

Steven D. Grierson

Electronically Filed
Jun 11 2021 03:57 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

1 James E. Parker # 1095293

2 In Proper Person
3 P.O. Box 650 H.D.S.P.
4 Indian Springs, Nevada 89018

5 8th DISTRICT COURT

6 Clark COUNTY NEVADA

7
8 James Parker,

9 appellant,

10 -v-

11 State of Nevada,

12 respondent,

Case No. C-15-308719-2

Dept. No. 12

Docket _____

13
14 NOTICE OF APPEAL

15 Notice is hereby given that the Petitioner, James E.
16 Parker, by and through himself in proper person, does now appeal
17 to the Supreme Court of the State of Nevada, the decision of the District
18 Court Denying his Petition for writ of Habeas
19 Corpus - Post Conviction

20
21 Dated this date, May 31 2021.

22
23 Respectfully Submitted,

24 *[Signature]*

25 In Proper Person

26
27 RECEIVED
28 JUN - 7 2021
CLERK OF THE COURT

CERTIFICATE OF SERVICE BY MAILING

I, James Parker, hereby certify, pursuant to NRCP 5(b), that on this 31
day of May, 2021, I mailed a true and correct copy of the foregoing, "Notice
of appeal"
by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid,
addressed as follows:

Steven D. Giverson,
Clerk of the Court
200 Lewis Avenue 3rd Floor
Las Vegas, NV 89155

DATED: this 31 day of May, 2021.

James Parker #1095297
/In Propria Persona
Post Office box 650 [HDSP]
Indian Springs, Nevada 89018

AFFIRMATION

Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding document

Notice of Appeal

(Title of Document)

filed in District Court Case number C-15-308719-2

- ☒ 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.

~~Signature~~

Date _____

James E. Parker
Print Name

Print Name

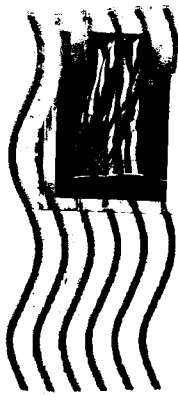
Rehman, Pro Se
Title

Title

James E. Parker 1095293
P.O. Box 650
Indian Springs NV 89070

LAS VEGAS NV 890

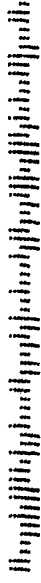
2 JUN 2021 PM 5 L



FOREVER / USA

Steven D. Carlson
Clerk of Court
200 Lewis Ave 3rd Floor
Las Vegas NV 89115-1160

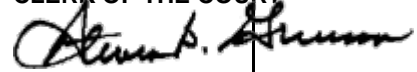
000009-10169



UNIT 7 AB

Jun 1 2021

HIGH DEPEND STATE DESIGN



1 ASTA

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3
4
5
6 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**
7 **STATE OF NEVADA IN AND FOR**
8 **THE COUNTY OF CLARK**

9 STATE OF NEVADA,

10 Plaintiff(s),

11 vs.

12 JAMES EARL PARKER,

13 Defendant(s),

Case No: C-15-308719-2

Dept No: XII

14
15
16 **CASE APPEAL STATEMENT**

17
18 1. Appellant(s): James Parker

19 2. Judge: Michelle Leavitt

20 3. Appellant(s): James Parker

21 Counsel:

22 James Parker #1095293
23 P.O. Box 650
24 Indian Springs, NV 89070

25 4. Respondent: The State of Nevada

26 Counsel:

27 Steven B. Wolfson, District Attorney
28 200 Lewis Ave.
Las Vegas, NV 89101

(702) 671-2700

5. Appellant(s)'s Attorney Licensed in Nevada: N/A
Permission Granted: N/A

Respondent(s)'s Attorney Licensed in Nevada: Yes
Permission Granted: N/A

6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: Yes

7. Appellant Represented by Appointed Counsel On Appeal: N/A

8. Appellant Granted Leave to Proceed in Forma Pauperis: N/A

9. Date Commenced in District Court: August 14, 2015

10. Brief Description of the Nature of the Action: Criminal

Type of Judgment or Order Being Appealed: Post-Conviction Relief

11. Previous Appeal: Yes

Supreme Court Docket Number(s): 70139, 70214

12. Child Custody or Visitation: N/A

Dated This 9 day of June 2021.

Steven D. Grierson, Clerk of the Court

/s/ Amanda Hampton

Amanda Hampton, Deputy Clerk
200 Lewis Ave
PO Box 551601
Las Vegas, Nevada 89155-1601
(702) 671-0512

cc: James Parker

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY**CASE NO. C-15-308719-2**

State of Nevada
vs
James Parker

§
§
§
§
§
§
§
§
§

Location: **Department 12**
Judicial Officer: **Leavitt, Michelle**
Filed on: **08/14/2015**
Cross-Reference Case Number: **C308719**
Defendant's Scope ID #: **2669754**
Grand Jury Case Number: **14BGJ113B**
ITAG Case ID: **1713668**
Supreme Court No.: **70139**

CASE INFORMATION

Offense	Statute	Deg	Date	Case Type:	Felony/Gross Misdemeanor
4. CONSPIRACY TO COMMIT ROBBERY	200.380	F	06/19/2015	Case Status:	03/30/2016 Closed
5. BURGLARY WHILE IN POSSESSION OF A FIREARM	205.060.4	F	07/09/2015		
6. ROBBERY WITH USE OF A DEADLY WEAPON	200.380	F	06/19/2015		
<i>Filed As:</i> ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON	F	8/14/2015			
7. CONSPIRACY TO COMMIT ROBBERY	200.380	F	06/26/2015		
<i>Filed As:</i> ROBBERY WITH USE OF A DEADLY WEAPON	F	8/14/2015			
8. BURGLARY WHILE IN POSSESSION OF A FIREARM	205.060.4	F	06/26/2015		
<i>Filed As:</i> ROBBERY WITH USE OF A DEADLY WEAPON	F	8/14/2015			
9. ROBBERY WITH USE OF A DEADLY WEAPON	200.380	F	06/26/2015		
10. ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON	200.380	F	06/26/2015		
11. ROBBERY WITH USE OF A DEADLY WEAPON	200.380	F	06/26/2015		
12. ROBBERY WITH USE OF A DEADLY WEAPON	200.380	F	06/26/2015		
13. ROBBERY WITH USE OF A DEADLY WEAPON	200.380	F	06/26/2015		
14. ROBBERY WITH USE OF A DEADLY WEAPON	200.380	F	06/26/2015		
15. ROBBERY WITH USE OF A DEADLY WEAPON	200.380	F	06/26/2015		
16. CONSPIRACY TO COMMIT ROBBERY	200.380	F	06/30/2015		
17. BURGLARY WHILE IN POSSESSION OF A FIREARM	205.060.4	F	06/30/2015		
18. ROBBERY WITH USE OF A DEADLY WEAPON	200.380	F	06/30/2015		
19. CONSPIRACY TO COMMIT ROBBERY	200.380	F	07/09/2015		
20. BURGLARY WHILE IN POSSESSION OF A FIREARM	205.060.4	F	07/09/2015		
21. ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON	200.380	F	07/09/2015		
22. ROBBERY WITH USE OF A DEADLY WEAPON	200.380	F	07/09/2015		
23. ROBBERY WITH USE OF A DEADLY WEAPON	200.380	F	07/09/2015		

Related Cases

C-15-308719-1 (Multi-Defendant Case)

C-15-308719-3 (Multi-Defendant Case)

CASE SUMMARY

CASE NO. C-15-308719-2

Statistical Closures

03/30/2016 Jury Trial - Conviction - Criminal

Warrants

Indictment Warrant - Parker, James Earl (Judicial Officer: Barker, David)

08/20/2015 11:39 AM Returned - Served









08/14/2015 11:45 AM Active

Fine: \$0

Bond: \$130,000.00 Any

DATE		CASE ASSIGNMENT		
	<div><div>Current Case Assignment</div><div>Case Number Court Date Assigned Judicial Officer</div><div>C-15-308719-2 Department 12 08/14/2015 Leavitt, Michelle</div></div>			
PARTY INFORMATION				
Defendant	Parker, James Earl	Lead Attorneys		
		Pro Se		
Plaintiff	State of Nevada	Wolfson, Steven B 702-671-2700(W)		
DATE		EVENTS & ORDERS OF THE COURT		INDEX


EVENTS

08/14/2015	 Indictment <i>Indictment</i>	
08/14/2015	 Warrant <i>Indictment Warrant</i>	
08/17/2015	 Bench Warrant Return	
08/26/2015	 Transcript of Proceedings <i>Reporter's Transcript of Proceedings, August 13, 2015</i>	
09/18/2015	 Notice of Witnesses and/or Expert Witnesses <i>Notice of Witnesses and/or Expert Witnesses (NRS 174.234)</i>	
10/09/2015	 Indictment <i>Superseding Indictment</i>	
10/09/2015	 Warrant <i>Superseding Indictment Warrant</i>	
10/12/2015	 Indictment Warrant Return <i>Superseding Indictment Warrant Return</i>	
10/21/2015	 Transcript of Proceedings	


CASE SUMMARY

CASE NO. C-15-308719-2

Reporter's Transcript of Proceedings, Grand Jury Hearing, Superseding Indictment, October 8, 2015

10/22/2015  Notice of Witnesses and/or Expert Witnesses
Notice of Witnesses and/or Expert Witnesses


10/22/2015  Notice
Notice of Intent to Seek Punishment as a Habitual Criminal

11/18/2015  Notice of Witnesses and/or Expert Witnesses
Second Supplemental Notice of Witnesses and/or Expert Witnesses


12/01/2015  Jury List


12/02/2015  Amended Jury List
Second Amended Jury List

12/02/2015  Amended Jury List


12/07/2015  Verdict


12/07/2015  Instructions to the Jury

01/25/2016  PSI - Victim Impact Statements


01/26/2016  PSI

03/25/2016  Judgment of Conviction
JUDGMENT OF CONVICTION (JURY TRIAL)

03/30/2016  Criminal Order to Statistically Close Case
Criminal Order To Statistically Close Case

04/08/2016  Notice of Appeal (Criminal)
Notice of Appeal

04/08/2016  Case Appeal Statement
Case Appeal Statement

04/08/2016  Request
Request for Rough Draft Transcripts

05/18/2016  Recorders Transcript of Hearing
Recorder's Rough Draft Transcript Re: Sentencing (Jury Verdict) Thursday, March 17, 2016
















06/09/2016  Recorders Transcript of Hearing
Transcript of Proceedings Rough Draft Transcript of Jury Trial - Day 1 Tuesday, December 1, 2015

06/09/2016  Recorders Transcript of Hearing
Transcript of Proceedings Rough Draft Transcript of Jury Trial - Day 2 Wednesday, December 2, 2015

06/09/2016

CASE SUMMARY

CASE NO. C-15-308719-2

	 Recorders Transcript of Hearing <i>Transcript of Proceedings Rough Draft Transcript of Jury Trial - Day 3 Thursday, December 3, 2015</i>
06/09/2016	 Recorders Transcript of Hearing <i>Transcript of Proceedings Rough Draft Transcript of Jury Trial - Day 4 Friday, December 4, 2015</i>
06/09/2016	 Recorders Transcript of Hearing <i>Transcript of Proceedings Rough Draft Transcript of Jury Trial - Day 5 Monday, December 7, 2015</i>
07/21/2016	 Order for Production of Inmate <i>Order for Production of Inmate James Earl Parker, BAC #1095293</i>
11/01/2016	 Amended Judgment of Conviction <i>AMENDED JUDGMENT OF CONVICTION (JURY TRIAL)</i>
05/31/2017	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>Nevada Supreme Court Clerk's Certificate Judgment - Affirmed</i>
07/11/2017	 Notice of Motion Filed By: Defendant Parker, James Earl <i>Notice of Motion</i>
07/11/2017	 Motion Filed By: Defendant Parker, James Earl <i>Motion to Withdraw Counsel</i>
03/02/2018	 Application to Proceed in Forma Pauperis Filed By: Defendant Parker, James Earl
03/09/2018	 Petition for Writ of Habeas Corpus Filed by: Defendant Parker, James Earl <i>Petition for Writ of Habeas Corpus (Post Conviction)</i>
03/09/2018	 Motion for Order to Show Cause Filed By: Defendant Parker, James Earl <i>Motion for Order to Show Cause</i>
03/09/2018	 Motion Filed By: Defendant Parker, James Earl <i>Motin for Production of Documents, Papers, Pleadings and Tangible Property of Defendant</i>
03/09/2018	 Notice of Motion Filed By: Defendant Parker, James Earl <i>Notice of Motion</i>
03/09/2018	 Motion for Appointment Filed By: Defendant Parker, James Earl <i>Motion for the Appointment of Counsel</i>
03/22/2018	 Petition for Writ of Habeas Corpus <i>Petition for Writ of Habeas Corpus</i>
03/28/2018	

CASE SUMMARY
CASE NO. C-15-308719-2

	 Notice of Hearing
05/01/2018	 Response <i>State's Response to Defendant's Post-Conviction Petition for Writ of Habeas Corpus, Motion to Appoint Counsel, and Request for Evidentiary Hearing</i>
05/15/2018	 Response Filed by: Defendant Parker, James Earl <i>Defendants Response to Plaintiffs Resonse to Defendants Post-Conviction Petition for Writ of Habeas Corpus, Motion to Appoint Counsel and Request for Evidentiary Hearing</i>
06/11/2018	 Certificate of Mailing <i>Certificate of Mailing</i>
06/29/2018	 Declaration Filed By: Defendant Parker, James Earl <i>Declaration</i>
08/22/2018	 Notice of Motion Filed By: Defendant Parker, James Earl <i>Notice of Motion</i>
08/22/2018	 Supplement Filed by: Defendant Parker, James Earl <i>Supplement to Petition for Writ of Habeas Corpus Post Conviction</i>
08/31/2018	 Motion for Appointment of Attorney Filed By: Defendant Parker, James Earl <i>Motion for Appointment of Counsel and Request for Evidentiary Hearing</i>
08/31/2018	 Application to Proceed in Forma Pauperis Filed By: Defendant Parker, James Earl
08/31/2018	 Filed Under Seal Filed By: Defendant Parker, James Earl <i>Financial Certificate</i>
09/21/2018	 Response <i>State's Response to Defendant's Supplemental Post-Conviction Petition for Writ of Habeas Corpus</i>
05/13/2021	 Findings of Fact, Conclusions of Law and Order <i>Findings of Fact, Conclusions of Law, and Order</i>
05/19/2021	 Notice of Entry Filed By: Plaintiff State of Nevada <i>Notice of Entry of Findings of Fact, Conclusions of Law and Order</i>
06/08/2021	 Notice of Appeal (Criminal) <i>Notice of Appeal</i>
06/09/2021	 Case Appeal Statement Filed By: Defendant Parker, James Earl <i>Case Appeal Statement</i>

CASE SUMMARY
CASE NO. C-15-308719-2

DISPOSITIONS

10/13/2015

Plea (Judicial Officer: Leavitt, Michelle)

4. CONSPIRACY TO COMMIT ROBBERY

Not Guilty

PCN: Sequence:

5. BURGLARY WHILE IN POSSESSION OF A FIREARM

Not Guilty

PCN: Sequence:

6. ROBBERY WITH USE OF A DEADLY WEAPON

Not Guilty

PCN: Sequence:

7. CONSPIRACY TO COMMIT ROBBERY

Not Guilty

PCN: Sequence:

8. BURGLARY WHILE IN POSSESSION OF A FIREARM

Not Guilty

PCN: Sequence:

9. ROBBERY WITH USE OF A DEADLY WEAPON

Not Guilty

PCN: Sequence:

10. ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON

Not Guilty

PCN: Sequence:

11. ROBBERY WITH USE OF A DEADLY WEAPON

Not Guilty

PCN: Sequence:

12. ROBBERY WITH USE OF A DEADLY WEAPON

Not Guilty

PCN: Sequence:

13. ROBBERY WITH USE OF A DEADLY WEAPON

Not Guilty

PCN: Sequence:

14. ROBBERY WITH USE OF A DEADLY WEAPON

Not Guilty

PCN: Sequence:

15. ROBBERY WITH USE OF A DEADLY WEAPON

Not Guilty

PCN: Sequence:

16. CONSPIRACY TO COMMIT ROBBERY

Not Guilty

PCN: Sequence:

17. BURGLARY WHILE IN POSSESSION OF A FIREARM

Not Guilty

PCN: Sequence:

18. ROBBERY WITH USE OF A DEADLY WEAPON

Not Guilty

PCN: Sequence:

CASE SUMMARY
CASE NO. C-15-308719-2

19. CONSPIRACY TO COMMIT ROBBERY

Not Guilty

PCN: Sequence:

20. BURGLARY WHILE IN POSSESSION OF A FIREARM

Not Guilty

PCN: Sequence:

21. ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON

Not Guilty

PCN: Sequence:

22. ROBBERY WITH USE OF A DEADLY WEAPON

Not Guilty

PCN: Sequence:

23. ROBBERY WITH USE OF A DEADLY WEAPON

Not Guilty

PCN: Sequence:

03/17/2016 **Disposition** (Judicial Officer: Leavitt, Michelle)

4. CONSPIRACY TO COMMIT ROBBERY

Guilty

PCN: Sequence:

5. BURGLARY WHILE IN POSSESSION OF A FIREARM

Guilty

PCN: Sequence:

6. ROBBERY WITH USE OF A DEADLY WEAPON

Guilty

PCN: Sequence:

7. CONSPIRACY TO COMMIT ROBBERY

Guilty

PCN: Sequence:

8. BURGLARY WHILE IN POSSESSION OF A FIREARM

Guilty

PCN: Sequence:

9. ROBBERY WITH USE OF A DEADLY WEAPON

Guilty

PCN: Sequence:

10. ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON

Guilty

PCN: Sequence:

11. ROBBERY WITH USE OF A DEADLY WEAPON

Guilty

PCN: Sequence:

12. ROBBERY WITH USE OF A DEADLY WEAPON

Guilty

PCN: Sequence:

13. ROBBERY WITH USE OF A DEADLY WEAPON

Guilty

PCN: Sequence:

CASE SUMMARY
CASE NO. C-15-308719-2

14. ROBBERY WITH USE OF A DEADLY WEAPON

Guilty

PCN: Sequence:

15. ROBBERY WITH USE OF A DEADLY WEAPON

Guilty

PCN: Sequence:

16. CONSPIRACY TO COMMIT ROBBERY

Guilty

PCN: Sequence:

17. BURGLARY WHILE IN POSSESSION OF A FIREARM

Guilty

PCN: Sequence:

18. ROBBERY WITH USE OF A DEADLY WEAPON

Guilty

PCN: Sequence:

19. CONSPIRACY TO COMMIT ROBBERY

Guilty

PCN: Sequence:

20. BURGLARY WHILE IN POSSESSION OF A FIREARM

Guilty

PCN: Sequence:

21. ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON

Guilty

PCN: Sequence:

22. ROBBERY WITH USE OF A DEADLY WEAPON

Guilty

PCN: Sequence:

23. ROBBERY WITH USE OF A DEADLY WEAPON

Dismissed

PCN: Sequence:

03/17/2016 **Adult Adjudication** (Judicial Officer: Leavitt, Michelle)

4. CONSPIRACY TO COMMIT ROBBERY

06/19/2015 (F) 200.380 (DC50147)

PCN: Sequence:

Sentenced to Nevada Dept. of Corrections

Term: Minimum:28 Months, Maximum:72 Months

03/17/2016 **Adult Adjudication** (Judicial Officer: Leavitt, Michelle)

5. BURGLARY WHILE IN POSSESSION OF A FIREARM

07/09/2015 (F) 205.060.4 (DC50426)

PCN: Sequence:

Sentenced to Nevada Dept. of Corrections

Term: Minimum:72 Months, Maximum:180 Months

Concurrent: Charge 4

03/17/2016 **Adult Adjudication** (Judicial Officer: Leavitt, Michelle)

6. ROBBERY WITH USE OF A DEADLY WEAPON

06/19/2015 (F) 200.380 (DC50138)

CASE SUMMARY
CASE NO. C-15-308719-2

PCN: Sequence:

Sentenced to Nevada Dept. of Corrections
Term: Minimum:72 Months, Maximum:180 Months
Consecutive Enhancement:UDW, Minimum:72 Months, Maximum:180 Months
Concurrent: Charge 5

03/17/2016 **Adult Adjudication** (Judicial Officer: Leavitt, Michelle)
7. CONSPIRACY TO COMMIT ROBBERY
06/26/2015 (F) 200.380 (DC50147)
PCN: Sequence:

Sentenced to Nevada Dept. of Corrections
Term: Minimum:28 Months, Maximum:72 Months
Concurrent: Charge 6

03/17/2016 **Adult Adjudication** (Judicial Officer: Leavitt, Michelle)
8. BURGLARY WHILE IN POSSESSION OF A FIREARM
06/26/2015 (F) 205.060.4 (DC50426)
PCN: Sequence:

Sentenced to Nevada Dept. of Corrections
Term: Minimum:72 Months, Maximum:180 Months
Concurrent: Charge 7

03/17/2016 **Adult Adjudication** (Judicial Officer: Leavitt, Michelle)
9. ROBBERY WITH USE OF A DEADLY WEAPON
06/26/2015 (F) 200.380 (DC50138)
PCN: Sequence:

Sentenced to Nevada Dept. of Corrections
Term: Minimum:72 Months, Maximum:180 Months
Consecutive Enhancement:UDW, Minimum:24 Months, Maximum:180 Months
Concurrent: Charge 8

03/17/2016 **Adult Adjudication** (Judicial Officer: Leavitt, Michelle)
10. ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON
06/26/2015 (F) 200.380 (DC50145)
PCN: Sequence:

Sentenced to Nevada Dept. of Corrections
Term: Minimum:48 Months, Maximum:120 Months
Consecutive Enhancement:UDW, Minimum:24 Months, Maximum:120 Months
Concurrent: Charge 9

03/17/2016 **Adult Adjudication** (Judicial Officer: Leavitt, Michelle)
11. ROBBERY WITH USE OF A DEADLY WEAPON
06/26/2015 (F) 200.380 (DC50138)
PCN: Sequence:

Sentenced to Nevada Dept. of Corrections
Term: Minimum:72 Months, Maximum:180 Months
Consecutive Enhancement:UDW, Minimum:24 Months, Maximum:180 Months
Concurrent: Charge 10

03/17/2016 **Adult Adjudication** (Judicial Officer: Leavitt, Michelle)
12. ROBBERY WITH USE OF A DEADLY WEAPON
06/26/2015 (F) 200.380 (DC50138)
PCN: Sequence:

Sentenced to Nevada Dept. of Corrections
Term: Minimum:72 Months, Maximum:180 Months

CASE SUMMARY
CASE NO. C-15-308719-2

Consecutive Enhancement:UDW, Minimum:24 Months, Maximum:180 Months
Concurrent: Charge 11

03/17/2016 **Adult Adjudication** (Judicial Officer: Leavitt, Michelle)
13. ROBBERY WITH USE OF A DEADLY WEAPON
06/26/2015 (F) 200.380 (DC50138)
PCN: Sequence:

Sentenced to Nevada Dept. of Corrections
Term: Minimum:72 Months, Maximum:180 Months
Consecutive Enhancement:UDW, Minimum:24 Months, Maximum:180 Months
Concurrent: Charge 12

03/17/2016 **Adult Adjudication** (Judicial Officer: Leavitt, Michelle)
14. ROBBERY WITH USE OF A DEADLY WEAPON
06/26/2015 (F) 200.380 (DC50138)
PCN: Sequence:

Sentenced to Nevada Dept. of Corrections
Term: Minimum:72 Months, Maximum:180 Months
Consecutive Enhancement:UDW, Minimum:24 Months, Maximum:180 Months
Concurrent: Charge 13

03/17/2016 **Adult Adjudication** (Judicial Officer: Leavitt, Michelle)
15. ROBBERY WITH USE OF A DEADLY WEAPON
06/26/2015 (F) 200.380 (DC50138)
PCN: Sequence:

Sentenced to Nevada Dept. of Corrections
Term: Minimum:72 Months, Maximum:180 Months
Consecutive Enhancement:UDW, Minimum:24 Months, Maximum:180 Months
Concurrent: Charge 14

03/17/2016 **Adult Adjudication** (Judicial Officer: Leavitt, Michelle)
16. CONSPIRACY TO COMMIT ROBBERY
06/30/2015 (F) 200.380 (DC50147)
PCN: Sequence:

Sentenced to Nevada Dept. of Corrections
Term: Minimum:28 Months, Maximum:72 Months
Concurrent: Charge 15

03/17/2016 **Adult Adjudication** (Judicial Officer: Leavitt, Michelle)
17. BURGLARY WHILE IN POSSESSION OF A FIREARM
06/30/2015 (F) 205.060.4 (DC50426)
PCN: Sequence:

Sentenced to Nevada Dept. of Corrections
Term: Minimum:72 Months, Maximum:180 Months
Concurrent: Charge 16

03/17/2016 **Adult Adjudication** (Judicial Officer: Leavitt, Michelle)
18. ROBBERY WITH USE OF A DEADLY WEAPON
06/30/2015 (F) 200.380 (DC50138)
PCN: Sequence:

Sentenced to Nevada Dept. of Corrections
Term: Minimum:72 Months, Maximum:180 Months
Consecutive Enhancement:UDW, Minimum:24 Months, Maximum:180 Months
Concurrent: Charge 17

03/17/2016 **Adult Adjudication** (Judicial Officer: Leavitt, Michelle)

CASE SUMMARY

CASE NO. C-15-308719-2

19. CONSPIRACY TO COMMIT ROBBERY

07/09/2015 (F) 200.380 (DC50147)

PCN: Sequence:

Sentenced to Nevada Dept. of Corrections

Term: Minimum:28 Months, Maximum:72 Months

Concurrent: Charge 18

03/17/2016 **Adult Adjudication** (Judicial Officer: Leavitt, Michelle)**20. BURGLARY WHILE IN POSSESSION OF A FIREARM**

07/09/2015 (F) 205.060.4 (DC50426)

PCN: Sequence:

Sentenced to Nevada Dept. of Corrections

Term: Minimum:72 Months, Maximum:180 Months

Concurrent: Charge 19

03/17/2016 **Adult Adjudication** (Judicial Officer: Leavitt, Michelle)**21. ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON**

07/09/2015 (F) 200.380 (DC50145)

PCN: Sequence:

Sentenced to Nevada Dept. of Corrections

Term: Minimum:48 Months, Maximum:120 Months

Consecutive Enhancement:UDW, Minimum:24 Months, Maximum:120 Months

Concurrent: Charge 20

03/17/2016 **Adult Adjudication** (Judicial Officer: Leavitt, Michelle)**22. ROBBERY WITH USE OF A DEADLY WEAPON**

07/09/2015 (F) 200.380 (DC50138)

PCN: Sequence:

Sentenced to Nevada Dept. of Corrections

Term: Minimum:72 Months, Maximum:180 Months

Consecutive Enhancement:UDW, Minimum:24 Months, Maximum:180 Months

Concurrent: Charge 21

Credit for Time Served: 243 Days


Fee Totals:

Administrative Assessment Fee	25.00
\$25 DNA Analysis Fee	150.00
\$150 Genetic Marker Analysis AA Fee	3.00
\$3	

Fee Totals \$ 178.00

Other Fees

1. , \$2,245.23 to be paid jointly and severally with Co-Defendant Ralph Alexander

HEARINGS08/14/2015  **Grand Jury Indictment** (11:45 AM) (Judicial Officer: Barker, David)**MINUTES****Warrant**

08/14/2015 Inactive Indictment Warrant

Matter Heard;

Journal Entry Details:

Edward Ritchie, Grand Jury Deputy 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 14BGJ113B to the Court. COURT ORDERED, the Indictment may be filed and is assigned Case Number C308719-2, Department XII. State requested warrant and argued bail. COURT ORDERED, WARRANT

CASE SUMMARY

CASE NO. C-15-308719-2

ISSUED, BAIL SET in the TOTAL AMOUNT of \$130,000.00 and matter SET for initial arraignment. FURTHER ORDERED, Las Vegas Justice Court case 15F10165B DISMISSED and exhibit(s) 1-21 lodged with Clerk of District Court. I.W. (CUSTODY) 8/20/15 8:30 AM INITIAL ARRAIGNMENT (DEPT. XII) ;

SCHEDULED HEARINGS

Initial Arraignment (08/20/2015 at 8:30 AM) (Judicial Officer: Leavitt, Michelle)

08/20/2015 **Initial Arraignment** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

MINUTES

Plea Entered;

SCHEDULED HEARINGS

Calendar Call (10/13/2015 at 8:30 AM) (Judicial Officer: Leavitt, Michelle)


CANCELED Jury Trial (10/20/2015 at 1:30 PM) (Judicial Officer: Leavitt, Michelle)

Vacated - per Judge

08/20/2015 **Bench Warrant Return** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

MINUTES


Trial Date Set;

08/20/2015  **All Pending Motions** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

Matter Heard;

Journal Entry Details:

Mr. Parris appeared for Mr. Sanft on behalf of Deft. INITIAL ARRAIGNMENT...BENCH WARRANT RETURN DEFT. PARKER ARRAIGNED, PLED NOT GUILTY, and INVOKED the 60-DAY RULE. COURT ORDERED, matter SET for trial. At request of Mr. Parris, COURT FURTHER ORDERED, counsel has 21 days from the date of filing the Grand Jury Transcript, or an amount of time as permitted by Statute, to file a Writ. CUSTODY 10/13/15 8:30 A.M. CALENDAR CALL 10/20/15 1:30 P.M. TRIAL BY JURY ;

10/09/2015  **Grand Jury Indictment** (11:45 AM) (Judicial Officer: Barker, David)

Superseding Indictment

Matter Heard;

Journal Entry Details:

Edwards James, 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 14BGJ113B to the Court. COURT ORDERED, Superseding Indictment may be filed and assigned Case C308719-2, Dept. 12. State argued bail. COURT ORDERED, BAIL SET in the TOTAL AMOUNT OF \$500,000.00. Exhibits 1a, 22-75 lodged with Clerk of District Court. CUSTODY 10/13/15 8:30 AM INITIAL ARRAIGNMENT (DC 12) ;

10/13/2015 **Calendar Call** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

MINUTES

Vacated and Reset;

SCHEDULED HEARINGS

 **Calendar Call** (11/24/2015 at 8:30 AM) (Judicial Officer: Leavitt, Michelle)

CANCELED Jury Trial (12/01/2015 at 1:30 PM) (Judicial Officer: Leavitt, Michelle)

Vacated - per Judge


10/13/2015 **Initial Arraignment** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

Plea Entered;

10/13/2015 **Indictment Warrant Return** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

MINUTES

Trial Date Set;

10/13/2015  **All Pending Motions** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

Plea Entered;


CASE SUMMARY

CASE NO. C-15-308719-2

Journal Entry Details:

DEFT. PARKER ARRAIGNED, PLED NOT GUILTY, and INVOKED the 60-DAY RULE. COURT ORDERED, trial date VACATED and RESET. Mr. Sanft advised Deft. is in custody in Henderson and requested he be transported to the Clark County Detention Center. Court advised for the purposes of trial she will ask the Sheriff but leave the decision to him. CUSTODY 11/24/15 8:30 AM CALENDAR CALL 12/1/15 1:30 PM JURY TRIAL ;

10/20/2015 **CANCELED Jury Trial** (1:30 PM) (Judicial Officer: Leavitt, Michelle)
Vacated - per Judge

11/24/2015  **Calendar Call** (8:30 AM) (Judicial Officer: Leavitt, Michelle)


MINUTES


Trial Date Set;

Journal Entry Details:

CONFERENCE AT BENCH. Both parties announced ready for trial. Parties estimated 1 and a half weeks for trial. Mr. Pesci estimated 35-40 witnesses. SO NOTED. COURT ORDERED, trial date SET. Mr. Parris, who is present on behalf of Co-Deft. Ralph Alexander, indicated State's offer got extended, and it is contingent for both Defts. Mr. Alexander and Mr. Parker, however, both Defts. are not inclined to accept the offer, and State just indicated the offer will be withdrawn. Mr. Pesci confirmed the offer will be revoked today. Upon Court's inquiry, Deft. acknowledged. SO NOTED. CUSTODY 12/01/15 1:00 P.M. TRIAL BY JURY;

SCHEDULED HEARINGS

 **Jury Trial** (12/01/2015 at 1:00 PM) (Judicial Officer: Leavitt, Michelle)
12/01/2015-12/04/2015

12/01/2015  **Jury Trial** (1:00 PM) (Judicial Officer: Leavitt, Michelle)
12/01/2015-12/04/2015

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Journal Entry Details:

JURY PRESENT. Testimony and exhibits presented (see worksheet). OUTSIDE THE PRESENCE OF THE JURY. Mr. Parris argued the State is going to be calling a witness that they're going to ask about Deft's moral turpitude. Mr. Pesci advised he has spoken with witness about what she can say on the stand. JURY PRESENT. Testimony and exhibits presented (see worksheet). OUTSIDE THE PRESENCE OF THE JURY. Juror #12 has an issue with transportation that was brought to the Court's attention. Juror #12 brought in to explain transportation issue to the Court. COURT ORDERED, MATTER RESOLVED. JURY PRESENT. Testimony and exhibits presented (see worksheet). Jury recessed for the evening, COURT ORDERED, MATTER CONTINUED. CUSTODY 12-07-15 1:00 PM JURY TRIAL (DEPT. XII) ;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Journal Entry Details:

APPEARANCES: Chief Deputy District Attorney Giancarlo Pesci, Esq., and Deputy District Attorney Sarah Killer, Esq., are present on behalf of State of Nevada. Attorney Michael Sanft, Esq., is present on behalf of Deft. James Earl Parker, who is also present. Attorney John Parris, Esq., is present on behalf of Deft. Ralph Alexander, who is also present. OUTSIDE PRESENCE OF JURY: At request of parties, Court TRAILED matter for parties to discuss negotiations, and to allow time for both Defts. to speak with their attorneys about negotiations. CASE RECALLED. Mr. Sanft advised both Mr. Parris and he had time to speak with their clients, an offer was made by State to both Defts. and at this time, both Defts. are not inclined to accept it, and are declining the offer. Upon Court's inquires, both Defts. Mr. Alexander and Mr. Parker confirmed they were not accepting State's offer and both of them want to proceed forward with trial. Mr. Pesci advised State spoke with both defense counsel back and forth about the offer, which included a conspiracy to commit robbery, with no opposition to Court imposing a 12 to 30 year sentence. Upon Court's inquiry, both Defts. agreed they are rejecting State's offer. Mr. Pesci noted for record State is revoking the offer, he is not going to offer anymore, and State is going forward with trial. Mr. Parris stated defense appreciated the extra time given this morning to discuss negotiations, sparing the trial. Court stated it will always give parties more time for negotiations if needed. JURY PRESENT: Testimony and Exhibits presented (See Worksheets.). Certified Spanish Court Interpreter Ricardo Pico is present to assist State's witness Elana Chavarria during testimony, and was sworn by Clerk. Further testimony and Exhibits presented (See Worksheets.). Court admonished and excused the Jury for the evening, to return tomorrow morning at 9:00 A.M. OUTSIDE PRESENCE OF JURY: Deft. Mr. Parker not present, as he had exited the Courtroom when trial concluded for the evening. At request of counsel, Court WAIVED Deft's appearance at this time.

CASE SUMMARY**CASE NO. C-15-308719-2**

Discussions as to proposed jury instructions, and trial progression including scheduling for tomorrow. Evening recess. TRIAL CONTINUES. CUSTODY (PARKER & ALEXANDER) 12/04/15 9:00 A.M. TRIAL BY JURY;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Journal Entry Details:

APPEARANCES: Chief Deputy District Attorney Giancarlo Pesci, Esq., and Deputy District Attorney Sarah Killer, Esq., are present on behalf of State of Nevada. Attorney Michael Sanft, Esq., is present on behalf of Deft. James Earl Parker, who is also present. Attorney John Parris, Esq., is present on behalf of Deft. Ralph Alexander, who is also present. OUTSIDE PRESENCE OF JURY: Court stated Juror No. 11 provided a note to the Marshal earlier this morning, which was reviewed by this Court. Thereafter, Court read the note out loud to the parties on record; and determined that based on the contents in the note, this Court will excuse the juror from trial. Court further stated it has not sworn the entire Jury panel in this trial yet, and there are two options here; the Court can order additional jurors from Jury Services to have jury selection done for Seat No. 11; or, trial can go forward with one of the two alternates seated in Seat No. 11. Upon Court's inquiries, Mr. Sanft suggested another juror be selected for the empty seat. Mr. Parris joined, and stated this should be done out of abundance of caution, as there needs to be a safety net in place; and there is no need to bring Juror No. 11 in either for further inquiry. State made no objections to defense' requests. Court's Exhibit presented (See Worksheets.). Discussions as to peremptory challenges. COURT ORDERED, Juror No. 11 EXCUSED from trial. Court TRAILED matter for ten new jurors to appear for Voir Dire, for Seat No. 11 to be filled. CASE RECALLED. NEW PROSPECTIVE JURY PANEL OF TEN MEMBERS PRESENT IN COURT.

Introductory statements by Court and by counsel. Clerk called roll. PROSPECTIVE JURY PANEL SWORN. Voir Dire commenced. Juror No. 11 SELECTED. Court thanked and excused remaining prospective jury panel members. Court recessed for a short break. OUTSIDE PRESENCE OF JURY: Mr. Pesci indicated while Ms. Killer and he approached an opening elevator to leave the Courthouse last night, one of the jurors, being Juror No. 2, was inside the elevator and had offered to hold the door open to have both attorneys come into the elevator with him. Mr. Pesci stated both him and Ms. Killer shook their heads in an affirmative "no" and allowed the door to close, and thereafter, got on a separate elevator. Mr. Pesci advised he just wanted to make this record and let defense and Court know what happened. Mr. Sanft and Mr. Parris made no objections; which was NOTED by Court. JURY PRESENT, including newly selected Juror No. 11; and SWORN by Clerk. Court instructed Jury. Clerk read Superseding Indictment for both Defts. to the Jury. Further instructions were given by Court. Opening statements by Mr. Pesci. Court recessed for lunch. CASE RECALLED. JURY PRESENT: Opening statements by Mr. Sanft and Mr. Parris. Testimony and Exhibits presented (See Worksheets.). Certified Vietnamese Court Interpreter Jimmy Tong Nguyen is present to assist State's witness Lien Nguyen during testimony, and was sworn by Clerk. Following conclusion of Ms. Nguyen's testimony, Mr. Parris inquired if the Court Interpreter and witness were related, due to having the same last name. Both the Interpreter and witness indicated on the record that there was no relation. Further testimony and Exhibits presented (See Worksheets.). Evening recess. TRIAL CONTINUES. CUSTODY (ALEXANDER & PARKER) 12/03/15 10:30 A.M. TRIAL BY JURY ;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;


Journal Entry Details:


APPEARANCES: Chief Deputy District Attorney Giancarlo Pesci, Esq., and Deputy District Attorney Sarah Killer, Esq., are present on behalf of State of Nevada. Attorney Michael Sanft, Esq., is present on behalf of Deft. James Earl Parker, who is also present. Attorney John Parris, Esq., is present on behalf of Deft. Ralph Alexander, who is also present. OUTSIDE PRESENCE OF PROSPECTIVE JURY PANEL: Parties stated their appearances. Mr. Parris indicated defense will stipulate to chain of custody on some of the evidence including items surrounding fingerprints. SO NOTED. Court reminded counsel to let the Court know which exhibits are stipulated to, when the evidence comes up during trial. Mr. Pesci advised State anticipated 42 witnesses to appear, as this case surrounds five separate incidences, however, State may be able to cut out 4-6 witnesses from testifying, if defense is agreeing to stipulate to some of the evidence. SO NOTED. Discussions as to trial schedule for remainder of the week, including scheduling conflicts for tomorrow morning and Thursday amongst all parties, due to other Court appearances needing to be made. Mr. Parris indicated he will be in contact with this Court's staff tomorrow morning as to updates on when defense counsel will arrive into this Courtroom for trial. SO NOTED. Court advised parties it will have two alternates for trial, and each defense will have to share their peremptory challenges. Mr. Sanft and Mr. Parris made no objections. PROSPECTIVE JURY PANEL PRESENT: Introductory statements by Court and by Ms. Killer, Mr. Sanft and Mr. Parris. Clerk called roll. PROSPECTIVE JURY PANEL SWORN. Voir Dire commenced. OUTSIDE PRESENCE OF PROSPECTIVE JURY PANEL: Juror with Badge No. 0856 remained seated in jury box at request of Court. Court asked the Juror what the problem was, due to comments he made to this Court during Voir Dire examination. Juror stated he disagrees with this jury duty process, and being present for jury duty is not allowing him to be at his employment to get paid or pay his employees. Juror also stated he is losing money and his construction company is losing money as well, because he is here; and he is also in the process of purchasing the company as well. Discussions between Court and Juror regarding employment information. Court asked the Juror if he would have someone like him on this trial as a juror if he was sitting at the defense table as a Deft. The Juror responded saying no and he would ask for a bench trial, instead, further stating he does not agree with all of this. Court advised Juror he

CASE SUMMARY**CASE NO. C-15-308719-2**

does not have to agree with the process, however, the comments he had made based on questions that were asked, should not have been made to the Court, as the comments were disrespectful. Court further advised Juror it is giving him the respect, and would ask that the same respect be shown to this Court. Juror indicated he did not mean to be disrespectful to the Court. COURT ORDERED, Badge No. 0856 EXCUSED by Court. Comments were exchanged between the Juror, Court Services Officer, and the Marshal when the juror exited the gallery. Juror not present. COURT ORDERED, it will replace the excused juror in seat No. 4 when prospective panel arrives in the Courtroom. PROSPECTIVE JURY PANEL PRESENT: Voir Dire commenced further. Peremptory Challenges were exercised by the parties. JURY SELECTED. Court thanked and excused the remaining jury panel members. Evening recess. TRIAL CONTINUES. CUSTODY (ALEXANDER & PARKER) 12/02/15 9:30 A.M. TRIAL BY JURY;

12/01/2015 **CANCELED Jury Trial** (1:30 PM) (Judicial Officer: Leavitt, Michelle)
Vacated - per Judge

12/07/2015  **Jury Trial** (1:00 PM) (Judicial Officer: Leavitt, Michelle)
Verdict;
Journal Entry Details:
OUTSIDE THE PRESENCE OF THE JURY. The Court gives Deft his rights to testify. Jury instructions and verdict forms settled. JURY PRESENT. The State rested. Defense rested. The Court reads instructions to the jury. CLOSING ARGUMENTS. Jury to deliberate @ 4:13 pm. JURY PRESENT. Verdict reached. The Court thanked and excused the jury. COURT ORDERED, SENTENCING CUSTODY 2-02-16 8:30 AM SENTENCING (BOTH) (DEPT. XII);

02/02/2016  **Sentencing** (8:30 AM) (Judicial Officer: Leavitt, Michelle)
02/02/2016, 03/03/2016, 03/17/2016
Sentencing (Jury Verdict)

MINUTES

Continued;
Continued;
Defendant Sentenced;
Journal Entry Details:

By virtue of Jury Verdict returned in this case, DEFT. JAMES PARKER ADJUDGED GUILTY OF COUNT 4 - CONSPIRACY TO COMMIT ROBBERY (F); COUNT 5 - BURGLARY WHILE IN POSSESSION OF FIREARM (F); COUNT 6 - ROBBERY WITH USE OF A DEADLY WEAPON (F); COUNT 7 - CONSPIRACY TO COMMIT ROBBERY (F); COUNT 8 - BURGLARY WHILE IN POSSESSION OF A FIREARM (F); COUNT 9 - ROBBERY WITH USE OF A DEADLY WEAPON (F); COUNT 10 - ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON (F); COUNT 11 - ROBBERY WITH USE OF A DEADLY WEAPON (F); COUNT 12 - ROBBERY WITH USE OF A DEADLY WEAPON (F); COUNT 13 - ROBBERY WITH USE OF A DEADLY WEAPON (F); COUNT 14 - ROBBERY WITH USE OF A DEADLY WEAPON (F); COUNT 15 - ROBBERY WITH USE OF A DEADLY WEAPON (F); COUNT 16 - CONSPIRACY TO COMMIT ROBBERY (F); COUNT 17 - BURGLARY WHILE IN POSSESSION OF A FIREARM (F); COUNT 18 - ROBBERY WITH USE OF A DEADLY WEAPON (F); COUNT 19 - CONSPIRACY TO COMMIT ROBBERY (F); COUNT 20 - BURGLARY WHILE IN POSSESSION OF A FIREARM (F); COUNT 21 - ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON (F); and COUNT 22 - ROBBERY WITH USE OF A DEADLY WEAPON (F). COUNT 23 - DISMISSED. Matter argued and submitted. CONFERENCE AT BENCH. Statements by Deft. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, \$150.00 DNA Analysis fee including testing to determine genetic markers, \$3.00 DNA Collection fee, and \$2,245.23 Restitution to be paid jointly and severally with Co-Deft. Ralph Alexander, Deft. SENTENCED as follows: COUNT 4 - to a MINIMUM of TWENTY EIGHT (28) MONTHS and a MAXIMUM of SEVENTY TWO (72) MONTHS in the Nevada Department of Corrections (NDC); COUNT 5 - to a MINIMUM of SEVENTY TWO (72) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC); COUNT 5 to run CONCURRENT to COUNT 4; COUNT 6 - to a MINIMUM of SEVENTY TWO (72) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC), plus a CONSECUTIVE TERM of a MINIMUM of SEVENTY TWO (72) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC) for use of a deadly weapon; COUNT 6 to run CONSECUTIVE to COUNT 5; COUNT 7 - to a MINIMUM of TWENTY EIGHT (28) MONTHS and a MAXIMUM of SEVENTY TWO (72) MONTHS in the Nevada Department of Corrections (NDC); COUNT 7 to run CONCURRENT to COUNT 6; COUNT 8 - to a MINIMUM of SEVENTY TWO (72) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC); COUNT 8 to run CONCURRENT to COUNT 7; COUNT 9 - to a MINIMUM of SEVENTY TWO (72) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC), plus a CONSECUTIVE TERM of a MINIMUM of TWENTY FOUR (24) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC) for use of deadly weapon; COUNT 9 to run CONCURRENT to COUNT 8; COUNT 10 - to a MINIMUM of FORTY EIGHT (48) MONTHS and a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS in the Nevada Department of Corrections (NDC), plus a CONSECUTIVE TERM of a MINIMUM of TWENTY FOUR (24) MONTHS and a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS in the Nevada

CASE SUMMARY**CASE NO. C-15-308719-2**

Department of Corrections (NDC) for use of deadly weapon; COUNT 10 to run CONCURRENT to COUNT 9; COUNT 11 - to a MINIMUM of SEVENTY TWO (72) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC), plus a CONSECUTIVE TERM of a MINIMUM of TWENTY FOUR (24) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC) for use of deadly weapon; COUNT 11 to run CONCURRENT to COUNT 10; COUNT 12 - to a MINIMUM of SEVENTY TWO (72) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC), plus a CONSECUTIVE TERM of a MINIMUM of TWENTY FOUR (24) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC) for use of deadly weapon; COUNT 12 to run CONCURRENT to COUNT 11; COUNT 13 - to a MINIMUM of SEVENTY TWO (72) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC), plus a CONSECUTIVE TERM of a MINIMUM of TWENTY FOUR (24) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC) for use of deadly weapon; COUNT 13 to run CONCURRENT to COUNT 12; COUNT 14 - to a MINIMUM of SEVENTY TWO (72) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC), plus a CONSECUTIVE TERM of a MINIMUM of TWENTY FOUR (24) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC) for use of deadly weapon; COUNT 14 to run CONCURRENT to COUNT 13; COUNT 15 - to a MINIMUM of SEVENTY TWO (72) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC), plus a CONSECUTIVE TERM of a MINIMUM of TWENTY FOUR (24) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC) for use of deadly weapon; COUNT 15 to run CONCURRENT to COUNT 14; COUNT 16 - to a MINIMUM of TWENTY EIGHT (28) MONTHS and a MAXIMUM of SEVENTY TWO (72) MONTHS in the Nevada Department of Corrections (NDC); COUNT 16 to run CONCURRENT to COUNT 15; COUNT 17 - to a MINIMUM of SEVENTY TWO (72) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC), COUNT 17 to run CONCURRENT to COUNT 16; COUNT 18 - to a MINIMUM of SEVENTY TWO (72) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC), plus a CONSECUTIVE TERM of a MINIMUM of TWENTY FOUR (24) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC) for use of deadly weapon; COUNT 18 to run CONCURRENT to COUNT 17; COUNT 19 - to a MINIMUM of TWENTY EIGHT (28) MONTHS and a MAXIMUM of SEVENTY TWO (72) MONTHS in the Nevada Department of Corrections (NDC); COUNT 19 to run CONCURRENT to COUNT 18; COUNT 20 - to a MINIMUM of SEVENTY TWO (72) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC); COUNT 20 to run CONCURRENT to COUNT 19; COUNT 21 - to a MINIMUM of FORTY EIGHT (48) MONTHS and a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS in the Nevada Department of Corrections (NDC), plus a CONSECUTIVE TERM of a MINIMUM of TWENTY FOUR (24) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (120) MONTHS in the Nevada Department of Corrections (NDC) for use of deadly weapon; COUNT 21 to run CONCURRENT to COUNT 20; COUNT 22 - to a MINIMUM of SEVENTY TWO (72) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC), plus a CONSECUTIVE TERM of a MINIMUM of TWENTY FOUR (24) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC) for use of deadly weapon; COUNT 22 to run CONCURRENT to COUNT 21; with TWO HUNDRED FIFTY THREE (253) DAYS CREDIT FOR TIME SERVED. TOTAL AGGREGATE SENTENCE is a MINIMUM of EIGHTEEN (18) YEARS and TEN (10) MONTHS with a MAXIMUM of FORTY FIVE (45) YEARS in the Nevada Department of Corrections (NDC). BOND, if any, EXONERATED. NDC CLERK'S NOTE: Minutes amended to reflect the correct aggregate sentence calculation. 10/27/16 /// sj;

Continued;

Continued;

Defendant Sentenced;

Journal Entry Details:

Ms. O'Halloran handled today's proceedings on behalf of Mr. Pesci. Mr. Sanft appeared for Deft. James Parker, and for Attorney Mr. Parris on behalf of Co-Def. Ralph Alexander. Mr. Sanft advised he provided a copy of the Pre-Sentence Investigation (PSI) Report to Mr. Alexander; and requested a continuance for Mr. Parris to appear and handle proceedings for Co-Def. State made no objection. COURT SO ORDERED. CUSTODY 3/17/16 8:30 A.M. SENTENCING (JURY VERDICT);

Continued;

Continued;

Defendant Sentenced;

Journal Entry Details:

Based on representations made at an earlier Bench Conference during today's calendar, and at request of Mr. Sanft, COURT ORDERED, matter CONTINUED thirty days. CUSTODY 3/03/16 8:30 A.M. SENTENCING (JURY VERDICT);

07/28/2016

**Appointment of Counsel (8:30 AM) (Judicial Officer: Leavitt, Michelle)**


Confirmed;

Journal Entry Details:

CASE SUMMARY

CASE NO. C-15-308719-2

Def. not present; incarcerated in Nevada Department of Corrections (NDC). Mr. Akin confirmed as appointed counsel for Def. COURT SO ORDERED. Mr. Sanft to forward a copy of the case file to Mr. Akin. NDC;

08/03/2017  **Motion to Withdraw as Counsel** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

Defendant's Pro Per Motion to Withdraw Counsel

Granted;

Journal Entry Details:

Def. not present; incarcerated in Nevada Department of Corrections (NDC). COURT ORDERED, Motion GRANTED; counsel WITHDRAWN. State to prepare order. NDC CLERK'S NOTE: A copy of above minute order has been delivered by regular mail to: James Parker, #1095293, High Desert State Prison, P.O. BOX 650, Indian Springs, Nevada 89018. /// sj;

05/17/2018  **Petition for Writ of Habeas Corpus** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

05/17/2018, 10/04/2018, 11/01/2018

Defendant's Petition For Writ Of Habeas Corpus (Post-Conviction)

Briefing Schedule Set;

Continued;

Denied;

Journal Entry Details:

Def. not present; incarcerated in Nevada Department of Corrections (NDC). Mr. Sanft informed the Court he sent a letter to Def, with a transcript of the sentencing hearing, Def. is contesting an issue, which was specifically from sentencing, the aggregate time imposed by Court was different from what was in the Judgment of Conviction, the Court had wanted Def's sentence to be the same as Co-Def's sentence and no less, the Court had clearly indicated the sentence Def. received, and the Judgment of Conviction was corrected. Mr. Sanft added he believes he is done with that portion and can step away from this case, he had sent a packet over to Def. at Nevada Department of Corrections, and there was an issue due to Def's ID number not being correctly reflected. Court stated Def. may still come in this morning. COURT ORDERED, Mr. Sanft WITHDRAWN as appointed counsel for Def. Upon inquiry by State, Court confirmed Mr. Sanft is no longer on this case, and he had represented to Court he has no belief there are any issues with Def's sentencing. Court stated it will rule on the post-conviction petition. Matter TRAILED for Def. to be here. CASE RECALLED. Def. not present; was not transported. COURT ORDERED, Petition DENIED, as Def's bare and naked allegations are belied by the record. State to prepare the order. NDC ;

Briefing Schedule Set;

Continued;

Denied;

Journal Entry Details:

Intern Brianna Stutz, is present with Ms. Holthus on behalf of State of Nevada, pursuant to SCR 49.5. Def. present in custody. Mr. Sanft advised he had represented Def, and now Def. is asking him for help on the Petition, further noting he is seeking to file a motion on Def's behalf, he was going to confirm as counsel pro bono, the issue is unusual, both Def. and himself have a great relationship, and he believes this motion needs to be filed on Def's behalf. Def. stated the motion has to do with his sentencing, and not the trial. COURT ORDERED, matter CONTINUED to allow time for Mr. Sanft to review the case further and file any motion deemed appropriate. Court stated if Def. wants to proceed with the Petition, after the Court resolves the motion, Def. can. COURT ADDITIONALLY ORDERED, the hearing for October 11, 2018, on Petitioner's Pro Per Motion For Appointment Of Counsel And Request For Evidentiary Hearing, is VACATED. NDC 11/01/18 8:30 A.M. DEFT'S PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION);

Briefing Schedule Set;

Continued;

Denied;

05/17/2018 **Motion** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

Defendant's Pro Per Motion for Production of Documents, Papers, Pleading, and Tangible Property of Defendant
Denied in Part;

05/17/2018 **Motion for Appointment of Attorney** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

Defendant's Pro Per Motion for Appointment of Counsel

Denied Without Prejudice;

05/17/2018 **Motion for Order to Show Cause** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

Defendant's Pro Per Motion for Order to Show Cause

Denied Without Prejudice;

05/17/2018

CASE SUMMARY
CASE NO. C-15-308719-2



All Pending Motions (8:30 AM) (Judicial Officer: Leavitt, Michelle)

Matter Heard;

Journal Entry Details:

Deft. present in custody. DEFT'S PETITION FOR WRIT OF HABEAS CORPUS Deft. submitted on the Petition. Court advised Deft. it would deny the Petition, based on what was presented to the Court. Deft. stated he did not get anything from his attorney, and Mr. Sanft was removed from the case because he did not do anything. Discussions. Court asked Deft. if he wanted the Court to rule on the Petition today, if he received nothing. Deft. stated no; and further stated he had went off of what he had remembered in this case, when he prepared the Petition, and nothing was forwarded to him. COURT ORDERED, Attorney Michael Sanft, Esq., and Attorney Travis Akins, Esq., are to provide a copy of the case file to Deft; further matter SET for status check for both attorneys to appear and make representations to the Court about the case file. COURT ADDITIONALLY ORDERED, Petition CONTINUED, and briefing schedule SET as follows: Deft. to file supplement to Petition by July 19, 2018; and State's response is to be filed by August 17, 2018. DEFT'S PRO PER MOTION FOR PRODUCTION OF DOCUMENTS, PAPERS, PLEADINGS, AND TANGIBLE PROPERTY OF DEFT. Deft. asked how he can get a copy of the Court Minutes or transcripts in this case. Court stated the Clerk can provide copies of the minutes to him, and any transcripts would have to come from his prior attorneys or from the case file, if any transcripts were prepared. COURT ORDERED, Motion DENIED IN PART, and Deft. will be provided a copy of all of the Court Minutes of the proceedings, in this case. DEFT'S PRO PER MOTION FOR APPOINTMENT OF COUNSEL COURT ORDERED, Motion DENIED WITHOUT PREJUDICE. DEFT'S PRO PER MOTION FOR ORDER TO SHOW CAUSE COURT ORDERED, Motion DENIED WITHOUT PREJUDICE. NDC 6/12/18 8:30 A.M. STATUS CHECK: FILE FOR DEFT. 8/30/18 8:30 A.M. DEFT'S PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION) CLERK'S NOTE: A copy of all of the Court Minutes in this matter were provided to Deft. through Court Services, after the case was called, on May 17, 2018. A copy of the above minute order was delivered by regular mail to James Earl Parker, #1095293, High Desert State Prison, P.O. BOX 650, Indian Springs, Nevada 89018. /// sb CLERK'S NOTE: JEA notified Attorneys Michael Sanft, Esq., and Travis Akin, Esq., on May 17, 2018, regarding the case and the file needing to be turned over to Deft. A copy of the above minute order was forwarded to Mr. Sanft and Mr. Akin, on May 29, 2018 by Clerk. /// sb ;

06/12/2018



Status Check (8:30 AM) (Judicial Officer: Leavitt, Michelle)

Status Check: File For Deft.

MINUTES

Set Status Check;

Journal Entry Details:

Deft. present in custody. Mr. Sanft provided filed Certificate of Mailing of Deft's case file to Court. Mr. Akin stated he sought information from the staff in Dept. 12 regarding this matter, and he will have an affidavit filed and will send the case file over to Deft. Mr. Akin further stated he wanted to double check and make sure he knows the process, as each department is different, and he will also be submitting a bill to the County for the mailing and postage. Mr. Sanft confirmed he represented Deft. during trial proceedings, and he had filed proof of mailing. COURT ORDERED, matter SET for status check for Court to make sure Deft. receives everything from both lawyers. Court noted it may issue a new briefing schedule once it has been confirmed Deft. received his file. NDC 6/28/18 8:30 A.M. STATUS CHECK: CASE FILE / SET NEW BRIEFING SCHEDULE ;

SCHEDULED HEARINGS



Status Check (06/28/2018 at 8:30 AM) (Judicial Officer: Leavitt, Michelle)

06/28/2018, 07/05/2018

Status Check: Case File / Set New Briefing Schedule

06/28/2018



Status Check (8:30 AM) (Judicial Officer: Leavitt, Michelle)

06/28/2018, 07/05/2018

Status Check: Case File / Set New Briefing Schedule

Continued;

Briefing Schedule Set;

Journal Entry Details:

Deft. present in custody and in proper person. Attorney and Deft's former counsel Travis Akin, Esq. is also present. Deft. told the Court he received everything the day after the last Court date. Court thanked Mr. Akin for appearing, and for providing the written Declaration regarding the case file. Deft. requested additional time to file his pleadings. COURT ORDERED, new briefing schedule SET as follows: Deft's Petition due August 30, 2018; and State's response due September 29, 2018. FURTHER, the hearing on Deft's Petition for Writ of Habeas Corpus (Post-Conviction) is RESET; and the hearing on August 30, 2018 is VACATED. Upon Court's inquiry, Deft. stated he does not think he will need time to file a reply. NDC 10/04/18 8:30 A.M. DEFT'S PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION);

Continued;

Briefing Schedule Set;

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. C-15-308719-2

	Journal Entry Details: <i>Def. present in custody. Def. told Court he spoke with Mr. Sanft earlier, and he did not get any of his documents yet from Mr. Akin. COURT ORDERED, matter CONTINUED for representations to be made by Mr. Akin, regarding the file. Court advised Def. it will set a new briefing schedule, once he gets his file. NDC 7/05/18 8:30 A.M. STATUS CHECK: CASE FILE / SET NEW BRIEFING SCHEDULE;</i>
10/02/2018	CANCELED Motion (8:30 AM) (Judicial Officer: Leavitt, Michelle) <i>Vacated</i> <i>Notice of Motion</i>
10/11/2018	CANCELED Motion for Appointment of Attorney (8:30 AM) (Judicial Officer: Leavitt, Michelle) <i>Vacated - per Judge</i> <i>Petitioner's Pro Per Motion for Appointment of Counsel and Request for Evidentiary Hearing</i>

DATE

FINANCIAL INFORMATION

Defendant Parker, James Earl	
Total Charges	178.00
Total Payments and Credits	0.00
Balance Due as of 6/9/2021	178.00

FCL
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #1565
ALEXANDER CHEN
Chief Deputy District Attorney
Nevada Bar #010539
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-vs-

JAMES EARL PARKER,
#2669754

Defendant.

CASE NO: C-15-308719-2

DEPT NO: XII

**FINDINGS OF FACT, CONCLUSIONS OF
LAW, AND ORDER**

DATE OF HEARING: NOVEMBER 1, 2018
TIME OF HEARING: 8:30 A.M.

THIS CAUSE having come on for hearing before the Honorable Michelle Leavitt on the 1st day of November, 2018, the Petitioner not being present, represented by Michael Sanft, Esq., the Respondent being represented by STEVEN B. WOLFSON, Clark County District Attorney, by and through Mary Kay Holthus, Chief Deputy District Attorney, and the Court having considered the matter, including briefs, transcripts, arguments of counsel, and documents on file herein, now therefore, the Court makes the following findings of fact and conclusions of law:

ANALYSIS

I. Parker received effective assistance of trial counsel

In order to assert a claim for ineffective assistance of counsel, a defendant must prove that he was denied "reasonably effective assistance" of counsel by satisfying the two-prong

1 test of Strickland v. Washington, 466 U.S. 668, 686–87, 104 S. Ct. 2052, 2063–64 (1984). See
2 also State v. Love, 109 Nev. 1136, 1138, 865 P.2d 322, 323 (1993). Under this test, the
3 defendant must show first that his counsel’s representation fell below an objective standard of
4 reasonableness, and second, that but for counsel’s errors, there is a reasonable probability that
5 the result of the proceedings would have been different. Strickland, 466 U.S. at 687–88, 694,
6 104 S. Ct. at 2065, 2068; Warden, Nevada State Prison v. Lyons, 100 Nev. 430, 432, 683 P.2d
7 504, 505 (1984) (adopting Strickland two-part test in Nevada). “Effective counsel does not
8 mean errorless counsel, but rather counsel whose assistance is ‘[w]ithin the range of
9 competence demanded of attorneys in criminal cases.’” Jackson v. Warden, Nevada State
10 Prison, 91 Nev. 430, 432, 537 P.2d 473, 474 (1975), quoting McMann v. Richardson, 397 U.S.
11 759, 771, 90 S. Ct. 1441, 1449 (1970).

12 In considering whether trial counsel has met this standard, the court should first
13 determine whether counsel made a “sufficient inquiry into the information that is pertinent to
14 his client’s case.” Doleman v State, 112 Nev. 843, 846, 921 P.2d 278, 280 (1996); citing
15 Strickland, 466 U.S. at 690–91, 104 S. Ct. at 2066. Once such a reasonable inquiry has been
16 made by counsel, the court should consider whether counsel made “a reasonable strategy
17 decision on how to proceed with his client’s case.” Doleman, 112 Nev. at 846, 921 P.2d at
18 280, citing Strickland, 466 U.S. at 690–91, 104 S. Ct. at 2066. Finally, counsel’s strategy
19 decision is a “tactical” decision and will be “virtually unchallengeable absent extraordinary
20 circumstances.” Doleman, 112 Nev. at 846, 921 P.2d at 280; Strickland, 466 U.S. at 691, 104
21 S. Ct. at 2066.

22 Based on the above law, the court begins with the presumption of effectiveness and
23 then must determine whether or not the defendant has demonstrated by “strong and convincing
24 proof” that counsel was ineffective. Homick v State, 112 Nev. 304, 310, 913 P.2d 1280, 1285
25 (1996), citing Lenz v. State, 97 Nev. 65, 66, 624 P.2d 15, 16 (1981) (overruled on other
26 grounds). The role of a court in considering allegations of ineffective assistance of counsel is
27 “not to pass upon the merits of the action not taken but to determine whether, under the
28 particular facts and circumstances of the case, trial counsel failed to render reasonably

1 effective assistance.” Donovan v. State, 94 Nev. 671, 675, 584 P.2d 708, 711 (1978), citing
2 Cooper v. Fitzharris, 551 F.2d 1162, 1166 (9th Cir. 1977).

3 This analysis does not mean that the court “should second guess reasoned choices
4 between trial tactics nor does it mean that defense counsel, to protect himself against
5 allegations of inadequacy, must make every conceivable motion no matter how remote the
6 possibilities are of success.” Donovan, 94 Nev. at 675, 584 P.2d at 711. In essence, the court
7 must “judge the reasonableness of counsel’s challenged conduct on the facts of the particular
8 case, viewed as of the time of counsel’s conduct.” Strickland, 466 U.S. at 690, 104 S. Ct. at
9 2066.

10 “There are countless ways to provide effective assistance in any given case. Even the
11 best criminal defense attorneys would not defend a particular client in the same way.”
12 Strickland, 466 U.S. at 689, 104 S. Ct. at 689. “Strategic choices made by counsel after
13 thoroughly investigating the plausible options are almost unchallengeable.” Dawson v. State,
14 108 Nev. 112, 117, 825 P.2d 593, 596 (1992), citing Strickland, 466 U.S. at 690, 104 S. Ct. at
15 2066; see also Ford v. State, 105 Nev. 850, 853, 784 P.2d 951, 953 (1989).

16 Even if a defendant can demonstrate that his counsel’s representation fell below an
17 objective standard of reasonableness, he must still demonstrate prejudice and show a
18 reasonable probability that, but for counsel’s errors, the result of the trial would have been
19 different. McNelson v. State, 115 Nev. 396, 403, 990 P.2d 1263, 1268 (1999), citing
20 Strickland, 466 U.S. at 687. “A reasonable probability is a probability sufficient to undermine
21 confidence in the outcome.” Id., citing Strickland, 466 U.S. at 687–89, 694.

22 A defendant who contends his attorney was ineffective because he did not adequately
23 investigate must show how a better investigation would have rendered a more favorable
24 outcome probable. Molina v. State, 120 Nev. 185, 192, 87 P.3d 533, 538 (2004).

25 Parker alleges that counsel, Michael Sanft, Esq., failed to communicate an offer to plead
26 guilty. Supp. Pet. at 3. Parker fails to understand that a contingent offer means that both
27 defendants must accept the negotiation in order for the offer to stand. If one defendant rejects
28 the offer, the offer is withdrawn as to both defendants. Supp. Pet. at 3. Therefore, even if it

1 were true that Mr. Sanft failed to communicate the offer, Parker fails to show prejudice because
2 the offer was contingent upon the co-defendant accepting the negotiation which Parker's co-
3 defendant rejected. See Court Minutes, November 24, 2015. Further, the record reflects that
4 both defendants were not inclined to accept the offer. Id.

5 Parker argues that counsel was ineffective for failing to investigate his case regarding
6 the "race of the suspect," video surveillance, and lack of fingerprint match. Supp. Pet. at 4–5.
7 Even if Parker's allegations of ineffective assistance of counsel were true (which the State
8 does not concede), Parker fails to show prejudice as there was overwhelming evidence of guilt
9 presented to the jury beyond the surveillance video. Parker argues at length that the
10 surveillance video does not prove his guilt. The jury in this case reviewed the evidence from
11 the video and rejected Parker's contention that the men in the video were not him and his co-
12 defendant.

13 Parker's battle is not won simply by arguing about the admission of one video. The jury
14 heard evidence regarding crimes that occurred at Boulder Station, Kwiky Mart, LV Nail Spa,
15 Rainbow Market, and Family Dollar store. Parker may not argue that the outcome of his case
16 would have been different had Tonya Martin not testified against him to establish ineffective
17 assistance of counsel. Martin explained at trial how she dropped Parker and his co-defendant
18 off at the Las Vegas Nail Spa a few days after the Kwik-E Market robbery. JTT, December 4,
19 2015 at 99, 105, 138. When she dropped them off, they were wearing dark clothing and masks.
20 Id. at 127. After a few minutes, they came back to the car and told Martin to drive back home.
21 Id. at 99, 138.

22 Martin's testimony also addressed the Rainbow Market robbery. According to Martin,
23 she dropped Parker and his co-defendant off at the Rainbow Market a few days after the Las
24 Vegas Nail Spa robbery. Id. at 113. At the time she dropped them off, they were wearing black
25 clothing. Id. at 114. After dropping them off, Martin was told to wait in the car by Alexander.
26 Id. at 128. After a while, Parker and his co-defendant emerged from the store and returned to
27 the car. Id. at 113, 128.

1 Lastly, Martin admitted to dropping Alexander off near the Family Dollar on July 9,
2 2015. Id. at 106. When she dropped him off, she noticed that Parker was there as well. Id. at
3 107–08. She further noted how one of them had a bandana and the other had a “beanie with a
4 white face on it.” Id. at 107.

5 Therefore, Parker’s ineffective assistance of counsel claim fails because he has not met
6 Strickland’s high burden.

7 **II. Appellate counsel was not ineffective for failing to raise ineffective assistance**
8 **of counsel in Parker’s direct appeal**

9 Parker argues that appellate counsel was ineffective for failing to raise ineffective
10 assistance of counsel in his direct appeal from his jury trial. Supp. Pet. at 19.

11 There is a strong presumption that appellate counsel’s performance was reasonable and fell
12 within “the wide range of reasonable professional assistance.” See United States v. Aguirre,
13 912 F.2d 555, 560 (2nd Cir. 1990); citing Strickland, 466 U.S. at 689, 104 S. Ct. at 2065. The
14 federal courts have held that a claim of ineffective assistance of appellate counsel must satisfy
15 the two-prong test set forth by Strickland, 466 U.S. at 687–88, 694, 104 S. Ct. at 2065, 2068;
16 Williams v. Collins, 16 F.3d 626, 635 (5th Cir. 1994); Hollenback v. United States, 987 F.2d
17 1272, 1275 (7th Cir. 1993); Heath v. Jones, 941 F.2d 1126, 1130 (11th Cir. 1991). In order to
18 satisfy Strickland’s second prong, the defendant must show that the omitted issue would have
19 had a reasonable probability of success on appeal. See Duhamel v. Collins, 955 F.2d 962, 967
20 (5th Cir. 1992); Heath, 941 F.2d at 1132.

21 The Nevada Supreme Court has held that all appeals must be “pursued in a manner
22 meeting high standards of diligence, professionalism and competence.” Burke v. State, 110
23 Nev. 1366, 1368, 887 P.2d 267, 268 (1994). In Jones v. Barnes, 463 U.S. 745, 751, 103 S. Ct.
24 3308, 3312 (1983), the Supreme Court recognized that part of professional diligence and
25 competence involves “winnowing out weaker arguments on appeal and focusing on one central
26 issue if possible, or at most on a few key issues.” Id. at 751–52, 103 S. Ct. at 3313. In particular,
27 a “brief that raises every colorable issue runs the risk of burying good arguments . . . in a verbal
28 mound made up of strong and weak contentions.” Id. 753, 103 S. Ct. at 3313. The Court also

1 held that, “for judges to second-guess reasonable professional judgments and impose on
2 appointed counsel a duty to raise every ‘colorable’ claim suggested by a client would disserve
3 the very goal of vigorous and effective advocacy.” Id. at 754, 103 S. Ct. at 3314.

4 Parker ignores that the Supreme Court recognized that part of professional diligence
5 and competence involves “winnowing out weaker arguments on appeal and focusing on one
6 central issue if possible, or at most on a few key issues.” Jones, at 751–52, 103 S. Ct. at 3313.

7 The Nevada Supreme Court has consistently held that claims of ineffective assistance
8 of trial and appellate counsel must first be pursued in post-conviction proceedings in the
9 district court. Franklin v. State, 110 Nev. 750, 751–52, 877 P.2d 1058, 1059 (1994) (overruled
10 on other grounds). Ineffective assistance of counsel claims typically require the development
11 of facts outside the record. United States v. Karterman, 60 F.3d 576, 579 (9th Cir.1995). In
12 Nevada, the appropriate vehicle for review of whether counsel was effective is a post-
13 conviction relief proceeding. McKague v. Warden, 112 Nev. 159, 164, 912 P.2d 255, 257 n.4
14 (1996). This method is preferred because it allows the defendant to develop a record regarding
15 what counsel did, why he did it, and what, if any, prejudice resulted. United States v. Oplinger,
16 150 F.3d 1061, 1071 (9th Cir. 1998). The Court will only consider such claims when the record
17 is sufficiently complete to allow for a decision on the issue. Id. Appellant’s ineffective
18 assistance of trial counsel claim was inappropriate on direct appeal so Atkins cannot be
19 ineffective for failure to raise it.

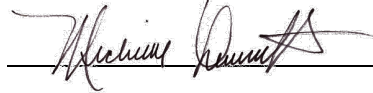
20 Even if a claim of ineffective assistance of trial counsel was appropriate for direct
21 appeal, appellate counsel is not required to assert all plausible claims. A defendant does not
22 have the constitutional right to “compel appointed counsel to press non-frivolous points
23 requested by the client, if counsel, as a matter of professional judgment, decides not to present
24 those points.” Jones, at 751–52. Parker cannot force appellate counsel to raise a claim
25 inappropriate for direct appeal. Parker was not denied effective assistance of counsel on appeal
26 as his attorney used his discretion in order to raise the issues he saw appropriate on appeal,
27 specifically noting that claims of ineffective assistance of counsel must be first pursued in
28 post-conviction proceedings in the District Court. Jones, at 751–52. Parker failed to establish

1 that appellate counsel's performance fell below the weighty standard required in Strickland,
2 and as he has failed to establish the first prong of Strickland, he is not entitled to relief.

3 **ORDER**

4 THEREFORE, IT IS HEREBY ORDERED that the Petition for Post-Conviction Relief
5 shall be, and it is, hereby denied.

6 Dated this 13th day of May, 2021

7 
8 _____

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

69B 480 F94F 4CA6
Michelle Leavitt
District Court Judge

11 BY /s/ ALEXANDER CHEN
12 ALEXANDER CHEN
13 Chief Deputy District Attorney
Nevada Bar #10539

14
15
16 **CERTIFICATE OF MAILING**

17 I hereby certify that service of the above and foregoing was made this ____ day of May,
18 2021, by depositing a copy in the U.S. Mail, postage pre-paid, addressed to:

19 JAMES EARL PARKER, #1095293
20 HIGH DESERT STATE PRISON
21 PO BOX 650
INDIAN SPRINGS, NV 89018

22 BY /s/ E Del Padre
23 E. DEL PADRE
24 Secretary for the District Attorney's Office

25
26
27
28 AC/hb/ed/GCU

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 State of Nevada

CASE NO: C-15-308719-2

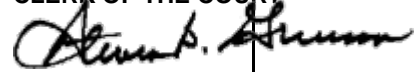
7 vs

DEPT. NO. Department 12

8 James Parker
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

JAMES PARKER,

Petitioner,

vs.

THE STATE OF NEVADA,

Respondent,

Case No: C-15-308719-2

Dept No: XII

**NOTICE OF ENTRY OF FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER**

PLEASE TAKE NOTICE that on May 13, 2021, the court entered a decision or order in this matter, a true and correct copy of which is attached to this notice.

You may appeal to the Supreme Court from the decision or order of this court. If you wish to appeal, you must file a notice of appeal with the clerk of this court within thirty-three (33) days after the date this notice is mailed to you. This notice was mailed on May 19, 2021.

STEVEN D. GRIERSON, CLERK OF THE COURT

/s/ Amanda Hampton

Amanda Hampton, Deputy Clerk

CERTIFICATE OF E-SERVICE / MAILING

I hereby certify that on this 19 day of May 2021, I served a copy of this Notice of Entry on the following:

☒ By e-mail:

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

☒ The United States mail addressed as follows:

James Parker # 1095293
P.O. Box 650
Indian Springs, NV 89070

/s/ Amanda Hampton

Amanda Hampton, Deputy Clerk

Heather S. Hume
CLERK OF THE COURT

FCL
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #1565
ALEXANDER CHEN
Chief Deputy District Attorney
Nevada Bar #010539
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-vs-

JAMES EARL PARKER,
#2669754

Defendant.

CASE NO: C-15-308719-2

DEPT NO: XII

**FINDINGS OF FACT, CONCLUSIONS OF
LAW, AND ORDER**

DATE OF HEARING: NOVEMBER 1, 2018
TIME OF HEARING: 8:30 A.M.

THIS CAUSE having come on for hearing before the Honorable Michelle Leavitt on the 1st day of November, 2018, the Petitioner not being present, represented by Michael Sanft, Esq., the Respondent being represented by STEVEN B. WOLFSON, Clark County District Attorney, by and through Mary Kay Holthus, Chief Deputy District Attorney, and the Court having considered the matter, including briefs, transcripts, arguments of counsel, and documents on file herein, now therefore, the Court makes the following findings of fact and conclusions of law:

ANALYSIS

I. Parker received effective assistance of trial counsel

In order to assert a claim for ineffective assistance of counsel, a defendant must prove that he was denied "reasonably effective assistance" of counsel by satisfying the two-prong

1 test of Strickland v. Washington, 466 U.S. 668, 686–87, 104 S. Ct. 2052, 2063–64 (1984). See
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4 both defendants were not inclined to accept the offer. Id.

5 Parker argues that counsel was ineffective for failing to investigate his case regarding
6 the "race of the suspect," video surveillance, and lack of fingerprint match. Supp. Pet. at 4–5.
7 Even if Parker's allegations of ineffective assistance of counsel were true (which the State
8 does not concede), Parker fails to show prejudice as there was overwhelming evidence of guilt
9 presented to the jury beyond the surveillance video. Parker argues at length that the
10 surveillance video does not prove his guilt. The jury in this case reviewed the evidence from
11 the video and rejected Parker's contention that the men in the video were not him and his co-
12 defendant.

13 Parker's battle is not won simply by arguing about the admission of one video. The jury
14 heard evidence regarding crimes that occurred at Boulder Station, Kwiky Mart, LV Nail Spa,
15 Rainbow Market, and Family Dollar store. Parker may not argue that the outcome of his case
16 would have been different had Tonya Martin not testified against him to establish ineffective
17 assistance of counsel. Martin explained at trial how she dropped Parker and his co-defendant
18 off at the Las Vegas Nail Spa a few days after the Kwik-E Market robbery. JTT, December 4,
19 2015 at 99, 105, 138. When she dropped them off, they were wearing dark clothing and masks.
20 Id. at 127. After a few minutes, they came back to the car and told Martin to drive back home.
21 Id. at 99, 138.

22 Martin's testimony also addressed the Rainbow Market robbery. According to Martin,
23 she dropped Parker and his co-defendant off at the Rainbow Market a few days after the Las
24 Vegas Nail Spa robbery. Id. at 113. At the time she dropped them off, they were wearing black
25 clothing. Id. at 114. After dropping them off, Martin was told to wait in the car by Alexander.
26 Id. at 128. After a while, Parker and his co-defendant emerged from the store and returned to
27 the car. Id. at 113, 128.

1 Lastly, Martin admitted to dropping Alexander off near the Family Dollar on July 9,
2 2015. Id. at 106. When she dropped him off, she noticed that Parker was there as well. Id. at
3 107–08. She further noted how one of them had a bandana and the other had a “beanie with a
4 white face on it.” Id. at 107.

5 Therefore, Parker’s ineffective assistance of counsel claim fails because he has not met
6 Strickland’s high burden.

7 **II. Appellate counsel was not ineffective for failing to raise ineffective assistance**
8 **of counsel in Parker’s direct appeal**

9 Parker argues that appellate counsel was ineffective for failing to raise ineffective
10 assistance of counsel in his direct appeal from his jury trial. Supp. Pet. at 19.

11 There is a strong presumption that appellate counsel’s performance was reasonable and fell
12 within “the wide range of reasonable professional assistance.” See United States v. Aguirre,
13 912 F.2d 555, 560 (2nd Cir. 1990); citing Strickland, 466 U.S. at 689, 104 S. Ct. at 2065. The
14 federal courts have held that a claim of ineffective assistance of appellate counsel must satisfy
15 the two-prong test set forth by Strickland, 466 U.S. at 687–88, 694, 104 S. Ct. at 2065, 2068;
16 Williams v. Collins, 16 F.3d 626, 635 (5th Cir. 1994); Hollenback v. United States, 987 F.2d
17 1272, 1275 (7th Cir. 1993); Heath v. Jones, 941 F.2d 1126, 1130 (11th Cir. 1991). In order to
18 satisfy Strickland’s second prong, the defendant must show that the omitted issue would have
19 had a reasonable probability of success on appeal. See Duhamel v. Collins, 955 F.2d 962, 967
20 (5th Cir. 1992); Heath, 941 F.2d at 1132.

21 The Nevada Supreme Court has held that all appeals must be “pursued in a manner
22 meeting high standards of diligence, professionalism and competence.” Burke v. State, 110
23 Nev. 1366, 1368, 887 P.2d 267, 268 (1994). In Jones v. Barnes, 463 U.S. 745, 751, 103 S. Ct.
24 3308, 3312 (1983), the Supreme Court recognized that part of professional diligence and
25 competence involves “winnowing out weaker arguments on appeal and focusing on one central
26 issue if possible, or at most on a few key issues.” Id. at 751–52, 103 S. Ct. at 3313. In particular,
27 a “brief that raises every colorable issue runs the risk of burying good arguments . . . in a verbal
28 mound made up of strong and weak contentions.” Id. 753, 103 S. Ct. at 3313. The Court also

1 held that, “for judges to second-guess reasonable professional judgments and impose on
2 appointed counsel a duty to raise every ‘colorable’ claim suggested by a client would disserve
3 the very goal of vigorous and effective advocacy.” Id. at 754, 103 S. Ct. at 3314.

4 Parker ignores that the Supreme Court recognized that part of professional diligence
5 and competence involves “winnowing out weaker arguments on appeal and focusing on one
6 central issue if possible, or at most on a few key issues.” Jones, at 751–52, 103 S. Ct. at 3313.

7 The Nevada Supreme Court has consistently held that claims of ineffective assistance
8 of trial and appellate counsel must first be pursued in post-conviction proceedings in the
9 district court. Franklin v. State, 110 Nev. 750, 751–52, 877 P.2d 1058, 1059 (1994) (overruled
10 on other grounds). Ineffective assistance of counsel claims typically require the development
11 of facts outside the record. United States v. Karterman, 60 F.3d 576, 579 (9th Cir.1995). In
12 Nevada, the appropriate vehicle for review of whether counsel was effective is a post-
13 conviction relief proceeding. McKague v. Warden, 112 Nev. 159, 164, 912 P.2d 255, 257 n.4
14 (1996). This method is preferred because it allows the defendant to develop a record regarding
15 what counsel did, why he did it, and what, if any, prejudice resulted. United States v. Oplinger,
16 150 F.3d 1061, 1071 (9th Cir. 1998). The Court will only consider such claims when the record
17 is sufficiently complete to allow for a decision on the issue. Id. Appellant’s ineffective
18 assistance of trial counsel claim was inappropriate on direct appeal so Atkins cannot be
19 ineffective for failure to raise it.

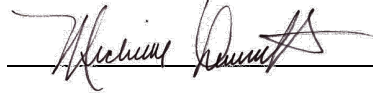
20 Even if a claim of ineffective assistance of trial counsel was appropriate for direct
21 appeal, appellate counsel is not required to assert all plausible claims. A defendant does not
22 have the constitutional right to “compel appointed counsel to press non-frivolous points
23 requested by the client, if counsel, as a matter of professional judgment, decides not to present
24 those points.” Jones, at 751–52. Parker cannot force appellate counsel to raise a claim
25 inappropriate for direct appeal. Parker was not denied effective assistance of counsel on appeal
26 as his attorney used his discretion in order to raise the issues he saw appropriate on appeal,
27 specifically noting that claims of ineffective assistance of counsel must be first pursued in
28 post-conviction proceedings in the District Court. Jones, at 751–52. Parker failed to establish

1 that appellate counsel's performance fell below the weighty standard required in Strickland,
2 and as he has failed to establish the first prong of Strickland, he is not entitled to relief.

3 **ORDER**

4 THEREFORE, IT IS HEREBY ORDERED that the Petition for Post-Conviction Relief
5 shall be, and it is, hereby denied.

6 Dated this 13th day of May, 2021

7 
8 _____

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

69B 480 F94F 4CA6
Michelle Leavitt
District Court Judge

11 BY /s/ ALEXANDER CHEN
12 ALEXANDER CHEN
13 Chief Deputy District Attorney
Nevada Bar #10539

14
15
16 **CERTIFICATE OF MAILING**

17 I hereby certify that service of the above and foregoing was made this ____ day of May,
18 2021, by depositing a copy in the U.S. Mail, postage pre-paid, addressed to:

19 JAMES EARL PARKER, #1095293
20 HIGH DESERT STATE PRISON
21 PO BOX 650
INDIAN SPRINGS, NV 89018

22 BY /s/ E Del Padre
23 E. DEL PADRE
24 Secretary for the District Attorney's Office

25
26
27
28 AC/hb/ed/GCU

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 State of Nevada

CASE NO: C-15-308719-2

7 vs

DEPT. NO. Department 12

8 James Parker
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

Felony/Gross Misdemeanor

COURT MINUTES

August 14, 2015

C-15-308719-2 State of Nevada
vs
James Parker

August 14, 2015 11:45 AM Grand Jury Indictment

HEARD BY: Barker, David **COURTROOM:** RJC Courtroom 10B

COURT CLERK: April Watkins

RECORDER: Cheryl Carpenter

REPORTER:

PARTIES

PRESENT: Killer, Sarah J. Attorney
State of Nevada Plaintiff

JOURNAL ENTRIES

- Edward Ritchie, Grand Jury Deputy 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 14BGJ113B to the Court. COURT ORDERED, the Indictment may be filed and is assigned Case Number C308719-2, Department XII. State requested warrant and argued bail. COURT ORDERED, WARRANT ISSUED, BAIL SET in the TOTAL AMOUNT of \$130,000.00 and matter SET for initial arraignment. FURTHER ORDERED, Las Vegas Justice Court case 15F10165B DISMISSED and exhibit(s) 1-21 lodged with Clerk of District Court.

I.W. (CUSTODY)

8/20/15 8:30 AM INITIAL ARRAIGNMENT (DEPT. XII)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 20, 2015

C-15-308719-2 State of Nevada
 vs
 James Parker

August 20, 2015 8:30 AM All Pending Motions

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

COURT CLERK: Susan Botzenhart

RECORDER: Kristine Santi

REPORTER:

PARTIES

PRESENT:	Parker, James Earl	Defendant
	Parris, John	Attorney
	Pesci, Giancarlo	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Mr. Parris appeared for Mr. Sanft on behalf of Deft.

INITIAL ARRAIGNMENT...BENCH WARRANT RETURN

DEFT. PARKER ARRAIGNED, PLED NOT GUILTY, and INVOKED the 60-DAY RULE. COURT ORDERED, matter SET for trial. At request of Mr. Parris, COURT FURTHER ORDERED, counsel has 21 days from the date of filing the Grand Jury Transcript, or an amount of time as permitted by Statute, to file a Writ.

CUSTODY

10/13/15 8:30 A.M. CALENDAR CALL

10/20/15 1:30 P.M. TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 09, 2015

C-15-308719-2 State of Nevada
 vs
 James Parker

October 09, 2015 11:45 AM Grand Jury Indictment

HEARD BY: Barker, David **COURTROOM:** RJC Courtroom 10B

COURT CLERK: Louisa Garcia

RECORDER: Cheryl Carpenter

REPORTER:

PARTIES

PRESENT: Pesci, Giancarlo Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Edwards James, 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 14BGJ113B to the Court. COURT ORDERED, Superseding Indictment may be filed and assigned Case C308719-2, Dept. 12. State argued bail. COURT ORDERED, BAIL SET in the TOTAL AMOUNT OF \$500,000.00. Exhibits 1a, 22-75 lodged with Clerk of District Court.

CUSTODY

10/13/15 8:30 AM INITIAL ARRAIGNMENT (DC 12)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 13, 2015

C-15-308719-2 State of Nevada
 vs
 James Parker

October 13, 2015 8:30 AM All Pending Motions

HEARD BY: Leavitt, Michelle

COURTROOM: RJC Courtroom 14D

COURT CLERK: Susan Botzenhart
Natalie Ortega

RECORDER: Kristine Santi

REPORTER:

PARTIES

PRESENT:	Parker, James Earl	Defendant
	Parris, John	Attorney
	Pesci, Giancarlo	Attorney
	Sanft, Michael W.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- DEFT. PARKER ARRAIGNED, PLED NOT GUILTY, and INVOKED the 60-DAY RULE. COURT ORDERED, trial date VACATED and RESET. Mr. Sanft advised Deft. is in custody in Henderson and requested he be transported to the Clark County Detention Center. Court advised for the purposes of trial she will ask the Sheriff but leave the decision to him.

CUSTODY

11/24/15 8:30 AM CALENDAR CALL

12/1/15 1:30 PM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 24, 2015

C-15-308719-2 State of Nevada
 vs
 James Parker

November 24, 2015 8:30 AM Calendar Call

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

COURT CLERK: Susan Botzenhart

RECORDER: Kristine Santi

REPORTER:

PARTIES

PRESENT:	Killer, Sarah J.	Attorney
	Parker, James Earl	Defendant
	Pesci, Giancarlo	Attorney
	Sanft, Michael W.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- CONFERENCE AT BENCH. Both parties announced ready for trial. Parties estimated 1 and a half weeks for trial. Mr. Pesci estimated 35-40 witnesses. SO NOTED. COURT ORDERED, trial date SET. Mr. Parris, who is present on behalf of Co-Deft. Ralph Alexander, indicated State's offer got extended, and it is contingent for both Defts. Mr. Alexander and Mr. Parker, however, both Defts. are not inclined to accept the offer, and State just indicated the offer will be withdrawn. Mr. Pesci confirmed the offer will be revoked today. Upon Court's inquiry, Deft. acknowledged. SO NOTED.

CUSTODY

12/01/15 1:00 P.M. TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****December 01, 2015**

C-15-308719-2 State of Nevada
vs
James Parker

December 01, 2015 1:00 PM Jury Trial

HEARD BY: Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Susan Botzenhart**RECORDER:** Kristine Santi**REPORTER:****PARTIES**

PRESENT:	Killer, Sarah J.	Attorney
	Parker, James Earl	Defendant
	Pesci, Giancarlo	Attorney
	Sanft, Michael W.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- APPEARANCES: Chief Deputy District Attorney Giancarlo Pesci, Esq., and Deputy District Attorney Sarah Killer, Esq., are present on behalf of State of Nevada. Attorney Michael Sanft, Esq., is present on behalf of Deft. James Earl Parker, who is also present. Attorney John Parris, Esq., is present on behalf of Deft. Ralph Alexander, who is also present.

OUTSIDE PRESENCE OF PROSPECTIVE JURY PANEL: Parties stated their appearances. Mr. Parris indicated defense will stipulate to chain of custody on some of the evidence including items surrounding fingerprints. SO NOTED. Court reminded counsel to let the Court know which exhibits are stipulated to, when the evidence comes up during trial. Mr. Pesci advised State anticipated 42 witnesses to appear, as this case surrounds five separate incidences, however, State may be able to cut out 4-6 witnesses from testifying, if defense is agreeing to stipulate to some of the evidence. SO NOTED. Discussions as to trial schedule for remainder of the week, including scheduling conflicts for tomorrow morning and Thursday amongst all parties, due to other Court appearances needing to be made. Mr. Parris indicated he will be in contact with this Court's staff tomorrow morning as to

updates on when defense counsel will arrive into this Courtroom for trial. SO NOTED. Court advised parties it will have two alternates for trial, and each defense will have to share their peremptory challenges. Mr. Sanft and Mr. Parris made no objections.

PROSPECTIVE JURY PANEL PRESENT: Introductory statements by Court and by Ms. Killer, Mr. Sanft and Mr. Parris. Clerk called roll. PROSPECTIVE JURY PANEL SWORN. Voir Dire commenced.

OUTSIDE PRESENCE OF PROSPECTIVE JURY PANEL: Juror with Badge No. 0856 remained seated in jury box at request of Court. Court asked the Juror what the problem was, due to comments he made to this Court during Voir Dire examination. Juror stated he disagrees with this jury duty process, and being present for jury duty is not allowing him to be at his employment to get paid or pay his employees. Juror also stated he is losing money and his construction company is losing money as well, because he is here; and he is also in the process of purchasing the company as well. Discussions between Court and Juror regarding employment information. Court asked the Juror if he would have someone like him on this trial as a juror if he was sitting at the defense table as a Deft. The Juror responded saying no and he would ask for a bench trial, instead, further stating he does not agree with all of this. Court advised Juror he does not have to agree with the process, however, the comments he had made based on questions that were asked, should not have been made to the Court, as the comments were disrespectful. Court further advised Juror it is giving him the respect, and would ask that the same respect be shown to this Court. Juror indicated he did not mean to be disrespectful to the Court. COURT ORDERED, Badge No. 0856 EXCUSED by Court. Comments were exchanged between the Juror, Court Services Officer, and the Marshal when the juror exited the gallery.

Juror not present. COURT ORDERED, it will replace the excused juror in seat No. 4 when prospective panel arrives in the Courtroom.

PROSPECTIVE JURY PANEL PRESENT: Voir Dire commenced further. Peremptory Challenges were exercised by the parties. JURY SELECTED. Court thanked and excused the remaining jury panel members.

Evening recess. TRIAL CONTINUES.

CUSTODY (ALEXANDER & PARKER)

12/02/15 9:30 A.M. TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****December 02, 2015**

C-15-308719-2 State of Nevada
vs
James Parker

December 02, 2015 9:30 AM Jury Trial

HEARD BY: Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Susan Botzenhart**RECORDER:** Kristine Santi**REPORTER:****PARTIES**

PRESENT:	Killer, Sarah J.	Attorney
	Parker, James Earl	Defendant
	Pesci, Giancarlo	Attorney
	Sanft, Michael W.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- APPEARANCES: Chief Deputy District Attorney Giancarlo Pesci, Esq., and Deputy District Attorney Sarah Killer, Esq., are present on behalf of State of Nevada. Attorney Michael Sanft, Esq., is present on behalf of Deft. James Earl Parker, who is also present. Attorney John Parris, Esq., is present on behalf of Deft. Ralph Alexander, who is also present.

OUTSIDE PRESENCE OF JURY: Court stated Juror No. 11 provided a note to the Marshal earlier this morning, which was reviewed by this Court. Thereafter, Court read the note out loud to the parties on record; and determined that based on the contents in the note, this Court will excuse the juror from trial.

Court further stated it has not sworn the entire Jury panel in this trial yet, and there are two options here; the Court can order additional jurors from Jury Services to have jury selection done for Seat No. 11; or, trial can go forward with one of the two alternates seated in Seat No. 11. Upon Court's inquiries, Mr. Sanft suggested another juror be selected for the empty seat. Mr. Parris joined, and

stated this should be done out of abundance of caution, as there needs to be a safety net in place; and there is no need to bring Juror No. 11 in either for further inquiry. State made no objections to defense' requests. Court's Exhibit presented (See Worksheets.). Discussions as to peremptory challenges. COURT ORDERED, Juror No. 11 EXCUSED from trial. Court TRAILED matter for ten new jurors to appear for Voir Dire, for Seat No. 11 to be filled.

CASE RECALLED.

NEW PROSPECTIVE JURY PANEL OF TEN MEMBERS PRESENT IN COURT. Introductory statements by Court and by counsel. Clerk called roll. PROSPECTIVE JURY PANEL SWORN. Voir Dire commenced. Juror No. 11 SELECTED. Court thanked and excused remaining prospective jury panel members. Court recessed for a short break.

OUTSIDE PRESENCE OF JURY: Mr. Pesci indicated while Ms. Killer and he approached an opening elevator to leave the Courthouse last night, one of the jurors, being Juror No. 2, was inside the elevator and had offered to hold the door open to have both attorneys come into the elevator with him. Mr. Pesci stated both him and Ms. Killer shook their heads in an affirmative "no" and allowed the door to close, and thereafter, got on a separate elevator. Mr. Pesci advised he just wanted to make this record and let defense and Court know what happened. Mr. Sanft and Mr. Parris made no objections; which was NOTED by Court.

JURY PRESENT, including newly selected Juror No. 11; and SWORN by Clerk. Court instructed Jury. Clerk read Superseding Indictment for both Defts. to the Jury. Further instructions were given by Court. Opening statements by Mr. Pesci. Court recessed for lunch.

CASE RECALLED.

JURY PRESENT: Opening statements by Mr. Sanft and Mr. Parris. Testimony and Exhibits presented (See Worksheets.). Certified Vietnamese Court Interpreter Jimmy Tong Nguyen is present to assist State's witness Lien Nguyen during testimony, and was sworn by Clerk. Following conclusion of Ms. Nguyen's testimony, Mr. Parris inquired if the Court Interpreter and witness were related, due to having the same last name. Both the Interpreter and witness indicated on the record that there was no relation. Further testimony and Exhibits presented (See Worksheets.).

Evening recess. TRIAL CONTINUES.

CUSTODY (ALEXANDER & PARKER)

12/03/15 10:30 A.M. TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****December 03, 2015**

C-15-308719-2 State of Nevada
vs
James Parker

December 03, 2015 10:30 AM Jury Trial

HEARD BY: Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Susan Botzenhart**RECORDER:** Kristine Santi**REPORTER:****PARTIES**

PRESENT:	Killer, Sarah J.	Attorney
	Parker, James Earl	Defendant
	Pesci, Giancarlo	Attorney
	Sanft, Michael W.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- APPEARANCES: Chief Deputy District Attorney Giancarlo Pesci, Esq., and Deputy District Attorney Sarah Killer, Esq., are present on behalf of State of Nevada. Attorney Michael Sanft, Esq., is present on behalf of Deft. James Earl Parker, who is also present. Attorney John Parris, Esq., is present on behalf of Deft. Ralph Alexander, who is also present.

OUTSIDE PRESENCE OF JURY: At request of parties, Court TRAILED matter for parties to discuss negotiations, and to allow time for both Defts. to speak with their attorneys about negotiations.

CASE RECALLED. Mr. Sanft advised both Mr. Parris and he had time to speak with their clients, an offer was made by State to both Defts. and at this time, both Defts. are not inclined to accept it, and are declining the offer. Upon Court's inquires, both Defts. Mr. Alexander and Mr. Parker confirmed they were not accepting State's offer and both of them want to proceed forward with trial. Mr. Pesci advised State spoke with both defense counsel back and forth about the offer, which included a conspiracy to commit robbery, with no opposition to Court imposing a 12 to 30 year sentence. Upon

Court's inquiry, both Defts. agreed they are rejecting State's offer. Mr. Pesci noted for record State is revoking the offer, he is not going to offer anymore, and State is going forward with trial. Mr. Parris stated defense appreciated the extra time given this morning to discuss negotiations, sparing the trial. Court stated it will always give parties more time for negotiations if needed.

JURY PRESENT: Testimony and Exhibits presented (See Worksheets.). Certified Spanish Court Interpreter Ricardo Pico is present to assist State's witness Elana Chavarria during testimony, and was sworn by Clerk. Further testimony and Exhibits presented (See Worksheets.). Court admonished and excused the Jury for the evening, to return tomorrow morning at 9:00 A.M.

OUTSIDE PRESENCE OF JURY: Deft. Mr. Parker not present, as he had exited the Courtroom when trial concluded for the evening. At request of counsel, Court WAIVED Deft's appearance at this time. Discussions as to proposed jury instructions, and trial progression including scheduling for tomorrow.

Evening recess. TRIAL CONTINUES.

CUSTODY (PARKER & ALEXANDER)

12/04/15 9:00 A.M. TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 04, 2015

C-15-308719-2 State of Nevada
 vs
 James Parker

December 04, 2015 9:00 AM Jury Trial

HEARD BY: Leavitt, Michelle

COURTROOM: RJC Courtroom 14D

COURT CLERK: Phyllis Irby

RECORDER: Kristine Santi

REPORTER:

PARTIES

PRESENT:	Killer, Sarah J.	Attorney
	Parker, James Earl	Defendant
	Pesci, Giancarlo	Attorney
	Sanft, Michael W.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- JURY PRESENT. Testimony and exhibits presented (see worksheet). OUTSIDE THE PRESENCE OF THE JURY. Mr. Parris argued the State is going to be calling a witness that they're going to ask about Deft's moral turpitude. Mr. Pesci advised he has spoken with witness about what she can say on the stand.

JURY PRESENT. Testimony and exhibits presented (see worksheet).

OUTSIDE THE PRESENCE OF THE JURY. Juror #12 has an issue with transportation that was brought to the Court's attention. Juror #12 brought in to explain transportation issue to the Court. COURT ORDERED, MATTER RESOLVED.

JURY PRESENT. Testimony and exhibits presented (see worksheet). Jury recessed for the evening, COURT ORDERED, MATTER CONTINUED.

C-15-308719-2

CUSTODY

12-07-15 1:00 PM JURY TRIAL (DEPT. XII)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 07, 2015

C-15-308719-2 State of Nevada
 vs
 James Parker

December 07, 2015 1:00 PM Jury Trial

HEARD BY: Leavitt, Michelle

COURTROOM: RJC Courtroom 14D

COURT CLERK: Phyllis Irby

RECORDER: Kristine Santi

REPORTER:

PARTIES

PRESENT:	Killer, Sarah J.	Attorney
	Parker, James Earl	Defendant
	Pesci, Giancarlo	Attorney
	Sanft, Michael W.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY. The Court gives Deft his rights to testify. Jury instructions and verdict forms settled.

JURY PRESENT. The State rested. Defense rested. The Court reads instructions to the jury.

CLOSING ARGUMENTS. Jury to deliberate @ 4:13 pm.

JURY PRESENT. Verdict reached. The Court thanked and excused the jury.

COURT ORDERED, SENTENCING

CUSTODY

2-02-16 8:30 AM SENTENCING (BOTH) (DEPT. XII)

PRINT DATE: 06/09/2021

Page 14 of 31

Minutes Date: August 14, 2015

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 02, 2016

C-15-308719-2 State of Nevada
 vs
 James Parker

February 02, 2016 8:30 AM Sentencing

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

COURT CLERK: Susan Botzenhart

RECORDER: Kristine Santi

REPORTER:

PARTIES

PRESENT:	Parker, James Earl	Defendant
	Pesci, Giancarlo	Attorney
	Sanft, Michael W.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Based on representations made at an earlier Bench Conference during today's calendar, and at request of Mr. Sanft, COURT ORDERED, matter CONTINUED thirty days.

CUSTODY

3/03/16 8:30 A.M. SENTENCING (JURY VERDICT)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 03, 2016**

C-15-308719-2 State of Nevada
vs
James Parker

March 03, 2016 8:30 AM Sentencing

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

COURT CLERK: Susan Botzenhart

RECORDER: Kristine Santi

REPORTER:

PARTIES

PRESENT:	O'Halloran, Rachel	Attorney
	Parker, James Earl	Defendant
	Sanft, Michael W.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Ms. O'Halloran handled today's proceedings on behalf of Mr. Pesci. Mr. Sanft appeared for Deft. James Parker, and for Attorney Mr. Parris on behalf of Co-Deft. Ralph Alexander. Mr. Sanft advised he provided a copy of the Pre-Sentence Investigation (PSI) Report to Mr. Alexander; and requested a continuance for Mr. Parris to appear and handle proceedings for Co-Deft. State made no objection. COURT SO ORDERED.

CUSTODY

3/17/16 8:30 A.M. SENTENCING (JURY VERDICT)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 17, 2016**

C-15-308719-2 State of Nevada
vs
James Parker

March 17, 2016 8:30 AM Sentencing

HEARD BY: Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Susan Botzenhart**RECORDER:** Kristine Santi**REPORTER:****PARTIES**

PRESENT:	Killer, Sarah J.	Attorney
	Parker, James Earl	Defendant
	Pesci, Giancarlo	Attorney
	Sanft, Michael W.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- By virtue of Jury Verdict returned in this case, DEFT. JAMES PARKER ADJUDGED GUILTY OF COUNT 4 - CONSPIRACY TO COMMIT ROBBERY (F); COUNT 5 - BURGLARY WHILE IN POSSESSION OF FIREARM (F); COUNT 6 - ROBBERY WITH USE OF A DEADLY WEAPON (F); COUNT 7 - CONSPIRACY TO COMMIT ROBBERY (F); COUNT 8 - BURGLARY WHILE IN POSSESSION OF A FIREARM (F); COUNT 9 - ROBBERY WITH USE OF A DEADLY WEAPON (F); COUNT 10 - ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON (F); COUNT 11 - ROBBERY WITH USE OF A DEADLY WEAPON (F); COUNT 12 - ROBBERY WITH USE OF A DEADLY WEAPON (F); COUNT 13 - ROBBERY WITH USE OF A DEADLY WEAPON (F); COUNT 14 - ROBBERY WITH USE OF A DEADLY WEAPON (F); COUNT 15 - ROBBERY WITH USE OF A DEADLY WEAPON (F); COUNT 16 - CONSPIRACY TO COMMIT ROBBERY (F); COUNT 17 - BURGLARY WHILE IN POSSESSION OF A FIREARM (F); COUNT 18 - ROBBERY WITH USE OF A DEADLY WEAPON (F); COUNT 19 - CONSPIRACY TO COMMIT ROBBERY (F); COUNT 20 - BURGLARY WHILE IN POSSESSION OF A FIREARM (F); COUNT 21 - ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON (F); and COUNT 22 - ROBBERY WITH USE OF A DEADLY

WEAPON (F). COUNT 23 - DISMISSED.

Matter argued and submitted. CONFERENCE AT BENCH. Statements by Deft.

COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, \$150.00 DNA Analysis fee including testing to determine genetic markers, \$3.00 DNA Collection fee, and \$2,245.23 Restitution to be paid jointly and severally with Co-Deft. Ralph Alexander, Deft. SENTENCED as follows:

COUNT 4 - to a MINIMUM of TWENTY EIGHT (28) MONTHS and a MAXIMUM of SEVENTY TWO (72) MONTHS in the Nevada Department of Corrections (NDC);

COUNT 5 - to a MINIMUM of SEVENTY TWO (72) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC); COUNT 5 to run CONCURRENT to COUNT 4;

COUNT 6 - to a MINIMUM of SEVENTY TWO (72) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC), plus a CONSECUTIVE TERM of a MINIMUM of SEVENTY TWO (72) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC) for use of a deadly weapon; COUNT 6 to run CONSECUTIVE to COUNT 5;

COUNT 7 - to a MINIMUM of TWENTY EIGHT (28) MONTHS and a MAXIMUM of SEVENTY TWO (72) MONTHS in the Nevada Department of Corrections (NDC); COUNT 7 to run CONCURRENT to COUNT 6;

COUNT 8 - to a MINIMUM of SEVENTY TWO (72) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC); COUNT 8 to run CONCURRENT to COUNT 7;

COUNT 9 - to a MINIMUM of SEVENTY TWO (72) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC), plus a CONSECUTIVE TERM of a MINIMUM of TWENTY FOUR (24) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC) for use of deadly weapon; COUNT 9 to run CONCURRENT to COUNT 8;

COUNT 10 - to a MINIMUM of FORTY EIGHT (48) MONTHS and a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS in the Nevada Department of Corrections (NDC), plus a CONSECUTIVE TERM of a MINIMUM of TWENTY FOUR (24) MONTHS and a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS in the Nevada Department of Corrections (NDC) for use of deadly weapon; COUNT 10 to run CONCURRENT to COUNT 9;

COUNT 11 - to a MINIMUM of SEVENTY TWO (72) MONTHS and a MAXIMUM of ONE

HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC), plus a CONSECUTIVE TERM of a MINIMUM of TWENTY FOUR (24) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC) for use of deadly weapon; COUNT 11 to run CONCURRENT to COUNT 10;

COUNT 12 - to a MINIMUM of SEVENTY TWO (72) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC), plus a CONSECUTIVE TERM of a MINIMUM of TWENTY FOUR (24) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC) for use of deadly weapon; COUNT 12 to run CONCURRENT to COUNT 11;

COUNT 13 - to a MINIMUM of SEVENTY TWO (72) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC), plus a CONSECUTIVE TERM of a MINIMUM of TWENTY FOUR (24) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC) for use of deadly weapon; COUNT 13 to run CONCURRENT to COUNT 12;

COUNT 14 - to a MINIMUM of SEVENTY TWO (72) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC), plus a CONSECUTIVE TERM of a MINIMUM of TWENTY FOUR (24) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC) for use of deadly weapon; COUNT 14 to run CONCURRENT to COUNT 13;

COUNT 15 - to a MINIMUM of SEVENTY TWO (72) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC), plus a CONSECUTIVE TERM of a MINIMUM of TWENTY FOUR (24) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC) for use of deadly weapon; COUNT 15 to run CONCURRENT to COUNT 14;

COUNT 16 - to a MINIMUM of TWENTY EIGHT (28) MONTHS and a MAXIMUM of SEVENTY TWO (72) MONTHS in the Nevada Department of Corrections (NDC); COUNT 16 to run CONCURRENT to COUNT 15;

COUNT 17- to a MINIMUM of SEVENTY TWO (72) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC), COUNT 17 to run CONCURRENT to COUNT 16;

COUNT 18 - to a MINIMUM of SEVENTY TWO (72) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC), plus a CONSECUTIVE TERM of a MINIMUM of TWENTY FOUR (24) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC) for use of deadly weapon; COUNT 18 to run CONCURRENT to COUNT 17;

COUNT 19 - to a MINIMUM of TWENTY EIGHT (28) MONTHS and a MAXIMUM of SEVENTY TWO (72) MONTHS in the Nevada Department of Corrections (NDC); COUNT 19 to run CONCURRENT to COUNT 18;

COUNT 20 - to a MINIMUM of SEVENTY TWO (72) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC); COUNT 20 to run CONCURRENT to COUNT 19;

COUNT 21 - to a MINIMUM of FORTY EIGHT (48) MONTHS and a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS in the Nevada Department of Corrections (NDC), plus a CONSECUTIVE TERM of a MINIMUM of TWENTY FOUR (24) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (120) MONTHS in the Nevada Department of Corrections (NDC) for use of deadly weapon; COUNT 21 to run CONCURRENT to COUNT 20;

COUNT 22 - to a MINIMUM of SEVENTY TWO (72) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC), plus a CONSECUTIVE TERM of a MINIMUM of TWENTY FOUR (24) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC) for use of deadly weapon; COUNT 22 to run CONCURRENT to COUNT 21;

with TWO HUNDRED FIFTY THREE (253) DAYS CREDIT FOR TIME SERVED.

TOTAL AGGREGATE SENTENCE is a MINIMUM of EIGHTEEN (18) YEARS and TEN (10) MONTHS with a MAXIMUM of FORTY FIVE (45) YEARS in the Nevada Department of Corrections (NDC).

BOND, if any, EXONERATED.

NDC

CLERK'S NOTE: Minutes amended to reflect the correct aggregate sentence calculation. 10/27/16
/// sj

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 28, 2016

C-15-308719-2 State of Nevada
 vs
 James Parker

July 28, 2016 8:30 AM Appointment of Counsel

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

COURT CLERK: Susan Botzenhart

RECORDER: Kristine Santi

REPORTER:

PARTIES

PRESENT:	Akin, Travis D	Attorney
	Demonte, Noreen	Attorney
	Sanft, Michael W.	
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Deft. not present; incarcerated in Nevada Department of Corrections (NDC). Mr. Akin confirmed as appointed counsel for Deft. COURT SO ORDERED. Mr. Sanft to forward a copy of the case file to Mr. Akin.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 03, 2017

C-15-308719-2 State of Nevada
 vs
 James Parker

**August 03, 2017 8:30 AM Motion to Withdraw as
 Counsel**

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

COURT CLERK: Susan Botzenhart

RECORDER: Kristine Santi

REPORTER:

PARTIES

PRESENT: Digiacomo, Sandra K. Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Deft. not present; incarcerated in Nevada Department of Corrections (NDC). COURT ORDERED, Motion GRANTED; counsel WITHDRAWN. State to prepare order.

NDC

CLERK'S NOTE: A copy of above minute order has been delivered by regular mail to: James Parker, #1095293, High Desert State Prison, P.O. BOX 650, Indian Springs, Nevada 89018. /// sj

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 17, 2018**

C-15-308719-2 State of Nevada
vs
James Parker

May 17, 2018 8:30 AM All Pending Motions

HEARD BY: Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Susan Botzenhart**RECORDER:** Kristine Santi**REPORTER:****PARTIES**

PRESENT:	Parker, James Earl	Defendant
	State of Nevada	Plaintiff
	Zadrowski, Bernard B.	Attorney

JOURNAL ENTRIES

- Deft. present in custody.

DEFT'S PETITION FOR WRIT OF HABEAS CORPUS

Deft. submitted on the Petition. Court advised Deft. it would deny the Petition, based on what was presented to the Court. Deft. stated he did not get anything from his attorney, and Mr. Sanft was removed from the case because he did not do anything. Discussions. Court asked Deft. if he wanted the Court to rule on the Petition today, if he received nothing. Deft. stated no; and further stated he had went off of what he had remembered in this case, when he prepared the Petition, and nothing was forwarded to him. COURT ORDERED, Attorney Michael Sanft, Esq., and Attorney Travis Akins, Esq., are to provide a copy of the case file to Deft; further matter SET for status check for both attorneys to appear and make representations to the Court about the case file. COURT ADDITIONALLY ORDERED, Petition CONTINUED, and briefing schedule SET as follows: Deft. to file supplement to Petition by July 19, 2018; and State's response is to be filed by August 17, 2018.

DEFT'S PRO PER MOTION FOR PRODUCTION OF DOCUMENTS, PAPERS, PLEADINGS, AND

PRINT DATE: 06/09/2021

Page 23 of 31

Minutes Date: August 14, 2015

TANGIBLE PROPERTY OF DEFT.

Deft. asked how he can get a copy of the Court Minutes or transcripts in this case. Court stated the Clerk can provide copies of the minutes to him, and any transcripts would have to come from his prior attorneys or from the case file, if any transcripts were prepared. COURT ORDERED, Motion DENIED IN PART, and Deft. will be provided a copy of all of the Court Minutes of the proceedings, in this case.

DEFT'S PRO PER MOTION FOR APPOINTMENT OF COUNSEL

COURT ORDERED, Motion DENIED WITHOUT PREJUDICE.

DEFT'S PRO PER MOTION FOR ORDER TO SHOW CAUSE

COURT ORDERED, Motion DENIED WITHOUT PREJUDICE.

NDC

6/12/18 8:30 A.M. STATUS CHECK: FILE FOR DEFT.

8/30/18 8:30 A.M. DEFT'S PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)

CLERK'S NOTE: A copy of all of the Court Minutes in this matter were provided to Deft. through Court Services, after the case was called, on May 17, 2018. A copy of the above minute order was delivered by regular mail to James Earl Parker, #1095293, High Desert State Prison, P.O. BOX 650, Indian Springs, Nevada 89018. /// sb

CLERK'S NOTE: JEA notified Attorneys Michael Sanft, Esq., and Travis Akin, Esq., on May 17, 2018, regarding the case and the file needing to be turned over to Deft. A copy of the above minute order was forwarded to Mr. Sanft and Mr. Akin, on May 29, 2018 by Clerk. /// sb

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 12, 2018**

C-15-308719-2 State of Nevada
vs
James Parker

June 12, 2018 8:30 AM Status Check

HEARD BY: Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Susan Botzenhart**RECORDER:** Trisha Garcia**REPORTER:****PARTIES**

PRESENT:	Akin, Travis D	
	Parker, James Earl	Defendant
	Sanft, Michael W.	
	State of Nevada	Plaintiff
	Zadrowski, Bernard B.	Attorney

JOURNAL ENTRIES

- Deft. present in custody. Mr. Sanft provided filed Certificate of Mailing of Deft's case file to Court. Mr. Akin stated he sought information from the staff in Dept. 12 regarding this matter, and he will have an affidavit filed and will send the case file over to Deft. Mr. Akin further stated he wanted to double check and make sure he knows the process, as each department is different, and he will also be submitting a bill to the County for the mailing and postage. Mr. Sanft confirmed he represented Deft. during trial proceedings, and he had filed proof of mailing. **COURT ORDERED**, matter SET for status check for Court to make sure Deft. receives everything from both lawyers. Court noted it may issue a new briefing schedule once it has been confirmed Deft. received his file.

NDC

6/28/18 8:30 A.M. STATUS CHECK: CASE FILE / SET NEW BRIEFING SCHEDULE

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 28, 2018

C-15-308719-2 State of Nevada
 vs
 James Parker

June 28, 2018 8:30 AM Status Check

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

COURT CLERK: Susan Botzenhart

RECORDER: Kristine Santi

REPORTER:

PARTIES

PRESENT:	Dickerson, Michael	Attorney
	Parker, James Earl	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Deft. present in custody. Deft. told Court he spoke with Mr. Sanft earlier, and he did not get any of his documents yet from Mr. Akin. COURT ORDERED, matter CONTINUED for representations to be made by Mr. Akin, regarding the file. Court advised Deft. it will set a new briefing schedule, once he gets his file.

NDC

7/05/18 8:30 A.M. STATUS CHECK: CASE FILE / SET NEW BRIEFING SCHEDULE

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

C-15-308719-2 State of Nevada
vs
James Parker

July 05, 2018 8:30 AM Status Check

HEARD BY: Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Susan Botzenhart**RECORDER:** Rubina Feda**REPORTER:****PARTIES**

PRESENT:	Holthus, Mary Kay	Attorney
	Parker, James Earl	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Deft. present in custody and in proper person. Attorney and Deft's former counsel Travis Akin, Esq. is also present. Deft. told the Court he received everything the day after the last Court date. Court thanked Mr. Akin for appearing, and for providing the written Declaration regarding the case file. Deft. requested additional time to file his pleadings. COURT ORDERED, new briefing schedule SET as follows: Deft's Petition due August 30, 2018; and State's response due September 29, 2018. FURTHER, the hearing on Deft's Petition for Writ of Habeas Corpus (Post-Conviction) is RESET; and the hearing on August 30, 2018 is VACATED. Upon Court's inquiry, Deft. stated he does not think he will need time to file a reply.

NDC

10/04/18 8:30 A.M. DEFT'S PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 04, 2018

C-15-308719-2 State of Nevada
 vs
 James Parker

**October 04, 2018 8:30 AM Petition for Writ of Habeas
Corpus**

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

COURT CLERK: Susan Botzenhart

RECORDER: Kristine Santi

REPORTER:

PARTIES

PRESENT:	Holthus, Mary Kay	Attorney
	Parker, James Earl	Defendant
	Sanft, Michael W.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Intern Brianna Stutz, is present with Ms. Holthus on behalf of State of Nevada, pursuant to SCR 49.5.

Deft. present in custody. Mr. Sanft advised he had represented Deft, and now Deft. is asking him for help on the Petition, further noting he is seeking to file a motion on Deft's behalf, he was going to confirm as counsel pro bono, the issue is unusual, both Deft. and himself have a great relationship, and he believes this motion needs to be filed on Deft's behalf. Deft. stated the motion has to do with his sentencing, and not the trial. COURT ORDERED, matter CONTINUED to allow time for Mr. Sanft to review the case further and file any motion deemed appropriate. Court stated if Deft. wants to proceed with the Petition, after the Court resolves the motion, Deft. can. COURT ADDITIONALLY ORDERED, the hearing for October 11, 2018, on Petitioner's Pro Per Motion For Appointment Of Counsel And Request For Evidentiary Hearing, is VACATED.

NDC

PRINT DATE: 06/09/2021

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Minutes Date: August 14, 2015

11/01/18 8:30 A.M. DEFT'S PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****November 01, 2018**

C-15-308719-2 State of Nevada
vs
James Parker

**November 01, 2018 8:30 AM Petition for Writ of Habeas
Corpus**

HEARD BY: Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Susan Botzenhart**RECORDER:** Kristine Santi**REPORTER:****PARTIES**

PRESENT:	Holthus, Mary Kay	Attorney
	Sanft, Michael W.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Deft. not present; incarcerated in Nevada Department of Corrections (NDC). Mr. Sanft informed the Court he sent a letter to Deft, with a transcript of the sentencing hearing, Deft. is contesting an issue, which was specifically from sentencing, the aggregate time imposed by Court was different from what was in the Judgment of Conviction, the Court had wanted Deft's sentence to be the same as Co-Deft's sentence and no less, the Court had clearly indicated the sentence Deft. received, and the Judgment of Conviction was corrected. Mr. Sanft added he believes he is done with that portion and can step away from this case, he had sent a packet over to Deft. at Nevada Department of Corrections, and there was an issue due to Deft's ID number not being correctly reflected. Court stated Deft. may still come in this morning. COURT ORDERED, Mr. Sanft WITHDRAWN as appointed counsel for Deft. Upon inquiry by State, Court confirmed Mr. Sanft is no longer on this case, and he had represented to Court he has no belief there are any issues with Deft's sentencing. Court stated it will rule on the post-conviction petition. Matter TRAILED for Deft. to be here. CASE RECALLED. Deft. not present; was not transported. COURT ORDERED, Petition DENIED, as Deft's bare and naked allegations are belied by the record. State to prepare the order.

NDC

Def. Counsel(s): DEF. ALEXANDER – JOHN PARRIS, ESQ.
DEF. PARKER – MICHAEL SANFT, ESQ.

**WARRANTS (ONE WEEK)
BOTH DEFS IN-CUSTODY AT CCDC, THESE CHARGES
(15F10165A/B, P/H 8-7, JC 3)
- DEF. ALEXANDER
- DEF. PARKER**

LVJC CASE TO BE DISMISSED: 15F10165A/B, P/H 8-17, JC 3

Exhibits:	1. Proposed Indictment	12. Photo
	2. Photo	13. Photo
	3. Photo	14. Photo
	4. Photo	15. Photo
	5. Photo	16. Photo
	6. Photo	17. Photo
	7. Photo	18. Photo
	8. Photo	19. Photo
	9. Photo	20. Photo
	10. Photo	21. Instructions
	11. Photo	

Exhibits 1-21, to be lodged with the Clerk of the Court.

DEF. PARKER:

- (4) CT - BURGLARY WHILE IN POSSESSION OF A FIREARM (Category B Felony - NRS 205.060 - NOC 50426);
(10) CT - ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.380, 193.165 - NOC 50138);
(4) CT - CONSPIRACY TO COMMIT ROBBERY (Category B Felony - NRS 200.380, 199.480 - NOC 50147); and
(2) CT - ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.380, 193.330, 193.165 - NOC 50145)

DEF. MARTIN:

- (5) CT - BURGLARY WHILE IN POSSESSION OF A FIREARM (Category B Felony - NRS 205.060 - NOC 50426);
(11) CT - ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.380, 193.165 - NOC 50138);
(5) CT - CONSPIRACY TO COMMIT ROBBERY (Category B Felony - NRS 200.380, 199.480 - NOC 50147); and
(2) CT - ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.380, 193.330, 193.165 - NOC 50145)

Def. Counsel(s): DEF. ALEXANDER - JOHN PARRIS, ESQ.
DEF. PARKER - MICHAEL SANFT, ESQ.
DEF. MARTIN - NO ATTORNEY OF RECORD

WARRANTS (ONE WEEK):

DEFS. ALEXANDER & MARTIN BOTH IN-CUSTODY AT CCDC, THESE CHARGES (C-15-308719, C/C 10-13, DC 12)

- ALEXANDER
- PARKER

> 10/15 830

DEF. MARTIN OUT OF CUSTODY (NO DATE)
- MARTIN

\$ 500,000
each

- Exhibits: 1. Proposed Indictment
1a. Superseding Indictment
2. Photo
3. Photo
4. Photo
5. Photo
6. Photo
7. Photo
8. Photo

Continued...

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| 9. | Photo | 51. | Photo |
| 10. | Photo | 52. | Photo |
| 11. | Photo | 53. | Photo |
| 12. | Photo | 54. | Photo |
| 13. | Photo | 55. | Photo |
| 14. | Photo | 56. | Photo |
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| 17. | Photo | 59. | Photo |
| 18. | Photo | 60. | Photo |
| 19. | Photo | 61. | Photo |
| 20. | Photo | 62. | Photo |
| 21. | Instructions | 63. | Photo |
| 22. | Transcripts 8-13-15 | 64. | Photo |
| 23. | DMV records | 65. | Photo |
| 24. | Photo | 66. | Photo |
| 25. | Photo | 67. | Photo |
| 26. | Photo | 68. | Photo |
| 27. | Photo | 69. | Photo |
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| 50. | Photo | | |

Exhibits 1a, 22-75 to be lodged with the Clerk of the Court.

Exhibits 1-21, previously lodged with the Clerk of the Court.

STATE'S EXHIBITSCASE NO. C308719 1+2

	Date Offered	Objection	Date Admitted
1. CD-Surveillance	12-2-15	STIP	12-2-15
2. CD Surveillance	12-2-15	STIP	12-2-15
3. map	12-2-15	no	12-2-15
4. CD-surveillance	12-2-15	no	12-2-15
5. map	12-2-15	no	12-2-15
6. photo	12-2-15	no	12-2-15
7. photo	12-2-15	no	12-2-15
8. photo	12-2-15	no	12-2-15
9. Photo	12-2-15	no	12-2-15
10. Photo	12-2-15	no	12-2-15
11. photo	12-2-15	no	12-2-15
12. photo	12-2-15	no	12-2-15
13. photo	12-2-15	no	12-2-15
14. photo	12-2-15	no	12-2-15
15. photo	12-2-15	no	12-2-15
16. photo	12-2-15	no	12-2-15
17. photo	12-2-15	no	12-2-15
18. photo	12-2-15	no	12-2-15
19. Photo	12-2-15	no	12-2-15
20. CD-Surveillance	12-4-15	NO	12-4-15
21. map	12-3-15	no	12-3-15
22. photo	12-4-15	STIP	12-4-15
23. photo	12-2-15	no	12-2-15

STATE'S EXHIBITSCASE NO. C308719 1+2

	Date Offered	Objection	Date Admitted
24. photo	12-2-15	no	12-2-15
25. photo	12-3-15	no	12-3-15
26. photo	12-2-15	no	12-2-15
27. photo	12-3-15	no	12-3-15
28. photo	12-3-15	no	12-3-15
29. photo	12-3-15	no	12-3-15
30. CD - Rainbow Market	12-3-15	Stip	12-3-15
31. map	12-3-15	no	12-3-15
32. photo	12-3-15	no	12-3-15
33. photo	12-3-15	no	12-3-15
34. photo	12-3-15	no	12-3-15
35. photo	12-3-15	no	12-3-15
36. photo	12-3-15	no	12-3-15
37. photo	12-3-15	no	12-3-15
38. photo	12-3-15	no	12-3-15
39. photo	12-3-15	no	12-3-15
40. photo	12-3-15	no	12-3-15
41. photo	12-3-15	no	12-3-15
42. CD-family Dollar	12-3-15	no	12-3-15
43. map	12-3-15	no	12-3-15
44. photo	12-3-15	no	12-3-15
45. photo	12-3-15	no	12-3-15
46. photo	12-3-15	no	12-3-15

STATE'S EXHIBITSCASE NO. C308719 172

	Date Offered	Objection	Date Admitted
47. photo	12-3-15	no	12-3-15
48. photo	12-3-15	no	12-3-15
49. photo	12-3-15	no	12-3-15
50. photo	12-3-15	no	12-3-15
51. photo	12-3-15	no	12-3-15
52. photo	12-3-15	no	12-3-15
53. photo	12-3-15	no	12-3-15
54. photo	12-3-15	no	12-3-15
55. photo	12-3-15	no	12-3-15
56. photo	12-3-15	no	12-3-15
57. photo	12-3-15	no	12-3-15
58. photo	12-3-15	no	12-3-15
59. photo	12-3-15	no	12-3-15
60. photo	12-3-15	no	12-3-15
61. photo	12-3-15	no	12-3-15
62. photo	12-3-15	no	12-3-15
63. photo	12-3-15	no	12-3-15
64. photo	12-3-15	no	12-3-15
65. photo	12-3-15	no	12-3-15
66. photo	12-4-15	NO	12-4-15
67. photo	12-3-15	no	12-3-15
68. photo	12-3-15	no	12-3-15
69. photo	12-3-15	no	12-3-15

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STATE'S EXHIBITS

CASE NO. C308719 1+2

	Date Offered	Objection	Date Admitted
70. photo	12-3-15	no	12-3-15
71. photo	12-3-15	no	12-3-15
72. photo	12-3-15	no	12-3-15
73. photo	12-3-15	no	12-3-15
74. photo	12-3-15	no	12-3-15
75. photo	12-3-15	no	12-3-15
76. photo	12-3-15	no	12-3-15
77. photo	12-3-15	no	12-3-15
78. photo	12-3-15	no	12-3-15
79. photo	12-3-15	no	12-3-15
80. photo	12-3-15	no	12-3-15
81. photo	12-3-15	no	12-3-15
82. photo	12-3-15	no	12-3-15
83. photo	12-3-15	no	12-3-15
84. photo	12-3-15	no	12-3-15
85. photo	12-4-15	NO	12-4-15
86. photo	12-2-15	no	12-2-15
87. photo	12-2-15	no	12-2-15
88. PHOTO	12-4-15	NO	12-4-15
89. PHOTO	12-4-15	NO	12-4-15
90. PHOTO	12-4-15	NO	12-4-15
91. PHOTO	12-4-15	NO	12-4-15
92. PHOTO	12-4-15	NO	12-4-15

CASE NO. C308719 1-2

CASE NO. C308719 1-2

[illegible]

COURT'S EXHIBITS

CASE NO. C308719 1+2

[illegible]

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; CASE APPEAL STATEMENT; DISTRICT COURT
DOCKET ENTRIES; FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER; NOTICE OF
ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER; DISTRICT COURT
MINUTES; EXHIBITS LIST

STATE OF NEVADA,

Plaintiff(s),

vs.

JAMES EARL PARKER,

Defendant(s).

Case No: C-15-308719-2

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 9 day of June 2021.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk