INDEPENDENT AND DETACHED INVESTIGATION OF COUNSEL EVER ENSUED. COUNSELS NEVER INTERVIEWED ANY FRIENDLY OR ADVERSE WITNESSES AS SOUGHT BY PETITIONER INCLUDING TRINA PORTLOCK AMONG THE OTHERS.

ASIDE FROM THE MENTAL HEALTH, DURESS, INTOXICATION, TRAUMATIC BRAIN INJURY ("TBI"), SUPPRESSION, FRANKS, BRADY AND FARETTA IAC-RELATED CONTENTIONS, BOTH COUNSEL FAILED TO DISCOVER THE MARCUM VIOLATION AND IMPEACH THE VICTIMS AND OTHER PROSECUTORIAL WITNESSES WITH THEIR PRIOR FELONY CONVICTIONS INVOLVING CRIMES OF MORAL TURPITUDE. TRIAL COUNSEL WAS FURTHER INEFFECTIVE FOR NOT FORCEFULLY CONFRONTING THE VICTIMS WITH MATERIAL INCONSISTENCIES IN THEIR TESTIMONY AND PRIOR STATEMENTS TO POLICE. AMONG THE LITANY OF OTHERS CLIFF'S HOSPITAL REFLECT HIM STATING HE DIDN'T USE DRUGS BUT LABS AND HIS POST-EVENT INTERVIEW BELIED SAID LIES.

16. ALTHOUGH THESE RECORDS WERE ORDERED BY AND DIRECTED TO PETITIONER, DUE TO INTERVENING AND STATE-CREATED IMPEDING CIRCUMSTANCES THEY ARE NOT CURRENTLY IN HIS IMMEDIATE POSSESSION FOR PRESENTATION TO THIS COURT IN SUPPORT OF THIS PETITION. AT A LATER DATE UPON RECEIPT OF SUCH, PETITIONER ANTICIPATES SUPPLEMENTING PETITIONERS APPENDIXS TO REFLECT SUCH.

PETITIONER STOPPED HIS PSYCHOTROPIC MEDICATION SHORTLY PRIOR TO ARREST AND AGAIN PRIOR TO TRIAL CAUSING HIM TO RELAPSE INTO PARANOID SCHIZOPHRENIC STATES. GIVEN PETITIONER'S EXTENSIVE PSYCHIATRIC HISTORY (DATING BACK AS FAR AS 1986) (PA 338) WHICH BOTH COUNSEL WERE ON NOTICE OF BY HIS PRE-TRIAL MOTIONS, BOTH PSI'S, HIS DECEMBER 14, 2017 LETTER (PA 28-29) AND IN GRUBER'S CASE ACTUAL POSSESSION OF MENTAL HEALTH RECORDS WHICH HE REFRAINED FROM USING (PA 314-331), A MENTAL STATE DEFENSE MAY HAVE BEEN A PLAUSIBLE DEFENSE FOR PETITIONER. EVIDENCE THAT HE HAD CEASED CONSUMING HIS EXTREMELY POWERFUL PRESCRIBED ANTI-PSYCHOTIC MEDICINES, SUFFERED A RELAPSE OF HIS SCHIZOPHRENIA, BECAME WITHDRAWN SUFFERING FROM MEMORY LOSS AND SEVERE MOOD SWINGS, TBI AGITATION COMBINED WITH HIS DRUG AND ALCOHOL INTOXICATION AND THE ATTENDING DURESS CIRCUMSTANCES MAY HAVE CONVINCED A JURY THAT HE DID NOT POSSESS THE APPROPRIATE MENTAL STATE TO ATTEMPT THE CRIME (PA 215, 223, 229-230, 249-251). SANFT'S REPRESENTATION OF PETITIONER WAS IN SUCH OBLIVION THAT HE WAS NOT EVEN AWARE OF PETITIONER'S PRE-TRIAL MENTAL HEALTH COURT REFERRAL OF JUNE 11, 2018 MADE SOME 7 MONTHS PRIOR TO TRIAL IN THE SAME COURT AS THE TRIAL (PA 216-220).

NONETHELESS, THE RECORD SHOWS NEITHER A INVESTIGATION OF A MENTAL OR OTHER DEFENSE BY EITHER COUNSEL NOR PROFESSIONAL JUDGMENTS NOT TO INVESTIGATE. COUNSEL COULD NOT MEANINGFULLY ADVOCATE PETITIONER'S RIGHTS WITHOUT ACCESS TO WITNESSES, MEDICAL AND MENTAL HEALTH RECORDS, EVIDENCE AND OTHER VITAL TOOLS TO MOUNT A DEFENSE.

COUNSEL FAILED BY NOT BEING AWARE OF THEIR CLIENT'S EXTENSIVE MEDICAL AND MENTAL HEALTH PROBLEMS OR BY PURPOSEFULLY IGNORING AND REFUSING TO PURSUE THESE DEFENSES DESPITE POSSESSING LEADS AND PETITIONER'S INSISTENCE THAT THEY DO SO. THEY FURTHER IGNORED HIS DURESS AND INTOXICATION DEFENSES. PRIOR TO THE TRIAL PROCEEDING IT WAS EVIDENT THAT COUNSEL WERE NOT AWARE THAT PETITIONER HAD BEEN TAKEN OFF HIS ANTI-PSYCHOTIC MEDICATIONS. MINIMUM INVESTIGATION WOULD HAVE PERMITTED THEM TO DISCOVER SUCH. THEY DID NO EXPLORATION OF A MENTAL HEALTH, DURESS OR DIMINISHED CAPACITY DEFENSE DESPITE PETITIONER'S URGING AND WERE NOT READY AT THE PLEA HEARING NOR DID SANFT COUNSEL PETITIONER PRIOR TO OR DURING THE PLEA HEARING.

MINIMUM INVESTIGATION WOULD HAVE YIELDED FAVORABLE WITNESSES TO PETITIONER'S DURESS / DIMINISHED CAPACITY / MENTAL HEALTH DEFENSES, IMPEACHMENT EVIDENCE AGAINST AT LEAST 5 PROSECUTION WITNESSES, DISCOVERY OF PETITIONER'S MENTAL ILLNESS AND TREATMENT BY PRESCRIPTION OF STRONG ANTI-PSYCHOTICS, THE BODY CAM FOOTAGE EXISTENCE, THE MARCUM DEFECT AND BASIS TO SUPPRESS AND EXCLUDE KEY PROSECUTION EVIDENCE UNDER FRUIT OF THE POISONOUS TREE DOCTRINE AS ILLEGALLY OBTAINED AND THE EXISTENCE OF BRADY MATERIAL NOT DISCLOSED BY THE STATE. MOLINA V. STATE, 120 NEV. 185 (2004) (SHOWING WHAT A BETTER INVESTIGATION WOULD HAVE DISCLOSED IS REQUIRED TO ESTABLISH IAC).

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PERFORMING NO INVESTIGATION IN SUCH A SERIOUS CASE IN WHICH PETITIONER FACED LIFE IMPRISONMENT CANNOT BE JUSTIFIED AND WERE IGNORANT AND NOT TACTICAL DECISIONS. PETITIONER SUBMITS HERE AS IN SANBORN, AN EVIDENTIARY HEARING WILL SHOW THAT PETITIONER WAS NOT GUILTY OF THE CHARGED OFFENSE BECAUSE HE SUFFERED FROM MENTAL ILLNESS, TBI AND INTOXICATION AND MAY HAVE NOT HAD SUFFICIENT CRIMINAL INTENT TO COMMIT THE CRIMES CHARGED AND THAT HE WAS SUBSTANTIALLY PREJUDICED BY COUNSELS IAC. SEE DUMAS V. STATE, 111 NEV. 1270 (1995); RILEY V. STATE, 110 NEV. 638, 650 (1994); EVANS V. LEWIS, 855 F.2D 631 (9TH CIR. 1988); AND DEUTSCHER V. WHITLEY, 946 F.2D 1443 (9TH CIR. 1991).

BECAUSE OF COUNSELS' INADEQUACIES UNDER STRICKLAND IN BOTH INVESTIGATING AND IN COUNSELING PETITIONER DURING PRE-TRIAL PROCEEDINGS AND AT TRIAL BEFORE HIS GUILTY PLEA AS WELL AS ON APPEAL, THEY RENDERED IAC PARTICULARLY AS FOLLOWS:

A. HARVEY GRUBER

GRUBER WAS APPOINTED FEBRUARY 01, 2016 THROUGH FEBRUARY 06, 2018.

SOME 09 MONTHS FOLLOWING HIS APPOINTMENT AND ON NOVEMBER 21, 2016, HE OPENLY DECLARED A CONFLICT AND INABILITY TO REPRESENT PETITIONER (AA 0001-0004, 0631-0634).

GRUBER FAILED TO:

- ENSURE PETITIONER WAS PROVIDED A TIMELY MAROUM NOTICE AND PROVIDED REASONABLE OPPORTUNITY TO TESTIFY BEFORE AND PRESENT EVIDENCE TO THE GRAND JURY PURSUANT TO NRS § 172.241;
- INVESTIGATE AND PURSUE THE BASIS UNDERLYING PETITIONER'S PRE-TRIAL HABEAS CORPUS WHICH SOUGHT A FRANKS AND SUPPRESSION HEARING DUE TO THE PROSECUTION'S USE OF ILLEGALLY OBTAINED EVIDENCE IN VIOLATION OF PETITIONER'S FOURTH AMENDMENT (AA 0005-0042);
- DISCOVER THE CHALLENGED BRADY MATERIALS ARTICULATED IN CLAIM III OF THIS PETITION;
- OBJECT, INTERJECT AND TREAT THE RECORD AT THE APRIL 18, 2017 HEARING TO ENSURE PETITIONER'S SIXTH AMENDMENT RIGHT TO AUTONOMY AND SELF-REPRESENTATION WAS PROTECTED, OBSERVED, HONORED AND RESPECTED (PA 2, 9-10, 21-22);
- CONDUCT PRE-TRIAL INVESTIGATION OF PETITIONER'S MENTAL HEALTH HISTORY (PA 29, 215, 230, 234, 254, 260, 264, 270, 272-274, 275-277, 314-331, 338), MEDICAL HISTORY, DIMINISHED CAPACITY, INTOXICATION (PA 223, 249-251) AND DURESS DEFENSES AS WELL AS COMPETENCY DURING THE CRIME OR CONSULT EXPERTS FOR THIS PURPOSE AND DESPITE PETITIONERS EXECUTION OF POI's (PA 221-222, 264, 270, 272, 275);
- INVESTIGATE THE CASE, THE EVIDENCE AND WITNESSES SEXTON, BURTON, COUSERT, WHITE, BENNETT, HOYER, CLIFF, BURKHALTER, PORTLOCK, DEANN, PERRY AND WONG WHO WOULD HAVE SUPPORTED PETITIONER'S DURESS, DIMINISHED CAPACITY, INTOXICATION, TBI AND MENTAL DEFENSE AND DESPITE POSSESSING PORTLOCK'S AFFIDAVIT (PA 29, 200-204, 264, 270);

• INVESTIGATE THE FACTS SURROUNDING DEANDI'S THREATS AND COERCION INDUCING PETITIONER'S OCTOBER 19, 2017 PLEA OF GUILT WHICH LATER PROVED TO BE CREDIBLE (AA 0076-0087, 0664-0690; PA 03, 17, 265); AND,

• DESPITE RECEIVING CREDIBLE MENTAL HEALTH RECORDS OF PETITIONER AS EARLY AS SEPTEMBER 14, 2017 FAILING TO PURSUE A MENTAL HEALTH DEFENSE AND UTILIZE SAID DOCUMENTS (PA 314-331).

IN GRUBER'S 2 YEARS OF REPRESENTING PETITIONER DESPITE WAIVING PETITIONER'S RIGHT TO 60 DAY SPEEDY TRIAL AND BEING AFFORDED AMPLE TIME TO DO SO AND IRRESPECTIVE OF PETITIONER'S CONTINUING INSISTENCE, GRUBER CONDUCTED ABSOLUTELY NO INVESTIGATIONS, CONSULTED WITH NO EXPERTS ON MENTAL HEALTH OR DIMINISHED CAPACITY/TBI/INTOXICATION AND MERELY FILED A 4 PAGE MOTION TO WITHDRAW IN SAID TIME FRAME (AA 0001-0004; PA 02).

B. MICHAEL SANFT

SANFT WAS APPOINTED FEBRUARY 06, 2018 "FOR LIMITED PURPOSES OF REVIEWING THE RECORD AND MAKING A DETERMINATION AS TO WHETHER OR NOT THERE IS A LEGAL BASIS FOR DEFENDANT TO WITHDRAW HIS PLEA" OF OCTOBER 19, 2017 (AA 0657-0663; PA 23-24). ON FEBRUARY 12, 2018 SANFT DISCOVERED PETITIONER'S MENTAL HEALTH AILMENT (PA 226, 230). BY APPEARANCES ON FEBRUARY 15, 2018 AND JUNE 28, 2018, SANFT CONFIRMED THAT LEGAL BASIS EXISTED TO FILE THE MOTION TO WITHDRAW PETITIONER'S GUILTY PLEA AND FILED THE MOTION SEPTEMBER 05, 2018 (AA 0076-0087, 0664-0666, 0676-0686; PA 03, 16-17).

THE MOTION WAS GRANTED ON DECEMBER 20, 2018 (AA 0687-0690; PA 17). IN THE 10 MONTHS FROM HIS APPOINTMENT DATE OF FEBRUARY 06, 2018 THROUGH DECEMBER 20, 2018, SANFT'S SOLE INVESTIGATION WAS "LIMITED TO" FACTUAL BASIS TO WITHDRAW PETITIONER'S OCTOBER 19, 2017 GUILTY PLEA. BEING APPOINTED FOR THESE "LIMITED PURPOSES ONLY," HE CONDUCTED NO PRE-TRIAL INVESTIGATION IN EXCESS OF SUCH PRIOR TO THE DECEMBER 20, 2018 APPEARANCE UPON WHICH HIS OFFICE, WITHOUT ANY PREPARATION, INSISTED ON TRIAL "AS QUICKLY AS YOU CAN POSSIBLY SET IT." (AA 0689; PA 17).

TRIAL COMMENCED 2 MONTHS LATER ON FEBRUARY 19, 2019 WHICH SUBSTANTIALLY DIMINISHED ANY OPPORTUNITY FOR SANFT TO INVESTIGATE PRIOR TO TRIAL (AA 0133-0512; PA 17-18). AS SHOCKINGLY ANNOUNCED BY SANFT ON DAY 1 OF TRIAL AND BEFORE THE JURY "WE DON'T ANTICIPATE CALLING ANY [FURTHER] WITNESSES BUT IT IS ATTENDANT ON ESTABLISHING OUR DEFENSE THROUGH CROSS EXAMINATION OF THE STATES WITNESSES..." (EMPHASIS ADDED) (AA 0139-0140; PA 18).

DURING THE INTERIM OF DECEMBER 20, 2018 AND FEBRUARY 19, 2019 WHEN THE TRIAL BEGAN, SANFT HAD NO REASONABLE OPPORTUNITY TO NOR DID HE CONDUCT ANY PRE-TRIAL INVESTIGATION ESSENTIAL TO MOUNTING A VIABLE DEFENSE FOR PETITIONER.

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SANFT FAILED TO:

- INVESTIGATE AND PURSUE THE BASIS UNDERLYING PETITIONER'S PRE-TRIAL HABEAS CORPUS WHICH SOUGHT A FRANKS AND SUPPRESSION HEARING DUE TO THE PROSECUTION'S USE OF ILLEGALLY OBTAINED EVIDENCE IN VIOLATION OF PETITIONER'S FOURTH AMENDMENT (AA 0005-0042);
- DETECT AND PURSUE THE FLAGRANT MAREUM VIOLATION (PA 278-283);
- CONDUCT PRE-TRIAL INVESTIGATION OF PETITIONER'S MENTAL HEALTH HISTORY, MEDICAL HISTORY, DIMINISHED CAPACITY, TBI, INTOXICATION AND DURESS DEFENSES AS WELL AS COMPETENCY DURING THE CRIME OR CONSULT EXPERTS FOR THIS PURPOSE (PA 8);
- INVESTIGATE THE CASE, THE EVIDENCE AND WITNESSES SEXTON, BURTON, COUSERT, WHITE, BENNETT, HOYER, BURKHALTER, CLIFF, PORTLOCK, DEANN, PERRY AND WONG WHO WOULD HAVE SUPPORTED PETITIONER'S DURESS, DIMINISHED CAPACITY, TBI, INTOXICATION AND MENTAL DEFENSES;
- DISCOVER THE CHALLENGED BRADY MATERIALS ARTICULATED IN CLAIM III OF THIS PETITION;
- ADEQUATELY CROSS EXAMINE WITNESSES AND SUBJECT THE PROSECUTOR'S CASE TO RIGOROUS TESTING;
- IMPEACH PROSECUTION WITNESSES BURKHALTER, WHITE, CLIFF, BURTON, PERRY AND COUSERT WITH THEIR CRIMINAL HISTORIES BEING CONVICTED OF CRIMES INVOLVING MORAL TURPITUDE;
- CALL A SINGLE WITNESS IN PETITIONER'S DEFENSE AT TRIAL;
- REFRAIN FROM BASING ALL DEFENSES OF PETITIONER EXCLUSIVELY ON THE PROSECUTION'S EVIDENCE, WITNESSES AND CASE-IN-CHIEF;
- DETECT AND ACKNOWLEDGE PETITIONER'S SUFFERING FROM MENTAL ILLNESS AND IN PREVENTING PETITIONER'S MENTALLY INDUCED AND COERCED MID-TRIAL PLEA AND IN OTHERWISE COUNSELING PETITIONER DURING SAID CRUCIAL MOMENT AND ADJOURNING TRIAL TO OBTAIN A MENTAL HEALTH EVALUATION OF PETITIONER AND FAILING TO DETECT HIS JUNE 11, 2018 MENTAL HEALTH SPECIALTY COURT REFERRAL;
- FILE A SENTENCING MEMORANDUM IN MITIGATION OF PETITIONER'S CULPABILITY AND PUNISHMENT IN LIGHT OF THE DURESS, MENTAL ILLNESS, TBI, INTOXICATION AND DIMINISHED CAPACITY AT THE TIME OF THE OFFENSE; AND,
- OBJECT TO IMPROPER IMPOSITION OF RESTITUTION.

C. TERRENCE M. JACKSON

JACKSON WAS APPOINTED MAY 09, 2019 AS PETITIONER'S APPELLATE COUNSEL AND THROUGH CONCLUSION OF DIRECT APPEAL (AA 0118-0120; PA 19).

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AS MADE INCUMBENT ON THE DISTRICT COURT PURSUANT TO GRIFFIN V. ILLINOIS, 351 U.S. 12 (1956) TO PROVIDE 1 FREE COPY OF THE RECORD FOR APPELLATE PURPOSES, ON JUNE 04, 2019 COUNSEL FILED HIS REQUEST FOR THE DISTRICT COURT RECORDS (PA 4) WHICH FAILED TO SEEK THE "COMPLETE" RECORD. SEE NEV. R. APP. PROC. RULE 11(A)(2) AND NDKT 411 - APPELLATE AND POST-CONVICTION REPRESENTATION STANDARDS - STANDARD 8(6). IN RESPONSE TO COUNSEL'S JUNE 04, 2019 REQUESTS, THE DISTRICT COURT CLERK ON JUNE 21, 2019; JULY 10, 2019; AND JULY 12, 2019, RESPECTIVELY, PROVIDED TRANSCRIPTS FOR HEARINGS ON THE FOLLOWING DATES:

- MARCH 17, 2016;
- JUNE 09, 2016;
- DECEMBER 13, 2016;
- DECEMBER 14, 2017;
- JANUARY 18, 2018;
- JANUARY 30, 2018;
- FEBRUARY 06, 2018;
- FEBRUARY 15, 2018;
- MARCH 29, 2018;
- APRIL 05, 2018;
- APRIL 24, 2018;
- MAY 10, 2018;
- JUNE 05, 2018;
- JUNE 28, 2018;
- SEPTEMBER 06, 2018;
- DECEMBER 20, 2018;
- FEBRUARY 19-21, 2019; AND,
- MARCH 19, 2019.

(SEE PA 4, 5, 199)

IT APPEARS THAT THE SOLE RECORDS ORDERED BY COUNSEL WERE THE "REPORTERS TRANSCRIPTS" FOR THE ABOVE DATES AND NONE OF THE CLERK RECORDS INCLUDING ALL MOTIONS FILED BY PETITIONER IN THE DISTRICT COURT. AS A RESULT OF COUNSEL'S OMISSION THE MARCH 27, 2017 MOTION FILED BY PETITIONER TO SELF-REPRESENT (PA 231-239), THE APRIL 18, 2017 HEARING TRANSCRIPT (PA 9, 10, 21, 22) AND THE MAY 03, 2017 FORMAL OBJECTIONS (PA 240) BY PETITIONER WERE NOT PRODUCED.

LACK OF THE COMPLETE RECORD RESULTED IN COUNSEL'S OMISSION OF PETITIONER'S FARETTA CONTENTION (IE., A DEAD-BANG WINNER) AS ARTICULATED AT CLAIM NO. I OF THIS PETITION AND RESULTED IN APPELLATE IAC. NEV. R. APP. PROC. RULE 11(A)(2) MANDATES THAT ON APPEAL THE RECORD SHOULD CONTAIN EACH AND EVERY PAPER, PLEADING AND OTHER DOCUMENT FILED OR SUBMITTED FOR FILING IN THE DISTRICT COURT.

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DESPITE BEING UNEQUIVOCALLY URGED WITH THESE OBJECTIVES BY PETITIONER THROUGH CORRESPONDENCE PRIOR TO COUNSEL'S FILING OF THE OPENING BRIEF (PA 289-295), IN FILING THE OPENING BRIEF ON SEPTEMBER 19, 2019 COUNSEL FAILED TO INCLUDE SAID ISSUE RESULTING IN HIS APPELLATE INEFFECTIVENESS AND PREJUDICE TO PETITIONER. COUNSEL CONSCIOUSLY DEFIED THE COMMUNICATED OBJECTIVES OF PETITIONER AS THE CLIENT. EVEN FOLLOWING THE OBJECTIVES OF PETITIONER BEING UNEQUIVOCALLY CONVEYED, COUNSEL CONTINUED TO DEFY AND IGNORE THEM (PA 289-295). FOLLOWING THE FILING OF THE OPENING BRIEF AND ON SEPTEMBER 25, 2019 AND OCTOBER 04, 2019 (PA 292-293, 295) PETITIONER SOUGHT THAT COUNSEL MAKE THE ADDENDUMS TO THE OPENING BRIEF "ASAP" (PA 295, 339-347). COUNSEL DELIBERATELY FAILED TO INCLUDE THE "DEADBANG WINNER" ISSUE TO PETITIONER'S DETRIMENT. SECONDLY, DESPITE POSSESSING ANN WHITE'S AFFIDAVIT PRIOR TO FILING THE OPENING BRIEF, COUNSEL FAILED TO INCLUDE THE INVOLUNTARINESS OF PETITIONER'S PLEA ON THESE BASIS IN THE OPENING BRIEF (PA 289, 332; SEAL MOTION EXHIBIT "1").

AS PRESCRIBED BY NEV. R. PROF. CONDUCT, RULE 1.4(A)(4); AND ADKT 411 APPELLATE AND POST-CONVICTION RELIEF REPRESENTATION STANDARD 5(B) ON AUGUST 26, 2020 PETITIONER CORRESPONDED WITH COUNSEL SEEKING INFORMATION FROM COUNSEL AND QUESTIONING COUNSEL'S FAILURE TO ADHERE TO PETITIONER'S OBJECTIVES AND AS TO WHY HE MISLED PETITIONER WITH RESPECT TO POSSESSING CERTAIN AFFIDAVITS (PA 332-333). REFUSING TO ANSWER ANY QUESTIONS GIVEN PETITIONER'S DISCOVERY, COUNSEL ON SEPTEMBER 02, 2020 CORRESPONDED WITH PETITIONER CONVEYING:

> "I CHOOSE NOT TO ANSWER ANY QUESTIONS IN ANY LETTERS FROM YOU!"

ID. PA 334.

IN A LAST-DITCH EFFORT TO GAIN COUNSEL'S COOPERATION ON SEPTEMBER 17, 2020 PETITIONER AGAIN CORRESPONDED WITH COUNSEL PROVIDING COUNSEL 10 DAYS TO RESPOND (PA 335-337). BY THE FILE-DATE OF THE INSTANT PETITION COUNSEL HAS REFUSED TO COOPERATE AND RESPOND.

AN ATTORNEY HAS A DUTY TO PERFECT AN APPEAL WHEN A CONVICTED DEFENDANT EXPRESSES A DESIRE TO APPEAL. PREJUDICE IS PRESUMED FOR PURPOSES OF IAC WHEN COUNSEL DENIES A DEFENDANT AN APPEAL. MANN V. STATE, 118 NEV. 351 (2002). COUNSEL'S OMISSION IN OBTAINING THE COMPLETE RECORD EXPANDING PETITIONER'S FARETTA CLAIM AND NOT BRIEFING THE FACTS OF ANN WHITES AFFIDAVIT WERE NOT TACTICAL DECISIONS BUT RATHER THE RESULT OF IGNORANCE.[17] SUCH WERE UTTER FAILURES TO RAISE EVIDENTLY MERITORIOUS AND INDISPENSABLE ISSUES AND WOULD BE DIFFICULT TO PORTRAY AS STRATEGIC CHOICES.

17. ALTHOUGH APPEAL COUNSEL DENIES POSSESSING SAID AFFIDAVITS SAID CLAIM IS DIRECTLY REFUTED BY THE OFFICER RECEIVING, INSPECTING AND ISSUING THE CLIENT FILE PARCEL TO PETITIONER ON JULY 15, 2020 WHO WITNESSED FIRSTHAND THAT THE CONTENTS OF THE CLIENT FILE BOX INCLUDED BOTH PORTLOCK AND ANN WHITE'S AFFIDAVITS (PA 200-204, 241; SEAL MOTION AT EXHIBIT "1").

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BY VIRTUE OF THE ABOVE DESCRIBED ACTS AND OMISSIONS, COUNSELS' RENDERED INEFFECTIVE REPRESENTATION OF PETITIONER. THE ABOVE-MENTIONED CONDUCTS/OMISSIONS OF COUNSEL FELL BELOW AN OBJECTIVE STANDARD OF REASONABLENESS AND WITHOUT SAID INEFFECTIVENESS THE RESULTS OF THE PROCEEDINGS WOULD HAVE BEEN DIFFERENT. SAID ACTS/OMISSIONS VIOLATED PETITIONER'S SIXTH AND FOURTEENTH AMENDMENT RIGHTS TO THE U.S. CONSTITUTION AND REQUIRE REVERSAL OF THE CONVICTION.

V. PETITIONER'S MID-TRIAL GUILTY PLEA MUST BE WITHDRAWN AS IT WAS INVOLUNTARILY, UNKNOWINGLY AND UNINTELLIGIBLY ENTERED AS THE RESULT OF COERCION AND INTERVENING MENTAL PSYCHOSIS.

ON OCTOBER 19, 2017, AS THE RESULT OF COERCION AND THREATS FROM CO-DEFENDANT DEANN PETITIONER PLED GUILTY TO THE AMENDED INDICTMENT IN OPEN COURT (AA 0043-0051, 0063-0075; PA 10). SUBSEQUENTLY BY LETTER AND MOTION FILED DECEMBER 18, 2017 AND JANUARY 09, 2018, PETITIONER BROUGHT THE COERCION AND THREATS TO THE COURT'S ATTENTION AND SOUGHT TO WITHDRAW HIS GUILTY PLEA (AA0052-0062; PA 03, 28-29). AFTER SEVERAL HEARINGS AND THE APPOINTMENT OF SANFT, A MOTION TO WITHDRAW THE GUILTY PLEA WAS FILED SEPTEMBER 05, 2018 AND GRANTED DECEMBER 20, 2018 (AA0076-0087, 0635-0636; 0654-0690; PA 03, 11-17). THE MOTION WAS SUPPORTED BY THE SWORN AFFIDAVIT OF ANN WHITE (PETITIONER'S SISTER) AND WAS FILED UNSEALED WITH SAID SENSITIVE CONTENTS COMPLETELY ACCESSIBLE TO THE PUBLIC (AA 0084-0087; SEAL MOTION AT EXHIBIT "1"). BOTH THE COURT AND COUNSEL WERE ON NOTICE THROUGHOUT THE CASE OF PETITIONER'S FEAR OF DEANN AND DEANN'S OUT-OF-COURT SCHEMATICS THROUGH HIS GANG ASSOCIATES TO INFLUENCE AND SABOTAGE PETITIONER'S DEFENSE TO THE CHARGES.

FAR PRIOR TO THE FEBRUARY 19, 2019 TRIAL INITIATION DATE, PETITIONER'S PSYCHOTROPIC MEDICINES AS WELL AS THOSE FOR HIS SEVERE SEIZURES WERE ALTERED ADVERSELY IMPACTING HIS BEHAVIOR, MOOD AND HAVING SUBSTANTIAL COGNITIVE IMPACT ON HIM CAUSING THE RETURN AND RELAPSE IN PSYCHOTIC BEHAVIORS NAMELY HIS SCHIZOPHRENIA. SAID PARANOIA CAUSED SEVERE DISTRUST IN HIS COUNSEL.

MID-WAY OF TRIAL UPON RECEIVING ADDITIONAL INFORMATION THAT COHORTS OF DEANN AGAIN CONTACTED PETITIONER'S SISTER THE EARLIER WEEK TERRORIZING HER BY POINTING A COCKED AND LOADED .357 MAGNUM TO HER FACE WHILE THREATENING THAT IF PETITIONER CONTINUED FIGHTING THE CASE SHE WOULD BE DEAD, AT THE PLEAS OF HIS SISTER FOR HER AND THEIR MOM'S SAFETY, PETITIONER INSTANTANEOUSLY ENTERED A GUILTY PLEA TO ALL ALLEGATIONS WITHOUT NEGOTIATIONS (AA 0121-0132; 0486-0512; PA 18; SEAL MOTION AT EXHIBIT "1").

PETITIONER'S SECOND GUILTY PLEA WAS INVOLUNTARILY ENTERED ON ACCOUNT OF THESE DEMONSTRABLY LUCID AND CREDIBLE THREATS AND CONTINUED TERRORIZATION OF MS. WHITE BY COHORTS OF DEANN AS WELL AS DUE TO INTERVENING PSYCHOSIS AND MENTAL HEALTH AILMENT.

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THE PLEA WAS FURTHER ENTERED, IN PART, DUE TO PRESSURES, STRESSES AND THE COMPLETE FAILURE OF COUNSEL IN ASSEMBLING A VIABLE DEFENSE FOR PETITIONER AND THE FAILURES OF COUNSEL IN COUNSELING PETITIONER PRIOR TO THE PLEA. THE COURT ACCEPTED THE PLEA (AA 0486-0509; PA 18). PETITIONER WAS SENTENCED MARCH 14, 2019 TO AN AGGREGATE TERM OF LIFE WITH A MINIMUM PAROLE ELIGIBILITY OF 20 YEARS (AA 0113-0115; 0131-0132; PA 18-19).

SUBSTANTIAL EVIDENCE IN THE RECORD PRODUCED BY THE DISTRICT COURT FOR APPEAL REFLECTS THAT PETITIONER SUFFERED FROM AN EXTENDED HISTORY OF MENTAL INSTABILITY, TBI AND SEIZURES FOR IN WHICH PRIOR TO THE SPONTANEOUS MID-TRIAL GUILTY PLEA, HE REMAINED ADEQUATELY MEDICATED FOR WITH SUBSTANTIALLY POWERFUL ANTI-PSYCHOTICS AND AN EXTREMELY HIGH DOSAGE OF ANTI-EPILEPTIC MEDICATION (AA 0053, 0056, 0514-0516, 0519, 0521, 0522, 0524, 0528, 0530-0536, 0538, 0541, 0551-0617).

THE SPONTANEOUS, HASTILY AND IRRATIONAL MID-TRIAL GUILTY PLEA WAS INFLUENCED AND INDUCED BY EXTERNAL FACTORS INCLUDING IMMINENT CREDIBLE THREATS POSED AGAINST PETITIONER'S SISTER AND MOM'S LIVES BY COHORTS OF DEANN, PRESSURES, STRESSES AND ANXIETIES RESULTING FROM COUNSEL'S INEFFECTIVENESS AND LACK OF MEDICATIONS AND WAS INVOLUNTARILY ENTERED WHILE PETITIONER WAS NOT COMPETENT, INCAPABLE OF RATIONALIZING NOR ABLE TO FULLY UNDERSTAND AND APPRECIATE ALL OF HIS CONSTITUTIONAL RIGHTS BEING FORFEITED. AN EVIDENTIARY HEARING WILL CLEARLY ESTABLISH THAT THE COMBINED FORCES OF IMMINENT CREDIBLE THREATS AGAINST THE LIVES OF PETITIONER'S SISTER AND DISABLED MOTHER, PRESSURES, STRESSES AND ANXIETIES ATTENDANT DUE TO COUNSEL'S INEFFECTIVENESS AND PETITIONER'S LACK OF ESSENTIAL MEDICATIONS, ADVERSELY AFFECTED HIS COMPETENCY AND RATIONALIZATION DURING THE PLEA RENDERING HIM INCAPABLE OF MAKING A VOLUNTARY AND INTELLIGENT WAIVER OF HIS 6TH AMENDMENT RIGHTS THROUGH NO FAULT OF HIS OWN.

ANY GUILTY PLEA MUST BE A KNOWING, VOLUNTARY AND INTELLIGENT WAIVER OF A DEFENDANT'S SIXTH AMENDMENT RIGHT TO TRIAL. BOYKIN V. ALABAMA, 395 U.S. 239 (1969). ACCORDINGLY, THE FORFEITURE OF CONSTITUTIONAL RIGHTS MUST BE A "KNOWING AND INTELLIGENT ACT." MCMANN V. RICHARDSON, 397 U.S. 759, 774 (1970). IT IS RESPECTFULLY SUBMITTED THAT PETITIONER DID NOT HAVE THE MENTAL CAPACITY TO FULLY UNDERSTAND HIS RIGHTS AND DID NOT APPRECIATE THE CONSEQUENCES OF HIS ACTS WHEN HE PLED GUILTY AND THEREFORE COULD NOT ENTER A VALID WAIVER. SEE MEYER V. STATE, 95 NEV. 885 (1979).

FAIR PROCEDURES FOR ACCEPTING PLEAS OF GUILTY MUST BE DESIGNED TO AT LEAST GIVE REASONABLE ASSURANCE THAT (1) THERE IS A SUBSTANTIAL FACTUAL BASIS FOR A FINDING OF GUILT, AND (2) THE DEFENDANT PLEADS "VOLUNTARILY" (IE., HE UNDERSTANDS THE SIGNIFICANCE OF WHAT HE IS DOING AND HIS ABILITY TO EXERCISE HIS JUDGMENT WITH RESPECT TO A COURSE OF CONDUCT BEST SERVING HIS NEEDS AND IS NOT UNDULY IMPAIRED OR DISTORTED BY HIS PREDICAMENT." U.S. V. MANCUSI, 275 F.SUPP. 508, 514 (E.D.N.Y. 1967). AS JUDGE WEINFELD PUT THE MATTER IN U.S. EX REL ELKSNIS V. GILLIGAN, 256 F.SUPP 244, 253 (S.D.N.Y. 1966): "DUE PROCESS... MEANS... THE PLEA REFLECTS THE CONSIDERED CHOICE OF THE ACCUSED, FREE OF ANY FACTOR OR INDUCEMENT WHICH HAS UNFAIRLY INFLUENCED OR OVERCOME HIS WILL."

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IN ORDER TO DETERMINE WHETHER A GUILTY PLEA WAS MADE INVOLUNTARILY, A TWO-STEP INQUIRY IS NECESSARY. "FIRST, WE MUST DECIDE WHETHER IMPROPER PROMISES OR THREATS WERE MADE... TO INDUCE THE PLEA. THIS FINDING REQUIRES A DETERMINATION OF WHAT OBSERVABLE PHYSICAL EVENTS AND CONVERSATIONS TOOK PLACE -- IN A SENSE, AN "OBJECTIVE" MATTER. SECOND, IF WE FIND THAT THERE WAS NO SUCH . . . THREAT OR PROMISE . . . WE MUST DECIDE WHETHER THE DEFENDANT BELIEVED SUCH A PROMISE OR THREAT HAD BEEN MADE AND WHETHER HIS BELIEF "INDUCED" THE PLEA." MANCUSI, AT 515.

"A PLEA OF GUILTY ENTERED BY ONE FULLY AWARE OF THE DIRECT CONSEQUENCES, INCLUDING THE ACTUAL VALUE OF ANY COMMITMENT MADE TO HIM BY THE COURT, PROSECUTOR OR HIS COUNSEL MUST STAND UNLESS INDUCED BY THREATS (OR PROMISES TO DISCONTINUE IMPROPER HARASSMENT), MISREPRESENTATION (INCLUDING UNFULFILLED OR UNFULFILLABLE PROMISES), OR PERHAPS BY PROMISES THAT ARE BY THEIR VERY NATURE IMPROPER..." SHELTON V. U.S., 248 F.2D 571, 572 N.2 (5TH CIR. 1957), REV'D ON CONFESSION OF ERROR, 356 U.S. 26 (1958); MANCUSI, AT 516. AT THE TIME OF A PLEA, IF A DEFENDANT BELIEVED THAT A COERCION PROMISE OR THREAT HAD BEEN MADE... THOUGH IN FACT NO SUCH PROMISE OR THREAT HAD BEEN MADE, AND HIS PLEA WAS INDUCED BY THIS BELIEF, IT IS AN INVOLUNTARY AND VOID PLEA. MANCUSI, AT 516. A GUILTY PLEA, IF INDUCED BY PROMISES OR THREATS WHICH DEPRIVE IT OF THE CHARACTER OF A VOLUNTARY ACT, IS VOID. A CONVICTION BASED UPON SUCH A PLEA IS OPEN TO COLLATERAL ATTACK. WALKER V. JOHNSON, 312 U.S. 275; WOLEY V. JOHNSON, 316 U.S. 101; AND SHELTON V. U.S., 356 U.S. 26.

IN REVIEWING AN ATTACK ON A GUILTY PLEA A COURT MUST CONSIDER WHETHER THE PLEA WAS VOLUNTARILY ENTERED AS WELL AS WHETHER, CONSIDERED AS A WHOLE, THE PROCESS BY WHICH A PLEA WAS FUNDAMENTALLY FAIR. BACHNER V. U.S., 517 F.2D 589 (7TH CIR. 1975), (STEVENS, J. CONCURRING OPINION).

THE QUESTION OF A DEFENDANTS GUILT OR INNOCENCE IS NOT PUT IN ISSUE WITH AN ATTACK ON A GUILTY PLEA. STATE V. DISTRICT COURT, 85 NEV. 381, 385 (1969); HARGROVE V. STATE, 100 NEV. 498, 502 (1984); KERCHEVAL V. U.S., 274 U.S. 220, 224 (1927). THE VALIDITY OF A DEFENDANT'S PLEA MUST BE CHALLENGED IN THE FIRST INSTANCE IN THE SENTENCING COURT BY WAY OF A MOTION TO WITHDRAW THE PLEA OR BY WAY OF A PETITION FOR POST-CONVICTION RELIEF. BRYANT V. STATE, 102 NEV. 268, 272 (1986) "[T]HE TEST IS ESSENTIALLY FACTUAL IN NATURE AND IS THUS SUITED TO TRIAL COURT REVIEW IN THE FIRST INSTANCE." BRYANT, 102 NEV. AT 272. "[T]HE BURDEN [IS] ON THE DEFENDANT TO ESTABLISH THAT HIS PLEA WAS NOT KNOWINGLY AND INTELLIGENTLY" OR THAT IT WAS THE PRODUCT OF COERCION. BRYANT, 102 NEV. 272; GARDNER V. STATE, 91 NEV. 443, 446-47 (1975).

AS IN THIS CASE, THE QUESTION AS TO WHETHER A PLEA IS VOLUNTARILY ENTERED WILL TURN ON THE FACTS AND CIRCUMSTANCES OF EACH PARTICULAR CASE." TAYLOR V. WARDEN, 96 NEV. AT 274 "[T]HE FOCUS OF THE VOLUNTARINESS INQUIRY IS UPON THE FRAME OF MIND OF THE DEFENDANT AT THE TIME HE DECIDES TO PLEAD." TAYLOR, 96 NEV. 274-75.

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"[T]HE COURT MUST EXAMINE THE DATA AVAILABLE TO THE DEFENDANT'S MIND AND TAKE INTO ACCOUNT THE NATURAL STRAINS AND ANXIETIES OF A PERSON IN DEFENDANT'S POSITION." MANCUSI AT 516. "THERE IS LITTLE MERIT IN THE... CONTENTION THAT A SUBJECTIVE TEST OF WHAT THE DEFENDANT BELIEVED... IS TOO DIFFICULT TO APPLY. THE STATE OF A MAN'S MIND, LIKE MOST OTHER ISSUES OF FACT, IS DECIDED ON THE BASIS OF REASONABLE INFERENCES DRAWN FROM THE KNOWN SURROUNDING FACTS AND CIRCUMSTANCES." MANCUSI, AT 518. AFTER ALL, "THE [WHOLE] TEST [OF WHETHER A PLEA IS VOLUNTARILY ENTERED] IS ESSENTIALLY FACTUAL IN NATURE." BRYANT, 102 NEV. AT 272.

WITH RESPECT TO COERCIVE TERRORISTIC RETALIATORY ACTIONS BEING TAKEN BY COHORTS OF DEANN TO INFLUENCE THE OUTCOME OF PETITIONER'S TRIAL, PETITIONER AND ANN WHITE WERE BOTH COGNIZANT OF THE CREDIBLE NATURE OF THE THREATS AND PERIL'S IMMINENCY AS DEANN AND HIS COHORTS HAVE BEEN INVOLVED IN 2 PREVIOUS DEATHS OF ANN'S FEMALE FRIENDS AMY AND TRINA (SEAL MOTION AT EXHIBIT "1" THEREOF). (SEE ALSO PA 265-266-A LETTERS DATED 3/24/17 AND 4/20/17 WHERE PETITIONER CONVEYED CONCERNS FOR HIS FAMILY'S SAFETY FROM DEANN AND OF PETITIONER'S KNOWLEDGE OF A PREVIOUS MURDER BY DEANN AND HIS COHORTS FAR PRIOR TO PETITIONER'S FEBRUARY 21, 2019 PLEA). PETITIONER CLEARLY DEMONSTRATED DEANN'S ABILITY AND INFLUENTIAL POWERS AT MANIPULATING GANG ASSOCIATES TO HARASS, THREATEN AND TERRORIZE HIS SISTER AND THEIR DISABLED MOTHER. A TRUE COPY OF HER PREVIOUS HANDWRITTEN STATEMENT IS CONTAINED AT AA 0084-0087 IN WHICH MS. WHITE CONFIRMS RECEIVING A CALL FROM DEANN VOWING TO HARM HER AND THE WHEELCHAIR CONFINED MOTHER IF PETITIONER CONTINUED TO FIGHT THE CASE WHICH INFLUENCED PETITIONER'S FIRST PLEA. MS. WHITE HAS AGAIN CONFIRMED BEING TERRORIZED BY COHORTS OF DEANN DURING THE TRIAL THREATENING HER LIFE IF PETITIONER CONTINUED FIGHTING THE CASE (SEAL MOTION AT EXHIBIT "1"). THESE THREATS OCCURRING 1 WEEK PRIOR TO PETITIONER'S TRIAL, WERE MADE KNOWLEDGEABLE TO HIM THE NIGHT PRIOR TO HIS PLEA. ALTHOUGH MS. WHITE IN THE WEEK PRIOR TO TRIAL ATTEMPTED CONTACTING THE PROSECUTION AND COUNSEL SANFT, HER CALLS WERE NEVER RESPONDED TO. ID.

IT IS PLAUSIBLE TO PRESUME THAT THE PROSECUTION KNEW OF THESE THREATS AS ALTHOUGH APPEAL COUNSEL'S JULY 26, 2019 MOTION TO WITHDRAW PETITIONER'S PLEA WAS EXCLUSIVELY PREMISED ON PETITIONER'S MENTAL HEALTH (PA 298-304), IN OPPOSITIONS THERETO THE STATE VOLUNTEERED AND ARGUED THAT NO THREATS WERE MADE CONVENIENTLY PREDICTING THAT THESE BASIS WOULD MATERIALIZE AT A FUTURE DATE (PA 307).

THIS FIRST COMPONENT COMBINED WITH THE STRESSES, PRESSURES AND ANXIETIES DERIVED FROM RECEIVING INEFFECTIVE REPRESENTATION AT TRIAL, INTERVENING MENTAL ILLNESS RELAPSE AND ALTERATION IN AND LACK OF MEDICATION INDUCED PETITIONER'S FEBRUARY 21, 2019 INVOLUNTARY GUILTY PLEA. WHEN A PERSON IS PHYSICALLY, EMOTIONALLY OR PSYCHOLOGICALLY INCAPACITATED, THERE IS ALWAYS SERIOUS DOUBT ABOUT HIS ABILITY TO ENTER ANY PLEA.

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IN THIS MATTER BEFORE THE COURT, THE ISSUE IS WHETHER THERE IS SUFFICIENT EVIDENCE TO SUPPORT PETITIONER'S ALLEGATIONS THAT THE THREATS AGAINST THE LIFE OF HIS SISTER AND THEIR DISABLED MOTHER BY DEANN'S COHORTS AND GANG ASSOCIATES AS WELL AS HIS PSYCHOSIS AND LACK OF PSYCHOTIC AND SEIZURE MEDICATIONS INFLUENCED, COERCED, INDUCED AND/OR WERE INSTRUMENTAL IN HIS HASTE MID-TRIAL PLEA WHERE HE RECEIVED NO BENEFIT OF NEGOTIATIONS RECEIVING A HARSHER PENALTY OF A LIFE SENTENCE FROM THE PREVIOUS 9 TO 25 YEAR DEAL.

AN EVIDENTIARY HEARING WILL SHOW THAT IN THIS CASE THE PETITIONER WAS BEING PRESCRIBED EXTREMELY POWERFUL AND HEAVY ANTI-PSYCHOTIC AND STRONG DOSES OF ANTI-EPILEPTIC MEDICATIONS BY THE JAIL. PETITIONER ALLEGED AN EXTENDED HISTORY OF PSYCHOSIS SINCE YOUTH IN HIS JANUARY 09, 2018 PRO PER MOTION (AA 0537-0547 AT 0541). HIS MEDICAL RECORDS ALSO DEMONSTRATE THAT HE SUFFERS FROM SEIZURES FROM A MOTOR VEHICLE ACCIDENT IN 2015 RESULTING IN TBI. THEY ALSO REFLECT HIS HISTORY OF A RIGHT FRONTAL CRANIOTOMY AND SUBDURAL HEMATOMA EVACUATION AS WELL AS UNSPECIFIED PSYCHIATRIC DISORDER (AA 0528, 0530-0535). JUST PRIOR TO HIS SPONTANEOUS GUILTY PLEA, FOR WHATEVER REASON, HE WAS NOT PROVIDED HIS ANTI-PSYCHOTIC AND SEIZURE MEDICATIONS WHICH GREATLY AFFECTED AND HAD AN ADVERSE COGNITIVE IMPACT ON HIM RENDERING HIM INCAPABLE OF FULLY UNDERSTANDING HIS RIGHTS.

SECONDLY, THE NIGHT BEFORE HIS SPONTANEOUS PLEA, PETITIONER WAS INFORMED OF THE IMMINENT THREATS AND PERILS CONFRONTING HIS SIBLING AND DISABLED MOTHER IF HE CONTINUED TO FIGHT HIS CASE. AWARE OF 2 PREVIOUS DEATHS OF DEANN AND HIS GANG ASSOCIATES AT THAT POINT AND COGNIZANT OF THE CREDIBLE NATURE OF THE THREATS AND IMMINENCY OF HIS FAMILY'S PERIL, TAKING SUCH INTO ACCOUNT AS A WHOLE, WHEN PETITIONER ENTERED HIS PLEA IT WAS NOT VOLUNTARY NOR INTELLIGENT AND WAS INDUCED AND MADE UNDER IMMENSE COERCION AND HE SHOULD BE ABLE TO WITHDRAW FROM IT.

VI. PETITIONER WAS IMPROPERLY ADJUDICATED AS A HABITUAL OFFENDER.

PETITIONER WAS CHARGED BY INDICTMENT ON MARCH 09, 2016 (PA 1-2) OF THE FOLLOWING COUNTS:

- CONSPIRACY TO COMMIT ROBBERY (NRS 200.380);
- BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON (NRS 205.060.4);
- FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON (NRS 200.310.1);
- FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON (NRS 200.310.1);

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- ATTEMPTED ROBBERY WITH USE OF A DEADLY WEAPON (NRS 200.380);
- ATTEMPTED ROBBERY WITH USE OF A DEADLY WEAPON (NRS 200.380);
- BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM (NRS 200.481.2E2); AND,
- IMPERSONATION OF AN OFFICER (NRS 199.430).

SEE PA-01.

HE WAS ARRAIGNED AND PLED NOT GUILTY ON MARCH 17, 2016 (AA 0637-0645; PA 07). ON OCTOBER 18, 2016 THE STATE FILED A DOCUMENT ENTITLED "NOTICE OF INTENT TO SEEK PUNISHMENT AS A HABITUAL CRIMINAL" (PA 02)[18]. IN THE NOTICE THE STATE ALLEGED 4 PRIOR PRIOR FELONY CONVICTIONS THAT QUALIFIED PETITIONER FOR HABITUAL TREATMENT. ON FEBRUARY 21, 2019 PETITIONER WAS CONVICTED OF THE ABOVE CHARGES FOLLOWING HIS PLEA OF GUILTY (AA 0486-0508; PA 18). ON MARCH 15, 2019 PRIOR TO SENTENCING THE STATE FILED ITS SENTENCING MEMORANDUM (AA 0094-0112; PA 03). HE WAS SENTENCED MARCH 19, 2019 (AA 0131-0132; PA 18-19). AT SENTENCING PETITIONER WAS HABITUALIZED AND SENTENCED TO AN AGGREGATE TERM OF LIFE WITH A MINIMUM PAROLE ELIGIBILITY OF 20 YEARS (AA 0113-0115; 0121-0132; PA 18-19). WITHOUT PRODUCING A SINGLE DOCUMENT THE STATE ARGUED, IN STARK CONTRAST TO THE 4 ALLEGED INITIALLY IN ITS NOTICE OF OCTOBER 18, 2016 (PA 296-297), THAT PETITIONER SUFFERED NOW 6 PREVIOUS FELONIES (AA 0123)

PETITIONER NEVER PLED TO NOR DID THE STATE PROVE PETITIONER'S ACCRUAL OF ANY PRIOR FELONIES UPON WHICH TO BASE ITS HABITUAL PUNISHMENT OF PETITIONER. THE STATE ASKED THAT PETITIONER BE CANVASSED ON HABITUAL EXPOSURE AS THEY WOULD BE SEEKING HABITUAL TREATMENT AT THE TIME OF SENTENCE (AA 0495-0496). HOWEVER, NEITHER THE STATE OR TRIAL COURT COMPORTED WITH GOVERNING PRECEDENT WHICH CONTROLLED HABITUAL ADJUDICATION CODIFIED AT NRS § 207.010, ET. SEQ.

NRS § 207.010(B) EXPRESSLY REQUIRES THAT HABITUAL TREATMENT ALLEGATIONS WHERE THE DEFENDANT HAS ACCRUED 3 OR MORE PRIOR FELONY CONVICTIONS BE CHARGED AS A CATEGORY 'A' FELONY. THERE MUST BE AN AFFIRMATIVE SHOWING THAT THE DEFENDANT WAS REPRESENTED BY COUNSEL OR THAT HE VALIDLY WAIVED HIS RIGHT TO COUNSEL IN THE PRIOR PROCEEDINGS. BAYMON V. STATE, 94 NEV. 370 (1978).

18. THIS FILING WAS NOT PART OF PETITIONER'S AA ON DIRECT APPEAL BUT IS CONTAINED HERE AS PA 296-297.

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THE STATE IS OBLIGATED TO PRESENT PRIMA FACIE EVIDENCE OF THE EXISTENCE OF THE PRIOR FELONY CONVICTION. DRESSLER V. STATE, 107 NEV. 686 (1991). METHODS OF PROVING PRIOR CONVICTIONS MUST BE BY EXEMPLIFIED COPIES OF THE PRIOR FELONY CONVICTIONS AND CERTIFIED FINGER PRINT CARDS FROM THE PENAL INSTITUTION WHERE THE DEFENDANT HAD BEEN INCARCERATED. BOTH HAVE BEEN APPROVED IN HABITUAL CRIMINAL PROCEEDINGS. CUPPY V. SLANSKY, 637 F. SUPP. 947 (D. NEV. 1986). AS WELL AS BY CERTIFIED JOC'S FROM THE PRIOR PROCEEDINGS. DAVIS V. STATE, 115 NEV. 17 (1999). AT A HEARING OF ALLEGED HABITUALITY, TWO FACTS MUST BE PROVED: (1) IDENTITY OF THE PERSON; AND (2) CONVICTION OF PRIOR FELONIES. THE STATES PROOF UNDER NRS § 207.010 MUST BE BEYOND A REASONABLE DOUBT. HOWARD V. STATE, 83 NEV. 53 (1967).

IN THE STATE COURT PROCEEDINGS PETITIONER WAS NEVER FORMALLY ADJUDICATED AS A HABITUAL OFFENDER. THE COURT NEVER MADE THE EXPRESS FINDING THAT PETITIONER HAD COMMITTED ANY ALLEGED PRIOR FELONIES NOR DID THE PROSECUTION PROPERLY AUTHENTICATE AND ESTABLISH BEYOND A REASONABLE DOUBT THAT PETITIONER SUFFERED CONVICTION OF ANY PRIOR FELONIES. DRESSLER, HOWARD AND CLARK V. STATE, 109 NEV. 426 (1993). NOR DID THE STATE SATISFY THE REQUISITES OF BAYMON, SUPRA.

IN NONE OF THE STATES INDICTMENTS AGAINST PETITIONER DID IT OFFICIALLY CHARGE IN ITS CHARGING PAPERS ANY COUNTS INDICATING PETITIONER WAS BEING CHARGED AS A HABITUAL OFFENDER AS DEFINED IN NRS § 207.010. THE PROSECUTION NEVER ADDUCED PROPERLY AUTHENTICATED AND ESTABLISHED PROOF OR EVIDENCE THAT PETITIONER SUFFERED FROM ANY PRIOR FELONIES ESSENTIAL TO HABITUALIZE HIM. MOREOVER, IT WAS AN ABUSE OF DISCRETION FOR THE COURT TO ENTER A HABITUAL CRIMINAL ADJUDICATION WHERE THE PRIOR CONVICTIONS USED TO SUPPORT THE ADJUDICATION WERE NOT PROPERLY AUTHENTICATED, WERE DRUG-RELATED, NON-VIOLENT AND REMOTE IN TIME. CLARK V. STATE, 109 NEV. 426 (1993); SESSIONS V. STATE, 106 NEV. 186 (1990).

LASTLY, THE HABITUAL STATUTES NRS § 207.010 EFFECTIVE JULY 01, 2020 HAVE BEEN AMENDED NOW TO REQUIRE A FINDING OF 5 PRIOR CONVICTIONS FOR THE SMALL HABITUAL AND NOW 7 PREVIOUS CONVICTIONS FOR THE LARGE HABITUAL. AS THE STATE SOLELY NOTICED 4 AND PETITIONER'S CASE REMAINS OPEN ON REVIEW HE RECEIVES THE BENEFITS OF THE NEW LAW AND IT IS CONTROLLING AND INVALIDATES ANY LEGAL BASIS TO HABITUALIZE PETITIONER.

VII. FAILURE TO INFORM PETITIONER OF RESTITUTION OBLIGATIONS AS A COLLATERAL CONSEQUENCE OF HIS PLEA RENDER ITS IMPOSITION INVALID.

ON FEBRUARY 21, 2019 PETITIONER ENTERED INTO A GUILTY PLEA (AA 0490; PA 18). SUBSEQUENTLY, THE COURT CANVASSED PETITIONER ON THE VOLUNTARINESS OF THE PLEA (AA 0113-0115; 0486-0512). DURING THE SUBSEQUENT PLEA CANVASS, EVEN WERE IT FOUND TO BE A VALID PLEA IN LIGHT OF ARGUMENT V, THE COURT NEVER INFORMED NOR ADVISED PETITIONER THAT AS A COLLATERAL CONSEQUENCE OF HIS PLEA IN ADDITION TO THE POSSIBLE IMPOSITION OF THE MAXIMUM SENTENCE THAT HE WOULD BE SUBJECT TO ASSESSMENT OF ANY RESTITUTION FINE. A RESTITUTION FINE OF $8,831.62 WAS IMPOSED AT SENTENCING (AA 0114, 0132).

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WHENEVER RESTITUTION IS A DIRECT CONSEQUENCE OF A GUILTY PLEA, A DEFENDANT MUST BE INFORMED OF THE POSSIBILITY OF RESTITUTION TO ENSURE THAT THE DEFENDANT UNDERSTANDS THE CONSEQUENCES OF THE PLEA. SEE E.G., MCCONNELL V. STATE, 125 NEV. 243 (2009); LEE V. STATE, 115 NEV. 207 (1999); CRUZADO V. STATE, 110 NEV. 745 (1994). SEE ALSO, DIRECTOR V. POWELL, 101 NEV. 736 (1985) (BEFORE ACCEPTING A DEFENDANT'S GUILTY PLEA, A DISTRICT COURT MUST INFORM THE DEFENDANT OF THE DIRECT CONSEQUENCES OF THE PLEA INCLUDING IMPOSITION OF RESTITUTION); PEOPLE V. WALKER, 54 CAL. 3D 1013 (CAL. 1991); STATE V. PHILLIPS, 152 ARIZ. 533 (ARIZ. 1987); STATE V. WAR BONNETT, 229 NEB. 681 (NEB. 1988).

AS RESTITUTION WAS A COLLATERAL CONSEQUENCE OF PETITIONER'S PLEA THAT HE WAS NOT INFORMED OF OR CANVASSED ON, IT MUST BE VACATED.

SECONDLY, IF HELD TO BE VALID ITS IMPOSITION IN THE AMOUNT OF $8,831.62 IS DISPROPORTIONATE. THE JOC IMPOSED THE AMOUNT "JOINTLY AND SEVERALLY" WITH HIS CODEFENDANTS WHICH WERE AMANDA SEXTON, MARLAND DEANN AND KEVIN YEKOA WONG. AS SUCH THE AMOUNT DIVIDED AMONGST PETITIONER AND HIS CODEFENDANTS SHOULD HAVE RESULTED IN IMPOSITION OF A RESTITUTION AMOUNT OF $ 2207.90 PER DEFENDANT.

VIII. THE TRIAL JUDGE ACTED UNDER OPERATING CONFLICT FROM JANUARY 18, 2018 THROUGH PETITIONER'S TRIAL.

ON MARCH 09, 2016 PETITIONER'S CASE WAS ASSIGNED TO JUDICIAL OFFICER MICHELLE LEAVITT (PA 01) AND DISTRICT ATTORNEY MICHAEL SCHWARTZER. COUNSEL HARVEY GRUBER WAS APPOINTED FEBRUARY 01, 2016. SAID JUDGE, THE PROSECUTOR AND GRUBER REMAINED ASSIGNED TO THE CASE. ON OCTOBER 19, 2017 PETITIONER'S PLEA WAS INDUCED BY THREATS OF PERSONAL HARM FROM CODEFENDANT DEANN (AA 0043-0051; 0063-0075; PA 03, 10). SENTENCING WAS SET FOR DECEMBER 14, 2017 (AA 0635-0636; PA 01) IN WHICH PETITIONER REFUSED TO APPEAR WITH CODEFENDANT DEANN DUE TO SAFETY CONCERNS (PA 12). JUDGE LEAVITT WAS PLACED ON NOTICE OF THESE CONCERNS THROUGH A DECEMBER 14, 2017 LETTER PETITIONER AUTHORED (PA 25-29).

ON JANUARY 02, 2018 PETITIONER INITIATED A CIVIL ACTION AGAINST JUDGE LEAVITT, PROSECUTOR MICHAEL SCHWARTZER AND GRUBER FOR VIOLATION OF HIS CIVIL RIGHTS IN INDIFFERENCING HIS HEALTH AND SAFETY (PA 30). PETITIONER'S DECEMBER 14, 2017 HEARING WAS TRAILED TO JANUARY 18, 2018 (AA 0646-0653; PA 12) WHERE HE AGAIN REFUSED TO APPEAR DUE TO SAFETY CONCERNS FROM HIS CODEFENDANT (AA 0646-0653; PA 12).

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AT THE JANUARY 18, 2018 HEARING GRUBER AND SCHWARTZER WERE PLACED ON NOTICE OF PETITIONER'S DECEMBER 14, 2017 LETTER (PA 25-29) AS WELL AS THE PENDING FEDERAL CIVIL ACTION "COMING DOWN THE PIPE TOO" (AA 0657; PA 30). GRUBER REMAINED ON THE CASE UNTIL FEBRUARY 06, 2018 (AA 0657-0659; PA 13). JUDGE LEAVITT AND SCHWARTZER REMAINED ASSIGNED TO THE CASE THROUGHOUT ITS DURATION DESPITE THE OBVIOUS CONFLICT CREATED BY PETITIONER'S INSTALLED CIVIL ACTION TRIGGERED BY THEIR ACTIONS AND/OR OMISSIONS.

FROM JUDGE LEAVITT'S JANUARY 18, 2018 DISCOVERY OF THE CIVIL ACTION PENDING AGAINST HER THROUGHOUT THE REMAINDER OF THE PROCEEDINGS, SHE ACTED UNDER A OPERATING CONFLICT TO PETITIONER'S PREJUDICE PROJECTING THE APPEARANCE OF IMPROPRIETY IN CONTRAST TO CODE OF JUDICIAL CONDUCT RULE 1.2 AND 2.11(A) WHICH REQUIRED HER TO RECUSE HERSELF FROM THE MATTER TO AVOID THE APPEARANCE OF IMPROPRIETY.

IX. CONCLUSION

A POST-CONVICTION HABEAS PETITIONER "IS ENTITLED TO A POST-CONVICTION EVIDENTIARY HEARING WHEN HE ASSERTS CLAIMS SUPPORTED BY SPECIFIC FACTUAL ALLEGATIONS NOT BELIED BY THE RECORD THAT, IF TRUE, WOULD ENTITLE HIM TO RELIEF." MANN V. STATE, 118 NEV. 351, 353 (2002); HARGROVE V. STATE, 100 NEV. 498 (1984); THOMAS V. STATE, 120 NEV. 44.

AFTER THE CONDUCTION OF THE STATUTORILY REQUIRED EVIDENTIARY HEARING AND RECEIPT OF ALL EVIDENCE RELEVANT HEREIN, THE COURT WILL BE INCLINED TO GRANT THE PETITION IN THE INTEREST OF JUSTICE AND FAIRNESS.

RESPECTFULLY SUBMITTED,

DATED: OCTOBER 16, 2020

BY: [signature]
(TONEY A. WHITE, III)
PETITIONER IN PRO SE

49

TONEY A. WHITE 1211472
HDSP
P.O. BOX 650
INDIAN SPRINGS, NV
89018

LEGAL MAIL

3762

CLERK OF THE COURT, DEPARTMENT NO. 12
CLARK COUNTY EIGHTH COURT
REGIONAL JUSTICE CENTER
EIGHTH JUDICIAL DISTRICT
200 LEWIS AVENUE
LAS VEGAS, NV 89155

COMMERCIAL BASE PRI

USPS PRIORITY MAI

VICTOR JOHNSON
LAS VEGAS STATE MAIL SERVICES
555 E WASHINGTON AVE #1200
LAS VEGAS NV 89101

SHIP TO: EIGHTH JUDICIAL DISTRICT COURT
200 LEWIS AVE
LAS VEGAS NV 89101-6000

USPS TRACKING #

9205 5501 5610 8000 0765 38

$008.44R

Zip 89101

TONEY A. WHITE
NDOC NO. 1214172
HIGH DESERT STATE PRISON
POST OFFICE BOX 650
INDIAN SPRINGS, NV,
89070

PETITIONER IN PRO SE

FILED
NOV 05 2020
CLERK OF COURT

EIGHTH JUDICIAL DISTRICT COURT
COUNTY OF CLARK
STATE OF NEVADA

A-20-824261-W
Dept. 12

TONEY A. WHITE, PETITIONER, VS. CALVIN JOHNSON, WARDEN, RESPONDENT.	CASE NUMBER C-16-313216-2 NEV. SUP. CRT. CASE NO. 78483 PETITIONER'S MOTION FOR FILING EXHIBITS "1" THRU "4" UNDER SEAL. UNDER SEAL

FILED CONTEMPORANEOUS WITH THE INSTANT MOTION THIS DATE IS PETITIONER'S POST-CONVICTION RELIEF PETITION ("PCR") FOR WRIT OF HABEAS CORPUS PURSUANT TO NRS § 34.724.

DUE TO THE SENSITIVITY OF CONTENTS, CONFIDENTIALITY OF MATERIALS AND TO PROTECT PRIVACY RIGHTS OF THE RELEVANT PARTIES TO WHICH THE INFORMATION PERTAINS, PETITIONER SEEKS AN ORDER FILING THE FOLLOWING EXHIBITS UNDER SEAL IN SUPPORT OF HIS ACCOMPANYING PCR PETITION:

1. EXHIBIT "1" SWORN AFFIDAVIT OF ANN MARIE WHITE;

2. EXHIBIT "2" INFORMATION SHEET OF INDIVIDUALS REFERENCED AT PAGE 28 OF PETITION;

3. EXHIBIT "3" PRESENTENCE INVESTIGATION REPORT DATED DECEMBER 01, 2017, AND,

4. EXHIBIT "4" SUPPLEMENTAL PRESENTENCE INVESTIGATION REPORT DATED MARCH 11, 2019.

IN ACCORDANCE THIS MOTION IS RESPECTFULLY SUBMITTED.

RESPECTFULLY SUBMITTED,

DATED: OCTOBER 16, 2020

BY: _____
(TONEY A. WHITE, III)
PETITIONER IN PRO SE

2

THIS SEALED
DOCUMENT,
NUMBERED PAGE(S)
60 - 101
WILL FOLLOW VIA
U.S. MAIL

TONEY A. WHITE
NDOC NO. 1214172
HIGH DESERT STATE PRISON
POST OFFICE BOX 650
INDIAN SPRINGS, NV,
89070

PETITIONER IN PRO SE

FILED
NOV 05 2020
CLERK OF COURT

A-20-824261-W
Dept. 12

EIGHTH JUDICIAL DISTRICT COURT
COUNTY OF CLARK
STATE OF NEVADA

TONEY A. WHITE, PETITIONER, VS. CALVIN JOHNSON, WARDEN, RESPONDENT.	CASE NUMBER C-16-313216-2 NEV. SUP. CRT. CASE NO. 78483

PETITIONER'S APPENDIX
VOLUME I

PAGES 1 THRU 194

TONEY A. WHITE
NDOC NO. 1214172
HIGH DESERT STATE PRISON
POST OFFICE BOX 650
INDIAN SPRINGS, NV,
89070

PETITIONER IN PRO SE

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. C-16-313216-2

State of Nevada	§ Location:	**Department 12**
vs	§ Judicial Officer:	**Leavitt, Michelle**
Toney White	§ Filed on:	**03/09/2016**
	§ Cross-Reference Case Number:	**C313216**
	§ Defendant's Scope ID #:	**8270790**
	§ Grand Jury Case Number:	**15AGJ129B**
	§ ITAG Case ID:	**1764700**
	§ Supreme Court No.:	**78483**

CASE INFORMATION

Offense	Statute	Deg	Date
1. CONSPIRACY TO COMMIT ROBBERY	200.380	F	01/20/2016
2. BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON	205.060.4	F	01/20/2016
3. FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON	200.310.1	F	01/20/2016
4. FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON	200.310.1	F	01/20/2016
5. ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON	200.380	F	01/20/2016
6. ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON	200.380	F	01/20/2016
7. BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM	200.481.2e2	F	01/20/2016
8. IMPERSONATION OF AN OFFICER	199.430	G	01/20/2016

Case Type: **Felony/Gross Misdemeanor**

Case Status: **07/26/2019 Reopened**

Related Cases
C-16-313216-1 (Multi-Defendant Case)
C-16-313216-3 (Multi-Defendant Case)
C-16-313216-4 (Multi-Defendant Case)

Statistical Closures
03/25/2019 Guilty Plea with Sentence (before trial) (CR)

Warrants
Indictment Warrant - White, Toney Anthony (Judicial Officer: Barker, David)
03/17/2016 4:15 PM Returned - Served
03/09/2016 11:45 AM Active
Fine: $0
Bond: **$195,000.00** **Any**

DATE — CASE ASSIGNMENT

Current Case Assignment

Case Number	C-16-313216-2
Court	Department 12
Date Assigned	03/09/2016
Judicial Officer	Leavitt, Michelle

PARTY INFORMATION

		Lead Attorneys
Defendant	**White, Toney Anthony**	**Jackson, Terrence Michael** *Retained* 7023860313(W)
Plaintiff	**State of Nevada**	**Wolfson, Steven B**

DATE	EVENTS & ORDERS OF THE COURT	INDEX

EVENTS

03/09/2016 Warrant
Indictment Warrant

03/09/2016 Indictment
Indictment

03/11/2016 Indictment Warrant Return

03/25/2016 Transcript of Proceedings
Reporter's Transcript of Proceedings, Grand Jury Hearing, March 8, 2016

05/18/2016 Application
Defendant White's Application to Recuse Counsel and for Appointment for Alternative Counsel; Memorandum of Points and Authorities

06/15/2016 Application
Defendant White's Application to Recuse Counsel and for Appointment of Alternative Counsel; Memorandum of Points and Authorities

10/11/2016 Notice of Witnesses and/or Expert Witnesses
State's Notice of Expert Witnesses (NRS 174.234(2)

10/18/2016 Notice
Notice of Intent to Seek Punishment as a Habitual Criminal

10/21/2016 Order to Release Medical Records
Ex Parte Motion and Order Releasing All Medical Records

11/22/2016 Motion
Motion to Withdraw as Counsel of Record

12/06/2016 Petition for Writ of Habeas Corpus
Pretrial Petition for Writ of Habeas Corpus

12/28/2016 Motion
Defendants Motion TO Recuse Counsel And Proceed In Pro Pria Personam In Light Of Counsels Demonstrated Ineffectiveness And Case Neglect And In Light Of Existing Conflict

03/27/2017 Motion
Defendant White's Motion for Trial Extension for 180 Days; Motion to Recuse Counsel and Application to Proceed in Propria Personam

05/03/2017 Objection
Defendant White's Objection to Courts Denial of Motion Filed 03/27/17

05/03/2017 Petition for Writ of Habeas Corpus
Petition for Writ of Habeas Corpus

05/08/2017	Supplemental Witness List *State's Supplemental Notice of Expert Witnesses(NRS 174.234(2)*
10/19/2017	Guilty Plea Agreement
12/01/2017	PSI
01/09/2018	Motion for Withdrawal Filed By: Defendant White, Toney Anthony *Motion for Withdrawal of Guilty Plea and for Appointment of New Counsel or Alternatively to Proceed in Pro Per*
01/09/2018	Statement Filed by: Defendant White, Toney Anthony *Statement of Facts*
01/12/2018	Motion for Withdrawal Filed By: Defendant White, Toney Anthony *Defendant White's Motion for Withdrawal of Guilty Plea and for Appointment of New Counsel or Alternatively to Proceed in Pro Per*
05/17/2018	Recorders Transcript of Hearing *Recorder's Transcript Re: DA Request Re: Entry of Plea, Thursday, October 19, 2017*
09/05/2018	Motion to Withdraw Plea Filed By: Defendant White, Toney Anthony *Motion to Withdraw Guilty Plea*
10/12/2018	Notice of Rescheduling of Hearing *Notice of Rescheduling Hearing*
02/12/2019	Notice of Witnesses and/or Expert Witnesses *State's Notice of Witnesses*
02/20/2019	Jury List
02/20/2019	Amended Indictment
03/11/2019	PSI - Supplemental PSI
03/15/2019	Memorandum *Sentencing Memorandum*
03/25/2019	Criminal Order to Statistically Close Case *Criminal Order to Statistically Close Case*
03/27/2019	Judgment of Conviction *Judgment of Conviction (Plea of Guilty)*
03/28/2019	Notice of Appeal (criminal) Party: Defendant White, Toney Anthony *Notice of Appeal*

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04/01/2019	Case Appeal Statement Filed By: Defendant White, Toney Anthony *Case Appeal Statement*
04/15/2019	Application to Proceed in Forma Pauperis Filed By: Defendant White, Toney Anthony
04/30/2019	Order for Production of Inmate *Order for Production of Inmate Toney White, BAC #1214172*
04/30/2019	Motion Filed By: Defendant White, Toney Anthony *Petitioner's Motion to Reduce and/or Quash Restitution*
04/30/2019	Writ Filed by: Defendant White, Toney Anthony *Writ of Replevin and for Court Order Directing Return of Property*
05/21/2019	Order *Order Appointing Counsel*
06/03/2019	Opposition Filed By: Plaintiff State of Nevada *State's Opposition to Defendant's Motion to Reduce or Quash Restitution*
06/04/2019	Request Filed by: Defendant White, Toney Anthony *Request for Transcripts*
06/21/2019	Recorders Transcript of Hearing *Recorder's Transcript of Proceedings: Initial Arraignment; Indictment Warrant Return, Thursday, March 17, 2016*
06/21/2019	Recorders Transcript of Hearing *Recorders Transcript of Proceedings: Defendant's Application to Recuse Counsel and for Appointment for Alternative Counsel; Memorandum of Points and Authorities; Thursday, June 9, 2016*
06/21/2019	Recorders Transcript of Hearing *Recorder's Transcript of Proceedings: Harvey Gruber, Esq.'s Motion to Withdraw as Counsel of Record, Tuesday, December 13, 2016*
06/21/2019	Recorders Transcript of Hearing *Recorder's Transcript of Proceedings: Sentencing, Thursday, December 14, 2017*
06/21/2019	Recorders Transcript of Hearing *Recorder's Transcript of Proceedings: Sentencing, Thursday, January 18, 2018*
06/21/2019	Recorders Transcript of Hearing *Recorder's Transcript of Proceedings: Defendant's Motion for Withdrawal of Guilty Plea and for Appointment of New Counsel, or Alternatively, to Proceed in Pro Per; Sentencing, Tuesday, January 30, 2018*

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06/21/2019	Recorders Transcript of Hearing *Recorder's Transcript of Proceedings: Defendant's Motion for Withdrawal of Guilty Plea and for Appointment of New Counsel, or Alternatively, to Proceed in Pro Per; Sentencing, Tuesday, February 6, 2018*
06/21/2019	Recorders Transcript of Hearing *Recorder's Transcript of Proceedings: Status Check: Defendant's Motion to Withdrawal Guilty Plea/Confirmation of Appointed Counsel Michael Sanft; Sentencing, Thursday, February 15, 2018*
06/21/2019	Recorders Transcript of Hearing *Recorder's Transcript of Proceedings: Status Check: Defendant's Motion to Withdrawal Guilty Plea; Sentencing, Thursday, March 29, 2018*
07/10/2019	Recorders Transcript of Hearing *Recorder's Transcript of Hearing: All Pending Motions, Thursday, April 5, 2018*
07/10/2019	Recorders Transcript of Hearing *Recorder's Transcript of Hearing: All Pending Motions, Tuesday, April 24, 2018*
07/10/2019	Recorders Transcript of Hearing *Recorder's Transcript of Hearing: All Pending Motions, Thursday, May 10, 2018*
07/10/2019	Recorders Transcript of Hearing *Recorder's Transcript of Hearing: All Pending Motions, Tuesday, June 5, 2018*
07/10/2019	Recorders Transcript of Hearing *Recorder's Transcript of Hearing: All Pending Motions, Thursday, June 28, 2018*
07/10/2019	Recorders Transcript of Hearing *Recorder's Transcript of Hearing: All Pending Motions, Thursday, September 6, 2018*
07/10/2019	Recorders Transcript of Hearing *Recorder's Transcript of Hearing: All Pending Motions, Thursday, December 20, 2018*
07/10/2019	Recorders Transcript of Hearing *Recorder's Transcript of Hearing: Sentencing, Tuesday, March 19, 2019*
07/12/2019	Recorders Transcript of Hearing *Recorder's Transcript of Hearing, Jury Trial - Day 1, Tuesday, February 19, 2019*
07/12/2019	Recorders Transcript of Hearing *Recorder's Transcript of Hearing, Jury Trial - Day 2, Wednesday, February 20, 2019*
07/12/2019	Recorders Transcript of Hearing *Recorder's Transcript of Hearing, Jury Trial - Day 3, Thursday, February 21, 2019*
07/26/2019	Motion for Withdrawal Filed By: Defendant White, Toney Anthony *Defendant's Motion to Withdraw Plea of Guilty*
07/30/2019	Clerk's Notice of Hearing *Clerk's Notice of Hearing*

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08/30/2019 Motion
Filed By: Defendant White, Toney Anthony
Motion for Certification and Request for Remand

09/04/2019 Clerk's Notice of Hearing
Notice of Hearing

09/05/2019 Clerk's Notice of Hearing
Notice of Hearing

09/20/2019 Order
Filed By: Defendant White, Toney Anthony
Order

09/20/2019 Order to Transport Defendant
Party: Defendant White, Toney Anthony
Order to Transport Defendant

10/07/2019 Opposition to Motion
Filed By: Plaintiff State of Nevada
State's Opposition to Defendant's Motion to Withdraw Guilty Plea

DISPOSITIONS

10/20/2017 **Disposition** (Judicial Officer: Leavitt, Michelle)
3. FIRST DEGREEKIDNAPPING WITH USE OF A DEADLY WEAPON
Amended Information Filed/Charges Not Addressed
PCN: Sequence:

4. FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON
Amended Information Filed/Charges Not Addressed
PCN: Sequence:

5. ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON
Amended Information Filed/Charges Not Addressed
PCN: Sequence:

6. ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON
Amended Information Filed/Charges Not Addressed
PCN: Sequence:

7. BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM
Amended Information Filed/Charges Not Addressed
PCN: Sequence:

8. IMPERSONATION OF AN OFFICER
Amended Information Filed/Charges Not Addressed
PCN: Sequence:

12/20/2018 **Amended Disposition** (Judicial Officer: Leavitt, Michelle) Reason: Plea Withdrawn Charge(s) Reinstated
3. FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON
Charge Reinstated
PCN: Sequence:

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4. FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON
Charge Reinstated
PCN: Sequence:

5. ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON
Charge Reinstated
PCN: Sequence:

6. ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON
Charge Reinstated
PCN: Sequence:

7. BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM
Charge Reinstated
PCN: Sequence:

8. IMPERSONATION OF AN OFFICER
Charge Reinstated
PCN: Sequence:

HEARINGS

03/09/2016 **Grand Jury Indictment** (11:45 AM) (Judicial Officer: Barker, David)

MINUTES

Warrant
03/09/2016 Inactive Indictment Warrant
Matter Heard;
Journal Entry Details:
Ann Kling, 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 15AGJ129B to the Court. COURT ORDERED, the Indictment may be filed and is assigned Case Number C313216-2, Department 12. Mr. Schwartzer requested a warrant and argued bail. COURT ORDERED, WARRANT TO BE ISSUED, $195,000.00 BAIL and matter SET for initial arraignment. Exhibits 1-35 lodged with Clerk of District Court. I.W. (CUSTODY) 3/17/16 8:30 AM INITIAL ARRAIGNMENT (DEPT 12);

SCHEDULED HEARINGS
CANCELED **Initial Arraignment** (03/17/2016 at 8:30 AM) (Judicial Officer: Leavitt, Michelle)
Vacated - On in Error

03/17/2016 *CANCELED* **Initial Arraignment** (8:30 AM) (Judicial Officer: Leavitt, Michelle)
Vacated - On in Error

03/17/2016 **Initial Arraignment** (8:30 AM) (Judicial Officer: Leavitt, Michelle)
Plea Entered;

03/17/2016 **Indictment Warrant Return** (8:30 AM) (Judicial Officer: Leavitt, Michelle)
Trial Date Set;

03/17/2016 *CANCELED* **All Pending Motions** (8:30 AM) (Judicial Officer: Leavitt, Michelle)
Vacated - On In Error

03/17/2016 **All Pending Motions** (8:30 AM) (Judicial Officer: Leavitt, Michelle)
Matter Heard;
Journal Entry Details:

INITIAL ARRAIGNMENT...INDICTMENT WARRANT RETURN DEFT. WHITE ARRAIGNED, PLED NOT GUILTY, and WAIVED the 60-DAY RULE. COURT ORDERED,

matter SET for trial. CUSTODY 10/25/16 8:30 A.M. CALENDAR CALL 11/01/16 1:30 P.M. TRIAL BY JURY;

06/09/2016 **Motion** (8:30 AM) (Judicial Officer: Leavitt, Michelle)
Defendant's Application to Recuse Counsel and for Appointment for Alternative Counsel; Memorandum of Points and Authorities
Denied;
Journal Entry Details:
Court advised Deft. it read his Motion, he did not provide a legal basis for Court to grant his Motion, it appears he is well aware of the facts, and it was made clear in the Motion that he read the discovery and knows the facts of the case. COURT ORDERED, Deft's Motion to dismiss counsel DENIED. Court further advised Deft. he cannot assert other people's constitutional rights, as he does not get the benefit of this; and it appears he wants his attorney in conjunction with another person to somehow suppress evidence, because someone else's constitutional rights were violated. Court further advised Deft. this was probably why his attorney did not file the motion, and his attorney is not permitted to file frivolous motions or motions that have no basis in law. Deft. acknowledged. COURT ORDERED, Motion DENIED. CUSTODY 10/25/16 8:30 A.M. CALENDAR CALL 11/01/16 1:30 P.M. TRIAL BY JURY ;

07/07/2016 **Motion** (8:30 AM) (Judicial Officer: Leavitt, Michelle)
Defendant's Defendant White's Application to Recuse Counsel and for Appointment of Alternative Counsel; Memorandum of Points and Authorities
Off Calendar;
Journal Entry Details:
COURT ORDERED, motion OFF CALENDAR as previously denied. ;

10/25/2016 **Calendar Call** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

MINUTES
Vacated and Reset;
Journal Entry Details:
Based on representations made in Cases C-16-313216-3 & 4, and there being no objection by State, COURT ORDERED, Deft's motion to continue trial date GRANTED; trial date VACATED AND RESET. CUSTODY 3/14/17 8:30 A.M. CALENDAR CALL 3/20/17 1:30 P.M. TRIAL BY JURY;

SCHEDULED HEARINGS
Calendar Call (03/14/2017 at 8:00 AM) (Judicial Officer: Leavitt, Michelle)

11/01/2016 *CANCELED* **Jury Trial** (1:30 PM) (Judicial Officer: Leavitt, Michelle)
Vacated - per Judge

12/13/2016 **Motion to Withdraw as Counsel** (8:30 AM) (Judicial Officer: Leavitt, Michelle)
Harvey Gruber's, Esq, Motion to Withdraw as Counsel of Record
Motion Denied; Harvey Gruber's, Esq, Motion to Withdraw as Counsel of Record
Journal Entry Details:
Mr. Gruber stated that his relationship with Defendant has become adversarial; that he has been unable to communicate with his client and will not be able to represent him to the best of his ability. Submitted by the State. Court stated if it were to allow counsel to withdraw that this happened it, there would be no attorneys. COURT ORDERED, Motion DENIED. CUSTODY CLERK'S NOTE; The minutes for this hearing have been prepared by a review of the JAVS recording. (tmj:12/22/16);

01/19/2017 **Motion** (8:30 AM) (Judicial Officer: Leavitt, Michelle)
Defendants Pro Per Motion to Recuse Counsel and Proceed In Pro Pria Personam In Light of Counsels Demonstrated Ineffectiveness, and Case Neglect, and In Light of Existing Conflict
Off Calendar;
Journal Entry Details:
Deft. stated he will withdraw the motion, as Mr. Gruber and himself have been talking. Upon Court's inquiry, Mr. Gruber advised it is what it is. COURT ORDERED, Matter OFF CALENDAR. CUSTODY 3/14/17 8:30 A.M. CALENDAR CALL 3/20/17 1:30 P.M. TRIAL BY

JURY;

03/14/2017 **Calendar Call** (8:00 AM) (Judicial Officer: Leavitt, Michelle)

MINUTES

Vacated and Reset;
Journal Entry Details:
Court TRAILED and RECALLED matter for Mr. Schwartzer and Co-Deft's attorney Mr. Shetler to appear. State announced ready for trial. Mr. Gruber advised he and Co-Deft's counsel are announcing not ready for different reasons, his client was trying to remove him from the case the past two months, a bar complaint was filed, to which defense had stopped working on the case, however, his investigator met with Deft; therefore, defense needs more time for trial, and Mr. Shetler also needs more time. Additionally, an offer was made to Deft, and defense will be requesting a status check hearing be set on possible negotiations; and for trial to be vacated. State objected to trial continuance; and argued it has been over a year and a half, both Defts. are filing motions to dismiss their counsels to purposely manipulate the system and not go to trial, and no real motions were done. Court stated if the case is not Overflow eligible, the Court has to continue this case. Mr. Schwartzer added State wants a firm trial setting, and he does not mind a status check hearing set in two weeks. Mr. Schwartzer added he just made an offer to Mr. Shelter's client, and if the offers are not accepted by both Defts. during these two weeks, State will revoke all offers and not make any more offers. Due to Court's schedule, COURT ORDERED, trial date VACATED; and status check is SET in two weeks. Court noted it is in a capital case, and its schedule will not allow this trial to go forward next week. Court reminded Deft. if he chooses not to accept the offer, State will revoke the offers and no longer make any more offers; further noting the status check will be set, including the new trial date. Deft. acknowledged. CUSTODY 3/30/17 8:30 A.M. STATUS CHECK: NEGOTIATIONS 6/06/17 8:30 A.M. CALENDAR CALL 6/13/17 1:30 P.M. TRIAL BY JURY ;

SCHEDULED HEARINGS

Calendar Call (06/06/2017 at 8:30 AM) (Judicial Officer: Leavitt, Michelle)
CANCELED **Jury Trial** (06/13/2017 at 1:30 PM) (Judicial Officer: Leavitt, Michelle)
Vacated - per Judge

03/20/2017 *CANCELED* **Jury Trial** (1:30 PM) (Judicial Officer: Leavitt, Michelle)
Vacated - per Judge

03/30/2017 **Status Check: Negotiations/Trial Setting** (8:30 AM) (Judicial Officer: Leavitt, Michelle)
Status Check: Negotiations
Not Settled; .
Journal Entry Details:
Mr. Gruber advised Deft. made the decision not to take State's offer, and he acknowledged this to defense. Court canvassed Deft. on his decision, and Deft. confirmed he rejected the offer. Mr. Schwartzer advised there will be no further offers, all current offers are revoked for both Deft. and Co-Deft, and State will be ready for trial. COURT ORDERED, trial date STANDS. CUSTODY 6/06/17 8:30 A.M. CALENDAR CALL 6/13/17 1:30 P.M. TRIAL BY JURY;

04/18/2017 **Motion** (8:30 AM) (Judicial Officer: Leavitt, Michelle)
Defendant White's Pro Per Motion for Trial Extension For 180 Days; Motion to Recuse Counsel and Application to Proceed In Propria Personam
Denied;
Journal Entry Details:
Court advised Deft. it read his pro per motion, and Court does not believe there is any legal basis. Court further advised Deft. this was discussed, about him filing these motions, his attorney cannot raise somebody else's Fourth Amendment right, and he cannot raise that issue. Deft. stated that is not right. Court advised Deft. that does not matter, he has no standing, and his attorney cannot raise issues that are frivolous. Deft. stated it is more than just the motion, he has been incarcerated for over a year, and he does not have all the discovery. Court asked Deft. what discovery does he think his attorney is not giving him. Mr. Schwartzer noted for the record State turned over everything to defense counsel. Mr. Gruber advised he went through the file with Deft, and had also forwarded items to Deft. Deft. stated all evidence from Grand Jury was not provided to him. Mr. Schwartzer confirmed the Marcum notice was served. Deft. stated there are 24 pictures not in his possession. Mr. Gruber advised he will re-check his file

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for the third time. Defi. stated there is a recorded statement to police, he is not sure what is going on, he has transcripts of the victims and Co-Defis, but not his transcripts. Mr. Gruber advised the case file is four inches thick, and he will endeavor and give the information to him again. Court advised Defi. even if his attorney had provided it, Mr. Gruber will provide the information to him. Court asked Defi. if there was anything else. Defi. stated he has no copies of reports. Court advised Defi. he has to be more specific than that. Defi. stated there are reports from 7 officers, which are missing from his report. Court stated generally, there is one report, and not separate ones. Court advised Defi. it does not know, however, just because he thinks there are reports, does not mean there are. Mr. Schwartzer confirmed there are a lot of reports in the case, including one from the Crime Scene Analyst. Defi. stated he is concerned about the officer's report. Court advised Defi. multiple reports for one report are unusual, however, the Court will read the report, and if 7 reports exist, he is entitled to them. Court reminded Defi. just because the reports are not available, does not mean the reports exist. COURT ORDERED, Motion DENIED. Mr. Gruber advised he will send his Investigator over to Defi. again, to see what is missing, and make sure Defi. gets the stuff in two weeks. Defi. stated he asked his attorney to get all the material and the file. Court advised Defi. his attorney is not required to do that, and the District Attorney has the obligation to turn information over without a request. Defi. stated he asked why evidence is not turned over, and he was told there is only evidence that is going to be used against him at trial. Court told Defi. that is true, however, State is required to turn over any exculpatory evidence; and his argument that he wants to build his defense on State's evidence is unusual. Defi. stated he does not know the strengths and weaknesses of the case. Court advised Defi. his attorney will know. Defi. argued there has been no communication with his attorney. Mr. Gruber noted for the record he spoke with Defi. on the phone after the bar Complaint was filed, and Defi. has spoken with his staff about the case. CUSTODY 6/06/17 8:30 A.M. CALENDAR CALL 6/13/17 1:30 P.M. TRIAL BY JURY ;

06/06/2017 **Calendar Call** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

MINUTES

Vacated and Reset;

Journal Entry Details:

Mr. Gruber advised he sent copies of reports to Defi, Defi. is saying he is missing some, further noting defense also mailed 400 pictures, and Defi. still has not received them. Additionally, the investigator met with Defi, and defense is not ready to go to trial next week due to further investigation needed. Mr. Schwartzer objected. Discussions as to Defi. and Mr. Gruber having had a contentious relationship previously, and there having been difficulties with communication. Mr. Gruber stated he does not know why the information was provided yesterday at the meeting, but defense needs to look into it further. Mr. Schwartzer argued State is ready, Defi. had discovery all this time, and trial has been continued a few times. COURT ORDERED, Defi's Motion GRANTED; trial date VACATED AND RESET. Court noted parties need to be ready to go on the next trial date. CUSTODY 10/31/17 8:30 A.M. CALENDAR CALL 11/07/17 1:30 P.M. TRIAL BY JURY;

SCHEDULED HEARINGS

CANCELED **Calendar Call** (10/31/2017 at 8:30 AM) (Judicial Officer: Leavitt, Michelle)
Vacated - per Judge

CANCELED **Jury Trial** (11/07/2017 at 1:30 PM) (Judicial Officer: Leavitt, Michelle)
Vacated - per Judge

06/13/2017 *CANCELED* **Jury Trial** (1:30 PM) (Judicial Officer: Leavitt, Michelle)
Vacated - per Judge

10/19/2017 **Request** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

DA Request Re: Entry of Plea

Plea Entered;

Journal Entry Details:

AMENDED INDICTMENT FILED IN OPEN COURT. NEGOTIATIONS are as contained in the Guilty Plea Agreement FILED IN OPEN COURT. DEFT. WHITE ARRAIGNED AND PLED GUILTY TO COUNT 1- CONSPIRACY TO COMMIT ROBBERY (F) and COUNT 2 - ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON (F). Court ACCEPTED plea, and, ORDERED, matter referred to the Division of Parole and Probation (P & P) and SET for sentencing. FURTHER ORDERED, TRIAL VACATED. CUSTODY 12-14-17 8:30 AM SENTENCING (DEPT. XII);

10/31/2017 *CANCELED* **Calendar Call** (8:30 AM) (Judicial Officer: Leavitt, Michelle)
Vacated - per Judge

11/07/2017 *CANCELED* **Jury Trial** (1:30 PM) (Judicial Officer: Leavitt, Michelle)
Vacated - per Judge

12/14/2017 **Sentencing** (8:30 AM) (Judicial Officer: Leavitt, Michelle)
12/14/2017, 01/18/2018, 01/30/2018, 02/06/2018, 02/15/2018, 03/29/2018, 04/05/2018, 04/24/2018, 05/10/2018, 06/05/2018
Sentencing
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Journal Entry Details:
Deft. not present; refused to appear. CONFERENCE AT BENCH. COURT ORDERED, sentencing CONTINUED, and hearing on Deft's pro per motion for withdrawal of guilty plea STANDS. CUSTODY 1/30/18 8:30 A.M. DEFT'S MOTION FOR WITHDRAWAL OF GUILTY PLEA AND FOR APPOINTMENT OF NEW COUNSEL, OR ALTERNATIVELY, TO PROCEED IN PRO PER...SENTENCING;
Continued;
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Hearing Set;
Journal Entry Details:
Deft. not present; refused to be transported. Mr. Gruber not present. At request of defense counsel, which was made to Chambers prior to today's hearing, COURT ORDERED, matter CONTINUED. CUSTODY 1/18/18 8:30 A.M. SENTENCING CLERK'S NOTE: After Court, Clerk notified Mr. Gruber and State regarding continuance date, as Court had granted Co-Deft's attorney's request for sentencing to be heard on or after January 18, 2018, due to scheduling conflicts. /// sb;

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01/30/2018 **Motion to Withdraw as Counsel** (8:30 AM) (Judicial Officer: Leavitt, Michelle)
01/30/2018, 02/06/2018
Defendant's Motion for Withdrawal of Guilty Plea and for Appoinment of New Counsel, Or Alternatively, to Proceed In Pro Per
Continued;
Set Status Check;
Continued;
Set Status Check;

01/30/2018 **Motion for Withdrawal** (8:30 AM) (Judicial Officer: Leavitt, Michelle)
01/30/2018, 02/06/2018
Defendant's Motion for Withdrawal of Guilty Plea and for Appointment of New Counsel, or Alternatively, to Proceed In Pro Per
Continued;
Set Status Check;
Continued;
Set Status Check;

01/30/2018 **All Pending Motions** (8:30 AM) (Judicial Officer: Leavitt, Michelle)
All Pending Motions (1/30/2018)
Matter Heard;
Journal Entry Details:
DEFENDANT'S MOTION FOR WITHDRAWAL OF GUILTY PLEA AND FOR APPOINTMENT OF NEW COUNSEL, OR ALTERNATIVELY, TO PROCEED IN PRO PER...DEFENDANT'S MOTION FOR WITHDRAWAL OF GUILTY PLEA AND FOR APPOINTMENT OF NEW COUNSEL, OR ALTERNATIVELY, TO PROCEED IN PRO PER...SENTENCING Mr. Gruber not present. COURT ORDERED, matters CONTINUED. CUSTODY 2/06/18 8:30 A.M. DEFENDANT'S MOTION FOR WITHDRAWAL OF GUILTY PLEA AND FOR APPOINTMENT OF NEW COUNSEL, OR ALTERNATIVELY, TO PROCEED IN PRO PER...DEFENDANT'S MOTION FOR WITHDRAWAL OF GUILTY PLEA AND FOR APPOINTMENT OF NEW COUNSEL, OR ALTERNATIVELY, TO PROCEED IN PRO PER...SENTENCING CLERK'S NOTE: Mr. Gruber appeared after Court recessed, and was informed by Clerk regarding continuance date. /// sb;

02/06/2018 **All Pending Motions** (8:30 AM) (Judicial Officer: Leavitt, Michelle)
Matter Heard;
Journal Entry Details:
DEFT'S MOTION FOR WITHDRAWAL OF GUILTY PLEA AND FOR APPOINTMENT OF NEW COUNSEL, OR ALTERNATIVELY, TO PROCEED IN PRO PER...DEFT'S MOTION TO WITHDRAWAL OF GUILTY PLEA AND FOR APPOINTMENT OF NEW COUNSEL, OR ALTERNATIVELY, TO PROCEED IN PRO PER...SENTENCING Court advised Deft. it received all of his letters and Motions after his entry of plea. Upon Court's inquiry, Deft. confirmed he wants to move to withdraw his plea. Court noted based on allegations that were made by Deft, the Court will appoint independent counsel to review the case. COURT ORDERED, Attorney Michael Sanft, Esq., APPOINTED as counsel for limited purpose of reviewing the record and making a determination as to whether or not there is a legal basis for Deft. to withdraw his plea. FURTHER, matter SET for confirmation of independent counsel. Mr. Gruber to provide a copy of the case file to Deft. Mr. Gruber noted the case file is rather large. Court advised Deft. if his independent attorney thinks there is a legal basis, the attorney will file a motion; and if there is no legal basis found, Mr. Gruber will remain on the case to handle sentencing, and Deft. can file an appeal or anything else deemed appropriate. Discussion between Court and Deft. regarding his hand and arm being bandaged. CASE RECALLED. Mr. Schwartzer is not present. Mr. Sanft is now present in Court. Court informed Mr. Sanft regarding the appointment and this case being continued to February 15, 2018 for him to confirm. Court added Mr. Gruber is going to provide him the file, and Mr. Gruber had indicated the case file is quite large. Court inquired to Mr. Sanft if he needs more time to review the case. Mr. Sanft stated no; and advised this Court did the plea canvass, and he would request a copy of the JAVS recording of this plea canvass, or the transcript. Court advised Mr. Sanft Deft. had written few documents since the plea canvass, that does not appear to be the issue, and he contends there were outside forces. Mr. Sanft stated he understands there may have been some other party that had forced Deft. into taking the negotiation, and maybe the pauses in the canvass would help to determine whether Deft. actually had a problem. Court stated Deft. had told Court nobody had coerced him into entering his plea, during the plea canvass. Court offered to provide a transcript of the plea canvass and the JAVS recording. Mr.

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Sanft requested only the JAVS CD, and one week to review the record. COURT SO ORDERED. Court advised Mr. Sanft it is warning him that the file is voluminous. COURT ORDERED, sentencing CONTINUED; matter SET for status check. Mr. Sanft advised he thinks the issue is whether or not Deft. enters the plea knowingly and voluntarily, without the issue of coercion, he does not believe reading the entire file is going to be the issue, as that is a fact pattern that goes to something else, and he is only focusing on Deft's entry of plea. Court thanked Mr. Sanft for taking this case; and advised Mr. Sanft to let the Court know if he needs more time. CUSTODY 2/15/18 8:30 A.M. STATUS CHECK: DEFT'S MOTION TO WITHDRAW GUILTY PLEA / CONFIRMATION OF APPOINTED COUNSEL MICHAEL SANFT...SENTENCING ;

02/15/2018 **Status Check** (8:30 AM) (Judicial Officer: Leavitt, Michelle)
Status Check: Deft's Motion To Withdraw Guilty Plea / Confirmation of Appointed Counsel Michael Sanft
Briefing Schedule Set;

02/15/2018 **All Pending Motions** (8:30 AM) (Judicial Officer: Leavitt, Michelle)
Matter Heard;
Journal Entry Details:
STATUS CHECK: DEFENDANT'S MOTION TO WITHDRAW GUILTY PLEA/ CONFIRMATION OF COUNSEL MICHAEL SANFT... SENTENCING Mr. Sanft CONFIRMED as Counsel and requested a briefing schedule be set. COURT ORDERED Deft's Supplemental Brief DUE 03/01/18, State's Response DUE 03/15/18, Deft's Reply DUE 03/22/18, Status Check date SET. CUSTODY 03/29/18 8:30 A.M. STATUS CHECK: DEFENDANT'S MOTION TO WITHDRAW GUILTY PLEA... SENTENCING ;

03/29/2018 **Status Check** (8:30 AM) (Judicial Officer: Leavitt, Michelle)
03/29/2018, 04/05/2018, 04/24/2018, 05/10/2018, 06/05/2018, 06/28/2018
Status Check: Defendant's Motion to Withdraw Guilty Plea

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Briefing Schedule Set;
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MINUTES
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SCHEDULED HEARINGS

All Pending Motions (03/29/2018 at 8:30 AM) (Judicial Officer: Leavitt, Michelle)

SCHEDULED HEARINGS

Evidentiary Hearing (06/28/2018 at 10:30 AM) (Judicial Officer: Leavitt, Michelle)
06/28/2018, 09/06/2018, 12/20/2018

SCHEDULED HEARINGS

CANCELED **Motion to Withdraw Plea** (09/06/2018 at 10:30 AM) (Judicial Officer: Leavitt, Michelle)
Vacated - Duplicate Entry
Defendant's Motion to Withdraw Plea

03/29/2018 **All Pending Motions** (8:30 AM) (Judicial Officer: Leavitt, Michelle)
Matter Heard;
Journal Entry Details:
STATUS CHECK: DEFT'S MOTION TO WITHDRAW GUILTY PLEA...SENTENCING Mr. Sanft appeared for limited purpose regarding Deft's motion to withdraw guilty plea; and informed Court he is seeking more time, he reviewed Deft's issues as to why he wants to file the motion, there is a basis, and a requirement is also getting an affidavit from a person in custody. Deft. provided the name of the person in custody to Mr. Sanft, in open Court. Mr. Sanft stated he needs this person to sign an affidavit, he does not know where the person is housed at, documents were sent to the person, and no response was received. At request of counsel, COURT ORDERED, matters CONTINUED one week for Mr. Sanft to try to locate the person again. CUSTODY 4/05/18 8:30 A.M. STATUS CHECK: DEFT'S MOTION TO WITHDRAW GUILTY PLEA...SENTENCING ;

04/05/2018 **All Pending Motions** (8:30 AM) (Judicial Officer: Leavitt, Michelle)
All Pending Motions (4/05/2018)
Matter Heard;
Journal Entry Details:
STATUS CHECK: DEFT'S MOTION TO WITHDRAW GUILTY PLEA...SENTENCING Mr. Sanft informed Court the person was located, he drafted the affidavit for the person, however, he needs permission from the person's Public Defender first, who is out on vacation. At request of defense counsel, COURT ORDERED, matters CONTINUED two weeks. CUSTODY 4/24/18 8:30 A.M. STATUS CHECK: DEFT'S MOTION TO WITHDRAW GUILTY PLEA...SENTENCING;

04/24/2018 **All Pending Motions** (8:30 AM) (Judicial Officer: Leavitt, Michelle)
Matter Heard;
Journal Entry Details:
STATUS CHECK: DEFT'S MOTION TO WITHDRAW GUILTY PLEA...SENTENCING Mr. Sanft informed Court he was granted one week to get the affidavit signed by the witness, however, the witness is refusing to sign it, the affidavit was reviewed by the witness, and the witness is afraid to be labeled as a snitch. Additionally, Deft's sister is in custody, and defense is having the investigator come sit down with Deft's sister to get more information about the alleged threat. Mr. Sanft requested one more continuance. Court asked if defense was going to file the motion to withdraw guilty plea. Mr. Sanft advised he has evidence from Deft, however, he wanted an affidavit and declaration signed, further noting Deft's sister may know about the alleged threat, and defense wants to verify it. Ms. Derjavina advised State is fine with the continuance, she does not have the file, and this is Mr. Schwartzer's case. COURT ORDERED, matters CONTINUED. CUSTODY 5/10/18 8:30 A.M. STATUS CHECK: DEFT'S MOTION TO WITHDRAW GUILTY PLEA...SENTENCING;

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05/10/2018 **All Pending Motions** (8:30 AM) (Judicial Officer: Bixler, James)
All Pending Motions (5/10/2018)
Continued;
Journal Entry Details:
STATUS CHECK: DEFENDANT'S MOTION TO WITHDRAW GUILTY PLEA...SENTENCING Mr. Sanft requested another continuance of two weeks. Court stated a copy of the plea canvass or transcript will need to be provided to defense counsel. Mr. Sanft requested thirty days for the transcript to be provided. COURT SO ORDERED; matters CONTINUED. CUSTODY 6/05/18 8:30 A.M. STATUS CHECK: DEFENDANT'S MOTION TO WITHDRAW GUILTY PLEA...SENTENCING;

06/05/2018 **All Pending Motions** (8:30 AM) (Judicial Officer: Leavitt, Michelle)
All Pending Motions (6/05/2018)
Matter Heard;
Journal Entry Details:
STATUS CHECK: DEFT'S MOTION TO WITHDRAW GUILTY PLEA...SENTENCING Mr. Sanft informed Court he provided a copy of the plea canvass and transcript to Deft, his basis before was basis of coercion, the attorney for the individual said no on signing an affidavit, as the individual does not want to sign an affidavit anymore. Mr. Sanft requested an evidentiary hearing to have a witness come in and provide testimony; and argued in support of relief requested. Court told Mr. Sanft he can file a motion on the issue, the Court would give him an opportunity to bring the witness in, and with everything he is telling the Court, the Court would be inclined to grant an evidentiary hearing. Discussions. Mr. Sanft anticipated the evidentiary hearing will be short. Mr. Kern requested Court to trail the matter for Mr. Schwartzer to appear. Further discussion. COURT ORDERED, status check CONTINUED; matter SET for evidentiary hearing; and briefing schedule is SET as follows: Deft's brief due June 14, 2018, and State's response is due June 21, 2018. CUSTODY 6/28/18 10:30 A.M. EVIDENTIARY HEARING...STATUS CHECK: DEFT'S MOTION TO WITHDRAW GUILTY PLEA;

06/28/2018 **Evidentiary Hearing** (10:30 AM) (Judicial Officer: Leavitt, Michelle)
06/28/2018, 09/06/2018, 12/20/2018
Continued;
Continued;
Off Calendar;
Continued;
Continued;
Off Calendar;
Continued;
Continued;
Off Calendar;

06/28/2018 **All Pending Motions** (10:30 AM) (Judicial Officer: Leavitt, Michelle)
Matter Heard;
Journal Entry Details:
EVIDENTIARY HEARING...STATUS CHECK: DEFT'S MOTION TO WITHDRAW GUILTY PLEA Mr. Sanft informed Court a briefing schedule was set at the last hearing, and he had received a written letter by the Clerk, two days after the last hearing, to which the letter was from Deft, which caused him concern about filing any type of motion in regards to a motion to withdraw guilty plea. Thereafter, Mr. Sanft provided Deft's written letter, which was reviewed by Court. Discussions regarding Deft's handwriting in the letter being exceptionally gifted, clear, and to the point, plus what Deft. wrote in the letter. Mr. Sanft stated the person who allegedly overheard the threats made to Deft, refused to cooperate. Further discussions regarding defense counsel's reasonings of not filing the motion, and defense counsel believing there is a legal basis to file a motion on Deft's behalf. Court reminded defense counsel Deft. does not direct what the strategy is. Mr. Sanft stated the concern was about what Deft. wrote in the letter, Deft's basis was well founded, what he laid out in the letter may set the record for something else, defense wanted to let the Court know what was going on and what Deft's position was, before defense moves forward; and he did not want this to be an issue later on post conviction relief. Court advised Deft. it will make the letter a part of the record, Mr. Sanft is going to continue to represent him, he needs to discuss everything with Mr. Sanft, Mr. Sanft gets to determine what the legal strategy is, he cannot keep stalling the case from going forward, by claiming every attorney Court gives him does not do what he thinks they are

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	supposed to do, the Court has a Guilty Plea Agreement in front of the Court, if he wants to move to withdraw his plea, that is fine, and he can talk to Mr. Sanft about it, however, he does not get to direct legal strategy, Mr. Sanft directs the strategy and is the lawyer, and he is not. Deft. made statements to Court regarding names of witnesses having been given to the investigator. Mr. Sanft stated the investigator followed up with the main person involved, being a witness regarding the alleged threat, and based upon the letter, defense can follow up with the individuals in the letter, if Court wants him to do so. Court stated it is not going to direct Mr. Sanft either, that is not appropriate for Court to do, the Court has faith in him, and he is a competent attorney. Further discussions. Court reminded Deft. again the legal strategy is Mr. Sanft's decision and he needs to speak with Mr. Sanft about the case. At request of Mr. Sanft, COURT ORDERED, CASE CONTINUED; briefing schedule SET as follows: Deft's Motion to withdraw guilty plea due July 19, 2018; State's response due August 9, 2018; and Deft's reply is due August 23, 2018. Hearing SET. Court's Exhibit ADMITTED (See Worksheets.). Mr. Sanft stated the motion is already done, and he held off on filing it, due to Deft's letter. CUSTODY 9/06/18 10:30 A.M. EVIDENTIARY HEARING...DEFT'S MOTION TO WITHDRAW GUILTY PLEA ;
09/06/2018	*CANCELED* **Motion to Withdraw Plea** (10:30 AM) (Judicial Officer: Leavitt, Michelle) *Vacated - Duplicate Entry* *Defendant's Motion to Withdraw Plea*
09/06/2018	**Motion to Withdraw Plea** (10:30 AM) (Judicial Officer: Leavitt, Michelle) **09/06/2018, 12/20/2018** Events: 09/05/2018 Motion to Withdraw Plea Continued; Granted; Continued; Granted;
09/06/2018	**All Pending Motions** (10:30 AM) (Judicial Officer: Leavitt, Michelle) *All Pending Motions (9/06/2018)* Matter Heard; Journal Entry Details: *EVIDENTIARY HEARING...DEFT'S MOTION TO WITHDRAW PLEA Case called during the 8:30 A.M. criminal calendar. Discussions as to Mr. Sanft having filed the written motion yesterday afternoon, being September 5, 2018. At request of State, COURT ORDERED, State to file written response by October 25, 2018. FURTHER, matters CONTINUED. CUSTODY 10/30/18 10:30 A.M. EVIDENTIARY HEARING...DEFT'S MOTION TO WITHDRAW PLEA;*
12/20/2018	**All Pending Motions** (10:30 AM) (Judicial Officer: Leavitt, Michelle) *All Pending Motions (12/20/2018)* Matter Heard; Journal Entry Details: *Court TRAILED and RECALLED matter for Deft. and counsel to appear. Deft. is present in custody. Mr. Nadig appeared for Mr. Sanft; on behalf of Deft. EVIDENTIARY HEARING...DEFT'S MOTION TO WITHDRAW GUILTY PLEA There being no objection by State, COURT ORDERED, Motion GRANTED; Deft's guilty plea WITHDRAWN. FURTHER, the original charges in the original Indictment filed March 9, 2016 are REINSTATED; Amended Indictment filed on October 19, 2017 is STRICKEN. Mr. Nadig requested Court to set the trial date on a date as soon as possible. COURT ADDITIONALLY ORDERED, trial date SET. CUSTODY 2/12/19 8:30 A.M. CALENDAR CALL 2/19/19 1:30 P.M. TRIAL BY JURY;*
01/29/2019	*CANCELED* **Status Check: Trial Setting** (8:30 AM) (Judicial Officer: Leavitt, Michelle) *Vacated - per Attorney or Pro Per*
02/12/2019	**Calendar Call** (8:30 AM) (Judicial Officer: Leavitt, Michelle) **MINUTES** Trial Date Set; Journal Entry Details: *Mr. Sanft advised ready for trial. State indicated 18 - 20 witnesses, 5 - 6 days, and two out of*

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state witnesses. TRIAL DATE STANDS. CUSTODY 2/19/19 10:30 AM JURY TRIAL;

SCHEDULED HEARINGS

Jury Trial (02/19/2019 at 10:30 AM) (Judicial Officer: Leavitt, Michelle)
02/19/2019-02/21/2019

02/19/2019

Jury Trial (10:30 AM) (Judicial Officer: Leavitt, Michelle)
02/19/2019-02/21/2019

Trial Continues;
Trial Continues;
Plea Entered;
Journal Entry Details:
OUTSIDE THE PRESENCE OF THE JURY: DEFT. WHITE ARRAIGNED AND PLED GUILTY TO COUNT 1 - CONSPIRACY TO COMMIT ROBBERY (F), COUNT 2 - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON (F), COUNTS 3-4 - FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON (F), COUNTS 5-6 - ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON (F) COUNT 7 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM (F) and COUNT 8 - IMPERSONATION OF AN OFFICER (GM). Court ACCEPTED plea, and, ORDERED, matter referred to the Division of Parole and Probation (P & P) and SET for sentencing. JURY PRESENT: Court thanked and excused the jury. CUSTODY 03/14/19 8:30 AM SENTENCING;

Trial Continues;
Trial Continues;
Plea Entered;
Journal Entry Details:
OUTSIDE THE PRESENCE OF THE JURY: Amended Indictment FILED IN OPEN COURT. Mr. Schwartzer advised they attempted to transport the Co-Defendant, Marland Dean, and the prison stated they cannot do so until 03/01/19. Mr. Sanft confirmed they are still requesting he be transported. Court stated the Department will contact the prison for transport. Parties stipulated to exhibits #1-233 JURY PRESENT: Jury sworn. Clerk read the Amended Indictment. Testimony and exhibits presented. (See worksheets) OUTSIDE THE PRESENCE OF THE JURY: Pursuant to NRS 50.215 and NRS 50.215(4)(b), COURT STATED the Court is not permitted to Order the Co-Defendant be transported from the prison. JURY PRESENT: Testimony and exhibits presented. (See worksheets);

Trial Continues;
Trial Continues;
Plea Entered;
Journal Entry Details:
PROSPECTIVE JURORS PRESENT: Voir Dire. OUTSIDE THE PRESENCE OF THE JURY: Mr. Sanft requested the Co-Defendant, Marlan Dean, be transported as a potential witness for the Defense. COURT ORDERED, Co-Defendant, Marlan Dean, is to be transported on 02/25/19; State to prepare the Transport Order. PROSPECTIVE JURORS PRESENT: Voir Dire. Court Clerk, Teri Berkshire, now present. INSIDE THE PRESENCE OF THE PROSPECTIVE JURY:continued Voir Dire. OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY Inquiry regarding named Juror as to whether or not he is a felon. INSIDE THE PRESENCE OF THE PROSPECTIVE JURY Court noted named juror is not a felon. Continued Voir Dire. Following Voir dire, 12 Jurors selected. Court thanked and excused the remaining prospective panel. INSIDE THE PRESENCE OF THE JURY: Court admonished the Jury and instructed them to return tomorrow at the given time. OUTSIDE THE PRESENCE OF THE JURY: Mr. Sanft advised he did not see a reason to not waive the challenges as noted. Court so noted. Court adjourned for the evening. ;

03/14/2019

Sentencing (8:30 AM) (Judicial Officer: Leavitt, Michelle)
03/14/2019, 03/19/2019

Matter Continued;
Defendant Sentenced;
Journal Entry Details:

DEFT WHITE ADJUDGED GUILTY of COUNT 1 - CONSPIRACY TO COMMIT ROBBERY (F), COUNT 2 - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON (F), COUNTS 3-4 - FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON (F), COUNTS 5-6 - ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON (F), COUNT 7 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY

HARM (F) and COUNT 8 - IMPERSONATION OF AN OFFICER (GM). Statement by Defendant. Arguments by counsel. COURT ORDERED, in addition to the $25.00 Administrative Assessment fee, $8,831.62 restitution to be paid jointly and severally with Co-Defendant, $150.00 DNA Analysis fee including testing to determine genetic markers and $3.00 DNA Collection fee, Defl. SENTENCED as follows: on COUNT 1 - to a MAXIMUM of SEVENTY- TWO (72) MONTHS with a MINIMUM Parole Eligibility of TWENTY-EIGHT (28) MONTHS in the Nevada Department of Corrections (NDC); on COUNT 2 - to a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS with a MINIMUM Parole Eligibility of SIXTY-SIX (66) MONTHS, CONCURRENT with COUNT 1 in the NDC; on COUNT 3 - to LIFE with a MINIMUM Parole Eligibility of FIVE (5) YEARS plus a CONSECUTIVE term of TWENTY (20) YEARS MAXIMUM with a parole eligibility of FIVE (5) YEARS for the Use of a Deadly Weapon, CONCURRENT TO COUNT 2 in the NDC; on COUNT 4 - to LIFE with a MINIMUM Parole Eligibility of FIVE (5) YEARS plus a CONSECUTIVE term of TWENTY (20) YEARS MAXIMUM with a parole eligibility of FIVE (5) YEARS for the Use of a Deadly Weapon, CONSECUTIVE with COUNT 3 in the NDC; COUNT 5 - to a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM Parole Eligibility of FORTY-EIGHT (48) MONTHS plus a CONSECUTIVE term of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM Parole Eligibility of FORTY-EIGHT (48) MONTHS for the Use of a Deadly Weapon, CONCURRENT with COUNT 4 in the NDC; COUNT 6 - to a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM Parole Eligibility of FORTY-EIGHT (48) MONTHS plus a CONSECUTIVE term of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM Parole Eligibility of FORTY-EIGHT (48) MONTHS for the Use of a Deadly Weapon, CONCURRENT with COUNT 5 in the NDC; COUNT 7 - to a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS with a MINIMUM Parole Eligibility of SIXTY-SIX (66) MONTHS, CONCURRENT with COUNT 6 in the NDC; and COUNT 8 - to THREE HUNDRED SIXTY-FOUR (364) DAYS in the Clark County Detention Center (CCDC), CONCURRENT with COUNT 7 for and AGGREGATE TOTAL of LIFE with a MINIMUM Parole Eligibility of TWENTY (20) YEARS with ONE THOUSAND ONE HUNDRED THIRTY-FOUR (1,134) DAYS credit for time served. BOND, if any, EXONERATED. NDC CLERK'S NOTE: Subsequent to Court, COURT ORDERED, COUNT 3 CONCURRENT TO COUNT 2. hvp/3/22/19;
Matter Continued;
Defendant Sentenced;
Journal Entry Details:
COURT ORDERED, matter CONTINUED. Pre-Sentence Investigation Report provide to Mr. Sanft in open court. CUSTODY CONTINUED TO: 03/19/19 8:30 AM;

05/09/2019 **Appointment of Counsel** (8:30 AM) (Judicial Officer: Leavitt, Michelle)
Per Limited Remand from Nevada Supreme Court
Counsel Confirmed; Per Limited Remand from Nevada Supreme Court
Journal Entry Details:
Mr. Jackson advised he can accept appointment. COURT SO NOTED and ORDERED, Mr. Jackson APPOINTED as counsel. Mr. Jackson stated he will file the documents appointing him as counsel this week. NDC;

06/04/2019 **Motion to Reduce** (8:30 AM) (Judicial Officer: Leavitt, Michelle)
Events: 04/30/2019 Motion
Defendant / Petitioner's Motion to Reduce and/or Quash Restitution
Off Calendar; Defendant / Petitioner's Motion to Reduce and/or Quash Restitution
Journal Entry Details:
Court noted the Defendant is represented by counsel and directed the Defendant to give his motions to his attorney. COURT STATED Defendant's Motion is a fugitive document and ORDERED, matter OFF CALENDAR. NDC;

08/29/2019 **Motion to Withdraw Plea** (8:30 AM) (Judicial Officer: Leavitt, Michelle)
Defendant's Motion to Withdraw Plea of Guilty
Matter Heard;
This court does not have jurisdiction
Journal Entry Details:
Defendant not present. Mr. Jackson requested this matter be continued for the Defendant's presence. State requested 45 days to respond. COURT ORDERED, State's Response due 10/10/19; matter SET for Hearing; State to prepare a Transport Order. NDC 10/17/19 8:30 AM HEARING;

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09/24/2019	**Motion** (8:30 AM) (Judicial Officer: Leavitt, Michelle) *Defendant's Motion for Certification and Request for Remand* Off Calendar; Journal Entry Details: *Defendant not present. Mr. Jackson requested this matter be continued as the State needs to file a response. COURT STATED this matter is on Appeal and this Court has no jurisdiction; therefore, ORDERED, all matter MOOT and OFF CALENDAR. NDC;*
10/17/2019	**Evidentiary Hearing** (8:30 AM) (Judicial Officer: Leavitt, Michelle) Off Calendar; Journal Entry Details: *Defendant not present. COURT ORDERED, matter OFF CALENDAR. NDC;*

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C-16-313216-2

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	COURT MINUTES	April 18, 2017

C-16-313216-2 State of Nevada
vs
Toney White

April 18, 2017 8:30 AM **Defendant White's Pro Per Motion For Trial Extension For 180 Days; Motion To Recuse Counsel And Application To Proceed in Propria Personam**

HEARD BY: Leavitt, Michelle **COURTROOM:** RJC Courtroom 14D

COURT CLERK: Susan Jovanovich

RECORDER: Kristine Santi

REPORTER:

PARTIES PRESENT:

Gruber, Harvey	Attorney for Defendant
Schwartzer, Michael J.	Chief Deputy District Attorney
State of Nevada	Plaintiff
White, Toney Anthony	Defendant

JOURNAL ENTRIES

Court advised Deft. it read his pro per motion, and Court does not believe there is any legal basis. Court further advised Deft. this was discussed, about him filing these motions, his attorney cannot raise somebody else's Fourth Amendment right, and he cannot raise that issue. Deft. stated that is not right. Court advised Deft. that does not matter, he has no standing, and his attorney cannot raise issues that are frivolous. Deft. stated it is more than just the motion, he has been incarcerated for over a year, and he does not have all the discovery. Court asked Deft. what discovery does he think his attorney is not giving him. Mr. Schwartzer noted for the record State turned over everything to defense counsel. Mr. Gruber advised he went through the file with Deft, and had also forwarded items to Deft. Deft. stated all evidence from Grand Jury was not provided to him. Mr. Schwartzer

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confirmed the Marcum notice was served. Deft. stated there are 24 pictures not in his possession. Mr. Gruber advised he will re-check his file for the third time. Deft. stated there is a recorded statement to police, he is not sure what is going on, he has transcripts of the victims and Co-Defts, but not his transcripts. Mr. Gruber advised the case file is four inches thick, and he will endeavor and give the information to him again. Court advised Deft. even if his attorney had provided it, Mr. Gruber will provide the information to him. Court asked Deft. if there was anything else. Deft. stated he has no copies of reports. Court advised Deft. he has to be more specific than that. Deft. stated there are reports from 7 officers, which are missing from his report. Court stated generally, there is one report, and not separate ones. Court advised Deft. it does not know, however, just because he thinks there are reports, does not mean there are. Mr. Schwartzer confirmed there are a lot of reports in the case, including one from the Crime Scene Analyst. Deft. stated he is concerned about the officer's report. Court advised Deft. multiple reports for one report are unusual, however, the Court will read the report, and if 7 reports exist, he is entitled to them. Court reminded Deft. just because the reports are not available, does not mean the reports exist. COURT ORDERED, Motion DENIED.

Mr. Gruber advised he will send his Investigator over to Deft. again, to see what is missing, and make sure Deft. gets the stuff in two weeks. Deft. stated he asked his attorney to get all the material and the file. Court advised Deft. his attorney is not required to do that, and the District Attorney has the obligation to turn information over without a request. Deft. stated he asked why evidence is not turned over, and he was told there is only evidence that is going to be used against him at trial. Court told Deft. that is true, however, State is required to turn over any exculpatory evidence; and his argument that he wants to build his defense on State's evidence is unusual. Deft. stated he does not know the strengths and weaknesses of the case. Court advised Deft. his attorney will know. Deft. argued there has been no communication with his attorney. Mr. Gruber noted for the record he spoke with Deft. on the phone after the bar Complaint was filed, and Deft. has spoken with his staff about the case.

CUSTODY

6/06/17 8:30 A.M. CALENDAR CALL

6/13/17 1:30 P.M. TRIAL BY JURY

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C-16-313216-2

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	COURT MINUTES	February 06, 2018

C-16-313216-2 State of Nevada
vs
Toney White

February 06, 2018 **8:30 AM** **All Pending Motions (2/06/2018)**

HEARD BY: Leavitt, Michelle **COURTROOM:** RJC Courtroom 14D

COURT CLERK: Susan Botzenhart

RECORDER: Patti Slattery

REPORTER:

PARTIES PRESENT:

Gruber, Harvey	Attorney for Defendant
Schwartzer, Michael J.	Chief Deputy District Attorney
State of Nevada	Plaintiff
White, Toney Anthony	Defendant
Zadrowski, Bernard B.	Chief Deputy District Attorney

JOURNAL ENTRIES

DEFT'S MOTION FOR WITHDRAWAL OF GUILTY PLEA AND FOR APPOINTMENT OF NEW COUNSEL, OR ALTERNATIVELY, TO PROCEED IN PRO PER...DEFT'S MOTION TO WITHDRAWAL OF GUILTY PLEA AND FOR APPOINTMENT OF NEW COUNSEL, OR ALTERNATIVELY, TO PROCEED IN PRO PER...SENTENCING

Court advised Deft. it received all of his letters and Motions after his entry of plea. Upon Court's inquiry, Deft. confirmed he wants to move to withdraw his plea. Court noted based on allegations that were made by Deft, the Court will appoint independent counsel to review the case. COURT ORDERED, Attorney Michael Sanft, Esq., APPOINTED as counsel for limited purpose of reviewing the record and making a determination as to whether or not there is a legal basis for Deft. to withdraw his plea. FURTHER, matter SET for confirmation of independent counsel. Mr. Gruber to provide a copy of the case file to Deft. Mr. Gruber noted the case file is rather large. Court advised

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Deft. if his independent attorney thinks there is a legal basis, the attorney will file a motion; and if there is no legal basis found, Mr. Gruber will remain on the case to handle sentencing, and Deft. can file an appeal or anything else deemed appropriate. Discussion between Court and Deft. regarding his hand and arm being bandaged.

CASE RECALLED. Mr. Schwartzer is not present. Mr. Sanft is now present in Court. Court informed Mr. Sanft regarding the appointment and this case being continued to February 15, 2018 for him to confirm. Court added Mr. Gruber is going to provide him the file, and Mr. Gruber had indicated the case file is quite large. Court inquired to Mr. Sanft if he needs more time to review the case. Mr. Sanft stated no; and advised this Court did the plea canvass, and he would request a copy of the JAVS recording of this plea canvass, or the transcript. Court advised Mr. Sanft Deft. had written few documents since the plea canvass, that does not appear to be the issue, and he contends there were outside forces. Mr. Sanft stated he understands there may have been some other party that had forced Deft. into taking the negotiation, and maybe the pauses in the canvass would help to determine whether Deft. actually had a problem. Court stated Deft. had told Court nobody had coerced him into entering his plea, during the plea canvass. Court offered to provide a transcript of the plea canvass and the JAVS recording. Mr. Sanft requested only the JAVS CD, and one week to review the record. COURT SO ORDERED. Court advised Mr. Sanft it is warning him that the file is voluminous. COURT ORDERED, sentencing CONTINUED; matter SET for status check. Mr. Sanft advised he thinks the issue is whether or not Deft. enters the plea knowingly and voluntarily, without the issue of coercion, he does not believe reading the entire file is going to be the issue, as that is a fact pattern that goes to something else, and he is only focusing on Deft's entry of plea.

Court thanked Mr. Sanft for taking this case; and advised Mr. Sanft to let the Court know if he needs more time.

CUSTODY

2/15/18 8:30 A.M. STATUS CHECK: DEFT'S MOTION TO WITHDRAW GUILTY PLEA / CONFIRMATION OF APPOINTED COUNSEL MICHAEL SANFT...SENTENCING

District Court Dept XII

To: Randy Ricks — Fax: 702-455-5935
Harvey Gruber, Esq. — Fax: 702-566-4649

From: Pam Rocha, JEA DC 12
Date: December 18, 2017
Re: C-16-313216-2 Toney White — 3 pages including cover

Attached is correspondence regarding the above defendant which was received by this department today. There is a Sentencing Hearing on calendar for January 18, 2018 at 8:30 a.m.

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TRANSMISSION VERIFICATION REPORT

TIME : 12/18/2017 11:10
NAME : DEPT 12
FAX : 7026714371
TEL : 7026714371
SER.# : U63314J7J479210

DATE,TIME	12/18 11:09
FAX NO./NAME	DA TEAM FAX
DURATION	00:01:03
PAGE(S)	03
RESULT	OK
MODE	STANDARD ECM

26

TRANSMISSION VERIFICATION REPORT

TIME : 12/18/2017 11:12
NAME : DEPT 12
FAX : 7026714371
TEL : 7026714371
SER.# : U63314J7J479210

DATE,TIME	12/18 11:11
FAX NO./NAME	7025664649
DURATION	00:01:02
PAGE(S)	03
RESULT	OK
MODE	STANDARD ECM

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C-16-313216-2

1-18-18

12/14/17

RECEIVED
DEC 19 AM
DEPT. 12

TENEY WHITE #2470190
CCDC 3B-23
330 S. CASINO CTR BLVD
LAS VEGAS, NV, 89101

DECEMBER 14, 2017

HONORABLE MICHELLE LEAVITT
DEPARTMENT 12
DISTRICT COURT
8TH JUDICIAL DISTRICT
200 LEWIS AVENUE
LAS VEGAS, NV, 89155-1160

IN RE: PEOPLE VS. WHITE, CASE NO. C-16-313216-2

YOUR HONOR:

MY APOLOGIES FOR MY DECEMBER 14, 2017 ABSENCE IN WHICH I WAS SCHEDULED TO APPEAR FOR SENTENCING. UNFORTUNATELY, CO-DEFENDANT DEAN DELIBERATELY SET HIS SENTENCING FOR THE EXACT DATE OF MINE. I HAVE BEEN PLACED IN A POSITION BY CCDC THAT IS INHERENTLY DANGEROUS TO MY WELL-BEING, SAFETY AND HEALTH, NAMELY, DESPITE KEEP AWAY ALERTS/CAUTIONS, THEY HAVE HOUSED HIM DIRECTLY NEAR ME IN MY SAME MODULE.

DUE TO IMMINENT THREATS TO MY PERSONAL SAFETY AND THAT OF MY FAMILY AND THE EVENTS INDUCING MY UNWILLING GUILTY PLEA I REFUSED TO APPEAR. PARTICULARLY, CO-DEFENDANT DEAN FORCED MY ACCEPTANCE OF THE GPA THROUGH CREDIBLE THREATS OF SERIOUS INJURY AND ACTS OF GANG VIOLENCE AGAINST MY FAMILY MEMBER WHO SNITCHED AND CAUSED HIS ARREST. UNDER THREAT OF BEING ASSAULTED I WAS MADE TO PLEA AND RETURN MY GPA TO DEAN ON OCTOBER 19, 2017 TO PREVENT ATTACK AS WITNESSED BY MY ASSIGNED CELL MATE INMATE NUOTE JORDAN NO. 5988179

THESE AND A COMBINATION OF OTHER EVENTS OVERBORE MY FREE WILL IN TURN COERCING AND INDUCING MY GUILTY PLEA UNDER DURESS. I HAVE CANDIDLY EXPLAINED THESE INSTANCES TO MY COUNSEL TO NO AVAIL UNEQUIVOCALLY EXPRESSING MY DESIRE AND LEGAL BASIS TO WITHDRAW MY PLEA AND PURSUE MY CONSTITUTIONALLY ENTITLED TRIAL. NAMELY, THE FOLLOWINGS:

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RECEIVED
DEC 27 2018
CLERK OF THE COURT

1. COUNSEL'S FAILURE IN EFFECTIVELY DEFEND-ING ME BY VIRTUE OF PURSUING BRADY VIOLA-TIONS (DRUG USE MEDICAL RECORDS, FORGERY REPORTS AND CONVICTION RECORDS OF J. CLIFF);

2. FAILURE OF COUNSEL AND HIS INVESTIGA-TOR TO INVESTIGATE AND PREPARE PRIOR TO TRIAL AND INTERVIEW DEFENSE WITNESSES ANN WHITE, KEVIN NOWE, KRISTIN BURTON, GLEN COUSERT AND THE VICTIMS TO ESTABLISH MY INNOCENCE;

3. FARETTA VIOLATION AND FORCING COUNSEL UPON A UNWILLING DEFENDANT

4. INDUCEMENT OF GPA BY VIRTUE OF FAMILY ATTACK, THREATS AND COMPROMISED SAFETY;

5. DEFENDANT IS INNOCENT AND DID NOT COMMIT THE CHARGED CRIMES;

6. FAILURE OF COUNSEL TO OBTAIN MENTAL HEALTH EXAMINATIONS AND RECORDS DUE TO DEFENDANTS INCOMPETENCY AT TIME OF THE OFFENSE.

BASED UPON THE FOREGOING I SEEK THAT MY SENTENCING BE DEFERRED FOR 2 WEEKS TO ALLOW MYSELF AND/OR COUNSEL TO ARTICULATE MOTION AND BE HEARD ON MOTION TO WITHDRAW MY GUILTY PLEA ON SAID BASIS.

KIND REGARDS,

[signature]

CHONEY A. WHITE III
DEFENDANT

PAGE 3

ORIGINAL

FILED
ENTERED
RECEIVED
SERVED ON
COUNSEL/PARTIES OF RECORD
JAN - 2 2018
CLERK US DISTRICT COURT
DISTRICT OF NEVADA
BY: DEPUTY

TONEY ANTHONEY WHITE 8210790
CCDC
330 S. CASINO CTR BLVD.
LAS VEGAS, NV, 89101

PLAINTIFF IN PRO SE

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

TONEY ANTHONEY WHITE, PLAINTIFF, VS. MICHELLE LEAVITT, MARK SCHWARTZER, HARVEY GRUBER, OFFICER CAREY, AND DOES 1 THRU 15, INCLUSIVE, DEFENDANTS.	CIVIL CASE NUMBER **2:18-cv-00008-JAD-PAL** COMPLAINT FOR VIOLATION OF CIVIL RIGHTS PURSUANT TO 42 U.S.C. § 1983; DEMAND FOR JURY TRIAL.

INTRODUCTION

1. THIS IS A CIVIL RIGHTS ACTION FILED BY PLAINTIFF TONEY ANTHONEY WHITE PURSUANT TO 42 U.S.C. § 1983 THE CIVIL RIGHTS ACT ALLEGING VIOLATIONS OF CONSTITUTIONAL MAGNITUDE INCLUDING THE 5TH, 6TH, 8TH AND 14TH AMENDMENTS TO THE U.S. CONSTITUTION.

JURISDICTION AND VENUE

2. THIS COURT HAS JURISDICTION OVER PLAINTIFFS CLAIMS OF FEDERAL CONSTITUTIONAL VIOLATIONS UNDER 28 U.S.C. §§ 1331(1) AND 1343.

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COPY

DR #16-01201

APPLICATION AND AFFIDAVIT for SEARCH WARRANT

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

Detective Joseph Ebert #1358, being first sworn deposes and states that he is the Affiant herein and is a Police Officer with the City of Henderson Police Department currently assigned to the investigations division and that Affiant has been employed with the Henderson Police Department since 03/20/06.

There is probable cause to believe that certain property hereinafter described will be found at the following described premises, to wit:

Black Jeep Cherokee bearing Washington plate ABW5060 VIN #1J4GW68N2XC672487

The property referred to and sought to be seized consists of the following:

Any and all firearms and/or ammunition to include but not limited to an unknown brand black semi-auto handgun real or imitation.

Any and all illegal controlled substances such as cocaine, marijuana, methamphetamine, heroin, prescription drugs without a prescription etc.

Any and all illegal narcotic paraphernalia commonly associated with the ingestion and distribution of the controlled substances such as cocaine, methamphetamine and marijuana is scales, packaging materials, customer and source lists, records of purchases and sales, including "owe sheets" reflecting transactions in the controlled substance cocaine, to include, but not limited to, hand written documents, printed documents, encrypted codes, recorded information and any computerized device capable of storing information.

Any and all two way hand held walkie-talkie radios

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Any and all blue in color latex gloves

Any and all Police style "ASP Baton"

Any and all items marked with the insignia or label identifying the organization of the "US Marshalls"

Any and all Tactical Vests or tactical clothing believed to be worn and or used during this incident.

Any and all US currency believed to be proceeds from the robbery.

Any and all papers, writings, electronic documents, identification cards, photographs, or other documents which will assist investigators to clarify and/or establish the identity of the deceased and those persons injured in the event as well as all current and former occupants, owners, residents, or frequent visitors of the location listed who may have either have a possessor interest in the location listed or have information necessary to the investigation related to why the incident may have taken place, i.e. love/hate letters, threatening letters, documents, diaries or journals written by victims of the event detailing fears in general or fear of a particular persons and/or groups etc.

Computer Hardware:

Computer hardware is described as any and all computer equipment, including any electronic devices, which are capable of collecting, analyzing, creating, displaying, converting, storing, concealing, or transmitting electronic, magnetic, optical, or similar computer impulses or data. These devices include but are not limited to any data-processing hardware (such as central processing units, memory typewriters, and self-contained "laptop" or "notebook" computers); internal and peripheral storage devices (such as fixed disks, external hard disks, floppy disk drives and diskettes, tape drives and tapes, optical storage devices, and other media / memory storage devices); peripheral input/output devices (such as keyboards, printer(s), scanners, plotters, video display monitors, and optical readers); and related communication devices (such as modems, wireless routers, recording

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equipment, RAM or ROM units, acoustic couplers, automatic dialers, speed dialers, programmable telephone dialing or signal devices, and electronic tone-generating devices); as well as any devices mechanisms, or parts that can be used to restrict access to such hardware (such as physical keys or locks). All mp3 / media players. All advanced gaming systems, i.e.. Playstation 3, Xbox 360, PSP.

Computer Software and Documentation:

Computer software is described as any and all information, including instructions, programs, or program code, stored in any form of media which is capable of being interpreted by a computer or its related components. Associated documentation includes any written or printed material, which explains or illustrates the configuration or use of any seized hardware, software, or related item. Such software or documentation could be used to assist in accessing computer hardware, software, data, records, documents or materials within the scope of this application that have user restricted access (encryption) or user enabled concealment within the device.

Cellular Phones:

Cellular phones, "Smart Phones" and/or PDA devices including inserted media cards regardless of the devices' activation or connection status, to include any power cord(s).

Any peripheral devices located such as keyboards, monitors, and data sending devices needed to control such above aforementioned computer hardware or software.

Digital cameras, scanners or other devices used to import images into a computer or otherwise for the purpose of manipulation which will assist investigators to clarify and/or establish the identity of the deceased and those persons injured in the event as well as all current and former occupants, owners, residents, or frequent visitors of the location listed who may have either have a possessor interest in the location listed or have information necessary to the investigation

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DR #16-01201

The property herein before described constitutes evidence which tends to demonstrate the criminal offense of: Home Invasion a felony violation of NRS 205.067, Robbery with a Deadly Weapon a felony violation of NRS 200.380, Burglary with Use of Firearm, a felony violation of NRS 205.060, Assault with a Deadly Weapon a felony violation of NRS 200.471-2B, Kidnapping a felony violation of NRS 200.310-1 and Battery with Deadly Weapon Substantial Bodily Harm a felony violation of NRS 2

In support of your Affiant's assertion to constitute the existence of probable cause, the following facts are offered:

On 01/20/2016, at approximately 2259 hours, HPD Patrol Officers were dispatched to 950 Seven Hills Drive Apartment 2511 Henderson, Nevada 89052 in reference to Home Invasion Call.

That a witness from another apartment called the Henderson Police stating that she heard screaming from her neighboring apartment (Apt. #2511.)

That dispatch advised that a male could be heard telling a female, "Shut the Fuck Up."

That Officer Engel observed a white male standing behind a Black Jeep Cherokee bearing Washington plate ASW5060 and a red Ford Mustang bearing California plate 7MUR703.

That Officer Engel briefly spoke with the male later identified as Kevin Wong (DOB 2/19/85) as Officer Leinan approached the door to the apartment.

That Officer Leinan could hear screaming from the apartment and observed Jason Cliff (DOB 10/29/1977) lying on the floor handcuffed and bleeding from his face and head.

That Officer Leinan entered the apartment and observed a black male wearing a tactical police style vest standing over Cliff. At this time Officer

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Engel observed a second black male running through the parking lot with a similar black tactical vest on.

As Officer Leinan began to talk to the black male in the residence, a black male and a white female jumped out of the master bedroom window and began to run towards Seven Hills.

That during the course of running the suspects dropped an ASP as well as two sets of rubber gloves. The ASP was soaked in blood and bent.

That Officer Engel believed the black male standing over Cliff was a Law Enforcement Officer or Bail Agent so he attempted to look for the second suspect.

That while officers were looking for the suspects who had ran away the black male standing over Cliff exited the apartment and disappeared in an unknown direction.

That one of the black tactical vests worn by the suspects had the words "US Marshalls."

That Officer Leinan took the handcuffs off of Jason and his wife Marlene Burkhalter, DOB 4/22/1977 and secured the scene.

That at about that same time Kevin entered the black Jeep and fled the scene eventually being stopped by patrol units for several driving infractions.

That Marlene and her husband Jason Cliff confirmed they live inside Apartment 2511.

That while Officers were speaking with Marlene, other HPD Officers began to check the area and attempted to locate suspects of the crime.

That Marlene gave the following statements to officers that one white female and two black males forcibly entered her apartment at gun point.

That the suspects were wearing black tactical style vests that had the

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words "US Marshalls" written on the vest and blue latex gloves.

That Marlene stated the suspects handcuffed her and her husband Jason.

That one of the suspects struck Jason numerous times with what Marlene and Jason described as a black police ASP Baton.

That Jason received multiple injuries to include numerous lacerations to his skull, multiple fractured teeth and multiple missing teeth.

That Jason was transported by Henderson Paramedics to Saint Rose Siena Hospital where Jason received multiple staples for the lacerations to his head, and medical treatment for his fractured and missing teeth.

That Detectives R. Adams P#1198 and K. Lapeer P#1446 were contacted and called out to handle the investigation.

That Detective Lapeer arrived and conducted a brief walk through of the residence and noticed that the apartment was in shambles and observed obvious signs of a struggle.

That Detective Lapeer observed several medium sized pools of blood on the TV stand and floor in the living room. Two sets of handcuffs placed on the TV stand as well as blue latex gloves near the coffee table.

That under the coffee table an empty black handgun magazine was located as well as two flashlights that are believed to have fallen off the tactical vests worn by the suspects during the struggle.

Detective Lapeer then spoke with Marlene and she gave the following statements.

That she was sitting on the couch and heard someone knocking at the door.

That Marlene answered the door and saw white female standing there.

That as she opened the door for the female, two black males pushed open

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the door and forcibly entered the residence drawing and aiming firearms at Marlene and her husband Jason Cliff.

That the female was holding a paper in her hands when she placed Marlene in handcuffs as the males began to yell at Cliff, stating "get on the ground, they have a search warrant and US Marshals."

That Cliff questioned their authority and asked to see the search warrant.

That the two males began to beat Cliff with ASP's and brutally struck him about the head and face.

That Marlene stated the tactical vest had the words US Marshals on the back.

That during the conversations with Marlene and Jason. Jason admitted to being addicted to Heroin.

That Detective R. Adams #1198 respond to the traffic stop location involving Kevin.

That Kevin was wearing similar all black clothing as the other suspects and was also observed standing behind the two vehicles watching Marlene's apartment during the home invasion.

That Kevin gave Detective Adams consent to search the black Jeep Cherokee he was the sole occupant of.

That Detective Adams observed a purse on the passenger seat and located a Nevada identification card in the name of Amanda Sexton (DOB 4/14/92).

That Detective Adams asked Kevin about the ID and Kevin was evasive and stated that he didn't know.

That after several minutes of speaking with Kevin, Kevin advised Det. Adams that he met Amanda in the area of Southpoint Casino last night.

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- That Kevin further advised that he was homeless and down on his luck and agreed to drive Amanda to the home invasion.

- That Kevin agreed to act as a lookout for Amanda during the crime.

- That Kevin advised that as they arrived in the parking lot he parked next to the red Ford Mustang that was occupied by the two black males.

- That Kevin stated Amanda exited the Jeep and the two black males exited the Mustang and forced their way into the apartment 2511.

- Kevin advised that he could hear yelling and observed the blinds moving in the apartment due to the struggle and fight occurring inside.

- That Kevin advised that he observed Officers arriving and when he observed Amanda and the black males flee the residence he decided to leave in his Jeep.

- That Kevin stated that he observed the black males running down the street but he passed them prior to being stopped by patrol officers.

That Detective Adams placed Kevin under arrest for the felony violation of NRS 200.380, Conspiracy to commit Robbery.

That the Black Jeep Cherokee bearing Washington plate ASW5060 operated by Kevin was impounded and towed to the Henderson Police Department crime scene laboratory east station pending a search warrant.

That Detective Lapeer and Detective Adams confirmed the red Ford Mustang bearing California plate 7MUR703 parked in front of apartment 2511 was the same red Ford mustang the two black males exited prior to committing the Home Invasion Robbery.

That Detective Lapeer observed in plain view a black hand held walkie talkie two way radio on the center console inside the red Ford Mustang.

That the red Ford Mustang bearing California 7MUR703 was also towed to the Henderson Police Department crime scene laboratory east station

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pending a search warrant. DR #16-01201

That a registration check on the license plate CA 7MUR703 revealed the plate belonged on a 2015 Chevrolet passenger vehicle to Hertz vehicles.

That a check of the VIN #2G1FD3D31F9299297 on the Ford Mustang revealed it is a 2015 Ford Mustang and belonged to Hertz Vehicles.

That as of this search warrant the two black male suspects and the white female suspect have not been located.

- That the identification of Amanda Sexton located inside the vehicle Kevin Wong was operating revealed an address of 9457 Las Vegas Boulevard, Apartment building #23, Unit #145, Las Vegas, Nevada, 89123.
- That detectives responded to that address and contacted Ann Marie White DOB 03/24/1971 who confirmed that Amanda is dating her brother Toney Anthoney White, 7/19/72 social security #623464774.
- That according to Ann Marie White, Amanda does not live there anymore and Toney owns the black Jeep Cherokee that Kevin was driving.
- That the black Jeep Cherokee's registration returned to Toney A. White III. out of Oak Harbor Washington.

That the investigation continues into identifying the two black males involved in this robbery.

That Affiant believes that if a search warrant is authorized evidence may be found inside the vehicle that may help identify who the two black males are.

That based on Affiant's training and experience perpetrators who commit home invasion robberies and similar crimes such as burglary have an underlying reason for committing such crimes. The underlying reason in the majority of the cases is typically because the suspect is addicted to illegal narcotics and sometimes prescription medication. Affiant has seen other cases that involve the suspect being in a financial bind for example, a gambling addiction. In the majority of the cases Affiant experienced while investigating these crimes involve the suspect having an

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addiction to specific illegal narcotics such as Methamphetamine, Cocaine and/or Heroin which leads to the suspect being in a financial bind.

That based on Affiant's training and experience perpetrators who commit robbery and similar crimes such as burglary are known to write notes about their plans to commit those crimes and review maps and different images on the internet to plan their arrival and departure routes. These writings and images are often in the form of electronic media, whether via text message or e-mail and/or often times on notepads with pen/pencil and paper.

That furthermore, Affiant requests permission to seize and later search the aforementioned electronic storage devices that the investigator believes must be searched to permit them to locate any records, documents, particular file types (as relevant to the case) and materials described in the warrant at an off-site location. Namely affiant requests that a bit by bit image of all data storage devices be made by a forensic examiner within a controlled laboratory environment that the examiner or investigator may look through at a later date. All of the components will be seized and taken into the custody of the Henderson Police Department. If evidence relating to a felony is located the equipment may be seized as per the NRS.

That with the advancing technology of gaming systems and cellular phones, the aforementioned devices have abilities matching that of computers to include accessing the internet, categorizing content and storing an array of media. Affiant would further request those items be treated comparably to computers and be forensically examined as well. Furthermore, Affiant knows that regardless of the connection status, cellular phones can maintain and preserve information to include call logs, text logs and an array of media.

That Affiant requests permission to conduct a search of all emails located within storage devices capable of sending, receiving or storing emails. Such searches could include searching by name, date, email recipient and or key words and phrases relevant to the case. Affiant also requests to search for these emails regardless of their status on the storage device (unread, read, sent, deleted, etc).

That searching the electronic storage device(s) for the evidence described in this affidavit may require a range of data analysis techniques, therefore Affiant requests permission to use whatever data analysis techniques appear necessary to

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locate and retrieve the evidence described in this affidavit. These techniques include previewing devices applying forensic principles.

That based upon your Affiant's knowledge, training and experience searching and seizing information from electronic storage devices often requires a significant amount of time. This is true because of the following:

The volume of evidence. Given the amount of memory (which is increasing drastically), electronic storage devices can store a significant amount of information. Additionally, a suspect may try to conceal evidence with numerous methods to include encryption, deceptive file names, file types and extensions. This may require an examination of all the stored data to determine which particular files are evidence or case related. This sorting process can take weeks or months depending on the volume of data stored.

Technical requirements. Searching computer systems for criminal evidence is a highly technical process requiring expert skill and a properly controlled environment. The vast array of computer hardware and software available requires even computer experts to specialize in some systems and applications, so it is difficult to know before a search which expert is qualified to analyze the system and its data. In any event, however, data search protocols are exacting scientific procedures designed to protect the integrity of the evidence and to recover even "hidden," erased, compressed, password-protected, or encrypted files. Since computer evidence is extremely vulnerable to inadvertent or intentional modification or destruction (both from external sources and or from destructive code sequences imbedded in the system as a "booby trap"), a controlled environment is essential to its complete and accurate analysis.

It is further requested that if any password-protected or encrypted files are encountered during the digital forensic examination that forensic principles and methods be allowed to be used to unlock and/or decrypt the files to allow them to be viewed.

That this affidavit does not contain each and every fact known to your affiant related to this investigation but rather includes that information related to the probable cause pertaining to the search of the location referred to above.

That, to preserve the integrity of this investigation, and the actual facts surrounding

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the event, until such time as the release of these facts will not hinder or impede the investigation your Affiant request this Affidavit be sealed until ordered unsealed by a competent court with jurisdiction with respect to the District Attorney's Office needs for their investigation or release in reference to discovery.

Wherefore Affiant is requesting the authorization based off the above statements to search Black Jeep Cherokee bearing Washington plate ASW5060 VIN #1J4GW68NXXC672487, for the above listed items between the hours of 7am and 7pm.

#1358

Detective Joseph Ebert #1358/ Affiant

SUBSCRIBED AND SWORN to before me this 21st day of January, 2016.

Judge

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ORIGINAL

DR #16-01201

SEARCH WARRANT

COPY

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

Detective Joseph Ebert #1358, being first sworn deposes and states that he is the Affiant herein and is a Police Officer with the City of Henderson Police Department currently assigned to the investigations division and that Affiant has been employed with the Henderson Police Department since 03/20/06.

There is probable cause to believe that certain property hereinafter described will be found at the following described premises, to wit:

[redacted]

The property referred to and sought to be seized consists of the following:

Any and all firearms and/or ammunition to include but not limited to an unknown brand black semi-auto handgun real or imitation.

Any and all illegal controlled substances such as cocaine, marijuana, methamphetamine, heroin, prescription drugs without a prescription etc.

Any and all illegal narcotic paraphernalia commonly associated with the ingestion and distribution of the controlled substances such as cocaine, methamphetamine and marijuana is scales, packaging materials, customer and source lists, records of purchases and sales, including "owe sheets" reflecting transactions in the controlled substance cocaine, to include, but not limited to, hand written documents, printed documents, encrypted codes, recorded information and any computerized device capable of storing information.

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Any and all blue in color latex gloves

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Any and all Tactical Vests or tactical-clothing believed to be worn and or used during this incident.

Any and all US currency believed to be proceeds from the robbery.

Any and all papers, writings, electronic documents, identification cards, photographs, or other documents which will assist investigators to clarify and/or establish the identity of the deceased and those persons injured in the event as well as all current and former occupants, owners, residents, or frequent visitors of the location listed who may have either have a possessor interest in the location listed or have information necessary to the investigation related to why the incident may have taken place, i.e. love/hate letters, threatening letters, documents, diaries or journals written by victims of the event detailing fears in general or fear of a particular persons and/or groups etc.

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equipment, RAM or ROM units, acoustic couplers, automatic dialers, speed dialers, programmable telephone dialing or signal devices, and electronic tone-generating devices); as well as any devices mechanisms, or parts that can be used to restrict access to such hardware (such as physical keys or locks). All mp3 / media players. All advanced gaming systems, i.e.. Playstation 3, Xbox 360, PSP.

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Cellular Phones:

Cellular phones, "Smart Phones" and/or PDA devices including inserted media cards regardless of the devices' activation or connection status, to include any power cord(s).

Any peripheral devices located such as keyboards, monitors, and data sending devices needed to control such above aforementioned computer hardware or software.

Digital cameras, scanners or other devices used to import images into a computer or otherwise for the purpose of manipulation which will assist investigators to clarify and/or establish the identity of the deceased and those persons injured in the event as well as all current and former occupants, owners, residents, or frequent visitors of the location listed who may have either have a possessor interest in the location listed or have information necessary to the investigation

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DR #16-01201

And as I am satisfied that there is probable cause to believe that the said property is located as set forth above and that based upon the Affidavit attached hereto there are sufficient grounds for the issuance of the Search Warrant. You are hereby commanded to search forthwith said premises for said property, serving this warrant between the hours of 7am and 7pm and if the property is there to seize it, prepare a written inventory of the property seized and make a return for me within ten days. You are further authorized to transport any seized electronic equipment or related items to Henderson Police Department for future forensic examination.

DATED THIS 21st DAY OF January, 2016.

HONORABLE JUDGE

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DR# 16-01201

HENDERSON POLICE DEPARTMENT
SEARCH WARRANT RETURN
(Must be made within 10 days of issuance of Warrant)

The Search and Seizure Warrant authorizing a search and seizure at the following described location(s):

BLACK JEEP CHEROKEE WASHINGTON ASW5060

VIN# 1J4GW68NXXC672487

was excuted on 11/21/2016
(month, day, year)

A copy of this inventory was left with PLACE OF SEARCH
(name of person or "at the place of search")

The following is an inventory of property taken pursuant to the warrant:

1. TONEY WHITE NV. DL# 1605281065 & SOCIAL CARD 623-46-4744

2. NV. LICENSE PLATE 827 LVM

3. BLACK SAMSUNG S-4 CELL PHONE

4 BLACK LG FLIP PHONE

5. PRESCRIPTION PAPER WORK FOR AMANDA SEXTON

6. BLACK NEXT BOOK

7. BLACK & RED NOTE BOOK

8. RED AND BLUE POLICE LIGHTS (6) WITH MEGAPHONE

This inventory was made by: J. EBERT #1758
(at least two officers including affiant if present. If person from whom property is taken is present include that person)

ORIGINAL - Return to Issuing Court YELLOW - With HPD Report PINK - With Suspect or Place of Search

HPD-184 2-99

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DR# 16-01201

HENDERSON POLICE DEPARTMENT
SEARCH WARRANT RETURN (continued)

Location: BLACK JEEP CHEROKEE WASHINGTON ASIN 5060

1. UNIDEN HANDHELD WALKIE-TALKIE (CHANNEL 9)

Officers Initials

ORIGINAL - Return to Issuing Court YELLOW - With HPD Report PINK - With Suspect or Place of Search

HPD-184A 2-99

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COPY

DR #16-01201

APPLICATION AND AFFIDAVIT
for
SEARCH WARRANT

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2895 E. Charleston Boulevard, Apartment #2085, Las Vegas, Nevada, 89104

- DNA Exemplar (Buccal Swab) from Amanda Sexton DOB 4/14/1992
- DNA Exemplar (Buccal Swab) from Toney Anthoney White DOB 7/19/72

2895 E. Charleston Boulevard, apartment 2085, Las Vegas, Nevada, 89104 is described as being an apartment located within a multiunit complex. It is located within building number 11. The exterior stucco of building number 11 is tan in color with brown in color trim. The tiled roof is brown in color. Apartment number 2085 is located upstairs on the 2nd floor. The front single door faces west. Affixed to the front door are the numbers "2085."

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methamphetamine and marijuana is scales, packaging materials, customer and source lists, records of purchases and sales, including "owe sheets" reflecting transactions in the controlled substance cocaine, to include, but not limited to, hand written documents, printed documents, encrypted codes, recorded information and any computerized device capable of storing information.

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Any and all Police style "ASP Baton"

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Any and all US currency believed to be proceeds from the robbery.

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Cellular phones, "Smart Phones" and/or PDA devices including inserted media cards regardless of the devices' activation or connection status, to include any power cord(s).

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computer or otherwise for the purpose of manipulation which will assist investigators to clarify and/or establish the identity of the deceased and those persons injured in the event as well as all current and former occupants, owners, residents, or frequent visitors of the location listed who may have either have a possessor interest in the location listed or have information necessary to the investigation

The property herein before described constitutes evidence which tends to demonstrate the criminal offense of: Home Invasion a felony violation of NRS 205.067, Robbery with a Deadly Weapon a felony violation of NRS 200.380, Burglary with Use of Firearm, a felony violation of NRS 205.060, Assault with a Deadly Weapon a felony violation of NRS 200.471-2B, Kidnapping a felony violation of NRS 200.310-1 and Battery with Deadly Weapon Substantial Bodily Harm a felony violation of NRS 2

In support of your Affiant's assertion to constitute the existence of probable cause, the following facts are offered:

On 01/20/2016, at approximately 2259 hours, HPD Patrol Officers were dispatched to 950 Seven Hills Drive Apartment 2511 Henderson, Nevada 89052 in reference to Home Invasion Call.

That a witness from another apartment called the Henderson Police stating that she heard screaming from her neighboring apartment (Apt. #2511.)

That dispatch advised that a male could be heard telling a female, "Shut the Fuck Up."

That Officer Engel observed a white male standing behind a Black Jeep Cherokee bearing Washington plate ASW5060 and a red Ford Mustang bearing California plate 7MUR703.

That Officer Engel briefly spoke with the male later identified as Kevin Wong (DOB 2/19/85) as Officer Leinan approached the door to the

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apartment.

That Officer Leinan could hear screaming from the apartment and observed Jason Cliff (DOB 10/29/1977) lying on the floor handcuffed and bleeding from his face and head.

That Officer Leinan entered the apartment and observed a black male wearing a tactical police style vest standing over Cliff. At this time Officer Engel observed a second black male running through the parking lot with a similar black tactical vest on.

As Officer Leinan began to talk to the black male in the residence, a black male and a white female jumped out of the master bedroom window and began to run towards Seven Hills.

That during the course of running the suspects dropped an ASP as well as two sets of rubber gloves. The ASP was soaked in blood and bent.

That Officer Engel believed the black male standing over Cliff was a Law Enforcement Officer or Bail Agent so he attempted to look for the second suspect.

That while officers were looking for the suspects who had ran away the black male standing over Cliff exited the apartment and disappeared in an unknown direction.

That one of the black tactical vests worn by the suspects had the words "US Marshalls."

That Officer Leinan took the handcuffs off of Jason and his wife Marlene Burkhalter, DOB 4/22/1977 and secured the scene.

That at about that same time Kevin entered the black Jeep and fled the scene eventually being stopped by patrol units for several driving infractions.

That Marlene and her husband Jason Cliff confirmed they live inside Apartment 2511.

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That while Officers were speaking with Marlene, other HPD Officers began to check the area and attempted to locate suspects of the crime.

That Marlene gave the following statements to officers that one white female and two black males forcibly entered her apartment at gun point.

That the suspects were wearing black tactical style vests that had the words "US Marshalls" written on the vest and blue latex gloves.

That Marlene stated the suspects handcuffed her and her husband Jason.

That one of the suspects struck Jason numerous times with what Marlene and Jason described as a black police ASP Baton.

That Jason received multiple injuries to include numerous lacerations to his skull, multiple fractured teeth and multiple missing teeth.

That Jason was transported by Henderson Paramedics to Saint Rose Siena Hospital where Jason received multiple staples for the lacerations to his head, and medical treatment for his fractured and missing teeth.

That Detectives R. Adams P#1198 and K. Lapeer P#1446 were contacted and called out to handle the investigation.

That Detective Lapeer arrived and conducted a brief walk through of the residence and noticed that the apartment was in shambles and observed obvious signs of a struggle.

That Detective Lapeer observed several medium sized pools of blood on the TV stand and floor in the living room. Two sets of handcuffs placed on the TV stand as well as blue latex gloves near the coffee table.

That under the coffee table an empty black handgun magazine was located as well as two flashlights that are believed to have fallen off the tactical vests worn by the suspects during the struggle.

Detective Lapeer then spoke with Marlene and she gave the following

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statements.

That she was sitting on the couch and heard someone knocking at the door.

That Marlene answered the door and saw white female standing there.

That as she opened the door for the female, two black males pushed open the door and forcibly entered the residence drawing and aiming firearms at Marlene and her husband Jason Cliff.

That the female was holding a paper in her hands when she placed Marlene in handcuffs as the males began to yell at Cliff, stating "get on the ground, they have a search warrant and US Marshals."

That Cliff questioned their authority and asked to see the search warrant.

That the two males began to beat Cliff with ASP's and brutally struck him about the head and face.

That Marlene stated the tactical vest had the words US Marshals on the back.

That during the conversations with Marlene and Jason. Jason admitted to being addicted to Heroin.

That Detective R. Adams #1198 respond to the traffic stop location involving Kevin.

That Kevin was wearing similar all black clothing as the other suspects and was also observed standing behind the two vehicles watching Marlene's apartment during the home invasion.

That Kevin gave Detective Adams consent to search the black Jeep Cherokee he was the sole occupant of.

That Detective Adams observed a purse on the passenger seat and located a Nevada identification card in the name of Amanda Sexton (DOB

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4/14/92).

That Detective Adams asked Kevin about the ID and Kevin was evasive and stated that he didn't know.

That after several minutes of speaking with Kevin, Kevin advised Det. Adams that he met Amanda in the area of Southpoint Casino last night.

That Kevin further advised that he was homeless and down on his luck and agreed to drive Amanda to the home invasion.

That Kevin agreed to act as a lookout for Amanda during the crime.

That Kevin advised that as they arrived in the parking lot he parked next to the red Ford Mustang that was occupied by the two black males.

That Kevin stated Amanda exited the Jeep and the two black males exited the Mustang and forced their way into the apartment 2511.

Kevin advised that he could hear yelling and observed the blinds moving in the apartment due to the struggle and fight occurring inside.

That Kevin advised that he observed Officers arriving and when he observed Amanda and the black males flee the residence he decided to leave in his Jeep.

That Kevin stated that he observed the black males running down the street but he passed them prior to being stopped by patrol officers.

That Detective Adams placed Kevin under arrest for the felony violation of NRS 200.380, Conspiracy to commit Robbery.

That the Black Jeep Cherokee bearing Washington plate ASW5060 operated by Kevin was impounded and towed to the Henderson Police Department crime scene laboratory east station pending a search warrant.

That Detective Lapeer and Detective Adams confirmed the red Ford Mustang bearing California plate 7MUR703 parked in front of apartment

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2511 was the same red Ford mustang the two black males exited prior to committing the Home Invasion Robbery.

That Detective Lapeer observed in plain view a black hand held walkie talkie two way radio on the center console inside the red Ford Mustang.

That the red Ford Mustang bearing California 7MUR703 was also towed to the Henderson Police Department crime scene laboratory east station pending a search warrant.

That a registration check on the license plate CA 7MUR703 revealed the plate belonged on a 2015 Chevrolet passenger vehicle to Hertz vehicles.

That a check of the VIN #2G1FD3D31F9299297 on the Ford Mustang revealed it is a 2015 Ford Mustang and belonged to Hertz Vehicles.

That as of this search warrant the two black male suspects and the white female suspect have not been located.

That the identification of Amanda Sexton located inside the vehicle Kevin Wong was operating revealed an address of 9457 Las Vegas Boulevard, Apartment building #23, Unit #145, Las Vegas, Nevada, 89123.

That detectives responded to that address and contacted Ann Marie White DOB 03/24/1971 who confirmed that Amanda is dating her brother Toney Anthoney White, 7/19/72 social security #623464774.

That according to Ann Marie White, Amanda does not live there anymore and Toney owns the black Jeep Cherokee that Kevin was driving.

That the black Jeep Cherokee's registration returned to Toney A. White III out of Oak Harbor Washington.

That the investigation continues into identifying the two black males involved in this robbery.

That Affiant obtained search warrants for the Black Jeep Cherokee bearing Washington plate ASW5060 VIN #1J4GW68NXXC672487 and the 2015 Red Ford

Mustang bearing California 7MUR703 VIN #2G1FD3D31F9299297.

That the search warrants were authorized by the Honorable Judge Burr and served on both vehicles at the Crime Scene Laboratory located at the east station.

That upon service of the search warrants documentation was located that listed an address of 2895 E. Charleston Boulevard, Apartment #2085, Las Vegas, Nevada, 89104 (Sedona Hills Apartment Homes).

That Detective Nichols contacted Management for Sedona Hills Apartment Homes and Management confirmed that Amanda Sexton DOB 4/14/1992 and Toney Anthoney White DOB 7/19/72 live in apartment #2085.

That Management further explained that both Amanda and Toney are the only two on the lease.

That detectives identified the location of the apartment and confirmed that the apartment has what appears to be 3 video surveillance cameras attached to the exterior.

That Affiant believes there is probable cause for Amanda Sextons arrest for the above listed crimes.

That Affiant believes Amanda's boyfriend Toney Anthoney White is one of the additional suspects involved.

That when Toney is located the Henderson Patrol Officers that contacted the two black males inside the apartment will be able to positively identify or rule out Toney as one of the suspects. Furthermore the vehicle that Amanda and Kevin were operating was the Black Jeep Cherokee which belongs/registered to Toney Anthoney White.

That Toney Anthoney White has criminal history involving Robbery with Deadly Weapon, Kidnapping, Weapons charges and has served time in Prison.

That during the course of this investigation numerous items of evidence has

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been recovered that will reveal DNA belonging to both the victims and the suspects involved. That eventually all items will be submitted for DNA testing and comparisons will be done to link any additional suspects and or victims to this crime.

That Affiant is requesting authorization to obtain Buccal Swabs from both Amanda Sexton DOB 04/14/1992 and Toney Anthoney White DOB 07/19/1972.

That if authorization of Buccal Swabs are authorized for Amanda and Toney Affiant will be able to compare their DNA to DNA recovered off of new items of evidence recovered near the crime scene under HPD Event #LHP160121000383.

That the new items of evidence were located under a bush near the front entrance of 950 Seven Hills Drive.

That the following items were collected by Crime Scene Analyst P. Farrell #1267 1each beanie style hat and 1 each baseball style hat. A black weapon gun belt with two holsters. One holster contained a black pellet handgun and the other contained a silver Smith and Wesson 9mm Handgun with serial numbers filed off and possible blood on the slide. The duty belt had two extra magazine pouches and two additional pouches each containing a set of handcuffs. A black T-shirt with the word MARSHAL on the back and a United States of America Patch sewn on front. A black under shirt with sewn in holsters and a Uniden hand held walkie talkie type radio that matched the exact radios recovered from the Black Jeep Cherokee and the red Mustang. A US Marshal Identification badge in the name of Eric Allen Alexander was also located with the above listed items. The ID Badge is obviously a fraudulent form of identification.

That based on Affiant's training and experience perpetrators who commit home invasion robberies and similar crimes such as burglary have an underlying reason for committing such crimes. The underlying reason in the majority of the cases is typically because the suspect is addicted to illegal narcotics and sometimes prescription medication. Affiant has seen other cases that involve the suspect being in a financial bind for example, a gambling addiction. In the majority of the cases Affiant experienced while investigating these crimes involve the suspect having an

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addiction to specific illegal narcotics such as Methamphetamine, Cocaine and/or Heroin which leads to the suspect being in a financial bind.

That based on Affiant's training and experience perpetrators who commit robbery and similar crimes such as burglary are known to write notes about their plans to commit those crimes and review maps and different images on the internet to plan their arrival and departure routes. These writings and images are often in the form of electronic media, whether via text message or e-mail and/or often times on notepads with pen/pencil and paper.

That furthermore, Affiant requests permission to seize and later search the aforementioned electronic storage devices that the investigator believes must be searched to permit them to locate any records, documents, particular file types (as relevant to the case) and materials described in the warrant at an off-site location. Namely affiant requests that a bit by bit image of all data storage devices be made by a forensic examiner within a controlled laboratory environment that the examiner or investigator may look through at a later date. All of the components will be seized and taken into the custody of the Henderson Police Department. If evidence relating to a felony is located the equipment may be seized as per the NRS.

That with the advancing technology of gaming systems and cellular phones, the aforementioned devices have abilities matching that of computers to include accessing the internet, categorizing content and storing an array of media. Affiant would further request those items be treated comparably to computers and be forensically examined as well. Furthermore, Affiant knows that regardless of the connection status, cellular phones can maintain and preserve information to include call logs, text logs and an array of media.

That Affiant requests permission to conduct a search of all emails located within storage devices capable of sending, receiving or storing emails. Such searches could include searching by name, date, email recipient and or key words and phrases relevant to the case. Affiant also requests to search for these emails regardless of their status on the storage device (unread, read, sent, deleted, etc).

That searching the electronic storage device(s) for the evidence described in this affidavit may require a range of data analysis techniques, therefore Affiant requests permission to use whatever data analysis techniques appear necessary to

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locate and retrieve the evidence described in this affidavit. These techniques include previewing devices applying forensic principles.

That based upon your Affiant's knowledge, training and experience searching and seizing information from electronic storage devices often requires a significant amount of time. This is true because of the following:

The volume of evidence. Given the amount of memory (which is increasing drastically), electronic storage devices can store a significant amount of information. Additionally, a suspect may try to conceal evidence with numerous methods to include encryption, deceptive file names, file types and extensions. This may require an examination of all the stored data to determine which particular files are evidence or case related. This sorting process can take weeks or months depending on the volume of data stored.

Technical requirements. Searching computer systems for criminal evidence is a highly technical process requiring expert skill and a properly controlled environment. The vast array of computer hardware and software available requires even computer experts to specialize in some systems and applications, so it is difficult to know before a search which expert is qualified to analyze the system and its data. In any event, however, data search protocols are exacting scientific procedures designed to protect the integrity of the evidence and to recover even "hidden," erased, compressed, password-protected, or encrypted files. Since computer evidence is extremely vulnerable to inadvertent or intentional modification or destruction (both from external sources and or from destructive code sequences imbedded in the system as a "booby trap"), a controlled environment is essential to its complete and accurate analysis.

It is further requested that if any password-protected or encrypted files are encountered during the digital forensic examination that forensic principles and methods be allowed to be used to unlock and/or decrypt the files to allow them to be viewed.

That this affidavit does not contain each and every fact known to your affiant related to this investigation but rather includes that information related to the probable cause pertaining to the search of the location referred to above.

That, to preserve the integrity of this investigation, and the actual facts surrounding

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the event, until such time as the release of these facts will not hinder or impede the investigation your Affiant request this Affidavit be sealed until ordered unsealed by a competent court with jurisdiction with respect to the District Attorney's Office needs for their investigation or release in reference to discovery.

That due to the fact that this is an ongoing investigation involving, Robbery with the Use of a Firearm, which will lead into the evening hours after 7:00pm. The fact the actual robberies, burglaries and kidnapping case that is being investigated happened during the evening hours after 7:00 pm and before 7:00am. Affiant is requesting that a night time service and search of the residence be allowed.

Furthermore and because of the surveillance attached to the exterior of the target apartment the ability to use the cover of night during a night time search will assist in facilitating the safety of not only the officer's involved, but those citizens that will be in the area during the service of the search warrant.

Wherefore Affiant is requesting the authorization based off the above statements to search 2895 E. Charleston Boulevard, Apartment #2085, Las Vegas, Nevada, 89104, DNA Exemplar (Buccal Swab) from Amanda Sexton DOB 4/14/1992 and DNA Exemplar (Buccal Swab) from Toney Anthoney White DOB 7/19/72 for the above listed items anytime day or night.

#1358

Detective Joseph Ebert #1358/ Affiant

SUBSCRIBED AND SWORN to before me this 21st day of January, 2016.

Judge

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COPY

DR #16-01201

SEARCH WARRANT

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

Detective Joseph Ebert #1358, being first sworn deposes and states that he is the Affiant herein and is a Police Officer with the City of Henderson Police Department currently assigned to the investigations division and that Affiant has been employed with the Henderson Police Department since 03/20/06.

There is probable cause to believe that certain property hereinafter described will be found at the following described premises, to wit:

2895 E. Charleston Boulevard, Apartment #2085, Las Vegas, Nevada, 89104

- DNA Exemplar (Buccal Swab) from Amanda Sexton DOB 4/14/1992
- DNA Exemplar (Buccal Swab) from Toney Anthoney White DOB 7/19/72

2895 E. Charleston Boulevard, apartment 2085, Las Vegas, Nevada, 89104 is described as being an apartment located within a multiunit complex. It is located within building number 11. The exterior stucco of building number 11 is tan in color with brown in color trim. The tiled roof is brown in color. Apartment number 2085 is located upstairs on the 2nd floor. The front single door faces west. Affixed to the front door are the numbers "2085."

The property referred to and sought to be seized consists of the following:

Any and all firearms and/or ammunition to include but not limited to an unknown brand black semi-auto handgun real or imitation.

Any and all illegal controlled substances such as cocaine, marijuana, methamphetamine, heroin, prescription drugs without a prescription etc.

Any and all illegal narcotic paraphernalia commonly associated with the ingestion and distribution of the controlled substances such as cocaine,

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methamphetamine and marijuana is scales, packaging materials, customer and source lists, records of purchases and sales, including "owe sheets" reflecting transactions in the controlled substance cocaine, to include, but not limited to, hand written documents, printed documents, encrypted codes, recorded information and any computerized device capable of storing information.

Any and all two way hand held walkie-talkie radios

Any and all blue in color latex gloves

Any and all Police style "ASP Baton"

Any and all items marked with the insignia or label identifying the organization of the "US Marshalls"

Any and all Tactical Vests or tactical clothing believed to be worn and or used during this incident.

Any and all US currency believed to be proceeds from the robbery.

Any and all papers, writings, electronic documents, identification cards, photographs, or other documents which will assist investigators to clarify and/or establish the identity of the deceased and those persons injured in the event as well as all current and former occupants, owners, residents, or frequent visitors of the location listed who may have either have a possessor interest in the location listed or have information necessary to the investigation related to why the incident may have taken place, i.e. love/hate letters, threatening letters, documents, diaries or journals written by victims of the event detailing fears in general or fear of a particular persons and/or groups etc.

Computer Hardware:

Computer hardware is described as any and all computer equipment, including any electronic devices, which are capable of collecting, analyzing, creating, displaying, converting, storing, concealing, or transmitting electronic, magnetic, optical, or similar computer impulses or data. These

devices include but are not limited to any data-processing hardware (such as central processing units, memory typewriters, and self-contained "laptop" or "notebook" computers); internal and peripheral storage devices (such as fixed disks, external hard disks, floppy disk drives and diskettes, tape drives and tapes, optical storage devices, and other media / memory storage devices); peripheral input/output devices (such as keyboards, printer(s), scanners, plotters, video display monitors, and optical readers); and related communication devices (such as modems, wireless routers, recording equipment, RAM or ROM units, acoustic couplers, automatic dialers, speed dialers, programmable telephone dialing or signal devices, and electronic tone-generating devices); as well as any devices mechanisms, or parts that can be used to restrict access to such hardware (such as physical keys or locks). All mp3 / media players. All advanced gaming systems, i.e.. Playstation 3, Xbox 360, PSP.

Computer Software and Documentation:

Computer software is described as any and all information, including instructions, programs, or program code, stored in any form of media which is capable of being interpreted by a computer or its related components. Associated documentation includes any written or printed material, which explains or illustrates the configuration or use of any seized hardware, software, or related item. Such software or documentation could be used to assist in accessing computer hardware, software, data, records, documents or materials within the scope of this application that have user restricted access (encryption) or user enabled concealment within the device.

Cellular Phones:

Cellular phones, "Smart Phones" and/or PDA devices including inserted media cards regardless of the devices' activation or connection status, to include any power cord(s).

Any peripheral devices located such as keyboards, monitors, and data sending devices needed to control such above aforementioned computer hardware or software.

Digital cameras, scanners or other devices used to import images into a

computer or otherwise for the purpose of manipulation which will assist investigators to clarify and/or establish the identity of the deceased and those persons injured in the event as well as all current and former occupants, owners, residents, or frequent visitors of the location listed who may have either have a possessor interest in the location listed or have information necessary to the investigation

And as I am satisfied that there is probable cause to believe that the said property is located as set forth above and that based upon the Affidavit attached hereto there are sufficient grounds for the issuance of the Search Warrant. You are hereby commanded to search forthwith said premises for said property, serving this warrant anytime of the day or night and if the property is there to seize it, prepare a written inventory of the property seized and make a return for me within ten days. You are further authorized to transport any seized electronic equipment or related items to Henderson Police Department for future forensic examination.

DATED THIS 21st DAY OF January, 2016.

HONORABLE JUDGE

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COPY

16-01201

IN RE: SEARCH WARRANT for

2895 E. Charleston Boulevard, Apartment #2085,
Las Vegas, Nevada, 89104

ORDER SEALING AFFIDAVIT

DNA Exemplar (Buccal Swab)
Amanda Sexton DOB 4/14/1992
Toney Anthoney White DOB 7/19/72

Upon the ex parte application of Det. Joseph Ebert #1358, a commissioned officer with the Henderson Police Department, and Affiant, to seal the affidavit in support of the attached search warrant, and for good cause appearing therefore,

IT IS HEREBY ORDERED that the affidavit in support of the attached search warrant be ordered sealed pending further order of this Court except that copies may be provided to the office of the Clark County District Attorney and the District Attorney may provide copies to a defendant in a criminal proceeding as part of the criminal discovery process, and

IT IS FURTHER ORDERED a copy of this order sealing the affidavit be left at the premises along with the search warrant in lieu of the affidavit in support of the warrant.

DATED this 21st day of January, 2016.

Judge

#1358

Det. Joseph Ebert #1358, AFFIANT

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Page 1 of 2

DR# 16-01201

HENDERSON POLICE DEPARTMENT
SEARCH WARRANT RETURN
(Must be made within 10 days of issuance of Warrant)

The Search and Seizure Warrant authorizing a search and seizure at the following described location(s):

2895 E CHARLESTON BLVD APT # 2085

LAS VEGAS NEVADA 89104

was excuted on 1/21/2016
(month, day, year)

A copy of this inventory was left with PLACE OF SEARCH
(name of person or "at the place of search")

The following is an inventory of property taken pursuant to the warrant:

1. MISC US MARSHALS PAPERWORK
2. MISC LICENSE PLATES (5)
3. MISC NOTE PAD PAPERWORK
4. 2EA US MARSHAL ID'S FRADDULENT
5. 2EA NV. DRIVERS LICENSE
6. 2 BOXS BLUE LATEX GLOVES
7. 2EA GUN HOLSTER NYLON
8. 2EA BLACK POUCHES FOR GUN BELT

This inventory was made by: [redacted] #1358

[redacted] #1446
(at least two officers including affiant if present. If person from whom property is taken is present include that person)

ORIGINAL - Return to Issuing Court YELLOW - With HPD Report PINK - With Suspect or Place of Search

HPD 184 2/00

68-A

Page 2 of 2

DR# 16-01261

HENDERSON POLICE DEPARTMENT
SEARCH WARRANT RETURN (continued)

Location: 1695 E. CHARLESTON # 2085

9. UNITED STATES OF AMERICA Blue PATCH

10. BLACK ASP BATON

11. HP Computer All IN ONE

Officers Initials

ORIGINAL - Return to Issuing Court YELLOW - With HPD Report PINK - With Suspect or Place of Search

HPD-184A 2-99

68-B

Henderson Police Department

223 Lead St. Henderson, NV 89015

Declaration of Arrest

DR# 1601201
FH# 16

Arrestee's Name: White, Toney Anthony
Date of Arrest: 01/22/2016
Time of Arrest: 1230

Charge	Degree	NRS\HMC
KIDNAPPING, 1ST DEGREE, E/DW	Felony	200.310.1
ROBBERY, E/DW	Felony	200.380
BURGLARY WHILE POSS OF GUN/DW	Felony	205.060.4
CONSP ROBBERY	Felony	200.380
IMPERSONATE PUB OFF	Gross Misdemeanor	199.430
BATTERY W/USE OF DW, R/SBH	Felony	200.481.2

THE UNDERSIGNED MAKE THE FOLLOWING DECLARATIONS SUBJECT TO THE PENALTY FOR PERJURY AND SAYS: That I, ANTHONY NISWONGER am a peace officer with the Henderson PD, Clark County, Nevada, being so employed since 02/22/2000. That I learned the following facts and circumstances which led me to believe that the above named subject committed (or was committing) the above offense/offenses at the location of 950 Seven Hills Drive #2511 Henderson Nevada 89052, and that the offense occurred at approximately hours on .

Details of Probable Cause

On 1/20/15, at approximately 2259 hours, Henderson Police dispatch received a call for service at 950 Seven Hills, Apartment #2511 in reference to a loud verbal dispute taking place in the apartment and a possible home invasion.

HPD Officer J. Leinan #1298 and Officer M. Engel #1254 responded to the apartment complex. Upon Officer Engel's arrival he observed a white male standing behind a Jeep Cherokee bearing Washington plate ASW5060 and a red Ford Mustang bearing California plate 7MUR703. Officer Engel briefly spoke with the male later identified as Kevin Wong (DOB 2/19/85) as Officer Leinan approached the door. Officer Leinan could hear screaming from the apartment and observed Jason Cliff (DOB 10/29/1977) lying on the floor handcuffed and bleeding. Officer Leinan then made entry into the apartment and observed a black male wearing a tactical police style vest standing over Cliff. At this time Officer Engel observed a second black male running through the parking lot with a similar black tactical vest on. Officer Engel neared him and the unknown black male was motioning that the suspect was running in a different direction.

As Officer Leinan began to talk to the black male in the residence, a black male and a white female jumped out of the master bedroom window and began to run towards Seven Hills. During the course of running the suspects dropped an ASP as well as two sets of rubber gloves. The ASP was soaked in blood and bent.

Officer Leinan then freed the handcuffs from a badly injured Cliff and his girlfriend Marlene Burkhalter (DOB 4/22/1977) and secured the scene. At this time Kevin entered his Jeep, a black Jeep Cherokee with Washington plate ASW5060, and fled the scene eventually being stopped by patrol units for several driving infractions on St. Rose Parkway and Jeffereys Street. Both Officer Leinan and Engel believed that the male suspects were bail bondsmans.

Cliff was transported to the St. Rose Sienna Hospital with significant head injuries to include lacerations and loss of teeth. Also, Cliff suffered from numerous strikes from a baton to the head and back torso area. Photographs were taken of Cliff's injuries.

Detective K. LaPeer #1446 responded to the scene and assumed the role of case agent. Detective LaPeeer first

ANTHONY NISWONGER

Declarant's Name

DR# 1601201

FH# 16

Arrestee's Name: White, Toney Anthony

Details of Probable Cause (Continued)

conducted a brief walk through of the residence and noticed that the apartment was in shambles and observed obvious signs of a struggle. Detective LaPeer also observed several medium sized pools of blood on the TV stand and floor. Detective LaPeer noticed two sets of handcuffs placed on the TV stand as well as blue runner gloves near the coffee table. Under the coffee table an empty handgun magazine was located as well as two flashlights that fell off the tactical vests of the suspects during the struggle.

Detective LaPeer then spoke with Marlene and she advised the following: That she was sitting on the couch and heard someone knocking at the door. Marlene answered the door and saw white female standing there, as she opened the door for the female, two black males pushed open the door and forcibly entered the residence drawing and aiming firearms at Marlene and Cliff. The female then placed Marlene in handcuffs and the males began to yell at Cliff, stating that, "We have a search warrant", "US Marshals" and to get on the ground. Marlene advised that Cliff questioned the authority and asked to see the search warrant that the female was holding. Marlene then stated that the two males began to beat Cliff with metal batons and brutally struck him about the head and face. Marlene stated that the tactical vest said US Marshals on the back.

At this time Detective LaPeer had Detective R. Adams #1198 respond to the traffic stop location involving Kevin. Kevin was wearing similar clothing as the other suspects and was also observed standing behind the two vehicles watching Marlene's apartment during the home invasion. Kevin gave Detective Adams consent to search his vehicle. Detective Adams observed a purse on the passenger seat and located a Nevada identification card in the name of Amanda Sexton (DOB 4/14/92). Detective Adams asked Kevin about the ID and Kevin was evasive and stated that he didn't know. After several minutes of speaking with Kevin, Kevin told Det. Adams that he met Amanda in the area of South Point Casino the previous night. Kevin further advised that he was homeless and down on his luck and agreed to drive Amanda to the home invasion. Kevin agreed to act as a lookout for Amanda during the crime. Kevin advised that as they arrived in the parking lot and he parked next to the red Chevrolet that was occupied by the two black males. Kevin then stated that Amanda and the two black males then forced their way into the apartment.

Kevin advised that he could hear yelling and see the blinds moving in the apartment due to the struggle and fight occurring in the apartment. Kevin advised that he observed Officers arriving and he left the complex when he observed Amanda and the black males flee the residence. Kevin stated that he observed the males running down the street but he passed them up before he was stopped by patrol officers.

Kevin was then placed in custody for the felony violation of MRS 200.380, Conspiracy to commit Robbery.

Information was obtained through investigation that Amanda Sexton had an address in Las Vegas at 9457 South Las Vegas Boulevard, Unit #145. Detective Adams responded to that location in his unmarked police vehicle and at approximately 0300 hours, he observed two black males and a white female (believed to be the suspects in this case), exit unit #145 and enter a vehicle, leaving the area. Due to being the only officer at the location, Detective Adams elected to visually surveil the residence and the vehicle left to an unknown location.

At approximately 0700 hours, Detectives Niswonger and Adams observed a black female exit apartment #145. Detectives spoke with the female, who identified herself as Ann White (DOB 3/24/71). Ann White stated that people in the complex know her as "Mousey" and that Toney White is her brother. "Mousey" confirmed that Sexton and White are in a dating relationship and stated that they came to her residence in the middle of the night, saying they were in trouble. "Mousey" stated that a neighbor of hers gave Sexton, White and an unknown black male a ride to a location on Charleston Avenue.

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ANTHONY NISWONGER

Declarant's Name

Henderson Police Department

223 Lead St. Henderson, NV 89015

Declaration of Arrest Continuation Page

DR# 1601201
FH# 16

Arrestee's Name: White, Toney Anthony

Details of Probable Cause (Continued)

Patrol Officers from the Las Vegas Metropolitan Police Department were provided with the information of Sexton and White and were advised that there was probable cause to arrest both for felony crimes relating to this case.

The two vehicles associated with the suspects of this crime (the red Ford Mustang with California plate 7MUR703 and the black Jeep Cherokee with Washington plate ASW5060) were towed to the Henderson Police Department Criminalistics section pending search warrants. Search warrants were obtained and it was discovered the Jeep Cherokee was outfitted with flashing red and blue lights facing to the front of the vehicle. Paperwork in the jeep was observed that bore the names of Amanda Sexton and Toney White (later identified as Toney Anthony White - DOB 07/19/72. Information was located in the vehicle that gave indication that Sexton and White had a residence located at 2895 East Charleston in Las Vegas.

Detective Nichols #1242 responded to the apartment complex at 2895 East Charleston and spoke with management who confirmed that Sexton and White leased apartment #2085. Surveillance was conducted on the apartment and the apartment was observed to have numerous video surveillance cameras affixed to that specific apartment. Detectives also observed a black male and white female inside of the apartment through a bedroom window and also on the patio of the apartment.

Detective Ebert authored a search warrant for the apartment and the search warrant was executed with the assistance of the Henderson Police SWAT Team. The two occupants of the residence were identified verbally as Angelo Deann (DOB 4/3/72) and his girlfriend, Kristin Burton (DOB 8/21/76). Detective Nichols spoke with Burton who stated that Sexton and White live at the residence, but that she hadn't seen them since the previous day. She state that she received a phone call from "Mousey," stating that Sexton and White told her that they "did a lick" that went bad and that they were in trouble. An interview was conducted with Deann at that time, who denied any involvement in the crime.

On 1/22/16 at 1040 hours, Henderson Police Dispatch was contacted by the LVMPD Dispatch advised that patrol officers were currently involved in a foot pursuit with Toney White at 9457 South Las Vegas Boulevard. HPD Dispatch was also advised that Sexton was in custody.

Detectives Niswonger and Adams responded to the location and spoke with LVMPD Officer Yannis who advised that he obtained information that White and Sexton were in unit #120. LVMPD Officers contacted Sexton and White at the apartment and when they attempted to conduct a "pat down" of White, he fled on foot and was apprehended after a foot pursuit.

Both Sexton and White were arrested and transported to the Henderson Detention Center.

Detective Niswonger spoke with the resident of unit #120, identified as Glen Cousert (DOB 6/3/76), who stated that the previous morning, he gave a ride to Sexton, White and an unknown black male to a 7-11 on Charleston. During the ride, White accessed a police scanner on a cell phone and all the occupants of the vehicle heard the LVMPD broadcast the robbery in Henderson in which the three were involved in. Cousert stated that once they arrived at the 7-11, the unknown black male left for a short while and returned with a suitcase. Cousert then drove Sexton and White back to his residence, where they stayed until the next day.

Cousert then provided Detective Niswonger with a hand drawn map of locations where police gear was discarded in Seven Hills when the robbery went awry. This map roughly matched locations where the HPD had already recovered numerous items relating to the robbery and police impersonations. Cousert also provided Detective Niswonger with a key fob, which Cousert stated was given to him by White and told it belonged to the red Ford Mustang left in Seven Hills. Cousert was

ANTHONY NISWONGER

Declarant's Name

Henderson Police Department

223 Lead St. Henderson, NV 89015

Declaration of Arrest Continuation Page

DR# 1601201

FH# 16

Arrestee's Name: White, Toney Anthony

Details of Probable Cause (Continued)

directed by White to get the Mustang and the police paraphernalia in Seven Hills.

Detectives then spoke with "Mousey," who stated that she spoke with her brother's roommate, Deann, who told her that he was involved in the robbery and gave details on how he got away from the apartment at the robbery location when the police arrived by rusing them into believing the suspects ran the other direction. This information was confirmed by patrol officers to have occurred during their arrival at 950 Seven Hills Drive.

Detectives Niswonger and Adams then responded back to 2895 East Charleston #2085 and contacted Deann on the front patio of his apartment. After speaking with Deann, who was not in handcuffs or under arrest at the time, he confirmed his involvement in the crime. He stated he was involved in the plan to rob the residents of the apartment in Seven Hills because it was believed that they had a large amount of methamphetamine in the apartment. Deann confirmed that he was the lookout for the residence and acknowledged that once the robbery went bad, that he was the one that spoke with the responding HPD Officers and directed them away from the scene, stating a direction the suspects ran.

Deann further acknowledged that the participants of the robbery were White, Sexton and Wong. Deann stated he did enter the apartment at one point and observed the male and female victims in handcuffs and lying on the ground. Deann denied any involvement in the battery of the two victims. Deann confirmed all of the participants wore clothing and gear, to include marked vests, batons and handcuffs. Deann stated he carried a baton during the robbery, but that others did have handguns and a rifle.

Deann stated that he had been with Sexton in the past when she dressed in a police uniform and drove a vehicle with flashing lights, conducted a traffic stop on Charleston and robbed the person they stopped of his wallet.

Due to the above information, Toney White, Amanda Sexton, Kevin Wong and Angelo Deann were charged with the following crimes:

Two Counts of 1st Degree Kidnapping
Two Counts of Robbery with Deadly Weapon
One Count of Burglary while in Possession of Deadly Weapon
Two Counts of Conspiracy to Commit Robbery
One Count of Battery with Deadly Weapon resulting in Substantial Bodily Harm
One Count of Impersonating a Public Officer

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).

ANTHONY NISWONGER

Declarant's Name

HENDERSON POLICE DEPARTMENT

CERTIFICATE OF CUSTODIAN OF RECORDS

HPD 0607

DR# _____

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

Kristen Grega , hereby swears under penalty of perjury and certifies the following:

1. That he/she is the custodian of records or designee;

2. That on the 18 day of October , 2016 The Deponent received a subpoena or Request and an Authorization for the production of records pertaining to: Toney Anthony White

3. That the Deponent has examined the original of those records, if applicable, and has made a true and exact copy of them and that the reproduction of them attached hereto is true and complete; and

4. That the original of those records, if any, was made at or near the time of the acts, events and conditions, and opinions recited therein by or from information transmitted by a person with knowledge of the course of the regularly conducted activity of the Deponent or the office or institution in which the Deponent is employed.

Dated this 18 Day of October 2016

SIGNATURE

This instrument was acknowledged before me on
This 18 Day of October 2016

Gail Forsyth
NOTARY PUBLIC

Notary Public: State of Nevada
COUNTY OF CLARK
GAIL FORSYTH
No. 10-1410-1 My Appointment Expires Mar. 20, 2018

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Incident Report

HENDERSON POLICE
223 LEAD ST
HENDERSON, NEVADA 89015

Incident Number: 16-01201

Incident Summary

Incident Type: ROBBERY
Report Type: ORIGINAL OFFENSE RE
Inc Occurred Address: 950 SEVEN HILLS DR, BLDG: 25, APT: 2511, HENDERSON, NEVADA 890
Sector/Beat: WEST/W6
Inc Occurred Start: 01/20/2016 22:59
Inc Occurred End: 01/21/2016 07:00
Report Taken: 01/21/2016 11:24
Domestic: N
Nbr of Prior Incidents:
Protective Order In Effect: U
DV Card Given: U
Number of Children Present:
Ages of Children:
Bias Motivation:
Gang Related: N
Substance: U
Contact Nature: PERSON TO PERSON
Reported Date/Time: 01/20/2016 23:45
Reporting Officer: LAPEER, KEVIN
Primary Assigned Officer: LAPEER, KEVIN
Case Status: CLOSED
Disposition: ADULT ARREST, WARRANT OR CITATION
Disposition Date: 02/17/2016 00:00
Mitigating Circumstances For Not Arrested:

Offenses

Statute Code: 200.380
Statute Desc: ROBBERY, E/DW
Counts: 1
Statute Severity: FELONY
Enhancers:

Statute Code: 200.310.1
Statute Desc: KIDNAPPING, 1ST DEGREE
Counts: 1
Statute Severity: FELONY
Enhancers:

Statute Code: 205.067.2
Statute Desc: HOME INVASION, (1ST)
Counts: 1
Statute Severity: FELONY
Enhancers:

Statute Code: 200.380
Statute Desc: CONSP ROBBERY
Counts: 1
Statute Severity: FELONY
Enhancers:

Statute Code: 200.481.2
Statute Desc: BATTERY W/USE OF DW, R/SBH
Counts: 1
Statute Severity: FELONY
Enhancers:

Statute Code: 205.060.4
Statute Desc: BURGLARY WHILE POSS OF GUN/DW
Counts: 1
Statute Severity: FELONY
Enhancers:

Statute Code: 199.430
Statute Desc: IMPERSONATE PUB OFF
Counts: 1
Statute Severity: GROSS MISDEMEANOR
Enhancers:

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Docket 82889 Document 2021-15298

HENDERSON POLICE
223 LEAD ST
HENDERSON, NEVADA 89015

Incident Number: 16-01201

Persons Involved

Person#: 0001 — Can ID Suspect: No
Event Association: VICTIM — Contact Date/Time: 01/21/2016 04:00
Name: CLIFF, JASON ANTHONY
DOB: 10/29/1977 — Age: 38 - 38 — Sex: MALE — Race: ASIAN
Height: 5' 11" - 5' 11" — Weight: 185 - 185 lbs — Eye Color: BROWN — Hair Color: BLACK
Address: 950 SEVEN HILLS DR, BLDG: 25, APT: 2511, HENDERSON, NEVADA 89052 — Sector/Beat: WEST/W7
Phone Type 1: — Phone# 1: — Ext 1:
Phone Type 2: — Phone# 2: — Ext 2:

Occupation: — Employer/School:

Characteristics

Characteristic Type:	Further Defined By:	Description:
BUILD	MEDIUM	

Person Offenses

Statute Code: 200.310.1 — Enhancers:
Statute Desc: KIDNAPPING, 1ST DEGREE
Counts: 1

Statute Code: 200.380 — Enhancers:
Statute Desc: ROBBERY, E/DW
Counts: 1

Statute Code: 200.481.2 — Enhancers:
Statute Desc: BATTERY W/USE OF DW, R/SBH
Counts: 1

Statute Code: 205.060.4 — Enhancers:
Statute Desc: BURGLARY WHILE POSS OF GUN/DW
Counts: 1

Statute Code: 205.067.2 — Enhancers:
Statute Desc: HOME INVASION, (1ST)
Counts: 1

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HENDERSON POLICE
223 LEAD ST
HENDERSON, NEVADA 89015

Incident Number: 16-01201

Persons Involved

Person#: 0002 **Can ID Suspect:** No
Event Association: VICTIM **Contact Date/Time:** 01/21/2016 01:00
Name: BURKHALTER, MARLENE A
DOB: 04/22/1977 **Age:** 38 - 38 **Sex:** FEMALE **Race:** ASIAN
Height: 5' 4" - 5' 4" **Weight:** 130 - 130 lbs **Eye Color:** BROWN **Hair Color:** BROWN
Address: 950 SEVEN HILLS DR, BLDG: 25, APT: 2511, HENDERSON, NEVADA 89052 **Sector/Beat:** WEST/W7
Phone Type 1: **Phone# 1:** **Ext 1:**
Phone Type 2: **Phone# 2:** **Ext 2:**

Occupation: **Employer/School:**

Characteristics

Characteristic Type:	Further Defined By:	Description:
BUILD	MEDIUM	

Person Offenses

Statute Code: 200.310.1 **Enhancers:**
Statute Desc: KIDNAPPING, 1ST DEGREE
Counts: 1
Statute Code: 200.380 **Enhancers:**
Statute Desc: ROBBERY, E/DW
Counts: 1
Statute Code: 205.060.4 **Enhancers:**
Statute Desc: BURGLARY WHILE POSS OF GUN/DW
Counts: 1
Statute Code: 205.067.2 **Enhancers:**
Statute Desc: HOME INVASION, (1ST)
Counts: 1

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HENDERSON POLICE
DEPARTMENT
HENDERSON, NEVADA 89015

Page: 1 of 2

Incident Report

Incident Number: 15-01201

Person Involved

Person: Victim
Event Association: ARRESTED
Name: WONDRAKEVIN,KEKOA

Could Subject Flee: No
Contact Date/Time: 01/21/2015 01:00

DOB: 02/19/1995 | Age: 20 | Sex: MALE | Race: ASIAN
Height: 5'08" | Weight: 180 | Eye Color: BROWN | Hair Color: BROWN
Address: 5011 MAGNOLIA GREY DR LAS VEGAS, NEVADA, 89122-5858 | Scars/Deaths:
Home Ph: | Phone 2:
Phone Type: | Email:

Occupation: | Employer/School:

Characteristics

Character Type: | Further Details: | Description:
BUILD: | MEDIUM

Person Offenses

Statute Code: 200.380 | Enhancers:
Statute Desc: CONSP ROBBERY
Count: 1

Statute Code: 199.480 | Enhancers:
Statute Desc: IMPERSONATE PUB OFF
Count: 1

Statute Code: 200.310.1 | Enhancers:
Statute Desc: KIDNAPPING, 1ST DEGREE
Count: 1

Statute Code: 200.380 | Enhancers:
Statute Desc: ROBBERY, ED/V
Count: 1

Statute Code: 200.481 | Enhancers:
Statute Desc: BATTERY W/USE OF DLY WPN
Count: 1

Statute Code: 205.060.4 | Enhancers:
Statute Desc: BURGLARY W/USE OF DLY WPN
Count: 1

Statute Code: 205.067.2 | Enhancers:
Statute Desc: HOME INVASION (F)
Count: 1

HENDERSON POLICE
223 LEAD ST
HENDERSON, NEVADA 89015

Incident Number: 16-01201

Persons Involved

Person#: 0004 — Can ID Suspect: No
Event Association: SUSPECT — Contact Date/Time:
Name: WHITE III, TONEY ANTHONEY
DOB: 07/19/1972 — Age: 43 - 43 — Sex: MALE — Race: BLACK
Height: 5' 9" - 5' 9" — Weight: 160 - 180 lbs — Eye Color: BROWN — Hair Color: BLACK
Address: 950 SEVEN HILLS DR, BLDG: 25, APT: 2511, HENDERSON, NEVADA 89052 — Sector/Beat: WEST/W7
Phone Type 1: — Phone# 1: — Ext 1:
Phone Type 2: — Phone# 2: — Ext 2:

Occupation: — Employer/School:

Person Offenses

Statute Code: 199.430 — Enhancers:
Statute Desc: IMPERSONATE PUB OFF
Counts: 1

Statute Code: 200.310.1 — Enhancers:
Statute Desc: KIDNAPPING, 1ST DEGREE
Counts: 1

Statute Code: 200.380 — Enhancers:
Statute Desc: ROBBERY, E/DW
Counts: 1

Statute Code: 200.481.2 — Enhancers:
Statute Desc: BATTERY W/USE OF DW, R/SBH
Counts: 1

Statute Code: 205.060.4 — Enhancers:
Statute Desc: BURGLARY WHILE POSS OF GUN/DW
Counts: 1

Statute Code: 205.067.2 — Enhancers:
Statute Desc: HOME INVASION, (1ST)
Counts: 1

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HENDERSON POLICE
223 LEAD ST
HENDERSON, NEVADA 89015

Incident Number: 16-01201

Persons Involved

Person#: 0005 — Can ID Suspect: No
Event Association: SUSPECT — Contact Date/Time:
Name: SEXTON, AMANDA LEA
DOB: 04/14/1992 — Age: 23 - 23 — Sex: FEMALE — Race: WHITE
Height: 5' 6" - 5' 6" — Weight: 160 - 160 lbs — Eye Color: BROWN — Hair Color: BROWN
Address: 9457 LA VEGAS, APT: 145, LAS VEGAS, NEVADA 891233337 — Sector/Beat:
Phone Type 1: — Phone# 1: — Ext 1:
Phone Type 2: — Phone# 2: — Ext 2:

Occupation: — Employer/School:

Person Offenses

Statute Code: 199.430 — Enhancers:
Statute Desc: IMPERSONATE PUB OFF
Counts: 1

Statute Code: 200.310.1 — Enhancers:
Statute Desc: KIDNAPPING, 1ST DEGREE
Counts: 1

Statute Code: 200.380 — Enhancers:
Statute Desc: CONSP ROBBERY
Counts: 1

Statute Code: 200.380 — Enhancers:
Statute Desc: ROBBERY, E/DW
Counts: 1

Statute Code: 200.481.2 — Enhancers:
Statute Desc: BATTERY W/USE OF DW, R/SBH
Counts: 1

Statute Code: 205.060.4 — Enhancers:
Statute Desc: BURGLARY WHILE POSS OF GUN/DW
Counts: 1

Statute Code: 205.067.2 — Enhancers:
Statute Desc: HOME INVASION, (1ST)
Counts: 1

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Persons Involved

Person#: 0006 — Can ID Suspect: No
Event Association: ARRESTED — Contact Date/Time: 01/22/2016 12:00
Name: DEAN, MARLAND NEAL
DOB: 04/03/1974 — Age: 41 - 41 — Sex: MALE — Race: BLACK
Height: 6' 1" - 6' 1" — Weight: 210 - 210 lbs — Eye Color: BROWN — Hair Color: BLACK
Address: 3107 59TH, LOS ANGELES, CALIFORNIA 900433112 — Sector/Beat:
Phone Type 1: — Phone# 1: — Ext 1:
Phone Type 2: — Phone# 2: — Ext 2:

Occupation: — Employer/School:

Characteristics

Characteristic Type:	Further Defined By:	Description:
BUILD	MEDIUM	

Person Offenses

Statute Code: 199.430 — Enhancers:
Statute Desc: IMPERSONATE PUB OFF
Counts: 1

Statute Code: 200.310.1 — Enhancers:
Statute Desc: KIDNAPPING, 1ST DEGREE
Counts: 1

Statute Code: 200.380 — Enhancers:
Statute Desc: CONSP ROBBERY
Counts: 1

Statute Code: 200.380 — Enhancers:
Statute Desc: ROBBERY, E/DW
Counts: 1

Statute Code: 200.481.2 — Enhancers:
Statute Desc: BATTERY W/USE OF DW, R/SBH
Counts: 1

Statute Code: 205.060.4 — Enhancers:
Statute Desc: BURGLARY WHILE POSS OF GUN/DW
Counts: 1

Statute Code: 205.067.2 — Enhancers:
Statute Desc: HOME INVASION, (1ST)
Counts: 1

Person#: 0007 — Can ID Suspect: No
Event Association: WITNESS — Contact Date/Time: 01/21/2016 03:54
Name: PERRY, KATHLEEN T
DOB: 04/20/1963 — Age: 52 - 52 — Sex: FEMALE — Race: WHITE
Height: 5' 1" - 5' 0" — Weight: 150 - 127 lbs — Eye Color: HAZEL — Hair Color: BROWN
Address: 950 SEVEN HILLS, APT: 2211, HENDERSON, NEVADA 890524310 — Sector/Beat:
Phone Type 1: CELL/MOBILE — Phone# 1: (702) 505-5144 — Ext 1:
Phone Type 2: — Phone# 2: — Ext 2:

Occupation: LAB ASSISTANT — Employer/School: UMC HOSPITAL

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Printed By: [illegible]
Printed On: 10/27/[illegible]

Incident Report

Page 1 of 29

HENDERSON POLICE DEPARTMENT
240 Water St
HENDERSON, NEVADA 89015

Incident Number: 18-[illegible]

Persons Involved

Person: 0008
Event Association: WITNESS
Name: SALONE, CHANNON MARYELLE
DOB: 07/02/[illegible] Age: 22 - 22 Sex: MALE Race:
Height: 5'7" Weight: Not Recorded Eye Color: BROWN Hair Color: BROWN
Address: 3820 TUCUMCARI AVE #108, LAS VEGAS, NEVADA [illegible]
Phone Type 1: CELL/MOBILE Phone #1: (702) 208-[illegible] Ext 1:
Phone Type 2: Phone #2: Ext 2:
Occupation: Employer/School:

Can ID Suspect: NO

Person: 0009
Event Association: CONTACT
Name: BUTTON, KRISTIN
DOB: 01/21/1975 Age: 43 - 43 Sex: FEMALE Race: WHITE
Height: 5'7" - 5'7" Weight: 140 - 140 lbs Eye Color: BLUE Hair Color: BLONDE
Address: 2995 E CHARLESTON, APT 2095, LAS VEGAS, NEVADA 89121-3337
Phone Type 1: Phone #1: Ext 1:
Phone Type 2: Phone #2: Ext 2:
Occupation: Employer/School:

Can ID Suspect: NO

Characteristics

Characteristic Type	Further Defined By	Description
BUILD	THIN	

Vehicles Involved

Vehicle: 0001
Event Association: POLICE TOW (IMPOUND)
Vehicle Status:
Vehicle Type: Year: 2015 Make: FORD Model: MUSTANG
VIN: 1FA[illegible] License: ZMU[illegible] State: CA Exterior 1:
Style: CONVERTIBLE Rim Color: RED Seat Color: Top Color: BLACK
Status Date: Status Value: Recovered Date: Recovered Value:
NCIC Date: NCIC Removed By:
Model:: NCIC Cancel Ref:

Vehicle: 0002
Event Association: POLICE TOW (IMPOUND)
Vehicle Status:
Vehicle Type: Year: 2007 Make: JEEP Model: GRAND CHEROKEE
VIN: 1J8GW58N[illegible] License: [illegible] State: WA Exterior 1:
Style: 4 DOOR WAGON Rim Color: PRINT ONLY Seat Color: Top Color: BLACK
Status Date: Status Value: Recovered Date: Recovered Value:
NCIC Date: NCIC Removed By:
NCIC: NCIC Cancel Ref:

HENDERSON POLICE
223 LEAD ST
HENDERSON, NEVADA 89015

Incident Number: 16-01201

Businesses Involved

Business # 0001
Event Association: VICTIM
Business Name: STATE OF NEVADA
Business Type: SOCIETY/PUBLIC
Address: 243 WATER ST, BLDG: JAIL, HENDERSON, NEVADA 89015
Sector/Beat: EAST/E3
Phone Type 1: BUSINESS **Phone# 1:** (702) 267-5000 **Ext 1:**
Phone Type 2: BUSINESS **Phone# 2:** (702) 567-5000 **Ext 2:**

Business # 0003
Event Association:
Business Name: SNAP TOWING (B&E AUTO)
Business Type:
Address: 250 W WARM SPRINGS RD, HENDERSON, NEVADA 89015
Sector/Beat: NORTH/N6
Phone Type 1: BUSINESS **Phone# 1:** (702) 564-1180 **Ext 1:**
Phone Type 2: **Phone# 2:** **Ext 2:**

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HENDERSON POLICE
223 LEAD ST
HENDERSON, NEVADA 89015

Incident Number: 16-01201

Narratives

ENTERED DATE/TIME: 1/21/2016 11:24:00
NARRATIVE TYPE: INCIDENT
SUBJECT: FBR NARRATIVE
AUTHOR: LAPEER, KEVIN

On 1/20/15, at approximately 2259 hours, Henderson Police dispatch received a call for service at 950 Seven Hills, Apartment #2511 in reference to a loud verbal dispute taking place in the apartment and a possible home invasion.

HPD Officer J. Leinan #1298 and Officer M. Engel #1254 responded to the apartment complex. Upon Officer Engel's arrival he observed a white male standing behind a Jeep Cherokee bearing Washington plate ASW5060 and a red Ford Mustang bearing California plate 7MUR703. Officer Engel briefly spoke with the male later identified as Kevin Wong (DOB 2/19/85) as Officer Leinan approached the door. Officer Leinan could hear screaming from the apartment and observed Jason Cliff (DOB 10/29/1977) lying on the floor handcuffed and bleeding. Officer Leinan then made entry into the apartment and observed a black male wearing a tactical police style vest standing over Cliff. At this time Officer Engel observed a second black male running through the parking lot with a similar black tactical vest on. Officer Engel drove near him and the unknown black male was motioning that the suspect was running in a different direction.

As Officer Leinan began to talk to the black male in the residence, a black male and a white female jumped out of the master bedroom window and began to run towards Seven Hills. During the course of running the suspects dropped an ASP as well as two sets of rubber gloves. The ASP was soaked in blood and bent.

Officer Leinan then freed the handcuffs from a badly injured Cliff and his girlfriend Marlene Burkhalter (DOB 4/22 /1977) and secured the scene. At this time Kevin entered his Jeep and fled the scene eventually being stopped by patrol units for several driving infractions. Both Officer Leinan and Engel believed that the male suspects were bail bondsman's or security and didn't detain the subjects or question them. Due to the hectic scene and the attire of the suspects they were able to flee.

I Detective K. LaPeer #1446 responded to the scene and assumed the role of case agent. I first conducted a brief walk through of the residence and noticed that the apartment was in shambles and observed obvious signs of a struggle. I also observed several medium sized pools of blood on the TV stand and floor. I noticed two sets of handcuffs placed on the TV stand as well as blue rubber gloves near the coffee table. Under the coffee table a empty magazine was located as well as two flashlights that fell off the tactical vests of the suspects during the struggle. In the entry way to the apartment I observed a blood soaked white sweatshirt that the victim was wearing.

As I was conducting my walk through of the surrounding area, Kathleen Perry (DOB 4/20/63), who resides in building #22 brought a manilla folder containing a fraudulent search warrant with a US Marshals logo on the front page. Kathleen stated that she found the folder near her building.

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I then spoke with Marlene and she advised the following: That she was sitting on the couch and heard someone knocking at the door. Marlene answered the door and saw white female standing there, as she opened the door for the female, two black males pushed open the door and forcibly entered the residence drawing and aiming firearms at Marlene and eventually Cliff. The female then placed Marlene in handcuffs and the males began to yell at Cliff, stating that, "They have a Search Warrant", "US Marshals" and to get on the ground. Marlene advised that Cliff questioned the authority and asked to see the search warrant that the female was holding. Marlene then stated that the two males began to beat Cliff with ASP's and brutally struck him about the head and face. Marlene stated that the tactical vest said US Marshals on the back. Marlene described the firearms as a handgun and a rifle, but smaller like a sub machine gun.

I asked Marlene for consent to search her residence for items linking the suspects to the crime to which she agreed.

The interview with Marlene was digitally recorded and uploaded to digital evidence.

At this time I had Detective R. Adams #1198 respond to the traffic stop location involving Kevin. Kevin was wearing similar clothing as the other suspects and was also observed standing behind the two vehicles watching Marlene's apartment during the home invasion. Kevin gave Detective Adams consent to search his vehicle. Detective Adams observed a purse on the passenger seat and located a Nevada identification card in the name of Amanda Sexton (DOB 4/14/92). Detective Adams asked Kevin about the ID and Kevin was evasive and stated that he didn't know. After several minutes of speaking with Kevin, Kevin advised Det. Adams that he met Amanda in the area of Southpoint Casino last night. Kevin further advised that he was homeless and down on his luck and agreed to drive Amanda to the home invasion. Kevin agreed to act as a lookout for Amanda during the crime. Kevin advised that as they arrived in the parking lot he parked next to the red Mustang that was occupied by the two black males. Kevin then stated that Amanda and the two black males then forced their way into the apartment.

Kevin advised that he could hear yelling and see the blinds moving in the apartment due to the struggle and fight occurring in the apartment. Kevin advised that he observed Officers arriving and he left the complex when he observed Amanda and the black males flee the residence. Kevin stated that he observed the males running down the street but he passed them up before he was stopped by patrol officers.

Kevin was then placed in custody for the felony violation of NRS 200.380, Conspiracy to commit Robbery.

CSA P. Farell arrived and began to photograph the scene and the large amounts of evidence left behind by the suspects. As stated earlier, on the Seven Hills side of the apartment building, officers located two pair of blue rubber gloves and a bent and bloody ASP. As I continued around the building I observed the manilla envelope placed on the hood of a patrol vehicle. I retrieved the envelope and it contained a crudely produced search warrant affidavit. As I looked at the document it was clear that it was fraudulent but did have a US Marshal badge

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logo on the cover sheet.

CSA Farrell then entered the residence and began to photograph the inside of the rooms as well as process the scene for latent prints. CSA Farrell asked me to look in the office area of the apartment and we located a rifle with a short barrel placed on the office chair. After the rifle was photographed it was determined to be an AR-15 style air soft rifle. I asked Marlene if she or Jason owned any firearms and she was adamant they did not. Furthermore the rifle left in the office was similar to the rifle described that the suspect was holding.

As I was inspecting the rifle I observed multiple signs of an active forgery lab. On the desk top I observed several sheets of paper with numerous social security numbers and bank account numbers, commonly referred to as profiles. I also observed a credit card scanner and numerous printers. I then immediately backed out from the residence and contacted the Henderson Fraud Unit who authored a search warrant for the fraud lab.

See Detective R. Christopher #1156 report for details regarding the fraud lab.

I then noticed the red Mustang bearing CA 7MUR703 parked in front of Cliff's apartment. I clearly observed a two way radio on the center console of the vehicle. Cliff and Marlene both stated that the suspects were using hand held radios while talking to unknown people outside, believed to be Kevin Wong, who admitted to being a look-out. I asked Marlene if she has ever seen the vehicle before and she stated that she has not. Due to the fact that the Mustang was parked in front of the victims residence, coupled with the fact that Kevin Wong was standing near it as the home invasion was occurring, furthermore that a visible two way radio was present, the vehicle was sealed pursuant to a search warrant, and towed to the main station criminalistics office.

I also sealed and towed the vehicle driven by Wong, a 1999 Jeep bearing Washington plate ASW5060 in preparation for a search warrant. The Jeep was also towed to the criminalistics office.

On 1/21/16, at 0300 hours, I then responded to St. Rose Sienna and located Cliff in a emergency room bay. I asked Cliff if he was willing to talk to me about his beating and he stated yes. In the presence of Officer E. Nielsen #2163 I conducted a recorded interview of Cliff and he stated the following facts: That he heard a knock at the door and then his wife scream. Cliff exited the office and noticed a female and two black males in the house placing Marlene in handcuffs. Cliff stated that the suspects advised they had a warrant for tax evasion and possession of firearms. Cliff advised that he, "Resisted" and the suspects were able to handcuff him and start beating him with batons. Cliff described a black male with white hair in his beard, and a second male as having body odor and resembling a street person. Cliff also described a white female being in the residence holding the warrant and a clip board, she was described as having short hair and possibly a brunette. Cliff said the black males were pointing the guns and handcuffed him while the female suspect handcuffed Marlene.

Cliff advised that he has no enemies and has no idea who would do this to him. Cliff did advised that he was a victim of a robbery by suspected bail bondsman a few weeks earlier but failed to report it to the police. Cliff then said that he thinks "Alex" was involved in the robbery who works at Bust out Bail Bonds.

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Information was obtained through the investigation that Amanda Sexton had an address at 9457 South Las Vegas Boulevard, Unit #145. Detective Adams responded to that location in his unmarked police vehicle and at approximately 0300 hours, he observed two black males and a white female (Believed to be Sexton), exit unit #145 and enter a vehicle leaving the area. Due to being the only detective at the location, Detective Adams elected to visually surveil the residence and the vehicle left to an unknown location.

At approximately 0700 hours, Detectives Adams and T. Niswonger #1003 observed a black female exit apartment #145. Detectives spoke with the female, who identified herself as Ann White (DOB 3/24/71). Ann stated that people in the complex know her as "Mousey" and that Toney White is her brother. "Mousey" confirmed that Sexton and White are in a dating relationship and stated that they came to her residence in the middle of the night, saying that they were in trouble. "Mousey" stated that a neighbor of hers gave Sexton, White and a unknown black male a ride to a location on Charleston Avenue.

At approximately 1000 hours, Detectives served search warrants on the two aforementioned vehicles. The affidavit was authored by Detective J. Ebert #1358 and signed by the honorable Judge Burr.

Pursuant to the search warrant, the Jeep was searched. It was discovered that the Jeep was outfitted with police style red and blue lights in the windshield and wig wag lights in the front grill. The vehicle also had a make shift loud speaker attached. Inside the Jeep Detectives located numerous items of evidence including paperwork that bore the names of Toney White (7/19/72) and Amanda Sexton. Information was located in the vehicle that gave indication that Sexton and White had a residence located at 2895 East Charleston in Las Vegas.

Please see Detective Ebert's report detailing the search warrant on the vehicles.

Detective W. Nichols responded to the apartment complex at 2895 E. Charleston and spoke with management who confirmed that Sexton and White leased apartment #2085. Surveillance was conducted on the unit, and the apartment was observed to have numerous video surveillance cameras affixed to the apartment. Detectives also observed a white female and black male inside of the apartment through a bedroom window and also on the patio.

Detective Ebert #1358 authored a search warrant for apartment #2085 that was signed by the Honorable Judge Burr. The search warrant was executed with the assistance of the Henderson SWAT team at approximately 1925 hours. The two occupants of the residence were identified as Kristin Burton (8/21/76) and Angelo Deann (DOB 4/3/72).

I then conducted a digitally recorded interview with Kristin who provided the following: Kristin stated that Toney and Amanda share the master bedroom of the apartment. Kristin advised that she last saw Toney and Amanda with Kevin Wong around 1900 hours. I asked Kristin if she was aware of any plans Toney had and she said no, but that "I Have Seen Their Gear Before". I asked Kristin what type of gear it was and she stated that they have

fake police uniforms, fake guns, and develop fake police reports on their computer for random people. Kristin advised that the computer was located in a suitcase on the bed. I asked Kristin what she thought they used all the fake gear for and she said, "I Think They Rob People". I asked Kristin if she knows of any robberies they have committed and she stated that they have talked about people Toney has robbed in Washington, but does here of plans to rob people here in Las Vegas. I asked her what type of plans, and she replied that Toney would say, "I know of These Targets". Kristin advised that the Jeep is outfitted with police lights to rob people, I asked if she knows of these and she said she has heard they do it on Charleston road. Kristin advised that Toney has evidence bags to make the traffic stops look official when he deprives motorists of their belongings.

Kristin advised that Toney has family that lives at Paradise Spas where Detectives were conducting surveillance earlier in the night. Kristin advised that around midnight, "Mousey" called her asking for Wong. Kristin stated that she had not seen him and Mousey advised that Wong took off with Toney's jeep. Kristin further stated that her boyfriend Marlin, who identified himself as Angelo had told her that Kevin and Toney robbed someone but Kevin fled with all the money and the Jeep. Angelo, also known as Marlin was later identified as Marland Dean (4/3/74).

Kristin further advised that Kevin has been staying at her apartment for the last few days, which contradicts his statements of not knowing the other suspects.

I then conducted a digitally recorded interview with Angelo Deann (Marland) who provided the following: That he recently moved to Las Vegas from California and got an apartment with Kristin. marland stated that he grew up with Toney but hasn't seen him in 30 years. It was clear that Marland was speaking without an accent but minutes into the interview he began to speak with a Jamaican accent.

Marland stated that he last saw Toney at 1900 hours the night before. Marland advised that Toney was not at his apartment the night of the home invasion. Marland did advise that Toney's cell phone number was 562-341-1408, but further information was unattainable. It was clear Marland was attempting to use his accent to confuse detectives and insinuate that he struggled with the english language.

Please see Detective Ebert's report detailing the search warrant and the items of evidence located and recovered linking the Marland, Toney and Amanda to the crimes.

Due to the fact that Toney's Jeep was used in the commission of numerous felonies, furthermore that the vehicle was outfitted to portray a police vehicle for the sole purpose of conducting traffic stops to terrorize innocent civilians, I completed the proper seizure paperwork to begin the seizure process.

Please see Detective Niswonger and Detective Adams reports for details regarding the arrests and additional intelligence related to this case.

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This investigation is ongoing.

ENTERED DATE/TIME: 2/3/2016 14:00:14
NARRATIVE TYPE: SUPPLEMENT
SUBJECT: OFFICER MCDERMED SUPP
AUTHOR: MCDERMED, TROY

On 01-21-2016, at approximately 0255 hours, I (Off. T. McDermed 1413) was dispatched to the intersection of Seven Hills Drive and Horizon Ridge Parkway in reference to an unknown problem. Upon arrival, Off. J. Hansen (1053) advised over the radio that he was driving northbound Seven Hills Drive approaching Horizon Ridge Parkway following a possible suspect vehicle related to the unknown problem. Officer Hansen initiated a felony traffic stop on the vehicle, a black Jeep bearing Washington license plate ASW5060 which I assisted with. Other officers arrived on scene to secure the area and to assist in the felony car stop. The male driver and sole occupant of the vehicle, was later identified as Kevin Wong (02-19-1985). a black Jeep bearing Washington license plate ASW5060. Detectives were called out and assumed the investigation. At the direction of investigations, the Jeep was towed to the main station to be sealed until a warrant could be obtained. I followed Snap Towing to the east station located at 223 Lead Street, Henderson, NV with the black Jeep suspect vehicle bearing Washington license plate ASW5060. The vehicle was placed inside the parking garage outside the CSA roll up doors. I stood by with the vehicle until 3CS12 P. Farrell (1267) arrived on scene and sealed the vehicle as evidence pending warrant. The ignition key and fob were towed with the vehicle.

attachments: 0
cc: DA and Detective R. Adams (1198)
MAV: NO

ENTERED DATE/TIME: 2/3/2016 14:01:21
NARRATIVE TYPE: SUPPLEMENT
SUBJECT: OFFICER ENGEL SUPP
AUTHOR: ENGEL, MATTHEW

On 01/20/2016 at 2259 hours Officer J. Leinan #1298 and I Officer M. Engel #1254 was dispatched to 950 Seven Hills #2511 in reference to unknown trouble. Dispatch advised the person reporting could hear what sounded like a male and female arguing. As I approached the apartment on foot I saw a white male standing next to a black Jeep Cherokee in the parking lot parked in front of building #25. At the time I did not think the male was related to the call so I proceeded to apartment #2511.

At #2511 I could hear muffled talking from outside the door. As I knocked on the door I could hear a male yelling "help!" Officer Leinan and I advised police were at the door and to open it. I walked to the front of the apartment where there was a sliding glass door and Officer Leinan advised he could see inside the apartment and he

could see a male laying on the floor. Officer Leinan noticed the slider was unlocked and we decided to enter the apartment since a male was yelling help and laying on the floor.

Officer Leinan entered first and I followed him inside. Once inside the apartment I saw a male laying on the floor later identified as Jason Cliff (10/29/1977) who was covered in blood and in handcuffs. Behind him a witnessed a female identified as Marlene Burkhalter (04/221977) standing next to a kitchen chair with her arms behind her back. Later I would learn she was wearing handcuffs. Standing over the man was an unknown black male wearing all black and a tactical vest with police type star sewn in the front and what I believe said security on the back. He was also wearing and a police style duty belt. As we entered the male said we just missed them and they ran out prior to us arriving. The male said he was apartment security and I went outside and he followed me out. I asked him what the people who ran out was wearing and he said green pants. Once outside the black male pointed to the east and began running that way saying he spotted them. I got into my police vehicle and began driving east on the north side of the complex. The black male was running east behind apartments and I was paralleling him on the front of the apartments. After driving past two buildings I turned north into a parking lot hoping to cut them off. I exited my vehicle to contact the black male to see if he had the person in custody he was chasing. At this point I could not locate the black male or the "person" he was chasing.

I responded back to the apartment and bystanders were outside who advised the white male who was standing next to the Jeep when officers arrived left the complex just after the black male and I proceeded east in the complex. Since the white male was next to the apartment when officers arrived and left once we were away from him, I transmitted the vehicle information over the police radio as a possible suspect. Within a few minutes Officer J. Hanson #1053 said he located the vehicle northbound on Seven Hills at Horizon Ridge. Officer Hanson advised he was stopping the vehicle, see his report for further details on the stop. It should be noted the male driving the black Jeep was identified as Kevin Wong (02/19/1985).

Once back inside the apartment Officer Leinan advised the black male who was inside the apartment wearing the black tac vest was actually involved and broke into the apartment with another black male and white female and they were all armed with handguns and some type of long gun. Officer Leinan was told by Marlene the two black males and white female entered their apartment posing as Federal Marshals, handcuffed them and began to beat on Jason. See Officer Leinan's report for further details.

Rescue 98 arrived and transported Jason to St. Rose Siena for numerous cuts on his head and busted out teeth.

Lt. Henn advised detectives were en route to assist in the incident so the investigation was turned over to Detective Lepeer #1446. See his report for further details.

cc: Det. Lapeer
attachments: none

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HENDERSON POLICE
223 LEAD ST
HENDERSON, NEVADA 89015

Incident Number: 16-01201

mav: on

ENTERED DATE/TIME: 2/3/2016 14:02:43
NARRATIVE TYPE: SUPPLEMENT
SUBJECT: OFFICER LEINAN SUPP
AUTHOR: LEINAN, JEREMY

On 01-20-2016 at 2259 hours I, Ofc J Leinan 1298, along with Ofc M Engel 1254, was dispatched to 950 Seven Hills Dr apt #2511 reference an unknown problem. Dispatch advised that an anonymous neighbor was calling stating that a female in apartment 2511 was screaming, she was pregnant, and that a male was telling her to shut the "F" up. No further details were given.

Upon arrival Ofc Engel and I approached the apartment, a bottom level unit on the northeast corner of the building. Ofc Engel approached the front door and I positioned myself on the corner of the patio and the front walkway. I observed that the sliding glass door was approximately 6-8" open, however the hanging blinds inside were drawn, obscuring any view inside. I did not hear any commotion coming from inside to indicate that a disturbance was still going on.

Ofc Engel then proceeded to knock on the front door. As he began to knock a second time I heard a male from inside the apartment yell out "help me" numerous times. Something also struck the blinds and caused them to move back and forth, allowing me to get a glimpse inside of a male laying on his side on the ground, covered in blood. At that point I climbed over the railing, firearm drawn, with Ofc Engel following behind. I slid open the sliding glass door and entered into the apartment.

In the living room was a male wearing a white shirt that was covered in blood with his hands handcuffed behind his back. Past him, towards the dining area and kitchen area, was a black male wearing dark clothing and a vest with a security or police style embroidered badge/patch on the left breast area. He was holding a file or clipboard in his hands. Beside and slightly behind the black male was a female standing facing us.

I attempted to ascertain the condition of the male on the floor while Ofc Engel asked what had happened. The male had a large gash on the back of his head and more blood on the top of his head as well. The black male informed Ofc Engel that a suspect had just left and was running away through the complex wearing green pants. Ofc Engel exited the apartment with the black male attempting to get further information and clarification of what occurred.

Inside, the female (later identified as Marlene Burkhalter) was repeatedly telling me that her husband (the male on the floor, identified as Jason Cliff) was beaten up causing he was resisting them. I asked her what she meant by that and she informed me that three individuals, a white female and two black males wearing all dark clothing with law enforcement type gear, had entered the apartment after she opened the front door to a knock. They entered, identifying themselves as U.S. Marshalls saying that they had a search warrant. The female

approached Marlene and placed her in handcuffs while the two males attempted to handcuff Jason. Jason resisted, demanding to know what the warrant was for. This caused the males to begin hitting Jason with an expandable baton, inflicting numerous injuries to his person.

At this point I was standing by with Marlene and Jason awaiting Henderson Fire Department for medical treatment. I removed the sets of handcuffs from both Jason and Marlene, placing them on the television table as HFD Engine 98 arrived on scene. Jason was transported to St Rose Siena for treatment.

Eventually, through numerous questions to Marlene, she stated that the black male we encountered upon first entering was one of the three individuals that had entered the apartment. The other male and female had gone into the master bedroom when Ofc Engel had knocked on the door. As there was no one else in the residence after we quickly swept the apartment for other occupants it was reasonable to believe they had exited the bedroom through the open window. When I asked Marlene why she had not notified us that the male was an involved party and not security, she stated that when we had knocked on the front door, one of the males told them that it was their backup that had arrived. Marlene believed that the responding officers were part of their group.

The suspect information was passed on to area officers and a perimeter was established. At that point I began a crime scene log (attached to this report) and provided Marlene a witness statement to fill out while awaiting response from the Investigations Bureau.

CC: Det K LaPeer 1446
ATTACH: 1

ENTERED DATE/TIME: 2/3/2016 14:03:22
NARRATIVE TYPE: SUPPLEMENT
SUBJECT: OFFICER HANSEN SUPP
AUTHOR: HANSEN, JOE

On 01-20-2016 at approximately 2300 hours, I, Officer J. Hansen #1053 responded to the area of 950 Seven Hills Drive (Horizon at 7 Hills Apartments) regarding an unknown trouble call, which was later determined to be a robbery involving multiple suspects.

Upon my arrival I was advised that a suspect had last been seen running eastbound out of the complex towards Jeffreys Avenue to which I initially took up a perimeter position at Jeffreys and Sunridge Heights in my marked patrol vehicle.

A few moments later it was relayed via radio that the suspects may have entered a black vehicle and left the complex at the Seven Hills entrance. At that time another patrol vehicle arrived close to my location to which I drove to Seven Hills to attempt to locate any possible suspect vehicles leaving the complex, which was

unsuccessful.

I then took up another perimeter position at Seven Hills and Sunridge Heights. A few minutes later another suspect vehicle update was given over the radio describing the vehicle as possibly being a black SUV equipped with a large radio antennae and "police spotlights". Within approximately 1 minute of the latest suspect vehicle description I observed a black Jeep Cherokee SUV with a large radio antennae and a spotlight on the driver's side drive by me slowly traveling northbound through the intersection of Seven Hills and Sunridge Heights towards Horizon Ridge. I then called out the SUV's description and direction of travel over the air and began following the SUV, which displayed a rear Washington State license plate of ASW5060. HPD Officer T. McDermed #1413 then arrived to my location and I conducted a felony traffic stop on the SUV, utilizing my equipped lights and siren. The SUV then came to a stop on northbound Seven Hills just south of St. Rose Parkway. I then requested that additional officers arrive to assist with the stop and shut down traffic in the area of St. Rose and Seven Hills.

Once the intersection was made safe and additional officers arrived I challenged the driver of the SUV, who was cooperative and appeared to be a Hispanic male subject with a shaved head. I then instructed the driver to exit the SUV and walk backwards towards our patrol vehicles where he was detained by HPD Officer Engle #1254, who arrived to assist. There were no other subjects inside the SUV.

The driver of the SUV was identified as a Kevin Wong. A routine records check of Wong revealed he had confirmed, active warrants from LVMPD for theft-related charges and his Nevada driver's license was suspended as of 01-03-2016. A records check of the license plate revealed it to be expired as of 01-19-2016, with the registered owner being a Toney White out of Oak Harbor, Wa. There was no other r/o information available. Wong advised me that the SUV belonged to "a friend" and that he had been in the Horizon at 7 Hills complex looking for his "cousin's place" and that Wong left when he couldn't locate it.

Wong was later placed in custody for his suspended driver's license, expired vehicle registration, and active warrants and remained in my patrol vehicle until HPD Detective R. Adams #1198 arrived to assume the investigation.

After interviewing Wong Detective Adams advised me to transport Wong to HDC and complete an initial BCR for him and charge Wong with conspiracy to commit robbery, drive with suspended driver's license, and drive with expired vehicle registration.

I then transported Wong to HDC where he was booked on the above charges accordingly and without incident.

Attachments: None
MAV: 5805
CC: HPD Detective Adams #1198

HENDERSON POLICE
240 LEAD ST
HENDERSON, NEVADA 89015

Incident Number: 16-0[illegible]201

ENTERED DATE/TIME: 2/5/2016 [illegible]:00
NARRATIVE TYPE: SUPPLEMENT
SUBJECT: OFFICER FLEWELLEN SUPP
AUTHOR: FLEWELLEN, JOHNNY

On 01/21/2016 at approximately 2110 Hrs I Officer D. Flewellen was dispatched to 950 North Seven Hills Drive Apt. #1511 in reference to found property.

Upon arrival I made contact with a female identified as Paige Simon (12-07-1998). Paige stated about 2057 Hrs she noticed a UB Material vest and empty gun holster near her apartment door and contacted Police as a result.

CSA P. Farrell #1267 arrived on scene and took the above items as evidence.

A check of the area for additional items was met with negative results.

Attachments: None MAV

CC: Detective R. Adams #1192

ENTERED DATE/TIME: 2/9/2016 [illegible]:57:52
NARRATIVE TYPE: SUPPLEMENT
SUBJECT: RELEASE OF MUSTANG TO HERTZ
AUTHOR: NISWONGER, ANTHONY

On 2/9/16 at [illegible]:[illegible] hours I (Detective Niswonger #1009) contacted Hertz Security Julio Endara (C) 949-221-8778 and advised him the 2015 Ford Mustang (VIN: 1FA6P8EM1F5[illegible]) was ready to be released to Hertz. Endara advised that Ewing Brothers towing was his tow company and he would have a representative respond to the Henderson Police Department.

At [illegible]:09 hours Ewing Brothers Towing responded to the Henderson Police Department and [illegible] [illegible] copy of the lien and vehicle release request. The vehicle was released to Ewing Brothers Towing at that time.

Attachments: None MAV

Case forwarded for review.

ENTERED DATE/TIME: 2/9/2016 [illegible]:40:40
NARRATIVE TYPE: SUPPLEMENT
SUBJECT: TOW/IMPOUND/RECOVERED VEHICLE

HENDERSON POLICE
223 LEAD ST
HENDERSON, NEVADA 89015

Incident Number: 16-01201

AUTHOR: EBERT, JOSEPH

On 02/04/2016 at 0800 hours I, Detective J. Ebert #1358, met Walker Towing at the east station crime scene laboratory. Walker Towing towed the 1998 Jeep Cherokee to the Henderson Police Department Seizure lot.

Upon arrival at the seizure lot I secured the vehicle in a fenced and locked parking area and completed the evidence tag for the vehicle.

A copy of the tow slip was attached to this report.

Copies: None

Attachments: 1

ENTERED DATE/TIME: 2/8/2016 11:55:28
NARRATIVE TYPE: NARRATIVE TYPE
SUBJECT: KEVIN WONG TRAFFIC STOP INTERVIEW
AUTHOR: ADAMS, RYAN

On 1/21/16, at approximately 0030 hours, Sgt. J. Plunkett #1141 contacted me, Detective R. Adams #1198 to respond to a call in which two people had been placed in handcuffs inside their residence and one of the victims had been severely beaten. Sgt. Plunkett advised Detective K. LaPeer #1446 was the primary investigator and I should contact Detective LaPeer for further details. I contacted Detective LaPeer who briefed me on the situation (see his report for details). Detective LaPeer asked me to respond to a traffic stop where a suspect vehicle and a suspect were detained.

I then responded to a traffic stop conducted by Officer J. Hansen #1053 (see his report for details) to speak with Kevin Wong. Kevin was driving a black Jeep Cherokee (WA-ASW5060) that was seen leaving the scene of the crime. Kevin was also placed near the scene of the crime by HPD patrol officers. Upon arrival at the scene of the traffic stop (St. Rose/Seven Hills) Kevin was seated in the back of Officer Hansen's patrol vehicle in handcuffs.

I asked Kevin for consent to search the Cherokee in the presence of Officer Hansen and Kevin agreed to let me do so. Kevin stated the Cherokee belonged to a friend of his named Jared, but I was welcome to search the Cherokee. Kevin stated he borrowed the Cherokee, but again agreed to let me search the Cherokee.

Searching the Cherokee I located a purse sitting on the middle of the rear passenger's seat. Sitting on the top of the purse was a Nevada identification card that was visible inside a wallet on top of the purse. The Nevada identification card was in the name Amanda Sexton, (DOB 4/14/92), ID #210528654). The address listed on the Nevada identification card was 9457 Las Vegas Blvd S, Unit 145, Las Vegas, NV 89123. Amanda's physical

descriptors, race and sex matched one of the suspects involved in the crime.

I conducted a records check of the Cherokee which revealed it was registered to Toney A. White III at an address of 1155 SE City Beach St 693, Oak Harbor, WA 98277 which contradicted Kevin's statement that the Cherokee belonged to somebody by the name of Jared.

I removed Kevin from Officer Hansen's patrol vehicle and placed him in the front seat of my vehicle. I read Kevin his rights per Miranda from a department issued card and Kevin stated he understood and agreed to speak with me. The interview with Kevin was recorded and uploaded into digital evidence. The following is a synopsis and not every detail of the interview with Kevin:

Kevin stated he was a homeless war veteran that was staying from house to house. Kevin stated he did not have permanent residence and slept on the side of the road in Summerlin the night before. Kevin stated prior to moving to Las Vegas he was living in the state of Washington. Kevin stated he was in between jobs and had not worked in almost a full year. Kevin said he was an aspiring college student, but was not currently enrolled in college.

Kevin re-iterated that the Cherokee belonged to a military friend of Kevin's named Jared. Kevin said he was in the area to visit a cousin of his by the name of Dustin. Kevin said he made a mistake when trying to go to Dustin's house and ended up in Henderson instead of near Dustin's house. Kevin stated Dustin lives in the area of Maryland Pkwy/Pebble Road, Las Vegas, NV. When asked Dustin's last name, Kevin paused for approximately 30 seconds and was unable to provide me with Dustin's last name. Kevin then said Dustin was not actually a blood relative, but just a very good friend. Kevin said Dustin was a "very good friend" but was still unable to provide me with Dustin's last name. Kevin was also unable to provide me with Dustin's phone number.

When confronted with the fact that Kevin was far away from Maryland Pkwy/Pebble Road, Kevin agreed with me. I asked Kevin when he realized he was in the wrong area and he said he pulled into 950 Seven Hills Drive and realized the neighborhood was not gated with single family homes inside the gates. Kevin indicated this is when he realized he was in the wrong area. Kevin stated Dustin lives in a single family home inside a gated community.

Kevin said he then saw somebody yelling "help help" inside an apartment at 950 Seven Hills Drive. Kevin said there was a crack in a sliding glass door and he could hear a man and woman yelling for help. Kevin said he wanted to ask a neighbor to borrow a phone to call 911, but presumed a neighbor was going to do that. Kevin said that he got scared to return to the Cherokee because he heard the "cocking" of a firearm and got scared. Kevin said he waited for the police to arrive at which time he felt more secure. Kevin said he walked to the entrance of the complex to see if he was at the wrong complex and realized it was. Kevin said he walked back to Cherokee and left. Kevin said while driving away he saw a black male and a white female walking behind a housing complex in the area.

Kevin was unable to tell me Jared's last name or where Jared lived. Kevin then changed his original story that Jared was a long time military friend. Kevin stated he just met Jared a few days prior in front of Dotty's and Jared felt bad for Kevin, so Jared allowed Kevin to borrow the Cherokee. Kevin said he was going to meet Jared at Dustin's house to return the Cherokee to Jared. Jared did not know where Dustin lived, Kevin did not have a phone number for Jared to contact him and Kevin did not know how to get in touch with Jared making it impossible to return to the Cherokee to Jared.

During the entire interview with Kevin, his story was inconsistent, unbelievable and fabricated with no reasonable explanation for many of the things Kevin said. Kevin would continually repeat the question I asked him, which is a common tactic to buy time in order to fabricate a lie when not telling the truth. When confronted with the fact that I believed Kevin was lying, Kevin stated he was not lying and said everything he told me was the truth. I concluded the interview and turned the recorder off.

Upon turning the recorder off, Kevin began telling me details implicating him in the crime. Kevin stated he wanted to speak with me again and be more truthful this time. Kevin said he met a white female named Amanda at a Dotty's and that is how he got wrapped up in the mess he was in. A few moments after Kevin told me these facts, I turned the recording device back on. The following is a synopsis and not every detail of the continued interview with Wong:

Kevin then stated he was at a Dotty's near the South Point Casino begging for cigarettes on 1/19/16. Kevin stated the Dotty's was across the street the "Spas" which is the nickname of the apartment complex located at 9457 Las Vegas Blvd South. This is the location that was on Amanda Sexton's Nevada identification card. Kevin stated he met a white female who was the boyfriend of the owner of the Cherokee. The female stated Kevin just needed to stand outside the residence of a friend the female was going to meet and if Kevin did this, the female would let Kevin sleep at her residence. Kevin said he met Amanda on 1/19/16, at approximately 2100 hours. Kevin said Amanda told him to return to the Dotty's on 1/20/16, at approximately 2100-2200 hours, where Amanda would pick Kevin up to go meet the friend of Amanda's.

On 1/20/16, at approximately 2100 hours, Amanda picked Kevin up in front of Dotty's in the Cherokee. Amanda was the sole occupant of the Cherokee. Amanda picked Kevin up and drove straight to 950 Seven Hills Drive. Upon arrival at 950 Seven Hills Drive, Kevin stated the red Ford Mustang was already at 950 Seven Hills Drive. Kevin brought up this fact on his own without ever being asked about it. Amanda parked next the red Mustang which was unoccupied. Amanda exited the Cherokee wearing dark clothing and holding several papers. Amanda told Kevin to stay in the car to watch and she would be right back. Amanda told Kevin to watch and make sure nobody went inside the apartment she was going to. I asked Kevin how he would let Amanda know somebody was coming at which time Kevin stated he would beep the horn, yell or knock on the door. Kevin said he did not know what Amanda was going to do and Amanda would not tell him what her intentions were. This seemed difficult to believe based on the totality of the circumstances.

I asked Kevin if Amanda went inside the apartment with anybody and Kevin stated he thought "those guys were

already in there." Kevin did not know how many people were involved in the incident, but was able to continually give details such as this throughout the interview that were not known to anybody but those involved in the crime at that time. Kevin stated after approximately 5-10 minutes he got "antsy" and got out of the Cherokee. At the time Kevin got out of the Cherokee, he heard people continually yelling for help and commotion inside the apartment Amanda was in. Kevin said he could see the blinds shaking and somebody getting thrown against the wall inside the apartment Amanda was in.

Kevin said the police arrived and he had a brief conversation with the police. Kevin said he did not offer any details to the police about what happened because he just wanted to get out of there. When confronted with the fact that Kevin was acting as the "lookout" Kevin agreed that was in fact his role. Kevin described the situation as awful and ugly. During the interview Kevin was trying to minimize his role in the situation and distance himself from the crime which is common for somebody involved in a major crime such as this. Based off these facts, Kevin was arrested and transported to the Henderson Detention Center where he was booked accordingly.

ENTERED DATE/TIME: 2/8/2016 11:58:07
NARRATIVE TYPE: NARRATIVE TYPE
SUBJECT: SURVEILLANCE AT 9457 LV BLVD S #145
AUTHOR: ADAMS, RYAN

Based off of the information obtained on scene by Detective LaPeer, the interview with Kevin Wong and the NV identification card located in Amanda Sexton's name, I believed the suspects may return to 9457 Las Vegas Blvd South #145, Las Vegas, NV 89123. This was the address on Amanda's Nevada identification card and the area Kevin claimed he met Amanda. These facts led me to believe that Amanda may live at 9457 Las Vegas Blvd South #145.

On 1/21/16, at approximately 0229 hours, I began conducting surveillance on 9457 Las Vegas Blvd South #145. Shortly after arriving, I went on foot to confirm I was watching the correct apartment because the numbers could not be seen from the parking lot. Walking past 9457 Las Vegas Blvd South #145 on foot, I confirmed I was watching the correct apartment. Walking back to my vehicle, I observed several people standing in the parking lot in front 9457 Las Vegas Blvd South #145. I returned to my vehicle, got back inside and continued surveillance on 9457 Las Vegas Blvd South #145.

At approximately 0344 hours, I observed Glen Cousert (DOB 6/3/76), Amanda Sexton, Toney White and a tall black male resembling Marland Dean exit 9457 Las Vegas Blvd South #145 and get inside a dark colored unregistered sedan. At that time I had seen a picture of Amanda and could identify her from the photo on her Nevada identification card. I confirmed the identity of Glen and Toney from personal contact with them at a later point in time. I followed the sedan from 9457 Las Vegas Blvd South #145 to the Circle K located at 9487 Las Vegas Blvd South, Las Vegas, NV 89123. Glen exited the sedan and went inside Circle K while the other three occupants stayed inside the sedan. At approximately 0357 hours, Glen exited Circle K, got back inside the sedan and returned to 9457 Las Vegas Blvd South. The vehicle pulled into the parking lot, stayed for

approximately one minute and then left again. At this time I was unable to maintain surveillance on the vehicle and lost sight of the sedan as it left 9457 Las Vegas Blvd South once again.

I then continued surveillance on 9457 Las Vegas Blvd South #145. Detective A. Niswonger #1003 arrived on scene a short time later and assisted in the surveillance of 9457 Las Vegas Blvd South #145. At approximately 0700 hours, Detective P. Watford #1155 arrived on scene and also assisted with the surveillance of 9457 Las Vegas Blvd South #145.

At approximately 0751 hours, I observed Samantha Hoyer (DOB 7/29/85) and Tossie Bennett (DOB 5/16/76) arrive at 9457 Las Vegas Blvd South #145 and hang around the front door of 9457 Las Vegas Blvd South #145. At approximately 0758 hours, Samantha and Tossie walked away from 9457 Las Vegas Blvd South #145. Tossie acknowledged he could see me inside my vehicle at which time the decision was made to make contact with Samantha and Tossie to see if they knew anything about 9457 Las Vegas Blvd South #145. Detectives Niswonger, Watford and I made contact with Samantha and Tossie in the parking lot of 9457 Las Vegas Blvd South.

Upon making contact with Samantha and Tossie it was discovered that Tossie's sister, Ann White (DOB 3/24 /71) lived at 9457 Las Vegas Blvd South #145. A few moments later Ann exited 9457 Las Vegas Blvd South #145 and contacted detectives to see what was going on. Samantha and Tossie were released from the scene as it was determined they had no involvement in the incident.

The situation was explained to Ann about what occurred at 950 Seven Hills Drive #2511 and detectives asked Ann if she knew anything about the situation. Ann explained that Toney White is her brother and based off of information provided by Ann, detectives were able to positively identify Toney. Ann stated Toney, his girlfriend Amanda Sexton and a tall black male who drives a red card showed up to her residence, 9457 Las Vegas Blvd South #145 during the middle of the night on 1/21/16. Ann said she did not know what was going on, but Toney, Amanda and the tall black male were looking to get a ride somewhere. Ann said Toney, Amanda and the tall black male left after approximately one hour after arriving to an unknown destination. Ann thought they were trying to get a ride to Toney and Amanda's residence which is located somewhere around Charleston/Mojave.

Detectives asked Ann for consent to search her residence; 9457 Las Vegas Blvd South #145 and Ann granted detectives consent to do so. Ann provided detectives with both verbal and written consent (attached) to search here residence. I was with Ann during the entire search of 9457 Las Vegas Blvd South #145 and Ann never revoked her consent to search 9457 Las Vegas Blvd South #145. During a search of 9457 Las Vegas Blvd South #145 nothing of evidentiary value was located. After searching 9457 Las Vegas Blvd South #145, detectives left the area to continue with the investigation.

ENTERED DATE/TIME: 2/8/2016 12:03:52
NARRATIVE TYPE: NARRATIVE TYPE
SUBJECT: KEVIN WONG JAIL INTERVIEW 1/27/16

HENDERSON POLICE
223 LEAD ST
HENDERSON, NEVADA 89015

Incident Number: 16-01201

AUTHOR: ADAMS, RYAN

On 1/27/16, Detective Niswonger and I responded to the Henderson Detention Center to conduct an interview with Kevin Wong. While walking back to the interview room before the recoding began Kevin told detectives the following:

Being in jail was great for him because he was unable to use methamphetamine, which is Kevin's drug of choice. Kevin stated he was dope sick in the jail as a result of not being able to use methamphetamine for last several days. Kevin said his head is now clear and he is ready to tell the truth.

Detective Niswonger and I then began the interview with Kevin which was recorded. The recoding was uploaded into digital evidence. The following is a summary of the interview and does not contain every detail of what was said:

Detective Niswonger advised Kevin of his rights per Miranda which Kevin stated he understood and Kevin agreed to speak with detectives. Kevin claimed he was trying to stay away from the topic of stealing a vehicle in order to support his drug habit. Kevin stated he just happened to be in the area of the crime by chance while he was in the area to steal a vehicle. Kevin requested that the recording device be turned off so he could tell us what really happened. Upon turning the recording device off, Kevin continually insisted he was just in the area of the crime to steal a car. The interview was terminated.

This was the fourth time that Kevin gave me a completely different story about what happened the night of the crime. Each time I spoke with Kevin he changed his story as to what happened claiming he was telling the truth this time and the prior story was untrue.

ENTERED DATE/TIME: 2/8/2016 12:37:16
NARRATIVE TYPE: NARRATIVE TYPE
SUBJECT: AMANDA SEXTON JAIL INTERVIEW 1/27/16
AUTHOR: ADAMS, RYAN

On 1/27/16, Detective Niswonger and I responded to the Henderson Detention Center to conduct an interview with Amanda Sexton. The interview with Amanda was recorded. The recoding was uploaded into digital evidence. The following is a summary of the interview and does not contain every detail of what was said:

Amanda was advised of her rights per Miranda which Amanda stated she understood and agreed to speak with detectives. While speaking with Amanda she stated "It's just bigger than what you think." Amanda went on to say that she would speak with detectives, but she wished to have her attorney present during questioning. The interview was concluded at that time and no more questions were asked of Amanda. Arrangements to speak with Amanda and her attorney will be arranged at another point in time when Amanda has her attorney present.

HENDERSON POLICE
223 LEAD ST
HENDERSON, NEVADA 89015

Incident Number: 16-01201

ENTERED DATE/TIME: 2/8/2016 12:58:33
NARRATIVE TYPE: NARRATIVE TYPE
SUBJECT: MARLON DEAN JAIL INTERVIEW 1/27/16
AUTHOR: ADAMS, RYAN

On 1/27/16, Detective Niswonger and I responded to the Henderson Detention Center to conduct an interview with Marlon Dean. The interview with Marlon was recorded. The recoding was uploaded into digital evidence. The following is a summary of the interview and does not contain every detail of what was said:

While walking with Marlon from his cell to the interview room, Marlon was speaking with a heavy Jamaican accent. During the interview with Marlon on 1/22/16, Marlon did not have any accent at all. When asked about his accent, Marlon stated when he is "pissed" his Jamaican accent becomes very thick. Marlon said he was "pissed" and that was the reason he had such a thick Jamaican accent at that time. Marlon said his accent just comes and goes.

Detective Niswonger asked Marlon what his birth date and name was and Marlon provided Detective Niswonger with a name and birth date that does not match his fingerprints. Marlon was advised of his rights per Miranda which Marlon stated he understood and agreed to speak with detectives.

When asked questions, Marlon denied involvement in the crime and talked in circles to avoid talking about what was asked of him. Marlon said he has a camera with 24 hour surveillance of his whereabouts. Marlon insinuated this surveillance would prove he was not present during the crime. Marlon said he did not do anything and wished to conclude the interview at which time the interview was concluded.

ENTERED DATE/TIME: 2/8/2016 13:05:03
NARRATIVE TYPE: NARRATIVE TYPE
SUBJECT: TONEY WHITE JAIL INTERVIEW 1/27/16
AUTHOR: ADAMS, RYAN

On 1/27/16, Detective Niswonger and I conducted an interview with Toney White at the Henderson Detention Center. During the interview Toney implicated himself and others in the crime. Due to the length and detail of the interview, it will be transcribed and attached to the report once transcribed. The interview was sent to be transcribed on 2/8/16.

ENTERED DATE/TIME: 5/17/2016 16:09:44
NARRATIVE TYPE: SUPPLEMENT
SUBJECT: DNA WARRANT
AUTHOR: LAPEER, KEVIN

001

HENDERSON POLICE
223 LEAD ST
HENDERSON, NEVADA 89015

Incident Number: 16-01201

On 5/16/17, I Detective K.LaPeer #1446 authored DNA search warrants for Amanda Sexton, Marland Dean, Toney White, and Kevin Wong. The warrants were signed by the Honorable Henderson Justice Court Judge Gibson.

On 5/17/16, at 1200 hours, I responded to the Clark County Detention Center and executed the warrants at the CCDC Intelligence office.

All suspects were provided with a copy of the warrant, application and return.

CC: DA Michael Schwartzer/Records
Attachments: 4

ENTERED DATE/TIME: 10/17/2016 13:22:19
NARRATIVE TYPE: SUPPLEMENT
SUBJECT: LAB REQUEST
AUTHOR: LAPEER, KEVIN

On 10/14/16, I Detective K.LaPeer #1446 and CSA P. Farrell #1267 completed the proper lab analysis paperwork regarding this case.

DNA request paperwork was completed for 9 items of evidence, and a second request for latent prints was requested for 19 items of evidence.

I then responded to Marlene and Jason's residence to obtain victim buccal swabs but was met with negative results. It appears that all associated phone numbers have been disconnected.

CC: Records/ DA
Attachments: 6

ENTERED DATE/TIME: 10/19/2016 16:59:21
NARRATIVE TYPE: SUPPLEMENT
SUBJECT: DNA SAMPLES
AUTHOR: LAPEER, KEVIN

On 10/18/16, I Detective K.LaPeer #1446 made contact with Marlene and Jason at Fireside bar on St. Rose. I then gained consent to obtain DNA buccal swabs for elimination purposes reference this case.

Both samples were later placed into the evidence vault and the proper analysis paperwork was completed.

101

HENDERSON POLICE
223 LEAD ST
HENDERSON, NEVADA 89015

Incident Number: 16-01201

On 5/16/17, I Detective K.LaPeer #1446 authored DNA search warrants for Amanda Sexton, Marland Dean, Toney White, and Kevin Wong. The warrants were signed by the Honorable Henderson Justice Court Judge Gibson.

On 5/17/16, at 1200 hours, I responded to the Clark County Detention Center and executed the warrants at the CCDC Intelligence office.

All suspects were provided with a copy of the warrant, application and return.

CC: DA Michael Schwartzer/Records
Attachments: 4

ENTERED DATE/TIME: 10/17/2016 13:22:19
NARRATIVE TYPE: SUPPLEMENT
SUBJECT: LAB REQUEST
AUTHOR: LAPEER, KEVIN

On 10/14/16, I Detective K.LaPeer #1446 and CSA P. Farrell #1267 completed the proper lab analysis paperwork regarding this case.

DNA request paperwork was completed for 9 items of evidence, and a second request for latent prints was requested for 19 items of evidence.

I then responded to Marlene and Jason's residence to obtain victim buccal swabs but was met with negative results. It appears that all associated phone numbers have been disconnected.

CC: Records/ DA
Attachments: 6

102

Incident Report

HENDERSON POLICE
223 LEAD ST
HENDERSON, NEVADA 89015

Incident Number: 16-01201-001

Incident Summary

Incident Type: ROBBERY
Report Type: SUPPLEMENTAL INCIDE
Inc Occurred Address: 2895 E CHARLESTON BLVD, APT: 2085, LAS VEGAS, NEVADA 89104
Sector/Beat:
Inc Occurred Start: 01/20/2016 22:59
Inc Occurred End: 01/21/2016 19:25
Report Taken: 03/23/2016 19:52
Domestic: N
Nbr of Prior Incidents:
Protective Order In Effect: U
DV Card Given: U
Number of Children Present:
Ages of Children:
Bias Motivation:
Gang Related: U
Substance: U
Contact Nature: OFFICER INITIATED
Reported Date/Time: 01/21/2016 19:00
Reporting Officer: MONTANO, CHRISTOPHER
Primary Assigned Officer:
Case Status:
Disposition: ADMINISTRATIVELY CLOSED
Disposition Date: 03/28/2016 00:00
Mitigating Circumstances For Not Arrested:

103

Printed by: [redacted]
Printed date/time: 5/10/2016 7:59

HENDERSON POLICE
223 LEAD ST
HENDERSON, NEVADA 89015

Incident Report

Page 2 of 2

Incident Number: 16012001011

Narratives

ENTERED DATE/TIME: 3/23/2015 9:52:00
NARRATIVE TYPE: INCIDENT
SUBJECT OF NARRATIVE:
AUTHOR: MONTANO, CHRISTOPHER

On 01/21/2016 at approximately 1901 hours, the Henderson Police Department SWAT Unit served a signed and authorized search warrant at 2855 E. Charleston Boulevard, Las Vegas, Nevada 89104, at the request of HPD Robbery Unit. Detective K. Lapsley #1446 was the lead investigator in the case where the subjects in question were believed to be inside the above mentioned residence.

As SWAT operators were approaching the apartment, a surveillance camera was observed attached to the outside laundry room door. This camera was pointed directly at the stairs which lead up to the target apartment door. Officer Shields was able to disable the camera utilizing a 40mm direct impact round.

During the service of the warrant, two subjects were contacted:

1. Kristin Burton (08/25/1978)
2. Angelo Dsann (04/03/1972)

Both subjects were detained and released to detectives on scene. Both subjects advised they did not sustain any injuries and refused medical attention.

Two pit bulls were also inside the residence. No force was used on the dogs.

SWAT officers remained in control of the residence until it was released to detectives on scene.

Photos were taken of damage done to the property and was later uploaded to the digital evidence system.

Sgt. Det. K. Lapsley
Attach: None

HENDERSON POLICE DEPARTMENT

SUPPLEMENTAL ATTACHMENT FORM

HPD 0211A

☒ SUPPLEMENTALS (Use Green Form)

DR# 16-01201

~~16FH0191A/B/C/D~~

C313216 A-D

Incident DATE 10/20/16

Incident TYPE 439A (400 Code)

Additional Discovery Completed NOV 01 2016

K. LaPeer #1446

Officer Name (PLEASE PRINT) and Employee ID#

J Plunkett 1141

Supervisor Name (PLEASE PRINT) and Employee ID#

☐ Misdemeanor ☐ Gross Misdemeanor ☒ Felony

(Please check one)

RECEIVED D.A.
2016 OCT 31 A 11:25
CASE ASSESSMENT

Copies to: RECORDS/DA

A) Wong, Kevin DISMISSED
B) White, Torey
C) Sexton, Amanda
D) Dean, Macleod

Defendants Name:
Case Number: 16FH0191A/B/C/D
Track:
Hearing Type:
Hearing Date:
Defense Attorney:
Retained or Appointed:

105

CLARK COUNTY DISTRICT

SUBPOENA

THE STATE OF NEVADA
VS.
WHITE, TONEY ANTHONY

CASE # C313216 CATEGORY: GANG UNIT
AGENCY # 15AGJ129B GJI 1601201 HP

STEVEN B. WOLFSON, CLARK COUNTY DISTRICT ATTORNEY, AND THE STATE OF NEVADA SEND GREETINGS TO:
HPD RECORDS CUSTODIAN-DISPATCH
HP000X
HEND POLICE

YOU ARE COMMANDED TO APPEAR BEFORE THE:
CLARK COUNTY DISTRICT COURT
REGIONAL JUSTICE CENTER
LAS VEGAS, NV 89101

DEPARTMENT # 12

on the 1ST DAY OF NOVEMBER, 2016, AT 12:00 O'CLOCK P.M. or as soon thereafter as directed by the Clark County District Attorney's Office, to testify for the State of Nevada.

SPECIAL INSTRUCTIONS: DUCES TECUM: PLEASE BRING ANY AND ALL EVIDENCE:
ASAP 911 CALL AND RADIO TRAFF FOR HP#1601201

*** IMPORTANT ***

YOU MUST CALL (702)455-1280 AFTER 6:00 P.M. THE DAY BEFORE MONDAY THROUGH FRIDAY, TO VERIFY THAT YOU ARE NEEDED AS A WITNESS IN THE ABOVE CASE. IF YOU HEAR THE DEFENDANT'S NAME IN YOUR CASE MENTIONED, YOU MUST APPEAR. HEARING OR SPEECH IMPAIRED PLEASE CALL TT/TDD RELAY NEVADA TOLL FREE NUMBER (800) 326-6868

Dated: 10/10/2016

By Steven B. Wolfson Steven B. Wolfson

By MICHAEL SCHWARTZER
DEPUTY DISTRICT ATTORNEY
TEAM TRACK:M4

DISTRICT ATTORNEY/POLICE DEPARTMENT USE ONLY

I HEREBY CERTIFY THAT ON _____ 20____ SERVED/TELEPHONICALLY CONTACTED, A PERSON WHO IDENTIFIED HIM/HERSELF AS THE ABOVE LISTED WITNESS BY MEANS OF _____
I THEREUPON IDENTIFIED MYSELF BY NAME AND OCCUPATION AND INFORMED HER/HIMSELF OF THE CONTENTS OF THE SUBPOENA. THE WITNESS THEREAFTER DID PROMISE TO APPEAR AT THE DATE AND TIME INDICATED ON THE SUBPOENA.

DATED _____ BY _____
AFFIANT

CHARGES: CONSP ROBB;BURGL W/POSS GUN/DW;KIDNAPPING E/DW--HP D/CED

PLEASE SIGN AND DATE THE ABOVE AFFIDAVIT AND FAX THIS SHEET TO 455-2238.

HENDERSON POLICE DEPARTMENT PAGE: 000001
Date: 10/12/16 Time: 19:19 Requested By: VARGASON,E

I N C I D E N T R E C A L L

Incident	Time	Type	Pri	Dispo	Address / Location	Bldg	Apt	Callers Name / Callers Address / Callers Phone	P-unit	Close Date/ Time	Operator
					BEAT TEAM/Dist AREA						
HP160120000860	22:59	407	1	RPT	950 SEVEN HILLS DR HORIZON AT 7 HILLS W7 W W		25	2511 ESPARZA,MARIA. 950 SEVEN HILLS DR NEIGHBOR 7029542556	HP/DE1198	16/01/21 09:21	HPHP136

Date	Time			Operator
16/01/20	22:59	Incident Initiated By: HP/PETERS,G		PETERS,G
16/01/20	22:59	Original Location : HORIZON AT 7 HILLS	07	PETERS,G
16/01/20	22:59	PR CAN HEAR A FEM SCREAMING, PR ADVSD THE FEM IS PREGNANT, THERE IS A	07	PETERS,G
16/01/20	22:59	MALE TELLING THE FEM TO SHUT THE F UP	07	PETERS,G
16/01/20	22:59	Primary Event: MAIN Opened: 16/01/20 22:59	07	PETERS,G
16/01/20	22:59	Units Recommended HP/1W31 HP/1W61		RICHINS,R
16/01/20	22:59	Units Recommended AHP/S1184 AHP/1W61		RICHINS,R
16/01/20	22:59	Primary Unit CHANGED To: HP/1W71		RICHINS,R
16/01/20	22:59	Stat HP/1W71 D -DISPATCHED Loc: HORIZON AT 7 HILLS		RICHINS,R
16/01/20	22:59	Officer 1 Name: ENGELM Officer 2 Name:		RICHINS,R
16/01/20	22:59	Stat HP/1W61 D -DISPATCHED Loc: HORIZON AT 7 HILLS		RICHINS,R
16/01/20	22:59	Officer 1 Name: LEINANJ Officer 2 Name:		RICHINS,R
16/01/20	22:59	PR WANTS TO BE ANON	07	PETERS,G
16/01/20	22:59	Caller Add Fr: 35:59:32N,115:07:03W To: 950 SEVEN HILLS DR		PETERS,G
16/01/20	22:59	Caller Nam Fr: T-MOBILE USA, INC. To: ESPARZA,MARIA.		PETERS,G
16/01/20	22:59	Stat HP/1W71 ER-ENROUTE Loc: HORIZON AT 7 HILLS		ENGELM
16/01/20	22:59	Officer 1 Name: ENGELM Officer 2 Name:		ENGELM
16/01/20	22:59	CO:N	07	PETERS,G
16/01/20	22:59	Stat HP/1W61 ER-ENROUTE Loc: HORIZON AT 7 HILLS		LEINANJ
16/01/20	22:59	Officer 1 Name: LEINANJ Officer 2 Name:		LEINANJ
16/01/20	22:59	See Complainant CHANGED Fr: Y To: N		PETERS,G
16/01/20	23:05	Stat HP/1W71 AR-ARRIVED Loc: HORIZON AT 7 HILLS		ENGELM
16/01/20	23:05	Officer 1 Name: ENGELM Officer 2 Name:		ENGELM
16/01/20	23:05	Stat HP/1W61 AR-ARRIVED Loc: HORIZON AT 7 HILLS		LEINANJ
16/01/20	23:05	Officer 1 Name: LEINANJ Officer 2 Name:		LEINANJ
16/01/20	23:08	1W71 SUBJS YELLING HELP FROM THE APT	03	RICHINS,R
16/01/20	23:08	Stat HP/S644 D -DISPATCHED Loc: HORIZON AT 7 HILLS		RICHINS,R
16/01/20	23:08	Officer 1 Name: SCHULBERGR Officer 2 Name:		RICHINS,R
16/01/20	23:08	Stat HP/S644 ER-ENROUTE Loc: HORIZON AT 7 HILLS		RICHINS,R
16/01/20	23:08	Officer 1 Name: SCHULBERGR Officer 2 Name:		RICHINS,R
16/01/20	23:08	Stat HP/S644 ER-ENROUTE Loc: HORIZON AT 7 HILLS		SCHULBERGR
16/01/20	23:08	Officer 1 Name: SCHULBERGR Officer 2 Name:		SCHULBERGR
16/01/20	23:08	Units Recommended HP/1W31 HP/1W21		RICHINS,R
16/01/20	23:08	Units Recommended AHP/S1184 AHP/1W31		RICHINS,R
16/01/20	23:08	Stat HP/1W31 D -DISPATCHED Loc: HORIZON AT 7 HILLS		RICHINS,R
16/01/20	23:08	Officer 1 Name: NIELSENE Officer 2 Name:		RICHINS,R
16/01/20	23:08	Stat HP/1W21 D -DISPATCHED Loc: HORIZON AT 7 HILLS		RICHINS,R
16/01/20	23:08	Officer 1 Name: HANSENJ Officer 2 Name:		RICHINS,R
16/01/20	23:08	Stat HP/1W31 ER-ENROUTE Loc: HORIZON AT 7 HILLS		NIELSENE
16/01/20	23:08	Officer 1 Name: NIELSENE Officer 2 Name:		NIELSENE
16/01/20	23:08	Stat HP/1W21 ER-ENROUTE Loc: HORIZON AT 7 HILLS		HANSENJ
16/01/20	23:08	Officer 1 Name: HANSENJ Officer 2 Name:		HANSENJ

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HENDERSON POLICE DEPARTMENT PAGE: 000002

Date: 10/12/16 Time: 19:19 Requested By: VARGASON,E

I N C I D E N T R E C A L L

Incident	Time	Type	Pri	Dispo	Address / Location / BEAT TEAM/Dist AREA	Bldg Apt / Callers Name / Callers Address / Callers Phone	P-unit	Close Date/ Time	Operator
16/01/20	23:08	INCIDENT CLONED TO CHILD: FHF160120000086				07		PETERS,G	
16/01/20	23:08	Units Recommended		HP/3W61	HP/S1184			RICHINS,R	
16/01/20	23:08	Units Recommended		AHP/S1184	AHP/3W61			RICHINS,R	
16/01/20	23:08	IAAssocInc FHF160120000086 UPDATE PriUnt to HF/E98				08		OBERDING,A	
16/01/20	23:08	Stat HP/L1202		D -DISPATCHED	Loc: HORIZON AT 7 HILLS			RICHINS,R	
16/01/20	23:08	Officer 1 Name: HENNI			Officer 2 Name:			RICHINS,R	
16/01/20	23:09	Stat HP/1W71		CR-CODE RED	Loc: HORIZON AT 7 HILLS			PETERS,G	
16/01/20	23:09	Officer 1 Name: ENGELM			Officer 2 Name:			PETERS,G	
16/01/20	23:09	INCIDENT CLONED TO CHILD: FHF160120000087				03		RICHINS,R	
16/01/20	23:09	IAAssocInc FHF160120000087 UPDATE Cmnt * to CLEAR				03		RICHINS,R	
16/01/20	23:09	Stat HP/L1202		ER-ENROUTE	Loc: HORIZON AT 7 HILLS			RICHINS,R	
16/01/20	23:09	Officer 1 Name: HENNI			Officer 2 Name:			RICHINS,R	
16/01/20	23:10	1W71 ONE RUNNING EB IN PLOT TWD JEFFREYS				03		RICHINS,R	
16/01/20	23:10	Stat HP/1W31		AR-ARRIVED	Loc: HORIZON AT 7 HILLS			RICHINS,R	
16/01/20	23:10	Officer 1 Name: NIELSENE			Officer 2 Name:			RICHINS,R	
16/01/20	23:10	1W71 BEH BLDG 21				03		RICHINS,R	
16/01/20	23:11	1W61 C4 IN APT				03		RICHINS,R	
16/01/20	23:11	1W61 SUBJ ADV FEDERAL MARSHALLS CAME IN ADV'G THEY HAVE A WARRANT				03		RICHINS,R	
16/01/20	23:11	1W71 EB IN COMPLEX, HE MAY HAVE JUMPED THE WALL				03		RICHINS,R	
16/01/20	23:11	Stat HP/S644		AL-ATTEMPT LOCATE	Loc: HORIZON AT 7 HILLS			RICHINS,R	
16/01/20	23:11	Officer 1 Name: SCHULBERGR			Officer 2 Name:			RICHINS,R	
16/01/20	23:12	1W71 HAVE 1W61 CHECK IF THE BM W/SEC ON HIS BACK WAS INV				03		RICHINS,R	
16/01/20	23:12	1W61 WFA AND TWO BMA CAME INTO THE APT				03		RICHINS,R	
16/01/20	23:12	1W61 HE MAY JUST BE SEC				03		RICHINS,R	
16/01/20	23:12	1W71 SUBJ W/SEC JACKET WAS CHASING SOMEONE				03		RICHINS,R	
16/01/20	23:12	1W61 C4 FOR MED AT APT 2511				03		RICHINS,R	
16/01/20	23:12	Stat HP/1W61		C4-CODE 4	Loc: HORIZON AT 7 HILLS			RICHINS,R	
16/01/20	23:12	Officer 1 Name: LEINANJ			Officer 2 Name:			RICHINS,R	
16/01/20	23:13	Stat HP/1W21		AL-ATTEMPT LOCATE	Loc: HORIZON AT 7 HILLS			RICHINS,R	
16/01/20	23:13	Officer 1 Name: HANSENJ			Officer 2 Name:			RICHINS,R	
16/01/20	23:13	Caller Add Fr: 950 SEVEN HILLS DR			To: 950 SEVEN HILLS DR NEIGHBOR			PETERS,G	
16/01/20	23:13	Unit HP/1W21		Status Location Added	Loc: SEVEN HILLS BEHAVIORAL			RICHINS,R	
16/01/20	23:13	Officer 1 Name: HANSENJ			Officer 2 Name:			RICHINS,R	
16/01/20	23:13	Unit HP/S644		Status Location Added	Loc: SEVEN HILLS BEHAVIORAL			RICHINS,R	
16/01/20	23:13	Officer 1 Name: SCHULBERGR			Officer 2 Name:			RICHINS,R	
16/01/20	23:13	1W61 ONLY DESC 2 BMA, ONE IN GRN PANTS				03		RICHINS,R	
16/01/20	23:14	Unit HP/S644		Status Location Added	Loc: JEFFREYS/PECOS RIDGE			RICHINS,R	
16/01/20	23:14	Officer 1 Name: SCHULBERGR			Officer 2 Name:			RICHINS,R	
16/01/20	23:14	Stat HP/S644		AR-ARRIVED	Loc: JEFFREYS/PECOS RIDGE			RICHINS,R	
16/01/20	23:14	Officer 1 Name: SCHULBERGR			Officer 2 Name:			RICHINS,R	
16/01/20	23:15	Stat HP/1W21		AR-ARRIVED	Loc: SUNRIDGE HEIGHTS/JEFFREYS			RICHINS,R	
16/01/20	23:15	Officer 1 Name: HANSENJ			Officer 2 Name:			RICHINS,R	
16/01/20	23:15	IAAssocInc-FHF160120000086 First Unit Arrived: HF/E98			AR			UNKNOWN	
16/01/20	23:16	Stat HP/1W31		AR-ARRIVED	Loc: JEFFREYS/GREEN FALLS			RICHINS,R	
16/01/20	23:16	Officer 1 Name: NIELSENE			Officer 2 Name:			RICHINS,R	
16/01/20	23:16	Stat HP/K93		D -DISPATCHED	Loc: HORIZON AT 7 HILLS			RICHINS,R	
16/01/20	23:16	Officer 1 Name: FRAMPTONK			Officer 2 Name:			RICHINS,R	
16/01/20	23:17	Stat HP/1W21		AL-ATTEMPT LOCATE	Loc: SEVEN HILLS GATE			RICHINS,R	
16/01/20	23:17	Officer 1 Name: HANSENJ			Officer 2 Name:			RICHINS,R	

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INCIDENT RECALL

Incident	Time	Type	Pri	Dispo	Address / Location	Bldg	Apt	Callers Name / Callers Address / Callers Phone	P-unit	Close Date/ Time	Operator
					BEAT TEAM/Dist AREA						
16/01/20	23:17	Stat HP/K93		ER-ENROUTE	Loc: JEFFREYS/ GRAHAM						RICHINS,R
16/01/20	23:17	Officer 1 Name: FRAMPTONK			Officer 2 Name:						RICHINS,R
16/01/20	23:18	Stat HP/1W11		D -DISPATCHED	Loc: HORIZON AT 7 HILLS						NOGUES,M
16/01/20	23:18	Officer 1 Name: MCDERMEDT			Officer 2 Name:						NOGUES,M
16/01/20	23:18	Unit HP/1W11		Status Location Added	Loc: HORIZON RIDGE/SEVEN HILLS						NOGUES,M
16/01/20	23:18	Officer 1 Name: MCDERMEDT			Officer 2 Name:						NOGUES,M
16/01/20	23:18	MALE LAST SEEN BLDG 22					03				RICHINS,R
16/01/20	23:18	S644 NEED UNIT AT HR/SEVEN HILL					03				RICHINS,R
16/01/20	23:18	1W21 ADV METRO OF BLK VEH POSS IN AREA					03				RICHINS,R
16/01/20	23:18	Unit HP/1W11		Status Location Added	Loc: HOR RIDGE/SEVEN HILLS						RICHINS,R
16/01/20	23:18	Officer 1 Name: MCDERMEDT			Officer 2 Name:						RICHINS,R
16/01/20	23:19	OCC BY 2 BMA					03				RICHINS,R
16/01/20	23:19	Stat HP/1W11		ER-ENROUTE	Loc: HOR RIDGE/SEVEN HILLS						NOGUES,M
16/01/20	23:19	Officer 1 Name: MCDERMEDT			Officer 2 Name:						NOGUES,M
16/01/20	23:19	1W61 POSS BM LSW ALL BLK IN SEC CLOTHING, THAT SUBJ MAY HAVE DOUBLED BACK					03				RICHINS,R
16/01/20	23:19	INTO A BLK VEH AND LEFT, UNK IF HE IS INV, POSS 3 BMA INV					03				RICHINS,R
16/01/20	23:20	Unit HP/1W21		Status Location Added	Loc: AREA						RICHINS,R
16/01/20	23:20	Officer 1 Name: HANSENJ			Officer 2 Name:						RICHINS,R
16/01/20	23:20	Stat HP/1W21		AR-ARRIVED	Loc: SUNRIDGE HEIGHTS/SEVEN HILLS						RICHINS,R
16/01/20	23:20	Officer 1 Name: HANSENJ			Officer 2 Name:						RICHINS,R
16/01/20	23:20	Stat HP/L1202		AR-ARRIVED	Loc: HORIZON AT 7 HILLS						HENNI
16/01/20	23:20	Officer 1 Name: HENNI			Officer 2 Name:						HENNI
16/01/20	23:21	1W21 SEVEN HILLS IS CLEAR, WILL POST UP					03				RICHINS,R
16/01/20	23:22	Stat HP/K93		AR-ARRIVED	Loc: JEFFREYS/ GRAHAM						RICHINS,R
16/01/20	23:22	Officer 1 Name: FRAMPTONK			Officer 2 Name:						RICHINS,R
16/01/20	23:22	K93 IS 446 ONLY					03				RICHINS,R
16/01/20	23:23	Stacked Incident			To: HP/K92						UNKNOWN
16/01/20	23:24	1W71 ONE BM, ONE FEM, BLK SUV W/ANTENNA ON TOP AND POLICE STYLE SPOT					03				RICHINS,R
16/01/20	23:24	LIGHT ON THE SIDE,					03				RICHINS,R
16/01/20	23:25	1W21 ADV METRO AND NHP					03				RICHINS,R
16/01/20	23:25	1W71 UNK WEAPS, PARAMEDICS ADV KNOCKED OUT TEETH/LOC/AND BLEEDING FROM					03				RICHINS,R
16/01/20	23:25	HEAD					03				RICHINS,R
16/01/20	23:26	***1W71 ADV POSS HAD SAWED OFF SHOTGUN OR SHORT BARREL RIFLE					03				RICHINS,R
16/01/20	23:26	METRO ADVSD THEY WILL BROADCAST					07				PETERS,G
16/01/20	23:26	1W71 BLK JEEP CHEROKEE W/ANTENNA JUST PAST ME NB SEVEN HILLS					03				RICHINS,R
16/01/20	23:27	Stat HP/1W11		AR-ARRIVED	Loc: HOR RIDGE/SEVEN HILLS						MCDERMEDT
16/01/20	23:27	Officer 1 Name: MCDERMEDT			Officer 2 Name:						MCDERMEDT
16/01/20	23:27	1W21 THIS SUV HAS ASW5060/WA, STOPPED HR/SEVEN HILLS					03				RICHINS,R
16/01/20	23:27	1W21 487 NB SEVEN HILLS/ST ROSE					03				RICHINS,R
16/01/20	23:28	Stat HP/1W21		AR-ARRIVED	Loc: SEVEN HILLS/HORIZON RIDGE						RICHINS,R
16/01/20	23:28	Officer 1 Name: HANSENJ			Officer 2 Name:						RICHINS,R
16/01/20	23:28	Stat HP/1W11		AR-ARRIVED	Loc: SEVEN HILLS/HORIZON RIDGE						RICHINS,R
16/01/20	23:28	Officer 1 Name: MCDERMEDT			Officer 2 Name:						RICHINS,R
16/01/20	23:28	Stat HP/K96		D -DISPATCHED	Loc: HORIZON AT 7 HILLS						RICHINS,R
16/01/20	23:28	Officer 1 Name: LANDISC			Officer 2 Name:						RICHINS,R
16/01/20	23:28	Stat HP/K92		D -DISPATCHED	Loc: HORIZON AT 7 HILLS						NOGUES,M
16/01/20	23:28	Officer 1 Name: MANCUSO,C			Officer 2 Name:						NOGUES,M
16/01/20	23:28	Stat HP/K92		ER-ENROUTE	Loc: HORIZON AT 7 HILLS						NOGUES,M
16/01/20	23:28	Officer 1 Name: MANCUSO,C			Officer 2 Name:						NOGUES,M

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Docket 82889 Document 2021-15298

HENDERSON POLICE DEPARTMENT PAGE: 000004
Date: 10/12/16 Time: 19:19 Requested By: VARGASON,E

I N C I D E N T R E C A L L

Incident	Time	Type	Pri	Dispo	Address / Location / BEAT TEAM/Dist AREA	Bldg	Apt	Callers Name / Callers Address / Callers Phone	P-unit	Close Date/ Time	Operator
16/01/20	23:28	Stat HP/K96		AR-ARRIVED	Loc: HORIZON AT 7 HILLS						LANDISC
16/01/20	23:28	Officer 1 Name: LANDISC			Officer 2 Name:						LANDISC
16/01/20	23:28	Stat HP/3W31		ER-ENROUTE	Loc: HORIZON AT 7 HILLS						MONTANO,J
16/01/20	23:28	Officer 1 Name: SCOBLEJA			Officer 2 Name:						MONTANO,J
16/01/20	23:28	Stat HP/S1184		ER-ENROUTE	Loc: HORIZON AT 7 HILLS						MONTANO,J
16/01/20	23:28	Officer 1 Name: ADAMSD			Officer 2 Name:						MONTANO,J
16/01/20	23:28	1W21 VEH OCC AT LEAST 1/ HM SHAVED HEAD						03			RICHINS,R
16/01/20	23:28	Unit HP/3W31		Status Location Added	Loc: NB SEVEN HILLS/ST ROSE						MONTANO,J
16/01/20	23:28	Officer 1 Name: SCOBLEJA			Officer 2 Name:						MONTANO,J
16/01/20	23:28	Unit HP/S1184		Status Location Added	Loc: NB SEVEN HILLS/ST ROSE						MONTANO,J
16/01/20	23:28	Officer 1 Name: ADAMSD			Officer 2 Name:						MONTANO,J
16/01/20	23:29	Unit HP/1W21		Status Location Added	Loc: NB SEVEN HILLS/ST ROSE						RICHINS,R
16/01/20	23:29	Officer 1 Name: HANSENJ			Officer 2 Name:						RICHINS,R
16/01/20	23:29	Unit HP/1W11		Status Location Added	Loc: NB SEVEN HILLS/ST ROSE						RICHINS,R
16/01/20	23:29	Officer 1 Name: MCDERMEDT			Officer 2 Name:						RICHINS,R
16/01/20	23:29	Unit HP/K96		Status Location Added	Loc: NB SEVEN HILL/ST ROSE						MONTANO,J
16/01/20	23:29	Officer 1 Name: LANDISC			Officer 2 Name:						MONTANO,J
16/01/20	23:29	Stat HP/3W51		D -DISPATCHED	Loc: HORIZON AT 7 HILLS						NOGUES,M
16/01/20	23:29	Officer 1 Name: CORADM			Officer 2 Name:						NOGUES,M
16/01/20	23:29	Stat HP/3W51		ER-ENROUTE	Loc: HORIZON AT 7 HILLS						CORADM
16/01/20	23:29	Officer 1 Name: CORADM			Officer 2 Name:						CORADM
16/01/20	23:30	Unit HP/3W51		Status Location Added	Loc: SB SPENCER/ST ROSE						NOGUES,M
16/01/20	23:30	Officer 1 Name: CORADM			Officer 2 Name:						NOGUES,M
16/01/20	23:30	Unit HP/3W51		Status Location Added	Loc: SB ST ROSE/SPENCER						RICHINS,R
16/01/20	23:30	Officer 1 Name: CORADM			Officer 2 Name:						RICHINS,R
16/01/20	23:30	Unit HP/3W51		Status Location Added	Loc: SB SPENCER/ST ROSE						NOGUES,M
16/01/20	23:30	Officer 1 Name: CORADM			Officer 2 Name:						NOGUES,M
16/01/20	23:30	L1202 HAVE PD ENRT TO SIENA						03			RICHINS,R
16/01/20	23:31	Stat HP/3W31		AV-AVAILABLE							MOULTON,A
16/01/20	23:31	Officer 1 Name: SCOBLEJA			Officer 2 Name:						MOULTON,A
16/01/20	23:31	1W21 STOP TRAFFIC SB ST ROSE AT SPENCER, 3W51 TAKING						03			RICHINS,R
16/01/20	23:31	1W71 ENRT TO 1W21 STOP						03			RICHINS,R
16/01/20	23:32	Stat HP/K95		D -DISPATCHED	Loc: HORIZON AT 7 HILLS						RICHINS,R
16/01/20	23:32	Officer 1 Name: GRANTK			Officer 2 Name:						RICHINS,R
16/01/20	23:32	Stat HP/3W51		AR-ARRIVED	Loc: SB SPENCER/ST ROSE						CORADM
16/01/20	23:32	Officer 1 Name: CORADM			Officer 2 Name:						CORADM
16/01/20	23:32	Unit HP/K95		Status Location Added	Loc: NB SEVEN HILLS/ST ROSE						RICHINS,R
16/01/20	23:32	Officer 1 Name: GRANTK			Officer 2 Name:						RICHINS,R
16/01/20	23:33	S644 LINE OF FIRE IS THE INTERSECTION						03			RICHINS,R
16/01/20	23:33	Stat HP/3W71		AR-ARRIVED	Loc: HORIZON AT 7 HILLS						RICHINS,R
16/01/20	23:33	Officer 1 Name: WEBSTERM			Officer 2 Name:						RICHINS,R
16/01/20	23:33	Stat HP/3W71		AR-ARRIVED	Loc: HORIZON AT 7 HILLS						RICHINS,R
16/01/20	23:33	Officer 1 Name: WEBSTERM			Officer 2 Name:						RICHINS,R
16/01/20	23:33	Stat HP/L960		D -DISPATCHED	Loc: HORIZON AT 7 HILLS						NOGUES,M
16/01/20	23:33	Officer 1 Name: DENNINGM			Officer 2 Name:						NOGUES,M
16/01/20	23:33	S644 STOP BOTH DIRECTIONS STOPPED						03			RICHINS,R
16/01/20	23:34	Unit HP/3W51		Status Location Added	Loc: EB ST ROSE						RICHINS,R
16/01/20	23:34	Officer 1 Name: CORADM			Officer 2 Name:						RICHINS,R
16/01/20	23:35	Unit HP/3W51		Status Location Added	Loc: JEFFREYS/ST ROSE						RICHINS,R

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HENDERSON POLICE DEPARTMENT PAGE: 000005
Date: 10/12/16 Time: 19:19 Requested By: VARGASON,E

I N C I D E N T R E C A L L

Incident	Time	Type	Pri	Dispo	Address / Location / BEAT TEAM/Dist AREA	Bldg Apt	Callers Name / Callers Address / Callers Phone	P-unit	Close Date/ Time	Operator
16/01/20	23:35	Officer 1 Name: CORADM			Officer 2 Name:					RICHINS,R
16/01/20	23:35	Stat HP/K92		AR-ARRIVED	Loc: HORIZON AT 7 HILLS					NOGUES,M
16/01/20	23:35	Officer 1 Name: MANCUSO,C			Officer 2 Name:					NOGUES,M
16/01/20	23:35	S644 START ANOTHER RESCUE, HAVE THEM STOP BY						03		RICHINS,R
16/01/20	23:35	Stat HP/L960		ER-ENROUTE	Loc: HORIZON AT 7 HILLS					NOGUES,M
16/01/20	23:35	Officer 1 Name: DENNINGM			Officer 2 Name:					NOGUES,M
16/01/20	23:35	ST ROSE/JEFFREYS SHUT DOWN						03		RICHINS,R
16/01/20	23:36	QW.1W61.BURKHALTER,MARLENE.04221977.559714231 NEG/6B/VALID						07		PETERS,G
16/01/20	23:36	Unit HP/3W51		Status Location Added	Loc: JEFFREYS/SHUT DOWN WB ST ROSE					RICHINS,R
16/01/20	23:36	Officer 1 Name: CORADM			Officer 2 Name:					RICHINS,R
16/01/20	23:37	S644 COMMENCING COMMANDS						03		RICHINS,R
16/01/20	23:37	Stat HP/K95		AR-ARRIVED	Loc: NB SEVEN HILLS/ST ROSE					NOGUES,M
16/01/20	23:37	Officer 1 Name: GRANTK			Officer 2 Name:					NOGUES,M
16/01/20	23:37	Stat HP/S1184		AR-ARRIVED	Loc: NB SEVEN HILLS/ST ROSE					RICHINS,R
16/01/20	23:37	Officer 1 Name: ADAMSD			Officer 2 Name:					RICHINS,R
16/01/20	23:37	QW.1W61.CLIFF,JASON.10291977.614247396 NEG/6B/VERIFY 446/VALID						07		PETERS,G
16/01/20	23:37	Stat HP/S1184		AR-ARRIVED	Loc: NB SEVEN HILLS/ST ROSE					NOGUES,M
16/01/20	23:37	Officer 1 Name: ADAMSD			Officer 2 Name:					NOGUES,M
16/01/20	23:37	Stat HP/L772		D -DISPATCHED	Loc: HORIZON AT 7 HILLS					RICHINS,R
16/01/20	23:37	Officer 1 Name: WILSONDJ			Officer 2 Name:					RICHINS,R
16/01/20	23:37	S644 DOG ON SCENE						03		RICHINS,R
16/01/20	23:38	Stat HP/L772		AR-ARRIVED	Loc: HORIZON AT 7 HILLS					NOGUES,M
16/01/20	23:38	Officer 1 Name: WILSONDJ			Officer 2 Name:					NOGUES,M
16/01/20	23:39	VEH WENT FAST THE BARRICADE TWD S644 DRK 2 DR						03		RICHINS,R
16/01/20	23:40	MSG LEFT W/US MARSHALS ANSWERING SVC TO LET US KNOW IF THEY HAD ANYONE AT						05		JACKSON,C
16/01/20	23:40	LOC SERVING WARRANT AS PER L960						05		JACKSON,C
16/01/20	23:41	Stat HP/1N31		D -DISPATCHED	Loc: HORIZON AT 7 HILLS					NOGUES,M
16/01/20	23:41	Officer 1 Name: SEEHAFERT			Officer 2 Name:					NOGUES,M
16/01/20	23:41	Unit HP/1N31		Status Location Added	Loc: SRD SIENA					NOGUES,M
16/01/20	23:41	Officer 1 Name: SEEHAFERT			Officer 2 Name:					NOGUES,M
16/01/20	23:41	Stat HP/1N31		ER-ENROUTE	Loc: SRD SIENA					SEEHAFERT
16/01/20	23:41	Officer 1 Name: SEEHAFERT			Officer 2 Name:					SEEHAFERT
16/01/20	23:42	Unit HP/1W71		Status Location Added	Loc: CR MAIN SEVEN HILLS/ST ROSE					RICHINS,R
16/01/20	23:42	Officer 1 Name: ENGELM			Officer 2 Name:					RICHINS,R
16/01/20	23:43	INCIDENT UPDATES TO SERGEANT AT TRAFFIC STOP SHOULD BE 1184 NOT 644						00		SCHILBERGR
16/01/20	23:43	CORRECTION FOR JASON CLIFF, CODE 6 CALIFORNIA REF 406 NO EXTRADITION						07		PETERS,G
16/01/20	23:43	NEVADA						07		PETERS,G
16/01/20	23:43	Stat HP/S1184		C4-CODE 4	Loc: NB SEVEN HILLS/ST ROSE					RICHINS,R
16/01/20	23:43	Officer 1 Name: ADAMSD			Officer 2 Name:					RICHINS,R
16/01/20	23:44	S1184 CLEAR RED						03		RICHINS,R
16/01/20	23:44	S644 KEEP RED						03		RICHINS,R
16/01/20	23:45	Stat HP/L960		AR-ARRIVED	Loc: HORIZON AT 7 HILLS					DENNINGM
16/01/20	23:45	Officer 1 Name: DENNINGM			Officer 2 Name:					DENNINGM
16/01/20	23:45	S644 NEED UNITS AT 7H/HR AND IFO 870 SEVEN HILLS						03		RICHINS,R
16/01/20	23:45	Report Num: Fmt-06 LHP160120001194 - ADDED TO EVENT					By: HP/1W71			MCDERMEDT
16/01/20	23:45	Stat HP/3W71		AR-ARRIVED	Loc: 880 SEVEN HILLS					RICHINS,R
16/01/20	23:45	Officer 1 Name: WEBSTERM			Officer 2 Name:					RICHINS,R
16/01/20	23:45	Stat HP/3W51		AR-ARRIVED	Loc: SEVEN HILLS/HORIZON RIDGE					RICHINS,R
16/01/20	23:45	Officer 1 Name: CORADM			Officer 2 Name:					RICHINS,R

I N C I D E N T R E C A L L

Incident	Time	Type	Pri	Dispo	Address / Location	Bldg	Apt	Callers Name / Callers Address / Callers Phone	P-unit	Close Date/ Time	Operator
					BEAT TEAM/Dist AREA						
16/01/20	23:46	BOTH SUBJS NEG III LOCAL RECORD ONLY							07		PETERS,G
16/01/20	23:46	US DEPUTY MARSHALL WAITE RECALLED HIGHLY UNLIKELY THEY DON'T DO SEARCH							05		JACKSON,C
16/01/20	23:46	WARRANT, PD WOULD HAVE BEEN NOTIFIED							05		JACKSON,C
16/01/20	23:47	1W61 NEED ADDITIONAL TO THE APT							03		RICHINS,R
16/01/20	23:47	Stat HP/1W11	ER-ENROUTE		Loc: APT 2511						RICHINS,R
16/01/20	23:47	Officer 1 Name: MCDERMEDT			Officer 2 Name:						RICHINS,R
16/01/20	23:48	S644 CLEAR RESCUE							03		RICHINS,R
16/01/20	23:48	Stat HP/S1184	AV-AVAILABLE								ADAMSD
16/01/20	23:48	Officer 1 Name: ADAMSD			Officer 2 Name:						ADAMSD
16/01/20	23:48	1W11 ENRT TO PU PEM FOR ONE ON ONE							03		RICHINS,R
16/01/20	23:48	IAAssocInc FHF160120000086 UPDATE Dispo			to CLEAR MAIN				00		UNKNOWN
16/01/20	23:48	Stat HP/L77Z	AV-AVAILABLE								WILSONDJ
16/01/20	23:48	Officer 1 Name: WILSONDJ			Officer 2 Name:						WILSONDJ
16/01/20	23:49	BM ALL BLK IN SEC VEST AND UNK RACE FEM STILL OUTSTANDING							03		RICHINS,R
16/01/20	23:50	Stat HP/S644	AR-ARRIVED		Loc: JEFFREYS/PECOS RIDGE						RICHINS,R
16/01/20	23:50	Officer 1 Name: SCHULBERGR			Officer 2 Name:						RICHINS,R
16/01/20	23:50	Stat HP/K95	AR-ARRIVED		Loc: NB SEVEN HILLS/ST ROSE						RICHINS,R
16/01/20	23:50	Officer 1 Name: GRANTK			Officer 2 Name:						RICHINS,R
16/01/20	23:52	Stat HP/S644	AR-ARRIVED		Loc: JEFFREYS/HOR RIDGE						RICHINS,R
16/01/20	23:52	Officer 1 Name: SCHULBERGR			Officer 2 Name:						RICHINS,R
16/01/20	23:52	Stat HP/K93	AR-ARRIVED		Loc: JEFFREYS/HOR RIDGE						RICHINS,R
16/01/20	23:52	Officer 1 Name: FRAMPTONK			Officer 2 Name:						RICHINS,R
16/01/20	23:53	IAAssocInc FHF160120000086 UPDATE Dispo			to CLEAR MAIN				00		UNKNOWN
16/01/20	23:53	Unit HP/1W11	Status Comment Added		ONE PEM						RICHINS,R
16/01/20	23:53	Officer 1 Name: MCDERMEDT			Officer 2 Name:						RICHINS,R
16/01/20	23:53	Unit HP/1W11	Mileage Entered		Odo: 0.						RICHINS,R
16/01/20	23:53	Officer 1 Name: MCDERMEDT			Officer 2 Name:						RICHINS,R
16/01/20	23:53	Stat HP/1W11	TR-TRANSPORT		Loc: SEVEN HILLS/ST ROSE						RICHINS,R
16/01/20	23:53	Officer 1 Name: MCDERMEDT			Officer 2 Name:						RICHINS,R
16/01/20	23:54	Stat HP/1W11	TC-TRANSPORT COMPL		Loc: SEVEN HILLS/ST ROSE						RICHINS,R
16/01/20	23:54	Officer 1 Name: MCDERMEDT			Officer 2 Name:						RICHINS,R
16/01/20	23:54	Unit HP/1W11	Mileage Entered		Odo: 0000.4						RICHINS,R
16/01/20	23:54	Officer 1 Name: MCDERMEDT			Officer 2 Name:						RICHINS,R
16/01/20	23:55	1W11 NEG FOR ONE ON ONE							03		RICHINS,R
16/01/20	23:55	Stat HP/1W11	TR-TRANSPORT		Loc: APT 2511						RICHINS,R
16/01/20	23:55	Officer 1 Name: MCDERMEDT			Officer 2 Name:						RICHINS,R
16/01/20	23:56	L960 WAS TRANSFERRED TO US MARSALL WAITE							05		JACKSON,C
16/01/20	23:56	L1202 HAVE 1N31 ADV AS SOON AS HOSPITAL HAS HIS STATUS							03		RICHINS,R
16/01/20	23:57	Stat HP/1W11	TR-TRANSPORT		Loc: APT 2511						RICHINS,R
16/01/20	23:57	Officer 1 Name: MCDERMEDT			Officer 2 Name:						RICHINS,R
16/01/20	23:57	Unit HP/1W11	Mileage Entered		Odo: 0001.1						RICHINS,R
16/01/20	23:57	Officer 1 Name: MCDERMEDT			Officer 2 Name:						RICHINS,R
16/01/20	23:58	Stat HP/1W11	TC-TRANSPORT COMPL		Loc: APT 2511						RICHINS,R
16/01/20	23:58	Officer 1 Name: MCDERMEDT			Officer 2 Name:						RICHINS,R
16/01/20	23:59	ASP FOUND OVER THE FENCE, DOT IS OUT WINDOW, OVER FENCE TO SEVEN HILLS							03		RICHINS,R
16/01/21	00:00	1W11 SOME BINOCULARS EMPTY HOLSTER RADIO IFO BLDG 25							03		RICHINS,R
16/01/21	00:01	Stat HP/1N31	AR-ARRIVED		Loc: SRD SIENA						SEEHAFERT
16/01/21	00:01	Officer 1 Name: SEEHAFERT			Officer 2 Name:						SEEHAFERT
16/01/21	00:01	K92 HAVE RUBBER GLOVES IFO APT 2513 ABOUT 15 FEET FROM THE BATTON							03		RICHINS,R

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HENDERSON POLICE DEPARTMENT PAGE: 000007

Date: 10/12/16 Time: 19:19 Requested By: VARGASON,E

I N C I D E N T R E C A L L

Incident	Time	Type	Pri	Dispo	Address / Location / BEAT TEAM/Dist AREA	Bldg	Apt	Callers Name / Callers Address / Callers Phone	P-unit	Close Date/ Time	Operator
16/01/21	00:01	Stat HP/K92			AL-ATTEMPT LOCATE	Loc: INS COMPLEX					RICHINS,R
16/01/21	00:01	Officer 1 Name: MANCUSO,C			Officer 2 Name:						RICHINS,R
16/01/21	00:02	Stat HP/K95			AL-ATTEMPT LOCATE	Loc: 3005 HORIZON RIDGE					RICHINS,R
16/01/21	00:02	Officer 1 Name: GRANTK			Officer 2 Name:						RICHINS,R
16/01/21	00:02	K95 ON FOOT INS 3005 HORIZON RIDGE							03		RICHINS,R
16/01/21	00:04	CODE 6 CCDC 414/ 6A 406/432, ELEC CONF, 6B SUSP DL							03		RICHINS,R
16/01/21	00:04	WONG,KEVIN.02131985.575292003..M.WA							03		RICHINS,R
16/01/21	00:05	Plate Number			CHANGED	To: WA-ASW5060					RICHINS,R
16/01/21	00:05	1W21 RUN RO OF THE JEEP							03		RICHINS,R
16/01/21	00:06	Stat HP/1W11			AL-ATTEMPT LOCATE	Loc: W/ K92					RICHINS,R
16/01/21	00:06	Officer 1 Name: MCDERMEDT			Officer 2 Name:						RICHINS,R
16/01/21	00:07	K93 OUT W/ BM W/SEC JACKET, NEAR BLDG 9							03		RICHINS,R
16/01/21	00:07	1W71 SHOULD BE TALLER THIN BM							03		RICHINS,R
16/01/21	00:07	K93 THIS BM 508/SKINNY							03		RICHINS,R
16/01/21	00:07	Stat HP/K93			AR-ARRIVED	Loc: BLDG 9					RICHINS,R
16/01/21	00:07	Officer 1 Name: FRAMPTONK			Officer 2 Name:						RICHINS,R
16/01/21	00:08	Unit HP/K93			Status Location Added	Loc: OUTSIDE GATE NEAR BLDG 9/JEFFREYS					RICHINS,R
16/01/21	00:08	Officer 1 Name: FRAMPTONK			Officer 2 Name:						RICHINS,R
16/01/21	00:08	Stat HP/1W71			ER-ENROUTE	Loc: OUTSIDE GATE NEAR BLDG 9/JEFFREYS					RICHINS,R
16/01/21	00:08	Officer 1 Name: ENGELM			Officer 2 Name:						RICHINS,R
16/01/21	00:12	ASW5060/WA NEG EXP 1/19/16 99 JEEP CHEROKEE TONEY WHITE							03		RICHINS,R
16/01/21	00:12	Stat HP/S644			CR-CODE RED	Loc: JEFFREYS/HOR RIDGE					NOGUES,M
16/01/21	00:12	Officer 1 Name: SCHULBERGR			Officer 2 Name:						NOGUES,M
16/01/21	00:12	Plate Number			CHANGED	To: CA-7MUR703					RICHINS,R
16/01/21	00:12	1W71 THIS IS NOT THE SECURITY OFFICER							03		RICHINS,R
16/01/21	00:12	Stat HP/1W71			AR-ARRIVED	Loc: OUTSIDE GATE NEAR BLDG 9/JEFFREYS					RICHINS,R
16/01/21	00:12	Officer 1 Name: ENGELM			Officer 2 Name:						RICHINS,R
16/01/21	00:13	7MUR703/CA NEG CURR 15 CHEV HERTZ VEHICLES							03		RICHINS,R
16/01/21	00:14	L1202 BUREAU IS ENRT, HOLD POSITIONS							03		RICHINS,R
16/01/21	00:14	Stat HP/1W71			CR-CODE RED	Loc: OUTSIDE GATE NEAR BLDG 9/JEFFREYS					PETERS,G
16/01/21	00:14	Officer 1 Name: ENGELM			Officer 2 Name:						PETERS,G
16/01/21	00:14	DUPCALL: HORIZON AT 7 HILLS						HEN	08		OBERDING,A
16/01/21	00:14	CNAME: PERRY,KATHLEEN			CPH: 7025055144				08		OBERDING,A
16/01/21	00:14	BLDG:			APT: 2211 LOC: 950 SEVEN HILLS DR				08		OBERDING,A
16/01/21	00:14	TYPE:			CONTACT COMP: Y FAS: N SS:				08		OBERDING,A
16/01/21	00:14	PRI:			SRC: 0 MC: DISPO:				08		OBERDING,A
16/01/21	00:14	PR IN APT 2211 PR FOUND FILE ON THE GROUD OUTSIDE THAT SAYS DEPT OF							08		OBERDING,A
16/01/21	00:14	JUSTICE US MARSHALLS & HAS A WARRENT INS IT, PR WILL BE HOLDING FILE IN							08		OBERDING,A
16/01/21	00:14	HER APT FOR PD							08		OBERDING,A
16/01/21	00:16	Stat HP/1W71			ER-ENROUTE	Loc: APT 2211					RICHINS,R
16/01/21	00:16	Officer 1 Name: ENGELM			Officer 2 Name:						RICHINS,R
16/01/21	00:17	1N31 SUSPS 1ST WFA LATE 20 30 BRO HAIR MED BUILD LSW NAVY BLU SHIRT							03		RICHINS,R
16/01/21	00:17	W/PATCHES ON SHOULDER, 2ND BMA 40S LSW SAME CLOTHES, 3RD BMA 20S 508/MED							03		RICHINS,R
16/01/21	00:17	SAME BLU SHIRT /TAN CARGO PANTS							03		RICHINS,R
16/01/21	00:19	**NAVY BLU LONG SLEVE SHIRT W/PATCHES ON THE SHOULDER							03		RICHINS,R
16/01/21	00:21	Stat HP/K92			AL-ATTEMPT LOCATE	Loc: OUTSIDE FENCE OF COMPLEX					RICHINS,R
16/01/21	00:21	Officer 1 Name: MANCUSO,C			Officer 2 Name:						RICHINS,R
16/01/21	00:21	L1202 RECOVERED THE FILE							03		RICHINS,R
16/01/21	00:23	Stat HP/DE1446			D -DISPATCHED	Loc: HORIZON AT 7 HILLS					RICHINS,R

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HENDERSON POLICE DEPARTMENT PAGE: 000008
Date: 10/12/16 Time: 19:19 Requested By: VARGASON,E

I N C I D E N T R E C A L L

Incident	Time	Type	Pri	Dispo	Address / Location	Bldg	Apt	Callers Name / Callers Address / Callers Phone	P-unit	Close Date/ Time	Operator
					BEAT TEAM/Dist AREA						
16/01/21	00:23	Officer 1 Name: LAPEERK			Officer 2 Name:					RICHINS,R	
16/01/21	00:23	Stat HP/DE1446		ER-ENROUTE	Loc: HORIZON AT 7 HILLS					RICHINS,R	
16/01/21	00:23	Officer 1 Name: LAPEERK			Officer 2 Name:					RICHINS,R	
16/01/21	00:25	K92 UNK IF RELATED; BRO SHOES LOCATED ACROSS THE FENCE FROM APT 1512							03	RICHINS,R	
16/01/21	00:34	Stat HP/1N31		C4-CODE 4	Loc: SRD SIENA					RICHINS,R	
16/01/21	00:34	Officer 1 Name: SEEHAFERT			Officer 2 Name:					RICHINS,R	
16/01/21	00:41	Stat HP/1W71		AR-ARRIVED	Loc: APT 2211					NOGUES,M	
16/01/21	00:41	Officer 1 Name: ENGELM			Officer 2 Name:					NOGUES,M	
16/01/21	00:53	K95, COMPLEX IS CLEAR							10	MOULTON,A	
16/01/21	00:53	K92, COMPLEX IS CLEAR							10	MOULTON,A	
16/01/21	00:54	S644, EVERYWHERE INS PERMIETER CHECKED NEG/CLEAR							10	MOULTON,A	
16/01/21	00:54	S644, CLEAR THE RED							10	MOULTON,A	
16/01/21	00:54	Stat HP/1W11		C4-CODE 4	Loc: W/ K92					MOULTON,A	
16/01/21	00:54	Officer 1 Name: MCDERMEDT			Officer 2 Name:					MOULTON,A	
16/01/21	00:54	Stat HP/1W21		C4-CODE 4	Loc: NB SEVEN HILLS/ST ROSE					MOULTON,A	
16/01/21	00:54	Officer 1 Name: HANSENJ			Officer 2 Name:					MOULTON,A	
16/01/21	00:54	Stat HP/1W31		C4-CODE 4	Loc: JEFFREYS/GREEN FALLS					MOULTON,A	
16/01/21	00:54	Officer 1 Name: NIELSENE			Officer 2 Name:					MOULTON,A	
16/01/21	00:54	Stat HP/1W71		C4-CODE 4	Loc: APT 2211					MOULTON,A	
16/01/21	00:54	Officer 1 Name: ENGELM			Officer 2 Name:					MOULTON,A	
16/01/21	00:54	Stat HP/1W61		C4-CODE 4	Loc: HORIZON AT 7 HILLS					MOULTON,A	
16/01/21	00:54	Officer 1 Name: LEINANJ			Officer 2 Name:					MOULTON,A	
16/01/21	00:54	Stat HP/3W51		C4-CODE 4	Loc: SEVEN HILLS/HORIZON RIDGE					MOULTON,A	
16/01/21	00:54	Officer 1 Name: CORADM			Officer 2 Name:					MOULTON,A	
16/01/21	00:54	Stat HP/3W71		C4-CODE 4	Loc: 880 SEVEN HILLS					MOULTON,A	
16/01/21	00:54	Officer 1 Name: WEBSTERM			Officer 2 Name:					MOULTON,A	
16/01/21	00:54	Stat HP/L1202		C4-CODE 4	Loc: HORIZON AT 7 HILLS					MOULTON,A	
16/01/21	00:54	Officer 1 Name: HENNI			Officer 2 Name:					MOULTON,A	
16/01/21	00:54	Stat HP/S644		C4-CODE 4	Loc: JEFFREYS/HOR RIDGE					MOULTON,A	
16/01/21	00:54	Officer 1 Name: SCHULBERGR			Officer 2 Name:					MOULTON,A	
16/01/21	00:55	Stat HP/L960		C4-CODE 4	Loc: HORIZON AT 7 HILLS					MOULTON,A	
16/01/21	00:55	Officer 1 Name: DENNINGM			Officer 2 Name:					MOULTON,A	
16/01/21	00:55	Stat HP/K92		C4-CODE 4	Loc: OUTSIDE FENCE OF COMPLEX					MOULTON,A	
16/01/21	00:55	Officer 1 Name: MANCUSO,C			Officer 2 Name:					MOULTON,A	
16/01/21	00:55	Stat HP/K96		C4-CODE 4	Loc: NB SEVEN HILL/ST ROSE					MOULTON,A	
16/01/21	00:55	Officer 1 Name: LANDISC			Officer 2 Name:					MOULTON,A	
16/01/21	00:55	Stat HP/K53		C4-CODE 4	Loc: OUTSIDE GATE NEAR BLDG 9/JEFFREYS					MOULTON,A	
16/01/21	00:55	Officer 1 Name: FRAMPTONK			Officer 2 Name:					MOULTON,A	
16/01/21	00:55	Stat HP/K95		C4-CODE 4	Loc: 3005 HORIZON RIDGE					MOULTON,A	
16/01/21	00:55	Officer 1 Name: GRANTK			Officer 2 Name:					MOULTON,A	
16/01/21	00:57	Stat HP/1W31		AV-AVAILABLE						NIELSENE	
16/01/21	00:57	Officer 1 Name: NIELSENE			Officer 2 Name:					NIELSENE	
16/01/21	00:57	Stat HP/3W51		AV-AVAILABLE						CORADM	
16/01/21	00:57	Officer 1 Name: CORADM			Officer 2 Name:					CORADM	
16/01/21	00:58	Stat HP/DE1446		D -DISPATCHED	Loc: HORIZON AT 7 HILLS					MOULTON,A	
16/01/21	00:59	Officer 1 Name: ADAMSR			Officer 2 Name:					MOULTON,A	
16/01/21	01:01	Stat HP/3W71		AV-AVAILABLE						WEBSTERM	
16/01/21	01:01	Officer 1 Name: WEBSTERM			Officer 2 Name:					WEBSTERM	
16/01/21	01:02	Stat HP/K95		AV-AVAILABLE						GRANTK	

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HENDERSON POLICE DEPARTMENT PAGE: 000009

Date: 10/12/16 Time: 19:19 Requested By: VARGASON,E

I N C I D E N T R E C A L L

Incident	Time	Type	Pri	Dispo	Address / Location	Bldg	Apt	Callers Name / Callers Address / Callers Phone	P-unit	Close Date/ Time	Operator
					BEAT TEAM/Dist AREA						
16/01/21 01:02	Officer 1 Name: GRANTK				Officer 2 Name:						GRANTK
16/01/21 01:02	Stat HP/K96			AV-AVAILABLE							LANDISC
16/01/21 01:02	Officer 1 Name: LANDISC				Officer 2 Name:						LANDISC
16/01/21 01:03	Stat HP/DE1198			C4-CODE 4	Loc: HORIZON AT 7 HILLS						MOULTON,A
16/01/21 01:03	Officer 1 Name: WEAVER				Officer 2 Name:						MOULTON,A
16/01/21 01:06	Stat HP/K93			AV-AVAILABLE							FRAMPTONK
16/01/21 01:06	Officer 1 Name: FRAMPTONK				Officer 2 Name:						FRAMPTONK
16/01/21 01:10	Stat HP/DE1446			AR-ARRIVED	Loc: HORIZON AT 7 HILLS						PETERS,G
16/01/21 01:10	Officer 1 Name: LAPEERK				Officer 2 Name:						PETERS,G
16/01/21 01:10	Stat HP/DE1446			C4-CODE 4	Loc: HORIZON AT 7 HILLS						PETERS,G
16/01/21 01:10	Officer 1 Name: LAPEERK				Officer 2 Name:						PETERS,G
16/01/21 01:12	Unit HP/K92			Status Comment Added	MDC Deactivated						MANCUSO,C
16/01/21 01:12	Officer 1 Name: MANCUSO,C				Officer 2 Name:						MANCUSO,C
16/01/21 01:12	Unit HP/K92			UPDATED Capability	Cap: 1M MT						MANCUSO,C
16/01/21 01:12	Officer 1 Name: MANCUSO,C				Officer 2 Name:						MANCUSO,C
16/01/21 01:12	Unit HP/K92			UPDATED Onduty Info	Inf: A:X V:5858						MANCUSO,C
16/01/21 01:12	Officer 1 Name: MANCUSO,C				Officer 2 Name:						MANCUSO,C
16/01/21 01:12	Stat HP/K92			AV-AVAILABLE							MANCUSO,C
16/01/21 01:12	Officer 1 Name: MANCUSO,C				Officer 2 Name:						MANCUSO,C
16/01/21 01:15	Stat HP/3CS12			D -DISPATCHED	Loc: HORIZON AT 7 HILLS						MOULTON,A
16/01/21 01:15	Officer 1 Name: FARRELL,P				Officer 2 Name:						MOULTON,A
16/01/21 01:15	Stat HP/3CS12			ER-ENROUTE	Loc: HORIZON AT 7 HILLS						FARRELL,P
16/01/21 01:15	Officer 1 Name: FARRELL,P				Officer 2 Name:						FARRELL,P
16/01/21 01:20	Stat HP/S644			AV-AVAILABLE							SCHULBERGR
16/01/21 01:20	Officer 1 Name: SCHULBERGR				Officer 2 Name:						SCHULBERGR
16/01/21 01:24	Stat HP/1W71			AV-AVAILABLE							ENGELM
16/01/21 01:24	Officer 1 Name: ENGELM				Officer 2 Name:						ENGELM
16/01/21 01:24	Primary Unit			CHANGED Fr: HP/1W71	To: HP/DE1198						ENGELM
16/01/21 01:30	Stat HP/3CS12			AR-ARRIVED	Loc: HORIZON AT 7 HILLS						FARRELL,P
16/01/21 01:30	Officer 1 Name: FARRELL,P				Officer 2 Name:						FARRELL,P
16/01/21 01:34	Stat HP/3CS12			C4-CODE 4	Loc: HORIZON AT 7 HILLS						MOULTON,A
16/01/21 01:34	Officer 1 Name: FARRELL,P				Officer 2 Name:						MOULTON,A
16/01/21 01:43	Stat HP/DE1198			C4-CODE 4	Loc: HORIZON AT 7 HILLS						MOULTON,A
16/01/21 01:43	Officer 1 Name: MADDEN				Officer 2 Name:						MOULTON,A
16/01/21 01:43	Stat HP/DE1446			C4-CODE 4	Loc: HORIZON AT 7 HILLS						MOULTON,A
16/01/21 01:43	Officer 1 Name: LAPEERK				Officer 2 Name:						MOULTON,A
16/01/21 01:43	Stat HP/3CS12			C4-CODE 4	Loc: HORIZON AT 7 HILLS						MOULTON,A
16/01/21 01:43	Officer 1 Name: FARRELL,P				Officer 2 Name:						MOULTON,A
16/01/21 01:43	Stat HP/1W11			C4-CODE 4	Loc: W/ K92						MOULTON,A
16/01/21 01:43	Officer 1 Name: MCDERMEDT				Officer 2 Name:						MOULTON,A
16/01/21 01:43	Stat HP/1W21			C4-CODE 4	Loc: NB SEVEN HILLS/ST ROSE						MOULTON,A
16/01/21 01:43	Officer 1 Name: HANSENJ				Officer 2 Name:						MOULTON,A
16/01/21 01:43	Stat HP/1W61			C4-CODE 4	Loc: HORIZON AT 7 HILLS						MOULTON,A
16/01/21 01:43	Officer 1 Name: LEINANJ				Officer 2 Name:						MOULTON,A
16/01/21 01:43	Stat HP/LL202			C4-CODE 4	Loc: HORIZON AT 7 HILLS						MOULTON,A
16/01/21 01:43	Officer 1 Name: HENNI				Officer 2 Name:						MOULTON,A
16/01/21 01:51	Stat HP/1W31			D -DISPATCHED	Loc: HORIZON AT 7 HILLS						MOULTON,A
16/01/21 01:51	Officer 1 Name: NIELSENE				Officer 2 Name:						MOULTON,A
16/01/21 01:51	Stat HP/L960			AV-AVAILABLE							DENNINGM

HENDERSON POLICE DEPARTMENT
Date: 10/12/16 Time: 19:19

Requested By: VARGASON,E

INCIDENT RECALL

Incident	Time	Type	Pri	Disp	Address / Location	Bldg	Apt	Callers Name / Callers Address / Callers Phone	P-unit	Close Date/ Time	Operator
					BEAT TEAM/Dist AREA						
16/01/21 01:51 Officer 1 Name: DENNINGM					Officer 2 Name:						DENNINGM
16/01/21 01:51 Stat HP/L1202				AV-AVAILABLE							HENNI
16/01/21 01:51 Officer 1 Name: HENNI					Officer 2 Name:						HENNI
16/01/21 01:51 Stat HP/1W31				ER-ENROUTE	Loc: HORIZON AT 7 HILLS						NIELSENE
16/01/21 01:51 Officer 1 Name: NIELSENE					Officer 2 Name:						NIELSENE
16/01/21 01:52 Unit HP/1W31				Status Location Added	Loc: SIENA, TRAUMA 13						MOULTON,A
16/01/21 01:52 Officer 1 Name: NIELSENE					Officer 2 Name:						MOULTON,A
16/01/21 01:56 Stat HP/1W31				AR-ARRIVED	Loc: SIENA, TRAUMA 13						NIELSENE
16/01/21 01:56 Officer 1 Name: NIELSENE					Officer 2 Name:						NIELSENE
16/01/21 02:02 Stat HP/1W31				C4-CODE 4	Loc: SIENA, TRAUMA 13						MOULTON,A
16/01/21 02:02 Officer 1 Name: NIELSENE					Officer 2 Name:						MOULTON,A
16/01/21 02:02 1N31 MAV OUT OF RANGE									00		SEEHAFERT
16/01/21 02:02 Stat HP/1N31				AV-AVAILABLE							SEEHAFERT
16/01/21 02:02 Officer 1 Name: SEEHAFERT					Officer 2 Name:						SEEHAFERT
16/01/21 02:05 Stat HP/1W11				C4-CODE 4	Loc: W/ F92						MOULTON,A
16/01/21 02:05 Officer 1 Name: MCDERMEDT					Officer 2 Name:						MOULTON,A
16/01/21 02:05 Stat HP/1W31				C4-CODE 4	Loc: SIENA, TRAUMA 13						MOULTON,A
16/01/21 02:05 Officer 1 Name: NIELSENE					Officer 2 Name:						MOULTON,A
16/01/21 02:05 Stat HP/1W61				C4-CODE 4	Loc: HORIZON AT 7 HILLS						MOULTON,A
16/01/21 02:05 Officer 1 Name: LEINANJ					Officer 2 Name:						MOULTON,A
16/01/21 02:05 Stat HP/3CS12				C4-CODE 4	Loc: HORIZON AT 7 HILLS						MOULTON,A
16/01/21 02:05 Officer 1 Name: FARRELL,P					Officer 2 Name:						MOULTON,A
16/01/21 02:05 Stat HP/DE1446				C4-CODE 4	Loc: HORIZON AT 7 HILLS						MOULTON,A
16/01/21 02:05 Officer 1 Name: ADAMSR					Officer 2 Name:						MOULTON,A
16/01/21 02:05 Stat HP/DE1446				C4-CODE 4	Loc: HORIZON AT 7 HILLS						MOULTON,A
16/01/21 02:05 Officer 1 Name: LAFSERK					Officer 2 Name:						MOULTON,A
16/01/21 02:18 Unit HP/1W11				Status Location Added	Loc: NB SEVEN HILLS/ST ROSE						MOULTON,A
16/01/21 02:18 Officer 1 Name: MCDERMEDT					Officer 2 Name:						MOULTON,A
16/01/21 02:21 NEEDS DUTY TOW									10		MOULTON,A
16/01/21 02:21 TOW VEH TO NORTH STATION									10		MOULTON,A
16/01/21 02:22 SNAP ADVSD TOW TO N STATION 0221									05		PETERS,G
16/01/21 02:25 Stat HP/1W21				EJ-ENROUTE JAIL	Loc: HDC						MOULTON,A
16/01/21 02:25 Officer 1 Name: HANSENJ					Officer 2 Name:						MOULTON,A
16/01/21 02:25 TRANSPORTING 1 MALE TO HDC FOR DE1198									10		MOULTON,A
16/01/21 02:38 REGULAR TOW, NOW TO THE EAST STATION AND CAN'T BE A FLAT BED									10		MOULTON,A
16/01/21 02:40 SNAP ADVSD TOW TO MAIN STATION, NO FLATBED									05		PETERS,G
16/01/21 02:48 Stat HP/1W71				D -DISPATCHED	Loc: HORIZON AT 7 HILLS						MOULTON,A
16/01/21 02:48 Officer 1 Name: ENGELM					Officer 2 Name:						MOULTON,A
16/01/21 02:48 Stat HP/1W71				C4-CODE 4	Loc: HORIZON AT 7 HILLS						MOULTON,A
16/01/21 02:48 Officer 1 Name: ENGELM					Officer 2 Name:						MOULTON,A
16/01/21 02:53 1W11 , SAME MODEL/MAKE HANDHELD RADIO IS IN THIS VEH IS THE SAME AS THE									10		MOULTON,A
16/01/21 02:53 VEH ON SCENE									10		MOULTON,A
16/01/21 02:53 Stat HP/DE1198				AR-ARRIVED	Loc: HORIZON AT 7 HILLS						ADAMSR
16/01/21 02:53 Officer 1 Name: ADAMSR					Officer 2 Name:						ADAMSR
16/01/21 02:57 Stat HP/1W11				ER-ENROUTE	Loc: EAST STATION						MOULTON,A
16/01/21 02:57 Officer 1 Name: MCDERMEDT					Officer 2 Name:						MOULTON,A
16/01/21 02:58 Stat HP/DE1198				C4-CODE 4	Loc: HORIZON AT 7 HILLS						MOULTON,A
16/01/21 02:58 Officer 1 Name: ADAMSR					Officer 2 Name:						MOULTON,A
16/01/21 03:02 Stat HP/1W21				AJ-ARRIVED JAIL	Loc: HDC						HANSENJ

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HENDERSON POLICE DEPARTMENT PAGE: 000011
Date: 10/12/16 Time: 19:19 Requested By: VARGASON,E

I N C I D E N T R E C A L L

Incident	Time	Type	Pri	Dispo	Address / Location / BEAT TEAM/Dist AREA	Bldg Apt	Callers Name / Callers Address / Callers Phone	P-unit	Close Date/ Time	Operator
16/01/21	03:02	Officer 1 Name: HANSENJ			Officer 2 Name:					HANSENJ
16/01/21	03:03	SNAP ADVD OF SECOND TOW 0303						10		MOULTON,A
16/01/21	03:10	Stat HP/1W11		C4-CODE 4	Loc: EAST STATION					OBERDING,A
16/01/21	03:10	Officer 1 Name: MCDERMEDT			Officer 2 Name:					OBERDING,A
16/01/21	03:10	Stat HP/1W21		AV-AVAILABLE						HANSENJ
16/01/21	03:10	Officer 1 Name: HANSENJ			Officer 2 Name:					HANSENJ
16/01/21	03:29	Stat HP/DE1156		C4-CODE 4	Loc: HORIZON AT 7 HILLS					NOGUES,M
16/01/21	03:29	Officer 1 Name: CHRISTOPHERR			Officer 2 Name:					NOGUES,M
16/01/21	03:33	Stat HP/3CS12		ER-ENROUTE	Loc: SIENA					NOGUES,M
16/01/21	03:33	Officer 1 Name: FARRELL,P			Officer 2 Name:					NOGUES,M
16/01/21	03:36	Stat HP/3CS12		AR-ARRIVED	Loc: SIENA					FARRELL,P
16/01/21	03:36	Officer 1 Name: FARRELL,P			Officer 2 Name:					FARRELL,P
16/01/21	03:38	SNAP RECALLED, HE IS STILL UNABLE TO GET PAST THE GATES						03		RICHINS,R
16/01/21	03:48	Stat HP/3CS12		C4-CODE 4	Loc: SIENA					NOGUES,M
16/01/21	03:48	Officer 1 Name: FARRELL,P			Officer 2 Name:					NOGUES,M
16/01/21	03:50	Stat HP/DE1198		AR-ARRIVED	Loc: LAS VEGAS/RICHMAR					NOGUES,M
16/01/21	03:50	Officer 1 Name: ADAMSR			Officer 2 Name:					NOGUES,M
16/01/21	03:51	Stat HP/DE1446		ER-ENROUTE	Loc: SRD SIENA					NOGUES,M
16/01/21	03:51	Officer 1 Name: LAPEERK			Officer 2 Name:					NOGUES,M
16/01/21	03:51	Unit HP/DS1446		Mileage Entered	Odo: 000.					NOGUES,M
16/01/21	03:51	Officer 1 Name: LAPEERK			Officer 2 Name:					NOGUES,M
16/01/21	03:52	DE1198 POSS SUSP VEH AT GAS STATION LAS VEGAS BLVD/RICHMAR, REQ METRO						02		NOGUES,M
16/01/21	03:52	ASSIST WITH 487						02		NOGUES,M
16/01/21	03:55	Stat HP/DE1446		C4-CODE 4	Loc: SRD SIENA					NOGUES,M
16/01/21	03:55	Officer 1 Name: LAPEERK			Officer 2 Name:					NOGUES,M
16/01/21	03:55	Unit HP/DE1446		Mileage Entered	Odo: 0001.1					NOGUES,M
16/01/21	03:55	Officer 1 Name: LAPEERK			Officer 2 Name:					NOGUES,M
16/01/21	03:56	Unit HP/DE1446		Status Location Added	Loc: SRD SIENA/OFF AIR					NOGUES,M
16/01/21	03:56	Officer 1 Name: LAPEERK			Officer 2 Name:					NOGUES,M
16/01/21	03:58	Stat HP/3CS12		ER-ENROUTE	Loc: MAIN STATION					NOGUES,M
16/01/21	03:58	Officer 1 Name: FARRELL,P			Officer 2 Name:					NOGUES,M
16/01/21	03:58	Stat HP/1W61		ER-ENROUTE	Loc: MAIN STATION FOLLOWING TOW					NOGUES,M
16/01/21	03:58	Officer 1 Name: LEINANJ			Officer 2 Name:					NOGUES,M
16/01/21	04:06	Stat HP/DE1198		AR-ARRIVED	Loc: LAS VEGAS/RICHMAR AREA					NOGUES,M
16/01/21	04:06	Officer 1 Name: ADAMSR			Officer 2 Name:					NOGUES,M
16/01/21	04:08	Stat HP/DE1198		AR-ARRIVED	Loc: 9457 S LVBD APT 145					RICHINS,R
16/01/21	04:08	Officer 1 Name: ADAMSR			Officer 2 Name:					RICHINS,R
16/01/21	04:08	Stat HP/3CS12		AR-ARRIVED	Loc: MAIN STATION					FARRELL,P
16/01/21	04:08	Officer 1 Name: FARRELL,P			Officer 2 Name:					FARRELL,P
16/01/21	04:14	Stat HP/1W61		AR-ARRIVED	Loc: MAIN STATION FOLLOWING TOW					LEINANJ
16/01/21	04:14	Officer 1 Name: LEINANJ			Officer 2 Name:					LEINANJ
16/01/21	04:26	Stat HP/1W61		C4-CODE 4	Loc: MAIN STATION FOLLOWING TOW					NOGUES,M
16/01/21	04:26	Officer 1 Name: LEINANJ			Officer 2 Name:					NOGUES,M
16/01/21	04:26	Stat HP/3CS12		C4-CODE 4	Loc: MAIN STATION					NOGUES,M
16/01/21	04:26	Officer 1 Name: FARRELL,P			Officer 2 Name:					NOGUES,M
16/01/21	04:27	Stat HP/DE1003		ER-ENROUTE	Loc: HORIZON AT 7 HILLS					RICHINS,R
16/01/21	04:27	Officer 1 Name: NISWONGERA			Officer 2 Name:					RICHINS,R
16/01/21	04:27	Stat HP/DE1003		AR-ARRIVED	Loc: 9457 S LVBD APT 145					RICHINS,R
16/01/21	04:27	Officer 1 Name: NISWONGERA			Officer 2 Name:					RICHINS,R

HENDERSON POLICE DEPARTMENT
Date: 10/12/16 Time: 19:19

PAGE: 000012
Requested By: VARGASON,E

I N C I D E N T R E C A L L

Incident	Time	Type	Pri	Dispo	Address / Location	Bldg	Apt	Callers Name / Callers Address / Callers Phone	P-unit	Close Date/ Time	Operator
					BEAT TEAM/Dist AREA						
16/01/21	04:28	Stat HP/DE1198		AR-ARRIVED	Loc: 9457 S LVBD APT 145						RICHINS,R
16/01/21	04:28	Officer 1 Name: ADAMSR			Officer 2 Name:						RICHINS,R
16/01/21	04:29	DE1003 ADV METRO WE ARE OUT AT THIS LOC							03		RICHINS,R
16/01/21	04:29	METRO ADV'D 0474							03		RICHINS,R
16/01/21	04:37	Stat HP/1W11		AV-AVAILABLE							MCDERMEDT
16/01/21	04:37	Officer 1 Name: MCDERMEDT			Officer 2 Name:						MCDERMEDT
16/01/21	04:49	Stat HP/3CS12		AV-AVAILABLE							FARRELL,P
16/01/21	04:49	Officer 1 Name: FARRELL,P			Officer 2 Name:						FARRELL,P
16/01/21	04:49	Dispo Non-Primary		ADDED	Dsp: COMP			By: HP/3CS12			FARRELL,P
16/01/21	04:49	Officer 1 Name: FARRELL,P			Officer 2 Name:						FARRELL,P
16/01/21	04:50	Stat HP/1W31		AV-AVAILABLE							NIELSENE
16/01/21	04:50	Officer 1 Name: NIELSENE			Officer 2 Name:						NIELSENE
16/01/21	04:52	Stat HP/1W61		ER-ENROUTE	Loc: HORIZON AT 7 HILLS						LEINANJ
16/01/21	04:52	Officer 1 Name: LEINANJ			Officer 2 Name:						LEINANJ
16/01/21	05:05	Stat HP/DE1446		ER-ENROUTE	Loc: SRD SIENA/OFF AIR						OBERDING,A
16/01/21	05:05	Officer 1 Name: LAPEERK			Officer 2 Name:						OBERDING,A
16/01/21	05:05	Stat HP/DE1446		ER-ENROUTE	Loc: 9457 S LVBD APT 145						OBERDING,A
16/01/21	05:05	Officer 1 Name: LAPEERK			Officer 2 Name:						OBERDING,A
16/01/21	05:07	Stat HP/1W61		AR-ARRIVED	Loc: HORIZON AT 7 HILLS						LEINANJ
16/01/21	05:07	Officer 1 Name: LEINANJ			Officer 2 Name:						LEINANJ
16/01/21	05:14	Stat HP/1W61		AV-AVAILABLE							LEINANJ
16/01/21	05:14	Officer 1 Name: LEINANJ			Officer 2 Name:						LEINANJ
16/01/21	05:16	Report Num: Fnt-05		LHP160121001201	- ADDED TO EVENT			ForHP/DE1198			OBERDING,A
16/01/21	05:16	2ND DR #16-01201 REF 432							09		OBERDING,A
16/01/21	05:26	Stat HP/DE1198		C4-CODE 4	Loc: 9457 S LVBD APT 145						NOGUES,M
16/01/21	05:26	Officer 1 Name: ADAMSR			Officer 2 Name:						NOGUES,M
16/01/21	05:26	Stat HP/DE1003		C4-CODE 4	Loc: 9457 S LVBD APT 145						NOGUES,M
16/01/21	05:26	Officer 1 Name: NISWONGERA			Officer 2 Name:						NOGUES,M
16/01/21	05:47	Stat HP/DE1358		D -DISPATCHED	Loc: HORIZON AT 7 HILLS						RICHINS,R
16/01/21	05:47	Officer 1 Name: EBERTJ			Officer 2 Name:						RICHINS,R
16/01/21	05:47	Stat HP/DE1358		C4-CODE 4	Loc: EAST STATION						RICHINS,R
16/01/21	05:47	Officer 1 Name: EBERTJ			Officer 2 Name:						RICHINS,R
16/01/21	05:54	Stat HP/1W31		AR-ARRIVED	Loc: HORIZON AT 7 HILLS						OBERDING,A
16/01/21	05:54	Officer 1 Name: NIELSENE			Officer 2 Name:						OBERDING,A
16/01/21	05:54	Stat HP/1W31		C4-CODE 4	Loc: HORIZON AT 7 HILLS						OBERDING,A
16/01/21	05:54	Officer 1 Name: NIELSENE			Officer 2 Name:						OBERDING,A
16/01/21	05:55	Stat HP/1W71		AV-AVAILABLE							ENGELM
16/01/21	05:55	Officer 1 Name: ENGELM			Officer 2 Name:						ENGELM
16/01/21	05:57	Stat HP/DE1446		AR-ARRIVED	Loc: 9457 S LVBD APT 145						PETERS,G
16/01/21	05:57	Officer 1 Name: LAPEERK			Officer 2 Name:						PETERS,G
16/01/21	06:02	Units Recommended		HP/1W21							GACEK,J
16/01/21	06:02	Units Recommended		AHP/1W21							GACEK,J
16/01/21	06:02	Stat HP/DE1114		ER-ENROUTE	Loc: HORIZON AT 7 HILLS						GACEK,J
16/01/21	06:02	Officer 1 Name: WILSONM			Officer 2 Name:						GACEK,J
16/01/21	06:02	Stat HP/DE1114		AR-ARRIVED	Loc: HORIZON AT 7 HILLS						GACEK,J
16/01/21	06:02	Officer 1 Name: WILSONM			Officer 2 Name:						GACEK,J
16/01/21	06:02	Stat HP/DE1114		C4-CODE 4	Loc: HORIZON AT 7 HILLS						GACEK,J
16/01/21	06:02	Officer 1 Name: WILSONM			Officer 2 Name:						GACEK,J
16/01/21	06:13	Stat HP/DE1446		C4-CODE 4	Loc: 9457 S LVBD APT 145						NOGUES,M

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HENDERSON POLICE DEPARTMENT PAGE: 000013
Date: 10/12/16 Time: 19:19 Requested By: VARGASON,E

I N C I D E N T R E C A L L

Incident	Time	Type	Pri	Dispo	Address / Location	Bldg Apt	Callers Name / Callers Address / Callers Phone	P-unit	Close Date/ Time	Operator
BEAT TEAM/Dist AREA										
16/01/21	06:13	Officer 1 Name: LAPEERK			Officer 2 Name:					NOGUES,M
16/01/21	06:15	Stat HP/1W31		AV-AVAILABLE						NIELSENE
16/01/21	06:15	Officer 1 Name: NIELSENE			Officer 2 Name:					NIELSENE
16/01/21	07:07	Stat HP/2W71		D -DISPATCHED	Loc: HORIZON AT 7 HILLS					ROCKWELL,C
16/01/21	07:07	Officer 1 Name: ZAPOROWSKIC			Officer 2 Name:					ROCKWELL,C
16/01/21	07:07	Stat HP/2W71		AR-ARRIVED	Loc: HORIZON AT 7 HILLS					ZAPOROWSKIC
16/01/21	07:07	Officer 1 Name: ZAPOROWSKIC			Officer 2 Name:					ZAPOROWSKIC
16/01/21	07:07	Stat HP/2W71		C4-CODE 4	Loc: HORIZON AT 7 HILLS					ZAPOROWSKIC
16/01/21	07:07	Officer 1 Name: ZAPOROWSKIC			Officer 2 Name:					ZAPOROWSKIC
16/01/21	07:36	Stat HP/DE1003		C4-CODE 4	Loc: 9457 S LVBD APT 145					MOORE,K
16/01/21	07:36	Officer 1 Name: NISWONGERA			Officer 2 Name:					MOORE,K
16/01/21	07:36	Stat HP/DE1114		C4-CODE 4	Loc: HORIZON AT 7 HILLS					MOORE,K
16/01/21	07:36	Officer 1 Name: WILSONM			Officer 2 Name:					MOORE,K
16/01/21	07:36	Stat HP/DE1156		C4-CODE 4	Loc: HORIZON AT 7 HILLS					MOORE,K
16/01/21	07:36	Officer 1 Name: CHRISTOPHERR			Officer 2 Name:					MOORE,K
16/01/21	07:36	Stat HP/DE1198		C4-CODE 4	Loc: 9457 S LVBD APT 145					MOORE,K
16/01/21	07:36	Officer 1 Name: ADAMSR			Officer 2 Name:					MOORE,K
16/01/21	07:36	Stat HP/DE1358		C4-CODE 4	Loc: EAST STATION					MOORE,K
16/01/21	07:36	Officer 1 Name: EBERTJ			Officer 2 Name:					MOORE,K
16/01/21	07:36	Stat HP/DE1446		C4-CODE 4	Loc: 9457 S LVBD APT 145					MOORE,K
16/01/21	07:36	Officer 1 Name: LAPEERK			Officer 2 Name:					MOORE,K
16/01/21	08:09	Incident Type		CHANGED Fr: 404	To: 407					MOORE,K
16/01/21	08:09	Response Type		CHANGED Fr: 02	To: 21					MOORE,K
16/01/21	08:09	**DISPATCH PD UNIT(S) & NOTIFY SGT/OIC/WC & BC (IF APPLICABLE)**						07		MOORE,K
16/01/21	08:09	Priority		CHANGED Fr: 2	To: 1					MOORE,K
16/01/21	08:11	Stat HP/2W71		C4-CODE 4	Loc: HORIZON AT 7 HILLS					MOORE,K
16/01/21	08:11	Officer 1 Name: ZAPOROWSKIC			Officer 2 Name:					MOORE,K
16/01/21	08:44	Stat HP/DE1446		AV-AVAILABLE						LAPEERK
16/01/21	08:44	Officer 1 Name: LAPEERK			Officer 2 Name:					LAPEERK
16/01/21	08:44	Dispo Non-Primary		ADDED	Dsp: ARRST		By: HP/DE1446			LAPEERK
16/01/21	08:44	Officer 1 Name: LAPEERK			Officer 2 Name:					LAPEERK
16/01/21	09:21	Stat HP/DE1156		AV-AVAILABLE						HEAVEN,A
16/01/21	09:21	Officer 1 Name: CHRISTOPHERR			Officer 2 Name:					HEAVEN,A
16/01/21	09:21	Stat HP/DE1114		AV-AVAILABLE						HEAVEN,A
16/01/21	09:21	Officer 1 Name: WILSONM			Officer 2 Name:					HEAVEN,A
16/01/21	09:21	Stat HP/DE1003		AV-AVAILABLE						HEAVEN,A
16/01/21	09:21	Officer 1 Name: NISWONGERA			Officer 2 Name:					HEAVEN,A
16/01/21	09:21	Stat HP/2W71		AV-AVAILABLE						HEAVEN,A
16/01/21	09:21	Officer 1 Name: ZAPOROWSKIC			Officer 2 Name:					HEAVEN,A
16/01/21	09:21	Stat HP/DE1198		AV-AVAILABLE						HEAVEN,A
16/01/21	09:21	Officer 1 Name: ADAMSR			Officer 2 Name:					HEAVEN,A
16/01/21	09:21	Disposition		CHANGED	To: RPT MAIN					HEAVEN,A
16/01/21	09:21	Stat HP/DE1358		AV-AVAILABLE						HEAVEN,A
16/01/21	09:21	Officer 1 Name: EBERTJ			Officer 2 Name:					HEAVEN,A
16/01/21	09:21	Route Closed: MAIN		RPT						UNKNOWN
16/01/21	09:21	Dispo Non-Primary		ADDED	Dsp: RPT		ForHP/DE1358			HEAVEN,A
16/01/21	09:21	Officer 1 Name: EBERTJ			Officer 2 Name:					HEAVEN,A
16/01/21	09:21	Incident Closed: 16/01/21 09:21								UNKNOWN

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HENDERSON POLICE DEPARTMENT
Date: 10/12/16 Time: 19:19

PAGE: 000014
Requested By: VARGASON,E

I N C I D E N T R E C A L L

Incident	Time	Type	Pri	Dispo	Address / Location	Bldg	Apt	Beat	Team/Dist	Area	Callers Name / Callers Address / Callers Phone	P-unit	Close Date/ Time	Operator

==== Vehicle / Subject Information ====

16/01/21 00:05	Vehicle::	Role:VS01	Color:	Year:	Make:	Model:		RICHINS,R
16/01/21 00:05	Style:		Plate:ASW5060	State:WA	Type:			RICHINS,R
16/01/21 00:05	Misc:							RICHINS,R
16/01/21 00:05	Prob. Cause:		Search Typ:			Searched: Property:		RICHINS,R
16/01/21 00:12	Vehicle::	Role:VS02	Color:	Year:	Make:	Model:		RICHINS,R
16/01/21 00:12	Style:		Plate:7MUR703	State:CA	Type:			RICHINS,R
16/01/21 00:12	Misc:							RICHINS,R
16/01/21 00:12	Prob. Cause:		Search Typ:			Searched: Property:		RICHINS,R

SELECTION CRITERIA: LHP160120000860

******* End of Report *******

I hereby certify that
this is a true copy
of the computerized
record on file at the
Henderson Police Department

By: _____
Date: 10/12/16

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against you in a court of law. You have the right to an attorney. If you can't afford an attorney, one will be appointed to you by the courts at no cost to you. You have the right not to answer any questions that we ask of you. And if you decide to answer questions, you have the right to stop questioning at any time and request your attorney. Do you understand your rights? Yes.

MR. WHITE: Yeah.

DET. NISWONGER: Okay.

BY DET. ADAMS:

Q So, you (sic) said, we came down here to - - you, obviously, I believe you've seen all your charges. And so, there's obviously, more than one side to every story. And so, if you're willing, we'd like to get your side of the story as to what, actually, took place the other night.

A All right. I can't really speak on it because there's - - there's, like, safety issues involved, so - - and then - -

Q What - - what kind of safety issues?

A Um, it's - - there - - there's a lot of sh - - there's just a lot of stuff going on. Like, my sister turned them in. And I already know who's going to go after my sister. If he can't get my sister, he's going to go after me. And I, pretty much, encouraged her to do that cause of what went down. But it just - - yeah. That's my concern. I don't want to give any, like - - cause I - - I know that everything's coming out on paper. And I know, sooner or later, he's gonna get a copy of the police report or statements that are made against him. And that's gonna put me and my family - -

BY DET. NISWONGER:

Q And who are you talking about?

A -- in a position of danger.

Q Who you talking about?

A One of my co-defendants.

Q Is that Gil?

A Yeah. He -- he's clicked up with a lot of stuff, man.

Q You understand that he's -- he thinks that -- or, explains that you're the ringleader in this. That you're the main guy.

A Like I said, he wants to, but -- I don't know. He's -- this is all him, man. So, I don't -- yeah, he's clicked up, so -- I don't --

Q I think one of the issues that you're gonna run into, though, is -- and you already know this. He's already talked to us. He's already given us his side of the story. And the -- the problem is, is not having your side of the story, we can only go off of the information that's presented to us. And that's based off of speaking with Amanda, and speaking with Kiko. Speaking with Gil. Speaking with your sister, your brother. Everybody involved with this. The victims involved with this case.

DET. ADAMS: Glen.

DET. NISWONGER: What's that?

DET. ADAMS: Glen.

DET. NISWONGER: Glen. We can only go off of -- off of that information. And if you don't provide us your side of what happened, then you don't have a voice in this whole thing. You just get the finger pointed at you by everybody saying that you are the strong arm in this whole thing. That you set it up. That you planned it. And that you're -- you're the -- the main guy. So --

A No. I don't -- I don't have bodies on me, so, you know.

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know those patrol officers that work - - work the Las Vegas Boulevard area. We know them personally. That's how close we work with those officers. So, if it's something that you're worried about that we don't have jurisdiction, or we don't have contacts, or we don't, under the table, or deal with stuff in Vegas, that's - - that's total BS. So - -

But that's not your big issue right now. Your big issue is these serious felony charges that you have stacked up against you right now. And if there's charges on there that you shouldn't be charged with, then you need to explain to us why.

A Theirs is. I just have another charge earlier. I mean - -

Q The fact of the matter, though, is you were there.

A I didn't kidnap nobody.

Q Okay.

A Um - - um, I didn't rob nobody. I didn't conspire to rob nobody.

Q So, tell us what happened there, then.

A I'm, pretty much, on the - - I'm, pretty much, under the gun for helping (incomprehensible) off the street, let him into my house, that had drug habits. And that's - -

Q So, this was their plan, and you were, what, the lookout? Or what? What was the deal?

A Um, I wasn't the lookout or nothin'. I was, pretty much - - I'm not a pressure case, but I was, pretty much, pressured to - - I mean, I didn't do nothing at the location. But I was, pretty much, pressured. I mean, I got - - th - - this dude had a - - he had a full automatic weapon, man. I mean, where

am I gonna go? I - -

Q Who did? Gil?

A Yeah. What - - what am I to do? I'm not gonna, um, hand - -

Q Let me ask you this. What was the purpose of going over there? Was it to get dope? Was it to get money? Was it to get fraud-related stuff? What was the purpose to go over there?

A He did - - he did a transaction with this dude, man. He did some type of drug transaction with this dude. Gave him some money. I think it was, like, $2,500 or whatever. And this dude owed him, like, 50 grams of black, which is, like, equivalent to two ounces of - - of heroin.

Q Um-hum.

A When they came and given him the - - when they came to produce, this dude, supposedly, met him at the Chevron, made a pass-off. And it wasn't what it was suppose to. He gets home; it's fake shit. And he was angry by then. And that set everything else in motion. So, he talked to some other dudes. Um, and found out something about this same dude setting up one of his friend's sister with the bounty hunters, or some - - some twist. And some twist. And that - - that's how he dealt with me. He was angry. And he went to collect his shit. That was the impression we were under. That he's going to collect his shit, fuck this dude up. And that's it, man.

Q To collect what? His money? Or - -

A To either to collect his money, or to get his shit, man. And it didn't happen like that. He went in there. He start wiggin' out and that - - it - - I mean, that's - -

Q So, who was - - who was the one that put him in handcuffs?

A I bounced. We - - I jumped through the window. We were gone.

Q Okay.

A And - -

Q What were you guys wearing?

A Um, I don't remember. I don't know where - - we didn't have no cop gear on. I don't know where that's coming from. We didn't have no cop gear on.

Q Well, it's coming from because police officers showed up there and saw you guys wearing police gear.

A By the time the police officers showed up there, we weren't even there.

Q Yeah. You guys were there.

A No, we weren't, dude. We weren't there. When the police showed up there, we weren't even there. That's how quick we were out of there. As soon as the shit started going south, we fucken bounced. And, um, you may have seen Gil dressed in police gear.

Q Was he dressed up in police gear?

A Yeah. He had police gear on.

Q What did his gear look like?

A Um, he had on, like - - it looked like a tactical vest.

Q Okay.

A A tactical vest and - - I don't remember what kind of pants he had on. But I was - - I remember some of the details because I was, like, hella high that night. Cause I'm on pills and - -

Q When you say "high," high on what?

A I'm on pills, so - -

Q What kind of pills, though?

A Hydros and - - I don't know. But - -

Q How did - - what vehicle did you guys show up in?

A We showed up in - - actually, um, there was - - there was two vehicles. Um, we showed up - - my girl's in the passenger seat. I was in the back seat. And Kiko drove my vehicle over there. And then - -

Q Okay. You were in the passenger seat of what vehicle? Which one?

A No. I was in the backseat. My girl's in the passenger seat.

Q Of which vehicle?

A The black vehicle.

Q What kind of vehicle is that?

A It's a jeep.

Q Okay. And what was Gil in?

A He was in the red car.

Q What kind of car is that?

A It's a - - I don't remember. It had, like, a - - it was black and red.

Q Okay. Was anybody else there other than the four of you?

A I don't - - I don't remember.

Q Was Kristin there?

A They say she was, but - -

Q Who said she was?

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A That's, just, what I hear. They say she was there. Like, Kekoa. They say she was there. And I - - I don't think she was there.

Q So, when you and Amanda split out the window, where did you guys go to?

A We left.

Q Yeah. I know you left. Where did you go?

A We just got away from there. I don't - -

Q Did you go back to Mouse's house?

A Not right away. No, I don't think so.

Q How about this? How about you start from the beginning and tell me the story. Who - - who planned this? What was everybody's role? What were you supposed to do in - - in this whole thing?

A I didn't really - - my - - like, my girl, she didn't have a role. She was just there because I was, pretty much, pressured to go there and, pretty much, watch his back. All I understood was that he was going there to - - this dude burned him. He got a bad deal at Chevron. Chevron on St. Rose. Like, he was just going to, either, get his shit or fuck this dude up.

That's how much - - I didn't know it was gonna entail until cuffing this dude's wife. I didn't know it was gonna entail cuffing this dude and beating him half to death with the gun, or whatever the hell he was beating him with. I - - I didn't - - I didn't - - I didn't know I was gonna tell all that.

Um, so - - and, I mean, if I could have predicted that, I wouldn't have put myself in that situation. I thought it was just - - I was there, I'm - - I'm watching his back making sure that this dude doesn't get jumped, or the worse end of the stick or whatever. But, it wasn't nothin' like that when we got there.

the first to run.

Q Okay. What about Gil?

A I can't call it because after that happened, um, I didn't see him for, like, two or three days cause he was posted at our apartment. And that's one of the reasons I didn't go back, is because - - yeah. That's one of the reasons I didn't really - - that was me and my girl's apartment. We're on a lease there. And he was just, like, a guest there.

Q Right.

A And that was one of the reasons we really didn't feel comfortable going back. Cause I didn't know if he still had those guns. And I knew that - - no. We didn't - - (incomprehensible) his lead to the Tee. We - - we, kind of, skipped out on them and left them for dead or whatever. And we didn't know if he got caught, or whatever the case was.

Q Right.

A So, that's why we weren't comfortable going back there. And I went to my sister's house, and stayed in that area where I knew other people that he wouldn't know where I was at.

Q Right. Well, let me ask you this. You said you rode out there in your vehicle, right? In the passenger seat? Who rode - - who all rode in the - - in the Mustang?

A Um, Gil rode the Mustang. When we left, it was Gil and Kekoa in the Mustang. Then we put (incomprehensible) somewhere. And then Gil directed Kekoa to get into the Jeep. And my girl got in the pas - - well, she was already in the passenger seat. I just skimmed from wheel and got in the back.

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So - - we know their business. And, I mean, everybody in the city that - - in that circle, knows their business. They know about them. But they - - I know they have an MO of burning people. And then when this shit comes down on them, it's the same situation. I - - I don't know how many reports they filed that are sittin' in there, but they have - - that's - - they have a history of that, you know? You know?

And as far as, like, the serious shit, I mean, I - - I'll admit culpability to the extent that I was, actually, present and I could have, probably, did more to stop it at the - - it would have been at the jeopardy of my own fuckin' - -

Q Are you - - are you afraid of Gil?

A Yeah.

Q How come he seems like he's so afraid of you? Is that just a ploy?

A Nah. He's - - he's a conman, man.

Q Are you not a conman?

A I'm - - I'm just shootin' from the hip. I'm shootin' it straight. Um - - it's out of contents.

Q You've - - you've done prison time before, right?

A Yeah.

Q What'd you do prison time for?

A For drugs. Um - -

Q Is that - - where did you meet Gil at?

A I met Gil when we were, like - - well, actually, he - - he just - - it's a long story. My - - my sister's boyfriend got arrested. And I went to court for him. And Gil was in court. And they called his name. And I remembered his

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both had, like, mean habits. And they were just doing shit I didn't agree with. You know?

Q Like what?

A They were out there doing robberies and just shit.

Q When you say "robberies," like street robberies, business robberies? What type of robberies?

A Um, street robberies and business robberies. And - -

Q Like, just so - - to validate what you're saying, to see if you're being truthful, give me an example of a business that they robbed.

A That's why - - that's why I don't want to go into that, because it's gonna become a record and the - - it's - - you know what I'm saying? My safety, man. You know. My family's safety and my safety. My girl's safety. At - - at some point - -

Q Did he ever do any of these robberies dressed up as law enforcement? Just - - that's a yes or no?

A That I'm aware of, no.

Q Okay.

A But then again, I wasn't there. So, um - -

Q You can, at least, give me what area. Over off Las Vegas Boulevard or Charleston?

A Las Vegas.

I know that the night - - I know the night that we put up and met up with them at my sister's house, that him and Kekoa had some dude, in front of my sister's house, jacked up on the pretext that they were police. Had the dude cuffed up. I don't know if you guys caught that on video or not.

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BY DET. NISWONGER:

Q Did you see the - - the police officers responding as you guys are going towards Las Vegas Boulevard? Cause other - - the Henderson police were responding to there with lights and sirens. Did you see any of them?

A I - - I think I seen a couple. But I - - I wasn't putting my focus right there. I was trying to get out of there.

Q What was Kekoa's role during this whole thing? Where was he at when all the - - when you guys were in the place?

A He went in briefly. And then he stepped out. I - - I don't know. It happened so quick. I - - I - - I don't - - I don't know. I know he came in with us. And then the shit starting hittin' the fan, and we fucken dipped. And that's all I remember. I don't know if he tried to dip when we dipped.

Q Let me ask you this. If - - if you're saying that you and Amanda went out the window, why wouldn't you just go out the front door?

A What do you mean why wouldn't we go out the front door? I'm not - - I'm trying to get away from Gil. I don't want Gil to be offended that we're leaving. He's got the guns. And I'm intimidated. And that - - that was my decision, to dip out the window, man. The window was, like, right there. Just take the screen off. We're - - we're gone, man. I don't know.

Q Is this a first-floor apartment, or a second floor?

A It's a first floor.

Q Okay.

BY DET. ADAMS:

Q And you were there to help - - obviously, you're just look - - you know, have his back, right? Cause you've known the dude for a long time.

Q Huh?

A You found my mom? You found my kids?

DET. NISWONGER: We didn't find your kids. We just know you have kids.

MS. SEXTON: Hm.

DET. NISWONGER: It's not like we're looking for your kids or anything.

MS. SEXTON: Yeah. I do.

And I was in school and, I mean, all this stuff before this all happened. I mean, it's like I don't even have a criminal record. So, I mean, I am looking out for my kids and my safety as well.

DET. NISWONGER: Right.

MS. SEXTON: And that's what I wanted to talk to you, you know, about - - now I wanted to talk to you. But - -

DET. NISWONGER: Well, let's set the record straight, then. Tell us what happened that night so we can figure it out-and piece it together. Oth - - cause otherwise, we're just going off of what somebody else said. And if it's not a true reflection of what happened, if it's not what - - how you view the situation, then we're - -

MS. SEXTON: What are you going off of?

DET. NISWONGER: Well, we're going off of what Tony's already told us. We're going off of what Gil's told us. We're going off of what Hawaii's told us. And we're going off of what the people in that apartment told us. And we're going off of what Mouse told us. We're going off of what everybody involved with this - -

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DET. NISWONGER: I mean, at least - - at least give us a reason why. I bet it was because you guys were doped up and weren't thinking straight. Did somebody hire you guys to do it? Are you guys just thugs that like to go beat the shit out of people?

MS. SEXTON: No.

DET. NISWONGER: Well, we don't know. I mean, you seem like a decent person.

MS. SEXTON: I am a very decent person.

DET. NISWONGER: But some of this stuff that I've heard about you makes me think that, maybe, you're not - -

MS. SEXTON: Heard about me?

DET. NISWONGER: - - as decent as you appear.

Yeah. Heard about you.

MS. SEXTON: You heard about me? There's nothing that somebody can sit here and say - -

DET. NISWONGER: Oh, people can say all kinds of things.

MS. SEXTON: They can say whatever they want.

DET. NISWONGER: And it doesn't mean it's true or not. And that's why we're trying to talk to you.

MS. SEXTON: Yeah. They can say whatever they want, but he is my family. My kids and everything else will prove something different.

DET. NISWONGER: So, what happened? What happened that night?

MS. SEXTON: Can we talk when I've, like, presentation (sic) with - -

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DET. NISWONGER: You mean your attorney? That's your - - that's up to you, whatever you want to do. But I can tell you this - -

MS. SEXTON: I just don't - -

DET. NISWONGER: - - this is, probably, the last time we're gonna come over and - - and try to talk to you, cause - -

MS. SEXTON: I'm not trying to waste your guys'- -

DET. NISWONGER: It's not wasting our time. It's just that we have other cases that we're working, too. So, we're - - this is your opportunity.

MS. SEXTON: It's just bigger than what you think.

DET. NISWONGER: Well, I'd much prefer to hear it from you than from one of the other ones.

MS. SEXTON: Then you can understand my situation is scary.

DET. NISWONGER: What, are you afraid they're gonna hurt you if you say something?

MS. SEXTON: Like - - presentation (sic) as soon as possible.

DET. ADAMS: Okay. We respect that.

We'll conclude at 11:19.

I certify that the foregoing is a true and accurate transcript of the electronic audio recording with a length of 00:15:34 from the interview in the above-entitled matter.

Tedie Jackson, CCS Reporter 5-31-2016

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A Matteucci. And I - - I told her, you know, I says, Look, you know, you need to hurry up and take care of this and - - and - -

Q Were you getting paid for this?

A No. Not at all.

Q Why did they come to you and ask you to go find this Christina?

A They told me it was part of the deal. I even have a witness that they said. Cause I asked them, I was like, Look, I feel like this is the wrong thing to do.

But - - and they were like, Well, the way that he's making it sound like, it's either you or her. You know? Like - - like, they're - - they're - - they're threatening to take you to jail right now.

Q Where - - and you're current on your bail?

A Yes.

Q And she's not a co-defendant?

A No.

Q But she's a friend of yours?

A Yes.

Q Okay. So, they came to your house with guns?

A They wanted me to call her and have her go somewhere public so they can grab her.

Q Okay. What - - what relationship do you have with this Christina?

A Nothing other than she's a - - I mean, I know her as a friend.

left. But then they came back because they thought that I would have been back by now cause it was, like, 45 minutes had gone by, or an hour.

And then they came back. And then they seen the sliding glass door open and the door open. So, they walked in, calling my name. And then a dude comes up behind them with a gun and tells them to get on the ground. And then - -

Q This is your friend?

A Yeah.

Q They tell him to get on the ground?

A Both of them. Him and the girl.

Q And you talked to them about this?

A Yes. And - - and - - and they - - they - - they - - the place was a mess when I came back. They just took stupid shit. Like - -

Q Did your friends watch them steal the stuff?

A They - - they were told not to look at them.

Q But they - - they were on the ground at gunpoint - -

A Yes.

Q - - and the other guys rummaged through your stuff?

A Yes.

Q And these were - - the guys who came with Alex?

A They had to have because Alex told me that - - that he still has people there. And those people seen those two that was at my apartment go back in.

Q Okay. Can I ask you just one - - how come you didn't report

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PLEADING CONTINUES IN NEXT VOLUME