

# IN THE SUPREME COURT OF THE STATE OF NEVADA

CHRISTOPHER LEROY ROACH,  
Appellant(s),

vs.

THE STATE OF NEVADA,  
Respondent(s),

Electronically Filed  
Aug 23 2021 03:49 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

Case No: C-14-300979-1  
*Related Case A-21-829045-W*  
Docket No: 83305

# RECORD ON APPEAL VOLUME 2

**ATTORNEY FOR APPELLANT**  
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INDIAN SPRINGS, NV 89070

**ATTORNEY FOR RESPONDENT**  
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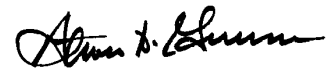
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CLERK OF THE COURT

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

IN THE MATTER OF THE APPLICATION OF,

CHRISTOPHER LEROY ROACH,  
FOR A WRIT OF HABEAS CORPUS.

CASE NO. C-14-300979-1

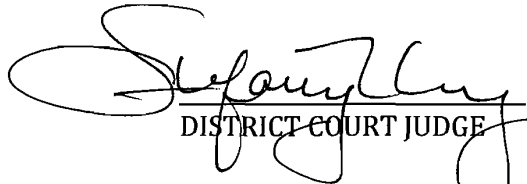
DEPT. NO. XXIII


**ORDER**

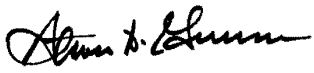
The Petition of CHRISTOPHER LEROY ROACH, by and through CAESAR V. ALMASE, having been filed in the above-entitled matter,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that you, STEVEN GRIERSON, Clerk of the Eighth Judicial District Court of the State of Nevada, in and for the County Of Clark, issue a Writ of Habeas Corpus.

DATED AND DONE at Las Vegas, Nevada, this 27 day of Oct.  
2014.

  
DISTRICT COURT JUDGE

By  JUDGE STEFANY A. MILEY  
Caesar V. Almase, #7974



CLERK OF THE COURT

1 **EXMT**  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 LEAH BEVERLY  
6 Deputy District Attorney  
7 Nevada Bar #12556  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

8 DISTRICT COURT  
9 CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

11 -vs-

CASE NO. C-14-300979-1

12 CHRISTOPHER LEROY ROACH, aka  
13 Christopher Roach, #2757657

DEPT NO. XXIII

14 Defendant.

15 EX PARTE MOTION FOR RELEASE OF RECORDS  
16

17 COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County  
18 District Attorney, through LEAH BEVERLY, Deputy District Attorney, and moves this  
19 Honorable Court for an Order Releasing evidence which includes being held by REDBOX  
20 AUTOMATED RETAIL consisting of any and all customer and rental transaction information  
21 for the following date, times and location, to-wit: July 2, 2014 from 12:05 am to 12:15 am at  
22 Redbox kiosk #25448, located at 2935 W. Lake Mead Boulevard, North Las Vegas, Clark  
23 County, Nevada: Rental details: movies rented with Wells Fargo VISA card, Card No. ending  
24 in 7283; transaction ID 2831673166; movies rented: (1) A Haunted House, (2) Tyler Perry's  
25 Medea's Neighbors from Hell, (3) That Awkward Moment and (4) Ride Along. Additionally,  
26 Rental details for transaction ID 2831673432; movie rented: Murdered Soul Suspect, and July  
27 2, 2014 from 3:52 am to 3:57 am at Redbox kiosk #30855, located at 1600 N. Rancho Drive,  
28 Las Vegas, Clark County, Nevada; all movies listed were returned to this location, to be

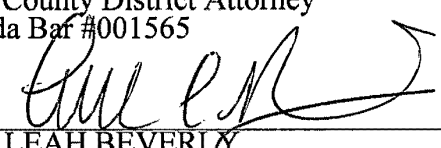
1 released to a representative of the DISTRICT ATTORNEY'S OFFICE for the purpose of  
2 prosecuting the above referenced case charging the crime of CONSPIRACY TO COMMIT  
3 ROBBERY (Category B Felony - NRS 200.380, 199.480 - NOC 50147); ROBBERY WITH  
4 USE OF A DEADLY WEAPON (Category B Felony - NRS 200.380, 193.165 - NOC 50138);  
5 COERCION (Category B Felony - NRS 207.190 - NOC 53159); POSSESSION OF STOLEN  
6 PROPERTY (Category C Felony - NRS 205.275 - NOC 56057) and POSSESSION OF  
7 CREDIT OR DEBIT CARD WITHOUT CARDHOLDER'S CONSENT (Category D Felony  
8 - NRS 205.690 - NOC 50790),

9 Pursuant to 45 CFR 164.512(f), Movant represents that the information sought is  
10 relevant and material to a legitimate law enforcement inquiry; that the request is specific and  
11 limited in scope to the extent reasonably practicable in light of the purpose for which the  
12 information is sought; and that de-identified information could not reasonably be used.

13 DATED this \_\_\_\_\_ day of October, 2014.

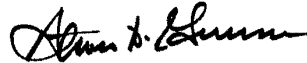
14 STEVEN B. WOLFSON  
15 Clark County District Attorney  
16 Nevada Bar #001565

17 BY

  
18 LEAH BEVERLY  
19 Deputy District Attorney  
20 Nevada Bar #12556  
21  
22  
23  
24  
25  
26  
27  
28

**ORDR**

STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
LEAH BEVERLY  
Deputy District Attorney  
Nevada Bar #12556  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff



CLERK OF THE COURT

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

CHRISTOPHER LEROY ROACH, aka  
Christopher Roach, #2757657

Defendant.

CASE NO. C-14-300979-1

DEPT NO. XXIII

ORDER RELEASING RECORDS

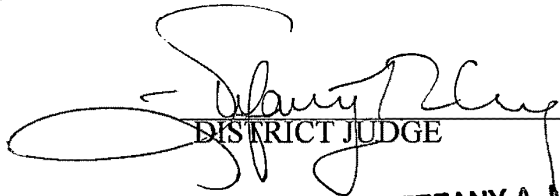
Upon the ex parte application and representation of STEVEN B. WOLFSON, Clark County District Attorney, by and through LEAH BEVERLY, Deputy District Attorney, that certain records necessary for the prosecution of the above-captioned criminal case are being held in the custody of REDBOX AUTOMATED RETAIL; that said information is relevant and material to a legitimate law enforcement inquiry; that the application was specific and limited in scope to the extent reasonably practicable in light of the purpose for which the information is sought; and that de-identified information could not reasonably be used;

NOW THEREFORE, pursuant to 45 CFR 164.512(f), and GOOD CAUSE APPEARING, REDBOX AUTOMATED RETAIL, shall release to a representative of the DISTRICT ATTORNEY'S OFFICE, any and all records concerning customer and rental transaction information for the following date, times and location, to-wit: July 2, 2014 from

1 12:05 am to 12:15 am at Redbox kiosk #25448, located at 2935 W. Lake Mead Boulevard,  
2 North Las Vegas, Clark County, Nevada: Rental details: movies rented with Wells Fargo  
3 VISA card, Card No. ending in 7283; transaction ID 2831673166; movies rented: (1) A  
4 Haunted House, (2) Tyler Perry's Medea's Neighbors from Hell, (3) That Awkward Moment  
5 and (4) Ride Along. Additionally, Rental details for transaction ID 2831673432; movie  
6 rented: Murdered Soul Suspect, and July 2, 2014 from 3:52 am to 3:57 am at Redbox kiosk  
7 #30855, located at 1600 N. Rancho Drive, Las Vegas, Clark County, Nevada.

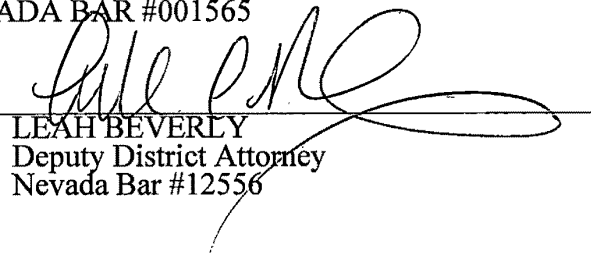
8 IT IS HEREBY ORDERED.

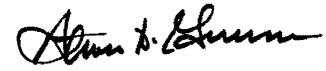
9 DATED this 28 day of October, 2014.

10  
11   
12 DISTRICT JUDGE  
13 JUDGE STEFANY A. MILEY

14 STEVEN B. WOLFSON  
15 Clark County District Attorney  
16 NEVADA BAR #001565

17 BY

18   
19 LEAH BEVERLY  
20 Deputy District Attorney  
21 Nevada Bar #12556  
22  
23  
24  
25  
26  
27  
28



CLERK OF THE COURT

1 **RET**  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 LEAH C. BEVERLY  
6 Deputy District Attorney  
7 Nevada Bar #12556  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 State of Nevada

8 DISTRICT COURT  
9 CLARK COUNTY, NEVADA

10 In the Matter of Application,  
11 of

12 CHRISTOPHER LEROY ROACH, aka  
13 Christopher Roach, #2757657

CASE NO: C-14-300979-1  
DEPT NO: XXIII

14 for a Writ of Habeas Corpus.  
15

16  
17 **RETURN TO WRIT OF HABEAS CORPUS**

18 DATE OF HEARING: 11/10/14

19 TIME OF HEARING: 9:30 A.M.

20 COMES NOW, DOUGLAS C. GILLESPIE, Sheriff of Clark County, Nevada,  
21 Respondent, through his counsel, STEVEN B. WOLFSON, Clark County District Attorney,  
22 through LEAH C. BEVERLY, Deputy District Attorney, in obedience to a writ of habeas  
23 corpus issued out of and under the seal of the above-entitled Court on the 23rd day of October,  
24 2014, and made returnable on the 10th day of November, 2014, at the hour of 9:30 o'clock  
A.M., before the above-entitled Court, and states as follows:

25 1. Respondent admits the allegations of Paragraph(s) 1, 2, 4, 5 and 6, of the  
26 Petitioner's Petition for Writ of Habeas Corpus.

27 2. Respondent denies the allegations of Paragraph 3 of the Petitioner's Petition  
28 for Writ of Habeas Corpus.





1 Defendant James Ivey ("Ivey") who were walking towards the Rio. PHT, 61. Defendant  
2 German asked Kull how she was doing and then asked for directions to Twain and Decatur.  
3 Id. When German asked for directions, Kull stopped walking and indicated with her hands  
4 which way to go. Id. As she did this, Defendant Jeffrey German grabbed her hand and took  
5 her phone. PHT, 61-62. Defendant German told Kull to be quiet or they were going to shoot  
6 her. PHT, 62. After taking her phone, Defendant German, Roach and Ivey took Kull over a  
7 little overpass and pushed her against a fence. PHT, 63. Defendant Ivey lifted his shirt  
8 exposing the handle of a silver gun. Id. During the robbery, Defendant German told Kull to  
9 keep her mouth shut or they were going to kill her. PHT, 64. He also told Kull that they needed  
10 the pin numbers to her credit card and her phones. Id. As the Defendants were pushing Kull  
11 against the fence, Defendant German ripped Kull's fanny pack from her waist. Id. When Kull  
12 informed all three Defendants that she did not have pin numbers for her cards, Defendant  
13 German told her "Don't lie to me bitch or I'll shoot you." Id. Defendant German then put the  
14 phone in Kull's face and forced her to unlock her phone which she did out of fear. PHT, 64.

15 After the Defendants took Kull's phone and made her unlock her phone, Defendant  
16 German placed his hand down Kull's shirt searching for other items. PHT, 66. All three  
17 Defendants then began walking with Kull towards the Flamingo Palm Condo and Defendant  
18 German pushed her into the pebble entryway. PHT, 66-67. After pushing her into the  
19 entryway, all three Defendants began walking back towards the extended stay. PHT, 67. When  
20 Kull attempted to follow them, Defendant German told Kull "Where are you going bitch? Turn  
21 around. Don't look back or we'll shoot you." PHT, 68. Kull then began walking towards the  
22 intersection of Valley View and Flamingo. In total, the Defendant's stole Kull's Samsung Note  
23 3 cell phone, two debit cards, her Florida Driver's License, her employee badge and  
24 approximately \$200 in cash. PHT, 69. Kull later identified all three Defendants as the people  
25 who robbed her in a photo lineup. PHT, 70.

26 On July 1<sup>st</sup>, 2014, victim Eola Robinson ("Robinson") was in the area of Lake Mead  
27 and Decatur walking home from work. PHT, 82. As Robinson was walking east on Lake Mead  
28 toward Rancho, she observed a young male cross the street. PHT, 83. As the male crossed the

1 street, Robinson noticed that the male stopped, looked back across the street and waited for  
2 two other males who were across the street. PHT, 83, 85. Robinson initially ignored the males  
3 but almost immediately, she felt someone cover her eyes, put their arm around her neck and  
4 the person told her to keep walking. PHT, 83. Robinson believed that the male who initially  
5 crossed the street was Defendant Roach. PHT, 85. Robinson was unable to identify the male  
6 who covered her eyes or the third male.

7 After the male took his hands from Robinson's eyes, she noticed that Defendant Roach  
8 was walking next to her while a second male was behind her with his hand around her neck  
9 walking her down the street. PHT, 87. The male with his arm around her neck told Robinson  
10 to keep walking. Id. He then demanded her purse. Id. When Robinson refused to turn her purse  
11 over, the male told her "Do you want to get shot over a purse bitch?" Id. Robinson then handed  
12 over her purse in fear. Id. Inside Robinson's purse were sunglasses, money, credit cards, a  
13 Nokia cell phone, a birth certificate, social security card and other random papers. PHT, 88.

14 On July 1, 2014, victim Donna Dimaria ("Dimaria") was sitting in her car talking to her  
15 boyfriend, victim Jesus Medina ("Medina"). PHT, 7. Dimaria was sitting inside the driver's  
16 seat of the car while Medina was standing outside next to the open driver's side car door. PHT,  
17 7, 34. As they were talking, Dimaria and Jesus noticed three black males, later identified as  
18 Defendants Roach, German and Ivey, walking towards Dimaria's car. PHT, 8. Upon noticing  
19 the Defendants, Dimaria closed and locked her car door and prepared to leave. Id. As Dimaria  
20 looked out her window to say goodbye to Medina, she saw Defendant Ivey standing outside  
21 the car with a gun to Medina's head. PHT, 9. One of the Defendants began demanding that  
22 Dimaria open her car door. PHT, 10. Out of fear for Medina, Dimaria opened her car door. Id.  
23 After opening her car door, Defendant Ivey entered the driver's seat of the car, grabbed  
24 Dimaria by the neck and pushed her head down. PHT, 11. At the same time, Defendants  
25 German and Roach forced Medina into the backseat of the vehicle into the middle seat with  
26 Roach on the left side and German on the right side of Medina and closed the car doors. PHT,  
27 11, 37-38. Defendant Roach also had a gun pointed at Medina. PHT, 36. Roach told Medina  
28 to tell his girlfriend to cooperate so he wouldn't see her get hurt. PHT, 12, 38. Defendant Ivey

1 began asking Dimaria for her money, driver's license, credit card and atm card. Id. Ivey also  
2 took Dimaria's cell phone, \$500 in cash and car keys. PHT, 11-12. Ivey continuously told  
3 Dimaria not to fucking look at him. PHT, 12. In the back seat, Defendants Roach and German  
4 demanded and took Medina's silver cross necklace and cell phone. PHT, 12, 36, 38. After  
5 taking Dimaria and Medina's property, all three Defendants exited the vehicle and ran out of  
6 the apartment complex. PHT, 13.

7 Later that evening, North Las Vegas officers and officers from the Las Vegas  
8 Metropolitan Police Department were able to track the location of the vehicle all three  
9 Defendants were riding in. PHT, 99. The vehicle was tracked to a 7-11 convenience store on  
10 the boarder of North Las Vegas and Las Vegas. PHT, 98. All three Defendants had been  
11 located inside the vehicle by North Las Vegas Officers. PHT, 99-100, 111. During a search  
12 of the vehicle, two BB guns, that appeared identical to semiautomatic firearms, were found.  
13 PHT, 107. Additionally, inside the vehicle were the driver's license and social security card  
14 of victim Robinson and a Nokia Windows cell phone. PHT, 112. While at 7-11, Officer Darrin  
15 Walker also conducted a search of Defendant German. Inside German's right rear pocket were  
16 two debit cards in the name of Donna Dimaria. PHT, 101. Also in German's pockets were a  
17 Huawei cell phone and a broken silver necklace belonging to Jesus Medina. PHT, 102.

### 18 POINTS AND AUTHORITIES

19 In a preliminary hearing, the State needs only to show that a crime has been committed  
20 and that the accused probably committed it. The finding of probable cause to support a  
21 criminal charge may be based on "slight, even 'marginal' evidence...because it does not involve  
22 a determination of the guilt or innocence of an accused." Sheriff v. Hodes, 96 Nev. 184, 186,  
23 606 P.2d 178, 180 (1980); Sheriff v. Potter, 99 Nev. 389, 391, 663 P.2d 350, 352 (1983).

24 ///

25 Moreover, to commit an accused for trial, the State is not required to negate all  
26 inferences which might explain his conduct, but only to present enough evidence to support a  
27 reasonable inference that the accused committed the offense." Kinsey v. Sheriff, 87 Nev. 361,  
28 363, 487 P.2d 340, 341 (1971). The Court need not consider whether the evidence presented

1 in the record may, by itself, sustain a conviction, since the State at a preliminary hearing need  
2 not produce the quantum of proof required to establish guilt of the accused beyond a  
3 reasonable doubt. Sheriff v. Hodes, *supra*; Miller v. Sheriff, 95 Nev. 255, 592 P.2d 952  
4 (1979).

5 Neither the preliminary hearing nor a hearing on a Petition for Writ of Habeas Corpus  
6 is designed to resolve factual disputes or matters of defense which are functions of the trier of  
7 fact at trial. Brymer v. Sheriff, 92 Nev. 598, 555 P.2d 844 (1976); Wrenn v. Sheriff, 87 Nev.  
8 85, 482 P.2d 289 (1971). Likewise, it is not incumbent upon the state to negate all other  
9 inferences at the preliminary hearing. Graves v. Sheriff, 88 Nev. 436, 498 P.2d 1324 (1972).

10 **1. SUFFICIENT EVIDENCE WAS PRESENTED THAT DEFENDANT**  
11 **COMMITTED THE ROBBERY AGAINST VICTIM ROBINSON.**

12 Defendant Roach's only claim in the instant Petition is that counts 4 and 5 of the  
13 Information relating to victim Robinson should be dismissed because she had trouble  
14 identifying Roach as being involved in the robbery. This claim is without merit and should be  
15 denied. Defendant fails to acknowledge that he is charged under a conspiracy theory of  
16 criminal liability for the crimes related to Robinson. Under a conspiracy theory, each  
17 defendant does not have to do every act involved in the crime to be liable. As long as the  
18 defendants are acting as part of a concerted effort, each person is liable for the crimes.

19 In the instant case, while Robinson had some trouble identifying Defendant Roach, she  
20 stated several times during her direct examination testimony that she believed it was Defendant  
21 Roach who crossed the street, nodded towards her and waited for his friends. PHT, 83-84. She  
22 also testified that Defendant Roach was walking next to her while the man behind her walked  
23 her down the street and took her belongings. PHT, 87. While Robinson could not pick Roach  
24 out of a photo lineup, in addition to her direct examination testimony, other sufficient  
25 circumstantial evidence was presented at preliminary hearing to support the charges. Robinson  
26 testified that on July 1, 2014, she was walking home from work when she observed Roach  
27 crossing the street 5 feet in front of her. PHT, 83. Robinson noticed that Roach stopped after  
28 crossing the street. Id. When he stopped, he looked across the street and Robinson saw that

1 he was waiting for two other individuals to cross the street. PHT, 85. Within seconds of  
2 noticing the other two individuals and passing the original male, Robinson was being stopped  
3 and robbed from behind. PHT, 85. The male behind her covered her eyes, placed his arm  
4 around her neck and told her to keep walking and not turn around. PHT, 83, 87. The male  
5 behind her then demanded her purse and when she refused, he told her "Do you want to get  
6 shot over a purse bitch?" PHT, 87. In fear, Robinson let go of her purse containing her Nokia  
7 phone, driver's license, social security card and other items. PHT, 87-88.

8 Later that same night, officers located and searched the car occupied by Defendant Roach,  
9 German and Ivey. PHT, 112. Inside the vehicle was the driver's license and social security  
10 card belonging to Robinson. Id. Also located was a Nokia cell phone. PHT, 113. The  
11 combination of this evidence is slight or marginal evidence that Defendant Roach was  
12 involved in the robbery of Robinson.

13 In addition to fruits of the Robinson robbery being found in the vehicle occupied by  
14 Defendant Roach the same day of the robbery, Defendant Roach fails to acknowledge that the  
15 circumstances of the Robinson robbery are almost identical to the Kull robbery which occurred  
16 the day before. Defendant does not challenge his involvement in the Kull robbery. In the Kull  
17 robbery, Defendant Roach played a similar role as he did in the Robinson robbery. In both  
18 robberies his role was to walk alongside the victim and "box them in" to prevent the victim  
19 from fleeing while his co-defendants threatened and took property from the victims.  
20 Furthermore, in both robberies, the victims were walking home, were alone and had just come  
21 from work. Both Robinson and Kull were threatened to be shot if they did not give the  
22 defendants their property. In both robberies the Defendants walked with the victim down the  
23 street as the robbery was occurring. Finally, in each robbery, Roach and his co-defendants  
24 took the cell phone, ID and credit cards of the female victims. The circumstances and  
25 similarities between the Kull and Robinson robberies, the fact that Robinson testified that she  
26 believed Defendant Roach was the person who walked alongside her during the robbery and  
27 the fact that Robinson's items were found in the car Roach occupied less than 24 hours later  
28 is all sufficient evidence for probable cause of Defendant's Roach involvement in the

1 Robinson robbery. As such, his claim is without merit and should be denied.

2 **CONCLUSION**

3 Wherefore, the State respectfully requests that Defendant's Petition for Writ of Habeas  
4 Corpus be DENIED.

5 DATED this 5<sup>th</sup> day of November, 2014.

6 Respectfully submitted,

7 STEVEN B. WOLFSON  
8 Clark County District Attorney  
9 Nevada Bar # 001565

10 BY /s/ Leah C. Beverly

11 LEAH C. BEVERLY  
12 Deputy District Attorney  
13 Nevada Bar #12556  
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CERTIFICATE OF FACSIMILE TRANSMISSION

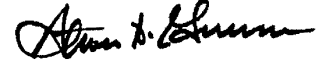
I hereby certify that service of Return To Writ of Habeas Corpus, was made this  
5<sup>th</sup> day of November, 2014, by facsimile transmission to:

C. ALMASE, ESQ.  
702-474-0445

BY: /s/ D. Jason  
Employee of the District Attorney's Office



## EXHIBIT 1



CLERK OF THE COURT

1 INFM  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 LEAH BEVERLY  
6 Deputy District Attorney  
7 Nevada Bar #12556  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

12 I.A. 09/23/2014 DISTRICT COURT  
13 1:00 P.M. CLARK COUNTY, NEVADA  
14 C. ALMASE, ESQ.  
15 D. FISCHER, ESQ.  
16 C. COLUCCI, ESQ.

17 THE STATE OF NEVADA,  
18 Plaintiff,

CASE NO: C-14-300979-1

19 -vs-

DEPT NO: XXIII

20 CHRISTOPHER LEROY ROACH, aka  
21 Christopher Roach, #2757657  
22 JEFFREY B. GERMAN, aka  
23 Jeffery Bernard German, #1602073  
24 JAMES CURTIS IVEY, JR., #7010542  
25 Defendant.

INFORMATION

26 STATE OF NEVADA )  
27 ) ss.  
28 COUNTY OF CLARK )

STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

That CHRISTOPHER LEROY ROACH, aka Christopher Roach, JEFFREY B. GERMAN, aka Jeffery Bernard German, and JAMES CURTIS IVEY, JR., the Defendant(s) above named, having committed the crimes of **CONSPIRACY TO COMMIT ROBBERY (Category B Felony - NRS 200.380, 199.480 - NOC 50147); ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.380, 193.165 - NOC 50138); COERCION (Category B Felony - NRS 207.190 - NOC 53159); POSSESSION OF STOLEN PROPERTY (Category C Felony - NRS 205.275 - NOC 56057) and**

1 **POSSESSION OF CREDIT OR DEBIT CARD WITHOUT CARDHOLDER'S**  
2 **CONSENT (Category D Felony - NRS 205.690 - NOC 50790)**, on or between the 30th day  
3 of June, 2014 and the 1st day of July, 2014, within the County of Clark, State of Nevada,  
4 contrary to the form, force and effect of statutes in such cases made and provided, and against  
5 the peace and dignity of the State of Nevada,

6 **COUNT 1 - CONSPIRACY TO COMMIT ROBBERY**

7 Defendants CHRISTOPHER LEROY ROACH, aka, Christopher Roach, JEFFREY B.  
8 GERMAN, aka, Jeffery Bernard German, and JAMES CURTIS IVEY, JR. did wilfully,  
9 unlawfully, and feloniously conspire with each other to commit a robbery.

10 **COUNT 2 - ROBBERY WITH USE OF A DEADLY WEAPON**

11 Defendants CHRISTOPHER LEROY ROACH, aka, Christopher Roach, JEFFREY B.  
12 GERMAN, aka, Jeffery Bernard German, and JAMES CURTIS IVEY, JR. did then and there  
13 wilfully, unlawfully, and feloniously take personal property, to-wit: a cellular telephone and  
14 a fanny pack and contents, from the person of BAYLIE KULL, or in their presence, by means  
15 of force or violence, or fear of injury to, and without the consent and against the will of  
16 BAYLIE KULL, with use of a deadly weapon, to-wit: a firearm, Defendants being criminally  
17 liable under one or more of the following principles of criminal liability, to-wit: (1) by directly  
18 committing this crime; and/or (2) by aiding or abetting one another in the commission of this  
19 crime with the intent to commit this crime, by providing counsel and/or encouragement, by  
20 the Defendants acting in concert; and/or (3) pursuant to a conspiracy to commit this crime.

21 **COUNT 3 - COERCION**

22 did then and there wilfully, unlawfully, and feloniously use physical force, or the  
23 immediate threat of such force, against BAYLIE KULL, with intent to compel her to do, or  
24 abstain from doing, an act which she had a right to do, or abstain from doing, by defendants  
25 acting in concert and aiding or abetting each other by counsel and encouragement and by  
26 entering into a course of conduct whereby forcing the said BAYLIE KULL to move when she  
27 did not want to move.

28 ///

1 COUNT 4 - CONSPIRACY TO COMMIT ROBBERY

2 Defendants CHRISTOPHER LEROY ROACH, aka, Christopher Roach, JEFFREY B.  
3 GERMAN, aka, Jeffery Bernard German, and JAMES CURTIS IVEY, JR. did wilfully,  
4 unlawfully, and feloniously conspire with each other to commit a robbery.

5 COUNT 5 - ROBBERY

6 did then and there wilfully, unlawfully, and feloniously take personal property, to-wit:  
7 a purse, contents and cellular telephone, from the person of EOLA ROBINSON, or in her  
8 presence, by means of force or violence, or fear of injury to, and without the consent and  
9 against the will of EOLA ROBINSON, Defendants being criminally liable under one or more  
10 of the following principles of criminal liability, to-wit: (1) by directly committing this crime;  
11 and/or (2) by aiding or abetting one another in the commission of this crime with the intent to  
12 commit this crime, by providing counsel and/or encouragement, by the Defendants acting in  
13 concert; and/or (3) pursuant to a conspiracy to commit this crime.

14 COUNT 6 - CONSPIRACY TO COMMIT ROBBERY

15 Defendants CHRISTOPHER LEROY ROACH, aka, Christopher Roach, JEFFREY B.  
16 GERMAN, aka, Jeffery Bernard German, and JAMES CURTIS IVEY, JR. did wilfully,  
17 unlawfully, and feloniously conspire with each other to commit a robbery.

18 COUNT 7 - ROBBERY WITH USE OF A DEADLY WEAPON

19 Defendants CHRISTOPHER LEROY ROACH, aka, Christopher Roach, JEFFREY B.  
20 GERMAN, aka, Jeffery Bernard German, and JAMES CURTIS IVEY, JR. did then and there  
21 wilfully, unlawfully, and feloniously take personal property, to-wit: U.S. currency, two (2)  
22 credit and/or debit cards, and a cellular telephone, from the person of DONNA DIMARIA  
23 and/or JESUS MEDINA, JR., or in their presence, by means of force or violence, or fear of  
24 injury to, and without the consent and against the will of DONNA DIMARIA and/or JESUS  
25 MEDINA, JR., with use of a deadly weapon, to-wit: a firearm, Defendants being criminally  
26 liable under one or more of the following principles of criminal liability, to-wit: (1) by directly  
27 committing this crime; and/or (2) by aiding or abetting one another in the commission of this  
28

1 crime with the intent to commit this crime, by providing counsel and/or encouragement, by  
2 the Defendants acting in concert; and/or (3) pursuant to a conspiracy to commit this crime.

3 COUNT 8 - POSSESSION OF STOLEN PROPERTY

4 Defendants CHRISTOPHER LEROY ROACH, aka, Christopher Roach, JEFFREY B.  
5 GERMAN, aka, Jeffery Bernard German, and JAMES CURTIS IVEY, JR. did wilfully,  
6 unlawfully, and feloniously, for their own gain, possess stolen property, to wit: U.S. currency,  
7 an Apple 5S iPhone and a Nokia cellular telephone, owned by DONNA DIMARIA and/or  
8 JESUS MEDINA, JR., having a value of \$650.00 or more, said Defendant knew it was stolen  
9 property and/or did possess it under circumstances which would have caused a reasonable  
10 person to know that it was stolen property, Defendants being criminally liable under one or  
11 more of the following principles of criminal liability, to-wit: (1) by directly committing this  
12 crime; and/or (2) by aiding or abetting one another in the commission of this crime with the  
13 intent to commit this crime, by providing counsel and/or encouragement, by the Defendants  
14 acting in concert; and/or (3) pursuant to a conspiracy to commit this crime.

15 COUNT 9 - POSSESSION OF CREDIT OR DEBIT CARD WITHOUT CARDHOLDER'S  
16 CONSENT

17 Defendant JEFFREY B. GERMAN, aka, Jeffery Bernard German did wilfully,  
18 unlawfully, and feloniously, have in his possession, without the consent of the cardholder, a  
19 credit or debit card, to-wit: a Citibank card, ending in account number 4318, issued in the  
20 name of DONNA DIMARIA, with intent to circulate, use, sell, or transfer said card, with  
21 intent to defraud the cardholder and/or the issuer of said credit or debit card.

22 COUNT 10 - POSSESSION OF CREDIT OR DEBIT CARD WITHOUT CARDHOLDER'S  
23 CONSENT

24 Defendant JEFFREY B. GERMAN, aka, Jeffery Bernard German did wilfully,  
25 unlawfully, and feloniously, have in his possession, without the consent of the cardholder, a  
26 credit or debit card, to-wit: a Wells Fargo Visa debit card, ending in account number 7283,

27 ///

28 ///

1 issued in the name of DONNA DIMARIA, with intent to circulate, use, sell, or transfer said  
2 card, with intent to defraud the cardholder and/or the issuer of said credit or debit card.

3  
4  
5 STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
6

7 BY /s/ Leah Beverly  
8 LEAH BEVERLY  
Deputy District Attorney  
9 Nevada Bar #12556  
10

11 Names of witnesses known to the District Attorney's Office at the time of filing this  
12 Information are as follows:

13 <u>NAME</u>	<u>ADDRESS</u>
14 ADAMS. K.A.	LVMPD #10017
15 ALDRICH, S. A.	LVMPD #4923
16 CUSTODIAN OF RECORDS or Designee	CCDC
17 CUSTODIAN OF RECORDS or Designee	LVMPD Communications
18 CUSTODIAN OF RECORDS or Designee	LVMPD Records
19 CUSTODIAN OF RECORDS or Designee	NLVPD Communications
20 CUSTODIAN OF RECORDS or Designee	NLVPD Records
21 ENDOZO, R. B.	LVMPD #13146
22 FONBUENA, R. A.	LVMPD #6834
23 GARRIS, A. L.	LVMPD #4337
24 GROSS, K.	C/O CCDA's Office
25 LAVOIE, C. A	LVMPD #13817
26 PALMIRA, C. A.	LVMPD #13807
27 PARQUE, C.	LVMPD #1741
28 PARRA, M.	LVMPD #14415

1	PELAYO, I.	LVMPD #9850
2	SCHOUTEN, D.	NLVPD #1741
3	WALKER, D. L.	LVMPD #8533

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27 DA#14F10476A/dj  
28 LVMPD EV#1407014137  
(TK6)

MEMORY TRANSMISSION REPORT

TIME : 11-05-2014 15:12  
FAX NO.1 :  
NAME :

FILE NO. : 907  
DATE : 11.05 15:02  
TO : 7024740445  
DOCUMENT PAGES : 16  
START TIME : 11.05 15:05  
END TIME : 11.05 15:12  
PAGES SENT : 16  
STATUS : OK

\*\*\*SUCCESSFUL TX NOTICE\*\*\*

1 **RET**  
2 **STEVEN B. WOLFSON**  
3 **Clark County District Attorney**  
4 **Nevada Bar #001565**  
5 **LEAH C. BEVERLY**  
6 **Deputy District Attorney**  
7 **Nevada Bar #12556**  
8 **200 Lewis Avenue**  
9 **Las Vegas, Nevada 89155-2212**  
10 **(702) 671-2300**  
11 **State of Nevada**

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

12 In the Matter of Application,  
13 of  
14 **CHRISTOPHER LEROY ROACH, aka**  
15 **Christopher Roach, #2757657**  
16 **for a Writ of Habeas Corpus.**

**CASE NO: C-14-300979-1**  
**DEPT NO: XXIII**

**RETURN TO WRIT OF HABEAS CORPUS**

**DATE OF HEARING: 11/10/14**  
**TIME OF HEARING: 9:30 A.M.**

17 **COMES NOW, DOUGLAS C. GILLESPIE, Sheriff of Clark County, Nevada,**  
18 **Respondent, through his counsel, STEVEN B. WOLFSON, Clark County District Attorney,**  
19 **through LEAH C. BEVERLY, Deputy District Attorney, in obedience to a writ of habeas**  
20 **corpus issued out of and under the seal of the above-entitled Court on the 23rd day of October,**  
21 **2014, and made returnable on the 10th day of November, 2014, at the hour of 9:30 o'clock**  
22 **A.M., before the above-entitled Court, and states as follows:**

- 23 1. Respondent admits the allegations of Paragraph(s) 1, 2, 4, 5 and 6, of the  
24 Petitioner's Petition for Writ of Habeas Corpus.  
25 2. Respondent denies the allegations of Paragraph 3 of the Petitioner's Petition  
26 for Writ of Habeas Corpus.  
27  
28

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NOH

DISTRICT COURT  
CLARK COUNTY, NEVADA

Electronically Filed  
11/07/2014 11:13:23 AM

STATE OF NEVADA

Plaintiff,

vs.

CASE NO. C300979-1  
DEPT NO. XXIII  
CLERK OF THE COURT

CHRISTOPHER ROACH,


Defendant.

NOTICE RESETTING DATE and TIME OF HEARING

Please be advised that the date and time of the PETITION FOR WRIT OF HABEAS CORPUS hearing set before Honorable Stefany A. Miley has been changed. At the COURT's request, PLEASE TAKE NOTICE that the above matter has been reset from NOVEMBER 10, 2014 at 9:30 am to NOVEMBER 19, 2014 at 11:00 a.m.

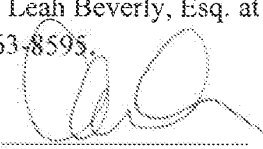
DATED this 6th day of November, 2014.

HONORABLE STEFANY A. MILEY

By:   
Carmen Alper  
Judicial Executive Assistant to  
Honorable Stefany A. Miley

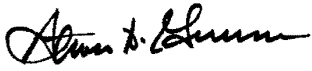
CERTIFICATE OF FACSIMILE

I hereby certify that on the 6<sup>th</sup> day of November 2014, I caused a copy of the foregoing Notice Resetting Date and Time of Hearing to be faxed to Leah Beverly, Esq. at (702) 455-6980 and to Caesar V. Almase, Esq. at (702) 463-8595.

By:   
Carmen Alper  
Judicial Executive Assistant to  
Honorable Stefany A. Miley

STEFANY A. MILEY  
DISTRICT JUDGE

DEPARTMENT TWENTY THREE  
LAS VEGAS NV 89101-2408



CLERK OF THE COURT

1 NWEW  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 LEAH C. BEVERLY  
6 Deputy District Attorney  
7 Nevada Bar #012556  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,  
10 Plaintiff,

11 -vs-

CASE NO: C-14-300979-1

12 CHRISTOPHER LEROY ROACH, aka  
13 Christopher Roach, #2757657  
14 JEFFREY B. GERMAN, aka  
Jeffery Bernard German, #1602073  
JAMES CURTIS IVEY, JR., #7010542

DEPT NO: XXIII

15 Defendant.

NOTICE OF EXPERT WITNESSES  
[NRS 174.234(2)]

18 TO: CHRISTOPHER LEROY ROACH, aka Christopher Roach,  
19 Defendant; and

20 TO: C. ALMASE, ESQ, Counsel of Record:

21 TO: JEFFREY B. GERMAN, aka Jeffery Bernard German, Defendant;  
22 and

23 TO: D. FISCHER, ESQ., Counsel of Record:

24 TO: JAMES CURTIS IVEY, JR., Defendant; and

25 TO: C. COLUCCI, ESQ., Counsel of Record:

26 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF  
27 NEVADA intends to call the following expert witnesses in its case in chief:  
28

1           **JONATHAN A. FRIED, P #8174, Forensic Scientist, LVMPD or Designee:**

2           He is an expert in the area of firearm/toolmark analysis, Gun ID, ballistics, burn  
3 stippling and muzzle flash and will give opinions related thereto. He is expected to testify  
4 regarding evidence collected from the crime scene.

5           **LOUISE RENHARD, P #5223, Crime Scene Analyst, LVMPD, or Designee:**

6           She is an expert in the area of the identification, documentation, collection and  
7 preservation of evidence and will give opinions related thereto. She is expected to testify  
8 regarding the identification, documentation, collection and preservation of evidence in this  
9 case.

10          **BEATA VIDA, P #14279, Forensic Scientist, LVMPD, or Designee:** She is an  
11 expert in the area DNA technology and will give scientific opinions related thereto. She is  
12 expected to testify regarding the DNA profiling analysis and related procedures he performed  
13 in this case.

14          These witnesses are in addition to those witnesses endorsed on the Information or  
15 Indictment and any other witnesses for which a separate Notice of Witnesses and/or Expert  
16 Witnesses has been filed

17          The substance of each expert witness' testimony and a copy of all reports made by or  
18 at the direction of the expert witness has been provided in discovery.

19          A copy of each expert witness' curriculum vitae, if available, is attached hereto.

20                               STEVEN B. WOLFSON  
21                               Clark County District Attorney  
22                               Nevada Bar #001565

23                               BY /s/ Leah C. Beverly  
24                               LEAH C. BEVERLY  
25                               Deputy District Attorney  
26                               Nevada Bar #012556

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**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that service of the above and foregoing, was made this  
18th day of February, 2015, by facsimile transmission to:

**C. ALMASE, ESQ.**  
**702-474-0445**

**D. FISCHER, ESQ.**  
**702-974-1458**

**C. COLUCCI, ESQ.**  
**702-384-4453**

By: /s/ D. Jason  
Secretary for the District Attorney's Office

djj/L5

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
FORENSIC LABORATORY  
STATEMENT OF QUALIFICATIONS**

Date: 10/31/12

Name: Jonathan A. Fried P#: 8174 Classification: Forensic Scientist II

Current Discipline of Assignment: Firearms/Toolmarks

EXPERIENCE IN THE FOLLOWING DISCIPLINE(S)			
Controlled Substances		Toxicology/Blood Alcohol	
Toolmarks	X	Toxicology/Breath Alcohol	
Trace Evidence		Toxicology/Drugs	
Arson Analysis		Firearms	X
Latent Prints		Crime Scene Investigations	X
Serology		Clandestine Laboratory Response Team	
Document Examination		DNA Analysis	
Quality Assurance		Technical Support /	

EDUCATION			
<i>Institution</i>	<i>Dates Attended</i>	<i>Major</i>	<i>Degree Completed</i>
University of New Haven	1999 – 2001	Forensic Science --Advanced Investigations	M.S.
Sacred Heart University	1994 – 1998	Computer Science – Information Systems	B.S.

ADDITIONAL TRAINING / SEMINARS		
<i>Course / Seminar</i>	<i>Location</i>	<i>Dates</i>
GSR Testing & Analysis: Separating Fact From Fiction	Las Vegas, NV	01/19/12
Hi-Point Firearms Armorer's Course (at AFTE Training Seminar)	Chicago, IL	6/3/11
BATFE Machine Gun Conversions/Silencers Workshop (at AFTE Training Seminar)	Chicago, IL	6/2/11
AFTE Annual Training Seminar	Chicago, IL	5/29 – 6/3/2011
Remington Model 11-87 Shotgun Armorer's School	Las Vegas, NV	5/4/2011
Remington Model 870 Shotgun Armorer's School	Las Vegas, NV	5/2 – 5/3/2011

ADDITIONAL TRAINING / SEMINARS		
<i>Course / Seminar</i>	<i>Location</i>	<i>Dates</i>
Basic Shooting Reconstruction Course	Las Vegas, NV	01/24/11-01/26/11
ATF Serial Number Restoration Course	Las Vegas, NV	9/27-9/29/2010
Colt .45/Model "O" 1911 Armorer's School	Las Vegas, NV	8/5-6/2010
Colt M16/AR-15 Rifle Armorer's School	Las Vegas, NV	8/2-4/2010
LAR Manufacturing Factory Tour	West Jordan, UT	7/14/2010
North American Arms Factory Tour	Provo, UT	7/13/2010
Barnes Bullets Ammunition Factory Tour	Mona, UT	7/13/2010
Sig Sauer Classic Pistols Armorer's School	Las Vegas, NV	7/7-8/2010
Sturm Ruger Firearms Factory Tour	Prescott, AZ	6/19/2010
Dillon Precision Reloading Factory Tour	Scottsdale, AZ	6/18/2010
Schneider Rifle Barrels Factory Tour	Payson, AZ	6/18/2010
NIBIN Entry	LVMPD-Criminalistics	6/24/2010
Benelli M1, M2, M4 Armorer's School	Las Vegas, NV	6/16-17/2010
Beretta 90 Series and Px4 Armorer's School	Las Vegas, NV	6/14-15/2010
AFTE Annual Training Seminar	Henderson, NV	5/2-7/2010
Innov-x XRF Safety and Operator Training	LVMPD-Criminalistics	4/8/2010
ATF IBIS Data Acquisition Training	Largo, FL (FTI)	6/24-29/2010
Glock Armorer's School	Las Vegas, NV	1/20/2010
2009 Clan Lab Recert	LVMPD-Criminalistics	5/27/2009
Detecting Staged Crime Scenes	LVMPD-ISD	5/5/2009
Basic Instructor Development	LVMPD-Advanced Training	4/2009
Integrated Ballistic Identification System	West Virginia University Extended Learning	4/17/2009
Introduction to Firearms and Toolmarks	West Virginia University Extended Learning	4/17/2009
Hexagon OBTI Blood Test	Las Vegas, NV	3/11/2009
Crime Scene and DNA Basics for Forensic Analysts	Las Vegas, NV	3/4/2009

<b>ADDITIONAL TRAINING / SEMINARS</b>		
<i>Course / Seminar</i>	<i>Location</i>	<i>Dates</i>
What Every Law Enforcement Officer Should Know About DNA Evidence: Investigators and Evidence Techs	Las Vegas, NV	3/4/2009
Communication Skills, Report Writing, and Courtroom Testimony for Forensic Analysts	Las Vegas, NV	3/4/2009
Collecting DNA Evidence at Property Crime Scenes	Las Vegas, NV	2/28/2009
EEOC Basics Class	Las Vegas, NV	2/25/2009
NCIC Recertification	Las Vegas, NV	1/29/2009
Nevada Workplace Safety Rights and Responsibilities	Las Vegas, NV	1/20/2009
Advanced Forensic Investigations for Hazardous Environments Performance Level	Las Vegas, NV	10/3/2008
IS-00200 ICS for Single Resources and Initial Action Incidents	Las Vegas, NV	7/30/2008
IS-00700 National Incident Management System	Las Vegas, NV	7/30/2008
Introduction of the Incident Command System 1-100 for Law Enforcement	Las Vegas, NV	7/30/2008
Major Case Prints	Las Vegas, NV	5/14/2008
Forensic Entomology Evidence Recovery Techniques	Las Vegas, NV	3/3-4/2008
Ground Penetrating Radar	Las Vegas, NV	1/23-24/2008
Use of Force (Civilians)	Las Vegas, NV	1/2/2008
Finding Latent Evidence with Chemistry & Light	Henderson, NV	12/11-14/2007
Bomb Investigations	Las Vegas, NV	12/5-7/2007
Clandestine Laboratory Safety Re-Certification	Las Vegas, NV	10/24/2007
Forensic Entomology Evidence Collection Protocol	Las Vegas, NV	8/2007
(RT02) NCIC Recertification Phase II	Las Vegas, NV	5/23/2007
ROFIN Polilight PL500 (Instructor: Sheree Norman)	Las Vegas, NV	5/2/2007
Bloodstain Pattern Analysis (10-hour refresher course)	Las Vegas, NV	2/20/2007
Death in Infancy & Childhood - Investigation & Pathology Seminar (Instructor: Dr. Tracy Corey, Chief Medical Examiner for the State of Kentucky)	Las Vegas, NV	11/16-17/2006
Diversity Training	Las Vegas, NV	11/1/2006
Forensic Medical Investigation	Las Vegas, NV	8/16-18/2006

ADDITIONAL TRAINING / SEMINARS		
<i>Course / Seminar</i>	<i>Location</i>	<i>Dates</i>
How to be the Best Expert Witness You Can be	Las Vegas, NV	8/9/2006
Presumptive Standards (Instructor: Shannon Merges)	Las Vegas, NV	7/19/2006
Bloodstain Pattern Recognition and Examination of Bloodstained Clothing Workshop	Las Vegas, NV	5/11/2006
Shooting Incident Reconstruction (Basic)	Las Vegas, NV	4/5-7/2006
Bloodstain Pattern Recognition - Instructor: Craig C. Moore, Niagara Regional Police Service (Canada)	Las Vegas, NV	1/120/2006
Basic Bloodstain Pattern Recognition	Las Vegas, NV	1/16-20/2006
Terrorism and Travel Documents	Las Vegas, NV	12/13/2005
Merging Digital Photography/Crime Scene Investigations	Las Vegas, NV	12/7/2005
Completion of Proficiency Exercise - "Recording Major Case Prints"	Las Vegas, NV	11/16/2005
FATS Training	Las Vegas, NV	10/5/2005
National Incident Management System (NIMS) -IS-00700	Las Vegas, NV	9/6/2005
Digital Workstation Training	Las Vegas, NV	7/5/2005
Homicide Issues: A Prosecutor's Perspective on Presenting Cases to a Jury	Las Vegas, NV	3/23/2005
Nighttime Photography Techniques	Las Vegas, NV	3/23/2005
Excited Delirium and Restraint Deaths	Las Vegas, NV	3/23/2005
Crime Scene Technology 2: A Crime Scene Practicum	North Las Vegas, NV	3/14-18/2005
Practical Homicide Investigation	Las Vegas, NV	3/7-9/2005
Clandestine Laboratory Safety Certification	Las Vegas, NV	2/23-25/2005
Forensic Science Program 101 - Certified	Las Vegas, NV	10/6/2004
Brooke Lee West Case - "Coffin Flies"	Las Vegas, NV	4/7/2004
Bite Marks	Las Vegas, NV	4/7/2004
Nighttime Photographic Techniques	Las Vegas, NV	4/7/2004
Criminalistics Bureau - Field Training	Las Vegas, NV	3/31/2004
Civilian Use of Force & Firearm Training	Las Vegas, NV	2/3-5/2004
Defensive Tactics - CSA's	Las Vegas, NV	2/2/2004



## Statement of Qualifications

Name:

Page: 5

ADDITIONAL TRAINING / SEMINARS		
Course / Seminar	Location	Dates
Orientation for Civilian Employees - Advanced Training	Las Vegas, NV	1/22-30/2004
Crime Scene Analyst Academy	Las Vegas, NV	1/15/2004
Testifying in Court	Las Vegas, NV	12/11/2003
WordPerfect 8 - Basic	Las Vegas, NV	12/9/2003
Understanding Death & Grief Issues	Las Vegas, NV	12/8/2003
L.E. Response to Alzheimer Victims, Abuse/Neglect	Las Vegas, NV	12/4/2003
Driver Training	Las Vegas, NV	12/1/2003

COURTROOM EXPERIENCE		
Court	Discipline	Number of Times
District Court, Justice Court, Grand Jury	Crime Scene Investigations	Approx. 20
Federal Court	Crime Scene Investigations	1

EMPLOYMENT HISTORY		
Employer	Job Title	Date
Las Vegas Metropolitan Police Department	Forensic Scientist I	10/2010 - Present
Las Vegas Metropolitan Police Department	Forensic Scientist Trainee	10/2009 - Present
Las Vegas Metropolitan Police Department	Crime Scene Analyst (I, II, Senior)	11/2003 - 10/2009
Stratford Police Department	Police Officer	1/2002 - 11/2003

PROFESSIONAL AFFILIATIONS	
Organization	Date(s)
Provisional Member of Association of Firearms and Toolmark Examiners (AFTE)	July, 2011 - Present
Member of International Association for Identification	Current

PROFESSIONAL AFFILIATIONS	
Organization	Date(s)
PUBLICATIONS / PRESENTATIONS:	
Poster Presentations: "Evaluation of the Forensics Source Short Length Ballistic Fiber Filled Bullet Catcher," "Remington HD Ultimate Home Defense 12 Gauge Shot Shell Ammunition," "Sub-Caliber Shenanigans," and "Proof of Concept (Preliminary) Results on a Method to Cross Check Chronograph Velocities Using Hi-Speed Video Camera," Association of Firearm and Tool Mark Examiners Annual Training Seminar, May 2010, Henderson, NV	

*Curriculum Vitae*  
**Las Vegas Criminalistics Bureau**  
**Statement of Qualifications**

Name: Louise Renhard      P# 5223      Date: 11-24-03      DOH: 07-29-96

<b>CURRENT CLASSIFICATION</b>		
	<i>Classification</i>	<i>Minimum Qualifications</i>
	Crime Scene Analyst I	AA Degree with major course work in Criminal Justice, Forensic Science, Physical Science or related field, including specialized training in Crime Scene Investigation.
	Crime Scene Analyst II	18 months - 2 years continuous service with LVMPD as a Crime Scene Analyst I.
X	Senior Crime Scene Analyst	Two (2) years as a Crime Scene Analyst II to qualify for the promotional test for Senior Crime Scene Analyst.
	Crime Scene Analyst Supervisor	Four (4) years continuous service with LVMPD and completion of probation as a Senior Crime Scene Analyst. Must have the equivalent of a Bachelor's Degree from an accredited college or university with major course work in Criminal Justice, Forensic Science, Physical Science or related field.

<b>FORMAL EDUCATION</b>		
<i>Institution</i>	<i>Major</i>	<i>Degree/Date</i>
University of Alaska	Police Administration	AA degree/1976

<b>TESTIMONY</b>		
Yes	No	

<b>EMPLOYMENT HISTORY</b>		
<i>Employer</i>	<i>Title</i>	<i>Date</i>
LVMPD	Sr. Crime Scene Analyst	7-29-96

Education

DATE	CLASS TITLE	AGENCY	CREDIT HOURS
12-1977	Police Administration	U of Alaska	Associates Degree 1976
07-29 to 08-16-96	Crime Scene Analyst Academy	LVMPD	105

Renhard Louise  
Curriculum Vitae  
LVMPD

08-16-96	CAPSTUN for Civilians	LVMPD	1.5
09-18,19 & 09-26-96	Civilian Firearm/Use of Force	LVMPD	21
09-20-96	NCIC - Phase II - Limited Access	LVMPD	4
09-27-96	DT Weaponless Defense/Handcuff	LVMPD	3
09-27-96	Combat Shooting Simulator/FATS	LVMPD	1
09-30-96	Duty Weapon Qualification	LVMPD	2
10-24-96	Driver Training - Level 2	LVMPD	8
11-27-96	Ultraviolet (UV) Light Orientation and Safety Presentation	LVMPD	1
02-25-97 to 02-27- 97	Top Gun Training	LVMPD	21
02-27-97	Moot Court - Video	LVMPD	2
03-05-97	Basic Windows 3.1	LVMPD	4
03-30-97	Duty Weapon Qualification	LVMPD	2
04-07-97	Forensic Science	American Institute of Applied Science (AIAS)	260
06-13-97	NCIC - Phase I - Video	LVMPD	20 Min.
07-02-97	Duty Weapon Qualification	LVMPD	2
09-08 to 09-12-97	Crime Scene Technology Workshop 2	Northwestern University, Traffic Institute	40
09-30-97	Duty Weapon Qualification	LVMPD	2
10-02-97	Critical Procedures Test	LVMPD	2
11-03 to 11-07-97	Courtroom Presentation of Evidence: Effective Expert Witness Testimony Workshop	CAT/NWAFS/SWAFS/S AT Joint Meeting	7
12-15 to 12-19-97	Advanced On-Scene Accident Investigation	LVMPD	40
12-31-97	Duty Weapon Qualification	LVMPD	2
01-09-98	Combat Shooting Simulator/FATS	LVMPD	1

Renhard Louise  
Curriculum Vitae  
LVMPD  
- 2 -

01-30-98	Domestic Violence	LVMPD	1
02-11-98	Trauma Shooting - Video	LVMPD	30 Min.
02-26-98	Clandestine Lab Dangers - Video	LVMPD	30 Min.
03-06-98	Secondary Devices - Video	LVMPD	30 Min.
03-09-98	Cardio-Pulmonary Resuscitation (CPD)	LVMPD	4
03-31-98	Duty Weapon Qualification	LVMPD	2
05-01-98	Applied Neurolinguistic Programming	LVMPD	7
06-06-98	Duty Weapon Qualification	LVMPD	2
08-24 to 08-28-98	Bloodstain Evidence Workshop I	Northwestern University, Traffic Institute	40
09-10-98	Critical Procedures Test	LVMPD	2
09-25-98	Optional Weapon	LVMPD	
12-07-98	Training - Motor Home Driving	LVMPD	4
12-19-98	Duty Weapon Qualification	LVMPD	2
02-23 to 02-25-99	Latent Print Identification	Law Enforcement Officers Training School, sponsored by LVMPD	24
03-16-99	Award Presentation and PR Photography - LVMPD	LVMPD	2
03-30-99	Duty Weapon Qualification	LVMPD	2
06-15-99	Duty Weapon Qualification	LVMPD	2
08-30 to 09-01-99	Clandestine Laboratory Safety Certification Course, Occasional Site Worker	LVMPD	24
09-21-99	Duty Weapon Qualification	LVMPD	2
08-23 to 08-27-99	Bloodstain Evidence Workshop 2	Northwestern University, Traffic Institute	40
01-20-00	Latent Fingerprint Development Workshop	U.S. Secret Service	8
05-22 to 05-24-00	Practical Homicide Investigation (Advanced Course of Instruction)	P.H.I., Investigative Consultants, Inc.	24
06-13-00	Crime Scene Analyst Certification (Certificate	IAI	

Renhard Louise  
Curriculum Vitae  
LVMPD  
- 3 -

	being sent)		
08-01 to 08-02-00	C.P.R. Instructor Course	LVMPD	14
09-06 to 09-08-00	Shooting Incident Reconstruction	Forensic Identification Training Seminars	24
04-11 to 04-13-01	3 <sup>rd</sup> Annual Educational Conference Officer Involved Shootings	NSDIAI	3
"	Expert Witness	"	2
"	Death Investigations	"	2
<b>04-17-02 *****</b>			
10-08-01	Bloodstain Pattern Analysis - Certificate # 10 - completed proficiency exercises	LVMPD	3
11-13-01	Bloodstain Pattern Analysis - Angle of Impact Proficiency Exercise - Certificate #26	LVMPD - Criminalistics Bureau	3
04-03-02	Documentation of Footwear & Tire Impressions	LVMPD - Criminalistics Bureau	1
04-01-02	Clandestine Laboratory Safety - Fingerprint Processing	LVMPD - Criminalistics Bureau	1
04-02-02	Forensic Anthropology	LVMPD - Criminalistics Bureau	1.5
04-01-02	Chemical Enhancements of Bloodstains, Preliminary Steps	LVMPD - Criminalistics Bureau	1
05-06-02	Major Case Prints	LVMPD - Criminalistics Bureau	3
08-04 to 08-10-02	87 <sup>th</sup> International Educational Conference - See below	IAI	
"	Forensic Archaeology/Scenes Involving Skeletal Remains	"	8
"	W-11: Forensic Archaeology/Scenes Involving Skeletal Remains (Buried Remains) Field Exercise	"	8
"	W-14: Forensic Archaeology/Scenes Involving Skeletal Remains (Scattered Surface Remains) Field Exercise	"	8

Renhard Louise  
Curriculum Vitae  
LVMPD  
- 4 -

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
FORENSIC LABORATORY  
STATEMENT OF QUALIFICATIONS**

Date: 07/01/10

Name: Beata Vida

P#: 1427  
9

Classification: Forensic Scientist II

Current Discipline of Assignment: Biology/DNA

**EXPERIENCE IN THE FOLLOWING DISCIPLINE(S)**

Controlled Substances		Blood Alcohol	
Toolmarks		Breath Alcohol	
Trace Evidence		Arson Analysis	
Toxicology		Firearms	
Latent Prints		Crime Scene Investigations	
Serology	X	Clandestine Laboratory Response Team	
Document Examination		DNA Analysis	X
Footwear Impressions		Technical Support /	
Quality Assurance			

**EDUCATION**

<i>Institution</i>	<i>Dates Attended</i>	<i>Major</i>	<i>Degree Completed</i>
University of Central Florida	01/2005-present	Anthropology	BA-in progress
Minnesota State University Moorhead	01/1997-05/2001	Biology	BA
Brevard Community College	08/2005-05/2005	Crime Scene Technology	AS

**ADDITIONAL TRAINING / SEMINARS**

<i>Course / Seminar</i>	<i>Location</i>	<i>Dates</i>
8 <sup>th</sup> Annual Advanced DNA Technical Workshop by BODE Technology Group	Amelia Island, FL	05/19/09-05/20/09
FBI DNA Auditor 2-day Workshop	Amelia Island, FL	05/17/09-05/18/09
19 <sup>th</sup> International Symposium on Human Identification by the Promega Corporation	Hollywood, CA	10/14/08-11/16/08

<b>ADDITIONAL TRAINING / SEMINARS</b>		
<i>Course / Seminar</i>	<i>Location</i>	<i>Dates</i>
Forensic Population Genetics Workshop	Hollywood, CA	10/13/08
Statewide Biology Discipline Meeting	Largo, FL	05/14/08-05/15/08
Florida Statewide DNA Conference	Largo, FL	05/12/08-05/13/08
3130 HID Class by Applied Biosystems	Orlando, FL	05/01/07-05/03/07
Serology/DNA Crime Laboratory Analyst Training Program	Orlando, FL	06/2006-06/2007
7000/7500 Sequence Detection Systems Training	Orlando, FL	10/19/06
Biomek 2000/3000 Training	Orlando, FL	09/25/06
GeneMapper ID Computer Software Training	Orlando, FL	09/2006
<b>COURTROOM EXPERIENCE</b>		
<i>Court</i>	<i>Discipline</i>	<i>Number of Times</i>
Orange, Brevard, Osceola, Seminole and Volusia Counties, Florida	Serology/DNA	15
<b>EMPLOYMENT HISTORY</b>		
<i>Employer</i>	<i>Job Title</i>	<i>Date</i>
Las Vegas Metropolitan Police Department	Forensic Scientist II	06/14/2010-present
Florida Department of Law Enforcement	Crime Laboratory Analyst	04/2006-05/28/2010
Florida Department of Law Enforcement	Forensic Technologist	12/31/05-04/2006
<b>PROFESSIONAL AFFILIATIONS</b>		
<i>Organization</i>	<i>Date(s)</i>	
American Academy of Forensic Sciences	01/2006-present	
International Association for Identification	06/2004-present	
<b>PUBLICATIONS / PRESENTATIONS:</b>		
University of Central Florida – Introductory Forensic Science Class presentation 03/24/2010		
Detective Training presentation – DNA Training For New Detectives 10/2009		



Statement of Qualifications

Name:

Page: 3

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MEMORY TRANSMISSION REPORT

TIME : 02-18-2015 16:33  
FAX NO.1 :  
NAME :

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TO : 7024740445  
DOCUMENT PAGES : 16  
START TIME : 02.18 16:27  
END TIME : 02.18 16:33  
PAGES SENT : 16  
STATUS : OK

\*\*\*SUCCESSFUL TX NOTICE\*\*\*

1 NNEW  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 LEAH C. BEVERLY  
6 Deputy District Attorney  
7 Nevada Bar #012556  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

12 THE STATE OF NEVADA,  
13 Plaintiff,

14 -vs-

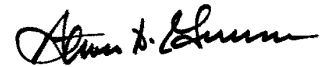
15 CHRISTOPHER LEROY ROACH, aka  
16 Christopher Roach, #2757657  
17 JEFFREY B. GERMAN, aka  
18 Jeffery Bernard German, #1602073  
19 JAMES CURTIS IVEY, JR., #7010542  
20 Defendant.

CASE NO: C-14-300979-1  
DEPT NO: XXIII

NOTICE OF EXPERT WITNESSES  
[NRS 174.234(2)]

21 TO: CHRISTOPHER LEROY ROACH, aka Christopher Roach,  
22 Defendant; and  
23 TO: C. ALMASE, ESQ, Counsel of Record:  
24 TO: JEFFREY B. GERMAN, aka Jeffery Bernard German, Defendant;  
25 and  
26 TO: D. FISCHER, ESQ., Counsel of Record:  
27 TO: JAMES CURTIS IVEY, JR., Defendant; and  
28 TO: C. COLUCCI, ESQ., Counsel of Record:  
YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF  
NEVADA intends to call the following expert witnesses in its case in chief:

W:\2014\F10476\14F10476-NNEW-(ROACH\_CHRISTOPHER)-001.DOCX



CLERK OF THE COURT

1 **NWEW**  
2 **STEVEN B. WOLFSON**  
3 **Clark County District Attorney**  
4 **Nevada Bar #001565**  
5 **LEAH C. BEVERLY**  
6 **Deputy District Attorney**  
7 **Nevada Bar #012556**  
8 **200 Lewis Avenue**  
9 **Las Vegas, Nevada 89155-2212**  
10 **(702) 671-2500**  
11 **Attorney for Plaintiff**

7 **DISTRICT COURT**  
8 **CLARK COUNTY, NEVADA**

9 **THE STATE OF NEVADA,**  
10 **Plaintiff,**

11 **-vs-**

12 **CHRISTOPHER LEROY ROACH, aka**  
13 **Christopher Roach, #2757657**  
14 **JEFFREY B. GERMAN, aka**  
15 **Jeffery Bernard German, #1602073**  
16 **JAMES CURTIS IVEY, JR., #7010542**  
17 **Defendant.**

**CASE NO: C-14-300979-1**

**DEPT NO: XXIII**

18 **NOTICE OF WITNESSES**  
19 **[NRS 174.234(1)(a)]**

20 **TO: CHRISTOPHER LEROY ROACH, aka Christopher Roach,**  
21 **Defendant; and**

22 **TO: C. ALMASE, ESQ, Counsel of Record:**

23 **TO: JEFFREY B. GERMAN, aka Jeffery Bernard German, Defendant;**  
24 **and**

25 **TO: D. FISCHER, ESQ., Counsel of Record:**

26 **TO: JAMES CURTIS IVEY, JR., Defendant; and**

27 **TO: C. COLUCCI, ESQ., Counsel of Record:**

28 **YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF**  
**NEVADA intends to call the following witnesses in its case in chief:**

	<u>NAME</u>	<u>ADDRESS</u>
1	ADAMS, Z.	LVMPD #9028
2	CUSTODIAN OF RECORDS or Designee	7-Eleven, 1600 Rancho Dr., LV, NV
3	CUSTODIAN OF RECORDS or Designee	Citi Bank
4	CUSTODIAN OF RECORDS or Designee	Clark County Marriage License Bureau
5	CUSTODIAN OF RECORDS or Designee	Red Box Movie Kiosk
6	CUSTODIAN OF RECORDS or Designee	State of California DMV
7	CUSTODIAN OF RECORDS or Designee	State of Nevada DMV
8	CUSTODIAN OF RECORDS or Designee	Wells Fargo Bank
9	DIMARIA, Donna	C/O CCDA's Office
10	DIXON, B.	LVMPD #14105
11	EBERLING, J.	LVMPD #8745
12	FRIED, J.	LVMPD #8174
13	GRIGSBY, Meghan	1950 Simmons St., #15-1067, LV, NV
14	HOWELL, T.	LVMPD #8907
15	INZO, FNU	LVMPD
16	KULL, Baylie Joslyn	3420 100 <sup>th</sup> Ct., Palmerto, FL
17	LANGGIN, M.	LVMPD #4078
18	LAROTONDA, A.	NLVPD #2232
19	LEE, F.	NLVPD #1938
20	LNU, John	Rancho Del Sol Apts., 4299 Wynn Rd., LV
21	MEDINA, Jesus, Jr.	C/O CCDA's Office
22	PETERSEN, R.	LVMPD #10051
23	POLLOCK, W.	LVMPD #7203
24	REHNARD, L.	LVMPD #5223
25	ROBINSON, Eola	2881 North Rancho Dr., #2119, LV, NV
26	RUSSO, L.	LVMPD #14737
27	SCHUMAKER, S.	LVMPD #9076

1 SHANNON, G. LVMPD #4111  
2 STOCKTON, D. LVMPD #9989  
3 TOBAK, Richard 4270 S. Valley View Bl., #2405. LV, NV  
4 VANEPPS, J. LVMPD #7724  
5 VIDA, B. LVMPD #14279  
6 WARD, K. LVMPD #9046  
7 WOOLARD, B. LVMPD #7558

8 These witnesses are in addition to those witnesses endorsed on the Information or  
9 Indictment and any other witness for which a separate Notice of Witnesses and/or Expert  
10 Witnesses has been filed.

11 STEVEN B. WOLFSON  
12 DISTRICT ATTORNEY  
Nevada Bar #001565

13  
14 BY /s/ Leah C. Beverly  
LEAH C. BEVERLY  
15 Deputy District Attorney  
Nevada Bar #012556  
16  
17

18 CERTIFICATE OF FACSIMILE TRANSMISSION

19 I hereby certify that service of the above and foregoing, was made this 19th day of  
20 February, 2015, by facsimile transmission to:

21 C. ALMASE, ESQ.  
702-474-0445

22 D. FISCHER, ESQ.  
23 702-974-1458

24 C. COLUCCI, ESQ.  
25 702-384-4453

26 By: /s/ D. Jason  
27 Secretary for the District Attorney's Office

28 djj/L5

MEMORY TRANSMISSION REPORT

TIME : 02-19-2015 15:03  
FAX NO.1 :  
NAME :

FILE NO. : 891  
DATE : 02.19 15:01  
TO : 7024740445  
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END TIME : 02.19 15:02  
PAGES SENT : 3  
STATUS : OK

\*\*\*SUCCESSFUL TX NOTICE\*\*\*

1 NNEW  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 LEAH C. BEVERLY  
6 Deputy District Attorney  
7 Nevada Bar #012556  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

12 THE STATE OF NEVADA,  
13 Plaintiff,

14 -vs-

15 CHRISTOPHER LEROY ROACH, aka  
16 Christopher Roach, #2757657  
17 JEFFREY B. GERMAN, aka  
18 Jeffery Bernard German, #1602073  
19 JAMES CURTIS IVEY, JR., #7010542  
20 Defendant.

CASE NO: C-14-300979-1  
DEPT NO: XXIII

NOTICE OF WITNESSES  
[NRS 174.234(1)(a)]

21 TO: CHRISTOPHER LEROY ROACH, aka Christopher Roach,  
22 Defendant; and  
23 TO: C. ALMASE, ESQ, Counsel of Record:  
24 TO: JEFFREY B. GERMAN, aka Jeffery Bernard German, Defendant;  
25 and  
26 TO: D. FISCHER, ESQ., Counsel of Record:  
27 TO: JAMES CURTIS IVEY, JR., Defendant; and  
28 TO: C. COLUCCI, ESQ., Counsel of Record:  
YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF  
NEVADA intends to call the following witnesses in its case in chief:

W:\2014\FI10476\14FI10476-NNEW-(ROACH\_CHRISTOPHER)-002.DOCX

ORIGINAL

AINF  
STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
LEAH BEVERLY  
Deputy District Attorney  
Nevada Bar #012556  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

FILED IN OPEN COURT  
STEVEN D. GRIERSON  
CLERK OF THE COURT

MAR 11 2015

BY *Katherine Streuber*  
KATHERINE STREUBER, DEPUTY

DISTRICT COURT  
CLARK COUNTY, NEVADA

C-14-300979-1  
AINF  
Amended Information  
4440714



THE STATE OF NEVADA,  
Plaintiff,

-vs-

CASE NO. C-14-300979-1

DEPT NO. XXIII

**CHRISTOPHER LEROY ROACH, aka,  
Christopher Roach,  
#2757657,  
JEFFREY B. GERMAN, aka,  
Jeffery Bernard German,  
#1602073,  
JAMES CURTIS IVEY, JR.,  
#7010542**

AMENDED

INFORMATION

Defendants.

STATE OF NEVADA }  
COUNTY OF CLARK } ss:

STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

That the Defendant(s) above named, having committed the crimes of **ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.380, 193.165 - NOC 50138) and CONSPIRACY TO COMMIT ROBBERY (Category B Felony - NRS 200.380, 199.480 - NOC 50147)**, on or between June 30, 2014 and July 1, 2014, within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made and provided, and against the peace and dignity of the State of Nevada,

///

1 COUNT 1 - ROBBERY WITH USE OF A DEADLY WEAPON

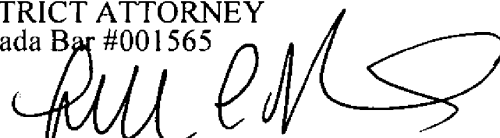
2 did wilfully, unlawfully, and feloniously take personal property, to-wit: a cellular  
3 telephone and a fanny pack and contents and/or U. S. currency, two (2) credit and/or debit  
4 cards, and a cellular telephone, from the person of BAYLIE KULL and/or EOLA ROBINSON  
5 and/or DONNA DIMARIA and/or JESUS MEDINA, JR., or in their presence, by means of  
6 force or violence, or fear of injury to, and without the consent and against the will of BAYLIE  
7 KULL and/or EOLA ROBINSON and/or DONNA DIMARIA and/or JESUS MEDINA, JR.,  
8 with use of a deadly weapon, to-wit: a firearm; Defendants being criminally liable under one  
9 or more of the following principles of criminal liability, to-wit: (1) by directly committing this  
10 crime; and/or (2) by aiding or abetting one another in the commission of this crime with the  
11 intent to commit this crime, by providing counsel and/or encouragement, by the Defendants  
12 acting in concert; and/or (3) pursuant to a conspiracy to commit this crime.

13 COUNT 2 - CONSPIRACY TO COMMIT ROBBERY

14 did wilfully, unlawfully, and feloniously conspire with each other to commit a robbery.

15 STEVEN B. WOLFSON  
16 DISTRICT ATTORNEY  
17 Nevada Bar #001565

18 BY

  
19 LEAH BEVERLY  
20 Deputy District Attorney  
21 Nevada Bar #012556

22  
23  
24  
25  
26  
27 DA#14F10476A-C/erg/L-5  
28 LVMPD EV#1407014137  
(TK6)



ORIGINAL

1 **GPA**  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 LEAH BEVERLY  
6 Deputy District Attorney  
7 Nevada Bar #012556  
8 200 Lewis Avenue  
9 Las Vegas, NV 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

FILED IN OPEN COURT  
STEVEN D. GRIERSON  
CLERK OF THE COURT

MAR 11 2015

BY *Katherine Streuber*  
KATHERINE STREUBER, DEPUTY

DISTRICT COURT  
CLARK COUNTY, NEVADA

C-14-300979-1  
GPA  
Guilty Plea Agreement  
4440715



9 THE STATE OF NEVADA,  
10 Plaintiff,

11 -vs-

12 CHRISTOPHER LEROY ROACH, aka,  
13 Christopher Roach,  
14 #2757657

Defendant.

CASE NO: C-14-300979-1

DEPT NO: XXIII

15 GUILTY PLEA AGREEMENT

16 I hereby agree to plead guilty to: **COUNT 1 - ROBBERY WITH USE OF A**  
17 **DEADLY WEAPON (Category B Felony - NRS 200.380, 193.165 - NOC 50138) and**  
18 **COUNT 2 - CONSPIRACY TO COMMIT ROBBERY (Category B Felony - NRS**  
19 **200.380, 199.480 - NOC 50147),** as more fully alleged in the charging document attached  
20 hereto as Exhibit "1".

21 My decision to plead guilty is based upon the plea agreement in this case which is as  
22 follows:

23 The State will retain the right to argue at sentencing.

24 I agree to the forfeiture of any and all weapons or any interest in any weapons seized  
25 and/or impounded in connection with the instant case and/or any other case negotiated in  
26 whole or in part in conjunction with this plea agreement.

27 ///

28 ///

1 I understand and agree that, if I fail to interview with the Department of Parole and  
2 Probation, fail to appear at any subsequent hearings in this case, or an independent magistrate,  
3 by affidavit review, confirms probable cause against me for new criminal charges including  
4 reckless driving or DUI, but excluding minor traffic violations, the State will have the  
5 unqualified right to argue for any legal sentence and term of confinement allowable for the  
6 crime(s) to which I am pleading guilty, including the use of any prior convictions I may have  
7 to increase my sentence as an habitual criminal to five (5) to twenty (20) years, life without  
8 the possibility of parole, life with the possibility of parole after ten (10) years, or a definite  
9 twenty-five (25) year term with the possibility of parole after ten (10) years.

10 Otherwise I am entitled to receive the benefits of these negotiations as stated in this  
11 plea agreement.

12 CONSEQUENCES OF THE PLEA

13 I understand that by pleading guilty I admit the facts which support all the elements of  
14 the offense(s) to which I now plead as set forth in Exhibit "1".

15 **As to Count 1**, I understand that as a consequence of my plea of guilty the Court must  
16 sentence me to imprisonment in the Nevada Department of Corrections for a minimum term  
17 of not less than TWO (2) years and a maximum term of not more than FIFTEEN (15) years.  
18 The minimum term of imprisonment may not exceed forty percent (40%) of the maximum  
19 term of imprisonment, plus a consecutive minimum term of not less than ONE (1) year and a  
20 maximum term of not more than FIFTEEN (15) years, for the Deadly Weapon enhancement.

21 **As to Count 2**, I understand that as a consequence of my plea of guilty the Court must  
22 sentence me to imprisonment in the Nevada Department of Corrections for a minimum term  
23 of not less than ONE (1) year and a maximum term of not more than SIX (6) years. The  
24 minimum term of imprisonment may not exceed forty percent (40%) of the maximum term of  
25 imprisonment. I understand that I may also be fined up to \$5,000.00. I understand that the  
26 law requires me to pay an Administrative Assessment Fee.

27 ///

28 ///

1 I understand that, if appropriate, I will be ordered to make restitution to the victim of  
2 the offense(s) to which I am pleading guilty and to the victim of any related offense which is  
3 being dismissed or not prosecuted pursuant to this agreement. I will also be ordered to  
4 reimburse the State of Nevada for any expenses related to my extradition, if any.

5 As to Count 1, I understand that I am not eligible for probation for the offense to which  
6 I am pleading guilty.

7 As to Count 2, I understand that I am eligible for probation for the offense to which I  
8 am pleading guilty. I understand that, except as otherwise provided by statute, the question of  
9 whether I receive probation is in the discretion of the sentencing judge.

10 I understand that I must submit to blood and/or saliva tests under the Direction of the  
11 Division of Parole and Probation to determine genetic markers and/or secretor status.

12 I understand that if I am pleading guilty to charges of Burglary, Invasion of the Home,  
13 Possession of a Controlled Substance with Intent to Sell, Sale of a Controlled Substance, or  
14 Gaming Crimes, for which I have prior felony conviction(s), I will not be eligible for probation  
15 and may receive a higher sentencing range.

16 I understand that if more than one sentence of imprisonment is imposed and I am  
17 eligible to serve the sentences concurrently, the sentencing judge has the discretion to order  
18 the sentences served concurrently or consecutively.

19 I understand that information regarding charges not filed, dismissed charges, or charges  
20 to be dismissed pursuant to this agreement may be considered by the judge at sentencing.

21 I have not been promised or guaranteed any particular sentence by anyone. I know that  
22 my sentence is to be determined by the Court within the limits prescribed by statute.

23 I understand that if my attorney or the State of Nevada or both recommend any specific  
24 punishment to the Court, the Court is not obligated to accept the recommendation.

25 I understand that if the offense(s) to which I am pleading guilty was committed while I  
26 was incarcerated on another charge or while I was on probation or parole that I am not eligible  
27 for credit for time served toward the instant offense(s).

28 ///

1 I understand that if I am not a United States citizen, any criminal conviction will likely  
2 result in serious negative immigration consequences including but not limited to:

- 3 1. The removal from the United States through deportation;
- 4 2. An inability to reenter the United States;
- 5 3. The inability to gain United States citizenship or legal residency;
- 6 4. An inability to renew and/or retain any legal residency status; and/or
- 7 5. An indeterminate term of confinement, with the United States Federal  
8 Government based on my conviction and immigration status.

9 Regardless of what I have been told by any attorney, no one can promise me that this  
10 conviction will not result in negative immigration consequences and/or impact my ability to  
11 become a United States citizen and/or a legal resident.

12 I understand that the Division of Parole and Probation will prepare a report for the  
13 sentencing judge prior to sentencing. This report will include matters relevant to the issue of  
14 sentencing, including my criminal history. This report may contain hearsay information  
15 regarding my background and criminal history. My attorney and I will each have the  
16 opportunity to comment on the information contained in the report at the time of sentencing.  
17 Unless the District Attorney has specifically agreed otherwise, the District Attorney may also  
18 comment on this report.

#### 19 WAIVER OF RIGHTS

20 By entering my plea of guilty, I understand that I am waiving and forever giving up the  
21 following rights and privileges:

- 22 1. The constitutional privilege against self-incrimination, including the right  
23 to refuse to testify at trial, in which event the prosecution would not be  
24 allowed to comment to the jury about my refusal to testify.
- 25 2. The constitutional right to a speedy and public trial by an impartial jury,  
26 free of excessive pretrial publicity prejudicial to the defense, at which  
27 trial I would be entitled to the assistance of an attorney, either appointed  
28 or retained. At trial the State would bear the burden of proving beyond  
a reasonable doubt each element of the offense(s) charged.
3. The constitutional right to confront and cross-examine any witnesses who  
would testify against me.

///

4. The constitutional right to subpoena witnesses to testify on my behalf.
5. The constitutional right to testify in my own defense.
6. The right to appeal the conviction with the assistance of an attorney, either appointed or retained, unless specifically reserved in writing and agreed upon as provided in NRS 174.035(3). I understand this means I am unconditionally waiving my right to a direct appeal of this conviction, including any challenge based upon reasonable constitutional, jurisdictional or other grounds that challenge the legality of the proceedings as stated in NRS 177.015(4). However, I remain free to challenge my conviction through other post-conviction remedies including a habeas corpus petition pursuant to NRS Chapter 34.

#### VOLUNTARINESS OF PLEA

I have discussed the elements of all of the original charge(s) against me with my attorney and I understand the nature of the charge(s) against me.

I understand that the State would have to prove each element of the charge(s) against me at trial.

I have discussed with my attorney any possible defenses, defense strategies and circumstances which might be in my favor.

All of the foregoing elements, consequences, rights, and waiver of rights have been thoroughly explained to me by my attorney.

I believe that pleading guilty and accepting this plea bargain is in my best interest, and that a trial would be contrary to my best interest.

I am signing this agreement voluntarily, after consultation with my attorney, and I am not acting under duress or coercion or by virtue of any promises of leniency, except for those set forth in this agreement.

I am not now under the influence of any intoxicating liquor, a controlled substance or other drug which would in any manner impair my ability to comprehend or understand this agreement or the proceedings surrounding my entry of this plea.

///

///

///

///

1 My attorney has answered all my questions regarding this guilty plea agreement and its  
2 consequences to my satisfaction and I am satisfied with the services provided by my attorney.

3 DATED this 11 day of March, 2015



CHRISTOPHER LEROY ROACH,  
aka, Christopher Roach  
Defendant

24 AGREED TO BY:



25 LEAH BEVERLY  
26 Deputy District Attorney  
27 Nevada Bar #012556  
28

1 CERTIFICATE OF COUNSEL:

2 I, the undersigned, as the attorney for the Defendant named herein and as an officer of the court  
3 hereby certify that:

- 4 1. I have fully explained to the Defendant the allegations contained in the  
5 charge(s) to which guilty pleas are being entered.  
6 2. I have advised the Defendant of the penalties for each charge and the restitution  
7 that the Defendant may be ordered to pay.  
8 3. I have inquired of Defendant facts concerning Defendant's immigration status  
9 and explained to Defendant that if Defendant is not a United States citizen any  
10 criminal conviction will most likely result in serious negative immigration  
11 consequences including but not limited to:  
12 a. The removal from the United States through deportation;  
13 b. An inability to reenter the United States;  
14 c. The inability to gain United States citizenship or legal residency;  
15 d. An inability to renew and/or retain any legal residency status; and/or  
16 e. An indeterminate term of confinement, by with United States Federal  
17 Government based on the conviction and immigration status.

18 Moreover, I have explained that regardless of what Defendant may have been  
19 told by any attorney, no one can promise Defendant that this conviction will not  
20 result in negative immigration consequences and/or impact Defendant's ability  
21 to become a United States citizen and/or legal resident.

- 22 4. All pleas of guilty offered by the Defendant pursuant to this agreement are  
23 consistent with the facts known to me and are made with my advice to the  
24 Defendant.  
25 5. To the best of my knowledge and belief, the Defendant:  
26 a. Is competent and understands the charges and the consequences of  
27 pleading guilty as provided in this agreement,  
28 b. Executed this agreement and will enter all guilty pleas pursuant hereto  
voluntarily, and  
c. Was not under the influence of intoxicating liquor, a controlled  
substance or other drug at the time I consulted with the Defendant as  
certified in paragraphs 1 and 2 above.

Dated: This 11 day of March, 2015.

  
ATTORNEY FOR DEFENDANT

erg/L-5

1 AINF  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 LEAH BEVERLY  
6 Deputy District Attorney  
7 Nevada Bar #012556  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,  
10 Plaintiff,

11 -vs-

12 CHRISTOPHER LEROY ROACH, aka,  
13 Christopher Roach,  
14 #2757657,  
15 JEFFREY B. GERMAN, aka,  
16 Jeffery Bernard German,  
17 #1602073,  
18 JAMES CURTIS IVEY, JR.,  
19 #7010542  
20 Defendants.

CASE NO. C-14-300979-1

DEPT NO. XXIII

AMENDED  
INFORMATION

18 STATE OF NEVADA }  
19 COUNTY OF CLARK } ss:

20 STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State  
21 of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

22 That the Defendant(s) above named, having committed the crimes of **ROBBERY**  
23 **WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.380, 193.165 -**  
24 **NOC 50138) and CONSPIRACY TO COMMIT ROBBERY (Category B Felony - NRS**  
25 **200.380, 199.480 - NOC 50147),** on or between June 30, 2014 and July 1, 2014, within the  
26 County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such  
27 cases made and provided, and against the peace and dignity of the State of Nevada,

28 ///

**EXHIBIT "1"**



1 COUNT 1 - ROBBERY WITH USE OF A DEADLY WEAPON

2 did wilfully, unlawfully, and feloniously take personal property, to-wit: a cellular  
3 telephone and a fanny pack and contents and/or U. S. currency, two (2) credit and/or debit  
4 cards, and a cellular telephone, from the person of BAYLIE KULL and/or EOLA ROBINSON  
5 and/or DONNA DIMARIA and/or JESUS MEDINA, JR., or in their presence, by means of  
6 force or violence, or fear of injury to, and without the consent and against the will of BAYLIE  
7 KULL and/or EOLA ROBINSON and/or DONNA DIMARIA and/or JESUS MEDINA, JR.,  
8 with use of a deadly weapon, to-wit: a firearm; Defendants being criminally liable under one  
9 or more of the following principles of criminal liability, to-wit: (1) by directly committing this  
10 crime; and/or (2) by aiding or abetting one another in the commission of this crime with the  
11 intent to commit this crime, by providing counsel and/or encouragement, by the Defendants  
12 acting in concert; and/or (3) pursuant to a conspiracy to commit this crime.

13 COUNT 2 - CONSPIRACY TO COMMIT ROBBERY

14 did wilfully, unlawfully, and feloniously conspire with each other to commit a robbery.

15 STEVEN B. WOLFSON  
16 DISTRICT ATTORNEY  
Nevada Bar #001565

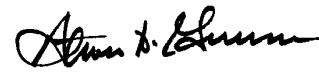
17 BY 

18 LEAH BEVERLY  
19 Deputy District Attorney  
Nevada Bar #012556

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28 LVMPD EV#1407014137  
(TK6)

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DOCUMENT,  
NUMBERED PAGE(S)  
304 - 311  
WILL FOLLOW VIA  
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CLERK OF THE COURT

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4 **DISTRICT COURT**  
5 **CLARK COUNTY, NEVADA**

6 \* \* \* \*

7 STATE OF NEVADA

CASE NO.: C-14-300979-1

8 VS

DEPARTMENT 23

9 CHRISTOPHER ROACH

10  
11 **CRIMINAL ORDER TO STATISTICALLY CLOSE CASE**

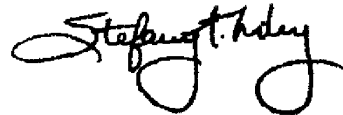
12 Upon review of this matter and good cause appearing,

13 IT IS HEREBY ORDERED that the Clerk of the Court is hereby directed to  
14 statistically close this case for the following reason:

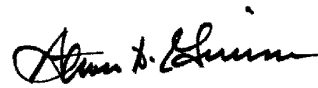
15 **DISPOSITIONS:**

- 16 ☐ Nolle Prosequi (before trial)  
17 ☐ Dismissed (after diversion)  
18 ☐ Dismissed (before trial)  
19 ☒ Guilty Plea with Sentence (before trial)  
20 ☐ Transferred (before/during trial)  
21 ☐ Bench (Non-Jury) Trial  
22 ☐ Dismissed (during trial)  
23 ☐ Acquittal  
24 ☐ Guilty Plea with Sentence (during trial)  
25 ☐ Conviction  
26 ☐ Jury Trial  
27 ☐ Dismissed (during trial)  
28 ☐ Acquittal  
☐ Guilty Plea with Sentence (during trial)  
☐ Conviction  
  
☐ Other Manner of Disposition

DATED this 8th day of May, 2015.



STEFANY MILEY  
DISTRICT COURT JUDGE



CLERK OF THE COURT

JOCP

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

CASE NO. C300979-1

DEPT. NO. XXIII

CHRISTOPHER LEROY ROACH  
aka Christopher Roach  
#2757657

Defendant.

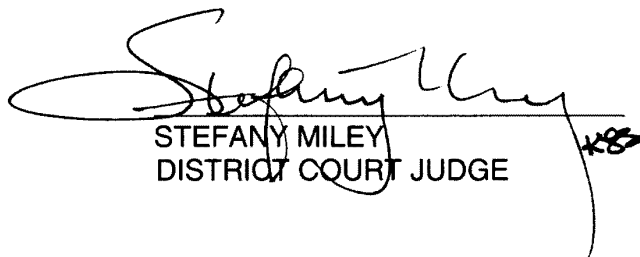
JUDGMENT OF CONVICTION

(PLEA OF GUILTY)

The Defendant previously appeared before the Court with counsel and entered a plea of guilty to the crimes of COUNT 1 – ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony) in violation of NRS 200.380, 193.165; and COUNT 2 – CONSPIRACY TO COMMIT ROBBERY (Category B Felony) in violation of NRS 200.380, 199.480; thereafter, on the 6<sup>th</sup> day of May, 2015, the Defendant was present in court for sentencing with counsel CAESAR V. ALMASE, ESQ., and good cause appearing,

1 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offenses and, in  
2 addition to the \$25.00 Administrative Assessment Fee and \$880.00 Restitution to be  
3 paid jointly and severally with Co-Defendants plus \$3.00 DNA Collection Fee, the  
4 Defendant is sentenced to the Nevada Department of Corrections as follows: as to  
5 COUNT 1 – a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS with a MINIMUM  
6 parole eligibility of SIXTY (60) MONTHS plus a CONSECUTIVE term of ONE  
7 HUNDRED EIGHTY (180) MONTHS with a MINIMUM parole eligibility of SIXTY (60)  
8 MONTHS for the Use of a Deadly Weapon; and COUNT 2 - a MAXIMUM of SIXTY (60)  
9 MONTHS with a MINIMUM parole eligibility of THIRTEEN (13) MONTHS;  
10 CONSECUTIVE to COUNT 1; with THREE HUNDRED NINE (309) DAYS credit for time  
11 served. The AGGREGATE TOTAL sentence is FOUR HUNDRED TWENTY (420)  
12 MONTHS MAXIMUM with a MINIMUM of ONE HUNDRED THIRTY-THREE (133)  
13 MONTHS. As the \$150.00 DNA Analysis Fee and Genetic Testing have been  
14 previously imposed, the Fee and Testing in the current case are WAIVED.  
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17

18 DATED this 11 day of May, 2015  
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STEFANY MILEY  
DISTRICT COURT JUDGE

*Alvin D. Quinn*

CLERK OF THE COURT

Christopher L. Roach

# 2757657

330 S. Casino Center Blvd.

Las Vegas, NV. 89101

District Court

Clark County, Nevada

DA  
PP

The State of Nevada

Plaintiff,

vs.

Christopher Leroy Roach, AKA

Defendant

Case No: C-14-300979-1

Dept No: XXIII

Notice of Appeal

CLERK OF THE COURT

RECEIVED  
MAY 12 2015

42

Comes Now, Christopher L. Roach, the defendant in the above cited case, hereby appeals to the Supreme Court of Nevada (from the final judgement) from the order entered in this Action on the 6th day of May 2015. The Defendant was misled as per his plea agreement, Boykin vs. Alabama, 395 U.S. 238. Defendant's attorney of record mis-advised him on sentencing: Knight, 611 F.2d 918; Davis, 212 F.2d 244; McAlleney, 539 F.2d 282; Palotta, 433 F.2d 594. Counsel Cesar Almase was ineffective Strickland vs. Washington, 466 U.S. 668, 686 80 LED 2d 674 104 S. Ct 2052 (1984).

## Certificate of Service

I Christopher Roach do solemnly swear that this Notice of Appeal is in-fact accurate and true to the best of my knowledge under the penalty of perjury, so help me God.

NRS 171.102 and NRS 208.165

I've mailed my Notice of Appeal etc. to the following:

Steven D. Grierson  
Clerk of the Court  
200 Lewise Ave 3rd Fl.  
Las Vegas, NV. 89155-1160

Dated 5/6/2015

Respectfully Submitted

Christopher L. Roach  
# 2757657

X 

"God bless All"

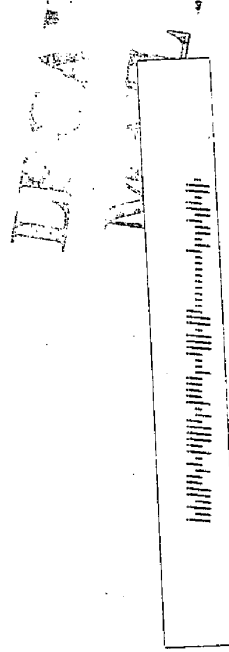
(2)

Christopher L. Roach # 2757657  
330 S. Casino Center Blvd.  
Las Vegas, NV 89101

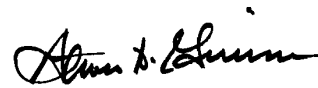
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Steven D. Grierson  
Clerk of the Court  
200 Lewis Ave 3rd Fl.  
Las Vegas, NV 89155-1160







CLERK OF THE COURT

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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  
13 CHRISTOPHER LEROY ROACH aka  
14 CHRISTOPHER ROACH,

15 Defendant(s),

Case No: C-14-300979-1

Dept No: XXIII

16  
17 **CASE APPEAL STATEMENT**

18 1. Appellant(s): Christopher L. Roach

19 2. Judge: Stefany Miley

20 3. Appellant(s): Christopher L. Roach

21 Counsel:

22  
23 Christopher L. Roach #2757657  
24 330 S. Casino Center Blvd.  
Las Vegas, NV 89101

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. Appellant Represented by Appointed Counsel In District Court: No

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: September 18, 2014

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

Type of Judgment or Order Being Appealed: Judgment of Conviction

11. Previous Appeal: No

Supreme Court Docket Number(s): N/A

12. Child Custody or Visitation: N/A

Dated This 13 day of May 2015.

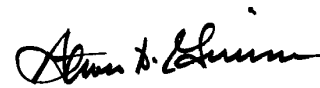
Steven D. Grierson, Clerk of the Court



---

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

cc: Christopher L. Roach



CLERK OF THE COURT

1 Caesar Almase  
2 Nevada Bar No. 7974  
3 Almase Law  
4 530 S. 7<sup>th</sup> Street  
5 Las Vegas, NV 89101  
6 (702) 463-5590  
7 Attorney For Defendant

8 **EIGHTH JUDICIAL DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

10 STATE OF NEVADA,

11 Plaintiff,

12 vs.

13 CHRISTOPHER ROACH,  
14 #2757657

15 Defendant.

)  
)  
) Case No.: C-14-300979-1

)  
) Dept. No.: XXIII

)  
) **REQUEST FOR ROUGH DRAFT**  
) **TRANSCRIPT OF PROCEEDINGS IN**  
) **DISTRICT COURT**  
)  
)  
)

16 TO: MARIA GARIBAY, Court Recorder

17 CHRISTOPHER ROACH, Defendant named above, requests preparation of a rough  
18 draft transcript of the proceedings in the instant case before the District Court as follows:

19 March 11, 2015, Calendar Call.

20 May 6, 2015, Sentencing.

21 Portions of the transcript requested:

22 All portions of the listed transcript are requested, including statements by defendant,  
23 CHRISTOPHER ROACH, defense counsel, CAESAR ALMASE, and Deputy District Attorney,  
24 NICOLE CANNIZZARO.

25 This notice requests a transcript of only those portions of the District Court  
proceedings that counsel reasonably and in good faith believes are necessary to determine  
whether appellate issues are present.

1 I recognize I must serve a copy of this form on the above named court recorder and  
2 opposing counsel, and that the above named court recorder shall have twenty (20) days  
3 from the receipt of this notice to prepare and submit to the District Court the rough draft  
4 transcript requested herein.

5 DATED this 22 day of May, 2015.

6  
7 By: 

Caesar Almase  
Nevada Bar No. 7974  
Almase Law  
530 S. 7<sup>th</sup> Street  
Las Vegas, NV 89101  
(702) 463-5590  
Attorney For Defendant

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**CERTIFICATE OF SERVICE**

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on the 27 day of May 2015. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

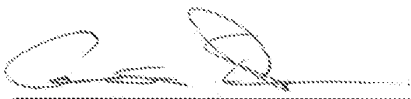
Maria Garibay  
Court Recorder, District Court Department XXIII

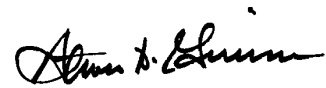
Steven S. Owens  
Chief Deputy District Attorney

Adam Paul Laxalt  
Attorney General

Service of the foregoing document shall also be made via US regular mail to the following:

Clark County Detention Center  
330 S. Casino Center Blvd.  
Las Vegas, NV 89101  
Christopher Roach, Inmate #2757657  
Legal Mail

  
\_\_\_\_\_  
Caesar Almase



CLERK OF THE COURT

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DISTRICT COURT  
CLARK COUNTY, NEVADA

STATE OF NEVADA,

Plaintiff,

vs.

CHRISTOPHER LEROY ROACH, aka  
Christopher Roach,  
JEFFREY B. GERMAN, aka  
Jeffrey Bernard German,  
JAMES CURTIS IVEY, JR.,

Defendants.

CASE NO. C300979-1  
C300979-2  
C300979-3

DEPT. NO. XXIII

**TRANSCRIPT OF PROCEEDINGS**

BEFORE THE HONORABLE STEFANY A. MILEY, DISTRICT COURT JUDGE

WEDNESDAY, MARCH 11, 2015

**CALENDAR CALL**

APPEARANCES:

For the State:

MICHELLE SUDANO, ESQ.  
Deputy District Attorney

APPEARANCES CONTINUED ON PAGE 2

1	For Defendant Christopher Roach:	CAESAR V. ALMASE, ESQ.
2	For Defendant Jeffrey German:	DAVID R. FISCHER, ESQ.
3	For Defendant James Ivey, Jr.:	CARMINE J. COLUCCI

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RECORDED BY: MARIA L. GARIBAY, COURT RECORDER

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WEDNESDAY, MARCH 11, 2015, 9:58 A.M.

THE MARSHAL: Bottom of page 6, C300979-3, Ivey, and that's Co-Defendant German, too, on C300979.

THE COURT: Mr. Colucci and Mr. Fischer.

THE MARSHAL: And I believe -- and Roach.

MR. COLUCCI: The gang's all here.

THE MARSHAL: All right.

THE COURT: There's three of you.

THE MARSHAL: Bottom of 5, Judge; and page 6, top and bottom.

THE COURT: All my attorneys are on this case.

THE MARSHAL: Yes.

THE COURT: All right. Good morning, gentlemen for Mr. Roach, Mr. German and Mr. Ivey. It's the time set for calendar call. Do I have a plea agreement; did all three take deals?

MR. COLUCCI: Yes.

MR. ALMASE: Yes. As to the three, they're identical negotiations, Your Honor.

THE COURT: All right. So which of you gentlemen is Mr. Ivey?

All right, Mr. Ivey, we're going to start with you. Mr. Ivey, sir, what is your full legal name?

DEFENDANT IVEY: James Curtis Ivey, Jr.

THE COURT: And how old are you, Mr. Ivey?

DEFENDANT IVEY: Twenty-eight.

THE COURT: Twenty-eight?



1 DEFENDANT IVEY: Yes.

2 THE COURT: What's your education?

3 DEFENDANT IVEY: Twelfth grade.

4 THE COURT: Fair to say you read, write, understand the English language?

5 DEFENDANT IVEY: Yes, ma'am.

6 THE COURT: Are you a U.S. citizen?

7 DEFENDANT IVEY: Yes, ma'am.

8 THE COURT: Are you taking any drugs or medication that would affect your  
9 ability to understand these proceedings?

10 DEFENDANT IVEY: No, ma'am.

11 THE COURT: Sir, there's an Amended Information. It charges you with the  
12 crime of robbery with the use of a deadly weapon which is a category B felony, and  
13 conspiracy to commit robbery which is also a category B felony. Did you read the  
14 Amended Information?

15 DEFENDANT IVEY: Yes, ma'am.

16 THE COURT: Did you talk it over with your lawyer?

17 DEFENDANT IVEY: Yes, ma'am.

18 THE COURT: Do you understand the charges against you, sir?

19 DEFENDANT IVEY: Yes, ma'am.

20 THE COURT: Sir, I have the written guilty plea agreement. Before signing  
21 the written guilty plea agreement, did you read every single page?

22 DEFENDANT IVEY: Yes, ma'am.

23 THE COURT: Let's go over a few things. When we come back for  
24 sentencing in a couple months, the State is going to have the right to argue, which  
25 means they get to argue regarding the length of your sentence.

1           They also get to argue whether or not count one and count two will run  
2 concurrently or consecutively. Do you understand that?

3           DEFENDANT IVEY: Yes, ma'am.

4           THE COURT: All right. I want you to understand that for count one, which is  
5 the robbery with use of a deadly weapon, there is a potential sentence of a minimum  
6 of two years and a maximum of 15 years; and also, another consecutive sentence  
7 for the deadly weapon of one to 15 years. Do you understand that?

8           DEFENDANT IVEY: Yes, ma'am.

9           THE COURT: And also, for count two, it's a potential sentence of a minimum  
10 of one year and a maximum of 6 years. Do you understand that as well?

11          DEFENDANT IVEY: Yes, ma'am.

12          THE COURT: And do you understand that on count one you're not eligible for  
13 probation?

14          DEFENDANT IVEY: Yes, ma'am.

15          THE COURT: Which means when we come back for sentencing you're going  
16 to prison. Do you understand that?

17          DEFENDANT IVEY: Yes, ma'am.

18          THE COURT: And do you understand that it's going to be the Court that  
19 makes the final decision regarding the length of each of your sentences?

20          DEFENDANT IVEY: Yes, ma'am.

21          THE COURT: And do you understand the Court's going to make the final  
22 decision whether count one and count two run concurrently or consecutively? Do  
23 you understand that as well?

24          DEFENDANT IVEY: Yes, ma'am.

25          THE COURT: With all that being said, do you have any questions regarding

1 the plea agreement, sir?

2 DEFENDANT IVEY: No, ma'am.

3 THE COURT: Sir, how do you want to plead on count one, robbery with use  
4 of a deadly weapon, a category B felony; and count two, a conspiracy to commit  
5 robbery, a category B felony; guilty or not guilty?

6 DEFENDANT IVEY: Guilty.

7 THE COURT: Sir, before I can accept your plea of guilty, I need to be  
8 satisfied that's freely and voluntarily given. Is your plea freely and voluntarily given?

9 DEFENDANT IVEY: Yes, ma'am.

10 THE COURT: Did anyone make any threats or promises to get you to plead  
11 guilty?

12 DEFENDANT IVEY: No, ma'am.

13 THE COURT: Do you understand that by pleading guilty today you give up  
14 your right to a jury trial?

15 DEFENDANT IVEY: Yes, ma'am.

16 THE COURT: Do you understand that by pleading guilty today if later on  
17 down the road you have second thoughts about this deal, your -- the grounds on  
18 which you can file an appeal are going to be more limited? Do you understand that?

19 DEFENDANT IVEY: Yes, ma'am.

20 THE COURT: Sir, listen to these facts. Tell me if these facts are why you are  
21 pleading guilty today.

22 [The Court read the Amended Information aloud]

23 THE COURT: Are these facts why you're pleading guilty today?

24 DEFENDANT IVEY: Yes, ma'am.

25 THE COURT: Sir, the Court will accept your plea of guilty finding that it's

1 freely and voluntarily given. We'll give you a date for sentencing. And I'll just put all  
2 the Defendants on the same date.

3 MR. ALMASE: Yes.

4 THE CLERK: May 6<sup>th</sup>, 9:30.

5 THE COURT: All right. The next one I have is Mr. -- and Mr. Ivey, you can sit  
6 down. I have Mr. German. Which is Mr. German?

7 All right, Mr. German, good morning, sir. What's your full legal name?

8 DEFENDANT GERMAN: Jeffrey Bernard German.

9 THE COURT: How old are you?

10 DEFENDANT GERMAN: Thirty-six.

11 THE COURT: What's your education?

12 DEFENDANT GERMAN: High school and college, community college.

13 THE COURT: So it's fair to say you read, write, understand the English  
14 language?

15 DEFENDANT GERMAN: Yes.

16 THE COURT: Are you a U.S. citizen?

17 DEFENDANT GERMAN: Yes.

18 THE COURT: Are you taking any drugs or medication that would affect your  
19 ability to understanding these proceedings?

20 DEFENDANT GERMAN: No.

21 THE COURT: Sir, there's an Amended Information which charges you with  
22 the crime of robbery with the use of a deadly weapon which is a category B felony;  
23 and conspiracy to commit robbery, which is also a category B felony. Did you read  
24 the Amended Information?

25 DEFENDANT GERMAN: Yes.

1 THE COURT: Did you discuss it with your lawyer?

2 DEFENDANT GERMAN: Yes.

3 THE COURT: Do you understand the charges against you?

4 DEFENDANT GERMAN: Yes.

5 THE COURT: Sir, I also have a written guilty plea agreement. Before signing  
6 the written guilty plea agreement, did you read every single page?

7 DEFENDANT GERMAN: Yes.

8 THE COURT: Did you discuss it with your lawyer?

9 DEFENDANT GERMAN: Yes.

10 THE COURT: All right. So when we come back for sentencing in a couple  
11 months, similar to your Co-Defendant, the State is going to retain the right to argue  
12 at sentencing, which means they can argue regarding the length of your sentence  
13 and whether or not count one and count two run consecutive or concurrent. Do you  
14 understand that?

15 DEFENDANT GERMAN: Yes.

16 THE COURT: Do you understand that for count one, which is the robbery  
17 with use of a deadly weapon, there's a potential sentence of two to 15 years, as well  
18 as a consecutive sentence of one to 15 years for the deadly weapon enhancement?  
19 Do you understand that?

20 DEFENDANT GERMAN: Yes.

21 THE COURT: And on count two, there's a potential sentence of one to 6  
22 years. Do you understand that?

23 DEFENDANT GERMAN: Yes.

24 THE COURT: And do you understand that on count one you will not -- is not  
25 eligible for probation, which means at sentencing you will be going to prison?

1       DEFENDANT GERMAN: Yes.

2       THE COURT: And do you understand the Court's going to make the final  
3 decision regarding the length of your sentences?

4       DEFENDANT GERMAN: Yes.

5       THE COURT: And do you understand the Court's going to make the final  
6 decision whether or not count one and count two run consecutively or concurrently?

7       DEFENDANT GERMAN: Yes.

8       THE COURT: Sir, any other questions regarding the plea agreement?

9       DEFENDANT GERMAN: No.

10       THE COURT: Sir, how do you want to plead on count one, robbery with use  
11 of a deadly weapon, a category B felony; and count two, a conspiracy to commit  
12 robbery, a category B felony; guilty or not guilty?

13       DEFENDANT GERMAN: Guilty.

14       THE COURT: Sir, before I can accept your plea of guilty, I have to be  
15 satisfied that's freely and voluntarily given. Is your plea freely and voluntarily given?

16       DEFENDANT GERMAN: Yes.

17       THE COURT: Did anyone make any threats or promises to get you to plead  
18 guilty?

19       DEFENDANT GERMAN: No.

20       THE COURT: Do you understand that by pleading guilty today you give up  
21 your right to a jury trial?

22       DEFENDANT GERMAN: Yes.

23       THE COURT: Do you understand that by pleading guilty today if later on  
24 down the road you have doubts about this deal, the grounds on which you can file  
25 an appeal are going to be limited?

1 DEFENDANT GERMAN: Yes.

2 THE COURT: Counsel, are the -- I believe the facts are the same for both.

3 MR. FISCHER: They are, Your Honor.

4 THE COURT: All right. Mr. German, did you hear the facts that the Court  
5 read with respect to your Co-Defendant, Mr. Ivey?

6 DEFENDANT GERMAN: Yes, I did.

7 THE COURT: And do you agree that the facts that I read with respect to  
8 Mr. Ivey are the same facts that are causing you to plead guilty today?

9 DEFENDANT GERMAN: Yes, they are.

10 THE COURT: All right. Is that enough? I think so.

11 All right, sir, the Court's going to accept your plea of guilty finding that  
12 it's freely and voluntarily given. We'll give you a date for sentencing.

13 THE CLERK: May 6<sup>th</sup>, 9:30.

14 DEFENDANT GERMAN: Your Honor.

15 THE COURT: Yeah.

16 DEFENDANT GERMAN: I have a question I wanted to ask you.

17 THE COURT: Sure.

18 DEFENDANT GERMAN: My return court date, I have a medical condition I  
19 was trying to get taken care of since June with my eyes. I'm legally blind and I've  
20 been walking around the facility without glasses. And I have to go to the streets to  
21 get that form to provide them the, you know, necessities, so I don't walk around like  
22 crazy in jail. Is that possible that I can get that and come back? And if I don't, my  
23 stipulation can change where I can get hit with a habitual.

24 THE COURT: Well, hold on. I want to go back first. Can you read these  
25 documents? Do you mean -- these documents, I asked you whether or not you read

1 them and you said yes.

2 DEFENDANT GERMAN: Yes, I read them. But the way I can read them is  
3 when I get back into my unit, I have to put them to my face to really read them.

4 THE COURT: Okay.

5 MR. FISCHER: Your Honor, we discussed that and I actually --

6 DEFENDANT GERMAN: He read them and pointed them out to me and I  
7 followed them with him.

8 THE COURT: So you feel comfortable that you know and understand  
9 everything that's contained in these documents?

10 DEFENDANT GERMAN: I know; yes. And then like I said, once I got back to  
11 my unit and I was able to sit down and read them on my own, I really read them the  
12 way I can read them without my contacts. So I did read them, but me going to  
13 prison like that, I can't do it. Even the doctors up there know my situation.

14 MR. FISCHER: Your Honor, I previously filed a motion requesting that he be  
15 given glasses. There was -- well, it was part of an O.R. motion. I made that  
16 request. He's filed -- he's made multiple requests at the jail for eyeglasses. We did  
17 talk about it. I read it out verbatim. He can read when he holds it really close to his  
18 face. So there's definitely he understood everything, but it is a need that he has.  
19 We have previously requested that.

20 THE COURT: What is it that he needs to file at the jail? I forgot what it's  
21 called when he needs medical.

22 THE CORRECTIONAL OFFICER: A medical kite.

23 THE COURT: Did you fill out the kite?

24 DEFENDANT GERMAN: I've filled out so many medical kites, Your Honor,  
25 and they tell me the same thing the prison doctor told me, that my prescription is off



1 the charts. I am -- I cannot see without my contacts.

2 THE COURT: Do you have any glasses from when you were out that your  
3 family can bring you?

4 DEFENDANT GERMAN: No, I wear contacts. I don't wear glasses.

5 THE COURT: And you don't have any more contacts?

6 DEFENDANT GERMAN: No, the contacts that I did have were ripped and I  
7 was not able to keep those in my eyes.

8 THE COURT: All right. I don't usually have much involvement with the jail  
9 sending them out. Have you looked into it?

10 MR. FISCHER: Your Honor, nothing beyond --

11 THE COURT: I mean in the very least, I'm assuming, though, send him out to  
12 get glasses.

13 MR. FISCHER: He's made the kite request. I don't know of any other way to  
14 go about doing that. I can certainly contact the jail and ask them if there's anything I  
15 can do to help facilitate it, so.

16 THE COURT: Yeah, because I don't really have any other power to order  
17 them to do anything as far as sending him out to a doctor. I mean usually they at  
18 least get their eyes checked and get glasses if they don't pay for contacts.

19 All right. Thank you. Your counsel is going to look into that further,  
20 okay.

21 DEFENDANT GERMAN: Okay, so any way I -- how would I know about if  
22 something's been done or taken care of?

23 MR. FISCHER: I'll come talk to you again. We'll talk about it.

24 THE COURT: Well, it won't be through me. Mr. Fischer is the one who will  
25 be contacting you. You won't see me until sentencing.

1 DEFENDANT GERMAN: All right.

2 THE COURT: All right. Lastly, Mr. Roach, sir.

3 Mr. Roach, what's your full legal name?

4 DEFENDANT ROACH: Christopher Leroy Roach.

5 THE COURT: How old are you, sir?

6 DEFENDANT ROACH: Twenty-two.

7 THE COURT: What's your education?

8 DEFENDANT ROACH: Eleventh grade.

9 THE COURT: Do you read, write, understand the English language?

10 DEFENDANT ROACH: Yes.

11 THE COURT: Are you a U.S. citizen?

12 DEFENDANT ROACH: Yes.

13 THE COURT: Are you taking any drug or medication that would affect your

14 ability to understanding these proceedings?

15 DEFENDANT ROACH: No.

16 THE COURT: Sir, I have an Amended Information that charges you with the

17 crimes of robbery with the use of a deadly weapon which is a category B felony; and

18 conspiracy to commit robbery which is also a category B felony. Did you read the

19 Amended Information?

20 DEFENDANT ROACH: Yes.

21 THE COURT: Did you talk it over with your lawyer?

22 DEFENDANT ROACH: Yes.

23 THE COURT: Do you understand the charges against you?

24 DEFENDANT ROACH: Yes.

25 THE COURT: Sir, I also have a written guilty plea agreement. Before signing

1 the written guilty plea agreement, did you read every single page?

2 DEFENDANT ROACH: Yes.

3 THE COURT: Did you talk it over with your lawyer?

4 DEFENDANT ROACH: Yes.

5 THE COURT: Let's go over a few things. Do you understand that when we  
6 come back for sentencing in a couple months, the State's going to have the right to  
7 argue, which means they are going to argue regarding the length of your sentences  
8 and whether or not count one and count two will run consecutively or concurrently to  
9 each other. Do you understand that?

10 DEFENDANT ROACH: Yes.

11 THE COURT: Do you understand that for count one, robbery with use of a  
12 deadly weapon, there's a potential sentence of two to 15 years, plus a consecutive  
13 sentence of one to 15 years for the deadly weapon enhancement? Do you  
14 understand that?

15 DEFENDANT ROACH: Yes.

16 THE COURT: And do you understand that on count two, the potential  
17 sentence is one to 6 years in the Nevada Department of Corrections? Do you  
18 understand that?

19 DEFENDANT ROACH: Yes.

20 THE COURT: And do you understand that count one is not probationable,  
21 which means when you come back for sentencing you're going to prison? Do you  
22 understand that?

23 DEFENDANT ROACH: Yes.

24 THE COURT: And do you understand the Court's going to makes the final  
25 decision regarding the length of your sentences?

1       DEFENDANT ROACH: Yes.

2       THE COURT: And do you understand the Court's going to make the final  
3 decision whether or not count one and count two run consecutively or concurrently?

4       DEFENDANT ROACH: Yes.

5       THE COURT: Do you have any additional questions regarding the plea  
6 agreement?

7       DEFENDANT ROACH: No.

8       THE COURT: Sir, how do you want to plead on count one, robbery with use  
9 of a deadly weapon, a category B felony; and count two, conspiracy to commit  
10 robbery, a category B felony; guilty or not guilty?

11       DEFENDANT ROACH: Guilty.

12       THE COURT: Sir, before I can accept your pleas of guilty, I need to be  
13 satisfied that they're freely and voluntarily given. Are your pleas freely and  
14 voluntarily given?

15       DEFENDANT ROACH: Yes.

16       THE COURT: Did anyone make any threats or promises to get you to plead  
17 guilty?

18       DEFENDANT ROACH: No.

19       THE COURT: Do you understand that by pleading guilty today you give up  
20 your right to a jury trial?

21       DEFENDANT ROACH: Yes.

22       THE COURT: Do you understand that by pleading guilty today if later on  
23 down the road you have second thoughts about the deal, the grounds on which you  
24 can file an appeal are going to be limited?

25       DEFENDANT ROACH: Yes.

1 THE COURT: Did you hear the facts put on the record for Mr. Ivey, the first  
2 Co-Defendant sentenced?

3 DEFENDANT ROACH: Yes.

4 THE COURT: And do you agree that those facts are the reason that you are  
5 pleading guilty today?

6 DEFENDANT ROACH: Yes.

7 THE COURT: All right, anything to add by counsel?

8 MR. ALMASE: No, Judge.

9 THE COURT: All right. So, Mr. Roach, sir, the Court's going to accept your  
10 plea of guilty finding that it's freely and voluntarily given. We'll give you a date for  
11 sentencing.

12 THE CLERK: May 6<sup>th</sup>, 9:30.

13 THE COURT: Okay, I'll see everyone on that date.

14 PROCEEDINGS CONCLUDED AT 10:11 A.M.

15 \* \* \* \* \*

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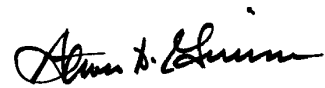
21

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

24

25

  
MARIA L. GARIBAY  
Court Recorder/Transcriber



CLERK OF THE COURT

1 **RTRAN**

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4  
5 **DISTRICT COURT**  
6 **CLARK COUNTY, NEVADA**  
7

8  
9 **THE STATE OF NEVADA**

10 **Plaintiff,**

11 **vs.**

12 **CHRISTOPHER LEROY ROACH, aka**  
13 **Christopher Roach,**  
14 **JEFFREY B. GERMAN, aka Jeffery**  
15 **Bernard German,**  
16 **JAMES CURTIS IVEY, JR.,**

17 **Defendants.**

**CASE NO.: C300979-1**  
**C300979-2**  
**C300979-3**

**DEPT. XXIII**

**TRANSCRIPT OF PROCEEDINGS**

18 **BEFORE THE HONORABLE STEFANY MILEY, DISTRICT COURT JUDGE**

19 **WEDNESDAY MAY 6, 2015**

20 ***SENTENCING COUNTS 1 & 2***

21 **APPEARANCES:**

22 **For the State:**

**NICOLE J. CANNIZZARO, ESQ.**  
**Deputy District Attorney**

23  
24  
25 **APPEARANCES CONTINUED ON PAGE 2**

1	For Defendant Christopher Roach:	CAESAR V. ALMASE, ESQ.
2		
3	For Defendant Jeffrey German:	DAVID R. FISCHER, ESQ.
4		
5	For Defendant James Ivey, Jr.:	CARMINE JAMES COLUCCI, ESQ.
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25	RECORDED BY: MARIA GARIBAY, COURT RECORDER	

1 LAS VEGAS, NEVADA, WEDNESDAY, MAY 6, 2015 at 10:58 A.M.

2

3 THE MARSHAL: We're ready to call page 6, C300979-1, Roach; and  
4 C300979-2, German; and the top of page 4, C300979-3, Ivey.

5 THE COURT: All right.

6 So, Counsel, any legal cause or reason why we should not go forward  
7 with your case?

8 MR. ALMASE: No, Your Honor.

9 THE COURT: All right.

10 So, by the State it's the same. They were all together so I'm assuming  
11 the State has the same argument?

12 MS. CANNIZZARO: Yes, Your Honor, we do.

13 THE COURT: So I'll just let you address your general argument and what  
14 you believe is appropriate for each Defendant.

15 MS. CANNIZZARO: Thank you, Your Honor.

16 Today, the State is going to be asking that Your Honor, as to all three  
17 Defendants and as to Count 1, the robbery with use of a deadly weapon, impose a  
18 term of 2 to 15 -- excuse me, 5 to 15 years on the robbery and then the deadly  
19 weapon enhancement a consecutive 5 to 15 years, and then also on the conspiracy  
20 to commit robbery, the 28 to 72 months. And we would ask that that run  
21 consecutive as well.

22 And, Your Honor, I understand that that is -- quite a substantial request  
23 but in terms of cases and in terms of danger to the community and in terms of when  
24 you read a police report or reading through a case and you feel as though this is  
25 somebody who really does deserve to have that maximum sentence imposed, I



1 think that this is absolutely that case.

2           Your Honor, in this case the facts -- and I'm gonna just go through them  
3 'cause I think that they're quite compelling, in this case, Your Honor, on June 30<sup>th</sup> of  
4 2014, Baylie Kull was walking home from work down the street when she was  
5 approached by the Defendants. Then -- she was on her cell phone at that point.  
6 They asked her how she was doing and when she turned around to sort of give  
7 them directions and respond to them they -- I believe it was Mr. German actually  
8 grabbed her arm and grabbed her cell phone. The three males then walked her over  
9 and -- over I guess beyond an overpass where there was a fence. They pushed her  
10 up against that fence. They stole her fanny pack which contained all of her personal  
11 items. They stole her cell phone. They forced her to give over her PIN numbers and  
12 her pass codes for her cell phones and her credit cards, debit cards, while at the  
13 same time I believe it was Mr. Ivey had a -- gun in his waistband. And I'll kind of get  
14 to that part a little bit -- later, but at the time she observes a firearm of some sort in  
15 Mr. Ivey's pants and she's told don't scream, don't fight with us, you're gonna give  
16 us all of your stuff, you're gonna give over all of your pass codes, all of you PIN  
17 numbers or we will shoot you. And that's a very real threat for her.

18           After taking all of her items, she's then searched under her clothes,  
19 over her breasts for any remaining items that she could possibly turn over to them.  
20 They then force her to walk away into an entryway of, I think it's like an apartment  
21 complex or apartment building of some sort into an entryway, she's forced to walk in  
22 there and not to say anything, not to turn around, not to observe them and she's left  
23 there as they flee.

24           Not even 24 hours after that, Your Honor, Ms. Eola Robinson is also  
25 walking home. She's walking down the street. And as she's walking down the

1 street, she observes Mr. Roach cross the street. And when she crosses -- when  
2 she observes him across the street she initially thinks nothing of it and then she  
3 notices that two other males, Mr. German and Mr. Ivey, join him. They then again  
4 come up to her, and she's unable to get a great glimpse at Mr. German or Mr. Ivey,  
5 but they put their hands -- someone puts their hands over her eyes and one arm  
6 around her neck and threaten her to turn over all of her items. When she refuses to  
7 give her -- then her purse she is again told that she does not want to get shot over a  
8 purse, again, threatening with a firearm.

9           Your Honor, these two ladies were just walking home. They're  
10 strangers to these Defendants. They were minding their own business. And in fact,  
11 Ms. Kull was going to give them directions to an area off of Twain that they were  
12 requesting directions to. These are two women who faced a very violent and very  
13 scary situation. And attached to the PSI there was a letter from Ms. Robinson  
14 where she talks about how this has affected her and how it affects her on a regular  
15 basis.

16           But, Your Honor, not to -- stop there, on that same day just hours later  
17 Donna Dimaria and Jesus Medina are sitting in a car. They're boyfriend and  
18 girlfriend. They're talking. And as they're sitting in the car, Ms. Medina, Dee Medina  
19 -- or excuse me, Dimaria -- I'm gonna get that all confused, Dimaria observes that  
20 there are three males who are loitering around. She says goodbye to her boyfriend.  
21 He gets out of the car and as she locks the doors and attempts to drive away, she  
22 looks out the window and sees that Mr. Ivey has a firearm pointed directly at Mr.  
23 Medina's head. These three Defendants then approach the vehicle. They force  
24 their way inside. Ms. Dimaria is forced to keep her head down while they put a hand  
25 on the back of her neck and squeeze, telling her to give over her items that she has

1 at that point. Mr. Medina is also forced into the back seat where he is held at  
2 gunpoint and told to give over -- I believe it was some sort of cross necklace that he  
3 was wearing at that point.

4           After taking all of their items, they then flee as well. And when they're  
5 apprehended they're apprehended because of a Find My iPhone App or Find My  
6 Cell Phone App that is able to be tracked by detectives or officers. When they  
7 actually find them, they observe what appear to be two legitimate firearms. Later on  
8 it's determined that they're I think BB guns which might be an argument that might  
9 be proffered in mitigation of this, Your Honor, but to Ms. Kull, Ms. Robinson, Ms.  
10 Dimaria, and Mr. Medina those were very -- real firearms. These are individuals  
11 who -- all of them are strangers to these Defendants, all of them faced with what  
12 they believed was deadly force and that doesn't change the danger of this crime.  
13 Now to the extent that they're not gonna get shot with a real weapon, okay fine. But  
14 when they decide to take what appeared to be real firearms, approach random  
15 individuals in the community during this -- I think it's like a day -- two days and a half  
16 or something like that, crime spree of these very violent robberies, that threat is very  
17 real to these victims and I think that Ms. Robinson's letter really does indicate that.  
18 She indicates that this is something that she does live with every day whenever  
19 she's getting into her car. Remember, she's walking down the street -- whenever  
20 she's out at night. This is something she has to live with for the rest of her life and  
21 so too do these other victims. These are individuals who were just going about their  
22 daily lives and were confronted in a very violent, very dangerous situation.

23           And so I think that the facts in this case, the fact that there are four  
24 different victims, the fact that there are three different robberies that occur  
25 throughout the course of this requires that they have this maximum sentence. This

1 isn't one random incident. It's not you know an accidental shoving in a grocery store  
2 while they're trying to steal food or diapers or something like that. This is absolutely  
3 -- when you talk about violent crimes and you talk about danger to the community  
4 and you talk about individuals who deserve to have maximum penalties, this is it.  
5 This is three different incidents, four different victims and so that's the -- a lot of the  
6 reason for the State's request.

7           In addition, I would note that Mr. Roach has one prior felony. He was  
8 actually on probation in that felony and that was revoked. He's actually, on that  
9 case, was -- sort of find out from his juvenile history to district court as -- and treat it  
10 as an adult in that case. And, Your Honor, he learned nothing from that if these  
11 facts demonstrate anything at all. He learned nothing from that and instead  
12 continued to engage in dangerous behavior.

13           As to Mr. Garman [sic], he has two prior felonies, Your Honor. And as  
14 part of his negotiations, the State is not seeking habitual criminal treatment. But,  
15 Your Honor, he is certainly somebody who definitely qualifies for that.

16           And -- finally I want to address Mr. Ivey because Parole and Probation  
17 had recommended a lower sentence for him in their recommendations and I can  
18 only speculate that that must be because he doesn't have any priors. But, Your  
19 Honor, I don't think the fact that he doesn't have any priors mitigates any of the facts  
20 or circumstances in this case whatsoever. His decision to engage in this violent and  
21 dangerous conduct absolutely warrants a maximum sentence even though he  
22 doesn't have the priors. I think even if you don't take their criminal history into  
23 account, just this particular case warrants that. And so that's -- the State's request.

24           I think they -- all three have 309 days credit for time served. We are  
25 asking for \$880.00 in restitution. That is for the items that were stolen from Ms.

1 Dimaria and Mr. Medina, \$100.00 to Jesus Medina and \$780.00 to Donna Dimaria,  
2 and it's D-I-M-A-R-I-A. And I think I'll submit it on that, Your Honor.

3 THE COURT: Well, let's start with Mr. Colucci, go down the aisle. You  
4 represent James Ivey.

5 MR. COLUCCI: Yes, I do.

6 Your Honor, as the State has acknowledged, Mr. Ivey has no prior  
7 record. He comes from a very good family. He's a family man himself. He has a  
8 wife and --

9 THE COURT: Are you Mr. Ivey?

10 THE DEFENDANT: Yes.

11 THE COURT: Okay.

12 MR. COLUCCI: He has a wife and three children. He has job skills that  
13 would enable him to secure a good job when he gets out. He doesn't need to  
14 engage in this kind of activity. And in the past he has not engaged in any type of  
15 activity like this.

16 I would ask the Court to consider -- you know based on his job skills,  
17 his job skill ability, his lack of a prior record, the fact that he has a family of his own  
18 and good family support through his own parents, that the Court consider giving him  
19 24 to 60 on Count 1 with the 16 month enhancement. And on Count 2, 12 to 36  
20 which is what Parole and Probation recommended, and run that concurrent which is  
21 also what Probation recommended.

22 He's not a career criminal. This is a one-time -- I don't know, just a one  
23 single time in his life that he acted stupidly and I know that he regrets it. He'll tell  
24 you how he feels about it. He has used his time in the jail to try to better himself as  
25 best he could under the circumstances. I'd ask the Court to take that into

1 consideration. At least it shows that he is motivated.

2 And so with that, I would ask -- you to give him the 24 to 60 with a 16  
3 month enhancement, and on Count 2, 12 to 36 and run that concurrent with 309  
4 days credit for time served.

5 THE COURT: Mr. Ivey, anything you'd like to say?

6 DEFENDANT IVEY: I just want to apologize for my actions. I don't normally  
7 do this. It was just a one-time thing and it will never happen again.

8 THE COURT: All right, thank you, Mr. Ivey.

9 Mr. Almase.

10 MR. ALMASE: With regard to Mr. Roach, Judge, a few things that I think  
11 must be addressed here.

12 The Pre-Sentence Investigation Report, the recommendation is for all  
13 told 5 -- approximately 5 to 21 years. And that was a bit of a shock to me because  
14 typically in these -- types of cases the writer for P&P will ask for a -- whole lot more  
15 than that, sometimes upwards of 9, 10 years, but in these situations I think the Court  
16 should really take notice in what they see in Mr. Roach and what they wrote about --  
17 in Mr. Roach's case. He has the one prior felony and this was when he was still a  
18 juvenile and was certified up unfortunately. He's 22 years of age and has significant  
19 mental health issues, Judge. I spent the last few months before sentencing getting  
20 paperwork from Nevada Department of Corrections, from CCDC, from private  
21 providers to see what exactly he's been suffering with -- and I chose not to forward  
22 those on to the Court because I think there was some sensitive information there  
23 and a lot of it was handwritten, not very discernible. But what I was able to gather  
24 there is that he has suffered from long-term chronic depression called Dysthymia  
25 and actually had attempted suicide on a number of occasions and was a very

1 troubled youth and a troubled young man obviously. I don't use this as an excuse  
2 for what he did here and certainly he's taking responsibility for his actions. But it  
3 explains, in a way, how he came here, how he got to this point in his life. You know,  
4 in speaking with him and in living with this case for almost a year and all the  
5 numerous times I've spoken with him, he -- it's mind-boggling to me that he would  
6 be charged with these kinds of crimes. He's never shown any sort of  
7 aggressiveness, any kind of violent tendencies, and I think a lot of it -- and I hate to  
8 put the blame on other individuals, but I think a lot of it is because he is a follower  
9 and this certainly wasn't -- there was no indication that he was the one who  
10 orchestrated or came up with this plan or these ideas.

11 But be that as it may, he stands before you, Judge, at 22 years of age.  
12 I'm asking that he be given the -- with regard to Count 1 and Count 2, all told 4 years  
13 on the bottom -- 4 to 10 years and I think that's what fits given the circumstances.  
14 Yes, these are robberies. Yes, those are violent crimes by definition under the NRS.  
15 However, these individuals were not actually injured. Mr. Roach was involved, and  
16 again he's taken responsibility for his actions, and despite what the State feels this  
17 is not worth 12 years on the bottom which is what the State is recommending. Those  
18 kinds of sentences are reserved for people where there's a loss of life or there's a  
19 sexual assault. This did not occur. This is not that type of case.

20 And I think it bears mentioning also, State spoke about Ms. Robinson  
21 having hands over her breasts; there was never any allegation nor in her interview  
22 did she say that there was any sexual overtones here so that is -- that's something  
23 that doesn't fit here and I would ask the Court not to take -- any umbrage to that.

24 What occurred here is regrettable and the victims here should be made  
25 whole for the \$880.00 restitution. I think given Mr. Roach's past, his young age, the

1 actual events that took place here, 4 to 10 years is entirely appropriate and that's  
2 what I'm asking for.

3 THE COURT: All right, thank you.

4 And Mr. German, anything you'd like to say?

5 MR. ALMASE: Mr. Roach, Judge.

6 THE COURT: I'm sorry, Mr. Roach.

7 DEFENDANT ROACH: Yeah, I'd like to apologize to the victims, to the  
8 Court, for being here, my actions for the cases that brought me here. I got -- I know  
9 I got mental issues and everything but I'm not gonna use that as a excuse either you  
10 know for what I did. I know right from wrong. I know I made a mistake and I just say  
11 sorry for the three -- or the four victims that's not here right now.

12 THE COURT: Okay, thank you.

13 Mr. Fischer, on behalf of your client, Mr. German.

14 MR. FISCHER: It's about Mr. German, Your Honor.

15 Your Honor, he is probably the one that has the most serious record  
16 and his record amounts to two prior felonies and I would highlight for the Court that  
17 his last felony was in 2007. I -- my interactions with Mr. German has been positive.  
18 He's always been respectful and in my opinion he very quickly accepted  
19 responsibility for what did happen and expressed remorse for what happened.

20 And I would ask the Court to -- in his case to follow the PSI's  
21 recommendations. I think those are appropriate. And I -- agree with the comments  
22 of Mr. Almase with regard to the recommendation -- the -- PSI writer's -- obviously in  
23 a very good position after interviewing and taking a look at the totality here in  
24 making their recommendation and I would ask the Court to consider the acceptance  
25 of responsibility. Also, Mr. German has family support. His mother's in the



1 courtroom here today. She has been in contact with my office in the last few months  
2 to discuss him and his life.

3 Your Honor, I will submit it on that.

4 THE COURT: All right, Mr. German, anything you'd like to day?

5 DEFENDANT GERMAN: Yes. I would like to say I've never made any  
6 excuses for anything that I've done in my past and I'm not making any excuses. I  
7 will take full responsibilities for my actions in what occurred in the situation at hand  
8 and ask that the sentence that they are imposing, the 12 -- or the 5 be a 4 to 10.  
9 Like I say I've [indiscernible] everything that I've done. I've never made excuses for  
10 any of my actions. I took full responsibility which I'm taking now for it. And not only  
11 have I put the victims through a lot of thing, I put my family and those that love me  
12 through a lot also. And with that said that was -- that's all I would like to say.

13 THE COURT: All right.

14 Let's start with Mr. Ivey, and this is C300979-3.

15 Mr. Ivey, sir, the Court finds you guilty on Count 1, robbery with use of a  
16 deadly weapon, a felony. The Court finds you guilty on Count 2, conspiracy to  
17 commit robbery, a felony.

18 In accordance with the laws of the State of Nevada, the Court assesses  
19 a \$25.00 administrative fee, a \$150.00 DNA analysis and testing fee, and a \$3.00  
20 DNA administrative assessment fee.

21 Count 1, robbery with use of a deadly weapon, you're sentenced to a  
22 minimum term of 60 months, a maximum sentence of 180 months. There's also an  
23 equal and consecutive minimum term of 60 months for use of a deadly weapon and  
24 an equal and consecutive maximum term of 180 months for use of a deadly  
25 weapon. There is restitution on this Count in the amount of \$880.00 which will be

1 paid jointly and severally with your co-Defendants.

2 Count 2, conspiracy to commit robbery, a felony. The Court sentences  
3 you to a minimum term of 13 months, a maximum sentence of 60 months. Count 2  
4 will run concurrent with Count -- I'm sorry consecutive with Count 1. You will receive  
5 309 days credit for time served.

6 Thank you.

7 Mr. Roach, sir, the Court finds you guilty on Count 1, robbery with use  
8 of a deadly weapon, a felony. The Court finds you guilty on Count 2, conspiracy to  
9 commit robbery, a felony.

10 In accordance with the laws of the State of Nevada, the Court assesses  
11 a \$25.00 administrative assessment fee. There's also -- DNA was previously taken  
12 and will not be required again. There's also a \$3.00 DNA administrative  
13 assessment fee.

14 Sir, Count 1, robbery with use of -- a deadly weapon, the Court  
15 sentences you to a minimum term of 60 months, a maximum sentence of 180  
16 months. There is also an equal and consecutive minimum term of 60 months for  
17 use of a deadly weapon and an equal and consecutive maximum term of 180  
18 months for use of a deadly weapon.

19 Count 2, conspiracy to commit robbery, you're sentenced to a minimum  
20 term of 13 months, a maximum sentence of 60 months. Count 2 will run  
21 consecutive with Count 1. On Count 1 there's also restitution in the amount of  
22 \$880.00. That amount will be paid jointly and severally with your co-Defendants --  
23 hold on. You're entitled to 309 days credit for time served.

24 Yes, sir?

25 DEFENDANT ROACH: For the restitution, its 700 or whatever you said the --

1 THE COURT: \$880.00 in restitution?

2 DEFENDANT ROACH: Right. Where's that from?

3 THE COURT: That is -- she gave -- what was the breakdown? I -- let me  
4 see. I wrote it down over here.

5 MS. CANNIZZARO: Yes, Your Honor. It's \$780.00 to Donna Dimaria for  
6 items that were stolen from her and then \$100.00 to Jesus Medina for the damaged  
7 necklace.

8 THE COURT: All right, thank you.

9 And again, Mr. Roach will receive 309 days credit for time served.

10 DEFENDANT ROACH: My -- Judge?

11 THE COURT: Yeah?

12 DEFENDANT ROACH: Also that I shouldn't be able to pay that because  
13 what we -- it was nothing really stolen. The car -- whatever, car keys or whatever  
14 was supposed to be missing, whatever, when I -- when they checked us or whatever  
15 in the car, it was nothing there so I don't know why we should be --

16 THE COURT: You know what, you can --

17 DEFENDANT ROACH: -- I should --

18 THE COURT: -- address it with your attorney after sentencing if he feels the  
19 restitution is improperly ordered, an amount, then your attorney can file a motion for  
20 that.

21 Mr. German, sir, the Court finds you guilty on Count 1, robbery with use  
22 of a deadly weapon, a felony. The Court finds you guilty on Count 2, conspiracy to  
23 commit robbery, a felony.

24 In accordance with the laws of the State of Nevada the Court assesses  
25 a \$25.00 administrative assessment fee. DNA was previously taken and will not be

1 required again. There's a \$3.00 DNA administrative assessment fee.

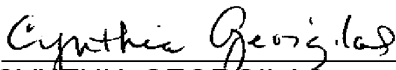
2 Count 1, robbery with use of a deadly weapon, you're sentenced to a  
3 minimum of 60 months, a maximum sentence of 180 months. There's also an equal  
4 and consecutive minimum term of 60 months for use of a deadly weapon and an  
5 equal and consecutive maximum term of 180 months for use of a deadly weapon.  
6 There's also restitution on this Count in the amount of \$880.00 that is joint and  
7 several with your co-Defendants.

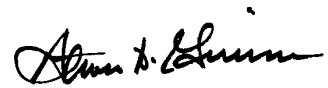
8 Count 2, conspiracy to commit robbery, a felony. The Court sentences  
9 you to a minimum term of 13 months, a maximum sentence of 60 months. Count 2  
10 will run consecutive with Count 1. You'll receive 800 -- I'm sorry, 309 days credit for  
11 time served.

12 Thank you.

13 [Proceedings concluded at 11:20 a.m.]  
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21 ATTEST: I do hereby certify that I have truly and correctly transcribed the  
22 audio/video recording in the above-entitled case to the best of my ability.

23   
24 CYNTHIA GEORGILAS  
25 Court Recorder/Transcriber  
District Court Dept. XIII  
702 671-4425



CLERK OF THE COURT

1 **RTRAN**

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6 **DISTRICT COURT**  
7 **CLARK COUNTY, NEVADA**  
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9 **STATE OF NEVADA,**

10 **Plaintiff,**

11 **vs.**

12  
13 **CHRISTOPHER LEROY ROACH, aka**  
14 **Christopher Roach,**  
15 **JEFFREY B. GERMAN, aka**  
16 **Jeffrey Bernard German,**  
17 **JAMES CURTIS IVEY, JR.,**

18 **Defendants.**

19 **CASE NO. C300979-1**  
20 **C300979-2**  
21 **C300979-3**

22 **DEPT. NO. XXIII**

23 **TRANSCRIPT OF PROCEEDINGS**

24 **BEFORE THE HONORABLE STEFANY A. MILEY, DISTRICT COURT JUDGE**

25 **WEDNESDAY, NOVEMBER 19, 2014**

**PETITION FOR WRIT OF HABEAS CORPUS**

**APPEARANCES:**

**For the State:**

**CAROLINE BATEMAN, ESQ.**  
**Deputy District Attorney**

**APPEARANCES CONTINUED ON PAGE 2**

1	For Defendant Christopher Roach:	CAESAR V. ALMASE, ESQ.
2	For Defendant Jeffrey German:	DAVID R. FISCHER, ESQ.
3	For Defendant James Ivey, Jr.:	CARMINE J. COLUCCI

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RECORDED BY: MARIA L. GARIBAY, COURT RECORDER

1 WEDNESDAY, NOVEMBER 19, 2014, 10:40 A.M.

2

3 THE MARSHAL: Pages 14 and 15, C300979, Roach, German and Ivey.

4 THE COURT: Mr. Almase, it looks like you have a lot of cases on today.

5 MR. ALMASE: My last one, Judge.

6 THE COURT: Roach. Okay, so we have co-defendants here, Roach,

7 German and there's one more. Where is --

8 MR. COLUCCI: Ivey.

9 THE COURT: -- Ivey? So, okay, over here. You're mister --

10 DEFENDANT IVEY: Ivey.

11 THE COURT: And you're mister --

12 DEFENDANT GERMAN: German. I can see you're pointing at me, yes.

13 THE COURT: That's okay. Ivey, German and Mr. Roach, right?

14 Okay. So, sirs, your attorneys have filed motions on your behalf.

15 Motions are very similar, they are petitions for writ of habeas corpus. Who wants to  
16 argue theirs first?

17 MR. COLUCCI: Court's indulgence one second.

18 THE COURT: Sure.

19 Yours is the thickest, Mr. Almase.

20 [Defense counsels confer]

21 MR. ALMASE: Judge, as to Mr. Roach, I'm not going to belabor the points  
22 made in my pleading; however, I think it has to be said and reiterated that during  
23 Ms. Robinson's testimony, she very honestly stated, "I cannot say that, yes, that's  
24 him, Christopher Roach. I can't." And this was monumental at the time. I point the  
25 Court to page 5 of my pleading. And I'm lifting it right from the preliminary hearing

1 transcript. My question, page -- or line 23: So it's fair to say your identification of  
2 Mr. Roach this morning isn't close to 100 percent? That's fair.

3 I put it in those terms expecting that she was going to say give me a  
4 percentage, 90, 70, 60, 40, 30, something below that. And the reason I did that is  
5 because whenever a person is shown a six-pack lineup, the officer will ask them  
6 circle the person and then put what percentage you're sure it's that person that  
7 committed this crime. And that's why I worded it that way. She did one better. She  
8 said, "I cannot say that's him. I can't." So from her own mouth, there was zero  
9 percent really that she could affirmatively say that it was my client, Mr. Roach, at the  
10 time of the robbery.

11 Before that, a six-pack lineup was done with her some 24 hours after  
12 the alleged robbery and she couldn't pick out anyone, couldn't pick out any of the  
13 co-defendants, couldn't pick out my client. She circled nobody. And so some  
14 months later in court identification, that is negated by her own statement, Judge.  
15 And so where does that leave us? The Court argued -- excuse me, the State  
16 argues that by virtue of the fact that he may have been involved in some robbery  
17 that occurred some -- a day before that's circumstantial evidence.

18 Well, granted there was some similarities between the two, but it still  
19 goes back to what happened at that occasion. And her identification really blows up  
20 what other circumstantial evidence may apply from the alleged instance from the  
21 day before. The other thing the State argues is the fact that --

22 THE COURT: Hold on Caesar.

23 [The Court and Court Clerk confer]

24 THE COURT: All right. I'm sorry, Mr. Almase.

25 MR. ALMASE: That's fine.



1 THE COURT: It's a little bit quieter.

2 MR. ALMASE: The other thing that the State argues in its opposition is the  
3 fact that these three individuals were found, were traveling in the vehicle where  
4 some of this property from the alleged victims was located. However, there was no  
5 testimony as to where in the vehicle it was located. It could've very well been in the  
6 trunk. There was no testimony as to my client, Mr. Roach, even knowing that that  
7 property was there, or that it was anywhere near his vicinity. I mean you have to  
8 establish, and this is classic possession law, that there is more than mere presence,  
9 that there was knowing that the property was within that persons reach or that they  
10 exercised some dominion and control over it. They have nothing of that sort. They  
11 have --

12 THE COURT: Wasn't the property in the vehicle they happened to be  
13 occupying?

14 MR. ALMASE: Well, it was in the vehicle. The point is that there is no  
15 testimony that my client even knew it was in the vehicle, where in the vehicle it was  
16 located, whether it was hidden under some chairs or if it was in the trunk. There's  
17 simply no testimony. There is no evidence before this Court to prevent it --

18 THE COURT: How many people in the vehicle? Weren't there just Mr.  
19 Roach, Mr. German and Mr. Ivey?

20 MR. ALMASE: And a female.

21 THE COURT: And there's a female.

22 MR. ALMASE: There's a female and they were at a convenience store and  
23 they were getting red box movies. And there is some question as to the location of  
24 these individuals when the police came up, but that wasn't presented so I'm not  
25 going there. But be that as it may, there was nothing from Mr. Roach or any of the

1 other individuals for that matter below during the preliminary hearing to indicate that  
2 any of them had any knowledge that this property was there.

3           There was another female at the time in the vehicle who's uncharged.  
4 And this occurred sometime after the incident having to do with Ms. Robinson. So it  
5 wasn't contemporaneous. We might have a different situation if Mr. Roach was  
6 found a few blocks away from where the alleged robbery occurred or had the  
7 property on him. It's remote. I mean it's within a few hours, but it's remote enough  
8 that I think the Court should take that into consideration as far as slight or marginal  
9 evidence.

10           For all those reasons, Judge, I would ask that counts 4 and 5 be  
11 dismissed as to my client.

12           THE COURT: Okay. And because all your motions are relatively the same,  
13 so the State's full response is going to be the same, why don't we just have yours,  
14 Mr. Colucci, sir, which is Mr. Ivey.

15           MR. COLUCCI: Yes. The only thing I would deviate from is that I raised an  
16 issue as to count 8, in addition to counts 4 and 5. And that was based on my  
17 research and understanding that you cannot be charged with robbery and  
18 possession of stolen property out of the same event.

19           THE COURT: I think they concede that. I mean I think the State's position is  
20 they can both go on the jury form. However, if they get convicted on both, obviously  
21 it would be not both for sentencing purposes.

22           MR. COLUCCI: Okay. That's it.

23           THE COURT: They just want to make sure that everyone is on the same  
24 page.

25           MR. COLUCCI: Yes.

1 THE COURT: Okay, that's fair.

2 And, Mr. Fischer.

3 MR. FISCHER: Your Honor, I'll join the partners. Nothing further. Submit it on  
4 that.

5 THE COURT: Okay. So by the State, please.

6 MS. BATEMAN: And, Your Honor, Ms. Beverly did file a very detailed  
7 response. I would note I started this preliminary hearing, so I remember the  
8 testimony from the other victims. And the only reason I bring that up is this is a very  
9 consistent pattern of conduct by the three co-defendants. These are robberies that  
10 are committed by these three men. Every one of the robberies charged involved the  
11 same three co-defendants.

12 Their conduct is very similar. One is very consistently the gunman.  
13 One is very consistently the speaker who is ordering the victims to take certain  
14 conduct. And based on just the testimony of Ms. Robinson, I believe that even  
15 Judge Kephart, I could see down in Justice Court, had concerns based on her  
16 inability to positively 100 percent identify the defendants. However, the fact that --

17 THE COURT: Did Kull make an ID?

18 MS. BATEMAN: I'm sorry.

19 THE COURT: I have in my notes that Kull made an ID of the three defendants,  
20 K-u-l-l. I think it's victim one.

21 MS. BATEMAN: The other victims all identified the defendants, Your Honor.

22 THE COURT: And Robinson didn't, but Robinson's items were found in the  
23 car --

24 MS. BATEMAN: Correct.

25 THE COURT: -- where the three defendants were occupied.

1 MS. BATEMAN: And I think that was the clincher for Judge Kephart. I don't  
2 think he was inclined to see that PC at that point, but once they are all identified in  
3 the vehicle having not only the identifying cards, the social security cards et cetera,  
4 of Ms. Robinson, but all of the other victims all had at least one item of property that  
5 was taken from them found in that car as well. So I know that it wasn't noted in our  
6 response, but it's very significant in my opinion the fact that there would be four  
7 robberies and the victims properties from all four robberies were found in the same  
8 vehicle with these three defendants.

9 I understand it wasn't immediate, but at the same time, just the totality  
10 of the circumstances, the fact that these robberies are very consistent, all involved  
11 these three co-defendants. And then this particular victim who is the basis of the  
12 three writs, her property was all found in the vehicle as well. I believe that is  
13 sufficient to establish that slight or marginal evidence to proceed to trial on those  
14 counts.

15 THE COURT: Okay.

16 MR. ALMASE: If I may reply briefly.

17 THE COURT: Yeah, of course.

18 MR. ALMASE: First, the fact that these three individuals are included in each  
19 of these three incidents, and it's three incidents, not four incidents that are listed in  
20 the criminal Information, I think has really limited significance. Of course they're  
21 listed because that's what they're charged with. I mean I don't know that that really  
22 enters into the equation or should be considered as proved positive that there was  
23 slight or marginal evidence below.

24 Second this is actually as a point of clarification in the third incident  
25 involving Donna Dimaria and Jesus Medina, they weren't consistent. They did not

1 name the same person as the person who had a firearm. They pointed to two  
2 different co-defendants. And my recollection was that they attributed statements  
3 made to two different individuals, one person making the statement throughout that  
4 incident, but two different individuals. So it wasn't exactly 100 percent consistent.  
5 There were some discrepancies here among the other people who testified.

6 But be that as it may, and I ask the Court to focus on the complete  
7 negation of the identification by Eola Robinson. She very unequivocally stated  
8 during cross-examination, "I can't say who this was. There was nothing that jumped  
9 out at me. It was a black male." She herself being African-American. It wasn't a  
10 race thing. It was just there wasn't really anything that stuck out to me when this  
11 individual walked past me on the street.

12 THE COURT: Okay. Anything else?

13 MS. BATEMAN: No, Your Honor.

14 THE COURT: All right. I'm going to deny all three petitions for writ of habeas  
15 corpus. I do find that there was slight or marginal evidence demonstrating --  
16 presented at the lower court to demonstrate that a crime was committed and that the  
17 defendants are the three individuals that committed this crime. The Court does note  
18 that one of the victims did identify the three defendants. The other victim, Robinson,  
19 there's a lot of similarities between that occurrence and the Kull occurrence.

20 Additionally, the Court notes that with respect to Robinson several of  
21 the items that were reported to be taken from Robinson were found in a vehicle that  
22 was occupied by the three defendants in this case. Also, with respect to Dimaria,  
23 there is also circumstantial evidence that these are the individuals involved in that  
24 case as well, and that the individuals had items that were also reported taken from  
25 Dimaria. So given the low standards of bind over on these charges, I do think that

1 there is a slight or marginal evidence.

2 Counsel, I do see that you have trial in March and I'll see you then.

3 Thank you.

4 MR. COLUCCI: Thank you, Judge.

5 PROCEEDINGS CONCLUDED AT 10:52 A.M.

6 \* \* \* \* \*

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

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MARIA L. GARIBAY  
Court Recorder/Transcriber

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHRISTOPHER LEROY ROACH,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

Supreme Court No. 68011  
District Court Case No. C300979

FILED

JAN 22 2016

*Tracie Lindeman*  
CLERK OF COURT

CLERK'S CERTIFICATE

STATE OF NEVADA, ss.

I, Tracie Lindeman, the duly appointed and qualified Clerk of the Supreme Court of the State of Nevada, do hereby certify that the following is a full, true and correct copy of the Judgment in this matter.

JUDGMENT

The court being fully advised in the premises and the law, it is now ordered, adjudged and decreed, as follows:

"ORDER the judgment of conviction AFFIRMED."

Judgment, as quoted above, entered this 18<sup>th</sup> day of December, 2015.

IN WITNESS WHEREOF, I have subscribed  
my name and affixed the seal of the Supreme  
Court at my Office in Carson City, Nevada this  
January 14, 2016.

Tracie Lindeman, Supreme Court Clerk

By: Sally Williams  
Deputy Clerk

C-14-300979-1  
CCJA  
NV Supreme Court Clerks Certificate/Jadgn  
4517748



IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CHRISTOPHER LEROY ROACH,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 68011

FILED

DEC 18 2015

TRACEE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY: *[Signature]*  
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction entered pursuant to a guilty plea of robbery with the use of a deadly weapon and conspiracy to commit robbery. Eighth Judicial District Court, Clark County; Stefany Miley, Judge.

Appellant Christopher Roach claims his sentence, totaling 133 to 420 months in prison, constitutes cruel and unusual punishment and does not serve the interests of justice. Roach argues that he took full responsibility for the robberies, he was only 22 years old, he only had one prior felony conviction, his interactions with defense counsel were peaceful, and he suffers from long-term depression.

Regardless of its severity, a sentence that is within the statutory limits is not "cruel and unusual punishment unless the statute fixing punishment is unconstitutional or the sentence is so unreasonably disproportionate to the offense as to shock the conscience." *Blume v. State*, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996) (quoting *Culverson v. State*, 95 Nev. 433, 435, 596 P.2d 220, 221-22 (1979)); see also *Harmelin v. Michigan*, 501 U.S. 957, 1000-01 (1991) (plurality opinion) (explaining that the Eighth Amendment does not require strict proportionality




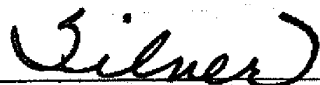
between crime and sentence; it forbids only an extreme sentence that is grossly disproportionate to the crime).

The sentence imposed is within the parameters provided by the relevant statutes, *see* NRS 193.165; NRS 199.480(1)(a); NRS 200.380(2), and Roach does not allege that those statutes are unconstitutional. We conclude the sentence imposed is not so grossly disproportionate to the crime as to constitute cruel and unusual punishment, and we

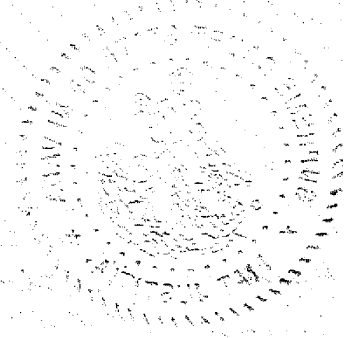
ORDER the judgment of conviction AFFIRMED.

  
Gibbons, C.J.

  
Tao, J.

  
Silver, J.

cc: Hon. Stefany Miley, District Judge  
The Almase Law Group LLC  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk



**CERTIFIED COPY**

This document is a full, true and correct copy of  
the original on file and of record in my office.

DATE: January 14<sup>th</sup>, 2014  
Supreme Court Clerk, State of Nevada

By: Bobby Wilson Deputy

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHRISTOPHER LEROY ROACH,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

Supreme Court No. 68011  
District Court Case No. C300979

REMITTITUR

TO: Steven D. Grierson, Eighth District Court Clerk

Pursuant to the rules of this court, enclosed are the following:

Certified copy of Judgment and Opinion/Order.  
Receipt for Remittitur.

DATE: January 14, 2016

Tracie Lindeman, Clerk of Court

By: Sally Williams  
Deputy Clerk

cc (without enclosures):

Hon. Stefany Miley, District Judge  
The Aimase Law Group LLC  
Attorney General/Carson City  
Clark County District Attorney

RECEIPT FOR REMITTITUR

Received of Tracie Lindeman, Clerk of the Supreme Court of the State of Nevada, the  
REMITTITUR issued in the above-entitled cause, on JAN 22 2016

HEATHER UNGERMANN

Deputy District Court Clerk

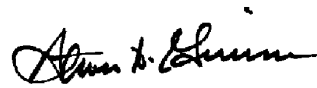
RECEIVED

JAN 21 2016

CLERK OF THE COURT

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16-01332



CLERK OF THE COURT

AJOC

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

CASE NO. C300979-1

DEPT. NO. XXIII

CHRISTOPHER LEROY ROACH  
aka Christopher Roach  
#2757657

Defendant.

AMENDED JUDGMENT OF CONVICTION  
(PLEA OF GUILTY)

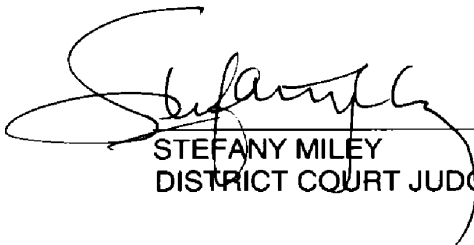
The Defendant previously appeared before the Court with counsel and entered a plea of guilty to the crimes of COUNT 1 – ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony) in violation of NRS 200.380, 193.165; and COUNT 2 – CONSPIRACY TO COMMIT ROBBERY (Category B Felony) in violation of NRS 200.380, 199.480; thereafter, on the 6<sup>th</sup> day of May, 2015, the Defendant was present in court for sentencing with counsel CAESAR V. ALMASE, ESQ., and good cause appearing,

1 THE DEFENDANT WAS THEREBY ADJUDGED guilty of said offenses and, in  
2 addition to the \$25.00 Administrative Assessment Fee and \$880.00 Restitution to be  
3 paid jointly and severally with Co-Defendants plus \$3.00 DNA Collection Fee, the  
4 Defendant is sentenced to the Nevada Department of Corrections as follows: as to  
5 COUNT 1 – a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS with a MINIMUM  
6 parole eligibility of SIXTY (60) MONTHS plus a CONSECUTIVE term of ONE  
7 HUNDRED EIGHTY (180) MONTHS with a MINIMUM parole eligibility of SIXTY (60)  
8 MONTHS for the Use of a Deadly Weapon; and COUNT 2 - a MAXIMUM of SIXTY (60)  
9 MONTHS with a MINIMUM parole eligibility of THIRTEEN (13) MONTHS;  
10 CONSECUTIVE to COUNT 1; with THREE HUNDRED NINE (309) DAYS credit for time  
11 served. As the \$150.00 DNA Analysis Fee and Genetic Testing have been previously  
12 imposed, the Fee and Testing in the current case are WAIVED.  
13

14  
15 THEREAFTER, on the 4<sup>th</sup> day of May, 2016, Defendant nor Defendant's counsel  
16 present in court, and pursuant to Status Check: NDOC Clarification hearing; COURT  
17 ORDERED, AGGREGATE TOTAL sentence of FOUR HUNDRED TWENTY (420)  
18 MONTHS MAXIMUM with a MINIMUM of ONE HUNDRED THIRTY-THREE (133)  
19 MONTHS is REMOVED from this sentence.  
20

21 DATED this 12<sup>th</sup> day of May, 2016  
22  
23

24  
25  
26  
27  
28

  
STEFANY MILEY  
DISTRICT COURT JUDGE

K98

mc  
DA  
pp

Electronically Filed  
09/20/2016 10:40:25 AM

Christopher Roach 1076731  
First and Last Name NDOC #  
High Desert State Prison  
Post Office Box 650  
Indian Springs, Nevada 89070  
Defendant In Proper Person

  
CLERK OF THE COURT

Eighth Judicial District Court  
Clark County, Nevada

The State of Nevada,

Case No. C-14-30079-1  
Dept. No. 6

Plaintiff,

vs.

MOTION TO OBTAIN A COPY OF A SEALED  
RECORD (Presentence Investigation Report -  
NRS 176.156) ON AN ORDER SHORTENING TIME

Christopher Roach  
(First and Last Name)

Defendant.

The State of Nevada

#### NOTICE OF MOTION AND MOTION

TO: The Plaintiff, The State of Nevada, by and through the Clark County  
District Attorney's Office:

PLEASE TAKE NOTICE that Defendant's Motion to Obtain a Copy of a Sealed

Record (Presentence Investigation Report - NRS 176.156) will come for hearing before  
the above-entitled Court on the 12 day of OCT, 2016, at the hour of 9:30 AM  
clock     M. in Department     of said Court. [Leave Blank Clerk will fill-in]

COMES NOW, Defendant Christopher Roach, in proper person, and hereby  
(first and last name)  
submits his Motion to Obtain a Copy of a Sealed Record (Pre-Sentence Investigation  
Report) on an Order Shortening Time. Defendant asks that his presence be waived at  
any hearing, if any, and that this matter be submitted on the pleadings, upon receipt of  
the Opposition (if any) by Plaintiff and his Reply (if an Opposition is filed).

This Motion is made and based upon the attached Memorandum of Points and

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SEP 20 2016

CLERK OF THE COURT

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CLERK OF THE COURT

Authorities, all papers and pleadings on file, as well as any additional facts, law, argument, witnesses or evidence that may be presented at the hearing of this matter, if any.

Dated this 12 day of Aug, 2016

Christopher Roach 1076731  
First and Last Name NDOC #  
High Desert State Prison  
Post Office Box 650  
Indian Springs, Nevada 89070  
Defendant in Proper Person

#### MEMORANDUM OF POINTS AND AUTHORITIES

##### 1. Introduction

Defendant brings the instant Motion, in proper person, in order to obtain a copy of his presentence investigation report (PSI). This report is needed in order for the Defendant to pursue:

(Circle all that may apply)

1. The appeal of his conviction;
2. The post conviction writ process;
3. Sentence modification;
4. Challenge how the NDOC is calculating his sentence;
5. For an upcoming Parole Board Hearing; or
6. For the Pardons Board.

Defendant has been directed to obtain one from the Court having first contacted both his attorney and being told that it cannot be obtained by mail from Parole and Probation and will not be furnished by the Nevada Department of Corrections. Since the legislature has made PSI's sealed records he now seeks an order unsealing same and to direct the clerk to provide him a copy.

## **II. Relevant Facts, Law and Argument**

As stated above, Defendant needs a copy of his Pre-Sentence Investigation Report.

Defendant has attempted to obtain the report from the prison, who directed him to his attorney; and from his attorney, who then directed him to request it from the Clerk of the Court. NRS 176.156, entitled "Disclosure of report of presentence or general investigation; persons entitled to use report; confidentiality of report," provides in pertinent part as follows:

5. Except for the disclosures required by subsections 1 to 4, inclusive, a report of a presentence investigation or general investigation and the sources of information for such a report are confidential and must not be made a part of any public record.

Defendant therefore asks that this Court direct the clerk to provide him a copy of his pre-sentence investigation report from the files in Case No. C-14-300974 as it is the only source for Defendant to obtain a copy of this document. Defendant is indigent, but if the Court feels, under the facts and circumstances, that Defendant should pay for a copy of the PSI, that the amount be charged to his NDOC inmate account and the copy of the PSI be transmitted to him.

Defendant is making this Motion and requesting it be heard on an Order Shortening Time, pursuant to Local Rule 11, and in good faith, so that his request can be expedited to ensure that he is able to comply with any deadlines applicable to the proceedings in which the PSI is required as outlined in the introduction above.

## **III. Conclusion**

THEREFORE, based upon the foregoing, Defendant respectfully requests that this Court:

1. Unseal his Pre-Sentence Investigation Report;



2. Order that the Clerk provide him a copy of his Presentence Investigation Report once it is unsealed;

3. That this matter be allowed to proceed Ex-Parte and on an Order Shortening Time; and

4. Any further and necessary relief as deemed appropriate by this Court.

"I declare under penalty of perjury under the law of the State of Nevada (NRS 53.045) that the foregoing is true and correct."

Dated this 12 day of Aug, 2016

Christopher Roach 1076731  
First and Last Name NDOC #  
High Desert State Prison  
Post Office Box 650  
Indian Springs, Nevada 89070  
Defendant in Proper Person

**AFFIRMATION PURSUANT TO NRS 239.030**

The undersigned does hereby affirm that the preceding Defendant's Motion to Obtain a Copy of a Sealed Record (Presentence Investigation Report - NRS 176.156), filed in District Court Case Number C-14-360979-J does not contain the social security number of any person.

Dated this 12 day of Aug, 2016

Christopher Roach 1076731  
First and Last Name NDOC #  
High Desert State Prison  
Post Office Box 650  
Indian Springs, Nevada 89070  
Defendant in Proper Person

**CERTIFICATE OF SERVICE BY MAILING**

I, Christopher Roach, Defendant in Proper Person, hereby certify,  
pursuant to NRCP 5(b), that on this 12 day of Aug, 2016, I mailed a true and  
correct copy of the Defendant's Motion to Obtain a Copy of a Sealed Record  
(Presentence Investigation Report - NRS 176.156) by depositing it in the \_\_\_\_\_  
State Prison, Legal Library, First Class Postage, full prepaid and addressed as follows:

Clark County District Attorney's Office  
200 Lewis Avenue  
Las Vegas, Nevada 89155

OR \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dated this 12 day of Aug, 2016

Christopher Roach 1676731  
First and Last Name NDOC #  
High Desert State Prison  
Post Office Box 650  
Indian Springs, Nevada 89070  
Defendant in Proper Person

Christopher Reach #1676731  
High Desert State Prison  
P.O. Box 656  
Indian Springs, NV 89070

LAS VEGAS  
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FIRST CLASS MAIL  
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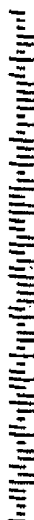
3762

Court Clerk  
200 Lewis Ave 3 floor  
Las Vegas NV 89155

CONFIDENTIAL

LEGAL MAIL

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SEP 15 2016  
HIGH DESERT STATE PRISON  
LAS VEGAS, NV

DISTRICT COURT  
CLARK COUNTY, NEVADA

The State of Nevada  
Plaintiff

vs.

Christopher Roach

Defendant

Case No. C-14-300979-1

Dept. No. 6

Docket

**ORDER**

Upon reading the Motion of the Defendant, Christopher Roach, requesting production of all documents, papers, pleadings and tangible property, and having determined that the movant has demonstrated Good Cause Appearing,

**IT IS HEREBY ORDERED** that Defendant's Motion for the Production of Documents, Papers, Pleadings and Tangible Property is **GRANTED**.

**IT IS HEREBY FURTHER ORDERED** that the Clerk of the Court is directed to prepare all Documents Papers, Pleadings, and Tangible Property to the Defendant at the following address:

**DATED and DONE** this 20 day of Sept, 2016

C-14-300979-1  
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DISTRICT COURT JUDGE

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DISTRICT COURT

Clark COUNTY, NEVADA

The State of Nevada

Plaintiff

vs.

Christopher Roach

Defendant

Case No. C-14-300979-1

Dept. No. 6

Docket \_\_\_\_\_

**ORDER**

Upon reading the motion of defendant, Christopher Roach, requesting withdrawal of counsel, Caesar Almase, Esq., of the Clark county Public Defender's Office, and Good Cause Appearing,

**IT IS HEREBY ORDERED** that defendant's Motion for Withdrawal of Counsel is GRANTED.

**IT IS HEREBY FURTHER ORDERED** that Counsel deliver to defendant at his address, all documents, papers, pleadings, discovery and any other tangible property in the above-entitled case.

DATED and DONE this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
DISTRICT COURT JUDGE

*Allen L. Quinn*  
CLERK OF THE COURT

mc  
DA  
PP  
AOR -  
Almase

1 Christopher Roach #1076731  
2 /In Propria Personam  
3 Post Office Box 650 [HDSP]  
4 Indian Springs, Nevada 89018

5 IN THE Eighth JUDICIAL DISTRICT COURT OF THE

6 STATE OF NEVADA IN AND FOR THE COUNTY OF Clark

7 The State of Nevada  
8 Plaintiff

9 vs.

10 Christopher Roach  
11 Defendant

Case No. C-14-300979-1

Dept. No. 6

Docket \_\_\_\_\_

12 **MOTION TO WITHDRAW COUNSEL**

13 Date of Hearing: 10-31-16

14 Time of Hearing: 9:30 am

15 'ORAL ARGUMENT REQUESTED, Yes \_\_\_\_\_ No \_\_\_\_\_'

16 COMES NOW, Defendant, Christopher Roach, proceeding in proper person,  
17 moves this Honorable Court for an ORDER Granting him permission to withdraw his present counsel  
18 of record in the proceeding action, namely,

19 Caesar Almase

20 This Motion is made and based on all papers and pleadings on file with the Clerk of the Court  
21 which are hereby incorporated by this reference, the Points and Authorities herein, and attached  
22 Affidavit of Defendant.

23 DATED: this 20 day of Sept, 20 16.

24 RECEIVED

25 OCT 06 2016

26 CLERK OF THE COURT

27 BY: Christopher Roach #1076731  
28 /In Propria Personam

RECEIVED  
OCT 06 2016

CLERK OF THE COURT

1 **POINTS AND AUTHORITIES**

2 NRS 7.055 states in pertinent part:

- 3 1. An attorney who has been discharged by his client shall upon demand and payment of the fee  
4 due from the client, immediately deliver to the client all papers, documents, pleadings and items  
5 of tangible personal property which belong to or were prepared for that client.  
6 2. . . . If the court finds that an attorney has, without just cause, refused or neglected to obey its  
7 order given under this section, the court may, after notice and fine or imprison him until the  
8 contempt purged. If the court finds that the attorney has, without just cause, withheld the  
9 client's papers, documents, pleadings, or other property, the attorney is liable for costs and  
10 attorney's fees.

11 Counsel in the above-entitled case was court-appointed due to Defendant's indigence. Defendant  
12 does not owe counsel any fees.

13 **WHEREFORE**, Defendant prays this Honorable Court, Grant his Motion to Withdraw Counsel  
14 and that counsel deliver to Defendant all papers, documents, pleadings, discovery and any other  
15 tangible property which belong to or were prepared for the Defendant to allow Defendant the proper  
16 assistance that is needed to insure that justice is served.

17 **DATED:** this 20 day of Sept, 20 16.

18 Respectfully submitted,

19 **BY:** Christopher Roach 1076731

20 #  
21 /In Propria Personam  
22 Post Office Box 650 [HDSP]  
23 Indian Springs, Nevada 89018  
24  
25  
26  
27  
28

NAME: Christopher Roach # 1076731

HIGH DESERT STATE PRISON  
P.O. BOX 650  
INDIAN SPRINGS, NEVADA 89018

DATE: 09-26-16

TO: Caesar Almase  
5305. 7<sup>th</sup> Street  
Las Vegas NV 89101  
\_\_\_\_\_  
\_\_\_\_\_

SUBJECT: TERMINATION OF COUNSEL/TRANSFER OF RECORDS

CASE NO.: C-14-300979-1

DEPT. NO.: 6

CASE NAME: \_\_\_\_\_

Please be advised that from this date forward, your authority as Attorney of Record in the above-stated action is hereby terminated. All of the professional relations of Attorney and Client do hereby cease.

Please enter your withdrawal from this action with the Court immediately.

Pursuant to NRS 7.055, I respectfully request that you deliver to me, forthwith, all documents, papers, pleadings and tangible personal property that is in your possession that relates to the above-named action.

Your prompt attention to this request is genuinely appreciated.

Respectfully,

Christopher Roach

/////

/////

/////



**CERTIFICATE OF SERVICE BY MAILING**

I, Christopher Roach, hereby certify, pursuant to NRCP 5(b), that on this 20  
day of Sept, 2016, I mailed a true and correct copy of the foregoing, "

by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid,  
addressed as follows:

Caesar Almase  
5305. 7th Street  
Las Vegas NV 89101

CC:FILE

DATED: this 20 day of Sept, 2016.

Christopher Roach 1076731  
#  
/In Propria Personam  
Post Office box 650 [HDSP]  
Indian Springs, Nevada 89018  
IN FORMA PAUPERIS:

AFFIRMATION  
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding Motion to  
withdraw counsel  
(Title of Document)

filed in District Court Case number C-14-300979-1

☒ 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

09-20-16  
Date

Christopher Roach  
Print Name

Mr  
Title

Christopher Roach 1076731  
P.O. Box 650  
High Desert State Prison  
Indian Springs NV 89070

CONFIDENTIAL  
LEGAL MAIL

Clerk of the Courts  
3rd floor  
200 Lewis Ave  
Las Vegas Nevada 89155

RETURNED

HIGH DESERT STATE PRISON  
LAW LIBRARY

Hasler  
10/05/2016  
FIRST CLASS MAIL  
\$001.36



ZIP 89101  
E12650757

*Ann L. Quinn*  
CLERK OF THE COURT

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

The State of Nevada  
Plaintiff

vs.

Christopher Roach  
Defendant

Case No. C-14-300979-1

Dept No. 6

Docket \_\_\_\_\_

**NOTICE OF MOTION**

YOU WILL PLEASE TAKE NOTICE, that Motion to withdraw  
Counsel

will come on for hearing before the above-entitled Court on the 31 day of Oct., 2016  
at the hour of 9:30 o'clock A. M. In Department XXIII of said Court.

CC:FILE

DATED: this 20 day of Sept, 2016.

BY: Christopher Roach 1076731  
#  
/In Propria Personam

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OCT 06 2016

CLERK OF THE COURT  
30

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*Allen D. Schum*

CLERK OF THE COURT

**DISTRICT COURT**

Clark COUNTY, NEVADA

The State of Nevada

Plaintiff,

vs.

Christopher Roach

Defendant.

Case No. C-14-300979-1

Dept No. 6 XXIII

Docket \_\_\_\_\_

**MOTION FOR PRODUCTION OF DOCUMENTS,  
PAPERS, PLEADINGS AND TANGIBLE PROPERTY OF DEFENDANT**

Date of Hearing: 10-31-16

Time of Hearing: 9:30am

"ORAL ARGUMENT REQUESTED, Yes \_\_\_ No \_\_\_"

COMES NOW, Defendant, Christopher Roach, proceeding in proper person,  
hereby moves this Honorable Court for its ORDER for the production of all documents, papers,  
pleadings and tangible property in the possession of: Caesar Almase

This Motion is made and based upon all papers and pleadings on file with the Clerk of the Court  
which are hereby incorporated by this reference, the Points and Authorities herein, and attached  
Affidavit of Defendant.

DATED: this 20 day of Sept, 2016

**RECEIVED**

OCT 06 2016

CLERK OF THE COURT

BY: Christopher Roach 1076731  
#  
Defendant/In Propria Personam

MC  
DA  
PP  
AOR-Almase

**RECEIVED**  
OCT 06 2016

CLERK OF THE COURT

1 **POINTS AND AUTHORITIES**

2 The Nevada Revised Statute 7.055(1), which deals with the duty of a discharged attorney, states:

3 "An attorney who has been discharged by his client shall, upon demand and payment of the fee due from  
4 the client, immediately deliver to the client all papers, documents, pleadings and items of tangible property  
which belong to or were prepared for that client."

5 As can be seen in this case, the defendant does not owe any fees, in fact, they, meaning counsel(s)  
6 of record, were appointed by the Court to represent the defendant, who was an indigent, in Case  
7 Number, C-44-300979, in Department No. 16.

8 N.R.S. 7.055(2) gives this Court the power to Order the Attorney(s) of record to produce and  
9 deliver to the defendant in his/her possession, which states:

10 "A client who, after demand therefore and payment of the fee due from him, does not receive from his  
11 discharged attorney all papers, documents, pleadings and items of tangible personal property may, by  
12 a motion filed after at least 5 days' notice to the attorney, obtain an order for the production of his papers,  
Documents, pleadings and other property."

13 In numerous cases throughout this great land, the courts have held attorneys to a high degree of  
14 professional responsibility and integrity. This carried from the time of hiring to and through the  
15 attorney's termination of employment.

16 Supreme Court Rule 173 states quite clear that a withdrawn attorney owes his former client a  
17 "... prompt accounting of all his client's ... property in his possession." This is echoed in Canon 2  
18 of the Code of Professional Responsibility of the American Bar Association, which states in pertinent  
19 part EC 2-32: "A lawyer should protect the welfare of his client by ... delivering to the client all  
20 papers and property to which the client is entitled." Again in Disciplinary Rule 2-110(A)(2) of the  
21 ABA, this is brought out that a withdrawn attorney must deliver to the client all papers and comply  
22 with applicable laws on the subject.

23 In the cases of In Re Yount, 93 Ariz. 322, 380 P.2d 780 (1963) and State v. Alvey, 215 Kan. 460,  
24 524 P.2d 747 (1974), both of which dealt with a factual situation involving a withdrawn attorney  
25 refusing to deliver to a former client his documents after being requested to do so by the client. The  
26 court in Yount, supra, ordered the attorney disbarred while in Alvey, supra, the court had the  
27 attorney censured.

1 While not the intention of the Defendant in this case to have the attorney disbarred, these cases do  
2 show a pattern in the court in considering the refusal to deliver to a former client all his documents  
3 and property after being requested to do so, a serious infraction of the law and of professional ethics.  
4 See, In Re Sullivan, 212 Kan. 233, 510 P.2d 1199 (1973).

5 In summary, this court has jurisdiction through NRS 7.055 to Order the attorney(s) to produce  
6 and deliver to the Defendant all documents and personal property in his/their possession belonging to  
7 him or prepared for him. The Defendant has fulfilled his obligations in trying to obtain the papers.  
8 The attorney(s) is in discord with Cannon 2 of the Code of Professional responsibility and the Nevada  
9 Supreme Court Rules 173, 176 and 203.

10

11 DATED: this 20 day of Sept, 2016.

12

13

BY: Christopher Roach 1076731  
#

14

Defendant/In Propria Personam

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**CERTIFICATE OF SERVICE BY MAILING**

I, Christopher Roach, hereby certify, pursuant to NRCP 5(b), that on this 15  
day of Sept, 20 16, I mailed a true and correct copy of the foregoing, "

by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid,  
addressed as follows:

Caesar Almase  
5305, 7<sup>th</sup> Street  
Las Vegas, NV 89101

CC:FILE

DATED: this 20 day of Sept, 20 16

Christopher Roach 1076731  
#

/In Propria Personam  
Post Office box 650 [HDSP]  
Indian Springs, Nevada 89018  
**IN FORMA PAUPERIS:**



*Ann D. Quinn*  
CLERK OF THE COURT

mc  
DA  
PP  
AOR-  
Almase

1 Christopher Roach 1076731  
2 In Propria Personam  
3 Post Office Box 650 [HDSP]  
4 Indian Springs, Nevada 89018

5 **DISTRICT COURT**  
6 **CLARK COUNTY, NEVADA**

7  
8 The State of Nevada  
9 Plaintiff

10 vs.

11 Christopher Roach  
12 Defendant

Case No. C-14-300979-1

Dept No. 6 XXIII

Docket \_\_\_\_\_

13  
14 **NOTICE OF MOTION**

15 **YOU WILL PLEASE TAKE NOTICE**, that Motion For Production of  
16 Documents, Papers, Pleadings And Tangible Property of Defendant  
17 will come on for hearing before the above-entitled Court on the 31 day of Oct., 2016  
18 at the hour of 9:30 o'clock a. M. In Department XXIII of said Court.

19  
20 CC:FILE

21  
22 **DATED:** this 20 day of Sept, 2016.

23  
24  
25 BY: Christopher Roach 1076731  
26 #  
27 /In Propria Personam

28 **RECEIVED**

OCT 06 2016

CLERK OF THE COURT

30

RECEIVED

OCT 06 2016

CLERK OF THE COURT

THIS SEALED  
DOCUMENT,  
NUMBERED PAGE(S)  
391 - 393  
WILL FOLLOW VIA  
U.S. MAIL

56

*Steven D. Grierson*

Case No. ....  
Dept. No. ....

C-14-300979-1

IN THE <sup>8<sup>th</sup></sup> JUDICIAL DISTRICT COURT OF THE  
STATE OF NEVADA IN AND FOR THE COUNTY OF CLARK

Christopher Roach  
Petitioner,

v.

PETITION FOR WRIT  
OF HABEAS CORPUS  
(POSTCONVICTION)

Warden Williams HDSP  
Respondent.

INSTRUCTIONS:

- (1) This petition must be legibly handwritten or typewritten, signed by the petitioner and verified.
- (2) Additional pages are not permitted except where noted or with respect to the facts which you rely upon to support your grounds for relief. No citation of authorities need be furnished. If briefs or arguments are submitted, they should be submitted in the form of a separate memorandum.
- (3) If you want an attorney appointed, you must complete the Affidavit in Support of Request to Proceed in Forma Pauperis. You must have an authorized officer at the prison complete the certificate as to the amount of money and securities on deposit to your credit in any account in the institution.
- (4) You must name as respondent the person by whom you are confined or restrained. If you are in a specific institution of the Department of Corrections, name the warden or head of the institution. If you are not in a specific institution of the Department but within its custody, name the Director of the Department of Corrections.
- (5) You must include all grounds or claims for relief which you may have regarding your conviction or sentence. Failure to raise all grounds in this petition may preclude you from filing future petitions challenging your conviction and sentence.
- (6) You must allege specific facts supporting the claims in the petition you file seeking relief from any conviction or sentence. Failure to allege specific facts rather than just conclusions may cause your petition to be dismissed. If your petition contains a claim of ineffective assistance of counsel, that claim will operate to waive the attorney-client privilege for the proceeding in which you claim your counsel was ineffective.
- (7) When the petition is fully completed, the original and one copy must be filed with the clerk of the state district court for the county in which you were convicted. One copy must be mailed to the respondent, one copy to the Attorney General's Office, and one copy to the district attorney of the county in which you were convicted or to the original prosecutor if you are challenging your original conviction or sentence. Copies must conform in all particulars to the original submitted for filing.

PETITION

1. Name of institution and county in which you are presently imprisoned or where and how you are presently restrained of your liberty: High Desert State Prison, Clark County
2. Name and location of court which entered the judgment of conviction under attack: 8<sup>th</sup> Judicial District Court
3. Date of judgment of conviction: May 6, 2015
4. Case number: C-14-300979-1-3
5. (a) Length of sentence: 133 months to 420 months

OCT 23 2017

CLERK OF THE COURT

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

2 6. Are you presently serving a sentence for a conviction other than the conviction under attack in this motion?

3 Yes ..... No ☒

4 If "yes," list crime, case number and sentence being served at this time: .....

7 7. Nature of offense involved in conviction being challenged: 200.380, 193.165

8 Robbery with a Use of Deadly Weapon 200.380, 199.480  
9 Conspiracy to commit Robbery

8 8. What was your plea? (check one)

10 (a) Not guilty .....

11 (b) Guilty ☒

12 (c) Guilty but mentally ill .....

13 (d) Nolo contendere .....

14 9. If you entered a plea of guilty or guilty but mentally ill to one count of an indictment or information, and a  
15 plea of not guilty to another count of an indictment or information, or if a plea of guilty or guilty but mentally ill was  
16 negotiated, give details: Give State the right to argue, a Sentence

17 of approximately 5-21 years, plead to 2 counts.

18 10. If you were found guilty or guilty but mentally ill after a plea of not guilty, was the finding made by: (check one)

19 (a) Jury .....

20 (b) Judge without a jury .....

21 11. Did you testify at the trial? Yes ..... No ☒

22 12. Did you appeal from the judgment of conviction? Yes ☒ No ☒

23 13. If you did appeal, answer the following:

24 (a) Name of court: 9th Judicial District

25 (b) Case number or citation: C-14-300979-L3

26 (c) Result: Denied

27 (d) Date of result: Dec 18, 2015

28 (Attach copy of order or decision, if available.)

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

2 .....  
3 .....

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

6 16. If your answer to No. 15 was "yes," give the following information:

7 (a) (1) Name of court: .....

8 (2) Nature of proceeding: .....

9 .....

10 (3) Grounds raised: .....

11 .....

12 .....

13 (4) Did you receive an evidentiary hearing on your petition, application or motion? Yes ..... No .....

14 (5) Result: .....

15 (6) Date of result: .....

16 (7) If known, citations of any written opinion or date of orders entered pursuant to such result:

17 .....

18 (b) As to any second petition, application or motion, give the same information:

19 (1) Name of court: .....

20 (2) Nature of proceeding: .....

21 (3) Grounds raised: .....

22 (4) Did you receive an evidentiary hearing on your petition, application or motion? Yes ..... No .....

23 (5) Result: .....

24 (6) Date of result: .....

25 (7) If known, citations of any written opinion or date of orders entered pursuant to such result:

26 .....

27 (c) As to any third or subsequent additional applications or motions, give the same information as above, list  
28 them on a separate sheet and attach.

1 (d) Did you appeal to the highest state or federal court having jurisdiction, the result or action taken on any  
2 petition, application or motion?

3 (1) First petition, application or motion? Yes ☒ No ☐

4 Citation or date of decision: Dec 18, 2015

5 (2) Second petition, application or motion? Yes ☐ No ☒

6 Citation or date of decision: .....

7 (3) Third or subsequent petitions, applications or motions? Yes ☐ No ☒

8 Citation or date of decision: .....

9 (e) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you  
10 did not. (You must relate specific facts in response to this question. Your response may be included on paper which  
11 is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in  
12 length.) Petitioner not able to get in contact with

13 Assistance of Counsel

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

16 (a) Which of the grounds is the same: Cruel and unusual punishment

17 .....  
18 (b) The proceedings in which these grounds were raised: Direct appeal

19 .....  
20 (c) Briefly explain why you are again raising these grounds. (You must relate specific facts in response to this  
21 question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your  
22 response may not exceed five handwritten or typewritten pages in length.) Counsel failed  
23 to give defendant a (a) psychological Evaluation

24 18. If any of the grounds listed in Nos. 23(a), (b), (c) and (d), or listed on any additional pages you have attached,  
25 were not previously presented in any other court, state or federal, list briefly what grounds were not so presented,  
26 and give your reasons for not presenting them. (You must relate specific facts in response to this question. Your  
27 response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not  
28 exceed five handwritten or typewritten pages in length.) failed to give a competency

Hearing

19. Are you filing this petition more than 1 year following the filing of the judgment of conviction or the filing of a decision on direct appeal? If so, state briefly the reasons for the delay. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.)

yes, was not able to get in contact with assistance of counsel

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

If yes, state what court and the case number: .....

21. Give the name of each attorney who represented you in the proceeding resulting in your conviction and on direct appeal: Caesar Almase

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

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

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

1 (a) Ground ONE: Petitioner was legally incompetent at  
2 the time of accepting guilty written plea agreement  
3 14<sup>th</sup> and 6<sup>th</sup> Amendment was violated  
4

5 Supporting FACTS (Tell your story briefly without citing cases or law.): The defendant  
6 was not competent at the time of the offense and  
7 was not competent at the time of he entering a plea.  
8 Assistance of Counsel Caesar Almase knew MR. Roach  
9 was on medication during the proceedings and stated on  
10 Wednesday May 6, 2015. Before the Judge Stefany Mpley  
11 at sentencing counts 1 & 2. That he has spent the last  
12 few months before sentencing getting paperwork from  
13 Nevada department of Corrections, from CCDC, from  
14 private providers to see what defendant has been  
15 suffering from and Counsel state he chose not to forward  
16 those on to the Court because he thinks there are  
17 sensitive information there and a lot of it was hand  
18 written. But was able to gather there is that defendant  
19 MR. Roach is suffering from long-term Depression  
20 called Dystymia and stated that The defendant has  
21 actually attempted suicide on a number of times and  
22 occasions and was a troubled youth and a troubled  
23 young man. Counsel has failed to acknowledge to the  
24 Court that defendant needed a(n) psychological  
25 Evaluation but insisting on Defendant needing to plead  
26 guilty. However the Judicial District court is at fault  
27 as well as the Assistance of Counsel Caesar Almase  
28 as to knowing at the time of sentencing March 11,



1 2015 that defendant has serious Mental Health issues  
2 and should of halted all proceedings as soon as Assist  
3 ance of Counsel Caesar Almase Acknowledged to the court  
4 that defendant Rorch has attempted Suicide on a  
5 number of occasions and Acknowledged that defendant  
6 Mental health diagnoses. Assistance of Counsel has  
7 failed to forward Defendants Record of Mental Health  
8 at his own ~~discretion~~ Discretion without speaking to  
9 Defendant Violating defendants Rights. Assistance of  
10 Counsel failed to acknowledge to the court that the  
11 defendant needed a psychological Evaluation and gave  
12 improper legal Advice. These issues that Defendant has  
13 were not given attention at the time. Due process  
14 requires a Court to a Competency hearing on its own  
15 Motion. Before permitting a defendant to waive his  
16 Rights. Defendant should be allowed to withdraw plea  
17 and nullify his conviction.

(b) Ground TWO: Counsel gave Petitioner incompetent  
Advise to accept plea agreement and failed to halt all  
proceeding until defendant has had a Competency Hearing.  
14<sup>th</sup> and 6<sup>th</sup> Rights were violated and Cruel and unusual punishment

Supporting FACTS (Tell your story briefly without citing cases or law.): on Wednesday,  
March 11, 2015, Counsel advised MR. Roach to unconditional  
ly waive his Rights and Plead guilty if defendant wanted  
the deal that the district was offering or go to trial and get  
more time. Counsel has exerted pressure at Court upon  
defendant Roach at Calendar Call on Pleading guilty to  
accept a 5-21 years. Defendant Roach was not competent  
at calendar call and Plead guilty and was sentenced to  
5 to 15 years with Robbery with a Use of a deadly  
Weapon and a additional 5 to 15 years for the Enhancement  
and 13 months to 60 months for the Conspiracy to commit  
Robbery by the honorable Judge Stephany Miley on  
May 6, 2015. Counsel stated in Court that all was told  
an approximate total of 5-21 years by parole and  
probation. The Assistance of Counsel Caesar Almase  
acknowledged that defendant is suffering from Dystymia  
neither parties has seeked to give defendant a(n)  
psychological Evaluation but has used defendant  
to settle on a plea agreement and perjury himself  
to the courts and himself. Defendant Roach was deprived  
of potential defense, Counsel has failed to investigate  
defendants mental state and possible insanity defense and  
made defendant to perjury himself by lying to the court  
about ~~being~~ understanding his rights.

1 (c) Ground THREE: District Court failed to conduct Competency  
2 Hearing before accepting Plea Agreement and  
3 Written Plea agreement  
4 14<sup>th</sup> Amendment U.S. Constitution

5 Supporting FACTS (Tell your story briefly without citing cases or law.): On May 6, 2015  
6 defendant was advised by Attorney to sign and waive  
7 his Rights and plead guilty. The defendant plead guilty  
8 to Count 1 Robbery with a Use of a deadly weapon and  
9 Count 2 Conspiracy to Commit Robbery. The defendant  
10 Roach has a long history of depression and was diagnosed  
11 at a young age and has ~~many~~ serious Mental Health issues  
12 and has been an out-patient at a mental health clinic  
13 and was Celexa, Ambien, Trazodone All which is verified  
14 in his mental Records. Counsel Caesar Almase admitted  
15 that defendant has attempted suicide on a number of  
16 occasion And chose not to forward them to the Court  
17 because there are sensitive information. MR Roach  
18 should of had a Psychological Evaluation. Mr Roach  
19 pled and signed the written plea agreement under  
20 false pretenses. There were more than enough sustaina  
21 ble evidence to his competency. Defendant was legally  
22 incompetent. In violation of NRS 173.405 and due  
23 process 14<sup>th</sup> Amendment U.S. Constitution. A bona fide  
24 doubt should exist when there is sustainable evidence of  
25 incompetency, Lewis 911 F.2d 527 Harding 834 F.2d 826  
26 MR Roach should be allowed to withdraw plea and or  
27 nullify Judgment of conviction  
28

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(d) Ground FOUR: .....

Supporting FACTS (Tell your story briefly without citing cases or law.): .....

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

EXECUTED at High Desert State Prison on the \_\_\_\_ day of the month of \_\_\_\_\_, 20\_\_.

\* Christopher Roach  
High Desert State Prison  
Post Office Box 650  
Indian Springs, Nevada 89070  
Petitioner in Proper Person

#### VERIFICATION

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

\* Christopher Roach  
High Desert State Prison  
Post Office Box 650  
Indian Springs, Nevada 89070  
Petitioner in Proper Person

#### AFFIRMATION (Pursuant to NRS 239B.030)

The undersigned does hereby affirm that the preceeding PETITION FOR WRIT OF HABEAS CORPUS filed in District Court Case Number \_\_\_\_\_ Does not contain the social security number of any person.

\* Christopher Roach  
High Desert State Prison  
Post Office Box 650  
Indian Springs, Nevada 89070  
Petitioner in Proper Person

#### CERTIFICATE OF SERVICE BY MAIL

I, Christopher Roach, hereby certify pursuant to N.R.C.P. 5(b), that on this 18 day of the month of October, 2011, I mailed a true and correct copy of the foregoing PETITION FOR WRIT OF HABEAS CORPUS addressed to:

D.W. Neven, Warden High Desert State Prison  
Post Office Box 650  
Indian Springs, Nevada 89070

Attorney General of Nevada  
100 North Carson Street  
Carson City, Nevada 89701

Clark County District Attorney's Office  
200 Lewis Avenue  
Las Vegas, Nevada 89155

\* Christopher Roach  
High Desert State Prison  
Post Office Box 650  
Indian Springs, Nevada 89070  
Petitioner in Proper Person

\* Print your name and NDOC back number and sign

Christopher Reach # 10716731  
HDSR P.D. Box 6620  
Indian Springs NV, 89070

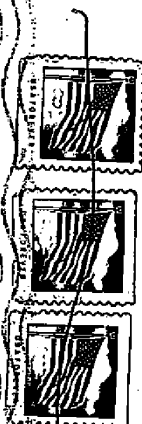


STEVEN D. GRIERSON  
District Court Clerk  
200 Lewis Avenue  
Las Vegas, NV. 89155



CONFIDENTIAL  
MAIL

Las Vegas, NV 89155  
THU 19 OCT 2017 PM



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*Stefany A. Miley*  
CLERK OF THE COURT

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

CHRISTOPHER LEROY ROACH,

Petitioner,

vs.

STATE OF NEVADA,

Respondent,

Case No: C-14-300979-1  
Department 23

**ORDER FOR PETITION FOR  
WRIT OF HABEAS CORPUS**

Petitioner filed a Petition for Writ of Habeas Corpus (Post-Conviction Relief) on October 31, 2017. The Court has reviewed the Petition and has determined that a response would assist the Court in determining whether Petitioner is illegally imprisoned and restrained of his/her liberty, and good cause appearing therefore,

**IT IS HEREBY ORDERED** that Respondent shall, within 45 days after the date of this Order, answer or otherwise respond to the Petition and file a return in accordance with the provisions of NRS 34.360 to 34.830, inclusive.

**IT IS HEREBY FURTHER ORDERED** that this matter shall be placed on this Court's

Calendar on the 10<sup>th</sup> day of January, 2017, at the hour of

11:00 am o'clock for further proceedings.

*Stefany A. Miley*  
District Court Judge

JUDGE STEFANY A. MILEY

C-14-300979-1  
OPWH  
Order for Petition for Writ of Habeas Corpus  
4698134



CLERK OF THE COURT

NOV 16 2017

RECEIVED

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1 **RSPN**  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 RYAN J. MACDONALD  
6 Deputy District Attorney  
7 Nevada Bar #12615  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,  
10 Plaintiff,

11 -vs-

CASE NO: C-14-300979-1

12 CHRISTOPHER LEROY ROACH, aka  
13 Christopher Roach,  
14 #2757657

DEPT NO: XXIII

Defendant.

STATE'S RESPONSE TO DEFENDANT'S PETITION FOR WRIT OF HABEAS  
CORPUS

DATE OF HEARING: JANUARY 10, 2018  
TIME OF HEARING: 11:00 AM.

18 COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County  
19 District Attorney, through RYAN J. MACDONALD, Deputy District Attorney, and hereby  
20 submits the attached Points and Authorities in Response to Defendant's Petition for Writ of  
21 Habeas Corpus.

22 This response is made and based upon all the papers and pleadings on file herein, the  
23 attached points and authorities in support hereof, and oral argument at the time of hearing, if  
24 deemed necessary by this Honorable Court.

25 //

26 //

27 //

28 //

W:\2014\2014F\104\76\14F10476-RSPN-(ROACH\_CHRISTOPHER)-001.DOCX



1 **POINTS AND AUTHORITIES**

2 **STATEMENT OF THE CASE**

3 On July 30, 2014, a Second Amended Criminal Complaint was filed charging  
4 Christopher Roach (hereinafter "Defendant"), as follows: Count 1: Conspiracy to Commit  
5 Robbery; Count 2: Robbery with Use of a Deadly Weapon; Count 3: Coercion; Count 4:  
6 Conspiracy to Commit Robbery; Count 5: Robbery; Count 6: Conspiracy to Commit Robbery;  
7 Count 7: Robbery with Use of a Deadly Weapon and Count 8: Possession of Stolen Property;  
8 Count 9: Possession of Credit or Debit Card Without Cardholders Consent; and Count 10  
9 Possession of Credit or Debit Card Without Cardholder's Consent.

10 On September 17, 2014, a preliminary hearing was held. The justice court held  
11 Defendant to answer to all charges in the Second Amended Criminal Complaint.

12 On September 22, 2014, an Information was filed charging Defendant as follows:  
13 Count 1: Conspiracy to Commit Robbery; Count 2: Robbery with Use of a Deadly Weapon;  
14 Count 3: Coercion; Count 4: Conspiracy to Commit Robbery; Count 5: Robbery; Count 6:  
15 Conspiracy to Commit Robbery; Count 7: Robbery with Use of a Deadly Weapon and Count  
16 8: Possession of Stolen Property. Defendant filed a Petition for Writ of Habeas Corpus on  
17 October 23, 2014. The State filed a Return to Writ of Habeas Corpus on November 5, 2014.  
18 On November 19, 2014, this Court denied Defendant's Petition to Writ of Habeas Corpus.

19 On March 11, 2015, Defendant pleaded guilty to Count 1: Robbery with Use of a  
20 Deadly Weapon and Count 2: Conspiracy to Commit Robbery. On March 16, 2015, an  
21 Amended Information was filed charging Defendant as follows: Count 1: Robbery with Use  
22 of a Deadly Weapon and Count: 2 Conspiracy to Commit Robbery.

23 This Court sentenced Defendant on May 6, 2015, as follows: Count 1: a maximum of  
24 one hundred eighty months with a minimum parole eligibility of sixty months plus a  
25 consecutive term of one hundred eighty months with a minimum parole eligibility of sixty  
26 months for the deadly weapon enhancement; and Count 2: a maximum of sixty months with a  
27 minimum parole eligibility of thirteen months; Consecutive to Count 1. Defendant received  
28 three hundred and nine days credit for time served. The aggregate total sentence was noted as

1 four hundred twenty months maximum with a minimum of one hundred thirty-three months.  
2 The Judgment of Conviction was filed on May 12, 2015.

3 Defendant filed a Notice of Appeal that same day. The Judgment of the Court was  
4 affirmed in an Order dated December 18, 2015. Remittitur issued on January 14, 2016. After  
5 receiving a letter from the Nevada Department of Corrections noting that Defendant's  
6 convictions did not meet the standards for aggregation of sentence, an Amended Judgment of  
7 Conviction was filed May 12, 2016, removing the aggregate-total-sentence notation from the  
8 Judgment of Conviction.

9 On October 31, 2017, Defendant filed the instant Petition for Writ of Habeas Corpus.  
10 The State responds as follows.

### 11 **ARGUMENT**

#### 12 **I. DEFENDANT'S PETITION IS PROCEDURALLY BARRED**

##### 13 **a. The Procedural Bars are Mandatory**

14 The Nevada Supreme Court has held that "[a]pplication of the statutory procedural  
15 default rules to post-conviction habeas petitions is *mandatory*," noting:

16 Habeas corpus petitions that are filed many years after conviction  
17 are an unreasonable burden on the criminal justice system. The  
18 necessity for a workable system dictates that there must exist a  
time when a criminal conviction is final.

19 State v. Dist. Court (Riker), 121 Nev. 225, 112 P.3d 1070 (2005) (emphasis added). District  
20 courts thus have a duty to consider whether a defendant's post-conviction petition claims are  
21 procedurally barred. Id. at 231, 112 P.3d at 1074. The Court further noted that procedural  
22 bars "cannot be ignored [by the district court] when properly raised by the State." Id. at 233,  
23 112 P.3d at 1075; see also State v. Greene, 129 Nev. \_\_\_, \_\_\_, 307 P.3d 322, 326 (2013)  
24 (reiterating that absent a showing of good cause and prejudice, the procedural default rules are  
25 mandatory). The Nevada Supreme Court has granted no discretion to the district courts  
26 regarding whether to apply the statutory procedural bars; the rules *must* be applied. For the  
27 reasons discussed below, Defendant's Petition must be denied.

28 //

1                   **b. Defendant's Petition is Time Barred**

2           The mandatory provision of NRS 34.726(1) states:

3                   Unless there is good cause shown for delay, a petition that  
4                   challenges the validity of a judgment or sentence must be filed  
5                   *within 1 year after entry of the judgment of conviction* or, if an  
6                   appeal has been taken from the judgment, *within 1 year after the  
Supreme Court issues its remittitur*. For the purposes of this  
subsection, good cause for delay exists if the petitioner  
demonstrates to the satisfaction of the court:

- 7                   (a) That the delay is not the fault of the petitioner; and  
8                   (b) That dismissal of the petition as untimely will  
unduly prejudice the petitioner.

9 (emphasis added). “[T]he statutory rules regarding procedural default are mandatory and  
10 cannot be ignored when properly raised by the State.” Riker, 121 Nev. at 233, 112 P.3d at  
11 1075.

12           Accordingly, the one-year time bar prescribed by NRS 34.726 begins to run from the  
13 date the judgment of conviction is filed or a remittitur from a timely direct appeal is filed.  
14 Dickerson v. State, 114 Nev. 1084, 1087, 967 P.2d 1132, 1133-34 (1998); see Pellegrini v.  
15 State, 117 Nev. 860, 873, 34 P.3d 519, 528 (2001) (holding that NRS 34.726 should be  
16 construed by its plain meaning). In Gonzales v. State, 118 Nev. 590, 593, 590 P.3d 901, 902  
17 (2002), the Nevada Supreme Court affirmed the rejection of a habeas petition that was filed  
18 two days late, pursuant to the “clear and unambiguous” mandatory provisions of NRS  
19 34.726(1). Gonzales reiterated the importance of filing the petition with the District Court  
20 within the one-year mandate, absent a showing of “good cause” for the delay in filing.  
21 Gonzales, 590 P.3d at 902. The one-year time bar is therefore strictly applied and construed  
22 by its plain meaning. Pellegrini, 117 Nev. at 873-74, 34 P.3d at 528. In contrast with the short  
23 amount of time to file a notice of appeal, a prisoner has an ample full year to file a post-  
24 conviction habeas petition, so there is no injustice in a strict application of NRS 34.726(1),  
25 despite any alleged difficulties with the postal system. Gonzales, 118 Nev. at 595, 53 P.3d at  
26 903.

27           Here, remittitur from Defendant's direct appeal was issued on January 14, 2016.  
28 Accordingly, Defendant had until January 14, 2017, to file a post-conviction petition.

1 Defendant filed the instant Petition on October 31, 2017, over one year after remittitur issued.  
2 Therefore, absent a showing of good cause and prejudice, Defendant's Petition must be denied  
3 as time-barred pursuant to NRS 34.726(1).

4 **A. Defendant Fails To Establish Good Cause And Prejudice To Overcome The**  
5 **Procedural Bars To His Petition.**

6 **1. Defendant Has Not Established Good Cause.**

7 A showing of good cause and prejudice may overcome the procedural bars. In order to  
8 demonstrate good cause, a petitioner must show that an impediment external to the defense  
9 prevented him or her from complying with the state procedural default rules. Hathaway v.  
10 State, 119 Nev. 248, 252, 71 P.3d 503, 506 (2003). An impediment external to the defense  
11 may be demonstrated by a showing "that the factual or legal basis for a claim was not  
12 reasonably available to counsel, or that 'some interference by officials,' made compliance  
13 impracticable." Id. (citing Murray v. Carrier, 477 U.S. 478, 488, 91 L. Ed. 2d 397, 106 S. Ct.  
14 2639 (1986) (internal citations omitted)). A claim or allegation that was reasonably available  
15 to the petitioner during the statutory time period would not constitute good cause to excuse the  
16 delay. Id. at 253, 71 P.3d at 506.

17 A proper petition for post-conviction relief must set forth specific factual allegations.  
18 N.R.S. 34.735(6) states, in pertinent part:

19 [Petitioner] must allege specific facts supporting the claims in  
20 the petition [he] file[s] seeking relief from any conviction or  
21 sentence. Failure to raise specific facts rather than just  
22 conclusions may cause [the] petition to be dismissed.

23 "Bare" and "naked" allegations are not sufficient to warrant post-conviction relief, nor  
24 are those belied and repelled by the record. Hargrove v. State, 100 Nev. 498, 502, 686 P.2d  
25 222, 225 (1984). As discussed below, Defendant provides no factual or legal support for any  
26 of the claims that he raises in this Petition. Instead, he only makes a series of bare allegations  
27 and conclusory claims.

28 Defendant's only contention of good cause is that he was "not able to get in contact  
with assistance of counsel." Defendant's contention is unclear as to how this issue impeded

1 him from filing a timely Petition. Moreover, Defendant merely repeats his same failed cruel-  
2 and-unusual-punishment that the Nevada Supreme Court rejected in his direct appeal. Roach  
3 v. State, Docket No. 68011 (Order of Affirmance December 18, 2015).

4 Further, Defendant's sole claim lacks sufficient specificity to meet the pleading  
5 requirement to establish good cause. Defendant has the burden of pleading and proving  
6 specific facts that demonstrate both good cause and prejudice to overcome the procedural bars.  
7 State v. Bennett, 119 Nev. 589, 81 P.3d 1 (2003). Because Defendant has not established good  
8 cause, the Petition must be dismissed.

9  
10 **CONCLUSION**

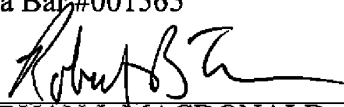
11 Based on the foregoing, the State respectfully requests Defendant's Petition be  
12 DENIED.

13 DATED this 13<sup>th</sup> day of December, 2017.

14 Respectfully submitted,

15 STEVEN B. WOLFSON  
16 Clark County District Attorney  
Nevada Bar #001565

17  
18 BY

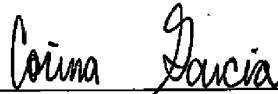
  
19 RYAN J. MACDONALD  
20 Deputy District Attorney  
21 Nevada Bar #12615  
22  
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28

**CERTIFICATE OF MAILING**

I hereby certify that service of the above and foregoing was made this 13<sup>th</sup> day of December, 2017, by depositing a copy in the U.S. Mail, postage pre-paid, addressed to:

CHRISTOPHER ROACH #1076731  
High Desert State Prison  
P.O. Box 650  
Indian Springs, NV, 89070

BY



Corinna Garcia  
Secretary for the District Attorney's Office

RJM/al/cg/L3



1 FCL  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 CHARLES W. THOMAN  
6 Deputy District Attorney  
7 Nevada Bar #12649  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,  
10 Plaintiff,

11 -vs-

12 CHRISTOPHER LEROY ROACH, aka  
13 Christopher Roach,  
14 #2757657

Defendant.

CASE NO: C-14-300979-1

DEPT NO: XXIII

FINDINGS OF FACT, CONCLUSIONS OF  
LAW AND ORDER

DATE OF HEARING: JANUARY 10, 2018  
TIME OF HEARING: 11:00 AM

19 THIS CAUSE having come on for hearing before the Honorable STEPHANIE MILEY,  
20 District Judge, on the 10th day of January, 2018, the Petitioner not being present, PROPER  
21 PERSON , the Respondent being represented by STEVEN B. WOLFSON, Clark County  
22 District Attorney, by and through FRANK LOGRIPPO, Deputy District Attorney, and the  
23 Court having considered the matter, including briefs, transcripts, arguments of counsel, and  
24 documents on file herein, now therefore, the Court makes the following findings of fact and  
25 conclusions of law:

26 ///

27 ///

28 ///

1 **FINDINGS OF FACT, CONCLUSIONS OF LAW**

2 **PROCEDURAL HISTORY**

3 On July 30, 2014, a Second Amended Criminal Complaint was filed charging  
4 Christopher Roach (hereinafter "Defendant"), as follows: Count 1: Conspiracy to Commit  
5 Robbery; Count 2: Robbery with Use of a Deadly Weapon; Count 3: Coercion; Count 4:  
6 Conspiracy to Commit Robbery; Count 5: Robbery; Count 6: Conspiracy to Commit Robbery;  
7 Count 7: Robbery with Use of a Deadly Weapon and Count 8: Possession of Stolen Property;  
8 Count 9: Possession of Credit or Debit Card Without Cardholders Consent; and Count 10  
9 Possession of Credit or Debit Card Without Cardholder's Consent.

10 On September 17, 2014, a preliminary hearing was held. The justice court held  
11 Defendant to answer to all charges in the Second Amended Criminal Complaint.

12 On September 22, 2014, an Information was filed charging Defendant as follows:  
13 Count 1: Conspiracy to Commit Robbery; Count 2: Robbery with Use of a Deadly Weapon;  
14 Count 3: Coercion; Count 4: Conspiracy to Commit Robbery; Count 5: Robbery; Count 6:  
15 Conspiracy to Commit Robbery; Count 7: Robbery with Use of a Deadly Weapon and Count  
16 8: Possession of Stolen Property. Defendant filed a Petition for Writ of Habeas Corpus on  
17 October 23, 2014. The State filed a Return to Writ of Habeas Corpus on November 5, 2014.  
18 On November 19, 2014, this Court denied Defendant's Petition to Writ of Habeas Corpus.

19 On March 11, 2015, Defendant pleaded guilty to Count 1: Robbery with Use of a  
20 Deadly Weapon and Count 2: Conspiracy to Commit Robbery. On March 16, 2015, an  
21 Amended Information was filed charging Defendant as follows: Count 1: Robbery with Use  
22 of a Deadly Weapon and Count: 2 Conspiracy to Commit Robbery.

23 This Court sentenced Defendant on May 6, 2015, as follows: Count 1: a maximum of  
24 one hundred eighty months with a minimum parole eligibility of sixty months plus a  
25 consecutive term of one hundred eighty months with a minimum parole eligibility of sixty  
26 months for the deadly weapon enhancement; and Count 2: a maximum of sixty months with a  
27 minimum parole eligibility of thirteen months; Consecutive to Count 1. Defendant received  
28 three hundred and nine days credit for time served. The aggregate total sentence was noted as



1 four hundred twenty months maximum with a minimum of one hundred thirty-three months.  
2 The Judgment of Conviction was filed on May 12, 2015.

3 Defendant filed a Notice of Appeal that same day. The Judgment of the Court was  
4 affirmed in an Order dated December 18, 2015. Remittitur issued on January 14, 2016. After  
5 receiving a letter from the Nevada Department of Corrections noting that Defendant's  
6 convictions did not meet the standards for aggregation of sentence, an Amended Judgment of  
7 Conviction was filed May 12, 2016, removing the aggregate-total-sentence notation from the  
8 Judgment of Conviction.

9 On October 31, 2017, Defendant filed the instant Petition for Writ of Habeas Corpus.  
10 The State responded to Defendant's Petition for Writ of Habeas Corpus on December 13, 2017.  
11 This Court denied Defendant's Petition on January 10, 2018, as follows.

## 12 ANALYSIS

### 13 **I. DEFENDANT'S PETITION IS PROCEDURALLY BARRED**

#### 14 **a. The Procedural Bars are Mandatory**

15 The Nevada Supreme Court has held that "[a]pplication of the statutory procedural  
16 default rules to post-conviction habeas petitions is *mandatory*," noting:

17 Habeas corpus petitions that are filed many years after conviction  
18 are an unreasonable burden on the criminal justice system. The  
19 necessity for a workable system dictates that there must exist a  
time when a criminal conviction is final.

20 State v. Dist. Court (Riker), 121 Nev. 225, 112 P.3d 1070 (2005) (emphasis added). District  
21 courts thus have a duty to consider whether a defendant's post-conviction petition claims are  
22 procedurally barred. Id. at 231, 112 P.3d at 1074. The Court further noted that procedural  
23 bars "cannot be ignored [by the district court] when properly raised by the State." Id. at 233,  
24 112 P.3d at 1075; see also State v. Greene, 129 Nev. \_\_\_, \_\_\_, 307 P.3d 322, 326 (2013)  
25 (reiterating that absent a showing of good cause and prejudice, the procedural default rules are  
26 mandatory). The Nevada Supreme Court has granted no discretion to the district courts  
27 regarding whether to apply the statutory procedural bars; the rules *must* be applied. For the  
28 reasons discussed below, this Court finds that Defendant's Petition must be denied.

1                   **b. Defendant's Petition is Time Barred**

2           The mandatory provision of NRS 34.726(1) states:

3                   Unless there is good cause shown for delay, a petition that  
4                   challenges the validity of a judgment or sentence must be filed  
5                   *within 1 year after entry of the judgment of conviction* or, if an  
6                   appeal has been taken from the judgment, *within 1 year after the*  
7                   *Supreme Court issues its remittitur*. For the purposes of this  
8                   subsection, good cause for delay exists if the petitioner  
9                   demonstrates to the satisfaction of the court:

- 10                   (a) That the delay is not the fault of the petitioner; and  
11                   (b) That dismissal of the petition as untimely will  
12                   unduly prejudice the petitioner.

13           (emphasis added). “[T]he statutory rules regarding procedural default are mandatory and  
14           cannot be ignored when properly raised by the State.” Riker, 121 Nev. at 233, 112 P.3d at  
15           1075.

16           Accordingly, the one-year time bar prescribed by NRS 34.726 begins to run from the  
17           date the judgment of conviction is filed or a remittitur from a timely direct appeal is filed.  
18           Dickerson v. State, 114 Nev. 1084, 1087, 967 P.2d 1132, 1133-34 (1998); see Pellegrini v.  
19           State, 117 Nev. 860, 873, 34 P.3d 519, 528 (2001) (holding that NRS 34.726 should be  
20           construed by its plain meaning). In Gonzales v. State, 118 Nev. 590, 593, 590 P.3d 901, 902  
21           (2002), the Nevada Supreme Court affirmed the rejection of a habeas petition that was filed  
22           two days late, pursuant to the “clear and unambiguous” mandatory provisions of NRS  
23           34.726(1). Gonzales reiterated the importance of filing the petition with the District Court  
24           within the one-year mandate, absent a showing of “good cause” for the delay in filing.  
25           Gonzales, 590 P.3d at 902. The one-year time bar is therefore strictly applied and construed  
26           by its plain meaning. Pellegrini, 117 Nev. at 873-74, 34 P.3d at 528. In contrast with the short  
27           amount of time to file a notice of appeal, a prisoner has an ample full year to file a post-  
28           conviction habeas petition, so there is no injustice in a strict application of NRS 34.726(1),  
29           despite any alleged difficulties with the postal system. Gonzales, 118 Nev. at 595, 53 P.3d at  
30           903.

31           Here, remittitur from Defendant's direct appeal was issued on January 14, 2016.  
32           Accordingly, Defendant had until January 14, 2017, to file a post-conviction petition.

1 Defendant filed the instant Petition on October 31, 2017, over one year after remittitur issued.  
2 Therefore, absent a showing of good cause and prejudice, Defendant's Petition must be denied  
3 as time-barred pursuant to NRS 34.726(1).

4 **A. Defendant Fails To Establish Good Cause And Prejudice To Overcome The**  
5 **Procedural Bars To His Petition.**

6 **1. Defendant Has Not Established Good Cause.**

7 A showing of good cause and prejudice may overcome the procedural bars. In order to  
8 demonstrate good cause, a petitioner must show that an impediment external to the defense  
9 prevented him or her from complying with the state procedural default rules. Hathaway v.  
10 State, 119 Nev. 248, 252, 71 P.3d 503, 506 (2003). An impediment external to the defense  
11 may be demonstrated by a showing "that the factual or legal basis for a claim was not  
12 reasonably available to counsel, or that 'some interference by officials,' made compliance  
13 impracticable." Id. (citing Murray v. Carrier, 477 U.S. 478, 488, 91 L. Ed. 2d 397, 106 S. Ct.  
14 2639 (1986) (internal citations omitted)). A claim or allegation that was reasonably available  
15 to the petitioner during the statutory time period would not constitute good cause to excuse the  
16 delay. Id. at 253, 71 P.3d at 506.

17 A proper petition for post-conviction relief must set forth specific factual allegations.  
18 N.R.S. 34.735(6) states, in pertinent part:

19 [Petitioner] must allege specific facts supporting the claims in  
20 the petition [he] file[s] seeking relief from any conviction or  
21 sentence. Failure to raise specific facts rather than just  
22 conclusions may cause [the] petition to be dismissed.

23 "Bare" and "naked" allegations are not sufficient to warrant post-conviction relief, nor  
24 are those belied and repelled by the record. Hargrove v. State, 100 Nev. 498, 502, 686 P.2d  
25 222, 225 (1984). As discussed below, Defendant provides no factual or legal support for any  
26 of the claims that he raises in this Petition. Instead, he only makes a series of bare allegations  
27 and conclusory claims.

28 Defendant's only contention of good cause is that he was "not able to get in contact  
with assistance of counsel." Defendant's contention is unclear as to how this issue impeded

1 him from filing a timely Petition. Moreover, Defendant merely repeats his same failed cruel-  
2 and-unusual-punishment that the Nevada Supreme Court rejected in his direct appeal. Roach  
3 v. State, Docket No. 68011 (Order of Affirmance December 18, 2015).

4 Further, Defendant's sole claim lacks sufficient specificity to meet the pleading  
5 requirement to establish good cause. Defendant has the burden of pleading and proving  
6 specific facts that demonstrate both good cause and prejudice to overcome the procedural bars.  
7 State v. Bennett, 119 Nev. 589, 81 P.3d 1 (2003). Because this Court finds that Defendant has  
8 not established good cause, the Petition must be dismissed.

9 **ORDER**

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

12 DATED this 14<sup>th</sup> day of February, 2018

13  
14   
DISTRICT JUDGE

JUDGE STEFANY A. MILEY

15 STEVEN B. WOLFSON  
16 Clark County District Attorney  
Nevada Bar #001565

17  
18 BY 

19 CHARLES W. THOMAN  
20 Deputy District Attorney  
21 Nevada Bar #12649  
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**CERTIFICATE OF MAILING**

I hereby certify that service of the above and foregoing was made this 20<sup>th</sup> day of February, 2018, by depositing a copy in the U.S. Mail, addressed to:

CHRISTOPHER ROACH #1076731  
High Desert State Prison  
P.O. Box 650  
Indian Springs, NV, 89070

BY Corinna Garcia  
Corinna Garcia  
Secretary for the District Attorney's Office

CWT/al/cg/L3



1 NEO

2 DISTRICT COURT  
3 CLARK COUNTY, NEVADA

4 CHRISTOPHER ROACH,

5  
6 Petitioner,

Case No: C-14-300979-1

Dept No: XXIII

7 vs.

8 THE STATE OF NEVADA,

9 Respondent,

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

10  
11 PLEASE TAKE NOTICE that on February 20, 2018, the court entered a decision or order in this  
matter, a true and correct copy of which is attached to this notice.

12 You may appeal to the Supreme Court from the decision or order of this court. If you wish to appeal, you  
13 must file a notice of appeal with the clerk of this court within thirty-three (33) days after the date this notice is  
14 mailed to you. This notice was mailed on February 22, 2018.

15 STEVEN D. GRIERSON, CLERK OF THE COURT

16 /s/ Amanda Hampton

Amanda Hampton, Deputy Clerk

17  
18  
19 CERTIFICATE OF E-SERVICE / MAILING

20 I hereby certify that on this 22 day of February 2018, I served a copy of this Notice of Entry on the  
following:

21 ☒ By e-mail:

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

23  
24 ☒ The United States mail addressed as follows:

25 Christopher Roach # 1076731  
P.O. Box 208  
Indian Springs, NV 89070

26  
27 /s/ Amanda Hampton

Amanda Hampton, Deputy Clerk



1 FCL  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 CHARLES W. THOMAN  
6 Deputy District Attorney  
7 Nevada Bar #12649  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,  
10 Plaintiff,

11 -vs-

12 CHRISTOPHER LEROY ROACH, aka  
13 Christopher Roach,  
14 #2757657

Defendant.

CASE NO: C-14-300979-1

DEPT NO: XXIII

FINDINGS OF FACT, CONCLUSIONS OF  
LAW AND ORDER

DATE OF HEARING: JANUARY 10, 2018  
TIME OF HEARING: 11:00 AM

19 THIS CAUSE having come on for hearing before the Honorable STEPHANIE MILEY,  
20 District Judge, on the 10th day of January, 2018, the Petitioner not being present, PROPER  
21 PERSON , the Respondent being represented by STEVEN B. WOLFSON, Clark County  
22 District Attorney, by and through FRANK LOGRIPPO, Deputy District Attorney, and the  
23 Court having considered the matter, including briefs, transcripts, arguments of counsel, and  
24 documents on file herein, now therefore, the Court makes the following findings of fact and  
25 conclusions of law:

26 ///

27 ///

28 ///

1 **FINDINGS OF FACT, CONCLUSIONS OF LAW**

2 **PROCEDURAL HISTORY**

3 On July 30, 2014, a Second Amended Criminal Complaint was filed charging  
4 Christopher Roach (hereinafter "Defendant"), as follows: Count 1: Conspiracy to Commit  
5 Robbery; Count 2: Robbery with Use of a Deadly Weapon; Count 3: Coercion; Count 4:  
6 Conspiracy to Commit Robbery; Count 5: Robbery; Count 6: Conspiracy to Commit Robbery;  
7 Count 7: Robbery with Use of a Deadly Weapon and Count 8: Possession of Stolen Property;  
8 Count 9: Possession of Credit or Debit Card Without Cardholders Consent; and Count 10  
9 Possession of Credit or Debit Card Without Cardholder's Consent.

10 On September 17, 2014, a preliminary hearing was held. The justice court held  
11 Defendant to answer to all charges in the Second Amended Criminal Complaint.

12 On September 22, 2014, an Information was filed charging Defendant as follows:  
13 Count 1: Conspiracy to Commit Robbery; Count 2: Robbery with Use of a Deadly Weapon;  
14 Count 3: Coercion; Count 4: Conspiracy to Commit Robbery; Count 5: Robbery; Count 6:  
15 Conspiracy to Commit Robbery; Count 7: Robbery with Use of a Deadly Weapon and Count  
16 8: Possession of Stolen Property. Defendant filed a Petition for Writ of Habeas Corpus on  
17 October 23, 2014. The State filed a Return to Writ of Habeas Corpus on November 5, 2014.  
18 On November 19, 2014, this Court denied Defendant's Petition to Writ of Habeas Corpus.

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23 This Court sentenced Defendant on May 6, 2015, as follows: Count 1: a maximum of  
24 one hundred eighty months with a minimum parole eligibility of sixty months plus a  
25 consecutive term of one hundred eighty months with a minimum parole eligibility of sixty  
26 months for the deadly weapon enhancement; and Count 2: a maximum of sixty months with a  
27 minimum parole eligibility of thirteen months; Consecutive to Count 1. Defendant received  
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3 Defendant filed a Notice of Appeal that same day. The Judgment of the Court was  
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5 receiving a letter from the Nevada Department of Corrections noting that Defendant's  
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11 This Court denied Defendant's Petition on January 10, 2018, as follows.

## 12 ANALYSIS

### 13 **I. DEFENDANT'S PETITION IS PROCEDURALLY BARRED**

#### 14 **a. The Procedural Bars are Mandatory**

15 The Nevada Supreme Court has held that "[a]pplication of the statutory procedural  
16 default rules to post-conviction habeas petitions is *mandatory*," noting:

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18 are an unreasonable burden on the criminal justice system. The  
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time when a criminal conviction is final.

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24 112 P.3d at 1075; see also State v. Greene, 129 Nev. \_\_\_, \_\_\_, 307 P.3d 322, 326 (2013)  
25 (reiterating that absent a showing of good cause and prejudice, the procedural default rules are  
26 mandatory). The Nevada Supreme Court has granted no discretion to the district courts  
27 regarding whether to apply the statutory procedural bars; the rules *must* be applied. For the  
28 reasons discussed below, this Court finds that Defendant's Petition must be denied.

1                   **b. Defendant's Petition is Time Barred**

2           The mandatory provision of NRS 34.726(1) states:

3                   Unless there is good cause shown for delay, a petition that  
4                   challenges the validity of a judgment or sentence must be filed  
5                   *within 1 year after entry of the judgment of conviction* or, if an  
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- 10                   (a) That the delay is not the fault of the petitioner; and  
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16           Accordingly, the one-year time bar prescribed by NRS 34.726 begins to run from the  
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30           903.

31           Here, remittitur from Defendant's direct appeal was issued on January 14, 2016.  
32           Accordingly, Defendant had until January 14, 2017, to file a post-conviction petition.

1 Defendant filed the instant Petition on October 31, 2017, over one year after remittitur issued.  
2 Therefore, absent a showing of good cause and prejudice, Defendant's Petition must be denied  
3 as time-barred pursuant to NRS 34.726(1).

4 **A. Defendant Fails To Establish Good Cause And Prejudice To Overcome The**  
5 **Procedural Bars To His Petition.**

6 **1. Defendant Has Not Established Good Cause.**

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8 demonstrate good cause, a petitioner must show that an impediment external to the defense  
9 prevented him or her from complying with the state procedural default rules. Hathaway v.  
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14 2639 (1986) (internal citations omitted)). A claim or allegation that was reasonably available  
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17 A proper petition for post-conviction relief must set forth specific factual allegations.  
18 N.R.S. 34.735(6) states, in pertinent part:

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23 "Bare" and "naked" allegations are not sufficient to warrant post-conviction relief, nor  
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25 222, 225 (1984). As discussed below, Defendant provides no factual or legal support for any  
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27 and conclusory claims.

28 Defendant's only contention of good cause is that he was "not able to get in contact  
with assistance of counsel." Defendant's contention is unclear as to how this issue impeded

1 him from filing a timely Petition. Moreover, Defendant merely repeats his same failed cruel-  
2 and-unusual-punishment that the Nevada Supreme Court rejected in his direct appeal. Roach  
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6 specific facts that demonstrate both good cause and prejudice to overcome the procedural bars.  
7 State v. Bennett, 119 Nev. 589, 81 P.3d 1 (2003). Because this Court finds that Defendant has  
8 not established good cause, the Petition must be dismissed.

9 **ORDER**

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

12 DATED this 14<sup>th</sup> day of February, 2018

13  
14   
DISTRICT JUDGE

JUDGE STEFANY A. MILEY

15 STEVEN B. WOLFSON  
16 Clark County District Attorney  
Nevada Bar #001565

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18 BY 

19 CHARLES W. THOMAN  
20 Deputy District Attorney  
21 Nevada Bar #12649  
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**CERTIFICATE OF MAILING**

I hereby certify that service of the above and foregoing was made this 20<sup>th</sup> day of February, 2018, by depositing a copy in the U.S. Mail, addressed to:

CHRISTOPHER ROACH #1076731  
High Desert State Prison  
P.O. Box 650  
Indian Springs, NV, 89070

BY Corinna Garcia  
Corinna Garcia  
Secretary for the District Attorney's Office

CWT/al/cg/L3

*Steven D. Grierson*

Case No. C-14-300979-1  
Dept. No. XX111

IN THE 3<sup>th</sup> JUDICIAL DISTRICT COURT OF THE  
STATE OF NEVADA IN AND FOR THE COUNTY OF CLARK

Christopher Roach  
Petitioner,

v.

PETITION FOR WRIT  
OF HABEAS CORPUS  
(POSTCONVICTION)

Warden  
Respondent.

INSTRUCTIONS:

- (1) This petition must be legibly handwritten or typewritten, signed by the petitioner and verified.
- (2) Additional pages are not permitted except where noted or with respect to the facts which you rely upon to support your grounds for relief. No citation of authorities need be furnished. If briefs or arguments are submitted, they should be submitted in the form of a separate memorandum.
- (3) If you want an attorney appointed, you must complete the Affidavit in Support of Request to Proceed in Forma Pauperis. You must have an authorized officer at the prison complete the certificate as to the amount of money and securities on deposit to your credit in any account in the institution.
- (4) You must name as respondent the person by whom you are confined or restrained. If you are in a specific institution of the Department of Corrections, name the warden or head of the institution. If you are not in a specific institution of the Department but within its custody, name the Director of the Department of Corrections.
- (5) You must include all grounds or claims for relief which you may have regarding your conviction or sentence. Failure to raise all grounds in this petition may preclude you from filing future petitions challenging your conviction and sentence.
- (6) You must allege specific facts supporting the claims in the petition you file seeking relief from any conviction or sentence. Failure to allege specific facts rather than just conclusions may cause your petition to be dismissed. If your petition contains a claim of ineffective assistance of counsel, that claim will operate to waive the attorney-client privilege for the proceeding in which you claim your counsel was ineffective.
- (7) When the petition is fully completed, the original and one copy must be filed with the clerk of the state district court for the county in which you were convicted. One copy must be mailed to the respondent, one copy to the Attorney General's Office, and one copy to the district attorney of the county in which you were convicted or to the original prosecutor if you are challenging your original conviction or sentence. Copies must conform in all particulars to the original submitted for filing.

PETITION

1. Name of institution and county in which you are presently imprisoned or where and how you are presently restrained of your liberty: Southern Desert State Prison, Clark County
2. Name and location of court which entered the judgment of conviction under attack: 3<sup>th</sup> District Court
3. Date of judgment of conviction: May 6, 2015
4. Case number: C-14-300979-1
5. (a) Length of sentence: 133 months to 420 months

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CLERK OF THE COURT

-1-

- 1 (b) If sentence is death, state any date upon which execution is scheduled:....
- 2 6. Are you presently serving a sentence for a conviction other than the conviction under attack in this motion?
- 3 Yes ..... No ☒
- 4 If "yes," list crime, case number and sentence being served at this time: .....
- 5 .....
- 6 .....
- 7 7. Nature of offense involved in conviction being challenged: .....
- 8 .....
- 9 8. What was your plea? (check one)
- 10 (a) Not guilty .....
- 11 (b) Guilty ☒
- 12 (c) Guilty but mentally ill .....
- 13 (d) Nolo contendere .....
- 14 9. If you entered a plea of guilty or guilty but mentally ill to one count of an indictment or information, and a
- 15 plea of not guilty to another count of an indictment or information, or if a plea of guilty or guilty but mentally ill was
- 16 negotiated, give details: One state right to argue, sentence of
- 17 5-21 years if pled to 2 counts
- 18 10. If you were found guilty or guilty but mentally ill after a plea of not guilty, was the finding made by: (check one)
- 19 (a) Jury .....
- 20 (b) Judge without a jury .....
- 21 11. Did you testify at the trial? Yes ..... No .....
- 22 12. Did you appeal from the judgment of conviction? Yes ..... No .....
- 23 13. If you did appeal, answer the following:
- 24 (a) Name of court: .....
- 25 (b) Case number or citation: .....
- 26 (c) Result: .....
- 27 (d) Date of result: .....
- 28 (Attach copy of order or decision, if available.)

1 14. If you did not appeal, explain briefly why you did not: .....

2 .....

3 .....

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

6 16. If your answer to No. 15 was "yes," give the following information:

7 (a) (1) Name of court: District Court

8 (2) Nature of proceeding: Habeas Corpus (post conviction)

9 .....

10 (3) Grounds raised: legally incompetent, Failed to  
11 conduct a psychological Evaluation

12 .....

13 (4) Did you receive an evidentiary hearing on your petition, application or motion? Yes ☒ No .....

14 (5) Result: Denied

15 (6) Date of result: Feb 14, 2013

16 (7) If known, citations of any written opinion or date of orders entered pursuant to such result:

17 .....

18 (b) As to any second petition, application or motion, give the same information:

19 (1) Name of court: .....

20 (2) Nature of proceeding: .....

21 (3) Grounds raised: .....

22 (4) Did you receive an evidentiary hearing on your petition, application or motion? Yes ..... No .....

23 (5) Result: .....

24 (6) Date of result: .....

25 (7) If known, citations of any written opinion or date of orders entered pursuant to such result:

26 .....

27 (c) As to any third or subsequent additional applications or motions, give the same information as above, list  
28 them on a separate sheet and attach.



(d) Did you appeal to the highest state or federal court having jurisdiction, the result or action taken on any petition, application or motion?

(1) First petition, application or motion? Yes ☒ No ☒

Citation or date of decision: ~~Feb~~ .....

(2) Second petition, application or motion? Yes ..... No ☒

Citation or date of decision: .....

(3) Third or subsequent petitions, applications or motions? Yes ..... No ☒

Citation or date of decision: .....

(e) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.)

Defendant Roach is on medication and has no public Defender to help with motions. Faulty legal Advice.

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

(a) Which of the grounds is the same: ~~Failure~~ Failure to Acknowledge that petitioner needed a psychological Evaluation.

(b) The proceedings in which these grounds were raised: appeal

(c) Briefly explain why you are again raising these grounds. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.)

State and Defendant's public Attorney failed to stop proceeding due to defendant's mental Health

18. If any of the grounds listed in Nos. 23(a), (b), (c) and (d), or listed on any additional pages you have attached, were not previously presented in any other court, state or federal, list briefly what grounds were not so presented, and give your reasons for not presenting them. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.)

1 .....  
2 19. Are you filing this petition more than 1 year following the filing of the judgment of conviction or the filing  
3 of a decision on direct appeal? If so, state briefly the reasons for the delay. (You must relate specific facts in  
4 response to this question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the  
5 petition. Your response may not exceed five handwritten or typewritten pages in length.) Yes, Defendant  
6 was and still is incompetent due to mental Health

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

9 If yes, state what court and the case number: .....  
10 .....

11 21. Give the name of each attorney who represented you in the proceeding resulting in your conviction and on  
12 direct appeal: Caesar Almase

13 .....  
14 22. Do you have any future sentences to serve after you complete the sentence imposed by the judgment under  
15 attack? Yes ..... No ☒

16 If yes, specify where and when it is to be served, if you know: .....  
17 .....

18 23. State concisely every ground on which you claim that you are being held unlawfully. Summarize briefly the  
19 facts supporting each ground. If necessary you may attach pages stating additional grounds and facts  
20 supporting same.  
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1 (a) Ground ONE: Ineffective Assistance of Counsel Caesar

2 Almase lied and coerced petitioner into taking a  
3 false written agreement and failed to withdraw  
4 plea-agreement to correct mistake Violation of 11<sup>th</sup> Amendment

5 Supporting FACTS (Tell your story briefly without citing cases or law.): Assistance of

6 Counsel Caesar Almase addressed in court before the  
7 Judge stephany miley at sentencing that the pre-  
8 sentence investigation report recommendation is  
9 an approximate 5-21 years - page 9 sentencing  
10 Count 1 and Count 2 transcript. Counsel failed to  
11 acknowledge in court that the state did not stipulate  
12 the agreement that defendant was agreeing on  
13 in the written plea agreement making the plea partially  
14 accurate, defendant plead to the 2 counts State  
15 wanted him to plead too. But failed to stipulate the  
16 agreement. Counsel has gave improper legal advice and  
17 exerted pressure on to defendant making it hard  
18 for defendant to choose between going to trial or  
19 pleading in court and in doing so Coerced defendant  
20 into lying to the courts about defendant being on  
21 medication, And misinterpreting his understanding of  
22 his rights because Assistance of Counsel lead defendant  
23 into thinking that if he did not take the 5-21 years  
24 defendant will lose at trial and get more time.  
25 Further more failed to withdraw the written plea  
26 agreement to correct the mistake that the state  
27 has made, Defendant Roach pled and signed a written  
28 plea-agreement under false pretenses.

1 (b) Ground TWO: Assistance of Counsel and State Failed to  
2 Acknowledge that petitioner needed a Psychological  
3 Evaluation. Fore petitioner we're incompetent during  
4 the proceedings 11<sup>th</sup> Amendment U.S. Constitution 178.405

5 Supporting FACTS (Tell your story briefly without citing cases or law.): The defendant  
6 Was not competent at the time of offense and at the  
7 time of proceedings. In the Declaration of warrant it  
8 was the belief of public defender Caesar Almase that  
9 defendant Roach has serious mental Health problems  
10 based on information from offender Management Records  
11 Nevada Department of Corrections, Southern Nevada  
12 Adult mental Health services Medical records and  
13 Nephcare. Assistance of Counsel state before the  
14 Honorable Judge Stephany miley that defendant Roach  
15 has a long history of ~~depression~~ long-term chronic  
16 Dystymia and was clinically diagnosed. Assistance of  
17 Counsel stood before the Judge Stephany miley ~~and~~  
18 on May 6, 2015 upon sentencing Counts 1 and Count 2  
19 Robbery with a use of a deadly weapon, and conspiracy  
20 to commit Robbery. The defendant has significant  
21 mental Health issues and chose not to forward those  
22 to the court sensitive informations. Acknowledging  
23 that defendant has attempted suicide. These issue  
24 were not given proper attention at the time, Due  
25 process requires a covert to a Competency Hearing on  
26 its own motion, before permitting a defendant to  
27 waive his constitutional rights. Defendant was legally  
28 incompetent. Inviolation of NRS 178.465 and due

two  
(c) Ground ~~Two~~ Continuation

Supporting FACTS (Tell your story briefly without citing cases or law.): process 14<sup>th</sup>/  
Amendment U.S. Constitution. A bonafide doubt  
should exist when there is sustainable evidence of  
incompetency, Lewis 911 F.2d 527 Harding 834  
F.2d 826. Defendant should be allowed to  
withdraw plea and or nullify judgement of  
conviction. ~~XXXX~~ Assistant Counsel failed to  
seek assistance of psychiatrist or to investigate an  
insanity defense amounted to ineffective assistance of  
counsel. Goodwin v. Balkcom 684 F.2d 794 (11<sup>th</sup> cir  
1982) Counsel lack of pretrial investigation which deprived  
defendant of potential defense which constituted  
ineffective assistance. McCoy v. Wainwright 804 F.2d  
1196 (11<sup>th</sup> cir 1986) Counsel failure to investigate  
possible insanity defense renders guilty plea  
involuntary if facts supported defense and constitutes  
ineffective assistance. U.S. v. Scott 625 F.2d  
623 F.2d (5<sup>th</sup> cir 1981) A conviction on a guilty  
plea that is entered solely as a result of faulty  
legal advice is a miscarriage of Justice.

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(d) Ground FOUR: .....

Supporting FACTS (Tell your story briefly without citing cases or law.): .....

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

EXECUTED at High Desert State Prison on the \_\_\_\_ day of the month of \_\_\_\_, 20\_\_.

\* Christopher Roach  
High Desert State Prison  
Post Office Box 650  
Indian Springs, Nevada 89070  
Petitioner in Proper Person

#### VERIFICATION

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

\* Christopher Roach  
High Desert State Prison  
Post Office Box 650  
Indian Springs, Nevada 89070  
Petitioner in Proper Person

#### AFFIRMATION (Pursuant to NRS 239B.030)

The undersigned does hereby affirm that the preceeding PETITION FOR WRIT OF HABEAS CORPUS filed in District Court Case Number \_\_\_\_ Does not contain the social security number of any person.

\* Christopher Roach  
High Desert State Prison  
Post Office Box 650  
Indian Springs, Nevada 89070  
Petitioner in Proper Person

#### CERTIFICATE OF SERVICE BY MAIL

I, Christopher Roach, hereby certify pursuant to N.R.C.P. 5(b), that on this \_\_\_\_ day of the month of March, 2018, I mailed a true and correct copy of the foregoing PETITION FOR WRIT OF HABEAS CORPUS addressed to:

D.W. Neven, Warden High Desert State Prison  
Post Office Box 650  
Indian Springs, Nevada 89070

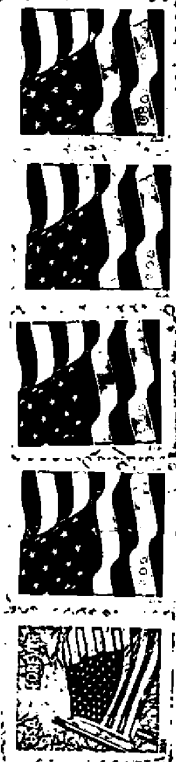
Attorney General of Nevada  
100 North Carson Street  
Carson City, Nevada 89701

Clark County District Attorney's Office  
200 Lewis Avenue  
Las Vegas, Nevada 89155

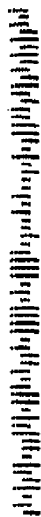
\* Christopher Roach  
High Desert State Prison  
Post Office Box 650  
Indian Springs, Nevada 89070  
Petitioner in Proper Person

\* Print your name and NDOC back number and sign

Christopher Rack #1076731  
Southern Desert state prison  
PO, Box 208  
Indian Springs NV 89070



Steven D Grierson  
Clerk of the Court  
200 Lewis Avenue 3<sup>rd</sup> Floor  
Las Vegas NV 89155-1160



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OUTGOING MAIL  
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PPOW

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

CHRISTOPHER LEROY ROACH,

Petitioner,

vs.

WARDEN

Respondent,

Case No: C-14-300979-1  
Department 23

**ORDER FOR PETITION FOR  
WRIT OF HABEAS CORPUS  
(POSTCONVICTION)**

**FILED**

2018 APR 18 A 10:02

*Alvin S. Blum*  
CLERK OF THE COURT

Petitioner filed a Petition for Writ of Habeas Corpus (Post-Conviction Relief) on April 11, 2018. The Court has reviewed the Petition and has determined that a response would assist the Court in determining whether Petitioner is illegally imprisoned and restrained of his/her liberty, and good cause appearing therefore,

**IT IS HEREBY ORDERED** that Respondent shall, within 45 days after the date of this Order, answer or otherwise respond to the Petition and file a return in accordance with the provisions of NRS 34.360 to 34.830, inclusive.

**IT IS HEREBY FURTHER ORDERED** that this matter shall be placed on this Court's

Calendar on the 27<sup>th</sup> day of June, 2018, at the hour of

11:00am  
o'clock for further proceedings.

District Court Judge

C-14-300979-1  
OPWH  
Order for Petition for Writ of Habeas Corpus  
4738811



**JUDGE STEFANY A. MILEY**

CLERK OF THE COURT

**RECEIVED**  
APR 18 2018



1 RSPN  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 CHARLES W. THOMAN  
6 Deputy District Attorney  
7 Nevada Bar #12649  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,  
10 Plaintiff,

11 -vs-

12 CHRISTOPHER ROACH,  
13 #2757657

14 Defendant.

CASE NO: C-14-300979-1

DEPT NO: XXIII

15 STATE'S RESPONSE TO DEFENDANT'S POST-CONVICTION PETITION FOR WRIT  
16 OF HABEAS CORPUS

17 DATE OF HEARING: JUNE 27, 2018  
18 TIME OF HEARING: 11:00 AM

18 COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County  
19 District Attorney, through CHARLES W. THOMAN, Deputy District Attorney, and hereby  
20 submits the attached Points and Authorities in Response to Defendant's Post-Conviction  
21 Petition for Writ of Habeas Corpus.

22 This response is made and based upon all the papers and pleadings on file herein, the  
23 attached points and authorities in support hereof, and oral argument at the time of hearing, if  
24 deemed necessary by this Honorable Court.

25 //

26 //

27 //

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1 **POINTS AND AUTHORITIES**

2 **STATEMENT OF THE CASE**

3 On July 30, 2014, a Second Amended Criminal Complaint was filed charging  
4 Christopher Roach (hereinafter "Defendant"), as follows: Count 1: Conspiracy to Commit  
5 Robbery; Count 2: Robbery with Use of a Deadly Weapon; Count 3: Coercion; Count 4:  
6 Conspiracy to Commit Robbery; Count 5: Robbery; Count 6: Conspiracy to Commit Robbery;  
7 Count 7: Robbery with Use of a Deadly Weapon and Count 8: Possession of Stolen Property;  
8 Count 9: Possession of Credit or Debit Card Without Cardholders Consent; and Count 10  
9 Possession of Credit or Debit Card Without Cardholder's Consent.

10 On September 17, 2014, a preliminary hearing was held. The justice court held  
11 Defendant to answer to all charges in the Second Amended Criminal Complaint.

12 On September 22, 2014, an Information was filed charging Defendant as follows:  
13 Count 1: Conspiracy to Commit Robbery; Count 2: Robbery with Use of a Deadly Weapon;  
14 Count 3: Coercion; Count 4: Conspiracy to Commit Robbery; Count 5: Robbery; Count 6:  
15 Conspiracy to Commit Robbery; Count 7: Robbery with Use of a Deadly Weapon and Count  
16 8: Possession of Stolen Property. Defendant filed a Petition for Writ of Habeas Corpus on  
17 October 23, 2014. The State filed a Return to Writ of Habeas Corpus on November 5, 2014.  
18 On November 19, 2014, this Court denied Defendant's Petition to Writ of Habeas Corpus.

19 On March 11, 2015, Defendant pleaded guilty to Count 1: Robbery with Use of a  
20 Deadly Weapon and Count 2: Conspiracy to Commit Robbery. On March 16, 2015, an  
21 Amended Information was filed charging Defendant as follows: Count 1: Robbery with Use  
22 of a Deadly Weapon and Count: 2 Conspiracy to Commit Robbery.

23 This Court sentenced Defendant on May 6, 2015, as follows: Count 1: a maximum of  
24 one hundred eighty months with a minimum parole eligibility of sixty months plus a  
25 consecutive term of one hundred eighty months with a minimum parole eligibility of sixty  
26 months for the deadly weapon enhancement; and Count 2: a maximum of sixty months with a  
27 minimum parole eligibility of thirteen months; Consecutive to Count 1. Defendant received  
28 three hundred and nine days credit for time served. The aggregate total sentence was noted as

1 four hundred twenty months maximum with a minimum of one hundred thirty-three months.  
2 The Judgment of Conviction was filed on May 12, 2015.

3 Defendant filed a Notice of Appeal that same day. The Judgment of the Court was  
4 affirmed in an Order dated December 18, 2015. Remittitur issued on January 14, 2016. After  
5 receiving a letter from the Nevada Department of Corrections noting that Defendant's  
6 convictions did not meet the standards for aggregation of sentence, an Amended Judgment of  
7 Conviction was filed May 12, 2016, removing the aggregate-total-sentence notation from the  
8 Judgment of Conviction.

9 On October 31, 2017, Defendant filed a Petition for Writ of Habeas Corpus. The State  
10 file a Response to Defendant's Petition for Writ of Habeas Corpus on December 13, 2017.  
11 This Court denied Defendant's Petition for Writ of Habeas Corpus on January 10, 2018. A  
12 Findings of Fact, Conclusions of Law and Order was filed on February 20, 2018.

13 Defendant filed the instant Petition for Writ of Habeas Corpus on April 11, 2018. The  
14 State responds as follows.

### 15 ARGUMENT

#### 16 **I. DEFENDANT'S PETITION IS PROCEDURALLY BARRED**

##### 17 **a. The Procedural Bars are Mandatory**

18 The Nevada Supreme Court has held that "[a]pplication of the statutory procedural  
19 default rules to post-conviction habeas petitions is *mandatory*," noting:

20 Habeas corpus petitions that are filed many years after conviction  
21 are an unreasonable burden on the criminal justice system. The  
22 necessity for a workable system dictates that there must exist a  
time when a criminal conviction is final.

23 State v. Dist. Court (Riker), 121 Nev. 225, 112 P.3d 1070 (2005) (emphasis added). District  
24 courts thus have a duty to consider whether a defendant's post-conviction petition claims are  
25 procedurally barred. Id. at 231, 112 P.3d at 1074. The Court further noted that procedural  
26 bars "cannot be ignored [by the district court] when properly raised by the State." Id. at 233,  
27 112 P.3d at 1075; see also State v. Greene, 129 Nev. \_\_\_, \_\_\_, 307 P.3d 322, 326 (2013)  
28 (reiterating that absent a showing of good cause and prejudice, the procedural default rules are

1 mandatory). The Nevada Supreme Court has granted no discretion to the district courts  
2 regarding whether to apply the statutory procedural bars; the rules *must* be applied. For the  
3 reasons discussed below, Defendant's Petition must be denied.

4 **b. Defendant's Petition is Time Barred**

5 The mandatory provision of NRS 34.726(1) states:

6 Unless there is good cause shown for delay, a petition that  
7 challenges the validity of a judgment or sentence must be filed  
8 *within 1 year after entry of the judgment of conviction* or, if an  
9 appeal has been taken from the judgment, *within 1 year after the*  
10 *Supreme Court issues its remittitur*. For the purposes of this  
11 subsection, good cause for delay exists if the petitioner  
demonstrates to the satisfaction of the court:

- 12 (a) That the delay is not the fault of the petitioner; and  
13 (b) That dismissal of the petition as untimely will  
14 unduly prejudice the petitioner.

15 (emphasis added). "[T]he statutory rules regarding procedural default are mandatory and  
16 cannot be ignored when properly raised by the State." Riker, 121 Nev. at 233, 112 P.3d at  
17 1075.

18 Accordingly, the one-year time bar prescribed by NRS 34.726 begins to run from the  
19 date the judgment of conviction is filed or a remittitur from a timely direct appeal is filed.  
20 Dickerson v. State, 114 Nev. 1084, 1087, 967 P.2d 1132, 1133-34 (1998); see Pellegrini v.  
21 State, 117 Nev. 860, 873, 34 P.3d 519, 528 (2001) (holding that NRS 34.726 should be  
22 construed by its plain meaning). In Gonzales v. State, 118 Nev. 590, 593, 590 P.3d 901, 902  
23 (2002), the Nevada Supreme Court affirmed the rejection of a habeas petition that was filed  
24 two days late, pursuant to the "clear and unambiguous" mandatory provisions of NRS  
25 34.726(1). Gonzales reiterated the importance of filing the petition with the District Court  
26 within the one-year mandate, absent a showing of "good cause" for the delay in filing.  
27 Gonzales, 590 P.3d at 902. The one-year time bar is therefore strictly applied and construed  
28 by its plain meaning. Pellegrini, 117 Nev. at 873-74, 34 P.3d at 528. In contrast with the short  
amount of time to file a notice of appeal, a prisoner has an ample full year to file a post-  
conviction habeas petition, so there is no injustice in a strict application of NRS 34.726(1),

//

1 despite any alleged difficulties with the postal system. Gonzales, 118 Nev. at 595, 53 P.3d at  
2 903.

3 Here, remittitur from Defendant's direct appeal was issued on January 14, 2016.  
4 Accordingly, Defendant had until January 14, 2017, to file a post-conviction petition.  
5 Defendant filed the instant Petition on April 11, 2018, over one year after remittitur issued.  
6 Therefore, absent a showing of good cause and prejudice, Defendant's Petition must be denied  
7 as time-barred pursuant to NRS 34.726(1).

8 **II. Defendant Fails To Establish Good Cause And Prejudice To Overcome The**  
9 **Procedural Bars To His Petition.**

10 **1. Defendant Has Not Established Good Cause.**

11 A showing of good cause and prejudice may overcome the procedural bars. In order to  
12 demonstrate good cause, a petitioner must show that an impediment external to the defense  
13 prevented him or her from complying with the state procedural default rules. Hathaway v.  
14 State, 119 Nev. 248, 252, 71 P.3d 503, 506 (2003). An impediment external to the defense  
15 may be demonstrated by a showing "that the factual or legal basis for a claim was not  
16 reasonably available to counsel, or that 'some interference by officials,' made compliance  
17 impracticable." Id. (citing Murray v. Carrier, 477 U.S. 478, 488, 91 L. Ed. 2d 397, 106 S. Ct.  
18 2639 (1986) (internal citations omitted)). A claim or allegation that was reasonably available  
19 to the petitioner during the statutory time period would not constitute good cause to excuse the  
20 delay. Id. at 253, 71 P.3d at 506.

21 A proper petition for post-conviction relief must set forth specific factual allegations.  
22 N.R.S. 34.735(6) states, in pertinent part:

23 [Petitioner] must allege specific facts supporting the claims in  
24 the petition [he] file[s] seeking relief from any conviction or  
25 sentence. Failure to raise specific facts rather than just  
conclusions may cause [the] petition to be dismissed.

26 "Bare" and "naked" allegations are not sufficient to warrant post-conviction relief, nor  
27 are those belied and repelled by the record. Hargrove v. State, 100 Nev. 498, 502, 686 P.2d  
28 222, 225 (1984). As discussed below, Defendant provides no factual or legal support for any

1 of the claims that he raises in this Petition. Instead, he only makes a series of bare allegations  
2 and conclusory claims.

3 Defendant's only contention of good cause is that he was coerced into entry of plea by  
4 counsel and did not receive a psychological evaluation. Defendant's contention is unclear as  
5 to how this issue impeded him from filing a timely Petition. Moreover, Defendant's arguments  
6 are inconsistent from the representation of facts he made in his direct appeal where he only  
7 claimed a cruel and unusual sentence. The Nevada Supreme Court noted, "Roach argues that  
8 he took full responsibility for the robberies, his interactions with defense counsel were  
9 peaceful and he suffers from long-term depression." Roach v. State, Docket No. 68011 (Order  
10 of Affirmance December 18, 2015).

11 Further, Defendant's sole claim lacks sufficient specificity to meet the pleading  
12 requirement to establish good cause. Defendant has the burden of pleading and proving  
13 specific facts that demonstrate both good cause and prejudice to overcome the procedural bars.  
14 State v. Bennett, 119 Nev. 589, 81 P.3d 1 (2003). Because Defendant has not established good  
15 cause, the Petition must be dismissed.

### 16 **III. Defendant's Petition is Successive Under NRS 34.810(2)**

17 NRS 34.810(2) reads:

18 A second or successive petition *must* be dismissed if the judge or  
19 justice determines that it fails to allege new or different grounds for  
20 relief and that the prior determination was on the merits or, if new and  
21 different grounds are alleged, the judge or justice finds that the failure  
of the petitioner to assert those grounds in a prior petition constituted  
an abuse of the writ

22 (emphasis added). The Nevada Supreme Court has stated: "Without such limitations on the  
23 availability of post-conviction remedies, prisoners could petition for relief in perpetuity and  
24 thus abuse post-conviction remedies. In addition, meritless, successive and untimely petitions  
25 clog the court system and undermine the finality of convictions." Lozada v. State, 110 Nev.  
26 349, 358, 871 P.2d 944, 950 (1994). The Nevada Supreme Court recognizes that "[u]nlike  
27 initial petitions which certainly require a careful review of the record, successive petitions may  
28 be dismissed based solely on the face of the petition." Ford v. Warden, 111 Nev. 872, 882, 901

1 P.2d 123, 129 (1995). In other words, if the claim or allegation was previously available with  
2 reasonable diligence, it is an abuse of the writ to wait to assert it in a later petition. McClesky  
3 v. Zant, 499 U.S. 467, 497-498 (1991). Application of NRS 34.810(2) is mandatory. See  
4 Riker, 121 Nev. at 231, 112 P.3d at 1074.

5 On October 31, 2017, Defendant filed his first Petition for Writ of Habeas Corpus. On  
6 January 10, 2018, the Court denied that petition, and its February 20, 2018, Findings of Fact,  
7 Conclusions of Law, and Order, noted that the Petition was procedurally time barred and that  
8 Defendant had failed to show good cause. The claims alleged in the instant Petition were never  
9 raised in Defendant's first Petition; however, they could have been. Because new grounds with  
10 respect to "ineffective assistance of counsel" are alleged, and because Defendant had the  
11 opportunity to allege the grounds in the instant Petition in his previous petition, the present  
12 Petition constitutes an abuse of the writ and must be dismissed. NRS 34.810(2).

### 13 CONCLUSION

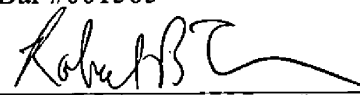
14 Based on the foregoing, the State respectfully requests Defendant's Petition be  
15 DENIED.

16 DATED this 29<sup>th</sup> day of May, 2018.

17 Respectfully submitted,

18 STEVEN B. WOLFSON  
19 Clark County District Attorney  
Nevada Bar #001565

20 BY

  
21 CHARLES W. THOMAN  
22 Deputy District Attorney  
23 Nevada Bar #12649  
24  
25  
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28



**CERTIFICATE OF MAILING**

I hereby certify that service of the above and foregoing was made this 30<sup>th</sup> day of May, 2018, by depositing a copy in the U.S. Mail, postage pre-paid, addressed to:

CHRISTOPHER ROACH #1076731  
High Desert State Prison  
P.O. Box 650  
Indian Springs, NV, 89070

BY



C. Garcia  
Secretary for the District Attorney's Office

CWT/al/cg/L3



1 **FCL**  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 CHARLES W. THOMAN  
6 Chief Deputy District Attorney  
7 Nevada Bar #12649  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,  
10 Plaintiff,

11 -vs-

12 CHRISTOPHER ROACH,  
13 #2757657

14 Defendant.

CASE NO: C-14-300979-1

DEPT NO: XXIII

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

17 DATE OF HEARING: JUNE 27, 2018  
18 TIME OF HEARING: 11:00 AM

19 THIS CAUSE having come on for hearing before the Honorable STEFANY MILEY,  
20 District Judge, on the 27th day of June, 2018, the Petitioner not being present, PROCEEDING  
21 IN PROPER PERSON, the Respondent being represented by STEVEN B. WOLFSON, Clark  
22 County District Attorney, by and through ROBERT B. TURNER, Chief Deputy District  
23 Attorney, and the Court having considered the matter, including briefs, transcripts, arguments  
24 of counsel, and documents on file herein, now therefore, the Court makes the following  
findings of fact and conclusions of law:

25 **FINDINGS OF FACT, CONCLUSIONS OF LAW**

26 **PROCEDURAL HISTORY**

27 On July 30, 2014, a Second Amended Criminal Complaint was filed charging  
28 Christopher Roach (hereinafter "Defendant"), as follows: Count 1: Conspiracy to Commit

1 Robbery; Count 2: Robbery with Use of a Deadly Weapon; Count 3: Coercion; Count 4:  
2 Conspiracy to Commit Robbery; Count 5: Robbery; Count 6: Conspiracy to Commit Robbery;  
3 Count 7: Robbery with Use of a Deadly Weapon and Count 8: Possession of Stolen Property;  
4 Count 9: Possession of Credit or Debit Card Without Cardholders Consent; and Count 10  
5 Possession of Credit or Debit Card Without Cardholder's Consent.

6 On September 17, 2014, a preliminary hearing was held. The justice court held  
7 Defendant to answer to all charges in the Second Amended Criminal Complaint.

8 On September 22, 2014, an Information was filed charging Defendant as follows:  
9 Count 1: Conspiracy to Commit Robbery; Count 2: Robbery with Use of a Deadly Weapon;  
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11 Conspiracy to Commit Robbery; Count 7: Robbery with Use of a Deadly Weapon and Count  
12 8: Possession of Stolen Property. Defendant filed a Petition for Writ of Habeas Corpus on  
13 October 23, 2014. The State filed a Return to Writ of Habeas Corpus on November 5, 2014.  
14 On November 19, 2014, this Court denied Defendant's Petition to Writ of Habeas Corpus.

15 On March 11, 2015, Defendant pleaded guilty to Count 1: Robbery with Use of a  
16 Deadly Weapon and Count 2: Conspiracy to Commit Robbery. On March 16, 2015, an  
17 Amended Information was filed charging Defendant as follows: Count 1: Robbery with Use  
18 of a Deadly Weapon and Count: 2 Conspiracy to Commit Robbery.

19 This Court sentenced Defendant on May 6, 2015, as follows: Count 1: a maximum of  
20 one hundred eighty months with a minimum parole eligibility of sixty months plus a  
21 consecutive term of one hundred eighty months with a minimum parole eligibility of sixty  
22 months for the deadly weapon enhancement; and Count 2: a maximum of sixty months with a  
23 minimum parole eligibility of thirteen months; Consecutive to Count 1. Defendant received  
24 three hundred and nine days credit for time served. The aggregate total sentence was noted as  
25 four hundred twenty months maximum with a minimum of one hundred thirty-three months.  
26 The Judgment of Conviction was filed on May 12, 2015.

27 Defendant filed a Notice of Appeal that same day. The Judgment of the Court was  
28 affirmed in an Order dated December 18, 2015. Remittitur issued on January 14, 2016. After

1 receiving a letter from the Nevada Department of Corrections noting that Defendant's  
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3 Conviction was filed May 12, 2016, removing the aggregate-total-sentence notation from the  
4 Judgment of Conviction.

5 On October 31, 2017, Defendant filed a Petition for Writ of Habeas Corpus. The State  
6 file a Response to Defendant's Petition for Writ of Habeas Corpus on December 13, 2017.  
7 This Court denied Defendant's Petition for Writ of Habeas Corpus on January 10, 2018. A  
8 Findings of Fact, Conclusions of Law and Order was filed on February 20, 2018.

9 Defendant filed the instant Petition for Writ of Habeas Corpus on April 11, 2018. The  
10 State filed a Response to Defendant's Petition for Writ of Habeas Corpus on May 30, 2018.  
11 This Court denied Defendant's Petition for Writ of Habeas Corpus on June 27, 2018, as  
12 follows.

### 13 ANALYSIS

#### 14 **I. DEFENDANT'S PETITION IS PROCEDURALLY BARRED**

##### 15 **a. The Procedural Bars are Mandatory**

16 The Nevada Supreme Court has held that "[a]pplication of the statutory procedural  
17 default rules to post-conviction habeas petitions is *mandatory*," noting:

18 Habeas corpus petitions that are filed many years after conviction  
19 are an unreasonable burden on the criminal justice system. The  
20 necessity for a workable system dictates that there must exist a  
time when a criminal conviction is final.

21 State v. Dist. Court (Riker), 121 Nev. 225, 112 P.3d 1070 (2005) (emphasis added). District  
22 courts thus have a duty to consider whether a defendant's post-conviction petition claims are  
23 procedurally barred. Id. at 231, 112 P.3d at 1074. The Court further noted that procedural  
24 bars "cannot be ignored [by the district court] when properly raised by the State." Id. at 233,  
25 112 P.3d at 1075; see also State v. Greene, 129 Nev. \_\_\_, \_\_\_, 307 P.3d 322, 326 (2013)  
26 (reiterating that absent a showing of good cause and prejudice, the procedural default rules are  
27 mandatory). The Nevada Supreme Court has granted no discretion to the district courts

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1 regarding whether to apply the statutory procedural bars; the rules *must* be applied. For the  
2 reasons discussed below, this Court finds that Defendant's Petition must be denied.

3 **b. Defendant's Petition is Time Barred**

4 The mandatory provision of NRS 34.726(1) states:

5 Unless there is good cause shown for delay, a petition that  
6 challenges the validity of a judgment or sentence must be filed  
7 *within 1 year after entry of the judgment of conviction* or, if an  
8 appeal has been taken from the judgment, *within 1 year after the  
Supreme Court issues its remittitur*. For the purposes of this  
subsection, good cause for delay exists if the petitioner  
demonstrates to the satisfaction of the court:

- 9 (a) That the delay is not the fault of the petitioner; and  
10 (b) That dismissal of the petition as untimely will  
unduly prejudice the petitioner.

11 (emphasis added). "[T]he statutory rules regarding procedural default are mandatory and  
12 cannot be ignored when properly raised by the State." Riker, 121 Nev. at 233, 112 P.3d at  
13 1075.

14 Accordingly, the one-year time bar prescribed by NRS 34.726 begins to run from the  
15 date the judgment of conviction is filed or a remittitur from a timely direct appeal is filed.  
16 Dickerson v. State, 114 Nev. 1084, 1087, 967 P.2d 1132, 1133-34 (1998); see Pellegrini v.  
17 State, 117 Nev. 860, 873, 34 P.3d 519, 528 (2001) (holding that NRS 34.726 should be  
18 construed by its plain meaning). In Gonzales v. State, 118 Nev. 590, 593, 590 P.3d 901, 902  
19 (2002), the Nevada Supreme Court affirmed the rejection of a habeas petition that was filed  
20 two days late, pursuant to the "clear and unambiguous" mandatory provisions of NRS  
21 34.726(1). Gonzales reiterated the importance of filing the petition with the District Court  
22 within the one-year mandate, absent a showing of "good cause" for the delay in filing.  
23 Gonzales, 590 P.3d at 902. The one-year time bar is therefore strictly applied and construed  
24 by its plain meaning. Pellegrini, 117 Nev. at 873-74, 34 P.3d at 528. In contrast with the short  
25 amount of time to file a notice of appeal, a prisoner has an ample full year to file a post-  
26 conviction habeas petition, so there is no injustice in a strict application of NRS 34.726(1),  
27 despite any alleged difficulties with the postal system. Gonzales, 118 Nev. at 595, 53 P.3d at  
28 903.

1 Here, remittitur from Defendant's direct appeal was issued on January 14, 2016.  
2 Accordingly, Defendant had until January 14, 2017, to file a post-conviction petition.  
3 Defendant filed the instant Petition on April 11, 2018, over one year after remittitur issued.  
4 Therefore, absent a showing of good cause and prejudice, this Court finds that Defendant's  
5 Petition must be denied as time-barred pursuant to NRS 34.726(1).

6 **II. Defendant Fails To Establish Good Cause And Prejudice To Overcome The**  
7 **Procedural Bars To His Petition.**

8 **1. Defendant Has Not Established Good Cause.**

9 A showing of good cause and prejudice may overcome the procedural bars. In order to  
10 demonstrate good cause, a petitioner must show that an impediment external to the defense  
11 prevented him or her from complying with the state procedural default rules. Hathaway v.  
12 State, 119 Nev. 248, 252, 71 P.3d 503, 506 (2003). An impediment external to the defense  
13 may be demonstrated by a showing "that the factual or legal basis for a claim was not  
14 reasonably available to counsel, or that 'some interference by officials,' made compliance  
15 impracticable." Id. (citing Murray v. Carrier, 477 U.S. 478, 488, 91 L. Ed. 2d 397, 106 S. Ct.  
16 2639 (1986) (internal citations omitted)). A claim or allegation that was reasonably available  
17 to the petitioner during the statutory time period would not constitute good cause to excuse the  
18 delay. Id. at 253, 71 P.3d at 506.

19 A proper petition for post-conviction relief must set forth specific factual allegations.  
20 N.R.S. 34.735(6) states, in pertinent part:

21 [Petitioner] must allege specific facts supporting the claims in  
22 the petition [he] file[s] seeking relief from any conviction or  
23 sentence. Failure to raise specific facts rather than just  
conclusions may cause [the] petition to be dismissed.

24 "Bare" and "naked" allegations are not sufficient to warrant post-conviction relief, nor  
25 are those belied and repelled by the record. Hargrove v. State, 100 Nev. 498, 502, 686 P.2d  
26 222, 225 (1984). As discussed below, Defendant provides no factual or legal support for any  
27 of the claims that he raises in this Petition. Instead, he only makes a series of bare allegations  
28 and conclusory claims.

1 Defendant's only contention of good cause is that he was coerced into entry of plea by  
2 counsel and did not receive a psychological evaluation. Defendant's contention is unclear as  
3 to how this issue impeded him from filing a timely Petition. Moreover, Defendant's arguments  
4 are inconsistent from the representation of facts he made in his direct appeal where he only  
5 claimed a cruel and unusual sentence. The Nevada Supreme Court noted, "Roach argues that  
6 he took full responsibility for the robberies, his interactions with defense counsel were  
7 peaceful and he suffers from long-term depression." Roach v. State, Docket No. 68011 (Order  
8 of Affirmance December 18, 2015).

9 Further, Defendant's sole claim lacks sufficient specificity to meet the pleading  
10 requirement to establish good cause. Defendant has the burden of pleading and proving  
11 specific facts that demonstrate both good cause and prejudice to overcome the procedural bars.  
12 State v. Bennett, 119 Nev. 589, 81 P.3d 1 (2003). Because Defendant has not established good  
13 cause, the Court finds that the Petition must be denied.

### 14 **III. Defendant's Petition is Successive Under NRS 34.810(2)**

15 NRS 34.810(2) reads:

16 A second or successive petition *must* be dismissed if the judge or  
17 justice determines that it fails to allege new or different grounds for  
18 relief and that the prior determination was on the merits or, if new and  
19 different grounds are alleged, the judge or justice finds that the failure  
of the petitioner to assert those grounds in a prior petition constituted  
an abuse of the writ

20 (emphasis added). The Nevada Supreme Court has stated: "Without such limitations on the  
21 availability of post-conviction remedies, prisoners could petition for relief in perpetuity and  
22 thus abuse post-conviction remedies. In addition, meritless, successive and untimely petitions  
23 clog the court system and undermine the finality of convictions." Lozada v. State, 110 Nev.  
24 349, 358, 871 P.2d 944, 950 (1994). The Nevada Supreme Court recognizes that "[u]nlike  
25 initial petitions which certainly require a careful review of the record, successive petitions may  
26 be dismissed based solely on the face of the petition." Ford v. Warden, 111 Nev. 872, 882, 901  
27 P.2d 123, 129 (1995). In other words, if the claim or allegation was previously available with  
28 reasonable diligence, it is an abuse of the writ to wait to assert it in a later petition. McClesky

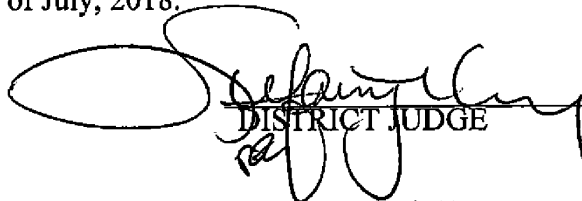
1 v. Zant, 499 U.S. 467, 497-498 (1991). Application of NRS 34.810(2) is mandatory. See  
2 Riker, 121 Nev. at 231, 112 P.3d at 1074.

3 On October 31, 2017, Defendant filed his first Petition for Writ of Habeas Corpus. On  
4 January 10, 2018, the Court denied that petition, and its February 20, 2018, Findings of Fact,  
5 Conclusions of Law, and Order, noted that the Petition was procedurally time barred and that  
6 Defendant had failed to show good cause. The claims alleged in the instant Petition were never  
7 raised in Defendant's first Petition; however, they could have been. Because new grounds with  
8 respect to "ineffective assistance of counsel" are alleged, and because Defendant had the  
9 opportunity to allege the grounds in the instant Petition in his previous petition, this Court  
10 finds that the present Petition constitutes an abuse of the writ and must be denied. NRS  
11 34.810(2).

12  
13 **ORDER**

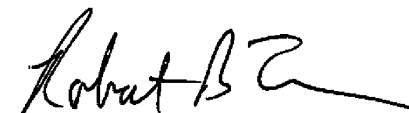
14 THEREFORE, IT IS HEREBY ORDERED that the Petition for Post-Conviction Relief  
15 shall be, and it is, hereby denied.

16 DATED this 24<sup>th</sup> day of July, 2018.

17  
18   
DISTRICT JUDGE

19 STEVEN B. WOLFSON  
20 Clark County District Attorney  
Nevada Bar #001565

JUDGE STEFANY A. MILEY

21  
22 BY   
23 CHARLES W. THOMAN  
24 Chief Deputy District Attorney  
25 Nevada Bar #12649  
26  
27  
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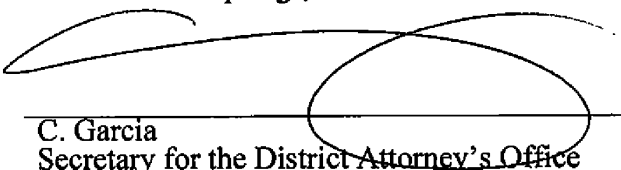
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**CERTIFICATE OF SERVICE**

I certify that on the 27<sup>th</sup> day of July, 2018, I mailed a copy of the foregoing proposed Findings of Fact, Conclusions of Law, and Order to:

CHRISTOPHER ROACH #1076731  
Southern Desert State Prison  
P.O. Box 208  
Indian Springs, NV 89070

BY

  
\_\_\_\_\_  
C. Garcia  
Secretary for the District Attorney's Office

CWT/al/cg/L3



1 NEO

2 DISTRICT COURT  
3 CLARK COUNTY, NEVADA

4 CHRISTOPHER ROACH,

5  
6 Petitioner,

7 vs.

8 THE STATE OF NEVADA,

9 Respondent,

Case No: C-14-300979-1

Dept No: XXIII

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

10  
11 PLEASE TAKE NOTICE that on July 27, 2018, the court entered a decision or order in this matter, a  
true and correct copy of which is attached to this notice.

12 You may appeal to the Supreme Court from the decision or order of this court. If you wish to appeal, you  
13 must file a notice of appeal with the clerk of this court within thirty-three (33) days after the date this notice is  
14 mailed to you. This notice was mailed on July 30, 2018.

15 STEVEN D. GRIERSON, CLERK OF THE COURT

16 /s/ Courtnie Hoskin

Courtnie Hoskin, Deputy Clerk

17  
18  
19 CERTIFICATE OF E-SERVICE / MAILING

20 I hereby certify that on this 30 day of July 2018, I served a copy of this Notice of Entry on the following:

21 ☒ By e-mail:

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

23 ☒ The United States mail addressed as follows:

24 Christopher Roach # 1076731  
25 P.O. Box 208  
Indian Springs, NV 89070

26 /s/ Courtnie Hoskin

27 Courtnie Hoskin, Deputy Clerk



1 **FCL**  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 CHARLES W. THOMAN  
6 Chief Deputy District Attorney  
7 Nevada Bar #12649  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,  
10 Plaintiff,

11 -vs-

12 CHRISTOPHER ROACH,  
13 #2757657

14 Defendant.

CASE NO: C-14-300979-1

DEPT NO: XXIII

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

17 DATE OF HEARING: JUNE 27, 2018  
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23 Attorney, and the Court having considered the matter, including briefs, transcripts, arguments  
24 of counsel, and documents on file herein, now therefore, the Court makes the following  
findings of fact and conclusions of law:

25 **FINDINGS OF FACT, CONCLUSIONS OF LAW**

26 **PROCEDURAL HISTORY**

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28 Christopher Roach (hereinafter "Defendant"), as follows: Count 1: Conspiracy to Commit

1 Robbery; Count 2: Robbery with Use of a Deadly Weapon; Count 3: Coercion; Count 4:  
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### 13 ANALYSIS

#### 14 **I. DEFENDANT'S PETITION IS PROCEDURALLY BARRED**

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2 reasons discussed below, this Court finds that Defendant's Petition must be denied.

3 **b. Defendant's Petition is Time Barred**

4 The mandatory provision of NRS 34.726(1) states:

5 Unless there is good cause shown for delay, a petition that  
6 challenges the validity of a judgment or sentence must be filed  
7 *within 1 year after entry of the judgment of conviction* or, if an  
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2 Accordingly, Defendant had until January 14, 2017, to file a post-conviction petition.  
3 Defendant filed the instant Petition on April 11, 2018, over one year after remittitur issued.  
4 Therefore, absent a showing of good cause and prejudice, this Court finds that Defendant's  
5 Petition must be denied as time-barred pursuant to NRS 34.726(1).

6 **II. Defendant Fails To Establish Good Cause And Prejudice To Overcome The**  
7 **Procedural Bars To His Petition.**

8 **1. Defendant Has Not Established Good Cause.**

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20 (emphasis added). The Nevada Supreme Court has stated: "Without such limitations on the  
21 availability of post-conviction remedies, prisoners could petition for relief in perpetuity and  
22 thus abuse post-conviction remedies. In addition, meritless, successive and untimely petitions  
23 clog the court system and undermine the finality of convictions." Lozada v. State, 110 Nev.  
24 349, 358, 871 P.2d 944, 950 (1994). The Nevada Supreme Court recognizes that "[u]nlike  
25 initial petitions which certainly require a careful review of the record, successive petitions may  
26 be dismissed based solely on the face of the petition." Ford v. Warden, 111 Nev. 872, 882, 901  
27 P.2d 123, 129 (1995). In other words, if the claim or allegation was previously available with  
28 reasonable diligence, it is an abuse of the writ to wait to assert it in a later petition. McClesky



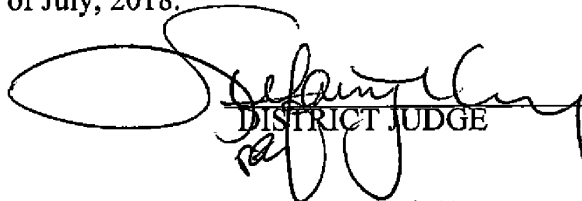
1 v. Zant, 499 U.S. 467, 497-498 (1991). Application of NRS 34.810(2) is mandatory. See  
2 Riker, 121 Nev. at 231, 112 P.3d at 1074.

3 On October 31, 2017, Defendant filed his first Petition for Writ of Habeas Corpus. On  
4 January 10, 2018, the Court denied that petition, and its February 20, 2018, Findings of Fact,  
5 Conclusions of Law, and Order, noted that the Petition was procedurally time barred and that  
6 Defendant had failed to show good cause. The claims alleged in the instant Petition were never  
7 raised in Defendant's first Petition; however, they could have been. Because new grounds with  
8 respect to "ineffective assistance of counsel" are alleged, and because Defendant had the  
9 opportunity to allege the grounds in the instant Petition in his previous petition, this Court  
10 finds that the present Petition constitutes an abuse of the writ and must be denied. NRS  
11 34.810(2).

12  
13 **ORDER**

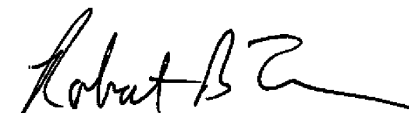
14 THEREFORE, IT IS HEREBY ORDERED that the Petition for Post-Conviction Relief  
15 shall be, and it is, hereby denied.

16 DATED this 24<sup>th</sup> day of July, 2018.

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18   
DISTRICT JUDGE

19 STEVEN B. WOLFSON  
20 Clark County District Attorney  
Nevada Bar #001565

JUDGE STEFANY A. MILEY

21  
22 BY   
23 CHARLES W. THOMAN  
24 Chief Deputy District Attorney  
25 Nevada Bar #12649  
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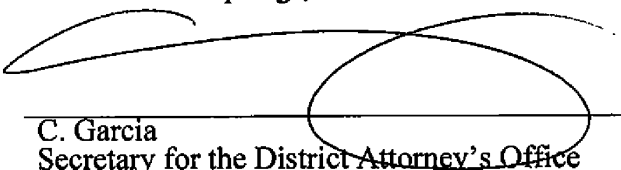
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**CERTIFICATE OF SERVICE**

I certify that on the 27<sup>th</sup> day of July, 2018, I mailed a copy of the foregoing proposed Findings of Fact, Conclusions of Law, and Order to:

CHRISTOPHER ROACH #1076731  
Southern Desert State Prison  
P.O. Box 208  
Indian Springs, NV 89070

BY

  
\_\_\_\_\_  
C. Garcia  
Secretary for the District Attorney's Office

CWT/al/cg/L3

FILED

JUL 29 2019

*Ann L. Johnson*  
CLERK OF COURT

Christopher Roach ID NO. 1076731

SOUTHERN DESERT CORRECTIONAL CTN.  
20825 COLD CREEK RD.  
P.O. BOX 208  
INDIAN SPRINGS, NV 89070

IN The 8th JUDICIAL District Court  
of The STATE of NEVADA in AND for The  
County of CLARK

Christopher Leroy Roach

v.

NDOC (STATE) of NEVADA

SDEC/STCC

CASE NO.: \_\_\_\_\_

DEPT. NO.: C-14-300979-1  
Dept. XXIII

DOCKET: August 21, 2019  
9:30 AM

Motion to correct an Illegal Sentence.

COMES NOW, Christopher Leroy Roach, herein above respectfully  
moves this Honorable Court for an Motion to correct illegal sentence

This Motion is made and based upon the accompanying Memorandum of Points and  
Authorities,

DATED: this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

BY: Christopher Leroy Roach  
# 1076731

Defendant In Proper Personam

RECEIVED

JUL 29 2019

CLERK OF THE COURT

ADDITIONAL FACTS OF THE CASE:

- Points and Authorities -

On or about May 6<sup>th</sup> 2015 The Petitioner  
was sentenced to confinement in The NDOC.  
Count 1 of His JOC read Five to 15 ~~years~~ (60) to (180)  
<sup>months</sup> for Robbery w/ the use of a deadly weapon plus  
A consecutive term of Five to 15 years (60) to (180) months.  
The weapons Enhancement should not have been a  
sentence of ~~equal~~ consecutive amount. Pursuant to  
2007 NRS (REV) 193.165 Plaintiff should of received an  
weapons enhancement sentence of no less than 1 year,  
and no more than Plaintiff's controlling sentence "MAX".  
Please correct. Legislature listed the effective date  
of the amendment as July 1, 2007. Nevada law requires  
the application of the "law" in effect at the time of the commission of crime.  
For the above reason, per Nevada Legal Statute,  
The Plaintiff Respectfully Ask This Honorable  
Court and Judge to modify/correct, the illegal  
sentence handed out.

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5 by placing document in a sealed pre-postage paid envelope and deposited said envelope in the  
6 United State Mail addressed to the following:

[illegible]

**DATED:** this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

468

AFFIRMATION  
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding \_\_\_\_\_

MOTION TO CORRECT ILLEGAL SENTENCE  
(Title of Document)

filed in District Court Case number \_\_\_\_\_

☒ 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-

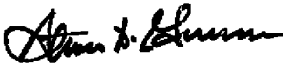
B. For the administration of a public program or for an application  
for a federal or state grant.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

CHRISTOPHER LEROY ROACH  
Print Name

Petitioner  
Title



CLERK OF THE COURT

JOCP

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

CASE NO. C300979-1

DEPT. NO. XXIII

CHRISTOPHER LEROY ROACH  
aka Christopher Roach  
#2757657

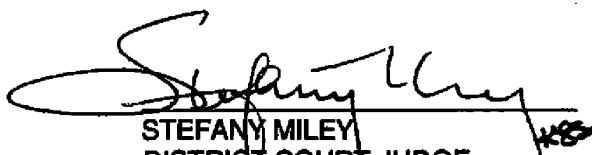
Defendant.

JUDGMENT OF CONVICTION  
(PLEA OF GUILTY)

The Defendant previously appeared before the Court with counsel and entered a plea of guilty to the crimes of COUNT 1 – ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony) in violation of NRS 200.380, 193.165; and COUNT 2 – CONSPIRACY TO COMMIT ROBBERY (Category B Felony) in violation of NRS 200.380, 199.480; thereafter, on the 6<sup>th</sup> day of May, 2015, the Defendant was present in court for sentencing with counsel CAESAR V. ALMASE, ESQ., and good cause appearing,

1 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offenses and, in  
2 addition to the \$25.00 Administrative Assessment Fee and \$880.00 Restitution to be  
3 paid jointly and severally with Co-Defendants plus \$3.00 DNA Collection Fee, the  
4 Defendant is sentenced to the Nevada Department of Corrections as follows: as to  
5 COUNT 1 – a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS with a MINIMUM  
6 parole eligibility of SIXTY (60) MONTHS plus a CONSECUTIVE term of ONE  
7 HUNDRED EIGHTY (180) MONTHS with a MINIMUM parole eligibility of SIXTY (60)  
8 MONTHS for the Use of a Deadly Weapon; and COUNT 2 - a MAXIMUM of SIXTY (60)  
9 MONTHS with a MINIMUM parole eligibility of THIRTEEN (13) MONTHS;  
10 CONSECUTIVE to COUNT 1; with THREE HUNDRED NINE (309) DAYS credit for time  
11 served. The AGGREGATE TOTAL sentence is FOUR HUNDRED TWENTY (420)  
12 MONTHS MAXIMUM with a MINIMUM of ONE HUNDRED THIRTY-THREE (133)  
13 MONTHS. As the \$150.00 DNA Analysis Fee and Genetic Testing have been  
14 previously imposed, the Fee and Testing in the current case are WAIVED.  
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18 DATED this 11 day of May, 2015  
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STEFANY MILEY  
DISTRICT COURT JUDGE



CHRISTOPHER LEROY ROACH #1056931  
P.O. BOX 208 S.D.C.  
Tribble Springs, NY 89070

LOCK OF COURT  
200 LEWIS AVENUE  
LAS VEGAS, NEVADA 89155

Las Vegas P&DC 89199  
THU 25 JUL 2019 PM



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473 - 477  
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1 **RSPN**  
2 **STEVEN B. WOLFSON**  
3 **Clark County District Attorney**  
4 **Nevada Bar #001565**  
5 **CHARLES W. THOMAN**  
6 **Chief Deputy District Attorney**  
7 **Nevada Bar #12649**  
8 **200 Lewis Avenue**  
9 **Las Vegas, Nevada 89155-2212**  
10 **(702) 671-2500**  
11 **Attorney for Plaintiff**

7 **DISTRICT COURT**  
8 **CLARK COUNTY, NEVADA**

9 **THE STATE OF NEVADA,**  
10 **Plaintiff,**

11 **-vs-**

12 **CHRISTOPHER LEROY ROACH, aka,**  
13 **Christopher Roach, #2757657**

14 **Defendant.**

**CASE NO: C-14-300979-1**  
**DEPT NO: XXIII**

15 **STATE'S RESPONSE TO DEFENDANT'S MOTION TO CORRECT ILLEGAL**  
16 **SENTENCE**

17 **DATE OF HEARING: August 21, 2019**  
18 **TIME OF HEARING: 9:30 AM**

19 **COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District**  
20 **Attorney, through CHARLES W. THOMAN, Chief Deputy District Attorney, and moves this**  
21 **Honorable Court for an order denying the Defendant's Motion to Correct Illegal Sentence.**

22 **This Response is made and based upon all the papers and pleadings on file herein, the**  
23 **attached points and authorities in support hereof, and oral argument at the time of hearing, if**  
24 **deemed necessary by this Honorable Court.**

25 **///**

26 **///**

27 **///**

28 **///**

1 **POINTS AND AUTHORITIES**

2 **STATEMENT OF THE CASE**

3 On July 30, 2014, a Second Amended Criminal Complaint was filed charging  
4 Christopher Roach (hereinafter "Defendant"), as follows: Count 1: Conspiracy to Commit  
5 Robbery; Count 2: Robbery with Use of a Deadly Weapon; Count 3: Coercion; Count 4:  
6 Conspiracy to Commit Robbery; Count 5: Robbery; Count 6: Conspiracy to Commit Robbery;  
7 Count 7: Robbery with Use of a Deadly Weapon and Count 8: Possession of Stolen Property;  
8 Count 9: Possession of Credit or Debit Card Without Cardholders Consent; and Count 10  
9 Possession of Credit or Debit Card Without Cardholder's Consent.

10 On September 17, 2014, a preliminary hearing was held. The justice court held  
11 Defendant to answer to all charges in the Second Amended Criminal Complaint.

12 On September 22, 2014, an Information was filed charging Defendant as follows:  
13 Count 1: Conspiracy to Commit Robbery; Count 2: Robbery with Use of a Deadly Weapon;  
14 Count 3: Coercion; Count 4: Conspiracy to Commit Robbery; Count 5: Robbery; Count 6:  
15 Conspiracy to Commit Robbery; Count 7: Robbery with Use of a Deadly Weapon and Count  
16 8: Possession of Stolen Property. Defendant filed a Petition for Writ of Habeas Corpus on  
17 October 23, 2014. The State filed a Return to Writ of Habeas Corpus on November 5, 2014.  
18 On November 19, 2014, this Court denied Defendant's Petition to Writ of Habeas Corpus.

19 On March 11, 2015, Defendant pleaded guilty to Count 1: Robbery with Use of a  
20 Deadly Weapon and Count 2: Conspiracy to Commit Robbery. On March 16, 2015, an  
21 Amended Information was filed charging Defendant as follows: Count 1: Robbery with Use  
22 of a Deadly Weapon and Count: 2 Conspiracy to Commit Robbery.

23 This Court sentenced Defendant on May 6, 2015, as follows: Count 1: a maximum of  
24 one hundred eighty (180) months with a minimum parole eligibility of sixty (60) months plus  
25 a consecutive term of one hundred eighty (180) months with a minimum parole eligibility of  
26 sixty (60) months for the deadly weapon enhancement; and Count 2: a maximum of sixty (60)  
27 months with a minimum parole eligibility of thirteen (13) months; Consecutive to Count 1.  
28 Defendant received three hundred and nine (309) days credit for time served. The aggregate

1 total sentence was noted as four hundred twenty (420) months maximum with a minimum of  
2 one hundred thirty-three (133) months. The Judgment of Conviction was filed on May 12,  
3 2015.

4 Defendant filed a Notice of Appeal that same day. The Judgment of Conviction was  
5 affirmed in an Order dated December 18, 2015. Remittitur issued on January 14, 2016. After  
6 receiving a letter from the Nevada Department of Corrections noting that Defendant's  
7 convictions did not meet the standards for aggregation of sentence, an Amended Judgment of  
8 Conviction was filed May 12, 2016, removing the aggregate-total-sentence notation from the  
9 Judgment of Conviction.

10 On October 31, 2017, Defendant filed his first Post-Conviction Petition for Writ of  
11 Habeas Corpus. The State file a Response to Defendant's Petition for Writ of Habeas Corpus  
12 on December 13, 2017. This Court denied Defendant's Petition for Writ of Habeas Corpus on  
13 January 10, 2018. A Findings of Fact, Conclusions of Law and Order was filed on February  
14 20, 2018.

15 Defendant filed a second Post-Conviction Petition for Writ of Habeas Corpus on April  
16 11, 2018. The State filed a Response to Defendant's Petition for Writ of Habeas Corpus on  
17 May 30, 2018. The court denied Defendant's Petition for Writ of Habeas Corpus on June 27,  
18 2018. The Findings of Fact, Conclusions of Law and Order was filed July 30, 2018.

19 On July 29, 2019, Defendant filed the instant Motion to Correct Illegal Sentence. The  
20 State responds herein.

## 21 ARGUMENT

### 22 **DEFENDANT'S SENTENCE IS VALID**

23 In general, a district court lacks jurisdiction to modify a sentence once the defendant  
24 has started serving it. Passanisi v. State, 108 Nev. 318, 322, 831 P.2d 1371, 1373 (1992),  
25 overruled on other grounds by Harris v. State, 130 Nev. \_\_\_, 329 P.3d 619 (2014). However,  
26 a district court does have inherent authority to correct, vacate or modify a sentence where the  
27 defendant can demonstrate the sentence violates due process because it is based on a materially  
28 untrue assumption or mistake of fact that has worked to the defendant's extreme detriment.

**PLEADING  
CONTINUES  
IN NEXT  
VOLUME**