

JESS R. MARCHESE, ESQ.
Nevada bar No. 8175
601 S. Las Vegas Blvd.
Las Vegas, NV 89101
(702) 385-5377 Fax (702) 474-4210
marcheselaw@msn.com
Attorney for Defendant – RIVERA

Electronically Filed
May 17 2021 01:09 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

**DISTRICT COURT
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,)	Case No.: C-18-333893-1
)	Dept. No.: XII
)	
Plaintiff,)	
)	
v.)	
)	
SHELBY RIVERA,)	
)	
Defendant.)	

NOTICE OF APPEAL


TO: THE STATE OF NEVADA

STEVEN B. WOLFSON, DISTRICT ATTORNEY, CLARK COUNTY, NEVADA and
DEPARTMENT NO XII OF THE EIGHTH JUDICIAL DISTRICT COURT OF
THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK.

NOTICE is hereby given that Defendant, Shelbe Rivera, presently incarcerated in the Clark
County Detention Center, appeals to the Supreme Court of the State of Nevada from the jury
verdict wherein THE DEFENDANT IS HEREBY ADJUDGED guilty of said crime as set forth
in the jury's verdict and, in addition to the \$25.00 Administrative Assessment Fee and \$150.00
DNA Analysis Fee including testing to determine genetic markers plus \$3.00 DNA Collection
Fee, the Defendant is SENTENCED to the Nevada Department of Corrections (NDC) as follows:
a MAXIMUM of TWENTY-FIVE (25) YEARS with a MINIMUM Parole Eligibility of TEN

1 (10) YEARS, plus a CONSECUTIVE term of FIFTEEN (15) YEARS with a MINIMUM parole
2 eligibility of FIVE (5) YEARS for the Use of a Deadly Weapon; with ONE THOUSAND
3 THIRTY-THREE (1,033) DAYS credit for time served.

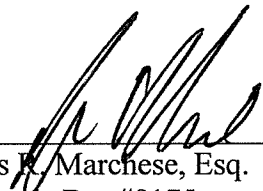
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5 DATED this 12th day of May, 2021

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8 JESS R MARCHESE, ESQ.
9 Nevada Bar #8175

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11 **DECLARATION OF MAILING**

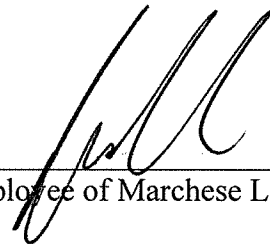
12 Jess R. Marchese, hereby declares that he is, and was when the herein described mailing
13 took place, a citizen of the United States , over 21 years of age, and not a party to, nor interested
14 in, the within action; that on the 12th day of May, 2021, declarant deposited in the United States
15 mail at Las Vegas, Nevada, a copy the Notice of Appeal in the case of the State of Nevada vs
16 Shelby Rivera, Case No. C-18-333893-1 , enclosed in a sealed envelope upon which first class
17 postage was fully prepaid, addressed to Shelbe Rivera #8432832 , 330 S. Casino Center Blvd.,
18 Las Vegas, Nevada 89101. That there is regular communication by mail between the place of
19 mailing and the place so addressed. I declare under penalty of perjury that the foregoing is true
20 and correct.

21 EXECUTED on the 12rd day of May, 2021.

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25 JESS R. Marchese, Esq.
26 Nevada Bar #8175
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1
2 **CERTIFICATE OF ELECTRONIC SERVICE**

3 I HEREBY CERTIFY that a true and correct copy of the defendant's Notice of Appeal
4 was filed and served on the 12th day of May, 2021 to all registered recipients of the 8th Judicial
5 District Court's online filing system.
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8 By:  _____
9 Employee of Marchese Law Offices
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EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY**CASE NO. C-18-333893-1**

State of Nevada
vs
Shelbe Rivera

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§
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§
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§
§
§

Location: **Department 12**
Judicial Officer: **Leavitt, Michelle**
Filed on: **08/06/2018**
Case Number History:
Cross-Reference Case Number: **C333893**
Defendant's Scope ID #: **8432832**
ITAG Booking Number: **2000000645**
ITAG Case ID: **2183058**
Lower Court Case # Root: **18F12761**
Lower Court Case Number: **18F12761X**
Metro Event Number: **1807013164**

CASE INFORMATION

Offense	Statute	Deg	Date	Case Type:	Felony/Gross Misdemeanor
1. COMPETENCY DETERMINATION	COMPETENCY	O	08/06/2018		
1. GUILTY BUT MENTALLY ILL OF 2ND DEGREE MURDER WITH USE OF A DEADLY WEAPON	200.030.2	F	07/01/2018	Case Status:	05/11/2021 Closed
<i>Filed As:</i> MURDER WITH USE OF A DEADLY WEAPON	F		5/21/2020		
Arrest: 07/10/2018					

Statistical Closures

05/11/2021 Guilty Plea with Sentence (before trial) (CR)
01/31/2020 Other Manner of Disposition - Criminal




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

Case Number C-18-333893-1
Court Department 12
Date Assigned 05/27/2020
Judicial Officer Leavitt, Michelle

PARTY INFORMATION


















		Lead Attorneys
Defendant	Rivera, Shelbe	Marchese, Jess R. <i>Retained</i> 702-385-5377(W)
Plaintiff	State of Nevada	Wolfson, Steven B 702-671-2700(W)

DATE**EVENTS & ORDERS OF THE COURT****INDEX****EVENTS**

08/06/2018	 Commitment and Order
08/24/2018	 Order of Commitment Pursuant to NRS 178.425 Filed By: Plaintiff State of Nevada <i>Order of Commitment</i>
06/06/2019	 Competency Reports <i>Lakes report</i>

CASE SUMMARY

CASE NO. C-18-333893-1

06/07/2019	 Findings of Incompetency and Order Recommitting Defendant Party: Plaintiff State of Nevada <i>Findings of Incompetency and Order Recommitting Defendant</i>
01/03/2020	 Competency Reports <i>Lakes report</i>
01/07/2020	 Order <i>Order to Transport Defendant from Lake's Crossing</i>
01/13/2020	 Findings of Competency Filed By: Plaintiff State of Nevada <i>Findings of Competency</i>
01/17/2020	 Order Filed By: Plaintiff State of Nevada <i>Order of Competency</i>
01/31/2020	 Criminal Order to Statistically Close Case <i>Criminal Order to Statistically Close Case</i>
05/20/2020	 Criminal Bindover Packet Justice Court
05/20/2020	 Criminal Bindover - Confidential
05/21/2020	 Information Party: Plaintiff State of Nevada <i>Information</i>
05/21/2020	 Amended Criminal Bindover Packet Justice Court
05/21/2020	 Amended Criminal Bindover - Confidential
05/21/2020	 Notice Filed By: Defendant Rivera, Shelbe <i>Notice of Not Guilty by Reason of Insanity Plea</i>
05/27/2020	 Notice of Department Reassignment <i>Notice of Department Reassignment</i>
06/08/2020	 Notice of Expert Witnesses Filed By: Defendant Rivera, Shelbe <i>Notice of Expert Witness</i>
06/08/2020	 Reporters Transcript <i>Reporter's Transcript of Preliminary Hearing 5/20/20</i>
06/10/2020	 Clerk's Notice of Nonconforming Document <i>Clerk's Notice of Nonconforming Document</i>
10/27/2020	 Notice of Witnesses and/or Expert Witnesses Filed By: Plaintiff State of Nevada

CASE SUMMARY
CASE NO. C-18-333893-1




State's Notice of Witnesses and/or Expert Witnesses

10/28/2020	 Notice of Witnesses and/or Expert Witnesses Filed By: Plaintiff State of Nevada <i>State's Supplemental Notice of Witnesses and/or Expert Witnesses</i>
10/29/2020	 Order Granting Filed By: Plaintiff State of Nevada <i>Order Granting State's Request For Evaluation</i>
10/29/2020	 Notice of Witnesses and/or Expert Witnesses Filed By: Plaintiff State of Nevada <i>State's Second Supplemental Notice of Witnesses and/or Expert Witnesses</i>
11/12/2020	 Notice of Witnesses <i>Supplemental Notice of Witnesses</i>
11/20/2020	 Certificate
12/01/2020	 Certificate <i>State's Petition to Secure Attendance of Out-of-State Witness</i>
12/02/2020	 Order Filed By: Plaintiff State of Nevada <i>CAOW - Rivera - For Court</i>
02/19/2021	 Subpoena Electronically Issued Filed by: Defendant Rivera, Shelbe <i>Subpoena Electronically Issued</i>
02/20/2021	 Expert Witness List Filed By: Defendant Rivera, Shelbe <i>Notice of Expert Witness</i>
03/02/2021	 Jury List
03/05/2021	 Amended Jury List
03/05/2021	 Instructions to the Jury
03/05/2021	 Verdict
04/13/2021	 PSI
05/11/2021	 Judgment of Conviction <i>Judgment of Conviction (Jury Trial - But Mentally Ill)</i>
05/12/2021	 Notice of Appeal (Criminal) Party: Defendant Rivera, Shelbe <i>Notice of Appeal</i>

DISPOSITIONS

CASE SUMMARY

CASE NO. C-18-333893-1

01/10/2020	Disposition (Judicial Officer: Herndon, Douglas W.) 1. COMPETENCY DETERMINATION Remanded To Justice Court PCN: Sequence:
03/22/2020	Plea (Judicial Officer: Leavitt, Michelle) 1. MURDER WITH USE OF A DEADLY WEAPON Not Guilty PCN: Sequence:
03/05/2021	Disposition (Judicial Officer: Leavitt, Michelle) 1. GUILTY BUT MENTALLY ILL OF 2ND DEGREE MURDER WITH USE OF A DEADLY WEAPON Guilty PCN: Sequence:
HEARINGS	
08/24/2018	 Further Proceedings: Competency (9:00 AM) (Judicial Officer: Togliatti, Jennifer) Events: 08/06/2018 Commitment and Order Referred to Lakes Crossing; Journal Entry Details: <i>Also present: Kimberly Alexander of the Specialty Courts. Court NOTED Drs. Harder and Colosimo indicate not competent; therefore, pursuant to the doctors' reports and the Dusky Standard, FINDS Defendant NOT COMPETENT as he/she is not capable of understanding the charges against him/her and is unable to assist counsel in his/her defense. Pursuant to NRS 178.425, COURT ORDERED, Defendant is REMANDED to the custody of the Administrator of the Division of Mental Health Development Services for the Department of Human Resources for detention and treatment at a secure facility operated by that Division. Once competency has been established, Defendant will be returned to this court for findings and referred back to the originating department for further proceedings. CUSTODY (L.C.) ;</i>
06/07/2019	 Further Proceedings: Competency (10:00 AM) (Judicial Officer: Bell, Linda Marie) Referred to Lakes Crossing; Journal Entry Details: <i>Appearances Continued: Denise Baker of the Specialty Courts also present. Defendant not present. COURT FINDS the Defendant is still incompetent to stand trial; that there is substantial probability that the Defendant will attain competency to stand trial in the foreseeable future; that the Defendant is at this time a danger to himself or to society and therefore, pursuant to NRS 178.425 that the Defendant be readmitted into the custody of the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services or his or her designee for further evaluation, care, and treatment and that said Defendant shall be, and he is hereby recommitted and remanded, together with a copy of this Order to the custody of the Administrator of the Division of Public Health and Human Services or his designee. COURT FURTHER ORDERED that the Administrator of the Division of Public Health and Human Services or his or her designee, shall, pursuant to the provisions and requirement of NRS 178.450, conduct periodic evaluations of the Defendant to determine his future ability to attain competence and then report in writing to this Court, the Clark County District Attorney, and Defendant s counsel whether, in his opinion, the Defendant is of sufficient mentality to be able to assist his counsel in the defense interposed upon trial, and it is FURTHER ORDERED that the said Defendant, is to be held in the custody of the Administrator of the Division of Public Health and Human Services or his or her designee, until the Court orders his release or until he is returned for trial as provided in NRS 178.450 to NRS 178.465, inclusive. CUSTODY (L.C.) ;</i>
01/10/2020	 Further Proceedings: Competency-Return From Lakes Crossing (10:00 AM) (Judicial Officer: Bell, Linda Marie) Found Competent; Journal Entry Details:

CASE SUMMARY**CASE NO. C-18-333893-1**

Also present: Glen O Brien, Deputy District Attorney and Denise Baker of the Specialty Courts. Defendant present. There being no challenge by Defense Counsel, COURT FINDS Defendant COMPETENT pursuant to the Dusky Standard as Defendant is capable of understanding the nature of the charges against her and is able to assist counsel in her defense and ORDERED, pursuant to 178.420, matter TRANSFERRED back to the originating court for further proceedings. CASE CLOSED. CUSTODY 01/15/20 8:00 AM FURTHER PROCEEDINGS: RETURN FROM COMPETENCY COURT JC DEPT. 10 ;

05/22/2020

**Initial Arraignment (1:45 PM)** (Judicial Officer: Herndon, Douglas W.)

Set Status Check;

Journal Entry Details:

Mr. Marchese stated the Defendant does understand the nature of the allegations of the charges, and the Preliminary hearing was completed two days ago, and the charges are the same. Upon Court's inquiry, Mr. Marchese stated he filed a Notice of Not Guilty by Reason of Insanity and he has spoken with the Defendant about it, who consented to it. DEFENDANT RIVERA ARRAIGNED, PLED NOT GUILTY BY REASON OF INSANITY, and INVOKED the 60-DAY RULE. COURT ORDERED, matter set for status check. Upon Court's inquiry, Mr. Marchese stated this was a Preliminary Hearing with a bindover. COURT ORDERED, pursuant to Statute, Counsel has 21 days from today for the filing of any Writs, if the Transcript has not been filed as of today; Counsel has 21 days from the filing of the Transcript. Ms. Moors stated this matter is not going to the Death Review Committee. Pursuant to Administrative Order 17-05 this COURT ORDERS the case REASSIGNED to Department 12 5/28/2020 12:00 P.M. STATUS CHECK: TRIAL SETTING (DEPT 12);

05/28/2020

**Status Check: Trial Setting (12:00 PM)** (Judicial Officer: Leavitt, Michelle)

Trial Date Set;

Journal Entry Details:

Mr. Marchese and Defendant appeared by video. Mr. Marchese noted the Defendant has invoked his right to speedy trial. COURT ORDERED, matter SET for Trial and Status Check regarding trial readiness. CUSTODY 07/01/20 8:30 AM STATUS CHECK TRIAL READINESS 08/11/20 8:30 AM CALENDAR CALL 08/17/20 10:30 AM JURY TRIAL CLERK'S NOTE: Pursuant to Administrative Order. trial date set within 90 days. hvp/5/28/20;

07/10/2020

**Status Check: Trial Readiness (12:00 PM)** (Judicial Officer: Leavitt, Michelle)**07/10/2020, 07/24/2020**

Matter Continued;

Vacated and Reset;

Journal Entry Details:

Parties confirmed they do not think trial will go forward. Statement by Defendant. Mr. Marchese told the Defendant he would go see him. COURT ORDERED, trial dates VACATED and RESET; matter SET for Status Check regarding trial readiness. CUSTODY 10/21/20 8:30 AM OR 10/23/20 12:00 PM (DEPENDING ON PANDEMIC) 11/17/20 8:30 AM CALENDAR CALL 11/23/20 10:30 AM JURY TRIAL;

Matter Continued;

Vacated and Reset;

Journal Entry Details:

Court stated trial cannot go forward on this pending trial date. Mr. Marchese confirmed the Defendant is invoked. COURT ORDERED, the trial date will be left as pending and this matter will go in front of the Chief Judge to see if the parties can move forward; matter CONTINUED. CUSTODY CONTINUED TO: 07/24/20 12:00 PM;

08/11/2020

CANCELED Calendar Call (12:00 PM) (Judicial Officer: Leavitt, Michelle)

Vacated - per Judge

08/17/2020

CANCELED Jury Trial (10:30 AM) (Judicial Officer: Leavitt, Michelle)

Vacated - per Judge

10/23/2020

**Status Check: Trial Readiness (12:00 PM)** (Judicial Officer: Leavitt, Michelle)






Matter Heard;

Journal Entry Details:

Mr. Marchese stated he is ready for trial and just received new discovery that should not



CASE SUMMARY

CASE NO. C-18-333893-1

	<p><i>change trial readiness. State announced ready for trial; however, Mr. Marchese filed a Notice of Intent to plead not guilty by reason of insanity; therefore, there is a concern with getting experts in for the week of Thanksgiving. Upon Court's inquiry, State confirmed an expert has not yet been retained. Colloquy regarding potential trial dates. Mr. Marchese stated his client is still invoked. COURT ORDERED, matter REFERRED to Central Trial Readiness to see if the parties can get a date to go forward. CUSTODY 11/04/20 11:30 AM CENTRAL TRIAL READINESS;</i></p>
11/04/2020	<p> Central Trial Readiness Conference (11:30 AM) (Judicial Officer: Bell, Linda Marie)</p> <p>MINUTES</p> <p>Trial Date Set; Journal Entry Details: <i>Counsel present via Bluejeans. Mr. Marchese announced ready for trial. State announced ready however has concerns being set during a holiday week as she will be out of the jurisdiction on Wednesday before the holiday. Mr. Marchese advised no opposition to moving the trial one week. COURT ORDERED, calendar call and trial date VACATED and RESET. CUSTODY 11/18/20 2:00 PM CENTRAL CALENDAR CALL (LLA) 11/30/20 9:00 AM JURY TRIAL (dEPT 12);</i></p> <p>SCHEDULED HEARINGS</p> <p> Central Calendar Call (11/18/2020 at 2:00 PM) (Judicial Officer: Bell, Linda Marie) 11/18/2020, 11/25/2020 CANCELED Jury Trial (11/30/2020 at 10:30 AM) (Judicial Officer: Leavitt, Michelle) <i>Vacated</i></p>
11/17/2020	<p>CANCELED Calendar Call (12:00 PM) (Judicial Officer: Leavitt, Michelle) <i>Vacated</i></p>
11/18/2020	<p> Central Calendar Call (2:00 PM) (Judicial Officer: Bell, Linda Marie) 11/18/2020, 11/25/2020</p> <p>MINUTES</p> <p>Continued; Trial Date Set; Journal Entry Details: <i>Parties present via Bluejeans. Court noted due to current Covid-19 restrictions trials are unable to proceed and ORDERED, trial date VACATED and RESET. CUSTODY (COC) 01/13/21 2:00 PM CENTRAL CALENDAR CALL (LLA) 01/19/21 9:00 AM JURY TRIAL (DEPT 12);</i> Continued; Trial Date Set; Journal Entry Details: <i>Counsel present via Bluejeans. State announced ready for trial estimating 2 weeks for trail with 15-20 witnesses. Mr. Marchese announced ready for trial. COURT ORDERED, matter SET for central calendar call. CUSTODY 11/25/20 2:00 PM CENTRAL CALENDAR CALL;</i></p> <p>SCHEDULED HEARINGS</p> <p> Central Calendar Call (01/13/2021 at 2:00 PM) (Judicial Officer: Jones, Tierra) CANCELED Jury Trial (01/19/2021 at 10:30 AM) (Judicial Officer: Leavitt, Michelle) <i>Vacated</i></p>
11/23/2020	<p>CANCELED Jury Trial (10:30 AM) (Judicial Officer: Leavitt, Michelle) <i>Vacated</i></p>
11/30/2020	<p>CANCELED Jury Trial (10:30 AM) (Judicial Officer: Leavitt, Michelle) <i>Vacated</i></p>
01/13/2021	<p> Central Calendar Call (2:00 PM) (Judicial Officer: Jones, Tierra)</p> <p>Matter Heard; Journal Entry Details: <i>APPEARANCES CONTINUED: Ms. Moors present via video, on behalf of the State. Mr.</i></p>


CASE SUMMARY

CASE NO. C-18-333893-1

	<p><i>Marchese, present on behalf of deft., through bluejeans technology. Court noted the Court cannot accommodate Jury trials at this time due to Orders by the Governor. Further, COURT ORDERED, trial date VACATED and Matter set for Central Trial Readiness on the date given. Court noted the Court will set trial on the next date. CUSTODY 01/27/21 11:30 A.M. CENTRAL TRIAL READINESS;</i></p>
01/19/2021	<p>CANCELED Jury Trial (10:30 AM) (Judicial Officer: Leavitt, Michelle) <i>Vacated</i></p>
01/27/2021	<p>Central Trial Readiness Conference (11:30 AM) (Judicial Officer: Jones, Tierra) <i>Trial Date Set;</i></p>
02/17/2021	<p> Central Calendar Call (2:00 PM) (Judicial Officer: Jones, Tierra) Matter Heard; Journal Entry Details: <i>APPEARANCES CONTINUED: Ms. Moors present on behalf of the State. Mr. Marchese present via video, on behalf of deft., through bluejeans technology. Upon Court's inquiry, both sides are ready to go to trial. Ms. Moors advised she has not be given the okay by her expert. Colloquy regarding start time. COURT ORDERED, trial date VACATED and RE-SET for central Jury trial on the date given. State has 10-12 witnesses, and 3-4 days for trial. CUSTODY 03/01/21 9:00 A.M. CENTRAL JURY TRIAL 3E or 3F;</i></p>
02/22/2021	<p>CANCELED Central Jury Trial (9:00 AM) (Judicial Officer: Bell, Linda Marie) <i>Vacated</i></p>
03/01/2021	<p> Central Jury Trial (9:00 AM) (Judicial Officer: Leavitt, Michelle) 03/01/2021-03/05/2021 Trial Continues; Trial Continues; Trial Continues; Trial Continues; Verdict; Journal Entry Details: <i>OUTSIDE THE PRESENCE OF THE JURY: Instructions settled. JURY PRESENT: Court instructed the jury. Closing arguments. Court thanked and excused the alternate. At the hour of 12:05 PM, the jury retired to deliberate. OUTSIDE THE PRESENCE OF THE JURY: Court inquired as to the penalty phase. Ms. Moors advised the State would not agree to waive the penalty phase, if there is a guilty verdict of first degree murder; however, would agree to seek the term of years and would jointly recommend that to the Court. Mr. Marchese so agreed that the parties would reach a stipulation regarding Sentencing. JURY PRESENT: At the hour of 3:34 PM, the jury returned with a verdict of Guilty But Mentally Ill of 2nd Degree Murder With Use of a Deadly Weapon. Court thanked and excused the jury. OUTSIDE THE PRESENCE OF THE JURY: COURT ORDERED, matter referred to the Division of Parole and Probation (P & P) and SET for sentencing. CUSTODY 05/05/21 8:30 AM OR 05/07/21 11:00 AM (DEPENDING ON PANDEMIC SCHEDULE) SENTENCING;</i> Trial Continues; Trial Continues; Trial Continues; Trial Continues; Verdict; Journal Entry Details: <i>JURY PRESENT: Testimony and exhibits presented. (See worksheets.) OUTSIDE THE PRESENCE OF THE JURY: Defendant advised of his right not to testify. Defendant confirmed he still wishes to remain silent and has no questions. COURT ORDERED, trial CONTINUED.;</i> Trial Continues; Trial Continues; Trial Continues; Trial Continues; Verdict; Journal Entry Details: <i>JURY PRESENT: Testimony and exhibits presented. (See worksheets) OUTSIDE THE</i></p>

CASE SUMMARY

CASE NO. C-18-333893-1

	<p><i>PRESENCE OF THE JURY: Defendant advised of his right not to testify. COURT ORDERED, trial CONTINUED.;</i></p> <p>Trial Continues;</p> <p>Trial Continues;</p> <p>Trial Continues;</p> <p>Trial Continues;</p> <p>Verdict;</p> <p>Journal Entry Details:</p> <p><i>JURY PRESENT: Jury sworn. Clerk read the Information. Opening statements by counsel. Testimony and exhibits presented. (See worksheets) COURT ORDERED, trial CONTINUED.;</i></p> <p>Trial Continues;</p> <p>Trial Continues;</p> <p>Trial Continues;</p> <p>Trial Continues;</p> <p>Verdict;</p> <p>Journal Entry Details:</p> <p><i>OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURORS: State made record of the offer and noted the Defendant has rejected that offer. Mr. Marchese so agreed. PROSPECTIVE JURORS PRESENT: Clerk read the Information Voir Dire. Jury selected. COURT ORDERED, trial CONTINUED.;</i></p>
03/08/2021	<p>CANCELED Central Jury Trial (9:00 AM) (Judicial Officer: Bell, Linda Marie)</p> <p><i>Vacated</i></p>
05/07/2021	<p> Sentencing (11:00 AM) (Judicial Officer: Leavitt, Michelle)</p> <p>Defendant Sentenced;</p> <p>Journal Entry Details:</p> <p><i>DEFT RIVERA ADJUDGED GUILTY BUT MENTALLY ILL of SECOND DEGREE MURDER WITH USE OF A DEADLY WEAPON (F). Statement by Defendant. Arguments by counsel. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, \$150.00 DNA Analysis fee including testing to determine genetic markers and \$3.00 DNA Collection fee, Deft. SENTENCED to a MINIMUM of TEN (10) YEARS and a MAXIMUM of TWENTY-FIVE (25) YEARS plus a CONSECUTIVE term of a MINIMUM FIVE (5) YEARS and a MAXIMUM FIFTEEN (15) YEARS in the Nevada Department of Corrections (NDC) for use of a deadly weapon with ONE THOUSAND THIRTY-THREE (1,033) DAYS credit for time served. Upon Defendant's inquiry, Mr. Marchese stated he will go see the Defendant. BOND, if any, EXONERATED. NDC;</i></p>

JOC

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

SHELBE RIVERA
#8432832

Defendant.

CASE NO. C-18-333893-1

DEPT. NO. XII

JUDGMENT OF CONVICTION
(JURY TRIAL – BUT MENTALLY ILL)

The Defendant previously entered a plea of not guilty to the crime of MURDER WITH USE OF A DEADLY WEAPON (Category A Felony) in violation of NRS 200.010, 200.030, 193.165; and the matter having been tried before a jury and the Defendant having been found guilty but mentally ill to the crime of SECOND DEGREE MURDER WITH USE OF A DEADLY WEAPON (Category A Felony) in violation of NRS 200.010, 200.030, 193.165; thereafter, on the 7th day of May, 2021, the Defendant was present in court for sentencing with counsel JESS R. MARCHESE, ESQ., and good cause appearing,

1 THE DEFENDANT IS HEREBY ADJUDGED guilty of said crime as set forth in
2 the jury's verdict and, in addition to the \$25.00 Administrative Assessment Fee and
3 \$150.00 DNA Analysis Fee including testing to determine genetic markers plus \$3.00
4 DNA Collection Fee, the Defendant is SENTENCED to the Nevada Department of
5 Corrections (NDC) as follows: a MAXIMUM of TWENTY-FIVE (25) YEARS with a
6 MINIMUM Parole Eligibility of TEN (10) YEARS, plus a CONSECUTIVE term of
7 FIFTEEN (15) YEARS with a MINIMUM parole eligibility of FIVE (5) YEARS for the
8 Use of a Deadly Weapon; with ONE THOUSAND THIRTY-THREE (1,033) DAYS
9 credit for time served.
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Dated this 11th day of May, 2021



32B 0F6 BEB9 4A39
Michelle Leavitt
District Court Judge

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 State of Nevada

CASE NO: C-18-333893-1

7 vs

DEPT. NO. Department 12

8
9 Shelbe Rivera

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Judgment of Conviction was served via the court's electronic eFile
13 system to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 5/11/2021

15 Lindsay Moors

lindsay.moors@clarkcountyda.com

16 LINDSEY DEPUTY DA

lindsey.moors@clarkcountyda.com

17 JESS ESQ.

marcheselaw@msn.com

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 24, 2018

C-18-333893-1	State of Nevada
	vs
	Shelbe Rivera

August 24, 2018

9:00 AM

**Further Proceedings:
Competency**

HEARD BY: Togliatti, Jennifer

COURTROOM: RJC Courtroom 10C

COURT CLERK: Athena Trujillo

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

PRESENT:	Marchese, Jess R.	Attorney
	O'Brien, Glen	Attorney
	Rivera, Shelbe	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Also present: Kimberly Alexander of the Specialty Courts.

Court NOTED Drs. Harder and Colosimo indicate not competent; therefore, pursuant to the doctors' reports and the Dusky Standard, FINDS Defendant NOT COMPETENT as he/she is not capable of understanding the charges against him/her and is unable to assist counsel in his/her defense. Pursuant to NRS 178.425, COURT ORDERED, Defendant is REMANDED to the custody of the Administrator of the Division of Mental Health Development Services for the Department of Human Resources for detention and treatment at a secure facility operated by that Division. Once competency has been established, Defendant will be returned to this court for findings and referred back to the originating department for further proceedings.

CUSTODY (L.C.)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 07, 2019**

C-18-333893-1 State of Nevada
vs
Shelbe Rivera

June 07, 2019**10:00 AM****Further Proceedings:
Competency****HEARD BY:** Bell, Linda Marie**COURTROOM:** RJC Courtroom 10C**COURT CLERK:** Kimberly Estala**RECORDER:** Renee Vincent**REPORTER:****PARTIES****PRESENT:**

O'Brien, Glen
State of Nevada

Attorney
Plaintiff

JOURNAL ENTRIES

- Appearances Continued: Denise Baker of the Specialty Courts also present. Defendant not present.

COURT FINDS the Defendant is still incompetent to stand trial; that there is substantial probability that the Defendant will attain competency to stand trial in the foreseeable future; that the Defendant is at this time a danger to himself or to society and therefore, pursuant to NRS 178.425 that the Defendant be readmitted into the custody of the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services or his or her designee for further evaluation, care, and treatment and that said Defendant shall be, and he is hereby recommitted and remanded, together with a copy of this Order to the custody of the Administrator of the Division of Public Health and Human Services or his designee. COURT FURTHER ORDERED that the Administrator of the Division of Public Health and Human Services or his or her designee, shall, pursuant to the provisions and requirement of NRS 178.450, conduct periodic evaluations of the Defendant to determine his future ability to attain competence and then report in writing to this Court, the Clark County District Attorney, and Defendant s counsel whether, in his opinion, the Defendant is of sufficient mentality to be able to assist his counsel in the defense interposed upon trial, and it is FURTHER ORDERED that the said Defendant, is to be held in the custody of the

Administrator of the Division of Public Health and Human Services or his or her designee, until the Court orders his release or until he is returned for trial as provided in NRS 178.450 to NRS 178.465, inclusive.

CUSTODY (L.C.)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 10, 2020

C-18-333893-1 State of Nevada
 vs
 Shelbe Rivera

**January 10, 2020 10:00 AM Further Proceedings:
Competency-Return From
Lakes Crossing**

HEARD BY: Bell, Linda Marie

COURTROOM: RJC Courtroom 10C

COURT CLERK: Kimberly Estala

RECORDER: Renee Vincent

REPORTER:

PARTIES

PRESENT: Marchese, Jess R. Attorney

JOURNAL ENTRIES

- Also present: Glen O Brien, Deputy District Attorney and Denise Baker of the Specialty Courts.
Defendant present.

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

CUSTODY

01/15/20 8:00 AM FURTHER PROCEEDINGS: RETURN FROM COMPETENCY COURT JC DEPT.
10

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 22, 2020**

C-18-333893-1 State of Nevada
vs
Shelbe Rivera

May 22, 2020 1:45 PM Initial Arraignment

HEARD BY: Herndon, Douglas W. **COURTROOM:** RJC Lower Level Arraignment

COURT CLERK: Kory Schlitz

RECORDER: Stacey Ray

REPORTER:

PARTIES

PRESENT:	Marchese, Jess R.	Attorney
	Moors, Lindsey	Attorney
	Rivera, Shelbe	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Mr. Marchese stated the Defendant does understand the nature of the allegations of the charges, and the Preliminary hearing was completed two days ago, and the charges are the same. Upon Court's inquiry, Mr. Marchese stated he filed a Notice of Not Guilty by Reason of Insanity and he has spoken with the Defendant about it, who consented to it. DEFENDANT RIVERA ARRAIGNED, PLED NOT GUILTY BY REASON OF INSANITY, and INVOKED the 60-DAY RULE. COURT ORDERED, matter set for status check. Upon Court's inquiry, Mr. Marchese stated this was a Preliminary Hearing with a bindover. COURT ORDERED, pursuant to Statute, Counsel has 21 days from today for the filing of any Writs, if the Transcript has not been filed as of today; Counsel has 21 days from the filing of the Transcript. Ms. Moors stated this matter is not going to the Death Review Committee. Pursuant to Administrative Order 17-05 this COURT ORDERS the case REASSIGNED to Department 12

5/28/2020 12:00 P.M. STATUS CHECK: TRIAL SETTING (DEPT 12)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 28, 2020

C-18-333893-1 State of Nevada
 vs
 Shelbe Rivera

May 28, 2020 12:00 AM Status Check: Trial Setting

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

COURT CLERK: Haly Pannullo

RECORDER: Sara Richardson

REPORTER:

PARTIES

PRESENT:	Marchese, Jess R.	Attorney
	Rivera, Shelbe	Defendant
	State of Nevada	Plaintiff
	Zadrowski, Bernard B.	Attorney

JOURNAL ENTRIES

- Mr. Marchese and Defendant appeared by video. Mr. Marchese noted the Defendant has invoked his right to speedy trial. COURT ORDERED, matter SET for Trial and Status Check regarding trial readiness.

CUSTODY

07/01/20 8:30 AM STATUS CHECK TRIAL READINESS

08/11/20 8:30 AM CALENDAR CALL

08/17/20 10:30 AM JURY TRIAL

CLERK'S NOTE: Pursuant to Administrative Order. trial date set within 90 days. hvp/5/28/20

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 10, 2020

C-18-333893-1 State of Nevada
 vs
 Shelbe Rivera

July 10, 2020

12:00 AM

**Status Check: Trial
Readiness**

HEARD BY: Leavitt, Michelle

COURTROOM: RJC Courtroom 14D

COURT CLERK: Haly Pannullo

RECORDER: Sara Richardson

REPORTER:

PARTIES

PRESENT:

Marchese, Jess R.
Moors, Lindsey
Rivera, Shelbe
State of Nevada

Attorney
Attorney
Defendant
Plaintiff

JOURNAL ENTRIES

- Court stated trial cannot go forward on this pending trial date. Mr. Marchese confirmed the Defendant is invoked. COURT ORDERED, the trial date will be left as pending and this matter will go in front of the Chief Judge to see if the parties can move forward; matter CONTINUED.

CUSTODY

CONTINUED TO: 07/24/20 12:00 PM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 24, 2020

C-18-333893-1 State of Nevada
vs
Shelbe Rivera

**July 24, 2020 12:00 AM Status Check: Trial
Readiness**

HEARD BY: Leavitt, Michelle

COURTROOM: RJC Courtroom 14D

COURT CLERK: Carolyn Jackson

RECORDER: Sara Richardson

REPORTER:

PARTIES

PRESENT:	Marchese, Jess R.	Attorney
	Moors, Lindsey	Attorney
	Rivera, Shelbe	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Parties confirmed they do not think trial will go forward. Statement by Defendant. Mr. Marchese told the Defendant he would go see him. COURT ORDERED, trial dates VACATED and RESET; matter SET for Status Check regarding trial readiness.

CUSTODY

10/21/20 8:30 AM OR 10/23/20 12:00 PM (DEPENDING ON PANDEMIC)

11/17/20 8:30 AM CALENDAR CALL

11/23/20 10:30 AM JURY TRIAL

PRINT DATE: 05/13/2021

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Minutes Date: August 24, 2018

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 23, 2020

C-18-333893-1 State of Nevada
vs
Shelbe Rivera

October 23, 2020 12:00 AM Status Check: Trial
Readiness

HEARD BY: Leavitt, Michelle

COURTROOM: RJC Courtroom 14D

COURT CLERK: Haly Pannullo

RECORDER: Sara Richardson

REPORTER:

PARTIES

PRESENT:	Marchese, Jess R.	Attorney
	Moors, Lindsey	Attorney
	Rivera, Shelbe	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Mr. Marchese stated he is ready for trial and just received new discovery that should not change trial readiness. State announced ready for trial; however, Mr. Marchese filed a Notice of Intent to plead not guilty by reason of insanity; therefore, there is a concern with getting experts in for the week of Thanksgiving. Upon Court's inquiry, State confirmed an expert has not yet been retained. Colloquy regarding potential trial dates. Mr. Marchese stated his client is still invoked. COURT ORDERED, matter REFERRED to Central Trial Readiness to see if the parties can get a date to go forward.

CUSTODY

11/04/20 11:30 AM CENTRAL TRIAL READINESS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 04, 2020

C-18-333893-1 State of Nevada
vs
Shelbe Rivera

**November 04, 2020 11:30 AM Central Trial Readiness
Conference**

HEARD BY: Bell, Linda Marie

COURTROOM: RJC Lower Level Arraignment

COURT CLERK: Kimberly Estala

RECORDER: Melissa Delgado-Murphy

REPORTER:

PARTIES

PRESENT:	Marchese, Jess R.	Attorney
	Moors, Lindsey	Attorney
	Rivera, Shelbe	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Counsel present via Bluejeans.

Mr. Marchese announced ready for trial. State announced ready however has concerns being set during a holiday week as she will be out of the jurisdiction on Wednesday before the holiday. Mr. Marchese advised no opposition to moving the trial one week. COURT ORDERED, calendar call and trial date VACATED and RESET.

CUSTODY

11/18/20 2:00 PM CENTRAL CALENDAR CALL (LLA)
11/30/20 9:00 AM JURY TRIAL (dEPT 12)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 18, 2020

C-18-333893-1 State of Nevada
 vs
 Shelbe Rivera

November 18, 2020 2:00 PM Central Calendar Call

HEARD BY: Barker, David **COURTROOM:** RJC Lower Level Arraignment

COURT CLERK: Kimberly Estala

RECORDER: Melissa Delgado-Murphy

REPORTER:

PARTIES

PRESENT:	Dunn, Ann Marie	Attorney
	Marchese, Jess R.	Attorney
	Rivera, Shelbe	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Counsel present via Bluejeans.

State announced ready for trial estimating 2 weeks for trial with 15-20 witnesses. Mr. Marchese announced ready for trial. COURT ORDERED, matter SET for central calendar call.

CUSTODY

11/25/20 2:00 PM CENTRAL CALENDAR CALL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 25, 2020

C-18-333893-1 State of Nevada
 vs
 Shelbe Rivera

November 25, 2020 2:00 PM Central Calendar Call

HEARD BY: Bell, Linda Marie

COURTROOM: RJC Lower Level Arraignment

COURT CLERK: Kimberly Estala

RECORDER: Kerry Esparza

REPORTER:

PARTIES

PRESENT:	Marchese, Jess R.	Attorney
	Rivera, Shelbe	Defendant
	State of Nevada	Plaintiff
	Torre, John T.	Attorney

JOURNAL ENTRIES

- Parties present via Bluejeans.

Court noted due to current Covid-19 restrictions trials are unable to proceed and ORDERED, trial date VACATED and RESET.

CUSTODY (COC)

01/13/21 2:00 PM CENTRAL CALENDAR CALL (LLA)

01/19/21 9:00 AM JURY TRIAL (DEPT 12)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 13, 2021

C-18-333893-1 State of Nevada
 vs
 Shelbe Rivera

January 13, 2021 2:00 PM Central Calendar Call

HEARD BY: Jones, Tierra **COURTROOM:** RJC Lower Level Arraignment

COURT CLERK:
Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT:	Marchese, Jess R.	Attorney
	Moors, Lindsey	Attorney
	Rivera, Shelbe	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Ms. Moors present via video, on behalf of the State. Mr. Marchese, present on behalf of deft., through bluejeans technology.

Court noted the Court cannot accommodate Jury trials at this time due to Orders by the Governor. Further, COURT ORDERED, trial date VACATED and Matter set for Central Trial Readiness on the date given. Court noted the Court will set trial on the next date.

CUSTODY

01/27/21 11:30 A.M. CENTRAL TRIAL READINESS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 27, 2021

C-18-333893-1 State of Nevada
vs
Shelbe Rivera

January 27, 2021 11:30 AM Central Trial Readiness
Conference

HEARD BY: Jones, Tierra

COURTROOM: RJC Lower Level Arraignment

COURT CLERK: Natalie Ortega

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT:	Goldstein, Steven M.	Attorney
	Moors, Lindsey	Attorney
	Rivera, Shelbe	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Mr. Goldstein advised that Mr. Marchese would announce ready for trial. Court noted this case was number 3 on the stack. COURT ORDERED, trial SET.

CUSTODY

02/17/21 2:00 PM CENTRIAL CALENDAR CALL

02/22/21 9:00 AM CENTRIAL JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 17, 2021

C-18-333893-1 State of Nevada
 vs
 Shelbe Rivera

February 17, 2021 2:00 PM Central Calendar Call

HEARD BY: Jones, Tierra **COURTROOM:** RJC Lower Level Arraignment

COURT CLERK: Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT:	Marchese, Jess R.	Attorney
	Moors, Lindsey	Attorney
	Rivera, Shelbe	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Ms. Moors present on behalf of the State. Mr. Marchese present via video, on behalf of deft., through bluejeans technology.

Upon Court's inquiry, both sides are ready to go to trial. Ms. Moors advised she has not be given the okay by her expert. Colloquy regarding start time. COURT ORDERED, trial date VACATED and RE-SET for central Jury trial on the date given. State has 10-12 witnesses, and 3-4 days for trial.

CUSTODY

03/01/21 9:00 A.M. CENTRAL JURY TRIAL 3E or 3F

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 01, 2021

C-18-333893-1 State of Nevada
 vs
 Shelbe Rivera

March 01, 2021 9:00 AM Central Jury Trial

HEARD BY: Leavitt, Michelle **COURTROOM:** No Location

COURT CLERK: Haly Pannullo

RECORDER: Sara Richardson

REPORTER:

PARTIES

PRESENT:	Dunn, Ann Marie	Attorney
	Marchese, Jess R.	Attorney
	Moors, Lindsey	Attorney
	Rivera, Shelbe	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURORS:

State made record of the offer and noted the Defendant has rejected that offer. Mr. Marchese so agreed.

PROSPECTIVE JURORS PRESENT:

Clerk read the Information

Voir Dire.

Jury selected.

COURT ORDERED, trial CONTINUED.

PRINT DATE: 05/13/2021

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Minutes Date: August 24, 2018

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 02, 2021

C-18-333893-1 State of Nevada
 vs
 Shelbe Rivera

March 02, 2021 9:00 AM Central Jury Trial

HEARD BY: Leavitt, Michelle **COURTROOM:** No Location

COURT CLERK: Haly Pannullo

RECORDER: Sara Richardson

REPORTER:

PARTIES

PRESENT:	Dunn, Ann Marie	Attorney
	Marchese, Jess R.	Attorney
	Moors, Lindsey	Attorney
	Rivera, Shelbe	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- JURY PRESENT:

Jury sworn.

Clerk read the Information.

Opening statements by counsel.

Testimony and exhibits presented. (See worksheets)

COURT ORDERED, trial CONTINUED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 03, 2021

C-18-333893-1 State of Nevada
 vs
 Shelbe Rivera

March 03, 2021 10:00 AM Central Jury Trial

HEARD BY: Leavitt, Michelle **COURTROOM:** No Location

COURT CLERK: Haly Pannullo

RECORDER: Sara Richardson

REPORTER:

PARTIES

PRESENT:	Dunn, Ann Marie	Attorney
	Marchese, Jess R.	Attorney
	Moors, Lindsey	Attorney
	Rivera, Shelbe	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- JURY PRESENT:

Testimony and exhibits presented. (See worksheets)

OUTSIDE THE PRESENCE OF THE JURY:

Defendant advised of his right not to testify.

COURT ORDERED, trial CONTINUED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 04, 2021

C-18-333893-1 State of Nevada
 vs
 Shelbe Rivera

March 04, 2021 10:00 AM Central Jury Trial

HEARD BY: Leavitt, Michelle

COURTROOM: No Location

COURT CLERK: Haly Pannullo

RECORDER: Sara Richardson

REPORTER:

PARTIES

PRESENT:	Dunn, Ann Marie	Attorney
	Marchese, Jess R.	Attorney
	Moors, Lindsey	Attorney
	Rivera, Shelbe	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- JURY PRESENT:

Testimony and exhibits presented. (See worksheets.)

OUTSIDE THE PRESENCE OF THE JURY:

Defendant advised of his right not to testify. Defendant confirmed he still wishes to remain silent and has no questions.

COURT ORDERED, trial CONTINUED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 05, 2021

C-18-333893-1 State of Nevada
 vs
 Shelbe Rivera

March 05, 2021 9:00 AM Central Jury Trial

HEARD BY: Leavitt, Michelle **COURTROOM:** No Location

COURT CLERK: Haly Pannullo

RECORDER: Sara Richardson

REPORTER:

PARTIES

PRESENT:	Dunn, Ann Marie	Attorney
	Marchese, Jess R.	Attorney
	Moors, Lindsey	Attorney
	Rivera, Shelbe	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY:

Instructions settled.

JURY PRESENT:

Court instructed the jury.

Closing arguments.

Court thanked and excused the alternate.

At the hour of 12:05 PM, the jury retired to deliberate.

OUTSIDE THE PRESENCE OF THE JURY:

Court inquired as to the penalty phase. Ms. Moors advised the State would not agree to waive the penalty phase, if there is a guilty verdict of first degree murder; however, would agree to seek the term of years and would jointly recommend that to the Court. Mr. Marchese so agreed that the parties would reach a stipulation regarding Sentencing.

JURY PRESENT:

At the hour of 3:34 PM, the jury returned with a verdict of Guilty But Mentally Ill of 2nd Degree Murder With Use of a Deadly Weapon.

Court thanked and excused the jury.

OUTSIDE THE PRESENCE OF THE JURY:

COURT ORDERED, matter referred to the Division of Parole and Probation (P & P) and SET for sentencing.

CUSTODY

05/05/21 8:30 AM OR 05/07/21 11:00 AM (DEPENDING ON PANDEMIC SCHEDULE)
SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 07, 2021**

C-18-333893-1 State of Nevada
vs
Shelbe Rivera

May 07, 2021 11:00 AM Sentencing

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

COURT CLERK: Haly Pannullo

RECORDER: Sara Richardson

REPORTER:

PARTIES

PRESENT:	Dunn, Ann Marie	Attorney
	Marchese, Jess R.	Attorney
	Moors, Lindsey	Attorney
	Rivera, Shelbe	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- DEFT RIVERA ADJUDGED GUILTY BUT MENTALLY ILL of SECOND DEGREE MURDER WITH USE OF A DEADLY WEAPON (F). Statement by Defendant. Arguments by counsel. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, \$150.00 DNA Analysis fee including testing to determine genetic markers and \$3.00 DNA Collection fee, Deft. SENTENCED to a MINIMUM of TEN (10) YEARS and a MAXIMUM of TWENTY-FIVE (25) YEARS plus a CONSECUTIVE term of a MINIMUM FIVE (5) YEARS and a MAXIMUM FIFTEEN (15) YEARS in the Nevada Department of Corrections (NDC) for use of a deadly weapon with ONE THOUSAND THIRTY-THREE (1,033) DAYS credit for time served. Upon Defendant's inquiry, Mr. Marchese stated he will go see the Defendant. BOND, if any, EXONERATED.

NDC

EXHIBIT(S) LIST

Case No.: C333893

Hearing / Trial Date: 03/01/21

Dept. No.: XII

Judge: MICHELLE LEAVITT

Plaintiff: STATE OF NEVADA

Court Clerk: HALY PANNULLO

Recorder / Reporter: SARA RICHARDSON

Counsel for Plaintiff: ANN DUNN &

LINDSEY MOORS

Defendant: SHELBE RIVERA

Counsel for Defendant: JESS MARCHESE

vs.

HEARING / TRIAL BEFORE THE COURT

STATE'S EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted	
1	CD - MOLASKY	3-2-21	Stip	3-2-21	WA
2	CD - BEST BUY				WA
3	MAP				WA
4	PHOTO - CRIME SCENE				WA
5	PHOTO - CRIME SCENE - CLOSE UP				WA
6	PHOTO - VICTIM AT CRIME SCENE				WA
7	PHOTO - CRIME SCENE - BACK OF DUMPSTER				WA
8	PHOTO - PINK BACKPACK				WA
9	PHOTO - OUTSIDE OF DUMPSTER				WA
10	PHOTO - KNIFE				WA
11	PHOTO - VICTIM WITH LEFT/RIGHT HAND BAGS				WA
12	PHOTO - KNIFE FROM DUMPSTER WITH RULER				WA
13	PHOTO - FRONT OF SHIRT WITH 10 ARROW MARKERS				WA
14	PHOTO - BACK OF SHIRT WITH 7 ARROW MARKERS				WA
15	PHOTO - SHIPPING LABEL TO SHELBE RIVERA				WA
16	PHOTO - COMPOSITION BOOK				WA
17	PHOTO - COMPOSITION BOOK -UP CLOSE NAME TAG	3-2-21	Stip	Stip	WA

EXHIBIT(S) LIST

Case No: C333893

STATE OF NEVADA

VS.

SHELBE RIVERA

STATE'S EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted	
18	PHOTO – SOCIAL SECURITY RECEIPT	3-2-21	Stip	3-2-21	WA
19	PHOTO – EMERGENCY DEPT. REPORT – ST. MARY		Obj		WA
20	PHOTO – CLOSE UP – ST. MARY EMERGENCY REPORT		Obj		WA
21	PHOTO – EMERGENCY DEPARTMENT TEAM, TESTS & PLAN	3-2-21	Stip	3-2-21	WA
22	PHOTO – ER BARCODE – DEFENDANT INFORMATION				WA
23	PHOTO – DEFENDANT VERIZON PAPERWORK				WA
24	PHOTO – DIRECT EXPRESS MAIL, "WELCOME" KEY SLEEVES, KAREN GARCIA BUSINESS CARD				WA
25	PHOTO – RED AND WHITE BUCKETS				WA
26	PHOTO – 6 GALLON LID / ENCORE PLASTICS				WA
27	PHOTO – BACK OF WATCH WITH RULER				WA
28	PHOTO – CLOSE UP – BACK OF WATCH				WA
29	PHOTO – FENCE BEHIND HIGHWAY/FREEWAY				WA
30	PHOTO – FENCE AND YELLOW ITEM				WA
31	PHOTO – CLOSE UP OF YELLOW ITEM IN DIRT				WA
32	PHOTO – YELLOW SHIRT				WA
33	AUTOPSY PHOTO – VICTIM'S RIGHT SIDE OF FACE				WA
34	AUTOPSY PHOTO – WOUNDS ON CHEST		↓		WA
35	AUTOPSY PHOTO – WOUNDS – LEFT SHOULDER		Stip		WA
36	AUTOPSY PHOTO – WOUND - FOREARM		Obj		WA
37	AUTOPSY PHOTO – WOUND – FOREARM ABOVE WRIST		Obj		WA
38	PHOTO – MAN / FRONT / BLUE SHIRT / BLUE SHOES		Stip		WA
39	PHOTO - MAN / LEFT SIDE / BLUE SHIRT / BLUE SHOES		↓		WA
40	PHOTO - MAN / BACK SIDE / BLUE SHIRT / BLUE SHOES		↓		WA
41	PHOTO - MAN / RIGHT SIDE / BLUE SHIRT / BLUE SHOES		↓		WA
42	PHOTO - MAN / FRONT / BLUE SHIRT HALF WAY LIFTED	3-2-21	Stip	3-2-21	WA

EXHIBIT(S) LIST

Case No: C333893

STATE OF NEVADA

VS.

SHELBE RIVERA

STATE'S EXHIBITS

[illegible]

EXHIBIT(S) LIST

Case No.: C333893

Hearing / Trial Date: 03/01/21

Dept. No.: XII

Judge: MICHELLE LEAVITT

Plaintiff: STATE OF NEVADA

Court Clerk: HALY PANNULLO

Recorder / Reporter: SARA RICHARDSON

Counsel for Plaintiff: ANN DUNN &

LINDSEY MOORS

vs.
Defendant: SHELBE RIVERA

Counsel for Defendant: JESS MARCHESE

HEARING / TRIAL BEFORE THE COURT

DEFENDANT'S EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted	
A	CD - BELLEVUE	3-4-21	Stip	3-4-21	wa
B	CD - CAROLINAS MEDICAL CENTER	↓	↓	↓	wa
C	CD - FW SHELBE RIVERA	↓	↓	↓	wa
D	CD - KINGS COUNTY	↓	↓	↓	wa
E	CD - LAKES CROSSING NO. 1	↓	↓	↓	wa
F	CD - LAKES CROSSING NO. 2	3-4-21	Stip	3-4-21	wa
G	CD - LAKES CROSSING NO. 3	↓	↓	↓	wa
H	CD - METROPOLITAN HOSPITAL	3-4-21	Stip	3-4-21	wa
I	CD - ST. MARYS	↓	↓	↓	wa
J	CD - VERISMA RECORDS	3-4-21	Stip	3-4-21	wa
K	CD - BRONX LEBANON	↓	↓	↓	wa
L	CD - HARLEM HOSPITAL	↓	↓	↓	wa
M	CD - HENSON FLETCHER	↓	↓	↓	wa
N	CD - KIRBY FORENSIC	↓	↓	↓	wa
O	CD - LINCOLN MEDICAL	3-4-21	Stip	3-4-21	wa
P	CD - NYP LOWER MANHATTAN	↓	↓	↓	wa
Q	CD - RIVERA CCDC	↓	↓	↓	wa

EXHIBIT(S) LIST

Case No: C333893

STATE OF NEVADA

VS.

SHELBE RIVERA

DEFENDANT'S EXHIBITS

[illegible]

EXHIBIT(S) LIST

Case No.: C333893

Hearing / Trial Date: 03/01/21

Dept. No.: XII

Judge: MICHELLE LEAVITT

Court Clerk: HALY PANNULLO

Plaintiff: STATE OF NEVADA

Recorder / Reporter: SARA RICHARDSON

Counsel for Plaintiff: ANN DUNN &

vs.

LINDSEY MOORS

Defendant: SHELBE RIVERA

Counsel for Defendant: JESS MARCHESE

HEARING / TRIAL BEFORE THE COURT

COURT'S EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted	
1	JURY List	3.1.21		3.1.21	WA
2	Question from Juror #7 for witness	3.2.21		3.2.21	WA
3	Question from Juror #7 for witness	3.2.21		3.2.21	WA
4	" " " #9 " "	3.2.21		3.2.21	WA
5	" " " #2 " "	3.2.21		3.2.21	WA
6	Question " " #7 for witness	3.3.21		3.3.21	WA
7	Question " " #2 for witness	3.4.21		3.4.21	WA
8	Question " " #7 for witness	3.4.21		3.4.21	WA
9	Question " " #2 for witness	3.4.21		3.4.21	WA
10	Question " " #3 for witness	3.4.21		3.4.21	WA
11	Question from Juror #2 for witness	3.4.21		3.4.21	WA
12	Defense Proposed Instructions NOT USED	3.5.21		3.5.21	WA
13	Defense Closing powerpoint	3.5.21		3.5.21	WA
14	Question from foreperson during deliberation	3.5.21		3.5.21	WA
15	Instruction NO. 40	3.5.21		3.5.21	WA
16	State's Closing powerpoint	3.5.21		3.5.21	WA



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

JESS R. MARCHESE, ESQ.
601 S. LAS VEGAS BLVD.
LAS VEGAS, NV 89101

DATE: May 13, 2021
CASE: C-18-333893-1

RE CASE: STATE OF NEVADA vs. SHELBY RIVERA

NOTICE OF APPEAL FILED: May 12, 2021

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

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



Case Appeal Statement

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



Order



Notice of Entry of Order

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

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

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

Certification of Copy

State of Nevada }
County of Clark } SS:

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

NOTICE OF APPEAL; DISTRICT COURT DOCKET ENTRIES; JUDGMENT OF CONVICTION (JURY TRIAL – BUT MENTALLY ILL); DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

STATE OF NEVADA,

Plaintiff(s),

vs.

SHELBY RIVERA,

Defendant(s).

Case No: C-18-333893-1

Dept No: XII

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 13 day of May 2021.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk