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STEVEN WOLFSON
Clark County District Attorney
Nevada Bar # 1565
200 Lewis Ave.
Las Vegas, NV 89155-2212
(702) 671-2500
State of Nevada

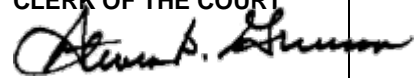
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AA 1 – AA 18	Indictment
AA 19 – AA 36	Amended Indictment
AA 37 – AA 57	Superseding Indictment
AA 58 – AA 62	Amended Superseding Indictment
AA 63 – AA 78	Second Amended Superseding Indictment
AA 79 – AA 136	Jury Instructions
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AA 185 – AA 325	Transcript October 21, 2020
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AA 332 – AA 418	Transcript October 28, 2020
AA 419 – AA 423	Transcript October 29, 2020
AA 424 - AA 435	Transcript November 5, 2020
AA 436 – AA 445	Transcript November 25, 2020
AA 446 – AA 459	Transcript January 7, 2021
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AA 465 – AA 650	Transcript April 12, 2021
AA 651 – AA 857	Transcript April 13, 2021
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AA 1112-AA 1293	Transcript April 15, 2021
AA 1294-AA 1457	Transcript April 16, 2021
AA 1458-AA 1469	Transcript April 19, 2021
AA 1470-AA 1500	Transcript April 20, 2021
AA 1501-AA 1518	Transcript June 15, 2021
AA 1519-AA1525	Transcript June 17, 2021

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AA 1526-AA1534	Transcript June 24, 2021
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TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

VENESHIA L. OLIVER; DARRELL
CLARK,

Defendant.

CASE NO. C-20-351676-1
C-20-351676-2

DEPT. XVII

BEFORE THE HONORABLE MICHAEL VILLANI, DISTRICT COURT JUDGE
JUNE 15, 2021

RECORDER'S TRANSCRIPT OF HEARING RE
SENTENCING

APPEARANCES:

For the Plaintiff: CHAD LEXIS, ESQ.

For Defendant Veneshia Oliver: MARTIN W. HART, ESQ.

For Defendant Darrell Clark: CARL E. ARNOLD, ESQ.
Via Video Conference

RECORDED BY: KRISTINE SANTI, COURT RECORDER

1 TUESDAY, JUNE 15, 2021 AT 8:41 A.M.

2
3 THE COURT: 23 is Veneshia Oliver, Mr. Hart; 24 is Darrell Clark, Mr. Arnold.
4 Is Mr. Arnold on Blue Jeans?

5 MR. ARNOLD: Yes, Your Honor.

6 THE COURT: All right. On behalf of Ms. Oliver, Mr. Hart, is there any reason
7 we can't go forward on Ms. Oliver?

8 MR. HART: There is not, Your Honor.

9 THE COURT: All right. Bear with me here. All right. Ms. Clark [sic] is hereby
10 adjudged guilty of Counts 1 --

11 MR. HART: Are you saying Mr. Clark or are you saying Ms. Oliver?

12 THE COURT: Ms. Oliver. I'm sorry. Ms. Oliver.

13 MR. HART: Okay.

14 THE COURT: Hereby adjudged guilty of Counts 1 through 37. All right, any
15 argument by the State? And, State, do you have -- after I hear from you I'll hear
16 from Ms. Oliver and I'll hear from Mr. Hart. I think we've had a request for restitution
17 for some of the victims but they just identified it as victim 1, 2 or 3. When the other
18 individuals are talking can you just gave me those names, please?

19 MR LEXIS: Yes, Judge. And if you can, can you -- could I please start with
20 Mr. Clark?

21 THE COURT: All right. And Mr. Clark is not charged in all of the counts. Mr.
22 Clark, is hereby adjudged guilty of Counts 1 through 13, 18 through 38, but then 30
23 -- count - the original Count 39 was bifurcated and that's Possession of a Firearm by
24 a Prohibited Person. Is that identified as a separate case number or would that just
25 be Count 39?

1 MR. LEXIS: It's the same case number, Judge.

2 THE COURT: Okay. So, I'm gonna consider that charge, Mr. Arnold,
3 Possession of a Firearm by a Prohibited Person as Count 39.

4 MR. ARNOLD: Okay.

5 THE COURT: All right. Argument by the State.

6 MR. LEXIS: Judge, I want to point out a couple of things before we get to the
7 underlying facts of the case. Obviously you see he was convicted previously of
8 robbery and burglary. In addition, Judge, I'm very familiar with Mr. Clark because
9 back in 2019 I was on the eve of trial and the case got resolved. In that case he
10 was at the Aria, he went up to a hotel room, tried to break inside of it. There was a
11 person inside, looked through the peephole, saw a particular backpack on Mr. Clark
12 and eventually that's how he was caught and when he was caught he had a bunch
13 of burglary tools in his backpack And that should sounds very familiar to you,
14 Judge, because that's pretty much the M.O. in this particular case. Judge, he did a
15 12 to 30 month sentence in that case, went to prison and I want you to note that he
16 was paroled May 27th of 2020. As you could see in our case less than a month later
17 he's committing the crimes, same M.O., different hotels all over town. And I also
18 want to point out, Judge, as you heard from the rulings in this case previously we
19 couldn't get into a lot of evidence because he is suspected of doing many more
20 burglaries in other hotels, in other rooms. In this particular one, we went with five
21 different burglaries, Judge.

22 You heard the facts, Judge, I won't belabor the facts but, you know, we
23 list five different burglaries. Obviously he shouldn't get a windfall with any type of
24 concurrent time. There's five different rooms, I'd ask for a two to five on each one.
25 Obviously there's need to be something consecutive for the woman who came back

1 and tried to get into her own hotel room and then both of them came out. You heard
2 from the testimony, Judge, and the jury convicted them of Mr. Clark then grabbing
3 her by the throat, pushing her against the wall. That's what caused that piece of
4 paper in the peephole to fall down on the ground which the CSA's collected which
5 obviously came back to his co-defendant. So, obviously for that robbery, Judge, I'd
6 ask for a consecutive 4 to 10.

7 Obviously there was many counts involving theft and during the take
8 down which was basically a set up by -- that the cops came. You heard that he had
9 a firearm on him that was concealed. Obviously I would be asking for something
10 consecutive in that event. So, I'd ask for a 2 to 5 on the CCW which gives an
11 aggregate of 16 to 40 years which, Judge is a gift considering if you just give him 16
12 to 40 you would basically just be throwing everything else as concurrent time
13 including the five counts of invasion of a home, the coercion for taking the robbery
14 victim's phone, the possession of a firearm, the four counts of theft and two counts
15 of fraudulent use of a credit card, the two counts of burglary of a business and the
16 five counts of conspiracy burg. So, Judge, at a minimum I think a 16 to 40, which
17 again, you're not even maxing out any of the burgs, the robbery. So, I -- and the
18 CCW. 16 to 40, Judge, I think is more than fair.

19 With regards to the co-Defendant, Judge, I will just say this. She's also
20 a felon, however from the get go she wanted to take responsibility and plea in this
21 case and we obviously didn't let her do that because Mr. Clark wanted to fight it and
22 we went to trial. So, you know, that's probably worth something so I'm not gonna sit
23 here and pound the table with regards to the co-Defendant, Ms. Oliver. However, I'll
24 -- she's obviously just as guilty as the jury found her on all the counts, however as
25 far as punishment wise, especially given the fact that Mr. Clark was -- just got

1 paroled when he picked up this case and was doing essentially the same thing,
2 obviously I think 16 to 40 would be a gift. With that, Judge, I'll submit it.

3 THE COURT: All right. Thank you. Let me hear from Mr. Hart first.

4 MR. HART: Your Honor, my client -- we get as far as entering pleas and then
5 we couldn't get to the allocution on Mr. Clark so here we are, Your Honor. My client
6 was willing to take responsibility. I don't want to throw dirt all over everybody else,
7 but she's not the leader in this relationship. You saw what was going on. She was
8 given the cards and then was using them, etcetera. So, we went through this
9 routine, Your Honor.

10 We did put an application and she was accepted in the drug court if the
11 Court would consider it, Your Honor. I understand probation is a large ask on this
12 but she does have one prior felony, Your Honor. She doesn't have any violence in
13 her record. There's a robbery charge here, she was not accused of being the
14 person to grab or, you know, grab her by the throat or anything else, Your Honor,
15 when that happened. She was aiding -- you know, she was charged as an aider
16 and abettor, a conspiracy -- a conspirator in this. I would ask this Court not to run
17 everything consecutive based on her. I would -- like I said, I would ask humbly for
18 the chance at probation because of the fact that it is burglary it could be a five year
19 probation with a large sentence over her head, willing to do drug treatment if this
20 Court would consider it. She was willing to take responsibility. That's where we're
21 at.

22 THE COURT: Mr. Hart, there's -- according to the PSI page 6, there is a
23 burglary case -- it looks like an arrest of 4-8-20 and it says a preliminary hearing was
24 set for May 27th. Do you know anything about that?

25 MR. HART: Yeah, Your Honor. It's set out; it wasn't included in this batch,

1 Your Honor. That's where we're at.

2 THE COURT: I mean, is that still pending?

3 MR. HART: Yeah. It's just -- it sat out there.

4 DEFENDANT OLIVER: They're waiting for you.

5 MR. HART: What's that?

6 MS. OLIVER: They're waiting for this case before they do anything in that
7 case.

8 MR. HART: In the negotiations it would have been dismissed though. I guess
9 that it's been kicked -- you know, usually kicked down the road, Your Honor.

10 THE COURT: And I don't want you to say something that might be negative
11 towards your client. Counsel, is that involving -- since the burglary -- was that also
12 at a hotel room or is that a residence or a business?

13 MR. LEXIS: Judge, honestly I'm not sure what that other case -- the facts of
14 the underlying case is.

15 THE COURT: All right. Thank you.

16 MR. LEXIS: But I will -- I will help Mr. Hart get that resolved with what's going
17 on here.

18 THE COURT: All right. Ms. Oliver, do you have anything to say before I
19 sentence you?

20 DEFENDANT OLIVER: Yes, I do, sir. Your Honor, I come to you today
21 seeking refuge from a life of drugs that I have found myself involved in over the five
22 -- of the last five to seven years. Over the last ten months I have spent time
23 reflecting over my behavior and my actions that have resulted in my troubles. Ever
24 since I became addicted I've been running from myself and into walls. I have never
25 had help with my addiction and I know that I need it.

1 I'd like to share with you a little bit of my background. I come from a
2 history of drug addicts, sexual abuse and foster care from my younger years. So, as
3 you can see I've already had attempted to fail life before. I do believe in God and I
4 trust that He will help me and lead me through to a better path, and I believe that
5 you have to want to change in order to change and I am beyond the want. I have
6 made a lot of decisions that were wrong since I've been on drugs and I am sorry. I
7 do take accountability -- I take accountability and accept the choices that I have
8 made. And while I am not proud of the choices that I have made in my life I'm asking
9 -- I'm not asking for sympathy, I'm asking for help.

10 Your Honor, I come to you today seeking that push that sometimes
11 need in order to be given a chance to change and to become a rehabilitated woman.
12 I thank you for allowing me to talk and considering my request. Thank you.

13 THE COURT: All right. Thank you. Let me hear from Mr. Clark. Mr. Clark,
14 do you have anything to say before I sentence you?

15 DEFENDANT CLARK: Yes, sir. I wanted to say good morning and I want to
16 say thank you for letting me speak.

17 First thing -- the important thing is that you said some jury instructions
18 and I'm standing here taking responsibility for what I have done but due to the jury
19 instructions it was that the prosecution has the right -- has the burden to prove guilty
20 beyond a reasonable doubt. The prosecution has to provide each and every
21 element to a crime I'm being accused of. And you told the jury that they're not
22 supposed to judge by what they're personally thinking but be judged by the evidence
23 that was presented. This case, Your Honor, guilt was not proven beyond a
24 reasonable doubt. There was a tremendous amount of doubt through the whole
25 situation. There was elements missing from every single charge. I'm not saying I'm

1 innocent. I'm guilty of carrying a concealed weapon because I was arrested with it.
2 I'm guilty of possession of stolen property -- or receiving stolen property. I'm guilty
3 of a lesser included offense but I was not charged with these charges. I was
4 arrested for trying to sell a watch and I take responsibility for that. But from the
5 beginning of this trial all the way to the end -- and not my personal opinion, just due
6 to the facts what was given through the discovery, through the testimonies, through
7 the voluntary statements, that I was being accused -- I was found guilty because I
8 was only being accused. There's a tremendous amount of evidence that was
9 missing. Like I said, I'm guilty for what I've done but I wasn't charged with what I've
10 done. And I don't blame nobody but myself. I got a lot of poor decision making due
11 to drugs, you know what I'm saying? I got a lot of poor decision making due to I've
12 been raised on my own since I was thirteen. I had no guidance to, you know what
13 I'm saying, to teach me things. So, I went along doing things the way I've done it.
14 So, at this point I'm just asking you to take consideration of the facts that was not
15 presented and the facts that shows that there was really no evidence linking towards
16 me period besides from my carrying a concealed weapon. And I stand here -- I
17 even took a deal for that carrying a concealed weapon, a 18 to 48. So, yes, I took
18 responsibility for my, you know what I'm saying, for my charges but I'm not
19 comfortable with taking responsibility for something I didn't do.

20 I just ask that you -- just some consideration and I respectfully ask if
21 you just show some leniency on my sentencing. A 16 to 45 is far beyond -- that
22 makes no -- excuse my French but that makes no sense especially due to the
23 detectives and the investigators and the DNA analysis. They had no evidence; you
24 know what I'm saying? And due to the fact that there's a personal background
25 between me and the prosecutor, he brings up my past and the same thing as last

1 time. There was nobody -- I [indecipherable] Your Honor. I take responsibility for
2 what I've done but I don't like to take responsibility for what I didn't -- what I hadn't
3 done. That's the only reason we came to trial. If they would have gave me
4 something to where I felt was comfortable because what I've done I would accepted
5 those charges, but I'm -- 38 charges of something that you have no evidence to
6 prove of me -- just because I know someone or because I'm in an area, it's kind of
7 hard to swallow.

8 But I stand here not making excuses and I'm willing to accept whatever
9 consequence comes my way. And like I said, I just ask that you have some leniency
10 on your sentencing. Thank you. And that's all I have to say, sir.

11 MR. HART: Does Mr. --

12 THE COURT: All right.

13 MR. HART: -- Arnold have anything to say?

14 THE COURT: I'm sorry?

15 MR. HART: Did Mr. Arnold have anything to say?

16 THE COURT: I was just about to ask.

17 MR. ARNOLD: Yes, Your Honor.

18 THE COURT: I was about to ask.

19 MR. HART: Sorry about that, Your Honor.

20 THE COURT: Go ahead, Mr. Arnold.

21 MR ARNOLD: Your Honor, a 16 to 40 this isn't someone that, you know,
22 committed a crime where there was a death or somebody was hurt. In regards to
23 the robbery charge, the robbery was -- he took the phone or at least how the facts
24 were described he took the phone so she wouldn't call the police and it was thrown
25 down at the hall -- at the end of the hallway so she didn't really lose the phone. So,

1 in terms of all the other hotel crimes, additionally, Your Honor, we're looking at
2 people that were not injured as a result of these crimes. A 16 to 40 you would have
3 thought somebody was either injured or, you know, these were armed robberies and
4 we just don't have those facts in front of the Court. I believe a fair sentence in this
5 matter would be a 6 to 15 considering the jury felt that he was involved in the
6 crimes. Additionally, he already has stipulated to a 18 to 48 and I would ask that all
7 those be run concurrent with each other, Your Honor. And with that we'd submit.

8 THE COURT: Mr. Arnold, I don't know if you want to answer this or if you
9 want your client to. On the robbery charge didn't the victim testify that your client
10 put his hands on her? On our victim?

11 MR. ARNOLD: Yes, Your Honor. Yes, that's what the -- what she testified to,
12 but again, she wasn't injured as a result of it.

13 THE COURT: All right. Thank you.

14 DEFENDANT CLARK: May I say one thing about that, sir?

15 THE COURT: Sure.

16 DEFENDANT CLARK: Okay. She came to -- she came up and she testified
17 that I allegedly put my hands around her neck, but in her -- in the report when the
18 detectives called to speak with her she initially said please don't say nothing about
19 the so-called robbery or so -- just tell them that my room was burglarized. If this
20 lady was -- if someone was supposed to grab her around her neck there was no
21 medical -- you know what I'm saying? No one -- she didn't -- she didn't go to the
22 hospital, she didn't have no one come check her out. They say she -- I violently
23 slammed her against the wall but there's no bruises, no lacerations around the neck,
24 there's nothing leading to her accusations. And honestly, the only reason that the
25 lady eve picked me out of a six-pack line up was because someone else was

1 arrested with the apparent items.

2 Now, in the beginning when she took her -- when she made her
3 statement she never gave a description of anyone. All of the sudden me and my co-
4 defendant gets arrested, now she can make a fifty percent description and she even
5 said that I'm not even sure if this is the same guy. Within the ten months I've been
6 locked up I grew a bunch of facial hair and a lot of hair. As you can see from my six
7 pack I look ten -- I look a hundred percent different from what I looked like on that
8 photo line-up. And she came in and directly pointed straight towards me like if she
9 was taught, like she was told what to do. You see, I'm not understanding how you
10 cannot make a description. If someone is supposed to grab you around your neck
11 and choke you and you not be able to make a description until someone is arrested
12 -- so actually you're making a description -- you're given a description of someone
13 just because now you see someone that's arrested.

14 Like I said, I take responsibility for my, you know what I'm saying, of
15 what I've done, but I do not -- and I have no record of violence towards anyone.
16 That's one thing I don't do, especially a female but you let the D.A. go through it; I'm
17 a violent person, I viciously handled this woman. But she didn't even -- she couldn't
18 even keep her statements together. In her statement she said I choked her then
19 she said -- the detective said did he grab you by the throat? She said, "oh yeah,
20 yeah, yeah, he did" and then left out the fact that she was supposed to have been
21 choked. Then come back later and combine all three of them together. It's like if
22 she didn't have a script to read just to close this case I don't know what you would
23 call it. That's all I gotta say, sir.

24 THE COURT: All right. Thank you. On behalf of Ms. Oliver --

25 MR. LEXIS: Your Honor, I don't know if Davonica Jones and Patricia Jones

1 are on Blue Jeans. Can you ask, please?

2 THE COURT: Sure. Do we have any victim speakers on the Oliver or Clark
3 matter?

4 VICTIM SPEAKER DAVONCA: I am. And my wife had to get up because her
5 phone was acting up.

6 THE COURT: All right. And she's identified as one of the victim speakers?

7 MR. LEXIS: Yes.

8 THE COURT: All right. We'll have her -- ma'am, we're gonna have you
9 sworn in by my court clerk.

10 [The court clerk swears the victim speaker]

11 THE COURT CLERK: Thank you. Please state and spell your first and last
12 name for the record.

13 VICTIM SPEAKER DAVONICA: D-a-v-o-n-i-c-a. Last name, J-o-n-e-s.

14 THE COURT: All right. Ma'am, go ahead and tell me how this matter has
15 impacted your life.

16 VICTIM SPEAKER DAVONICA: I actually gave that statement to Nicole. I
17 told her I didn't want to read it on here. And I don't have it printed out, it's actually in
18 my phone, but I submitted in to Nicole.

19 MR. LEXIS: Go ahead, ma'am. In your own --

20 THE COURT: All right.

21 MR. LEXIS: -- words just go ahead and -- if you could just tell the Judge.

22 VICTIM SPEAKER DAVONICA: Well, basically it has caused a financial
23 hardship. It has put -- my family and I like to travel and it caused us to be kind of
24 skeptical to go anywhere because we're scared someone is gonna break in. You
25 know, we're scared that certain is gonna happen. My wife, she's unable to get her

1 stimulus and her taxes because after this situation someone filed taxes in her name
2 then they did state that they did find my wife's and my stepchildren's social security
3 card in his phone. They stole a little wallet that was missing and they found the
4 social security cards in there and after that the -- her stimulus, you know, she's
5 having to deal with that situation. So, that's caused a financial hardship in our
6 household. So, I mean, it's just -- it has put damage on us.

7 THE COURT: All right. Thank you, ma'am. Do we have any other speakers
8 this morning?

9 MR. LEXIS: No, Your Honor.

10 THE COURT: All right. Thank you.

11 MR. LEXIS: And, Judge, you asked me for -- who these figures belong to.

12 THE COURT: All right. Let me turn to that page here. Yes.

13 MR. LEXIS: It's \$3,212.11 is Esther Chae, E-s-t-h-e-r, C-h-a-e. The
14 \$2,414.00 is Brooke, B-r-o-o-k-e, the last name is spelled B-a-r-g-h-o-l-t-z, and the
15 other I believe \$250.00 -- I'm not sure, Judge, but I'm sure PNP could figure it out
16 since we had the names of the other two.

17 THE COURT: Because I do -- we do have to have it in the JOC. If you could
18 just provide that in an email but make sure you copy Mr. Hart and Mr. Arnold
19 because we do have to identify the names of the victims for all restitution payments.
20 So, we just need victim 3 for the 250.

21 MR. LEXIS: Understood.

22 THE COURT: All right. Thank you.

23 DEFENDANT CLARK: Am I supposed to have a copy of my PSI? I don't
24 have one.

25 THE COURT: You don't have one, sir?

1 DEFENDANT CLARK: No, I don't.

2 THE COURT: Mr. Arnold, did you send one over to him?

3 MR. ARNOLD: Yeah, I already sent it, Your Honor. I have the investigator
4 take it over to him.

5 THE COURT: Mr. Hart, does Ms. Oliver have a copy of her PSI?

6 MR. HART: Yes.

7 THE COURT: Ms. Oliver, do you have a copy of your PSI?

8 DEFENDANT OLIVER: Yes, I do, sir.

9 THE COURT: I'm sorry?

10 DEFENDANT OLIVER: Yes, I do, sir. Yes, sir.

11 THE COURT: Okay. Now, because of the number of charges and the
12 potential penalties here I am -- I'm gonna go ahead and sentence Ms. Oliver this
13 morning, however I'm gonna -- I'm thinking of continuing Mr. Clark's. I want him to
14 have a copy of the PSI before we go -- before we [indecipherable] and I'll give him
15 an opportunity to speak again if he has any comments about the PSI. So, we're just
16 gonna handle Ms. Oliver today. I did already adjudicate Mr. Clark guilty of the
17 various charges but we'll go forward on sentencing him on another day.

18 So, for Ms. Oliver. When I look at this matter I see that you've had --
19 you have possession of a stolen vehicle back in '16, it was negotiated down to a
20 misdemeanor, 2016 you had four counts of burglary. I don't know if they were
21 similar hotel events or just four counts of burglary you attempt -- you pled to
22 attempted burglary.

23 DEFENDANT OLIVER: I had four counts?

24 THE COURT: And 3-18 of 2019 you had a possession of a hotel key and
25 you pled -- or was convicted of possession of stolen property; that's a misdemeanor.

1 Then we have another burglary pending, I guess, a preliminary hearing, it's coming
2 up next week or so and then you have these cases here. I don't know if you were
3 the brains behind this deal or Mr. Clark. And I look at these cases as, you know, not
4 just, you know, little theft cases or room burglaries, but the two of you kept doing it.
5 You didn't go to one room; you went to two, three, four, five rooms. And I am taking
6 into consideration your record as well as the two of you, you know, deciding that one
7 was not enough. Counsel, on Ms. Oliver --

8 MR. HART: Yes.

9 THE COURT: -- when reviewing this matter last night I sort of set up a sort of
10 a general framework of what I was envisioning to sentence a person and I say it's
11 general because I do want to hear from both sides, and after listening to Ms. Oliver,
12 Mr. Hart and Mr. Lexis I have rightfully so made some changes in my tentative
13 rulings here. Hence, we may have to maybe on Thursday come back with the
14 aggregate number. I first want to make sure those numbers are correct, okay?

15 All right. So, I'm gonna start with Count 3. 24 to 120. Count 4. 24 to
16 120. Count 4 to run concurrent to Count 3.

17 Count 5. Burglary of a Business, Sbarro's. Maximum term is 48,
18 minimum term is 12. This count to run consecutive to 4.

19 Count 6. Burglary of a Business, 7-11. 12 to 48. This count to run
20 consecutive to Count 5.

21 Count 7. Fraudulent Use of a Credit Card. 12 to 48. This to run
22 concurrent to Count 6.

23 Count 8. Fraudulent Use of a Credit Card. 12 to 48. This case to run
24 concurrent -- this count to run concurrent to Count 6.

25 Count 11. Residential Burglary. 24 to 120. This count to run

1 consecutive to Count 8.

2 Count 12. Invasion of the Home. 24 to 120. Concurrent to Count 11.

3 Count 13. Theft. 12 to 48. Concurrent to Count 12.

4 Count 14. Burglary of a Business. 12 to 48. This count to run
5 consecutive to Count 13.

6 Count 15. Attempt Fraudulent Use of a Credit Card. 12 to 48.
7 Concurrent to 14.

8 Count 15. [sic] Same charge. 12 to 48. This case -- this count to run
9 concurrent to 15.

10 Count 17. Same charge. 12 to 48. To run concurrent to Count 16.

11 Count 18. Same charge. 12 to 48. To run concurrent to Count 17.

12 Count 21. Residential burglary. 24 to 120. This count to run
13 consecutive to 18.

14 Count 22. Invasion of the Home. 24 to 120. This count to run
15 concurrent to 21.

16 Count 23. 12 to 48. Concurrent to Count 22.

17 Count 24. Robbery. 24 to 120. Consecutive to Count 22.

18 Count 35. Coercion. 48 to 120. This count to run concurrent to 24.

19 Count 36. I'm sort of jumping here; it's the same victim.

20 Count 36. Possession of Credit or Debit Card. 12 to 48. Concurrent to
21 Count 25. [sic]

22 Count 28. 24 to 120. This count to run consecutive to Count 24.

23 Count 29. 24 to 120. Concurrent to Count 28.

24 Count 30. 12 to 48. Concurrent to Count 29.

25 Count 33. 24 to 120. Consecutive to Count 30.

1 Count 34. Invasion of the Home. 24 to 120. Concurrent to Count 33.

2 Count 35. Theft. 12 to 48. Concurrent to 34.

3 Count 37. Burglary Tools -- actually, strike that.

4 Counts 1, 2, 9, 10, 19, 20, 26 27, 31 32 and 37. 364 days in the Clark
5 County Detention Center all running concurrent to one another and running
6 concurrent to Count 35.

7 MR. LEXIS: Judge, I have a question on Count 9. I think you -- you had a
8 sentence the first time and then --

9 THE COURT: I'm sorry. So, following 1, 2, 9, 10, 19, 20, 26, 27, 31, 32 and
10 37 are all 364 running concurrent to one another and then again concurrent to Count
11 35. So, if I misspoke thank you for catching that.

12 MR. LEXIS: Okay. Then how about Count 11?

13 THE COURT: Did I miss that?

14 MR. LEXIS: You initially --

15 THE COURT: It was 24 --

16 MR. LEXIS: -- had a sentence --

17 THE COURT: -- 24 to 120.

18 MR. LEXIS: Okay. So, you did say 20 --

19 THE COURT: Yes.

20 MR. LEXIS: I initially wrote down on Count 9 24 to 120, consecutive but then
21 at the end you said and I had nothing for 10 and 11 but at the end you said --

22 THE COURT: I did all the gross misdemeanors at the end.

23 MR. LEXIS: Okay. Okay. Sounds good, Judge.

24 THE COURT: All right. The Defendant is ordered to pay a \$25.00
25 administrative assessment fee, \$3.00 DNA collection fee. Restitution in the amount


1 as previously identified jointly and severally with the co-defendant. Mr. Lexis, we
2 need by Thursday the victim three or if you can get it today. \$150.00 DNA fee is
3 waived as ordered in another case, \$250.00 to the indigent defense fund. And Ms.
4 Oliver has 293 credit for time served. It was 281 on June 3rd, today is the 15th.
5 There's 12 more days; it's 293. And then we'll figure out the aggregate as well on
6 that day.

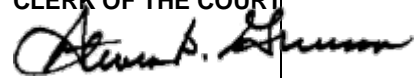
7 THE COURT CLERK: Okay. So, court will be continued to June 17th at 8:30.

8 [Proceedings concluded at 9:17 a.m.]

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14 ATTEST: I do hereby certify that I have truly and correctly transcribed the
15 audio/video recording in the above-entitled case to the best of my ability.

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17 NORMA RAMIREZ
18 Court Recorder
19 District Court Dept. XXII
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DISTRICT COURT
CLARK COUNTY, NEVADA

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THE STATE OF NEVADA,

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Plaintiff,

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vs.

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VENESHIA OLIVER & DARRELL
CLARK,

12

Defendants.

13

14

BEFORE THE HONORABLE MICHAEL VILLANI,
DISTRICT COURT JUDGE
THURSDAY, JUNE 17, 2021

15

16

**RECORDER'S TRANSCRIPT OF HEARING:
SENTENCING**

17

18

APPEARANCES:

19

For the State:

20

CHAD N. LEXIS, ESQ.
MADILYN M. COLE., ESQ.
Deputy District Attorneys

21

22

For the Defendants:

23

MARTIN W. HART, ESQ.
CARL E. ARNOLD, ESQ.

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RECORDED BY: CYNTHIA GEORGILAS, COURT RECORDER

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THURSDAY, JUNE 17, 2021; LAS VEGAS, NEVADA

[Proceeding commenced at 8:48 a.m.]

THE COURT: Veneshia Oliver. Mr. Hart is here. Mr. Lexis is here. Did the parties come up with an agreement on the aggregate? We've had 180 and 986.

MR. ARNOLD: Mr. Clark's not there yet.

THE COURT: We're just doing Ms. Oliver right now.

MR. ARNOLD: Oh, okay.

MR. HART: I have 132 and 720 or 13 to 60 years.

MR. LEXIS: I have 15 to 72.

THE COURT: And you're thinking that's 180? And what are the number of months?

MR. HART: Yeah, unless I got --

MR. LEXIS: Yeah, that's 180. Yeah, on the bottom. I had 15 years on the bottom.

THE COURT: That's what I have. Do you have the top?

THE DEFENDANT OLIVER: That top --

MR. HART: And Your Honor, maybe I caught the way you're doing a couple of them, but some of them you ran consecutive to the 1 to 4's, not the 2 to 10's that you had done.

Because I showed on Count 11 --

THE COURT: I'll, I'll need to go through this thing --

MR. LEXIS: I definitely have 15 years on the bottom, Judge.

THE COURT: And that's what I have. So that -- well, we'll double check it. We'll put it on Tuesday's calendar, because I want to

1 get this wrapped up as soon as possible.

2 MR. HART: Okay.

3 THE COURT: And I'll redo the calculations here. I apologize
4 if this –

5 MR. LEXIS: Judge, Ms. Cole's in here on Thursdays, can you
6 put it on next Thursday then?

7 THE COURT: How does next Thursday look?

8 THE CLERK: Yeah, we can do –

9 THE COURT: All right, next Thursday.

10 THE CLERK: So June 24th at 8:30.

11 MR. HART: Okay. Yeah, like I said, Your Honor, I, I
12 appreciate the math that day. We did it about four different times. But if
13 I missed a number –

14 THE DEFENDANT OLIVER: Mr. Hart.

15 THE COURT: Okay.

16 THE DEFENDANT OLIVER: Mr. Hart.

17 THE COURT: I – Ms., Ms. Oliver. We have – we have an
18 issue of the calculation of numbers, and we have to make sure it is
19 accurate. All of us are going to –

20 THE DEFENDANT OLIVER: It is possible that –

21 THE COURT: -- redo our calculations, and we will have this
22 wrapped up next week, okay, Ms. Oliver?

23 THE DEFENDANT OLIVER: Is it – is it possible that I can talk
24 to my lawyer?

25 THE COURT: He can –

1 THE DEFENDANT OLIVER: He can call me real quick?
2 THE COURT: He will call you either now in that room or –
3 MR. HART: What's the number over there?
4 THE COURT: -- he'll contact you before our next date.
5 THE DEFENDANT OLIVER: Hold on one second.
6 THE COURT: All right.
7 THE CORRECTION OFFICER: 8334.
8 MR. HART: Okay, I'll call now.
9 THE CORRECTION OFFICER: 833 –
10 MR. HART: Okay.
11 THE COURT: He's going to call now. All right. Darrell Clark.
12 THE MARSHAL: Somebody in there.
13 THE COURT: All right. That -- we did have some argument
14 on sentencing, but when we got to Mr. Clark, he advised the Court that
15 the PSI that Mr. Arnold had sent over to the jail apparently did not get
16 forwarded onto him in time. So Mr. Clark --
17 THE DEFENDANT CLARK: Yes, sir.
18 THE COURT: -- have you had an opportunity to review the
19 PSI?
20 THE DEFENDANT CLARK: No, I haven't. I still haven't
21 received it.
22 THE COURT: Mr. Arnold, was that sent over?
23 MR. ARNOLD: It was hand delivered last night by my
24 investigator, Your Honor, before 3:30. I don't know –
25 THE DEFENDANT CLARK: It must have been hand delivered

1 to the wrong person.

2 THE COURT: All right. Well, Mr. Clark, we're going to make
3 sure that you get a copy of it. I think it's appropriate that I do the
4 sentencing, so we'll pass this two weeks. Mr. Arnold, is it better
5 Tuesday or Thursday for you?

6 MR. ARNOLD: Either one, Your Honor.

7 THE COURT: Okay.

8 THE DEFENDANT CLARK: Your Honor.

9 THE COURT: Yes, sir.

10 THE DEFENDANT CLARK: Is it possible if I could speak with
11 Mr. Arnold before, before I leave out here too? Right. Can he use the
12 phone –

13 THE COURT: It's up to him, but I mean, today he can call
14 down –

15 THE DEFENDANT CLARK: Right.

16 THE COURT: -- in the room if he has the time. If not, I'm sure
17 he will contact you before the continued date, okay? All right, sir?

18 THE DEFENDANT CLARK: Yeah, I was just wondering if he
19 was going to answer the question, if he would call me now or would he
20 call me later?

21 THE COURT: Well, sir, I just mentioned if he has time I'm
22 assuming he will call you now --

23 THE DEFENDANT: Right. I, I –

24 THE COURT: -- if not, he will call you before the sentencing
25 date; you understand?

1 THE DEFENDANT CLARK: Right, I was just – I was just
2 wondering if he was going to answer that question now, that's all.

3 THE CLERK: Okay. So we'll --

4 THE DEFENDANT CLARK: Can he answer it?

5 THE COURT: He'll take care of it, sir.

6 THE CLERK: Looking to dates of July 1st at 8:30.

7 MR. ARNOLD: July 1st. Thank you.

8 MS. COLE: Is that a Thursday, Judge?

9 MR. LEXIS: Can we – could we put it on the same date as the
10 other guy; 24th, next Thursday?

11 THE COURT: I need – and I think it's appropriate that I do the
12 sentencing.

13 THE CLERK: Yeah.

14 THE COURT: And there might be someone else here.

15 MR. ARNOLD: Oh, okay.

16 MS. COLE: Oh, okay.

17 MR. ARNOLD: You're not going to be here next Thursday,
18 Judge, then if – why are we setting Mr. Hart's guy for –

19 THE COURT: All I'm – I'm going to double check the
20 numbers, and I'll have the numbers for the new judge sitting here in my
21 place.

22 MR. ARNOLD: Okay. So if you want, are you here on the
23 date they just set?

24 MS. COLE: Are they doing Thursdays?

25 THE CLERK: Yeah.

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MS. COLE: Okay. I'll be here then.

MR. ARNOLD: All right. Thank you Judge.

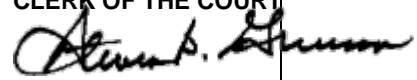
THE COURT: Thank you.

[Proceeding concluded at 8:54 a.m.]

ATTEST: I do hereby certify that I have truly and correctly transcribed
the audio/video proceedings in the above-entitled case to the best of my
ability.



Kerry Esparza
Court Recorder/Transcriber



1 RTRAN

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

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8 THE STATE OF NEVADA,

9 Plaintiff,

10 vs.

11 VENESHIA OLIVER,

12 Defendant.

CASE #: C-20-351676-1

DEPT. XVII

13
14 BEFORE THE HONORABLE SENIOR JUDGE
15 CAROLYN ELLSWORTH,
16 DISTRICT COURT JUDGE
17 THURSDAY, JUNE 24, 2021

18 **RECORDER'S TRANSCRIPT OF HEARING:**
19 **SENTENCING**

20 APPEARANCES:

21 For the State:

MADILYN M. COLE., ESQ.
Deputy District Attorney

22 For the Defendant:

MARTIN W. HART, ESQ.

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25 RECORDED BY: CYNTHIA GEORGILAS, COURT RECORDER

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THURSDAY, JUNE 24, 2021; LAS VEGAS, NEVADA
[Proceeding commenced at 9:15 a.m.]
THE COURT: C-351676, State of Nevada versus Veneshia Oliver.

MR. HART: Good morning, Your Honor.

THE COURT: Good morning.

MR. HART: Martin Hart, Bar Number 5984.

THE COURT: All right. Let's see. And this is also –

MS. COLE: And Madilyn Cole for the State, Your Honor.

THE COURT: Okay. And this is also on for sentencing. I saw that – it says here – well, I don't know what's going on. And the reason I said that --

MS. COLE: Your Honor.

THE COURT: Yeah. Odyssey says –

MS. COLE: If I may interject.

THE COURT: Okay.

MS. COLE: So he has – or she, excuse me, Ms. Oliver has already been sentenced.

THE COURT: Yeah.

MS. COLE: There was somewhat – the State and Defense Counsel had different numbers in regards to the aggregate sentence.

THE COURT: Ahh.

MS. COLE: And Judge Villani's law clerk reached out to the parties after court the last time we were here, and announced that his aggregate sentence was 180 to 864, which is 15 to 72 years. And that

1 was consistent with the State's calculation as well.

2 THE COURT: Okay. And that's why – so I saw that there was
3 a JOC that's been prepared by the clerk, but it hadn't been signed yet.
4 And that's, that's why. Okay. And there were no minutes, so I couldn't –

5 MS. COLE: That's correct.

6 THE COURT: -- figure out what had happened. All right. So
7 do you – you're in agreement then of that aggregate sentence, 180 to
8 864 total?

9 MR. HART: No, Your Honor, I had a different – based on the
10 fact that some of the consecutives were being run to 12 to 48's as
11 opposed to the 24 to 120's, but I understand what the Judge has ruled
12 and –

13 UNIDENTIFIED SPEAKER: My suggestion.

14 MR. HART: I'll go with the wait.

15 THE COURT: Well, did – when you say the Judge has ruled,
16 I hadn't ruled yet; so do you mean Judge Villani's already decided?

17 MR. HART: Oh, well, I'm sorry; I had the minute order stating
18 that was going to be –

19 THE COURT: We do. Okay.

20 MR. HART: -- the ruling.

21 MS. COLE: Yes.

22 THE COURT: All right. That was not on Odyssey, so I
23 couldn't see that. Okay.

24 MS. COLE: That – that's correct, Your Honor. Judge Villani,
25 after court, did notify the parties that this was his aggregate sentence so.

1 This hearing probably could have been vacated, but it was still on today.

2 THE COURT: Okay. So obviously if the prison disagrees on
3 the way they calculate, and I, I didn't spend time looking at this, because
4 I didn't know why it was on. But they'll let you know, and then it can be
5 adjusted if it's a problem, I suppose.

6 All right. So it's off calendar. It sounds like there's already a
7 minute order.

8 [Colloquy between Court and Law Clerk]

9 THE DEFENDANT: Can you call me, Martin Hart?

10 THE COURT: Okay.

11 MR. HART: All right.

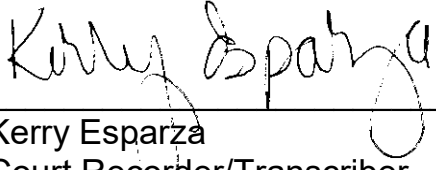
12 THE MARSHAL: Page, page 3.

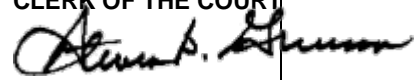
13 THE COURT: All right. Thank you.

14 [Proceeding concluded at 9:18 a.m.]

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20 ATTEST: I do hereby certify that I have truly and correctly transcribed
21 the audio/video proceedings in the above-entitled case to the best of my
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25 Kerry Esparza
Court Recorder/Transcriber



1 RTRAN

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7
8 THE STATE OF NEVADA,
9 Plaintiff,

CASE #: C-20-351676-1
& C-20-351676-2

10 vs.

DEPT. XVII

11 VENESHIA OLIVER & DARRELL
12 CLARK,
13 Defendants.

14 BEFORE THE HONORABLE MICHAEL VILLANI,
15 DISTRICT COURT JUDGE
16 TUESDAY, JUNE 8, 2021

17 **RECORDER'S TRANSCRIPT OF HEARING:**
18 **SENTENCING**

19 APPEARANCES:

20 For the State: CHAD LEXIS, ESQ.
21 YU MENG, ESQ.
Deputy District Attorneys

22 For the Defendants: MARTIN W. HART, ESQ.
23 CARL ARNOLD, ESQ.

24
25 RECORDED BY: CYNTHIA GEORGILAS, COURT RECORDER

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TUESDAY, JUNE 8, 2021; LAS VEGAS, NEVADA

[Proceeding commenced at 8:47 a.m.]

THE COURT: 17. 16 is Veneshia Oliver, Mr. Hart. Page 17 is Darrell Clark, Mr. Arnold. And I know this was – this matter had been continued from last week. I think that Judge Cherry was here at the time and it’s continued till today. And, of course, see some of the materials that I needed to review were not forwarded on. I mean, I just could not locate them. And so, I need to bump this to Thursday.

Now I understand that we do have a victim speaker, Mr. Gary Prizinski [phonetic]; is that correct, Mr. Meng?

MR. MENG: Yes, Your Honor. This case was the trial case, Your Honor.

THE COURT: Right. No, I –

MR. MENG: It appears that –

THE COURT: -- I know about the case. I’m just saying, “We’re going to have to continue the sentencing till Thursday.” Now, I don’t know if there’s an objection by Mr. Hart or Mr. Arnold for me to hear – although the victim speaker has the right to speak last. Mr. Meng, if it’s convenient for him, he can give his victim impact statement today if Mr. Hart and Mr. Arnold do not have an objection. If not, is your speaker available on Thursday?

MR. MENG: I apologize, Your Honor. I know you’re aware of the case, Your Honor. Mr. Chad Lexis is handling this case today. I believe he was in a different courtroom or he might already be on. I did speak with him yesterday. It was originally going to be Ms. Madilyn

1 Cole, but she's in court. So I believe Mr. Chad Lexis is coming in on
2 this.

3 THE COURT: All right. Can you text him right now because
4 we have two of the counsel waiting here in court.

5 MR. MENG: Absolutely Your Honor.

6 THE COURT: All right. Thank you.

7 THE MARSHAL: Six.

8 [Hearing trailed at 8:48 a.m.]

9 [Hearing resumed at 9:06 a.m.]

10 THE COURT: Veneshia Oliver is page 16. Mr. Hart is on
11 Oliver. Page 17 is Darrell Clark, Mr. Arnold. We have Mr. Lexis here
12 and two defendants are present.

13 Mr. Lexis, in your absence I had advised parties that – I know
14 this matter was set for sentencing last week, and it was continued to this
15 week. And it's for various reasons, I'm going to have to continue this till
16 Thursday. Now I understand you may have a victim speaker online. If
17 defense counsel does not have an objection, I can hear the speaker
18 today. Or if the victim speaker is available, we can have him speak on
19 Thursday.

20 MR. LEXIS: Your Honor, when I got the email this morning I
21 believe that -- I contacted VWAC to let them know. And so, I think word
22 got to them and they're no longer on so.

23 THE COURT: Right.

24 MR. LEXIS: So no, no problem, Judge. We'll be -- we'll be
25 ready on Thursday.

1 THE COURT: Mr. Arnold, are you available on Thursday at
2 8:30?

3 MR. ARNOLD: Oh, you know what, I'm not, Your Honor. I
4 was going to say, "Yes," but I'm not. I have to get someone to cover my
5 matter on Thursday.

6 THE DEFENDANT: Apparently you what?

7 MR. ARNOLD: I'm not going to be here for this one.

8 THE COURT: Obviously it's essential that you are here. Are
9 you available next Tuesday, Mr. Arnold?

10 MR. ARNOLD: Tuesday I am.

11 THE COURT: Are you available Mr.Hart, next Tuesday?

12 MR. HART: As far as I know.

13 THE COURT: All right. Mr. Lexis, are you available next
14 Tuesday?

15 MR. LEXIS: Madilyn or I will be here.

16 THE COURT: Okay. So I'll continue the sentencing for both
17 Oliver and Clark to next Tuesday, and here's your official date.

18 THE CLERK: That'll be June 15th at 8:30.

19 MR. ARNOLD: Thank you.

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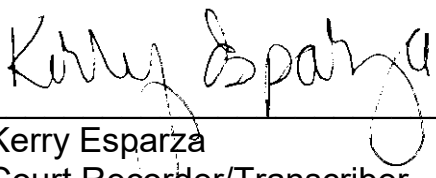
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THE COURT: Thank you.

MR. HART: Thank you.

[Proceedings concluded at 9:08 a.m.]

ATTEST: I do hereby certify that I have truly and correctly transcribed
the audio/video proceedings in the above-entitled case to the best of my
ability.


Kerry Esparza
Court Recorder/Transcriber