

Electronically Filed
Aug 10 2021 11:20 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

NOA
Melinda Simpkins, NSB #7911
Chief Deputy Special Public Defender
Robert Arroyo, NSB #11512
Chief Deputy Special Public Defender
JoNell Thomas, NSB #4771
Special Public Defender
330 South Third Street, No. 800
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Robert.arroyo@clarkcountynv.gov
jonell.thomas@clarkcountynv.gov

Attorneys for Abasta

DISTRICT COURT

CLARK COUNTY, NEVADA

* * *

THE STATE OF NEVADA,

Plaintiff,

vs.

ERIC ABASTA, JR.

Defendant.

CASE NO. C-20-349045-1

DEPARTMENT: 17

NOTICE OF APPEAL

TO: THE STATE OF NEVADA, Plaintiff,

TO: CLARK COUNTY DISTRICT ATTORNEY, Plaintiff's attorney; and

...

1 TO: DEPARTMENT 17 OF THE EIGHTH JUDICIAL DISTRICT COURT
2 OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF
CLARK:

3 NOTICE is hereby given that Eric Abasta Jr. hereby appeals to the
4 Nevada Supreme Court from the Judgment of Conviction (Plea of Guilty)
5
6 filed July 9, 2021.

7 DATED August 6, 2021.

8
9 SUBMITTED BY:

10 /s/ MELINDA SIMPKINS

11
12 BY _____
13 MELINDA SIMPKINS
14 ROBERT ARROYO
15 JONELL THOMAS
16 Attorneys for ABASTA

17 **CERTIFICATE OF MAILING**

18 The undersigned does hereby certify that on August 6, 2021, I
19 deposited in the United States Post Office at Las Vegas, Nevada, a copy of
20
21 the Notice of Appeal, postage prepaid, addressed to the following:

22 District Attorney's Office
23 200 Lewis Ave., 3rd Floor
24 Las Vegas NV 89155

25 Nevada Attorney General
26 100 N. Carson
27 Carson City, NV 89701-4717
28

...

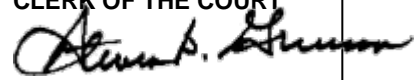
1
2 Eric Abasta Jr., ID 1165002
3 High Desert State Prison
4 P.O. Box 650
Indian Springs NV 89070

5 Dated: 8/6/2021

6 /s/ MELINDA SIMPKINS
7

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An employee of The Special Public
10 Defender's Office
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Attorneys for Abasta

DISTRICT COURT

CLARK COUNTY, NEVADA

* * *

THE STATE OF NEVADA,

Plaintiff,

vs.

ERIC ABASTA, JR.

Defendant.

CASE NO. C-20-349045-1

DEPARTMENT: 17

CASE APPEAL STATEMENT

1. **Name of appellant filing this case appeal statement:** Eric
Abasta Jr.

1 **2. Identify the judge issuing the decision, judgment, or**
2 **order appealed from:** The Honorable Judge Michael Villani, The
3 Honorable Senior Judge David Barker, The Honorable Judge Christina Silva
4

5 **3. Identify each appellant and the name and address of**
6 **counsel for each appellant:**
7

8 Appellant: Eric Abasta Jr.

9 Attorney for Appellant: Melinda Simpkins, Chief Deputy Special
10 Public Defender, Robert Arroyo, Chief Deputy Special Public Defender, and
11 JoNell Thomas, Special Public Defender, 330 South Third Street, 8th Floor,
12 Las Vegas NV 89101
13

14 **4. Identify each respondent and the name and address of**
15 **appellate counsel, if known, for each respondent (if the name of a**
16 **respondent's appellate counsel is unknown, indicate as much and**
17 **provide the name and address of that respondent's trial counsel):**
18

19 Respondent: The State of Nevada
20

21 Attorney for Respondent: Steven Wolfson, Clark County District
22 Attorney, 200 Lewis Ave., 3rd Floor, Las Vegas NV 89101; and Aaron Ford,
23 Nevada Attorney General, 100 North Carson Street, Carson City NV 89701
24

25 **5. Indicate whether any attorney identified above in**
26 **response to question 3 or 4 is not licensed to practice laws in**
27 **Nevada and, if so, whether the district court granted that attorney**
28

1 **permission to appear under SCR 42 (attach a copy of any district**
2 **court order granting such permission):** Attorney is licensed to practice
3
4 in Nevada

5 **6. Indicate whether appellant was represented by**
6 **appointed or retained counsel in the district court:** Appointed
7

8 **7. Indicate whether appellant is represented by appointed**
9 **or retained counsel on appeal:** Appointed.
10

11 **8. Indicate whether appellant was granted leave to proceed**
12 **in forma pauperis, and the date of entry of the district court order**
13 **granting such leave:** Appellant was not granted leave to proceed in forma
14 pauperis.
15

16 **9. Indicate the date the proceedings commenced in the**
17 **district court (e.g., date complaint, indictment, information, or**
18 **petition was filed):** Indictment was filed June 26, 2020.
19

20 **10. Provide a brief description of the nature of the action and**
21 **result in the district court, including the type of judgment or order**
22 **being appealed and the relief granted by the district court:** A 23-
23 count Indictment was filed June 26, 2020 charging Eric Abasta Jr. and at
24 least one of his co-defendants (Mason Arney and James Waylon Arney) with
25 2 counts of Conspiracy to Commit Robbery, 3 counts of Robbery with Use of
26 a Deadly Weapon, Grand Larceny Auto, Attempt Murder with use of a
27
28

1 deadly weapon, Battery with use of a deadly weapon resulting in substantial
2 bodily harm, and 2 counts of Assault with a deadly weapon. Eric Abasta
3 was additionally charged with 3 counts of Assault with a Deadly Weapon, 3
4 counts of Ownership or Possession of Firearm by Prohibited Person,
5 Carrying Concealed Firearm or other Deadly Weapon, Attempt Robbery
6 with use of a deadly Weapon, Murder with use of a deadly weapon,
7 Conspiracy to Commit Robbery, and Attempt Robbery. Co-Defendant
8 James Waylon Arney was additionally charged with 2 counts of Assault with
9 a Deadly Weapon.

13 Mason Arney pled guilty to Conspiracy to Commit Robbery and
14 Robbery with use of a deadly weapon and is awaiting sentencing. James
15 Arney pled guilty to Robbery and was sentenced to 24-60 months
16 (suspended, probation).

19 On May 11, 2021, Eric Abasta, Jr. appeared before The Honorable
20 Senior Judge David Barker for his settlement conference and a settlement
21 was reached. Later that same day, Mr. Abasta appeared before The
22 Honorable Judge Michael Villani and pled guilty to Murder (First Degree), 4
23 counts of Assault with a Deadly Weapon; and 2 counts of Robbery. At
24 sentencing, on June 25, 2021, before The Honorable Cristina Silva, Mr.
25 Abasta was sentenced to a total aggregate sentence of 24 – 65 years with
26 458 days credit for time served.

The Judgment of Conviction (Plea of Guilty) was filed July 9, 2021.

This appeal follows.

11. Indicate whether the case has previously been the subject of an appeal to or original writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number of the prior proceeding: None.

12. Indicate whether this appeal involves child custody or
violation: No

13. If this is a civil case, indicate whether this appeal involves the possibility of settlement: No

DATED August 6, 2021.

SUBMITTED BY:

/s/ MELINDA SIMPKINS

BY _____
MELINDA SIMPKINS
ROBERT ARROYO
JONELL THOMAS
Attorneys for ABASTA

CERTIFICATE OF MAILING

The undersigned does hereby certify that on August 6, 2021, I
deposited in the United States Post Office at Las Vegas, Nevada, a copy of

1 the Case Appeal Statement, postage prepaid, addressed to the following:

2 District Attorney's Office
3 200 Lewis Ave., 3rd Floor
4 Las Vegas NV 89155

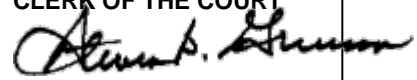
5 Nevada Attorney General
6 100 N. Carson
7 Carson City, NV 89701-4717

8 Eric Abasta Jr., ID 1165002
9 High Desert State Prison
10 P.O. Box 650
Indian Springs NV 89070

11 Dated: 8/6/2021

12 /s/ MELINDA SIMPKINS

13
14 _____
15 An employee of The Special Public
16 Defender's Office
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14 jonell.thomas@clarkcountynv.gov

11 Attorneys for Abasta

12 DISTRICT COURT

13 CLARK COUNTY, NEVADA

14 * * *

15 THE STATE OF NEVADA,

16 CASE NO. C-20-349045-1

17 Plaintiff,

18 DEPARTMENT: 17

19 vs.

20 ERIC ABASTA, JR.

21 Defendant.

22 **REQUEST FOR TRANSCRIPT OF PROCEEDINGS**

23 TO: Kimberly Estala, Court Recorder, Department 7

24 1. Pursuant to NRAP 9, the above named Court Reporter/Recorder
25 shall within 30 days after the date this Request is served, file with the
26
27
28

1 District Court the original transcript. If efiled, Appellant requests a
2 courtesy copy be provided to kfitzger@clarkcountynv.gov.
3

4 2. Pursuant to NRAP 9, the above named Court Reporter/Recorder
5 shall within 10 days of filing the transcript, file with the clerk of the
6 Supreme Court a notice that the completed transcript has been filed and
7 delivered.
8

9 Defendant/Appellant requests preparation, at State expense, of a
10 transcript of the proceedings before the district court, as follows:
11

12 **Judge or officer hearing the proceeding:** The Honorable Judge
13 Linda Bell
14

15 **Date or dates of proceeding:** 6/26/2020, 9/9/2020, 9/9/2020,
16 10/7/2020, 10/28/2020, 11/25/2020, 3/24/2021 (see minutes attached)
17

18 **Portions of the transcript requested:** A transcript of the complete
19 proceeding of the above listed hearings is requested, including voir dire,
20 opening and closing statements; and any bench conferences.
21

22 **Number of copies required:** Appellant requests an original be filed
23 with the District Court and two certified copies are to be provided to
24 Appellant. In the alternative, if the Court Recorder efiles the transcript,
25 consent is given for service of a courtesy copy by electronic means to
26 kfitzger@clarkcountynv.gov.
27
28

1 I hereby certify that on August 6, 2021, I ordered the above listed
2 transcripts from the court recorder named above. I further certify that
3
4 Appellant is indigent and exempt from paying the required deposit.

5 DATED August 6, 2021.

6 SUBMITTED BY:
7

8 /s/ MELINDA SIMPKINS
9

10 BY _____
11 MELINDA SIMPKINS
12 ROBERT ARROYO
13 JONELL THOMAS
14 Attorneys for ABASTA

15 **CERTIFICATE OF MAILING**

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21 District Attorney's Office
22 200 Lewis Ave., 3rd Floor
23 Las Vegas NV 89101

24 Nevada Attorney General
25 100 N. Carson
26 Carson City, NV 89701-4717

27 . . .
28

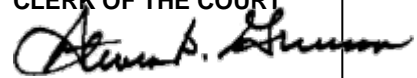
1 Court Recorder/Reporter
2 200 Lewis Ave., District Court Department 7
3 Las Vegas NV 89101

4 Dated: 8/6/2021

5 /s/ MELINDA SIMPKINS

6
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An employee of The Special Public
8 Defender's Office
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11 Attorneys for Abasta

12 DISTRICT COURT

13 CLARK COUNTY, NEVADA

14 * * *

15 THE STATE OF NEVADA,

16 CASE NO. C-20-349045-1

17 Plaintiff,

18 DEPARTMENT: 17

19 vs.

20 ERIC ABASTA, JR.

21 Defendant.

22 **REQUEST FOR TRANSCRIPT OF PROCEEDINGS**

23 TO: Kristine Santi, Court Recorder, Department 17

24 1. Pursuant to NRAP 9, the above named Court Reporter/Recorder
25 shall within 30 days after the date this Request is served, file with the

1 District Court the original transcript. If efiled, Appellant requests a
2 courtesy copy be provided to kfitzger@clarkcountynv.gov.
3

4 2. Pursuant to NRAP 9, the above named Court Reporter/Recorder
5 shall within 10 days of filing the transcript, file with the clerk of the
6 Supreme Court a notice that the completed transcript has been filed and
7 delivered.
8

9 Defendant/Appellant requests preparation, at State expense, of a
10 transcript of the proceedings before the district court, as follows:
11

12 **Judge or officer hearing the proceeding:** The Honorable Judge
13 Michael Villani
14

15 **Date or dates of proceeding:** 7/16/2020, 8/25/2020, 12/15/2020,
16 2/18/2021, 2/23/2021, 3/23/2021, 5/6/2021, 5/11/2021, 6/25/2021 (see minutes
17 attached).
18

19 **Portions of the transcript requested:** A transcript of the complete
20 proceeding of the above listed hearings is requested, including voir dire,
21 opening and closing statements; and any bench conferences.
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23 **Number of copies required:** Appellant requests an original be filed
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4 Appellant is indigent and exempt from paying the required deposit.

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8 /s/ MELINDA SIMPKINS
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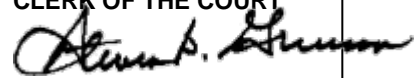
27
28 . . .

Kristine Santi, Court Recorder
200 Lewis Ave., District Court 17
Las Vegas NV 89101

Dated: 8/6/2021

/s/ MELINDA SIMPKINS

An employee of The Special Public
Defender's Office



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12 DISTRICT COURT

13 CLARK COUNTY, NEVADA

14 * * *

15 THE STATE OF NEVADA,

16 CASE NO. C-20-349045-1

17 Plaintiff,

18 DEPARTMENT: 17

19 vs.

20 ERIC ABASTA, JR.

21 Defendant.

22 **REQUEST FOR TRANSCRIPT OF PROCEEDINGS**

23 TO: Rebecca Gomez, Court Recorder, Department 3

24 1. Pursuant to NRAP 9, the above named Court Reporter/Recorder
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6 Supreme Court a notice that the completed transcript has been filed and
7 delivered.
8

9 Defendant/Appellant requests preparation, at State expense, of a
10 transcript of the proceedings before the district court, as follows:
11

12 **Judge or officer hearing the proceeding:** The Honorable Judge
13 Douglas Herndon
14

15 **Date or dates of proceeding:** 7/2/2020, 7/7/2020 (see minutes
16 attached)
17

18 **Portions of the transcript requested:** A transcript of the complete
19 proceeding of the above listed hearings is requested, including voir dire,
20 opening and closing statements; and any bench conferences.
21

22 **Number of copies required:** Appellant requests an original be filed
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5 DATED August 6, 2021.

6 SUBMITTED BY:
7

8 /s/ MELINDA SIMPKINS
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10 BY _____
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23 Las Vegas NV 89101

24 Nevada Attorney General
25 100 N. Carson
26 Carson City, NV 89701-4717

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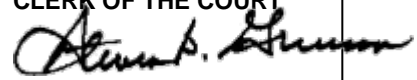
1 Rebecca Gomez, Court Recorder
2 200 Lewis Ave., District Court Dept. 3
3 Las Vegas NV 89101

4 Dated: 8/6/2021

5 /s/ MELINDA SIMPKINS

6
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An employee of The Special Public
8 Defender's Office
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REQ
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Attorneys for Abasta

DISTRICT COURT

CLARK COUNTY, NEVADA

* * *

THE STATE OF NEVADA,

Plaintiff,

vs.

ERIC ABASTA, JR.

Defendant.

CASE NO. C-20-349045-1

DEPARTMENT: 17

REQUEST FOR TRANSCRIPT OF PROCEEDINGS

TO: Victoria Boyd, Court Recorder, Department 10

1. Pursuant to NRAP 9, the above named Court Reporter/Recorder
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2 courtesy copy be provided to kfitzger@clarkcountynv.gov.
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6 Supreme Court a notice that the completed transcript has been filed and
7 delivered.
8

9 Defendant/Appellant requests preparation, at State expense, of a
10 transcript of the proceedings before the district court, as follows:
11

12 **Judge or officer hearing the proceeding:** The Honorable Judge
13 Tierra Jones
14

15 **Date or dates of proceeding:** 1/13/2021, 1/27/2021, 2/17/2021
16 (see minutes attached)
17

18 **Portions of the transcript requested:** A transcript of the complete
19 proceeding of the above listed hearings is requested, including voir dire,
20 opening and closing statements; and any bench conferences.
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8 /s/ MELINDA SIMPKINS
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23 Las Vegas NV 89101

24 Nevada Attorney General
25 100 N. Carson
26 Carson City, NV 89701-4717

27 . . .
28

Victoria Boyd, Court Recorder
200 Lewis Ave., District Court Dept. 10
Las Vegas NV 89101

Dated: 8/6/2021

/s/ MELINDA SIMPKINS

An employee of The Special Public
Defender's Office

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY
CASE NO. C-20-349045-1

State of Nevada
vs
Eric Abasta

§ Location: Department 17
§ Judicial Officer: Villani, Michael
§ Filed on: 06/26/2020
§ Case Number History:
§ Cross-Reference Case Number: C349045
§ Defendant's Scope ID #: 5010484
§ Grand Jury Case Number: 19CGJ051A
§ ITAG Case ID: 2233343

CASE INFORMATION

Offense	Statute	Deg	Date	Case Type:	Felony/Gross Misdemeanor
1. MURDER, FIRST DEGREE	200.030.1	F	01/05/2020		
<i>Filed As:</i> ASSAULT WITH A DEADLY WEAPON	F	6/26/2020		Case Status:	07/09/2021 Closed
Arrest: 06/26/2020					
2. ASSAULT WITH A DEADLY WEAPON	200.471.2b	F	01/05/2020		
<i>Filed As:</i> OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON	F	6/26/2020			
3. ROBBERY	200.380	F	01/05/2020		
<i>Filed As:</i> CARRYING CONCEALED FIREARM OR OTHER DEADLY WEAPON	F	6/26/2020			
4. ASSAULT WITH A DEADLY WEAPON	200.471.2b	F	02/02/2020		
<i>Filed As:</i> ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON	F	6/26/2020			
5. ASSAULT WITH A DEADLY WEAPON	200.471.2b	F	03/15/2020		
<i>Filed As:</i> MURDER WITH USE OF A DEADLY WEAPON	F	6/26/2020			
6. ROBBERY	200.380	F	03/23/2020		
<i>Filed As:</i> OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON	F	6/26/2020			
7. ASSAULT WITH A DEADLY WEAPON	200.471.2b	F	03/24/2020		
<i>Filed As:</i> CONSPIRACY TO COMMIT ROBBERY	F	6/26/2020			
8. ROBBERY WITH USE OF A DEADLY WEAPON	200.380	F	01/26/2020		
9. ROBBERY WITH USE OF A DEADLY WEAPON	200.380	F	01/26/2020		
12. GRAND LARCENY AUTO	205.228.3	F	01/26/2020		
13. ASSAULT WITH A DEADLY WEAPON	200.471.2b	F	02/02/2020		
14. OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON	202.360.1	F	01/02/2020		
15. CONSPIRACY TO COMMIT ROBBERY	200.380	F	03/15/2020		
16. ATTEMPT ROBBERY	200.380	F	03/15/2020		
17. ASSAULT WITH A DEADLY WEAPON	200.471.2b	F	03/15/2020		
18. CONSPIRACY TO COMMIT ROBBERY	200.380	F	03/23/2020		
19. ROBBERY WITH USE OF A DEADLY WEAPON	200.380	F	03/23/2020		
20. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON	200.010	F	03/23/2020		
21. BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM	200.481.2e2	F	03/23/2020		
22. ASSAULT WITH A DEADLY WEAPON	200.471.2b	F	03/24/2020		
23. ASSAULT WITH A DEADLY WEAPON	200.471.2b	F	03/24/2020		

Related Cases

C-20-349045-2 (Multi-Defendant Case)

CASE SUMMARY**CASE NO. C-20-349045-1**

C-20-349045-3 (Multi-Defendant Case)

Statistical Closures

07/09/2021 Guilty Plea with Sentence (before trial) (CR)

Warrants

Indictment Warrant - Abasta, Eric, Jr. (Judicial Officer: Bell, Linda Marie)








07/02/2020 4:09 PM Returned - Served

06/26/2020 11:00 AM Active


Hold Without Bond

DATE	CASE ASSIGNMENT
	Current Case Assignment Case Number C-20-349045-1 Court Department 17 Date Assigned 07/09/2020 Judicial Officer Villani, Michael














PARTY INFORMATION		
Defendant	Abasta, Eric	<i>Lead Attorneys</i>
		Special Public Defender <i>Retained</i>
Plaintiff	State of Nevada	Wolfson, Steven B 702-671-2700(W)

DATE	EVENTS & ORDERS OF THE COURT	INDEX
	<u>EVENTS</u>	
06/26/2020	 Indictment <i>[1] Indictment</i>	<i>In #1</i>
06/27/2020	 Warrant <i>[2]</i>	<i>In #2</i>
06/30/2020	 Indictment Warrant Return <i>[3]</i>	<i>In #3</i>
06/30/2020	 Reporters Transcript Filed By: Plaintiff State of Nevada <i>[4] Reporter's Transcript of Proceedings - Grand Jury - Hearing - 06/18/20 - Volume 1</i>	<i>In #4</i>
07/07/2020	 Media Request and Order <i>[5] Media Request and Order Allowing Camera Access To Court Proceedings.... KTNV</i>	<i>In #5</i>
07/09/2020	 Notice of Department Reassignment <i>[6] Notice of Department Reassignment</i>	<i>In #6</i>
07/12/2020	 Transcript of Proceedings <i>[7] Reporter's Transcript of Proceedings, Grand Jury Hearing, June 25, 2020, Volume 2</i>	<i>In #7</i>

CASE SUMMARY
CASE NO. C-20-349045-1

07/13/2020	 Consent <i>[8] Consent to Service</i>	In #8
08/18/2020	 Receipt of Copy <i>[9] Receipt of Copy</i>	In #9
08/18/2020	 Notice of Witnesses and/or Expert Witnesses <i>[10] State's Notice of Expert Witnesses</i>	In #1
11/06/2020	 Notice of Witnesses and/or Expert Witnesses <i>[11] Notice of Defendant's Expert Witnesses</i>	In #1
12/09/2020	 Motion for Own Recognizance Release/Setting Reasonable Bail Filed By: Defendant Abasta, Eric <i>[12] Motion to Vacate Unlawful De Facto Detention Order and Release Defendant from Custody</i>	In #1
12/09/2020	 Clerk's Notice of Hearing <i>[13] Notice of Hearing</i>	In #1
01/08/2021	 Notice of Witnesses and/or Expert Witnesses <i>[14] Notice of Defendant's Witnesses</i>	In #1
02/02/2021	 Supplemental Witness List <i>[15] State's Supplemental Notice of Witnesses and/or Expert Witnesses</i>	In #1
02/03/2021	 Order <i>[16] Ex Parte Motion and Order for Release of Certified Medical Records and Autorization for Related Wintess Testimony</i>	In #1
02/10/2021	 Motion to Amend <i>[17] State's Motion to Amend Indictment</i>	In #1
02/10/2021	 Clerk's Notice of Hearing <i>[18] Clerk's Notice of Hearing</i>	In #1
02/10/2021	 Notice <i>[19] State's Notice to Introduce Certified Records</i>	In #1
02/16/2021	 Receipt of Copy <i>[20] Receipt of Copy</i>	In #2
02/16/2021	 Receipt of Copy <i>[21] Receipt of Copy</i>	In #2
02/17/2021	 Opposition to Motion Filed By: Defendant Abasta, Eric	In #2

CASE SUMMARY
CASE NO. C-20-349045-1

	<i>[22] Opposition to State's Motion to Amend th Indictment</i>	
02/23/2021	 Receipt of Copy <i>[23] Receipt of Copy</i>	In #2
03/04/2021	 Supplemental Witness List <i>[24] State's Second Supplemental Notice of Witnesses and/or Expert Witnesses</i>	In #2
03/10/2021	 Ex Parte Order <i>[25] Ex Parte Order for Transcript</i>	In #2
03/11/2021	 Receipt of Copy <i>[26] Receipt of Copy</i>	In #2
03/12/2021	 Motion to Dismiss Filed By: Defendant Abasta, Eric <i>[27] Motion to Dismiss Due to Speedy Trial Violation</i>	In #2
03/15/2021	 Clerk's Notice of Hearing <i>[28] Notice of Hearing</i>	In #2
03/15/2021	 Amended Indictment <i>[29] Amended Indictment</i>	In #2
03/15/2021	 Order Granting Motion <i>[30] Order Granting State's Motio to Amend Indictment</i>	In #2
03/16/2021	 Recorders Transcript of Hearing <i>[31] Recorder's Transcript of Hearing: State's Motion to Amend Indictment (Abasta) DA Request Re: Entry of Plea (Arney) Heard on February 23, 2021</i>	In #2
03/16/2021	 Receipt of Copy <i>[32] Receipt of Copy</i>	In #2
03/19/2021	 Order Shortening Time <i>[33] Order Shortening Time</i>	In #2
03/19/2021	 Opposition to Motion to Dismiss Filed By: Plaintiff State of Nevada <i>[34] State's Opposition to Defendant's Motion to Dismiss Due to Speedy Trial Violations</i>	In #2
03/19/2021	 Audiovisual Transmission Equipment Appearance Consent <i>[35] Audiovisual Transmission Equipment Appearance Consent</i>	In #2
03/25/2021	 Ex Parte Motion <i>[36] Ex-Parte Motion frr Clark County Detention Center Records</i>	In #2
		In

CASE SUMMARY
CASE NO. C-20-349045-1

03/29/2021	 Ex Parte Order <i>[37] Ex-Parte Order For Clark County Detention Center Records</i>	#2
04/06/2021	 Acknowledgment Filed By: Attorney Special Public Defender <i>[38] Settlement Conference Acknowledgment</i>	In #2
05/11/2021	 Amended Indictment <i>[39] Second Amended Indictment</i>	In #2
05/12/2021	 Guilty Plea Agreement <i>[40] GUILTY PLEA AGREEMENT</i>	In #4
06/10/2021	 PSI <i>[41]</i>	In #4
07/09/2021	 Judgment of Conviction <i>[42] JUDGMENT OF CONVICTION</i>	In #4
08/06/2021	 Notice of Appeal (Criminal) <i>[43] Notice of Appeal</i>	In #4
08/06/2021	 Case Appeal Statement <i>[44] Case Appeal Statement</i>	In #4
08/06/2021	 Request <i>[45] Request for Transcript of Proceedings</i>	In #4
08/06/2021	 Request <i>[46] Request for Transcript of Proceedings</i>	In #4
08/06/2021	 Request <i>[47] Request for Transcript of Proceedings</i>	In #4
08/06/2021	 Request <i>[48] Request for Transcript of Proceedings</i>	In #4

DISPOSITIONS

05/11/2021	<p>Disposition (Judicial Officer: Villani, Michael)</p> <p>8. ROBBERY WITH USE OF A DEADLY WEAPON Amended Information Filed/Charges Not Addressed PCN: Sequence:</p> <p>9. ROBBERY WITH USE OF A DEADLY WEAPON Amended Information Filed/Charges Not Addressed PCN: Sequence:</p> <p>12. GRAND LARCENY AUTO Amended Information Filed/Charges Not Addressed PCN: Sequence:</p>
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CASE SUMMARY
CASE NO. C-20-349045-1

13. ASSAULT WITH A DEADLY WEAPON
Amended Information Filed/Charges Not Addressed
PCN: Sequence:
14. OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON
Amended Information Filed/Charges Not Addressed
PCN: Sequence:
15. CONSPIRACY TO COMMIT ROBBERY
Amended Information Filed/Charges Not Addressed
PCN: Sequence:
16. ATTEMPT ROBBERY
Amended Information Filed/Charges Not Addressed
PCN: Sequence:
17. ASSAULT WITH A DEADLY WEAPON
Amended Information Filed/Charges Not Addressed
PCN: Sequence:
18. CONSPIRACY TO COMMIT ROBBERY
Amended Information Filed/Charges Not Addressed
PCN: Sequence:
19. ROBBERY WITH USE OF A DEADLY WEAPON
Amended Information Filed/Charges Not Addressed
PCN: Sequence:
20. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON
Amended Information Filed/Charges Not Addressed
PCN: Sequence:
21. BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM
Amended Information Filed/Charges Not Addressed
PCN: Sequence:
22. ASSAULT WITH A DEADLY WEAPON
Amended Information Filed/Charges Not Addressed
PCN: Sequence:
23. ASSAULT WITH A DEADLY WEAPON
Amended Information Filed/Charges Not Addressed
PCN: Sequence:

05/11/2021 **Plea** (Judicial Officer: Villani, Michael)

1. MURDER, FIRST DEGREE
Guilty
PCN: Sequence:
2. ASSAULT WITH A DEADLY WEAPON
Guilty
PCN: Sequence:
3. ROBBERY
Guilty
PCN: Sequence:
4. ASSAULT WITH A DEADLY WEAPON
Guilty
PCN: Sequence:

CASE SUMMARY
CASE NO. C-20-349045-1

5. ASSAULT WITH A DEADLY WEAPON

Guilty

PCN: Sequence:

6. ROBBERY

Guilty

PCN: Sequence:

7. ASSAULT WITH A DEADLY WEAPON

Guilty

PCN: Sequence:

06/25/2021 **Disposition** (Judicial Officer: Villani, Michael)

1. MURDER, FIRST DEGREE

Guilty

PCN: Sequence:

2. ASSAULT WITH A DEADLY WEAPON

Guilty

PCN: Sequence:

3. ROBBERY

Guilty

PCN: Sequence:

4. ASSAULT WITH A DEADLY WEAPON

Guilty

PCN: Sequence:

5. ASSAULT WITH A DEADLY WEAPON

Guilty

PCN: Sequence:

6. ROBBERY

Guilty

PCN: Sequence:

7. ASSAULT WITH A DEADLY WEAPON

Guilty

PCN: Sequence:

06/25/2021 **Adult Adjudication** (Judicial Officer: Villani, Michael)

1. MURDER, FIRST DEGREE

01/05/2020 (F) 200.030.1 (DC50005)

PCN: Sequence:

Sentenced to Nevada Dept. of Corrections

Term: Minimum:240 Months, Maximum:600 Months

06/25/2021 **Adult Adjudication** (Judicial Officer: Villani, Michael)

2. ASSAULT WITH A DEADLY WEAPON

01/05/2020 (F) 200.471.2b (DC50201)

PCN: Sequence:

Sentenced to Nevada Dept. of Corrections

Term: Minimum:28 Months, Maximum:72 Months

Consecutive: Charge 1

06/25/2021 **Adult Adjudication** (Judicial Officer: Villani, Michael)

3. ROBBERY

CASE SUMMARY**CASE NO. C-20-349045-1**

01/05/2020 (F) 200.380 (DC50137)

PCN: Sequence:

Sentenced to Nevada Dept. of Corrections
 Term: Minimum:48 Months, Maximum:180 Months
 Consecutive: Charge 1

06/25/2021 **Adult Adjudication** (Judicial Officer: Villani, Michael)

4. ASSAULT WITH A DEADLY WEAPON

02/02/2020 (F) 200.471.2b (DC50201)

PCN: Sequence:

Sentenced to Nevada Dept. of Corrections
 Term: Minimum:28 Months, Maximum:72 Months
 Consecutive: Charge 1

06/25/2021 **Adult Adjudication** (Judicial Officer: Villani, Michael)

5. ASSAULT WITH A DEADLY WEAPON

03/15/2020 (F) 200.471.2b (DC50201)

PCN: Sequence:

Sentenced to Nevada Dept. of Corrections
 Term: Minimum:28 Months, Maximum:72 Months
 Consecutive: Charge 1

06/25/2021 **Adult Adjudication** (Judicial Officer: Villani, Michael)

6. ROBBERY

03/23/2020 (F) 200.380 (DC50137)

PCN: Sequence:

Sentenced to Nevada Dept. of Corrections
 Term: Minimum:48 Months, Maximum:180 Months
 Consecutive: Charge 1

06/25/2021 **Adult Adjudication** (Judicial Officer: Villani, Michael)

7. ASSAULT WITH A DEADLY WEAPON

03/24/2020 (F) 200.471.2b (DC50201)

PCN: Sequence:

Sentenced to Nevada Dept. of Corrections
 Term: Minimum:28 Months, Maximum:72 Months
 Consecutive: Charge 1 and COUNTS 3 TO 7 run CONCURRENT to Count 2
 Credit for Time Served: 458 Days

Other Fees

1. , \$3,756.70 to Ernesto Santana-Rosas to be paid jointly and severally by defendant and co-defendants Mason Arney and James Arney

Fee Totals:

Administrative Assessment Fee	25.00
\$25	
DNA Analysis Fee	150.00
\$150	
Genetic Marker Analysis AA Fee	3.00
\$3	
Indigent Defense Civil Assessment	250.00
Fee - ASK	
Fee Totals \$	428.00

HEARINGS

06/26/2020

CASE SUMMARY**CASE NO. C-20-349045-1** **Grand Jury Indictment** (11:00 AM) (Judicial Officer: Bell, Linda Marie)**MINUTES****Warrant**

06/26/2020 Inactive Indictment Warrant

Matter Heard;

Journal Entry Details:


Kenneth Dickinson, Grand Jury Foreperson, stated to the Court that at least twelve members had concurred in the return of the true bill during deliberation, but had been excused for presentation to the Court. State presented Grand Jury Case Number 19CGJ051A to the Court. COURT ORDERED, the Indictment may be filed and is assigned Case Number C-20-349045-1, Department III. State requested a warrant, argued bail, and advised Deft is in custody. COURT ORDERED, NO BAIL; INDICTMENT WARRANT ISSUED, and matter SET for Arraignment. Upon Court's inquiry, the State advised there are no material witness warrants to quash. COURT FURTHER ORDERED, Exhibits 1-24 and 26-35 to be lodged with the Clerk of the Court; Las Vegas Justice Court case no. 20F02017B DISMISSED per the State's request. In addition, a Pre-Trial Risk Assessment will be prepared if one was not previously done. I.W. (CUSTODY) 07/02/20 3:30 P.M. INITIAL ARRAIGNMENT (DEPT III) ;

SCHEDULED HEARINGS**Initial Arraignment** (07/02/2020 at 3:30 PM) (Judicial Officer: Herndon, Douglas W.)07/02/2020 **Initial Arraignment** (3:30 PM) (Judicial Officer: Herndon, Douglas W.)

Matter Continued;

07/02/2020 **Indictment Warrant Return** (3:30 PM) (Judicial Officer: Herndon, Douglas W.)


Matter Heard;

07/02/2020  **All Pending Motions** (3:30 PM) (Judicial Officer: Herndon, Douglas W.)

Matter Heard;

Journal Entry Details:


INDICTMENT WARRANT RETURN... INITIAL ARRAIGNMENT... APPEARANCES CONTINUED: Defendant ABASTA present in custody represented by Special Public Defender Robert Arroyo; Defendant MASON ARNEY present in custody represented by James Gallo Esq.; Defendant JAMES ARNEY present out of custody represented by Daniel Lippmann Esq. Upon Court's inquiry, Mr. Arroyo stated the Special Public Defender's Office can confirm as counsel of record on behalf of Defendant ABASTA. Mr. Gallo informed the Court he did not have a chance to speak with Defendant MASON ARNEY, pointing out he went over to the jail twice and the Defendant was in transit each time. Upon Court's inquiry, Defendant JAMES ARNEY stated his first name was WAYLON, not JAMES. COURT SO NOTED. Upon Court's further inquiry, Defendant ABASTA stated Mr. Arroyo went over the charges with him, however he is confused as to what charges relate to him. DEFENDANT JAMES WAYLON ARNEY ARRAIGNED, PLED NOT GUILTY, and WAIVED the 60-DAY RULE. COURT ORDERED, matter set for status check. Mr. Lippmann requested a status check in two weeks. Upon Court's inquiry, Ms. Cannizzaro indicated she believed the matter is not going before the Death Review Committee with regards to Defendant ABASTA. COURT ORDERED, pursuant to Statute, Counsel has 21 days from today for the filing of any Writs, if the Transcript has not been filed as of today; Counsel has 21 days from the filing of the Transcript. COURT ORDERED, arraignment CONTINUED with regards to Defendants ABASTA and MASON ARNEY; status check SET with regards to Defendant JAMES WAYLON ARNEY. COURT FURTHER ORDERED, Defendant JAMES WAYLON ARNEY's presence can be waived at the next hearing, adding since this is a homicide case, the matter will need to be reassigned. CUSTODY 7/7/2020 3:30 P.M. ARRAIGNMENT CONTINUED;

07/07/2020  **Arraignment Continued** (3:30 PM) (Judicial Officer: Herndon, Douglas W.)

Set Status Check;

Journal Entry Details:

APPEARANCES CONTINUED: Defendant ABASTA present in custody represented by Special Public Defender Robert Arroyo; Defendant MASON ARNEY present in custody represented by James Gallo Esq.; Defendant JAMES WAYLON ARNEY present represented by Daniel Lippmann Esq. DEFENDANT ABASTA ARRAIGNED, PLED NOT GUILTY, and INVOKED the 60-DAY RULE. DEFENDANT MASON ARNEY ARRAIGNED, PLED NOT GUILTY, and INVOKED the 60-DAY RULE. COURT ORDERED, matter set for status check. Upon Court's inquiry, Ms. Lacher indicated she does not know if the matter is going before the Death Review Committee with regards to Defendant ABASTA. COURT ORDERED, pursuant to Statute, Counsel has 21 days from today for the filing of any Writs, if the Transcript has not been filed as of today; Counsel has 21 days from the filing of the Transcript. Pursuant to Administrative Order 17-05 this COURT ORDERS the case REASSIGNED to Department 17. CUSTODY 7/16/2020 10:15 A.M. STATUS CHECK: TRIAL SETTING (DEPT 17);

07/16/2020  **Status Check: Trial Setting** (10:15 AM) (Judicial Officer: Villani, Michael)

CASE SUMMARY

CASE NO. C-20-349045-1

Trial Date Set;

Journal Entry Details:

James Gallo, ESQ. present on behalf of Co Defendant Mason Arney. Daniel Lippman, ESQ. present on behalf of Co Defendant James Arney. Mr. Arroyo advised Defendants had invoked the 60-Day Rule. COURT ORDERED, matter SET for trial. COURT FURTHER ORDERED, Counsel has 21 days from the filing of the Grand Jury Indictment transcript to file a Writ. CUSTODY 08/25/2020 8:30 AM CALENDAR CALL 09/08/2020 9:00 AM JURY TRIAL;

08/25/2020



Calendar Call (10:15 AM) (Judicial Officer: Villani, Michael)

Vacated and Reset;

Journal Entry Details:

Daniel Lippman, ESQ. present on behalf of Co Defendant James Arney. James Gallo, ESQ. present on behalf of Co Defendant Mason Arney. Court noted no trials were going forward due to COVID-19 pandemic. Upon Court's inquiry, Mr. Arroyo advised Defendants had previously invoked the 60-Day Rule. COURT FINDS good cause due to the Court's schedule and nature of this case to continue the trial beyond 60 days. CUSTODY 11/17/2020 10:15 AM CALENDAR CALL 11/30/2020 9:00 AM JURY TRIAL ;

09/08/2020

CANCELED Jury Trial (9:00 AM) (Judicial Officer: Villani, Michael)

Vacated

09/09/2020



Central Trial Readiness Conference (11:30 AM) (Judicial Officer: Bell, Linda Marie)

09/09/2020, 10/07/2020, 10/28/2020

MINUTES

Continued;

Continued;

Matter Heard;

Journal Entry Details:

Co-Defendant Mason Arney present with counsel James Gallo, Esq. Mr. Arroyo advised he is missing discovery however has a file review next week. State advised an offer has been extended to Defendant Arney but not Abasta. Mr. Gallo advised an offer was extended about two weeks ago and negotiations are on going. Mr. Gallo further advised he should know within two weeks if he will be ready for trial however he does not believe Defendant wants to waive speedy. Mr. Arroyo advised he does not think he can be ready. COURT ORDERED, department calendar call VACATED; central calendar call SET. CUSTODY 11/25/20 2:00 PM CENTRAL CALENDAR CALL (LLA);

Continued;

Continued;

Matter Heard;

Journal Entry Details:

Also present: Co-Defendant Mason Arney with counsel James Gallo, Esq. Mr. Arroyo advised there is no current offer at this time and a file review is pending as there is potentially missing discovery. COURT ORDERED, matter CONTINUED for file review and any additional updates. CUSTODY CONTINUED TO: 10/28/20 11:30 AM;

Continued;

Continued;

Matter Heard;

Journal Entry Details:

Also present: James Gallo, Esq. counsel for Co-Defendant Mason Arney who refused transport. Mr. Gallo advised he is still waiting on an offer to be extended from the State. State advised it is still discussing potential offers with the victim and detective. Mr. Arroyo advised discovery was received three weeks ago and this appearance may be a bit premature. COURT ORDERED, matter CONTINUED for counsel to consider discovery and State to convey offers. CUSTODY CONTINUED TO: 10/07/20 11:30 AM;

SCHEDULED HEARINGS



Central Calendar Call (11/25/2020 at 2:00 PM) (Judicial Officer: Bell, Linda Marie)

11/17/2020

CANCELED Calendar Call (8:30 AM) (Judicial Officer: Villani, Michael)

Vacated

11/25/2020



Central Calendar Call (2:00 PM) (Judicial Officer: Bell, Linda Marie)

MINUTES

Trial Date Set;

Journal Entry Details:

Co-Defendant Mason Arney present with counsel James Gallo, Esq. Parties present via Bluejeans. State noted a file

CASE SUMMARY

CASE NO. C-20-349045-1

review was done with Mr. Arroyo and additional discovery was requested from the investigator some of which has been turned over. Court noted due to current Covid-19 protocols trials are unable to proceed and ORDERED, trial date VACATED and RESET. CUSTODY 01/13/21 2:00 PM CENTRAL CALENDAR CALL (LLA) 01/19/21 9:00 AM JURY TRIAL (DEPT 17);

SCHEDULED HEARINGS



Central Calendar Call (01/13/2021 at 2:00 PM) (Judicial Officer: Jones, Tierra)

CANCELED Jury Trial (01/19/2021 at 9:00 AM) (Judicial Officer: Villani, Michael)

Vacated

11/30/2020 **CANCELED Jury Trial** (9:00 AM) (Judicial Officer: Villani, Michael)

Vacated

12/15/2020 **Motion for Own Recognizance Release/Settling Reasonable Bail** (10:15 AM) (Judicial Officer: Villani, Michael)

Defendant's Motion to Vacate Unlawful De Facto Detention Order and Release Defendant from Custody

Denied;

Journal Entry Details:

Mr. Arroyo argued the State has the burden of proving proof evident presumption great and he believes they cannot meet that standard at this point. Ms. Cannizzaro argued for denial of motion and requested Deft. continue to be held without bail pursuant to statute because proof is evident and presumption great for first degree murder charge; if court is not inclined she would offer additional evidence regarding other charges in the indictment and request monetary bail. Court noted there are a lot of pieces to this puzzle and believes the State has presented enough for this Court that there is proof evident presumption great on the murder charge, therefore, COURT ORDERED Deft. HELD WITHOUT BAIL. CUSTODY ;

01/13/2021 **Central Calendar Call** (2:00 PM) (Judicial Officer: Jones, Tierra)

Matter Heard;

Journal Entry Details:

APPEARANCES CONTINUED: Ms. Cannizzaro present via video, on behalf of the State. Ms. Machnich present via video, on behalf of deft. through bluejeans technology. Court noted the Court cannot currently do Jury trials at this time, due to orders from the Governor. COURT ORDERED, trial date VACATED and matter SET for Central Trial Readiness, on the date given, as to both defts. CUSTODY ABASTA / ARNEY 01/27/21 11:30 A.M. CENTRAL TRIAL READINESS ABASTA / ARNEY;

01/19/2021 **CANCELED Jury Trial** (9:00 AM) (Judicial Officer: Villani, Michael)

Vacated

01/27/2021 **Central Trial Readiness Conference** (11:30 AM) (Judicial Officer: Jones, Tierra)

Trial Date Set;

Journal Entry Details:

Special Public Defendant Robert Arroyo present with Defendant Eric Abasta, Jr. (C349045-1) James C. Gallo, Esq., present with Defendant Mason Arney (C349045-2) COURT NOTED this case could be accommodated on the February 22, 2021 as number 2 on the stack. Counsel announced trial ready. Colloquy regarding filing a motion to exclude and resolving the case. COURT ORDERED, trial SET. CUSTODY - ABASTA CUSTODY - ARNEY 02/17/21 2:00 PM CENTRAL TRIAL CALENDAR CALL (ABASTA and ARNEY) 02/22/21 9:00 AM CENTRAL TRIAL JURY TRIAL (ABASTA and ARNEY);

02/12/2021 **Minute Order** (3:00 AM) (Judicial Officer: Villani, Michael)

Minute Order - No Hearing Held;

Journal Entry Details:

By stipulation and agreement by Parties via communications with Court s Law Clerk. COURT ORDERED, matter SET for February 23, 2021 VACATED and RESET to February 18, 2021 at 8:30 AM. CLERK'S NOTE: A copy of this Minute Order was distributed by e-mail to counsel. 2/12/2021 sa;

02/17/2021 **Central Calendar Call** (2:00 PM) (Judicial Officer: Jones, Tierra)


Matter Heard;

Journal Entry Details:

APPEARANCES CONTINUED: Mr. Dickerson present via video, on behalf of the State. Mr. Arroyo present via video, on behalf of deft. Abasta. Mr. Gallo present on behalf of co-deft. Arney. Upon Court's inquiry, Mr. Arroyo advised Mr. Dickerson recently took over the case from Ms. Cannizzaro, and there's been a lot of new discovery, and counsel will

CASE SUMMARY**CASE NO. C-20-349045-1**

need to travel out of State for new witnesses. Further, deft. would like to keep his invoked status, and the State is not opposed. Mr. Dickerson advised that's correct, and they are open to negotiations, however, deft. would have to waive a certain amount of time to fully negotiate the case. Mr. Gallo advised that's fine, however, co-deft. would like to keep his invoked status also. Statements by deft. Court noted counsel can file a bail motion if they choose to do that, and that would be heard by Judge Villani. COURT ORDERED, trial date VACATED and RE-SET for Central Jury Trial and Central Calendar Call, on the date given. FURTHER COURT ORDERED, date for Motion in front of Judge Villani, STANDS. FURTHER, both Defendants REMAIN INVOKED. CUSTODY ABASTA/ARNEY 03/24/21 2:00 P.M. CENTRAL CALENDAR CALL - LLA 03/29/21 9:00 A.M. CENTRAL JURY TRIAL - 3E or 3F;

02/18/2021  **Motion to Amend** (8:30 AM) (Judicial Officer: Villani, Michael)

02/18/2021, 02/23/2021

State's Motion to Amend Indictment

Matter Continued;

Granted;

Journal Entry Details:

Mr. Dickerson requested to amend the Complaint to add the theory of felony murder. Mr. Dickerson argued that Defendant Abasta has been on notice due to the testimony before the Grand Jury, which indicated this was a murder committed in furtherance of an attempt robbery. Mr. Dickerson provided argument regarding the Chamberlain case and noted NRS 173.095(1) allows the State to amend an Information and an Indictment. Mr. Arroyo argued that the State presented only cases regarding the amending of an Information, not the amending of an Indictment which would require them to go back to the Grand Jury. COURT ORDERED, matter TAKEN UNDER ADVISEMENT and a decision would be issued today or tomorrow. CUSTODY;

Matter Continued;

Granted;

Journal Entry Details:

Court noted an Opposition had been filed yesterday, however has not had an opportunity to review it. COURT ORDERED, matter CONTINUED to Tuesday. CUSTODY CONTINUED TO: 2/23/2021 8:30 AM;

02/22/2021 **CANCELED Central Jury Trial** (9:00 AM) (Judicial Officer: Bell, Linda Marie)

Vacated

03/01/2021  **Minute Order** (3:00 AM) (Judicial Officer: Villani, Michael)

Minute Order - No Hearing Held;


Journal Entry Details:

The State's Motion to Amend Indictment came before the Court, whereupon the Court took the matter under further advisement. After considering all pleadings and arguments, the Court renders its decision as follows: The State seeks to add an additional theory of liability felony murder for Count five murder with use of a deadly weapon of the Indictment. Under NRS 173.095(1), the court may permit an indictment or information to be amended at any time before verdict or finding if no additional or different offense is charged and if substantial rights of the defendant are not prejudiced. Moreover, felony murder does not amount to the charging of additional or different offenses. See State v. Eighth Judicial Dist. Court, ex rel. County of Clark, 116 Nev. 374 378-79, 997 P.2d 126 129-130 (2000). Here, the State request to amend their indictment merely adds an alternate liability theory, felony murder. Also, the State placed Defendant on notice regarding felony murder during grand jury. See GJT Vol. 2, at 40-53. Therefore, THIS COURT FINDS the amendment to count five does not charge an additional offense, and the addition of felony murder theory does not prejudice Defendant's substantial rights. Therefore, COURT ORDERED, Motion to Amend Indictment, GRANTED. COURT ORDERS State to submit a proposed order consistent with the foregoing and is approved by the State regarding its form and content within ten (10) days after Counsel is notified of the ruling and distribute a filed copy to all parties involved pursuant to EDCR 7.21. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing. Status check SET for March 16, 2021 at 8:30 am regarding the filing of the order. That date to be vacated if the Court receives the order prior to March 16, 2021. CLERK'S NOTE: A copy of this Minute Order was provided to counsel via e-mail. 3/1/2021 sa;

03/16/2021 **CANCELED Status Check: Status of Case** (8:30 AM) (Judicial Officer: Villani, Michael)

Vacated - per Law Clerk

Status Check: Order

03/23/2021  **Motion to Dismiss** (8:30 AM) (Judicial Officer: Villani, Michael)

Defendant's Motion to Dismiss Due to Speedy Trial Violation

Denied;






Journal Entry Details:

Mr. Arroyo stated he agreed with the State's Opposition on the good communication regarding discovery and noted Ms. Canizzarro was previously on this case which had been pending since March. Mr. Arroyo noted they had a file

CASE SUMMARY

CASE NO. C-20-349045-1

review in November, however they did not receive the missing discovery until February. Mr. Arroyo further noted Mr. Dickerson turned over the discovery within a few days. Mr. Arroyo stated their were other options for trial and a bench trial might have been requested. Mr. Arroyo further stated they received additional jail calls on 3/11/2021, which require further investigation. Mr. Arroyo advised this puts the Defendant in a situation where his speedy trial rights would be violated as the trial would need to be continued or proceed with counsel not being fully prepared. Mr. Dickerson noted the continuances were due to COVID and the State provided all the discovery to defense counsel. Mr. Dickerson stated the State was ready to proceed to trial. Court FINDS based on all the factors and the COVID issues, there is no legal basis to dismiss the case, based on speedy trial violations, therefore ORDERED, Motion DENIED. Mr. Dickerson noted he had never been approached regarding a bench trial and would be opposed to a bench trial. CUSTODY;

03/24/2021	 Central Calendar Call (2:00 PM) (Judicial Officer: Barker, David) Matter Heard; Journal Entry Details: Court noted this case is on the top of the stack to start trial next week. Mr. Dickerson stated he is ready to proceed to trial. Mr. Arroyo stated they are not ready to proceed to trial and the Deft. is not willing to waive his right to a speedy trial, however, noted this is a large case and received a large amount of discovery in February, 2021 that was given to the expert who wouldn't be available to have it all done and testify by next week, therefore, requested matter be continued over the Deft's objection. Upon Court's inquiry, Deft. stated that he understands, however, is not willing to waive the speedy trial rights and requested to extend the trial date without having to waive speedy trial rights. Statement by Mr. Dickerson; further, out of courtesy, doesn't have any objection and suggested this matter be set for a settlement conference. Colloquy between Court, counsel and the Deft. regarding a settlement conference. COURT ORDERED, matter SET for a settlement conference. CUSTODY 5/03/21 1:30 PM SETTLEMENT CONFERENCE CLERK'S NOTE: Minute order completed by Court Clerk, Kristen Brown by way of JAV's recording, kb 4/02/2021.;
03/29/2021	CANCELED Central Jury Trial (9:00 AM) (Judicial Officer: Barker, David) Vacated
05/03/2021	CANCELED Settlement Conference (1:30 PM) Vacated
05/04/2021	CANCELED Settlement Conference (1:30 PM) Vacated
05/06/2021	 Status Check (8:30 AM) (Judicial Officer: Villani, Michael) Status Check: Negotiations Matter Continued; Journal Entry Details: Mr. Arroyo advised this case was scheduled for a Settlement Conference on May 11th and requested a continuance after that date. COURT SO ORDERED. CUSTODY 5/28/2021 8:30 AM STATUS CHECK: NEGOTIATIONS;
05/11/2021	 Settlement Conference (1:30 PM) (Judicial Officer: Barker, David) Matter Settled; Journal Entry Details: Parties participated in a settlement conference with Senior Judge Barker where a settlement was reached.;
05/11/2021	 Entry of Plea (3:50 PM) (Judicial Officer: Villani, Michael) Plea Entered; Journal Entry Details: NEGOTIATIONS are as contained in the Guilty Plea Agreement to be electronically filed and placed on the record by Mr. Arroyo. DEFT. ABASTA ARRAIGNED AND PLED GUILTY TO COUNT 1 - MURDER (FIRST DEGREE) (F), COUNTS 2, 4, 5, 7 - ASSAULT WITH A DEADLY WEAPON AND COUNTS 3, 6 - ROBBERY (F). Court ACCEPTED plea, and ORDERED, matter SET for sentencing. CUSTODY 6/25/2021 8:30 AM SENTENCING;
05/28/2021	CANCELED Status Check: Status of Case (8:30 AM) (Judicial Officer: Cherry, Michael A.) Vacated Status Check: Negotiations
06/25/2021	 Sentencing (8:30 AM) (Judicial Officer: Silva, Cristina D.) Defendant Sentenced;

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. C-20-349045-1

Journal Entry Details:

Upon Court's inquiry, Mr. Arroyo stated they have reviewed the Pre-Sentence Investigation (PSI) Report with the Defendant. Defendant stated he has reviewed the Report and there is nothing to change. State submitted. Argument by Mr. Arroyo. Victim Speaker, James Farnsworth, SWORN and TESTIFIED. Victim Speaker, Corey Farnsworth, SWORN and TESTIFIED. Victim Speaker, Debra Farnsworth, SWORN and TESTIFIED. DEFT. ABASTA ADJUDGED GUILTY OF COUNT 1 - MURDER FIRST DEGREE (F), COUNTS 2, 4, 5, 7 - ASSAULT WITH A DEADLY WEAPON (F) AND COUNTS 3, 6 - ROBBERY (F). Pursuant to NRS 176.063, COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, \$3.00 DNA Collection fee, \$150.00 DNA Analysis fee including testing to determine genetic markers, \$250.00 Indigent Defense Civil Assessment fee, and Restitution in the amount of \$3,756.70 to Ernesto Santana-Rosas, to be paid jointly and severally by Defendant and Co-Defendants Mason Arney and James Arney, Defendant SENTENCED to the Nevada Department of Corrections (NDC) as follows: COUNT 1 - to a MAXIMUM OF SIX HUNDRED (600) MONTHS AND A MINIMUM OF TWO HUNDRED FORTY (240) MONTHS; COUNT 2 - to a MAXIMUM OF SEVENTY-TWO (72) MONTHS AND A MINIMUM OF TWENTY-EIGHT (28) MONTHS, to run CONSECUTIVE to COUNT 1; COUNT 3 - to a MAXIMUM OF ONE HUNDRED EIGHTY (180) MONTHS AND A MINIMUM OF FORTY-EIGHT (48) MONTHS, to run CONSECUTIVE to COUNT 1; COUNT 4 - to a MAXIMUM OF SEVENTY-TWO (72) MONTHS AND A MINIMUM OF TWENTY-EIGHT (28) MONTHS, to run CONSECUTIVE to COUNT 1; COUNT 5 - to a MAXIMUM OF SEVENTY-TWO (72) MONTHS AND A MINIMUM OF TWENTY-EIGHT (28) MONTHS, to run CONSECUTIVE to COUNT 1; COUNT 6 - to a MAXIMUM OF ONE HUNDRED EIGHTY (180) MONTHS AND A MINIMUM OF FORTY-EIGHT (48) MONTHS, to run CONSECUTIVE to COUNT 1; AND COUNT 7 - to a MAXIMUM OF SEVENTY-TWO (72) MONTHS AND A MINIMUM OF TWENTY-EIGHT (28) MONTHS, to run CONSECUTIVE to COUNT 1; COUNTS 3 TO 7 to run CONCURRENT to COUNT 2; for a TOTAL AGGREGATE SENTENCE of a MAXIMUM OF SIXTY-FIVE (65) YEARS AND A MINIMUM OF TWENTY-FOUR (24) YEARS in the NDC, with FOUR HUNDRED FIFTY-EIGHT (458) DAYS credit for time served. Colloquy regarding restitution. BOND, if any, EXONERATED. NDC;

DATE

FINANCIAL INFORMATION

Defendant Abasta, Eric

Total Charges

428.00

Total Payments and Credits

0.00

Balance Due as of 8/9/2021

428.00

JOCP

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

ERIC ABASTA aka
Eric Abasta Jr.
#5010484

Defendant.

CASE NO. C-20-349045-1

DEPT. NO. XVII

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 – MURDER (FIRST DEGREE) (Category A Felony) in violation of NRS 200.010, 200.030; COUNT 2 – ASSAULT WITH A DEADLY WEAPON (Category B Felony) in violation of NRS 200.471; COUNT 3 – ROBBERY (Category B Felony) in violation of NRS 200.380; COUNT 4 – ASSAULT WITH A DEADLY WEAPON (Category B Felony) in violation of NRS 200.471; COUNT 5 – ASSAULT WITH A DEADLY WEAPON (Category B Felony) in violation of NRS 200.471; COUNT 6 – ROBBERY

1 (Category B Felony) in violation of NRS 200.380; and COUNT 7 – ASSAULT WITH A
2 DEADLY WEAPON (Category B Felony) in violation of NRS 200.471; thereafter, on the 25th
3 day June, 2021, the Defendant was present in court for sentencing with counsel ROBERT
4 ARROYO, Chief Deputy Special Public Defender and TEGAN C. MACHNICH, Chief Deputy
5 Special Public Defender, and good cause appearing,
6

7 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offenses and, in addition
8 to the \$25.00 Administrative Assessment, \$250.00 Indigent Defense Civil Assessment Fee,
9 \$3,756.70 Restitution to be paid Jointly and Severally by Defendant and Co-Defendants Mason
10 Arney and James Arney to Victim Ernesto Santana-Rosas and \$150.00 DNA Analysis Fee
11 including testing to determine genetic markers plus \$3.00 DNA Collection Fee, the Defendant is
12 sentenced to the Nevada Department of Corrections (NDC) as follows: COUNT 1 - a
13 MAXIMUM of SIX HUNDRED (600) MONTHS with a MINIMUM Parole Eligibility of TWO
14 HUNDRED FORTY (240) MONTHS; COUNT 2 – a MAXIMUM of SEVENTY-TWO (72)
15 MONTHS with a MINIMUM Parole Eligibility of TWENTY-EIGHT (28) MONTHS,
16 CONSECUTIVE to COUNT 1; COUNT 3 – a MAXIMUM of ONE HUNDRED EIGHTY
17 (180) MONTHS with a MINIMUM Parole Eligibility of FORTY-EIGHT (48) MONTHS,
18 CONSECUTIVE to COUNT 1; COUNT 4 – a MAXIMUM of SEVENTY-TWO (72)
19 MONTHS with a MINIMUM Parole Eligibility of TWENTY-EIGHT (28) MONTHS,
20 CONSECUTIVE to COUNT 1; COUNT 5 – a MAXIMUM of SEVENTY-TWO (72) MONTHS
21 with a MINIMUM Parole Eligibility of TWENTY-EIGHT (28) MONTHS, CONSECUTIVE to
22 COUNT 1; COUNT 6 – a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS with a
23 MINIMUM Parole Eligibility of FORTY-EIGHT (48) MONTHS, CONSECUTIVE to COUNT
24 1; and COUNT 7 – a MAXIMUM of SEVENTY-TWO (72) MONTHS with a MINIMUM
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1 Parole Eligibility of TWENTY-EIGHT (28) MONTHS, CONSECUTIVE to COUNT 1;
2 COUNTS 3,4,5,6 and 7 to RUN CONCURRENT with COUNT 2; with FOUR HUNDRED
3 FIFTY-EIGHT (458) DAYS credit for time served. The AGGREGATE TOTAL sentence is
4 SIXTY-FIVE (65) YEARS MAXIMUM with a MINIMUM of TWENTY-FOUR (24) YEARS.
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10 Dated this 9th day of July, 2021

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13 69A 91A 6CB3 5128
14 Michael Villani
15 District Court Judge
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1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 State of Nevada

CASE NO: C-20-349045-1

7 vs

DEPT. NO. Department 17

8 Eric Abasta, Jr.
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 7/9/2021

15 Robert Arroyo

rarroyo@clarkcountynv.gov

16 Elizabeth Araiza

elizabeth.araiza@clarkcountynv.gov

17 Office of the Special Public Defender

SpecialPDdocs@clarkcountynv.gov

18 District Attorney

motions@clarkcountynyda.com

19 James Gallo

james@gallolawoffice.com

20 Daniel Lippmann

daniel@lipplaw.vegas

21 Tergan Machnich

Tegan.Machnich@ClarkCountyNV.gov

22 Dept 17 Law Clerk

dept17lc@clarkcountycourts.us

23
24
25
26
27
28

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 26, 2020

C-20-349045-1 State of Nevada
vs
Eric Abasta

June 26, 2020

11:00 AM

Grand Jury Indictment

HEARD BY: Bell, Linda Marie

COURTROOM: RJC Lower Level Arraignment

COURT CLERK: Kimberly Estala

RECORDER: Renee Vincent

REPORTER:

PARTIES

PRESENT:

Dickerson, Michael
State of Nevada

Attorney
Plaintiff

JOURNAL ENTRIES

- Kenneth Dickinson, Grand Jury Foreperson, stated to the Court that at least twelve members had concurred in the return of the true bill during deliberation, but had been excused for presentation to the Court. State presented Grand Jury Case Number 19CGJ051A to the Court. COURT ORDERED, the Indictment may be filed and is assigned Case Number C-20-349045-1, Department III.

State requested a warrant, argued bail, and advised Deft is in custody. COURT ORDERED, NO BAIL; INDICTMENT WARRANT ISSUED, and matter SET for Arraignment.

Upon Court's inquiry, the State advised there are no material witness warrants to quash. COURT FURTHER ORDERED, Exhibits 1-24 and 26-35 to be lodged with the Clerk of the Court; Las Vegas Justice Court case no. 20F02017B DISMISSED per the State's request. In addition, a Pre-Trial Risk Assessment will be prepared if one was not previously done.

I.W. (CUSTODY)

07/02/20 3:30 P.M. INITIAL ARRAIGNMENT (DEPT III)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****July 02, 2020**

C-20-349045-1 State of Nevada
vs
Eric Abasta

July 02, 2020**3:30 PM****All Pending Motions****HEARD BY:** Herndon, Douglas W.**COURTROOM:** RJC Courtroom 16C**COURT CLERK:** Kory Schlitz**RECORDER:** Stacey Ray**REPORTER:****PARTIES**

PRESENT:	Abasta, Eric, Jr.	Defendant
	Arroyo, Robert	Attorney
	Cannizzaro, Nicole J.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- INDICTMENT WARRANT RETURN... INITIAL ARRAIGNMENT...

APPEARANCES CONTINUED: Defendant ABASTA present in custody represented by Special Public Defender Robert Arroyo; Defendant MASON ARNEY present in custody represented by James Gallo Esq.; Defendant JAMES ARNEY present out of custody represented by Daniel Lippmann Esq.

Upon Court's inquiry, Mr. Arroyo stated the Special Public Defender's Office can confirm as counsel of record on behalf of Defendant ABASTA. Mr. Gallo informed the Court he did not have a chance to speak with Defendant MASON ARNEY, pointing out he went over to the jail twice and the Defendant was in transit each time. Upon Court's inquiry, Defendant JAMES ARNEY stated his first name was WAYLON, not JAMES. COURT SO NOTED. Upon Court's further inquiry, Defendant ABASTA stated Mr. Arroyo went over the charges with him, however he is confused as to what charges relate to him. DEFENDANT JAMES WAYLON ARNEY ARRAIGNED, PLED NOT GUILTY, and WAIVED the 60-DAY RULE. COURT ORDERED, matter set for status check. Mr. Lippmann

requested a status check in two weeks. Upon Court's inquiry, Ms. Cannizzaro indicated she believed the matter is not going before the Death Review Committee with regards to Defendant ABASTA. COURT ORDERED, pursuant to Statute, Counsel has 21 days from today for the filing of any Writs, if the Transcript has not been filed as of today; Counsel has 21 days from the filing of the Transcript. COURT ORDERED, arraignment CONTINUED with regards to Defendants ABASTA and MASON ARNEY; status check SET with regards to Defendant JAMES WAYLON ARNEY. COURT FURTHER ORDERED, Defendant JAMES WAYLON ARNEY's presence can be waived at the next hearing, adding since this is a homicide case, the matter will need to be reassigned.

CUSTODY

7/7/2020 3:30 P.M. ARRAIGNMENT CONTINUED

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 07, 2020

C-20-349045-1 State of Nevada
vs
Eric Abasta

July 07, 2020

3:30 PM

Arraignment Continued

HEARD BY: Herndon, Douglas W.

COURTROOM: RJC Courtroom 16C

COURT CLERK: Kory Schlitz

RECORDER: Stacey Ray

REPORTER:

PARTIES

PRESENT:	Abasta, Eric, Jr.	Defendant
	Arroyo, Robert	Attorney
	Dickerson, Michael	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Defendant ABASTA present in custody represented by Special Public Defender Robert Arroyo; Defendant MASON ARNEY present in custody represented by James Gallo Esq.; Defendant JAMES WAYLON ARNEY present represented by Daniel Lippmann Esq.

DEFENDANT ABASTA ARRAIGNED, PLED NOT GUILTY, and INVOKED the 60-DAY RULE. DEFENDANT MASON ARNEY ARRAIGNED, PLED NOT GUILTY, and INVOKED the 60-DAY RULE. COURT ORDERED, matter set for status check. Upon Court's inquiry, Ms. Lacher indicated she does not know if the matter is going before the Death Review Committee with regards to Defendant ABASTA. COURT ORDERED, pursuant to Statute, Counsel has 21 days from today for the filing of any Writs, if the Transcript has not been filed as of today; Counsel has 21 days from the filing of the Transcript. Pursuant to Administrative Order 17-05 this COURT ORDERS the case REASSIGNED to Department 17.

CUSTODY

PRINT DATE: 08/09/2021

Page 4 of 31

Minutes Date: June 26, 2020

7/16/2020 10:15 A.M. STATUS CHECK: TRIAL SETTING (DEPT 17)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 16, 2020

C-20-349045-1 State of Nevada
vs
Eric Abasta

July 16, 2020 10:15 AM Status Check: Trial Setting

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Shannon Reid

RECORDER: Cynthia Georgilas

REPORTER:

PARTIES

PRESENT:	Abasta, Eric, Jr.	Defendant
	Arroyo, Robert	Attorney
	Overly, Sarah	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- James Gallo, ESQ present on behalf of Co Defendant Mason Arney. Daniel Lippman, ESQ. present on behalf of Co Defendant James Arney.

Mr. Arroyo advised Defendants had invoked the 60-Day Rule. COURT ORDERED, matter SET for trial. COURT FURTHER ORDERED, Counsel has 21 days from the filing of the Grand Jury Indictment transcript to file a Writ.

CUSTODY

08/25/2020 8:30 AM CALENDAR CALL

09/08/2020 9:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 25, 2020

C-20-349045-1 State of Nevada
vs
Eric Abasta

August 25, 2020 10:15 AM Calendar Call

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Shannon Reid

RECORDER: Cynthia Georgilas

REPORTER:

PARTIES

PRESENT:	Abasta, Eric, Jr.	Defendant
	Arroyo, Robert	Attorney
	Cannizzaro, Nicole J.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Daniel Lippman, ESQ. present on behalf of Co Defendant James Arney. James Gallo, ESQ. present on behalf of Co Defendant Mason Arney.

Court noted no trials were going forward due to COVID-19 pandemic. Upon Court's inquiry, Mr. Arroyo advised Defendants had previously invoked the 60-Day Rule. COURT FINDS good cause due to the Court's schedule and nature of this case to continue the trial beyond 60 days.

CUSTODY

11/17/2020 10:15 AM CALENDAR CALL

11/30/2020 9:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 09, 2020

C-20-349045-1 State of Nevada
 vs
 Eric Abasta

**September 09, 2020 11:30 AM Central Trial Readiness
Conference**

HEARD BY: Bell, Linda Marie **COURTROOM:** RJC Lower Level Arraignment

COURT CLERK: Kimberly Estala

RECORDER: Renee Vincent

REPORTER:

PARTIES

PRESENT:	Abasta, Eric, Jr.	Defendant
	Arroyo, Robert	Attorney
	Cannizzaro, Nicole J.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Also present: James Gallo, Esq. counsel for Co-Defendant Mason Arney who refused transport.

Mr. Gallo advised he is still waiting on an offer to be extended from the State. State advised it is still discussing potential offers with the victim and detective. Mr. Arroyo advised discovery was received three weeks ago and this appearance may be a bit premature. COURT ORDERED, matter CONTINUED for counsel to consider discovery and State to convey offers.

CUSTODY

CONTINUED TO: 10/07/20 11:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 07, 2020

C-20-349045-1 State of Nevada
 vs
 Eric Abasta

**October 07, 2020 11:30 AM Central Trial Readiness
Conference**

HEARD BY: Togliatti, Jennifer

COURTROOM: RJC Lower Level Arraignment

COURT CLERK: Kimberly Estala

RECORDER: Melissa Delgado-Murphy

REPORTER:

PARTIES

PRESENT: Abasta, Eric, Jr. Defendant
 Arroyo, Robert Attorney

JOURNAL ENTRIES

- Also present: Co-Defendant Mason Arney with counsel James Gallo, Esq.

Mr. Arroyo advised there is no current offer at this time and a file review is pending as there is potentially missing discovery. COURT ORDERED, matter CONTINUED for file review and any additional updates.

CUSTODY

CONTINUED TO: 10/28/20 11:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 28, 2020

C-20-349045-1 State of Nevada
vs
Eric Abasta

**October 28, 2020 11:30 AM Central Trial Readiness
Conference**

HEARD BY: Bell, Linda Marie

COURTROOM: RJC Lower Level Arraignment

COURT CLERK: Kimberly Estala

RECORDER: Renee Vincent

REPORTER:

PARTIES

PRESENT:	Abasta, Eric, Jr.	Defendant
	Arroyo, Robert	Attorney
	Cannizzaro, Nicole J.	Attorney
	Machnich, Tegan	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Co-Defendant Mason Arney present with counsel James Gallo, Esq.

Mr. Arroyo advised he is missing discovery however has a file review next week. State advised an offer has been extended to Defendant Arney but not Abasta. Mr. Gallo advised an offer was extended about two weeks ago and negotiations are on going. Mr. Gallo further advised he should know within two weeks if he will be ready for trial however he does not believe Defendant wants to waive speedy. Mr. Arroyo advised he does not think he can be ready. COURT ORDERED, department calendar call VACATED; central calendar call SET.

CUSTODY

11/25/20 2:00 PM CENTRAL CALENDAR CALL (LLA)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 25, 2020

C-20-349045-1 State of Nevada
vs
Eric Abasta

November 25, 2020 2:00 PM Central Calendar Call

HEARD BY: Bell, Linda Marie

COURTROOM: RJC Lower Level Arraignment

COURT CLERK: Kimberly Estala

RECORDER: Kerry Esparza

REPORTER:

PARTIES

PRESENT:	Abasta, Eric, Jr.	Defendant
	Arroyo, Robert	Attorney
	Cannizzaro, Nicole J.	Attorney
	Machnich, Tegan	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Co-Defendant Mason Arney present with counsel James Gallo, Esq. Parties present via Bluejeans.

State noted a file review was done with Mr. Arroyo and additional discovery was requested from the investigator some of which has been turned over. Court noted due to current Covid-19 protocols trials are unable to proceed and ORDERED, trial date VACATED and RESET.

CUSTODY

01/13/21 2:00 PM CENTRAL CALENDAR CALL (LLA)
01/19/21 9:00 AM JURY TRIAL (DEPT 17)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****December 15, 2020**

C-20-349045-1 State of Nevada
vs
Eric Abasta

**December 15, 2020 10:15 AM Motion for Own
Recognizance
Release/Settting Reasonable
Bail**

HEARD BY: Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Carina Bracamontez-Munguia**RECORDER:** Cynthia Georgilas**REPORTER:****PARTIES**

PRESENT:	Abasta, Eric, Jr.	Defendant
	Arroyo, Robert	Attorney
	Cannizzaro, Nicole J.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Mr. Arroyo argued the State has the burden of proving proof evident presumption great and he believes they cannot meet that standard at this point. Ms. Cannizzaro argued for denial of motion and requested Deft. continue to be held without bail pursuant to statue because proof is evident and presumption great for first degree murder charge; if court is not inclined she would offer additional evidence regarding other charges in the indictment and request monetary bail. Court noted there are a lot of pieces to this puzzle and believes the State has presented enough for this Court that there is proof evident presumption great on the murder charge, therefore, COURT ORDERED Deft. HELD WITHOUT BAIL.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 13, 2021

C-20-349045-1 State of Nevada
vs
Eric Abasta

January 13, 2021 2:00 PM Central Calendar Call

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

COURT CLERK:
Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT:	Abasta, Eric, Jr.	Defendant
	Cannizzaro, Nicole J.	Attorney
	Machnich, Tegan	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Ms. Cannizzaro present via video, on behalf of the State. Ms. Machnich present via video, on behalf of deft. through bluejeans technology.

Court noted the Court cannot currently do Jury trials at this time, due to orders from the Governor. COURT ORDERED, trial date VACATED and matter SET for Central Trial Readiness, on the date given, as to both defts.

CUSTODY ABASTA / ARNEY

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 27, 2021

C-20-349045-1 State of Nevada
vs
Eric Abasta

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

HEARD BY: Jones, Tierra

COURTROOM: RJC Lower Level Arraignment

COURT CLERK: Natalie Ortega

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT:	Abasta, Eric, Jr.	Defendant
	Arroyo, Robert	Attorney
	Pieper, Danielle K.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Special Public Defendant Robert Arroyo present with Defendant Eric Abasta, Jr. (C349045-1)

James C. Gallo, Esq., present with Defendant Mason Arney (C349045-2)

COURT NOTED this case could be accommodated on the February 22, 2021 as number 2 on the stack. Counsel announced trial ready. Colloquy regarding filing a motion to exclude and resolving the case. COURT ORDERED, trial SET.

CUSTODY - ABASTA

CUSTODY - ARNEY

02/17/21 2:00 PM CENTRAL TRIAL CALENDAR CALL (ABASTA and ARNEY)

02/22/21 9:00 AM CENTRAL TRIAL JURY TRIAL (ABASTA and ARNEY)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 12, 2021

C-20-349045-1 State of Nevada
vs
Eric Abasta

February 12, 2021 3:00 AM Minute Order

HEARD BY: Villani, Michael

COURTROOM: Chambers

COURT CLERK: Samantha Albrecht

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- By stipulation and agreement by Parties via communications with Court's Law Clerk. COURT ORDERED, matter SET for February 23, 2021 VACATED and RESET to February 18, 2021 at 8:30 AM.

CLERK'S NOTE: A copy of this Minute Order was distributed by e-mail to counsel. 2/12/2021 sa

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 17, 2021

C-20-349045-1 State of Nevada
 vs
 Eric Abasta

February 17, 2021 2:00 PM Central Calendar Call

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

COURT CLERK: Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT:	Abasta, Eric, Jr.	Defendant
	Arroyo, Robert	Attorney
	Dickerson, Michael	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Mr. Dickerson present via video, on behalf of the State. Mr. Arroyo present via video, on behalf of deft. Abasta. Mr. Gallo present on behalf of co-deft. Arney.

Upon Court's inquiry, Mr. Arroyo advised Mr. Dickerson recently took over the case from Ms. Cannizzaro, and there's been a lot of new discovery, and counsel will need to travel out of State for new witnesses. Further, deft. would like to keep his invoked status, and the State is not opposed. Mr. Dickerson advised that's correct, and they are open to negotiations, however, deft. would have to waive a certain amount of time to fully negotiate the case. Mr. Gallo advised that's fine, however, co-deft. would like to keep his invoked status also. Statements by deft. Court noted counsel can file a bail motion if they choose to do that, and that would be heard by Judge Villani. COURT ORDERED, trial date VACATED and RE-SET for Central Jury Trial and Central Calendar Call, on the date given. FURTHER COURT ORDERED, date for Motion in front of Judge Villani, STANDS. FURTHER, both Defendants REMAIN INVOKED.

CUSTODY ABASTA/ARNEY

03/24/21 2:00 P.M. CENTRAL CALENDAR CALL - LLA

03/29/21 9:00 A.M. CENTRAL JURY TRIAL - 3E or 3F

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 18, 2021

C-20-349045-1 State of Nevada
vs
Eric Abasta

February 18, 2021 8:30 AM Motion to Amend

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Samantha Albrecht

RECORDER: Cynthia Georgilas

REPORTER:

PARTIES

PRESENT:	Abasta, Eric, Jr.	Defendant
	Arroyo, Robert	Attorney
	Dickerson, Michael	Attorney
	Special Public Defender	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Court noted an Opposition had been filed yesterday, however has not had an opportunity to review it. COURT ORDERED, matter CONTINUED to Tuesday.

CUSTODY

CONTINUED TO: 2/23/2021 8:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 23, 2021

C-20-349045-1 State of Nevada
vs
Eric Abasta

February 23, 2021 8:30 AM Motion to Amend

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Samantha Albrecht

RECORDER: Cynthia Georgilas

REPORTER:

PARTIES

PRESENT:	Abasta, Eric, Jr.	Defendant
	Arroyo, Robert	Attorney
	Dickerson, Michael	Attorney
	Special Public Defender	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Mr. Dickerson requested to amend the Complaint to add the theory of felony murder. Mr. Dickerson argued that Defendant Abasta has been on notice due to the testimony before the Grand Jury, which indicated this was a murder committed in furtherance of an attempt robbery. Mr. Dickerson provided argument regarding the Chamberlain case and noted NRS 173.095(1) allows the State to amend an Information and an Indictment. Mr. Arroyo argued that the State presented only cases regarding the amending of an Information, not the amending of an Indictment which would require them to go back to the Grand Jury. COURT ORDERED, matter TAKEN UNDER ADVISEMENT and a decision would be issued today or tomorrow.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 01, 2021

C-20-349045-1 State of Nevada
vs
Eric Abasta

March 01, 2021

3:00 AM

Minute Order

HEARD BY: Villani, Michael

COURTROOM: Chambers

COURT CLERK: Samantha Albrecht

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- The State s Motion to Amend Indictment came before the Court, whereupon the Court took the matter under further advisement. After considering all pleadings and arguments, the Court renders its decision as follows:

The State seeks to add an additional theory of liability felony murder for Count five murder with use of a deadly weapon of the Indictment. Under NRS 173.095(1), the court may permit an indictment or information to be amended at any time before verdict or finding if no additional or different offense is charged and if substantial rights of the defendant are not prejudiced. Moreover, felony murder does not amount to the charging of additional or different offenses. See State v. Eighth Judicial Dist. Court, ex rel. County of Clark, 116 Nev. 374 378-79, 997 P.2d 126 129-130 (2000).

Here, the State request to amend their indictment merely adds an alternate liability theory, felony murder. Also, the State placed Defendant on notice regarding felony murder during grand jury. See GJT Vol. 2, at 40-53. Therefore, THIS COURT FINDS the amendment to count five does not charge an additional offense, and the addition of felony murder theory does not prejudice Defendant s substantial rights.

Therefore, COURT ORDERED, Motion to Amend Indictment, GRANTED. COURT ORDERS

State to submit a proposed order consistent with the foregoing and is approved by the State regarding its form and content within ten (10) days after Counsel is notified of the ruling and distribute a filed copy to all parties involved pursuant to EDCR 7.21. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing. Status check SET for March 16, 2021 at 8:30 am regarding the filing of the order. That date to be vacated if the Court receives the order prior to March 16, 2021.

CLERK'S NOTE: A copy of this Minute Order was provided to counsel via e-mail. 3/1/2021 sa

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 23, 2021

C-20-349045-1 State of Nevada
 vs
 Eric Abasta

March 23, 2021 8:30 AM Motion to Dismiss

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Samantha Albrecht

RECORDER: Cynthia Georgilas

REPORTER:

PARTIES

PRESENT:	Abasta, Eric, Jr.	Defendant
	Arroyo, Robert	Attorney
	Dickerson, Michael	Attorney
	Special Public Defender	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Mr. Arroyo stated he agreed with the State's Opposition on the good communication regarding discovery and noted Ms. Canizzarro was previously on this case which had been pending since March. Mr. Arroyo noted they had a file review in November, however they did not receive the missing discovery until February. Mr. Arroyo further noted Mr. Dickerson turned over the discovery within a few days. Mr. Arroyo stated there were other options for trial and a bench trial might have been requested. Mr. Arroyo further stated they received additional jail calls on 3/11/2021, which require further investigation. Mr. Arroyo advised this puts the Defendant in a situation where his speedy trial rights would be violated as the trial would need to be continued or proceed with counsel not being fully prepared.

Mr. Dickerson noted the continuances were due to COVID and the State provided all the discovery to defense counsel. Mr. Dickerson stated the State was ready to proceed to trial.

Court FINDS based on all the factors and the COVID issues, there is no legal basis to dismiss the case, based on speedy trial violations, therefore ORDERED, Motion DENIED. Mr. Dickerson noted he had never been approached regarding a bench trial and would be opposed to a bench trial.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 24, 2021**

C-20-349045-1 State of Nevada
vs
Eric Abasta

March 24, 2021**2:00 PM****Central Calendar Call****HEARD BY:** Barker, David**COURTROOM:** RJC Lower Level Arraignment**COURT CLERK:** Louisa Garcia**RECORDER:** Patti Slattery**REPORTER:****PARTIES**

PRESENT:	Abasta, Eric, Jr.	Defendant
	Arroyo, Robert	Attorney
	Dickerson, Michael	Attorney
	Machnich, Tegan	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Court noted this case is on the top of the stack to start trial next week. Mr. Dickerson stated he is ready to proceed to trial.

Mr. Arroyo stated they are not ready to proceed to trial and the Deft. is not willing to waive his right to a speedy trial, however, noted this is a large case and received a large amount of discovery in February, 2021 that was given to the expert who wouldn't be available to have it all done and testify by next week, therefore, requested matter be continued over the Deft's objection. Upon Court's inquiry, Deft. stated that he understands, however, is not willing to waive the speedy trial rights and requested to extend the trial date without having to waive speedy trial rights. Statement by Mr. Dickerson; further, out of courtesy, doesn't have any objection and suggested this matter be set for a settlement conference. Colloquy between Court, counsel and the Deft. regarding a settlement conference. COURT ORDERED, matter SET for a settlement conference.

CUSTODY

PRINT DATE: 08/09/2021

Page 25 of 31

Minutes Date: June 26, 2020

5/03/21 1:30 PM SETTLEMENT CONFERENCE

CLERK'S NOTE: Minute order completed by Court Clerk, Kristen Brown by way of JAV's recording, kb 4/02/2021.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 06, 2021

C-20-349045-1 State of Nevada
vs
Eric Abasta

May 06, 2021 8:30 AM Status Check

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Samantha Albrecht

RECORDER: Cynthia Georgilas

REPORTER:

PARTIES

PRESENT:	Abasta, Eric, Jr.	Defendant
	Arroyo, Robert	Attorney
	Cole, Madilyn M.	Attorney
	Special Public Defender	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Mr. Arroyo advised this case was scheduled for a Settlement Conference on May 11th and requested a continuance after that date. COURT SO ORDERED.

CUSTODY

5/28/2021 8:30 AM STATUS CHECK: NEGOTIATIONS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 11, 2021

C-20-349045-1 State of Nevada
 vs
 Eric Abasta

May 11, 2021

1:30 PM

Settlement Conference

HEARD BY: Barker, David

COURTROOM: RJC Lower Level Arraignment

COURT CLERK: Carina Bracamontez-Munguia

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Parties participated in a settlement conference with Senior Judge Barker where a settlement was reached.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 11, 2021

C-20-349045-1 State of Nevada
vs
Eric Abasta

May 11, 2021 3:50 PM Entry of Plea

HEARD BY: Villani, Michael **COURTROOM:** RJC Lower Level Arraignment

COURT CLERK: Samantha Albrecht

RECORDER: Cynthia Georgilas

REPORTER:

PARTIES

PRESENT:	Abasta, Eric, Jr.	Defendant
	Arroyo, Robert	Attorney
	Dickerson, Michael	Attorney
	Machnich, Tegan	Attorney
	Sisolak, Ashley L.	Attorney
	Special Public Defender	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- NEGOTIATIONS are as contained in the Guilty Plea Agreement to be electronically filed and placed on the record by Mr. Arroyo. DEFT. ABASTA ARRAIGNED AND PLED GUILTY TO COUNT 1 - MURDER (FIRST DEGREE) (F), COUNTS 2, 4, 5, 7 - ASSAULT WITH A DEADLY WEAPON AND COUNTS 3, 6 - ROBBERY (F). Court ACCEPTED plea, and ORDERED, matter SET for sentencing.

CUSTODY

6/25/2021 8:30 AM SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 25, 2021**

C-20-349045-1 State of Nevada
vs
Eric Abasta

June 25, 2021**8:30 AM****Sentencing****HEARD BY:** Silva, Cristina D.**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Samantha Albrecht**RECORDER:** Cynthia Georgilas**REPORTER:****PARTIES**

PRESENT:	Abasta, Eric, Jr.	Defendant
	Arroyo, Robert	Attorney
	Dickerson, Michael	Attorney
	Machnich, Tegan	Attorney
	Special Public Defender	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Upon Court's inquiry, Mr. Arroyo stated they have reviewed the Pre-Sentence Investigation (PSI) Report with the Defendant. Defendant stated he has reviewed the Report and there is nothing to change. State submitted. Argument by Mr. Arroyo. Victim Speaker, James Farnsworth, SWORN and TESTIFIED. Victim Speaker, Corey Farnsworth, SWORN and TESTIFIED. Victim Speaker, Debra Farnsworth, SWORN and TESTIFIED. DEFT. ABASTA ADJUDGED GUILTY OF COUNT 1 - MURDER FIRST DEGREE (F), COUNTS 2, 4, 5, 7 - ASSAULT WITH A DEADLY WEAPON (F) AND COUNTS 3, 6 - ROBBERY (F). Pursuant to NRS 176.063, COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, \$3.00 DNA Collection fee, \$150.00 DNA Analysis fee including testing to determine genetic markers, \$250.00 Indigent Defense Civil Assessment fee, and Restitution in the amount of \$3,756.70 to Ernesto Santana-Rosas, to be paid jointly and severally by Defendant and Co-Defendants Mason Arney and James Arney, Defendant SENTENCED to the Nevada Department of Corrections (NDC) as follows: COUNT 1 - to a MAXIMUM OF SIX HUNDRED (600) MONTHS AND A MINIMUM OF TWO HUNDRED FORTY (240) MONTHS; COUNT 2 - to a

MAXIMUM OF SEVENTY-TWO (72) MONTHS AND A MINIMUM OF TWENTY-EIGHT (28) MONTHS, to run CONSECUTIVE to COUNT 1; COUNT 3 - to a MAXIMUM OF ONE HUNDRED EIGHTY (180) MONTHS AND A MINIMUM OF FORTY-EIGHT (48) MONTHS, to run CONSECUTIVE to COUNT 1; COUNT 4 - to a MAXIMUM OF SEVENTY-TWO (72) MONTHS AND A MINIMUM OF TWENTY-EIGHT (28) MONTHS, to run CONSECUTIVE to COUNT 1; COUNT 5 - to a MAXIMUM OF SEVENTY-TWO (72) MONTHS AND A MINIMUM OF TWENTY-EIGHT (28) MONTHS, to run CONSECUTIVE to COUNT 1; COUNT 6 - to a MAXIMUM OF ONE HUNDRED EIGHTY (180) MONTHS AND A MINIMUM OF FORTY-EIGHT (48) MONTHS, to run CONSECUTIVE to COUNT 1; AND COUNT 7 - to a MAXIMUM OF SEVENTY-TWO (72) MONTHS AND A MINIMUM OF TWENTY-EIGHT (28) MONTHS, to run CONSECUTIVE to COUNT 1; COUNTS 3 TO 7 to run CONCURRENT to COUNT 2; for a TOTAL AGGREGATE SENTENCE of A MAXIMUM OF SIXTY-FIVE (65) YEARS AND A MINIMUM OF TWENTY-FOUR (24) YEARS in the NDC, with FOUR HUNDRED FIFTY-EIGHT (458) DAYS credit for time served. Colloquy regarding restitution.

BOND, if any, EXONERATED.

NDC

As to Deft James Arney:

(2) CTS - ASSAULT WITH A DEADLY WEAPON (Category B Felony - NRS 200.471 - NOC 50201);
(1) CT - CONSPIRACY TO COMMIT ROBBERY (Category B Felony - NRS 200.380, 199.480 - NOC 50147);
(2) CTS - ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.380, 193.165 - NOC 50138) and
(1) CT - GRAND LARCENY AUTO (Category B Felony - NRS 205.228.3 - NOC 56014)

Def. Counsel(s): ABASTA – MARISA BORDER
M. ARNEY – JAMES GALLO
J. ARNEY – DANIEL LIPPMANN

WARRANTS (1 WEEK):

ABASTA –
M. ARNEY –

SUMMONS (1 WEEK):

J. ARNEY -

DEFT ABASTA IN CUSTODY (C348213-1 – SCK 7/1 IN DC 10; C348152 – MTN - 6/30 IN DC 10; C348381 – MTN 6/26 IN DC 5; 20F02017B – PH 7/1 IN JC 10;

DEFT MASON ARNEY IN CUSTODY (C348213-2 – SCK 7/1 IN DC 10)

DEFT JAMES ARNEY OR'D (20F02017A – NEGOS 7/1 IN JC 10)

LVJC CASES TO BE DISM'D: 20F02017A-B

Exhibits:

- WA 1. Proposed Indictment
- WA 1a. 2nd Proposed Ind
- WA 2. Jury Instructions
- WA 3. Photo
- WA 4. Photo
- WA 5. Photo
- WA 6. Letter
- WA 7. Maps
- WA 8. Search Warrant
- WA 9. Search History
- WA 10. Photo
- WA 11. Photo
- WA 12. Text Messages
- WA 13. JOC
- WA 14. JOC
- WA 15. Drawing

- WA 16. CD
- WA 17. Witness Instructions
- WA 18. Witness Instructions
- WA 19. Witness Instructions
- WA 20. CD
- WA 21. Text Messages
- WA 22. Text Messages
- WA 23. Text Messages
- WA 24. Text Messages
- WA 25. Misnumbered
- WA 26. Text Messages
- WA 27. Text Messages
- WA 28. Text Messages
- WA 29. Map
- WA 30. Map
- WA 31. Photo
- WA 32. Photo
- WA 33. Photo
- WA 34. Photo Lineup
- WA 35. Officer's Report

Exhibits 1 – 24 & 26 - 35 to be lodged with the Clerk of the Court.
Exhibit 25 misnumbered.

Certification of Copy

State of Nevada }
County of Clark } SS:

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

NOTICE OF APPEAL; CASE APPEAL STATEMENT; REQUEST FOR
TRANSCRIPT OF PROCEEDINGS; REQUEST FOR TRANSCRIPT OF PROCEEDINGS; REQUEST
FOR TRANSCRIPT OF PROCEEDINGS; REQUEST FOR TRANSCRIPT OF PROCEEDINGS;
DISTRICT COURT DOCKET ENTRIES; JUDGMENT OF CONVICTION (PLEA OF GUILTY);
DISTRICT COURT MINUTES; EXHIBITS LIST

STATE OF NEVADA,

Plaintiff(s),

vs.

ERIC ABASTA aka ERIC ABASTA, JR.,

Defendant(s).

Case No: C-20-349045-1

Dept No: XVII

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 9 day of August 2021.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk