

IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed
Aug 23 2021 03:01 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

CARY JERARD PICKETT,
Appellant(s),

vs.

THE STATE OF NEVADA,
Respondent(s),

Case No: 10C262523-2

Docket No: 83328

RECORD ON APPEAL VOLUME 1

ATTORNEY FOR APPELLANT
CARY PICKETT # 57591,
PROPER PERSON
P.O. BOX 208
INDIAN SPRINGS, NV 89070

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

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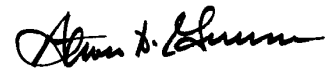
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CLERK OF THE COURT

1 **INFO**

2 DAVID ROGER
3 Clark County District Attorney
4 Nevada Bar #002781
5 ROY L. NELSON III
6 Chief Deputy District Attorney
7 Nevada Bar #007842
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

12 I.A. 3/11/10
13 10:30 A.M.
14 GRECKO

DISTRICT COURT
CLARK COUNTY, NEVADA

15 THE STATE OF NEVADA,)

16 Plaintiff,)

17 -vs-)

18 ALAN DANIELS, aka,)
19 Alan Demetrius Daniels, #0747918)

20 Defendant.)

Case No: C262523
Dept No: XVIII

I N F O R M A T I O N

21 STATE OF NEVADA)
22) ss.
23 COUNTY OF CLARK)

24 DAVID ROGER, District Attorney within and for the County of Clark, State of
25 Nevada, in the name and by the authority of the State of Nevada, informs the Court:

26 That ALAN DANIELS, aka, Alan Demetrius Daniels, the Defendant(s) above named,
27 having committed the crimes of BURGLARY WHILE IN POSSESSION OF A FIREARM
28 (Felony - NRS 205.060); CONSPIRACY TO COMMIT ROBBERY (Felony - NRS
199.480, 200.380); ROBBERY WITH USE OF A DEADLY WEAPON (Felony - NRS
200.380, 193.165) and POSSESSION OF FIREARM BY EX-FELON (Felony - NRS
202.360), on or between the July 4, 2009 and November 14, 2009, 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 - BURGLARY WHILE IN POSSESSION OF A FIREARM

2 did, then and there wilfully, unlawfully, and feloniously enter, while in possession of
3 a firearm, with intent to commit robbery, that certain building occupied by BAILEY'S BAR,
4 located at 4341 North Rancho Drive, Las Vegas, Clark County, Nevada and/or INN ZONE
5 BAR, located at 238 South Rainbow Boulevard, Las Vegas, Clark County, Nevada and/or
6 BEANO'S BAR, located at 7200 West Lake Mead, Las Vegas, Clark County, Nevada and/or
7 BEANO'S BAR, located at 7200 West Lake Mead, Las Vegas, Clark County, Nevada and/or
8 ROADRUNNER SALOON, located at 5990 Centennial Center, Las Vegas, Clark County,
9 Nevada and/or TRIPLE BAR, located at 4420 North Decatur Boulevard, North Las Vegas,
10 Clark County, Nevada and/or RAE'S BAR, located at 2531 Wigwam Parkway, Henderson,
11 Clark County, Nevada and/or TENAYA LODGE, located at 5717 Sky Pointe Drive, Las
12 Vegas, Clark County, Nevada.

13 COUNT 2 - CONSPIRACY TO COMMIT ROBBERY

14 did then and there meet with Cary Pickett and between themselves, and each of them
15 with the other, wilfully, unlawfully, and feloniously conspire and agree to commit a crime,
16 to-wit: robbery, and in furtherance of said conspiracy, Defendant did commit the acts as set
17 forth in Count 3, said acts being incorporated by this reference as though fully set forth
18 herein.

19 COUNT 3 - ROBBERY WITH USE OF A DEADLY WEAPON

20 did, then and there wilfully, unlawfully, and feloniously take personal property, to-
21 wit: lawful money of the United States, from the person of DAVID EDWARDS and/or
22 CRYSTAL EARHART and/or MICHAEL COSGROVE and/or GREGORY SHEALIAN
23 and/or GEORGE MATTIE and/or DELTON LEMA and/or JOSHUA KIEHL, or in their
24 presence, by means of force or violence or fear of injury to, and without the consent and
25 against the will of the said DAVID EDWARDS and/or CRYSTAL EARHART and/or
26 MICHAEL COSGROVE and/or GREGORY SHEALIAN and/or GEORGE MATTIE and/or
27 DELTON LEMA and/or JOSHUA KIEHL, said Defendant using a deadly weapon, to-wit: a
28 handgun, during the commission of said crime.

1 COUNT 4 - POSSESSION OF FIREARM BY EX-FELON

2 did, then and there wilfully, unlawfully, and feloniously own or have in his
3 possession, or under his control, a weapon, to-wit: a handgun, the said ALAN DANIELS,
4 aka, Alan Demetrius Daniels, being an ex-felon, having in 1999, been convicted of Robbery
5 With Use of a Deadly Weapon and Burglary While in Possession of a Firearm, Case No.
6 C160684, in the Eighth Judicial District Court, Clark County, Nevada, and/or having in
7 2002, been convicted of Robbery and Burglary While in Possession of a Firearm, Case No.
8 C156246, in the Eighth Judicial District Court, Clark County, Nevada, felonies under the
9 laws of the State of Nevada.

10
11 DAVID ROGER
12 DISTRICT ATTORNEY
Nevada Bar #002781

13
14 BY /s/ROY L. NELSON III
15 ROY L. NELSON III
16 Chief Deputy District Attorney
Nevada Bar #007842

17
18 UNDER NO CIRCUMSTANCES IS THE LANGUAGE CONTAINED
19 HEREINAFTER TO BE READ TO A JURY HEARING THE PRIMARY OFFENSE FOR
WHICH THE DEFENDANT IS PRESENTLY CHARGED.

20 Defendant ALAN DANIELS, aka, Alan Demetrius Daniels, hereinbefore named, is
21 placed on notice that, in accordance with the authorization of NRS 207.010 and/or NRS
22 207.012, punishment imposed pursuant to the above-stated habitual criminal statute will be
23 urged upon the Court if said Defendant is found guilty on the primary offenses of
24 BURGLARY WHILE IN POSSESSION OF A FIREARM (Felony - NRS 205.060);
25 CONSPIRACY TO COMMIT ROBBERY (Felony - NRS 199.480, 200.380); ROBBERY
26 WITH USE OF A DEADLY WEAPON (Felony - NRS 200.380, 193.165) and
27 POSSESSION OF FIREARM BY EX-FELON (Felony - NRS 202.360), for which the
28 Defendant is presently charged.

1 This page concerning the prior convictions hereinbelow set forth is to be considered
2 by the Court in its discretion ONLY after the finding of guilty of Defendant on the primary
3 charge herein.

4 That said Defendant ALAN DEMETRIUS DANIELS, aka, Alan Demetrius Daniels,
5 has been at least two (2) times convicted of crimes, which, under the laws of the situs of the
6 crime and/or the State of Nevada, amount to felonies, to-wit:

7 1. That in 1999, the Defendant was convicted in the Clark County, Nevada, for the
8 crimes of Robbery With Use Of A Deadly Weapon and Burglary While In Possession Of A
9 Firearm, in Case No. C160684.

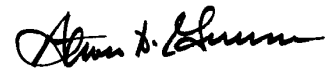
10 2. That in 2002, the Defendant was convicted in the Clark County, Nevada, for the
11 crimes of Robbery and Burglary While In Possession Of A Firearm, in Case No. C156246.

12
13 DAVID ROGER
14 DISTRICT ATTORNEY
15 Nevada Bar #002781

16
17 BY /s/ROY L. NELSON III
18 ROY L. NELSON III
19 Chief Deputy District Attorney
20 Nevada Bar #007842

21
22
23
24
25
26 **DO NOT READ TO THE JURY**

27 DA#10F02742X/GCU:abf
28 LVMPD; NLVPD; HPD EV#0926503; 0923087;
0911140728; 0908310560; 0910110978; 0910230605; 0907040926
BURG WFA; CONSP ROBB; RWDW; EX FEL POSS FA - F
(TK7)



CLERK OF THE COURT

1 **INFO**

2 DAVID ROGER
3 Clark County District Attorney
4 Nevada Bar #002781
5 ROY L. NELSON III
6 Chief Deputy District Attorney
7 Nevada Bar #007842
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

12 I.A. 3/11/10
13 10:30 A.M.
14 ALMASE

DISTRICT COURT
CLARK COUNTY, NEVADA

15 THE STATE OF NEVADA,)

16 Plaintiff,)

17 -vs-)

18 CARY PICKETT, aka,)
19 Cary Jerard Pickett, #0725059)

20 Defendant.)

Case No: C262523
Dept No: XVIII

INFORMATION

21 STATE OF NEVADA)
22) ss.
23 COUNTY OF CLARK)

24 DAVID ROGER, District Attorney within and for the County of Clark, State of
25 Nevada, in the name and by the authority of the State of Nevada, informs the Court:

26 That CARY PICKETT, aka, Cary Jerard Pickett, the Defendant(s) above named,
27 having committed the crimes of BURGLARY WHILE IN POSSESSION OF A FIREARM
28 (Felony - NRS 205.060); CONSPIRACY TO COMMIT ROBBERY (Felony - NRS
199.480, 200.380); ROBBERY WITH USE OF A DEADLY WEAPON (Felony - NRS
200.380, 193.165) and POSSESSION OF FIREARM BY EX-FELON (Felony - NRS
202.360), on or between October 11, 2009 and November 14, 2009, 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 - BURGLARY WHILE IN POSSESSION OF A FIREARM

2 did, then and there wilfully, unlawfully, and feloniously enter, while in possession of
3 a firearm, with intent to commit robbery, that certain building occupied by BEANO'S BAR,
4 located at 7200 West Lake Mead, Las Vegas, Clark County, Nevada and/or
5 ROADRUNNER SALOON, located at 5990 Centennial Center, Las Vegas, Clark County,
6 Nevada and/or TRIPLE BAR, located at 4420 North Decatur Boulevard, North Las Vegas,
7 Clark County, Nevada and/or RAE'S BAR, located at 2531 Wigwam Parkway, Henderson,
8 Clark County, Nevada and/or TIMBERS BAR, located at 7240 West Azure, Suite No. 170,
9 Las Vegas, Clark County, Nevada and/or TENAYA LODGE, located at 5717 Sky Pointe
10 Drive, Las Vegas, Clark County, Nevada.

11 COUNT 2 - CONSPIRACY TO COMMIT ROBBERY

12 did, together with co-defendant ALAN DANIELS, aka, Alan Demetrius Daniels, then
13 and there meet with each other and between themselves, and each of them with the other,
14 wilfully, unlawfully, and feloniously conspire and agree to commit a crime, to-wit: robbery,
15 and in furtherance of said conspiracy, Defendant did commit the acts as set forth in Count 3,
16 said acts being incorporated by this reference as though fully set forth herein.

17 COUNT 3 - ROBBERY WITH USE OF A DEADLY WEAPON

18 did, then and there wilfully, unlawfully, and feloniously take personal property, to-
19 wit: lawful money of the United States and a cellular telephone, from the person of JUSTIN
20 SANCHEZ and/or GEORGE MATTIE and/or DELTON LEMA and/or AARON
21 PARDUHM and/or JOSHUA KIEHL, or in their presence, by means of force or violence or
22 fear of injury to, and without the consent and against the will of the said JUSTIN SANCHEZ
23 and/or GEORGE MATTIE and/or DELTON LEMA and/or AARON PARDUHM and/or
24 JOSHUA KIEHL, said Defendant using a deadly weapon, to-wit: a handgun, during the
25 commission of said crime, the Defendants being criminally liable under one or more of the
26 following principles of criminal liability, to-wit: (1) by directly committing this crime and/or
27 (2) by aiding or abetting in the commission of this crime, with the intent that this crime be
28 committed, by providing counsel and/or encouragement and by entering into a course of

1 conduct whereby the Defendants pointed handguns at the said victims and took said items
2 (3) pursuant to a conspiracy to commit this crime.

3 COUNT 4 - POSSESSION OF FIREARM BY EX-FELON

4 did, then and there wilfully, unlawfully, and feloniously own or have in his
5 possession, or under his control, a weapon, to-wit: a handgun, the said Defendant being an
6 ex-felon, having in 2006, in Case No. C226282 been convicted of Transport of a Controlled
7 Substance and/or having in 1997, in Case No. C145127 been convicted of Burglary and/or
8 having in 1997, in Case No. C143146 been convicted of Grand Larceny and/or having in
9 1993, in Case No. C109725 been convicted of Attempt Grand Larceny, in the Eighth Judicial
10 District Court, Clark County, felonies under the laws of the State of Nevada.

11
12 DAVID ROGER
13 DISTRICT ATTORNEY
14 Nevada Bar #002781

15 BY /s/ROY L. NELSON III
16 ROY L. NELSON III
17 Chief Deputy District Attorney
18 Nevada Bar #007842

19 UNDER NO CIRCUMSTANCES IS THE LANGUAGE CONTAINED
20 HEREINAFTER TO BE READ TO A JURY HEARING THE PRIMARY OFFENSE FOR
21 WHICH THE DEFENDANT IS PRESENTLY CHARGED.

22 Defendant CARY PICKETT, aka, Cary Jerard Pickett, hereinbefore named, is placed
23 on notice that, in accordance with the authorization of NRS 207.010, punishment imposed
24 pursuant to the above-stated habitual criminal statute will be urged upon the Court if said
25 Defendant is found guilty on the primary offenses of BURGLARY WHILE IN
26 POSSESSION OF A FIREARM (Felony - NRS 205.060); CONSPIRACY TO COMMIT
27 ROBBERY (Felony - NRS 199.480, 200.380); ROBBERY WITH USE OF A DEADLY
28 WEAPON (Felony - NRS 200.380, 193.165) and POSSESSION OF FIREARM BY EX-
FELON (Felony - NRS 202.360), for which the Defendant is presently charged.

1 This page concerning the prior convictions hereinbelow set forth is to be considered
2 by the Court in its discretion ONLY after the finding of guilty of Defendant on the primary
3 charge herein.

4 That said Defendant CARY PICKETT, aka, Cary Jerard Pickett, has been seven (7)
5 times convicted of crimes, which, under the laws of the situs of the crime and/or the State of
6 Nevada, amount to felonies, to-wit:

7 1. That in 2006, the Defendant was convicted in Clark County, Nevada, for the crime
8 of Transporting a Controlled Substance, in Case No. C226282.

9 2. That in 1997, the Defendant was convicted in Clark County, Nevada, for the crime
10 of Burglary, in Case No. C145127.

11 3. That in 1997, the Defendant was convicted in Clark County, Nevada for the crime
12 of Grand Larceny, in Case No. C143146.

13 4. That in 1994, the Defendant was convicted in Clark County, Nevada for the crime
14 of Escape, in Case No. C119000.

15 5. That in 1993, the Defendant was convicted in Clark County, Nevada for the crime
16 of Attempt Grand Larceny, in Case No. C109725.

17 6. That in 1993, the Defendant was convicted in Clark County, Nevada for the crime
18 of Burglary, in Case No. C107733.

19 7. That in 1991, the Defendant was convicted in Clark County, Nevada for the crime
20 of Attempt Grand Larceny, in Case No. C99915.

21 DAVID ROGER
22 DISTRICT ATTORNEY
Nevada Bar #002781

23 BY /s/ROY L. NELSON III
24 ROY L. NELSON III
25 Chief Deputy District Attorney
Nevada Bar #007842

26 **DO NOT READ TO THE JURY**

27 DA#10F02742BGCU:abf
28 LVMPD; NLVPD; HPD EV#0910230605; 0911130506; 0911140728; 0908310560;
0907040926; 0910110978; 0926503; 0923087
BURG WFA; CONSP ROBB; RWDW; EX FEL POSS FA - F(TK10)

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9

1 **GMEM**
2 DAVID ROGER
3 DISTRICT ATTORNEY
4 Nevada Bar #002781
5 ROY L. NELSON III
6 Chief Deputy District Attorney
7 Nevada Bar #007842
8 200 Lewis Avenue
9 Las Vegas, NV 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

FILED IN OPEN COURT
MAR 11 2010

STEVEN D. GRIERSON
CLERK OF THE COURT

BY Sylvia Courtney
CLERK OF THE COURT DEPUTY

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

11 -vs-

12 ALAN DANIELS, aka,
13 Alan Demetrius Daniels, #0747918

14 Defendant.

CASE NO: C262523
DEPT NO: XVIII

15 GUILTY PLEA AGREEMENT

16 I hereby agree to plead guilty to: **COUNT 1 - BURGLARY WHILE IN**
17 **POSSESSION OF A FIREARM (Felony - NRS 205.060 / Category B); COUNT 2 -**
18 **CONSPIRACY TO COMMIT ROBBERY (Felony - NRS 199.480, 200.380 / Category**
19 **B); COUNT 3 - ROBBERY WITH USE OF A DEADLY WEAPON (Felony - NRS**
20 **200.380, 193.165 / Category B) and COUNT 4 - POSSESSION OF FIREARM BY EX-**
21 **FELON (Felony - NRS 202.360 / Category B), as more fully alleged in the charging**
22 **document attached hereto as Exhibit "1".**

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

25 Defendant stipulates to violent habitual criminal treatment under NRS 207.012. Both
26 parties stipulate to a term of 5 (five) to fifteen (15) years with regard to Count 1 and a term
27 of ten (10) years to life with regard to Count 3. Count 3 to run consecutive to Count 1 for a
28 total sentence of 15 years to life. All other counts concurrent.

w/ the possibility
of parole.
RCN

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1 understand that if I am sentenced under the "large" habitual criminal enhancement the Court
2 must sentence me to LIFE without the possibility of parole; life with the possibility of
3 parole, parole eligibility begins after a minimum term of TEN (10) years has been served;
4 OR a definite term of TWENTY FIVE (25) years, parole eligibility begins after a minimum
5 of TEN (10) years has been served.

6 I understand that the law requires me to pay an Administrative Assessment Fee.

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

11 **I understand that I am eligible for probation for the offense to which I am**
12 **pleading guilty to in Count 1, 2, and 4.** I understand that, except as otherwise provided by
13 statute, the question of whether I receive probation is in the discretion of the sentencing
14 judge.

15 **I understand that I am not eligible for probation for the offense to which I am**
16 **pleading guilty to in Count 3.**

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

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

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

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

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

1 I understand that if the State of Nevada has agreed to recommend or stipulate a
2 particular sentence or has agreed not to present argument regarding the sentence, or agreed
3 not to oppose a particular sentence, or has agreed to disposition as a gross misdemeanor
4 when the offense could have been treated as a felony, such agreement is contingent upon my
5 appearance in court on the initial sentencing date (and any subsequent dates if the sentencing
6 is continued). I understand that if I fail to appear for the scheduled sentencing date or I
7 commit a new criminal offense prior to sentencing the State of Nevada would regain the full
8 right to argue for any lawful sentence.

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

12 I understand that as a consequence of my plea of guilty, if I am not a citizen of the
13 United States, I may, in addition to other consequences provided for by federal law, be
14 removed, deported, excluded from entry into the United States or denied naturalization.

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

22 WAIVER OF RIGHTS

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

25 1. The constitutional privilege against self-incrimination, including the right to refuse
26 to testify at trial, in which event the prosecution would not be allowed to comment to the
27 jury about my refusal to testify.

28 ///

2. The constitutional right to a speedy and public trial by an impartial jury, free of excessive pretrial publicity prejudicial to the defense, at which trial I would be entitled to the assistance of an attorney, either appointed or retained. At trial the State would bear the burden of proving beyond a reasonable doubt each element of the offense 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 the appeal is based upon reasonable constitutional jurisdictional or other grounds that challenge the legality of the proceedings and except as otherwise provided in subsection 3 of NRS 174.035.

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.


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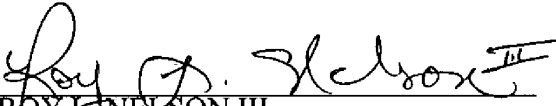
1 I am not now under the influence of any intoxicating liquor, a controlled substance or
2 other drug which would in any manner impair my ability to comprehend or understand this
3 agreement or the proceedings surrounding my entry of this plea.

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

7 DATED this 11 day of March, 2010.

8 
9 ALAN DANIELS, aka,
10 Alan Demetrius Daniels
Defendant

11 AGREED TO BY:

12 
13 ROY E. NELSON III
14 Chief Deputy District Attorney
15 Nevada Bar #007842
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1 CERTIFICATE OF COUNSEL:

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

4 1. I have fully explained to the Defendant the allegations contained in the charge(s)
5 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. All pleas of guilty offered by the Defendant pursuant to this agreement are
9 consistent with the facts known to me and are made with my advice to the Defendant.

10 4. To the best of my knowledge and belief, the Defendant:

11 a. Is competent and understands the charges and the consequences of pleading
12 guilty as provided in this agreement.

13 b. Executed this agreement and will enter all guilty pleas pursuant hereto
14 voluntarily.

15 c. Was not under the influence of intoxicating liquor, a controlled substance or
16 other drug at the time I consulted with the defendant as certified in paragraphs
17 1 and 2 above.

18 Dated: This 11 day of February, 2010.

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ATTORNEY FOR DEFENDANT

10F02742X/GCU:abf

1 **INFO**

2 DAVID ROGER
3 Clark County District Attorney
4 Nevada Bar #002781
5 ROY L. NELSON III
6 Chief Deputy District Attorney
7 Nevada Bar #007842
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

12 I.A. 3/11/10
13 10:30 A.M.
14 GRECKO

DISTRICT COURT
CLARK COUNTY, NEVADA

15 THE STATE OF NEVADA,)

16 Plaintiff,)

17 -vs-)

18 ALAN DANIELS, aka,
19 Alan Demetrius Daniels, #0747918

20 Defendant.)

Case No: C262523
Dept No: XVIII

INFORMATION

21 STATE OF NEVADA }
22 COUNTY OF CLARK } ss.

23 DAVID ROGER, District Attorney within and for the County of Clark, State of
24 Nevada, in the name and by the authority of the State of Nevada, informs the Court:

25 That ALAN DANIELS, aka, Alan Demetrius Daniels, the Defendant(s) above named,
26 having committed the crimes of BURGLARY WHILE IN POSSESSION OF A FIREARM
27 (Felony - NRS 205.060); CONSPIRACY TO COMMIT ROBBERY (Felony - NRS
28 199.480, 200.380); ROBBERY WITH USE OF A DEADLY WEAPON (Felony - NRS
200.380, 193.165) and POSSESSION OF FIREARM BY EX-FELON (Felony - NRS
202.360), on or between the July 4, 2009 and November 14, 2009, 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,

///

EXHIBIT 1

P:\WPDOCS\INF\002\00274201.DOC

1 COUNT 1 - BURGLARY WHILE IN POSSESSION OF A FIREARM

2 did, then and there wilfully, unlawfully, and feloniously enter, while in possession of
3 a firearm, with intent to commit robbery, that certain building occupied by BAILEY'S BAR,
4 located at 4341 North Rancho Drive, Las Vegas, Clark County, Nevada and/or INN ZONE
5 BAR, located at 238 South Rainbow Boulevard, Las Vegas, Clark County, Nevada and/or
6 BEANO'S BAR, located at 7200 West Lake Mead, Las Vegas, Clark County, Nevada and/or
7 BEANO'S BAR, located at 7200 West Lake Mead, Las Vegas, Clark County, Nevada and/or
8 ROADRUNNER SALOON, located at 5990 Centennial Center, Las Vegas, Clark County,
9 Nevada and/or TRIPLE BAR, located at 4420 North Decatur Boulevard, North Las Vegas,
10 Clark County, Nevada and/or RAE'S BAR, located at 2531 Wigwam Parkway, Henderson,
11 Clark County, Nevada and/or TENAYA LODGE, located at 5717 Sky Pointe Drive, Las
12 Vegas, Clark County, Nevada.

13 COUNT 2 - CONSPIRACY TO COMMIT ROBBERY

14 did then and there meet with Cary Pickett and between themselves, and each of them
15 with the other, wilfully, unlawfully, and feloniously conspire and agree to commit a crime,
16 to-wit: robbery, and in furtherance of said conspiracy, Defendant did commit the acts as set
17 forth in Count 3, said acts being incorporated by this reference as though fully set forth
18 herein.

19 COUNT 3 - ROBBERY WITH USE OF A DEADLY WEAPON

20 did, then and there wilfully, unlawfully, and feloniously take personal property, to-
21 wit: lawful money of the United States, from the person of DAVID EDWARDS and/or
22 CRYSTAL EARHART and/or MICHAEL COSGROVE and/or GREGORY SHEALIAN
23 and/or GEORGE MATTIE and/or DELTON LEMA and/or JOSHUA KIEHL, or in their
24 presence, by means of force or violence or fear of injury to, and without the consent and
25 against the will of the said DAVID EDWARDS and/or CRYSTAL EARHART and/or
26 MICHAEL COSGROVE and/or GREGORY SHEALIAN and/or GEORGE MATTIE and/or
27 DELTON LEMA and/or JOSHUA KIEHL, said Defendant using a deadly weapon, to-wit: a
28 handgun. during the commission of said crime.

1 COUNT 4 - POSSESSION OF FIREARM BY EX-FELON

2 did, then and there wilfully, unlawfully, and feloniously own or have in his
3 possession, or under his control, a weapon, to-wit: a handgun, the said ALAN DANIELS,
4 aka, Alan Demetrius Daniels, being an ex-felon, having in 1999, been convicted of Robbery
5 With Use of a Deadly Weapon and Burglary While in Possession of a Firearm, Case No.
6 C160684, in the Eighth Judicial District Court, Clark County, Nevada, and/or having in
7 2002, been convicted of Robbery and Burglary While in Possession of a Firearm, Case No.
8 C156246, in the Eighth Judicial District Court, Clark County, Nevada, felonies under the
9 laws of the State of Nevada.

10
11 DAVID ROGER
12 DISTRICT ATTORNEY
13 Nevada Bar #002781

14 BY /s/ROY L. NELSON III
15 ROY L. NELSON III
16 Chief Deputy District Attorney
17 Nevada Bar #007842

18 UNDER NO CIRCUMSTANCES IS THE LANGUAGE CONTAINED
19 HEREINAFTER TO BE READ TO A JURY HEARING THE PRIMARY OFFENSE FOR
20 WHICH THE DEFENDANT IS PRESENTLY CHARGED.

21 Defendant ALAN DANIELS, aka, Alan Demetrius Daniels, hereinbefore named, is
22 placed on notice that, in accordance with the authorization of NRS 207.010 and/or NRS
23 207.012, punishment imposed pursuant to the above-stated habitual criminal statute will be
24 urged upon the Court if said Defendant is found guilty on the primary offenses of
25 BURGLARY WHILE IN POSSESSION OF A FIREARM (Felony - NRS 205.060);
26 CONSPIRACY TO COMMIT ROBBERY (Felony - NRS 199.480, 200.380); ROBBERY
27 WITH USE OF A DEADLY WEAPON (Felony - NRS 200.380, 193.165) and
28 POSSESSION OF FIREARM BY EX-FELON (Felony - NRS 202.360), for which the
Defendant is presently charged.

1 This page concerning the prior convictions hereinbelow set forth is to be considered
2 by the Court in its discretion ONLY after the finding of guilty of Defendant on the primary
3 charge herein.

4 That said Defendant ALAN DEMETRIUS DANIELS, aka, Alan Demetrius Daniels,
5 has been at least two (2) times convicted of crimes, which, under the laws of the situs of the
6 crime and/or the State of Nevada, amount to felonies, to-wit:

7 1. That in 1999, the Defendant was convicted in the Clark County, Nevada, for the
8 crimes of Robbery With Use Of A Deadly Weapon and Burglary While In Possession Of A
9 Firearm. in Case No. C160684.

10 2. That in 2002, the Defendant was convicted in the Clark County, Nevada, for the
11 crimes of Robbery and Burglary While In Possession Of A Firearm, in Case No. C156246.

12
13 DAVID ROGER
14 DISTRICT ATTORNEY
15 Nevada Bar #002781

16
17 BY /s/ROY L. NELSON III
18 ROY L. NELSON III
19 Chief Deputy District Attorney
20 Nevada Bar #007842

21 **DO NOT READ TO THE JURY**

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26 DA#10F02742X/GCU:abf
27 LVMPD; NLVPD; HPD EV#0926503; 0923087;
28 0911140728; 0908310560; 0910110978; 0910230605; 0907040926
BURG WFA; CONSP ROBB; RWDW; EX FEL POSS FA - F
(TK7)

10:30
9

1 **GMEM**
2 **DAVID ROGER**
3 **DISTRICT ATTORNEY**
4 Nevada Bar #002781
5 **ROY L. NELSON III**
6 Chief Deputy District Attorney
7 Nevada Bar #007842
8 200 Lewis Avenue
9 Las Vegas, NV 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

FILED IN OPEN COURT

MAR 11 2010

STEVEN D. GRIERSON
CLERK OF THE COURT

Sylvia Courtney
DEPUTY

8 DISTRICT COURT
9 CLARK COUNTY, NEVADA

10 THE STATE OF NEVADA,

11 Plaintiff,

12 -vs-

13 CARY PICKETT, aka,
14 Cary Jerard Pickett, #0725059

15 Defendant.

CASE NO: C262523
DEPT NO: XVIII

16 GUILTY PLEA AGREEMENT

17 I hereby agree to plead guilty to: **COUNT 1 - BURGLARY WHILE IN**
18 **POSSESSION OF A FIREARM (Felony - NRS 205.060 / Category B); COUNT 2 -**
19 **CONSPIRACY TO COMMIT ROBBERY (Felony - NRS 199.480, 200.380 / Category**
20 **B); COUNT 3 - ROBBERY WITH USE OF A DEADLY WEAPON (Felony - NRS**
21 **200.380, 193.165 / Category B) and COUNT 4 - POSSESSION OF FIREARM BY EX-**
22 **FELON (Felony - NRS 202.360 / Category B), as more fully alleged in the charging**
23 **document attached hereto as Exhibit "1".**

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

26 The State has agreed to dismiss the remaining counts. Defendant stipulates to large
27 habitual treatment under NRS 207.010. Parties stipulate to a 2-5 year sentence on Count 1.
28 Defendant treated as habitual under Count 2 and receive 10-25 year sentence, consecutive to

1 Count 1, for a total of 12-30 years in the Nevada Department of Corrections. All other
2 counts to run concurrent.

3 CONSEQUENCES OF THE PLEA

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

6 **I understand that as a consequence of my plea of guilty as to Count 1, the Court**
7 **must sentence me to imprisonment in the Nevada Department of Corrections for a minimum**
8 **term of not less than two (2) years and a maximum term of not more than fifteen (15) years.**
9 **The minimum term of imprisonment may not exceed forty percent (40%) of the maximum**
10 **term of imprisonment. I understand that I may also be fined up to \$10,000.00.**

11 **I understand that as a consequence of my plea of guilty as to Count 2, the Court**
12 **must sentence me to imprisonment in the Nevada Department of Corrections for a minimum**
13 **term of not less than one (1) year and a maximum term of not more than six (6) years. The**
14 **minimum term of imprisonment may not exceed forty percent (40%) of the maximum term**
15 **of imprisonment. I understand that I may also be fined up to \$5,000.00.**

16 **I understand that as a consequence of my plea of guilty as to Count 3, the Court**
17 **must sentence me to imprisonment in the Nevada Department of Corrections for a minimum**
18 **term of not less than two (2) years and a maximum term of not more than fifteen (15) years,**
19 **plus a consecutive minimum term of not less than one (1) year and a maximum term of not**
20 **more than fifteen (15) years for the use of a deadly weapon enhancement. The minimum**
21 **term of imprisonment may not exceed forty percent (40%) of the maximum term of**
22 **imprisonment.**

23 **I understand that as a consequence of my plea of guilty as to Count 4, the Court**
24 **must sentence me to imprisonment in the Nevada Department of Corrections for a minimum**
25 **term of not less than one (1) year and a maximum term of not more than six (6) years. The**
26 **minimum term of imprisonment may not exceed forty percent (40%) of the maximum term**
27 **of imprisonment. I understand that I may also be fined up to \$5,000.00.**

28 I understand that the law requires me to pay an Administrative Assessment Fee.

1 Further, I understand that if I am sentenced under the under the "small" habitual
2 criminal enhancement, the Court must sentence me to a term not less than FIVE (5) years
3 and a maximum of TWENTY (20) years in the Nevada Department of Corrections. I
4 understand that if I am sentenced under the "large" habitual criminal enhancement the Court
5 must sentence me to LIFE without the possibility of parole; life with the possibility of
6 parole, parole eligibility begins after a minimum term of TEN (10) years has been served;
7 OR a definite term of TWENTY FIVE (25) years, parole eligibility begins after a minimum
8 of TEN (10) years has been served.

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

13 **I understand that I am eligible for probation for the offense to which I am**
14 **pleading guilty to in Count 1, 2, and 4.** I understand that, except as otherwise provided by
15 statute, the question of whether I receive probation is in the discretion of the sentencing
16 judge.

17 **I understand that I am not eligible for probation for the offense to which I am**
18 **pleading guilty to in Count 3.**

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

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

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

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

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

3 I understand that if the State of Nevada has agreed to recommend or stipulate a
4 particular sentence or has agreed not to present argument regarding the sentence, or agreed
5 not to oppose a particular sentence, or has agreed to disposition as a gross misdemeanor
6 when the offense could have been treated as a felony, such agreement is contingent upon my
7 appearance in court on the initial sentencing date (and any subsequent dates if the sentencing
8 is continued). I understand that if I fail to appear for the scheduled sentencing date or I
9 commit a new criminal offense prior to sentencing the State of Nevada would regain the full
10 right to argue for any lawful sentence.

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

14 I understand that as a consequence of my plea of guilty, if I am not a citizen of the
15 United States, I may, in addition to other consequences provided for by federal law, be
16 removed, deported, excluded from entry into the United States or denied naturalization.

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

24 WAIVER OF RIGHTS

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

27 ///

28 ///

1 1. The constitutional privilege against self-incrimination, including the right to refuse
2 to testify at trial, in which event the prosecution would not be allowed to comment to the
3 jury about my refusal to testify.

4 2. The constitutional right to a speedy and public trial by an impartial jury, free of
5 excessive pretrial publicity prejudicial to the defense, at which trial I would be entitled to the
6 assistance of an attorney, either appointed or retained. At trial the State would bear the
7 burden of proving beyond a reasonable doubt each element of the offense charged.

8 3. The constitutional right to confront and cross-examine any witnesses who would
9 testify against me.

10 4. The constitutional right to subpoena witnesses to testify on my behalf.

11 5. The constitutional right to testify in my own defense.

12 6. The right to appeal the conviction, with the assistance of an attorney, either
13 appointed or retained, unless the appeal is based upon reasonable constitutional jurisdictional
14 or other grounds that challenge the legality of the proceedings and except as otherwise
15 provided in subsection 3 of NRS 174.035.

16 VOLUNTARINESS OF PLEA

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

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

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

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

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

27 ///


28 ///

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

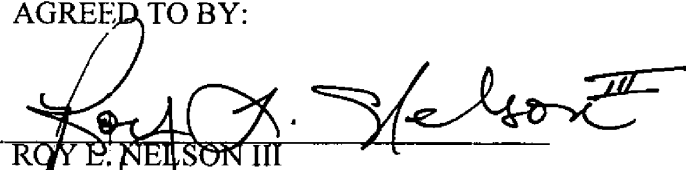
4 I am not now under the influence of any intoxicating liquor, a controlled substance or
5 other drug which would in any manner impair my ability to comprehend or understand this
6 agreement or the proceedings surrounding my entry of this plea.

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

10 DATED this 11 day of March, 2010.

11 
12 CARY PICKETT, aka, Cary Jerard Pickett
13 Defendant

14 AGREED TO BY:

15 
16 ROY E. NELSON III
17 Chief Deputy District Attorney
18 Nevada Bar #007842
19
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1 CERTIFICATE OF COUNSEL:

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

4 1. I have fully explained to the Defendant the allegations contained in the charge(s)
to which guilty pleas are being entered.

5 2. I have advised the Defendant of the penalties for each charge and the restitution
6 that the Defendant may be ordered to pay.

7 3. All pleas of guilty offered by the Defendant pursuant to this agreement are
consistent with the facts known to me and are made with my advice to the Defendant.


8 4. To the best of my knowledge and belief, the Defendant:

9 a. Is competent and understands the charges and the consequences of pleading
10 guilty as provided in this agreement.

11 b. Executed this agreement and will enter all guilty pleas pursuant hereto
voluntarily.

12 c. Was not under the influence of intoxicating liquor, a controlled substance or
13 other drug at the time I consulted with the defendant as certified in paragraphs
1 and 2 above.

14 Dated: This 11 day of March, 2010.



15 ATTORNEY FOR DEFENDANT
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28 10F02742B/GCU:abf


CLERK OF THE COURT

1 **INFO**
2 **DAVID ROGER**
3 **Clark County District Attorney**
4 **Nevada Bar #002781**
5 **ROY L. NELSON III**
6 **Chief Deputy District Attorney**
7 **Nevada Bar #007842**
8 **200 Lewis Avenue**
9 **Las Vegas, Nevada 89155-2212**
10 **(702) 671-2500**
11 **Attorney for Plaintiff**

7 **I.A. 3/11/10**
8 **10:30 A.M.**
9 **ALMASE**
DISTRICT COURT
CLARK COUNTY, NEVADA

9 **THE STATE OF NEVADA,**
10 **Plaintiff,**
11 **-vs-**
12 **CARY PICKETT, aka,**
13 **Cary Jerard Pickett, #0725059**
14 **Defendant.**

Case No: C262523
Dept No: XVIII

INFORMATION

15 **STATE OF NEVADA**
16 **COUNTY OF CLARK** } ss.

17 **DAVID ROGER, District Attorney within and for the County of Clark, State of**
18 **Nevada, in the name and by the authority of the State of Nevada, informs the Court:**

19 **That CARY PICKETT, aka, Cary Jerard Pickett, the Defendant(s) above named,**
20 **having committed the crimes of BURGLARY WHILE IN POSSESSION OF A FIREARM**
21 **(Felony - NRS 205.060); CONSPIRACY TO COMMIT ROBBERY (Felony - NRS**
22 **199.480, 200.380); ROBBERY WITH USE OF A DEADLY WEAPON (Felony - NRS**
23 **200.380, 193.165) and POSSESSION OF FIREARM BY EX-FELON (Felony - NRS**
24 **202.360), on or between October 11, 2009 and November 14, 2009, within the County of**
25 **Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made**
26 **and provided, and against the peace and dignity of the State of Nevada,**

27 **///**

28 **///**

EXHIBIT "1"

1 COUNT 1 - BURGLARY WHILE IN POSSESSION OF A FIREARM

2 did, then and there wilfully, unlawfully, and feloniously enter, while in possession of
3 a firearm, with intent to commit robbery, that certain building occupied by BEANO'S BAR,
4 located at 7200 West Lake Mead, Las Vegas, Clark County, Nevada and/or
5 ROADRUNNER SALOON, located at 5990 Centennial Center, Las Vegas, Clark County,
6 Nevada and/or TRIPLE BAR, located at 4420 North Decatur Boulevard, North Las Vegas,
7 Clark County, Nevada and/or RAE'S BAR, located at 2531 Wigwam Parkway, Henderson,
8 Clark County, Nevada and/or TIMBERS BAR, located at 7240 West Azure, Suite No. 170,
9 Las Vegas, Clark County, Nevada and/or TENAYA LODGE, located at 5717 Sky Pointe
10 Drive, Las Vegas, Clark County, Nevada.

11 COUNT 2 - CONSPIRACY TO COMMIT ROBBERY

12 did, together with co-defendant ALAN DANIELS, aka, Alan Demetrius Daniels, then
13 and there meet with each other and between themselves, and each of them with the other,
14 wilfully, unlawfully, and feloniously conspire and agree to commit a crime, to-wit: robbery,
15 and in furtherance of said conspiracy, Defendant did commit the acts as set forth in Count 3,
16 said acts being incorporated by this reference as though fully set forth herein.

17 COUNT 3 - ROBBERY WITH USE OF A DEADLY WEAPON

18 did, then and there wilfully, unlawfully, and feloniously take personal property, to-
19 wit: lawful money of the United States and a cellular telephone, from the person of JUSTIN
20 SANCHEZ and/or GEORGE MATTIE and/or DELTON LEMA and/or AARON
21 PARDUHM and/or JOSHUA KIEHL, or in their presence, by means of force or violence or
22 fear of injury to, and without the consent and against the will of the said JUSTIN SANCHEZ
23 and/or GEORGE MATTIE and/or DELTON LEMA and/or AARON PARDUHM and/or
24 JOSHUA KIEHL, said Defendant using a deadly weapon, to-wit: a handgun, during the
25 commission of said crime, the Defendants being criminally liable under one or more of the
26 following principles of criminal liability, to-wit: (1) by directly committing this crime and/or
27 (2) by aiding or abetting in the commission of this crime, with the intent that this crime be
28 committed, by providing counsel and/or encouragement and by entering into a course of

1 conduct whereby the Defendants pointed handguns at the said victims and took said items
2 (3) pursuant to a conspiracy to commit this crime.

3 COUNT 4 - POSSESSION OF FIREARM BY EX-FELON

4 did, then and there wilfully, unlawfully, and feloniously own or have in his
5 possession, or under his control, a weapon, to-wit: a handgun, the said Defendant being an
6 ex-felon, having in 2006, in Case No. C226282 been convicted of Transport of a Controlled
7 Substance and/or having in 1997, in Case No. C145127 been convicted of Burglary and/or
8 having in 1997, in Case No. C143146 been convicted of Grand Larceny and/or having in
9 1993, in Case No. C109725 been convicted of Attempt Grand Larceny, in the Eighth Judicial
10 District Court, Clark County, felonies under the laws of the State of Nevada.

11
12 DAVID ROGER
13 DISTRICT ATTORNEY
14 Nevada Bar #002781

15 BY /s/ROY L. NELSON III
16 ROY L. NELSON III
17 Chief Deputy District Attorney
18 Nevada Bar #007842

19 UNDER NO CIRCUMSTANCES IS THE LANGUAGE CONTAINED
20 HEREINAFTER TO BE READ TO A JURY HEARING THE PRIMARY OFFENSE FOR
21 WHICH THE DEFENDANT IS PRESENTLY CHARGED.

22 Defendant CARY PICKETT, aka, Cary Jerard Pickett, hereinbefore named, is placed
23 on notice that, in accordance with the authorization of NRS 207.010, punishment imposed
24 pursuant to the above-stated habitual criminal statute will be urged upon the Court if said
25 Defendant is found guilty on the primary offenses of BURGLARY WHILE IN
26 POSSESSION OF A FIREARM (Felony - NRS 205.060); CONSPIRACY TO COMMIT
27 ROBBERY (Felony - NRS 199.480, 200.380); ROBBERY WITH USE OF A DEADLY
28 WEAPON (Felony - NRS 200.380, 193.165) and POSSESSION OF FIREARM BY EX-
FELON (Felony - NRS 202.360), for which the Defendant is presently charged.

1 This page concerning the prior convictions hereinbelow set forth is to be considered
2 by the Court in its discretion ONLY after the finding of guilty of Defendant on the primary
3 charge herein.

4 That said Defendant CARY PICKETT, aka, Cary Jerard Pickett, has been seven (7)
5 times convicted of crimes, which, under the laws of the situs of the crime and/or the State of
6 Nevada, amount to felonies, to-wit:

7 1. That in 2006, the Defendant was convicted in Clark County, Nevada, for the crime
8 of Transporting a Controlled Substance, in Case No. C226282.

9 2. That in 1997, the Defendant was convicted in Clark County, Nevada, for the crime
10 of Burglary, in Case No. C145127.

11 3. That in 1997, the Defendant was convicted in Clark County, Nevada for the crime
12 of Grand Larceny, in Case No. C143146.

13 4. That in 1994, the Defendant was convicted in Clark County, Nevada for the crime
14 of Escape, in Case No. C119000.

15 5. That in 1993, the Defendant was convicted in Clark County, Nevada for the crime
16 of Attempt Grand Larceny, in Case No. C109725.

17 6. That in 1993, the Defendant was convicted in Clark County, Nevada for the crime
18 of Burglary, in Case No. C107733.

19 7. That in 1991, the Defendant was convicted in Clark County, Nevada for the crime
20 of Attempt Grand Larceny, in Case No. C99915.

21 DAVID ROGER
22 DISTRICT ATTORNEY
23 Nevada Bar #002781

24 BY /s/ROY L. NELSON III
25 ROY L. NELSON III
26 Chief Deputy District Attorney
27 Nevada Bar #007842

28 **DO NOT READ TO THE JURY**

DA#10F02742BGCU:abf
LVMPD; NLVPD; HPD EV#0910230605; 0911130506; 0911140728; 0908310560;
0907040926; 0910110978; 0926503; 0923087
BURG WFA; CONSP ROBB; RWDW; EX FEL POSS FA - F(TK10)

1 OPI
2 DAVID ROGER
3 Clark County District Attorney
4 Nevada Bar #002781
5 CHRIS OWENS
6 Assistant District Attorney
7 Nevada Bar #001190
8 200 Lewis Avenue
9 Las Vegas, Nevada, 89155-2211
10 (702) 671-2500
11 Attorney for Plaintiff

FILED

MAR 26 9 47 AM '10

CLERK

DISTRICT COURT
CLARK COUNTY, NEVADA

12 THE STATE OF NEVADA,

13 Plaintiff,

14 -vs-

15 See Attached

16 Defendant.

Case No.

C257135

C252804

C262523

C254696

C257413

10F01165X

C240222

Dept No.

See Attached

ORDER FOR PRODUCTION OF INMATES

TO: Nevada Department of Correction, Central Transportation Division

TO: Douglas C. Gillespie, Sheriff of Clark County, Nevada

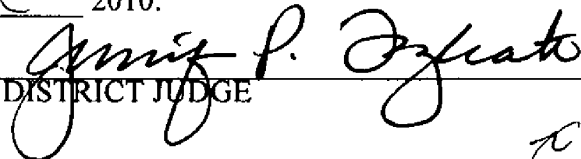
Upon the ex parte application of THE STATE OF NEVADA, Plaintiff, by DAVID ROGER, District Attorney, and good cause appearing therefor,

IT IS HEREBY ORDERED that Nevada Department of Correction, Central Transportation Division shall be, and is, hereby directed to produce the Defendants listed on the attached document at such time and place as is designated thereon.

IT IS FURTHER ORDERED that Douglas C. Gillespie, Sheriff of Clark County, Nevada, shall accept and retain custody of the said Defendants in the Clark County Detention Center, Las Vegas, Nevada, pending completion of said matter in Clark County,

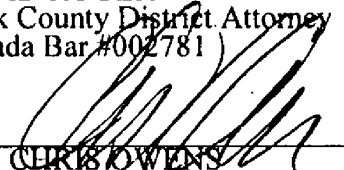
1 or until the further Order of this Court; or in the alternative shall make all arrangements for
2 the transportation of the said Defendants to and from the Nevada Department of Corrections
3 which are necessary to insure the Defendants' appearance in Clark County pending
4 completion of said matter, or until further Order of this Court.

5 DATED this 18th day of March 2010.

6 
7 DISTRICT JUDGE
8

9 DAVID ROGER
10 Clark County District Attorney
11 Nevada Bar #002781

12 BY


13 CHRIS OWENS
14 Assistant District Attorney
15 Nevada Bar #001190
16
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28 tgd

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

Inter-Office Memorandum

To: All Personnel

Date: 3/12/10

From: Field Services Sgt.

Subject: Pending court dates of inmates sentenced to
NSP/HIGH DESERT and were transferred on: THURSDAY, MARCH 18, 2010.

The inmates listed below were transferred to Nevada State Prison and will have the following court dates.

| | <u>NAME/ACTION</u> | <u>ID#</u> | <u>CASE #</u> | <u>CRT DATE/ TIME</u> | <u>DEPT #</u> |
|---|---------------------------------|------------|---------------|---------------------------|---------------|
| 1 | FIKE, RUSSELL STATUS CHECK | 1100183 | C257135 | 3/29/10 0830 | DC#18 |
| 2 | COLLINS, LESEAN STATUS CHECK | 857181 | C252804 | 8/13/10 0900 | DC#9 |
| 3 | DANIELS, ALAN SENTENCING | 747918 | C262523 | 5/10/10 0815 | DC#18 |

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

Inter-Office Memorandum

To: All Personnel

Date: 3/15/10

From: Field Services Sgt.

Subject: Pending court dates of inmates sentenced to
NSP/HIGH DESERT and were transferred on: **FRIDAY, MARCH 19, 2010**

The inmates listed below were transferred to Nevada State Prison and will have the following court dates.

| | <u>NAME/ACTION</u> | <u>ID#</u> | <u>CASE #</u> | <u>CRT DATE/ TIME</u> | <u>DEPT #</u> |
|---|------------------------------|------------|---------------|---------------------------|---------------|
| 1 | DELUCA, ANTHONY TO APPEAR | 2705727 | C254696 | 3/30/10 1030 | DRG CRT |
| 2 | | | | | |
| 3 | | | | | |

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

Inter-Office Memorandum

To: All Personnel

Date: 3/15/10

From: Field Services Sgt.

Subject: Pending court dates of inmates sentenced to
NSP/HIGH DESERT and were transferred on: **MONDAY, MARCH 22, 2010**

The inmates listed below were transferred to Nevada State Prison and will have the following court dates.

| | <u>NAME/ACTION</u> | <u>ID#</u> | <u>CASE #</u> | <u>CRT DATE/ TIME</u> | <u>DEPT #</u> |
|---|--|------------|---------------|---------------------------|---------------|
| 1 | BRESSELSMITH, DAVID SENTENCING | 1913061 | C257413 | 4/19/10 0830 | DC#8 |
| 2 | BELL, JAMES TO APPEAR | 1554999 | 10F01165X | 3/3/10 0900 | JC#1 |
| 3 | GILLIGAN, DONALD PROBATION REVOCATION | 751367 | C240222 | 3/31/10 0830 | DC#2 |

THIS SEALED
DOCUMENT,
NUMBERED PAGE(S)
213 - 228
WILL FOLLOW VIA
U.S. MAIL

ORIGINAL

FILED

MAY 14 2010

Alan S. Schuman
CLERK OF COURT

JOCP

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

ALAN DANIELS
aka Alan Demetrius Daniels
#0747918

Defendant.

CASE NO. C262523

DEPT. NO. XVIII

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 – BURGLARY WHILE IN POSSESSION OF A FIREARM (Category B Felony), in violation of NRS 205.060, COUNT 2 - CONSPIRACY TO COMMIT ROBBERY (Category B Felony), in violation of NRS 199.480, 200.380, COUNT 3 – ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony), in violation of NRS 200.380, 193.165, and COUNT 4 – POSSESSION OF FIREARM BY EX-FELON (Category B Felony), in violation of NRS 202.360; thereafter, on the 10th day of May, 2010, the Defendant was present in court for sentencing with his counsel, MICHAEL CASTILLO, ESQ., and good cause appearing,

1 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offenses under the
2 HABITUAL Criminal Statute (NRS 207.012) and, in addition to the \$25.00 Administrative
3 Assessment Fee, to PAY \$11,948.60 RESTITUTION jointly and severally with co-
4 defendant, and to PAY \$3,034.50 RESITUTION Individually, the Defendant is
5 sentenced to the Nevada Department of Corrections (NDC) as follows: AS TO COUNT
6 1 - TO A MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS with a MINIMUM
7 parole eligibility of SIXTY (60) MONTHS; AS TO COUNT 2 - TO A MAXIMUM of
8 SIXTY (60) MONTHS with a MINIMUM parole eligibility of TWENTY-FOUR (24)
9 MONTHS; AS TO COUNT 3 - LIFE with possibility of Parole eligibility after TEN (10)
10 YEARS, COUNT 3 to run CONSECUTIVE to COUNT 1; and AS TO COUNT 4 - TO A
11 MAXIMUM of SIXTY (60) MONTHS with a MINIMUM parole eligibility of
12 TWENTY-FOUR (24) MONTHS, COUNT 4 to run CONCURRENT with COUNT 2, this
13 Sentence to run CONSECUTIVE to Case C156246; with ZERO (0) DAYS Credit for
14 Time Served. As the Fee and Genetic Testing have been previously imposed, the Fee
15 and Testing in the current case are WAIVED.
16
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20 DATED this 14th day of May, 2010

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23 
24 DAVID BARKER
25 DISTRICT JUDGE
26
27
28

1 JOCP
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FILED

MAY 19 2010

Steph L. Blum
CLERK OF COURT

5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7 THE STATE OF NEVADA,

8 Plaintiff,

CASE NO. C262523

9 -vs-

DEPT. NO. XVIII

10 CARY PICKETT
11 aka Cary Jerard Pickett
12 #0725059

13 Defendant.

14 JUDGMENT OF CONVICTION
15 (PLEA OF GUILTY)
16

17 The Defendant previously appeared before the Court with counsel and entered a
18 plea of guilty to the crimes of COUNT 1 – BURGLARY WHILE IN POSSESSION OF A
19 FIREARM (Category B Felony), in violation of NRS 205.060, COUNT 2 –CONSPIRACY
20 TO COMMIT ROBBERY (Category B Felony), in violation of NRS 199.480, 200.380,
21 COUNT 3 – ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony), in
22 violation of NRS 200.380, 193.165, and COUNT 4 – POSSESSION OF FIREARM BY
23 EX-FELON (Category B Felony), in violation of NRS 202.360; thereafter, on the 10th day
24 of May, 2010, the Defendant was present in court for sentencing with his counsel,
25 CAESAR ALMASE, ESQ., and good cause appearing,
26
27
28

1 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offenses under the
2 HABITUAL Criminal Statute (NRS 207.012) and, in addition to the \$25.00 Administrative
3 Assessment Fee, to PAY \$11,948.60 RESTITUTION jointly and severally with co-
4 defendant, and to PAY \$1,550.00 RESITUTION Individually, the Defendant is
5 sentenced to the Nevada Department of Corrections (NDC)as follows: AS TO COUNT
6 1 - TO A MAXIMUM of SIXTY (60) MONTHS with a MINIMUM parole eligibility of
7 TWENTY-FOUR (24) MONTHS; AS TO COUNT 2 - TO A MAXIMUM of SIXTY (60)
8 MONTHS with a MINIMUM parole eligibility of TWENTY-FOUR (24) MONTHS; AS TO
9 COUNT 3 - LIFE with a MINIMUM parole eligibility after TEN (10) YEARS has been
10 served, COUNT 3 to run CONSECUTIVE to COUNT 1; and AS TO COUNT 4 - TO A
11 MAXIMUM of SIXTY (60) MONTHS with a MINIMUM parole eligibility of
12 TWENTY-FOUR (24) MONTHS, COUNT 4 to run CONCURRENT with COUNT 2; with
13 EIGHTY-EIGHT (88) DAYS Credit for Time Served. As the Fee and Genetic Testing
14 have been previously imposed, the Fee and Testing in the current case are WAIVED.
15
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19 DATED this 18th day of May, 2010

20
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22 
23 DAVID BARKER
24 DISTRICT JUDGE
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56

FILED

JUL 13 12 43 PM '10

Ann. H. Linn
CLERK OF THE COURT

ORIGINAL

CASE NO. C262523

IN THE JUSTICE COURT OF LAS VEGAS TOWNSHIP
COUNTY OF CLARK, STATE OF NEVADA

-ooo-

THE STATE OF NEVADA,)
)
Plaintiff,)
)
vs.)
)
CARY PICKETT,)
)
Defendant.)
_____)

CASE NO. 10F02742B

REPORTER'S TRANSCRIPT OF
UNCONDITIONAL WAIVER OF PRELIMINARY HEARING

BEFORE THE HON. KAREN BENNETT-HARON

JUSTICE OF THE PEACE

Thursday, February 25, 2010

10:25 A.M.

APPEARANCES:

For the State: ROY NELSON, ESQ.
Deputy District Attorney

For the Defendant: CAESAR ALMASE, ESQ.

Reported by: SHAWN E. OTT, CCR NO. 577

RECEIVED
JUL 13 2010
CLERK OF THE COURT

1 LAS VEGAS, CLARK COUNTY, NV, THURS., FEB. 25, 2010

2 10:25 A.M.

3 -oOo-

4 P R O C E E D I N G S

5 THE COURT: With respect to Mr. Pickett.

6 MR. NELSON: Judge, it's my understanding
7 this morning, he will unconditionally waive his
8 preliminary hearing. In district court he will plead
9 guilty to one count of robbery with the use of a
10 deadly weapon naming all victims, one count of
11 conspiracy to commit robbery, one count of burglary
12 while in possession of a firearm naming all bars, one
13 count of felon possession of a firearm.

14 He will stipulate to the large habitual
15 under NRS 207.010. Both of the parties stipulate to
16 a term of years of 12 years to a maximum term of 30
17 years in the Nevada Department of Corrections.

18 With regard to robbery with use of a
19 deadly weapon, that will be the charge that he will
20 plead to the large habitual on. The conspiracy to
21 commit robbery will be a two-to-five-year sentence to
22 run consecutive to his 10-to-25-year sentence.

23 MR. ALMASE: And obviously the remaining
24 counts will run concurrent.

25 MR. NELSON: That's correct.

1 THE COURT: Mr. Picket, did you understand
2 the terms of the negotiations?

3 THE DEFENDANT: Yes, ma'am.

4 THE COURT: Do you understand also that
5 one of the things you are being asked to do this
6 morning is to unconditionally waive your right to a
7 preliminary hearing which means that if you get to
8 district court and you change your mind about the
9 negotiations you won't be able to come back to this
10 court to have a preliminary hearing as to these
11 charges?

12 Do you understand that?

13 THE DEFENDANT: Yes, ma'am.

14 THE COURT: And understanding that, is it
15 still your intention to unconditionally waive your
16 right to a preliminary hearing?

17 THE DEFENDANT: Yes, ma'am.

18 THE COURT: Then it appearing to this
19 Court from the amended criminal complaint on file
20 herein that the crimes of conspiracy to commit
21 robbery, robbery with use of a deadly weapon, allege
22 burglary while in possession of a deadly weapon have
23 been committed and the Defendant, Cary Pickett,
24 having unconditionally waived his right to a
25 preliminary hearing on said charges shall be held to

1 answer said charges in the Eighth Judicial District
2 Court, Department --
3 THE CLERK: 18, March 11th at 10:30, lower
4 level basement, Courtroom 1A.
5 -oOo-
6
7 ATTEST: FULL, TRUE, ACCURATE AND CERTIFIED
8 TRANSCRIPT OF PROCEEDINGS.
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Shawn E. Ott, CCR No. 577

1 CASE NO. C262523

2 IN THE JUSTICE COURT OF LAS VEGAS TOWNSHIP

3 COUNTY OF CLARK, STATE OF NEVADA

4 -oOo-

5 STATE OF NEVADA,)

6 Plaintiff,)

7 vs.) Case No. 10F02742B

8 CARY PICKETT,) ATTEST RE:

9 Defendant.) NRS 239B.030

10

11 STATE OF NEVADA)

12) ss

13 COUNTY OF CLARK)

14 I, Shawn Ott, a Certified Shorthand

15 Reporter within and for the County of Clark and the

16 State of Nevada, do hereby certify:

17 That REPORTER'S TRANSCRIPT OF

18 UNCONDITIONAL WAIVER OF PRELIMINARY HEARING was

19 reported in open court pursuant to NRS 3.360 on

20 Thursday, February 25, 2010 at 10:25 a.m. in

21 Las Vegas Justice Court, Dept. 7, 200 Lewis Avenue,

22 Las Vegas, Nevada.

23 That said TRANSCRIPT:

24 X Does not contain the Social Security

25 number of any person.

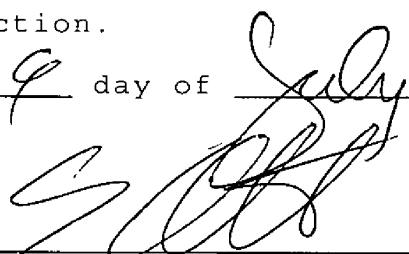
Contains the Social Security number of a

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person.

I further certify that I am not interested
in the events of this action.

DATED this 9 day of July 2010.


SHAWN E. OTT, CCR No. 577

sp

FILED

JUL 13 12 43 PM '10

Ann Williams
CLERK OF THE COURT

- o O o -

ORIGINAL

CASE NO. C262523

IN THE JUSTICE COURT OF LAS VEGAS TOWNSHIP
COUNTY OF CLARK, STATE OF NEVADA

THE STATE OF NEVADA,)
Plaintiff,)
vs.)
ALAN DANIELS,)
Defendant.)

CASE NO. 10F02742A

REPORTER'S TRANSCRIPT OF
UNCONDITIONAL WAIVER OF PRELIMINARY HEARING

BEFORE THE HON. KAREN BENNETT-HARON
JUSTICE OF THE PEACE

Thursday, February 25, 2010

10:20 A.M.

APPEARANCES:

For the State: ROY NELSON, ESQ.
Deputy District Attorney

For the Defendant: VICKI GRECO, ESQ.

Reported by: SHAWN E. OTT, CCR NO. 577

RECEIVED
JUL 13 2010
CLERK OF THE COURT

1 LAS VEGAS, CLARK COUNTY, NV, THURS., FEB. 25, 2010

2 10:20 A.M.

3 -oOo-

4 P R O C E E D I N G S

5 THE COURT: Mr. Nelson, Alan Daniels, Cary
6 Pickett. Ms. Greco is present.

7 MR. NELSON: It's my understanding it's
8 negotiated as to both of them, Judge.

9 With regard to Mr. Daniels, it's my
10 understanding, Judge, he will unconditionally waive
11 his preliminary hearing this morning. In district
12 court he will plead guilty to one count of robbery
13 with use of a deadly weapon naming all victims. He
14 will plead guilty to one count of conspiracy to
15 commit robbery and one count of burglary while in
16 possession of a firearm naming all bars and a felon
17 possession of firearm.

18 He will stipulate to a violent habitual
19 under NRS 207.012. Both parties will agree to
20 stipulate to 15 years on the bottom to a life
21 sentence. This will run consecutive to his parole
22 hold, and the State will not seek life without the
23 possibility of parole.

24 MS. GRECO: That's correct, Your Honor.

25 MR. NELSON: With regard to --

**PLEADING
CONTINUES
IN NEXT
VOLUME**