

Steven D. Grierson

1 Ismail Young #1210890

2 PO Box 650

3 Indian Springs, Nevada 89070

4 In Proper Person

Electronically Filed
Aug 31 2021 11:14 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

5 DISTRICT COURT

6 CLARK COUNTY, NEVADA

7
8 THE STATE OF NEVADA,

9 PLAINTIFF,

CASE NO. A-19-805427-W

10 VS

C-18-329403 -

11 ISMAIL YOUNG,

DEPT NO. 44111

12 DEFENDANT.

13 1

14
15 NOTICE OF APPEAL

16
17 Ismail Young, Defendant in the above entitled matter
18 hereby gives notice to this honorable court to appeal this court's
19 August 12, 2021 decision deny Defendants' Petition for a Writ of
20 Habeas Corpus (post-conviction)

21
22 Respectfully Submitted, this 21st day of August 2021.

23 *Ismail Young*
24 This document does not contain the name and social security
25 number of any person.

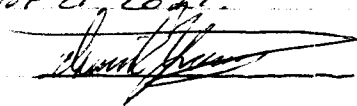
RECEIVED

AUG 26 2021

CLERK OF THE COURT

Certificate of Service

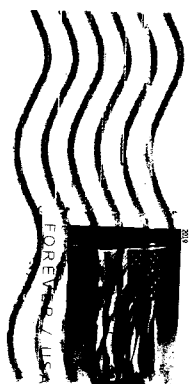
I, Ismail Young, do hereby certify that pursuant to NRCR 3 (b) I did mail a true and correct copy of the foregoing notice of appeal to Jonathan van Boskerck, NDA, 200 Lewis Ave, Las Vegas Nevada 89155-2212 on August 21, 2021.



Ismail Young

Ismael Young # 1210880
PO BOX 650
Indian Springs Nevada 89070

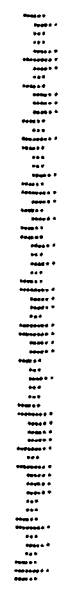
LAS VEGAS NV 890
23 AUG 2021 PM 3 L



Joseph
Murd

Clerk of the Court for the
District Court, Clark County Nevada
200 Lewis Ave.
Las Vegas, Nevada 89155

89101-890199





1 ASTA

2
3
4
5
6 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**
7 **STATE OF NEVADA IN AND FOR**
8 **THE COUNTY OF CLARK**
9

10 STATE OF NEVADA,

11 Plaintiff(s),

12 vs.

13 ISMAIL T. YOUNG aka ISMAIL YOUNG,

14 Defendant(s),
15

Case No: C-18-329403-1

Dept No: XXIII

16
17 **CASE APPEAL STATEMENT**
18

19 1. Appellant(s): Ismail Young

20 2. Judge: Jasmin Lilly-Spells

21 3. Appellant(s): Ismail Young

22 Counsel:

23 Ismail Young #1210890
24 P.O. Box 650
Indian Springs, NV 89070

25 4. Respondent: The State of Nevada

26 Counsel:

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

(702) 671-2700

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

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

6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: No

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

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

9. Date Commenced in District Court: January 24, 2018

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

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

11. Previous Appeal: No

Supreme Court Docket Number(s): N/A

12. Child Custody or Visitation: N/A

Dated This 30 day of August 2021.

Steven D. Grierson, Clerk of the Court

/s/ Heather Ungermann

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

cc: Ismail Young

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

State of Nevada
vs
Ismail Young

CASE NO. C-18-329403-1

Location: **Department 23**
 Judicial Officer: **Lilly-Spells, Jasmin**
 Filed on: **01/24/2018**
 Case Number History:
 Cross-Reference Case **C329403**
 Number:
 Defendant's Scope ID #: **08184847**
8184847
 ITAG Case ID: **1937759**
 Lower Court Case # Root: **17FN2527**
 Lower Court Case Number: **17FN2527A**

CASE INFORMATION

Offense	Statute	Deg	Date	Case Type:	Felony/Gross Misdemeanor
1. ROBBERY	200.380	F	11/11/2017		
<i>Filed As:</i> CONSPIRACY TO COMMIT ROBBERY	F	1/26/2018		Case Status:	01/17/2019 Closed
Arrest: 12/04/2017					
2. ATTEMPT MURDER	200.010	F	11/11/2017		
<i>Filed As:</i> ROBBERY WITH USE OF A DEADLY WEAPON	F	1/26/2018			
3. ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON	200.380	F	11/11/2017		
4. ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON	200.380	F	11/11/2017		
5. BATTERY WITH USE OF DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM	200.481.2e2	F	11/11/2017		
6. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON	200.010	F	11/11/2017		
7. BATTERY WITH INTENT TO COMMIT ROBBERY	200.400.2	F	11/11/2017		
8. ASSAULT WITH A DEADLY WEAPON	200.471.2b	F	11/11/2017		
9. ASSAULT WITH A DEADLY WEAPON	200.471.2b	F	11/11/2017		
10. ASSAULT WITH A DEADLY WEAPON	200.471.2b	F	11/11/2017		

Related Cases

A-19-805427-W (Writ Related Case)
 C-18-329403-2 (Multi-Defendant Case)

Statistical Closures

01/17/2019 Guilty Plea with Sentence (before trial) (CR)

DATE**CASE ASSIGNMENT****Current Case Assignment**

Case Number C-18-329403-1
 Court Department 23
 Date Assigned 01/04/2021
 Judicial Officer Lilly-Spells, Jasmin

PARTY INFORMATION

Defendant	Young, Ismail T	<i>Lead Attorneys</i>
Plaintiff	State of Nevada	Pro Se Wolfson, Steven B 702-671-2700(W)















CASE SUMMARY**CASE NO. C-18-329403-1**

EVENTS & ORDERS OF THE COURT













DATE

INDEX


EVENTS

01/24/2018	 Criminal Bindover <i>[1]</i>	<i>In #1</i>
01/24/2018	 Criminal Bindover - Confidential <i>[2]</i>	<i>In #2</i>
01/26/2018	 Information Party: Plaintiff State of Nevada <i>[3] Information</i>	<i>In #3</i>
02/21/2018	 Reporters Transcript <i>[4] Recorded Transcript of Conditional Waiver, January 22, 2018</i>	<i>In #4</i>
02/22/2018	 Notice of Witnesses and/or Expert Witnesses <i>[5] State's Notice of Witnesses and/or Expert Witnesses</i>	<i>In #5</i>
05/31/2018	 Ex Parte Motion Filed By: Plaintiff State of Nevada <i>[6] Ex Parte Motion for Release of Medical Records</i>	<i>In #6</i>
06/01/2018	 Motion Filed By: Plaintiff State of Nevada <i>[7] State's Notice of Motion and Motion to Depose Manuel Anderson Pursuant to NRS 174.175</i>	<i>In #7</i>
06/04/2018	 Notice of Witnesses and/or Expert Witnesses Filed By: Plaintiff State of Nevada <i>[8] State's Supplemental Notice of Witensses and/or Expert Witnesses</i>	<i>In #8</i>
06/06/2018	 Receipt of Copy <i>[9] Receipt of Copy</i>	<i>In #9</i>
06/21/2018	 Order to Release Medical Records <i>[10] Order Releasing Medical Records</i>	<i>In #10</i>
07/09/2018	 Recorders Transcript of Hearing <i>[11] Recorder's Transcript of Proceedings: Status Check; Deposition of Manuel Anderson June 15, 2018</i>	<i>In #11</i>
08/09/2018	 Supplemental Witness List <i>[12] State's Second Supplemental Notice of Witnesses and/or Expert Witnesses</i>	<i>In #12</i>
08/16/2018	 Guilty Plea Agreement <i>[13]</i>	<i>In #13</i>
08/16/2018	 Amended Information <i>[14]</i>	<i>In #14</i>


CASE SUMMARY
CASE NO. C-18-329403-1

09/19/2018	 PSI [15]	In #1
09/19/2018	 PSI - Defendant Statements [16]	In #1
09/19/2018	 PSI - Victim Impact Statements [17]	In #1
10/25/2018	 Memorandum Filed By: Defendant Young, Ismail T [18] Sentencing Memorandum	In #1
01/17/2019	 Judgment of Conviction [19] Judgment of Conviction (Plea of Guilty)	In #1
04/29/2019	Case Reassigned to Department 9 Judicial Reassignment to Department 9 - Judge Cristina Silva	
11/12/2019	 Motion [20] Motion to Withdraw Counsel	In #2
03/17/2020	 Findings of Fact, Conclusions of Law and Order [21]	In #2
03/18/2020	 Notice of Entry Filed By: Plaintiff State of Nevada [22] Notice of Entry of Findings of Fact, Conclusions of Law and Order	In #2
01/04/2021	Case Reassigned to Department 23 Judicial Reassignment to Judge Jasmin Lilly-Spells	
02/18/2021	 Motion Filed By: Defendant Young, Ismail T [23] Motion to Withdraw Counsel	In #2
02/18/2021	 Notice of Motion Filed By: Defendant Young, Ismail T [24]	In #2
04/26/2021	 Order Granting [25] Order	In #2
08/12/2021	 Finding of Fact and Conclusions of Law [26] Findings of Fact and Conclusions of Law	In #2
08/18/2021	 Notice of Entry [27] Notice of Entry of Findings of Fact, Conclusions of Law and Order	In #2

CASE SUMMARY
CASE NO. C-18-329403-1

08/27/2021  Notice of Appeal (Criminal)
[28] Notice of Appeal

*In
#2*

08/30/2021  Case Appeal Statement
Filed By: Defendant Young, Ismail T
Case Appeal Statement

*In
#2*

DISPOSITIONS

08/16/2018 **Disposition** (Judicial Officer: Smith, Douglas E.)
3. ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON
Amended Information Filed/Charges Not Addressed
PCN: Sequence:

4. ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON
Amended Information Filed/Charges Not Addressed
PCN: Sequence:

5. BATTERY WITH USE OF DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM
Amended Information Filed/Charges Not Addressed
PCN: Sequence:

6. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON
Amended Information Filed/Charges Not Addressed
PCN: Sequence:

7. BATTERY WITH INTENT TO COMMIT ROBBERY
Amended Information Filed/Charges Not Addressed
PCN: Sequence:

8. ASSAULT WITH A DEADLY WEAPON
Amended Information Filed/Charges Not Addressed
PCN: Sequence:

9. ASSAULT WITH A DEADLY WEAPON
Amended Information Filed/Charges Not Addressed
PCN: Sequence:

10. ASSAULT WITH A DEADLY WEAPON
Amended Information Filed/Charges Not Addressed
PCN: Sequence:

08/16/2018 **Plea** (Judicial Officer: Smith, Douglas E.)
1. ROBBERY
Guilty
PCN: Sequence:

2. ATTEMPT MURDER
Guilty
PCN: Sequence:

01/09/2019 **Disposition** (Judicial Officer: Smith, Douglas E.)
1. ROBBERY
Guilty
PCN: Sequence:

2. ATTEMPT MURDER
Guilty

CASE SUMMARY**CASE NO. C-18-329403-1**

PCN: Sequence:

01/09/2019 **Adult Adjudication** (Judicial Officer: Smith, Douglas E.)

1. ROBBERY

11/11/2017 (F) 200.380 (DC50137)

PCN: Sequence:

Sentenced to Nevada Dept. of Corrections

Term: Minimum:72 Months, Maximum:180 Months

01/09/2019 **Adult Adjudication** (Judicial Officer: Smith, Douglas E.)

2. ATTEMPT MURDER

11/11/2017 (F) 200.010 (DC50029)

PCN: Sequence:

Sentenced to Nevada Dept. of Corrections

Term: Minimum:72 Months, Maximum:180 Months

Consecutive: Charge 1


Credit for Time Served: 401 Days

Other Fees

1. , \$32,452.77 to be paid JOINTLY and SEVERALLY with the co-deft., Carman Hayes, as follows \$100.00 Cash America and \$32,352.77 to Manuel Anderson

Fee Totals:

Administrative	
Assessment Fee	25.00
\$25	
DNA Analysis Fee	150.00
\$150	
Genetic Marker	
Analysis AA Fee	3.00
\$3	
Fee Totals \$	178.00

HEARINGS01/31/2018  **Initial Arraignment** (10:00 AM) (Judicial Officer: De La Garza, Melisa)

Plea Entered;

Journal Entry Details:

DEFT. YOUNG ARRAIGNED, PLED NOT GUILTY, and INVOKED the 60-DAY RULE. COURT ORDERED, matter set for trial. COURT FURTHER ORDERED, pursuant to Statute, Counsel has 21 days from today for the filing of any Writs; if the Preliminary Hearing Transcript has not been filed as of today, Counsel has 21 days from the filing of the Transcript. CUSTODY 3/7/18 8:00 AM CALENDAR CALL (DEPT 8) 3/12/18 9:30 AM JURY TRIAL (DEPT 8);

03/07/2018  **Calendar Call** (8:00 AM) (Judicial Officer: Smith, Douglas E.)

Matter Heard;

Journal Entry Details:

CALENDAR CALL (YOUNG) . . . CALENDAR CALL (HAYES) Agnes Lexis, Chf Dep DA, present on behalf of the State; Carl Arnold, Esq., present on behalf of Deft. Young; and Arnold Weinstock, Esq., present on behalf of Deft. Hayes. Both Deft.'s are present. This is the time set for Calendar Call for both Deft.'s. Upon Court's inquiry, Ms. Lexis advised that the State is ready. With regard to Deft. HAYES, Mr. Weinstock advised that the Preliminary Hearing transcript was just filed last week and he plans on filing a Pre-Trial Writ so he is not ready. COURT ORDERED, Mr. Weinstock shall have TWENTY-ONE (21) days after the filing of the Preliminary Hearing transcript to preserve any Writ issues. With regard to Deft. YOUNG, Mr. Arnold advised he has no objection to the filing of the Writ and Deft. Young is willing to WAIVE his speedy trial right at this time; Deft. CONCURRED. Ms. Lexis advised that the State INVOKED; however, she has no objection to the continuance. For the record, one of the named victims in this matter has enlisted in the military and is going to boot camp on June 18, 2018. Therefore, she would request that a new trial be set before that date so he can testify. Additionally, the other named victims do not graduate from high school until May 25, 2018. COURT ORDERED, trial date VACATED and RESET. CUSTODY (YOUNG) . . . BOND (HAYES) 05/16/18 8:00 AM CALENDAR CALL (BOTH) 05/21/18 9:30 AM JURY TRIAL (BOTH) ;

03/12/2018 **CANCELED Jury Trial** (9:30 AM) (Judicial Officer: Smith, Douglas E.)

CASE SUMMARY

CASE NO. C-18-329403-1

Vacated - per Judge

05/16/2018



Calendar Call (8:00 AM) (Judicial Officer: Smith, Douglas E.)

Matter Heard;

Journal Entry Details:

CALENDAR CALL (YOUNG) . . . CALENDAR CALL (HAYES) . . . DEFT.'S MOTION TO CONTINUE TRIAL (HAYES) Vivian Luong, Dep DA, present on behalf of the State; Carl Arnold, Esq., present on behalf of Deft. Young; and Arnold Weinstock, Esq., present on behalf of Deft. Hayes. Deft. Young is present but Deft. Hayes is not. This is the time set for the Calendar Calls for both Deft.'s; however, Deft. Hayes has filed a Motion to Continue Trial, which is set for hearing on May 21, 2018. Mr. Arnold advised that he represents Deft. Young and has a conflict with the current trial date; he will be in trial next week in another Department and, therefore, the instant trial cannot go forward. Court trailed matter for Mr. Weinstock. **MATTER RECALLED:** All present as before; Mr. Weinstock is now present but Deft. Hayes is not. Upon Court's inquiry, Mr. Weinstock advised he is not sure why the Deft. is not present, he has always appeared for all his court appearances. Due to the Court's schedule and the unavailability of Mr. Arnold, the trial will have to be continued. Ms. Luong advised that the State would object to a continuance and would request that a Bench Warrant issue for Deft. Hayes. **COURT ORDERED, Deft. Hayes' Motion to Continue Trial is ADVANCED and DENIED; a BENCH WARRANT SHALL ISSUE, NO BAIL. COURT FURTHER ORDERED, trial dates VACATED. CUSTODY (YOUNG) . . . B.W. (BOND/HAYES) 08/08/18 8:00 AM CALENDAR CALL 08/13/18 9:30 AM JURY TRIAL ;**

05/21/2018



Status Check (8:00 AM) (Judicial Officer: Smith, Douglas E.)

Status Check: Trial Date

Matter Heard; Trial Date

Journal Entry Details:

STATUS CHECK: TRIAL DATE (YOUNG) . . . DEFT.'S MOTION TO QUASH BENCH WARRANT (HAYES) Nicole Cannizzaro, Chf Dep DA, present on behalf of the State and Arnold Weinstock, Esq., present on behalf of Deft. Hayes, who is also present. This is the time set for the hearing on Deft.'s Motion to Quash Bench Warrant. For the record, Deft. Young was supposed to be on calendar today but was left off by the Calendar Clerk so neither he nor his counsel are present. Mr. Weinstock advised that there was a Calendar Call back on May 16, 2018; Deft. HAYES was not present and the trial was vacated and reset because Carl Arnold, counsel for the Deft. YOUNG was not available; however, the Court issued a Bench Warrant for Deft. HAYES because he was not present. Colloquy regarding Deft. HAYES custodial status; Mr. Weinstock advised that Deft. HAYES is out on bail, he posted \$150,000, and to Mr. Weinstock's knowledge that bail has not been revoked. Therefore, Mr. Weinstock requested that the Bench Warrant be **QUASHED** and the matter be set for trial the same day as Deft. YOUNG's. Mr. Weinstock noted that Deft. HAYES had contacted his office right before court and somebody in the office told him that did not need to show up on May 16, 2018, because the case was going to be continued. Mr. Weinstock stated that was the only reason Deft. HAYES failed to appear on the scheduled date, he has shown up for every other court date, he has a good job, and is working. Ms. Cannizzaro advised that the State is **OPPOSED** to Deft.'s HAYES' Motion. **COURT ORDERED, Motion GRANTED; the Bench Warrant is QUASHED. COURT FURTHER ORDERED, matter set for trial the same day as Deft. YOUNG. BOND 08/08/18 8:00 AM CALENDAR CALL 08/13/18 9:30 AM JURY TRIAL ;**

05/21/2018

CANCELED Jury Trial (9:30 AM) (Judicial Officer: Smith, Douglas E.)

Vacated - per Judge

06/06/2018



Motion (8:00 AM) (Judicial Officer: Smith, Douglas E.)

State's Motion to Depose Manuel Anderson Pursuant to NRS 174.175

Granted; State's Motion to Depose Manuel Anderson Pursuant to NRS 174.175

Journal Entry Details:

Agnes Lexis, Chf Dep DA, present on behalf of the State; Carl Arnold, Esq., present on behalf of Deft. Young; and Arnold Weinstock, Esq., present on behalf of Deft. Hayes. Deft. Young is present; Deft. Hayes is not This is the time set for hearing on the State's Motion to Depose Manuel Anderson Pursuant to NRS 174.175. Mr. Weinstock advised that he only learned about this Motion last night; he contacted Deft. Hayes to be present today but he has a job and could not get off work. Therefore, Mr. Weinstock would request that the Court **WAIVE** Deft.'s Hayes' presence. Since the State has no objection, **COURT ORDERED, request GRANTED.** Court noted that it did not receive any response to the State's Motion and inquired as to whether counsel wanted to respond orally. Mr. Weinstock advised that the normal rules for depositions require fifteen (15) days' notice and that was not done in this case; however, he has no opposition. This witness already testified at the Preliminary Hearing and basically said that he does not know Deft. Hayes and had nothing to do with him. Mr. Arnold stated that he has no opposition to the Motion. Therefore, **COURT ORDERED, the Motion is GRANTED.** Ms. Lexis advised that the deposition needs to take place before June 18, 2018, because the witness is entering the military and will be leaving for Boot Camp; thereafter, he will be unavailable for some time. The trial is scheduled for August 13, 2018, with a Calendar Call on August 8, 2018. **COURT ORDERED, the witness' deposition will be set for June 15, 2018, at 8:00 a.m. in this courtroom. Ms. Lexis advised she expects it to take a couple of hours. CUSTODY (YOUNG) . . . BOND (HAYES) 06/15/18 8:00 AM STATUS CHECK: DEPOSITION OF**

CASE SUMMARY
CASE NO. C-18-329403-1

MANUEL ANDERSON ;

06/15/2018



Status Check (8:00 AM) (Judicial Officer: Smith, Douglas E.)

Status Check: Deposition of Manuel Anderson

Matter Heard;

Journal Entry Details:

Mr. Anderson Sworn & Testified. Testimony and exhibits presented (see worksheet). COURT ORDERED, TRIAL DATE STANDS. CUSTODY 8-08-18 8:00 AM CALENDAR CALL (DEPT. VIII) 8-13-18 9:30 AM JURY TRIAL (DEPT. VIII);

08/08/2018



Calendar Call (8:00 AM) (Judicial Officer: Smith, Douglas E.)

Matter Heard;

Journal Entry Details:

CALENDAR CALL (YOUNG) . . . CALENDAR CALL (HAYES) Agnes Lexis, Chf Dep DA, present on behalf of the State; Carl Arnold, Esq., present on behalf of Deft. Hayes; and Arnold Weinstock, Esq., present on behalf of Deft. Hayes. Both Deft.'s are present. This is the time set for Calendar Call for both Deft.'s. Upon Court's inquiry, Mr. Weinstock stated that he was not ready for trial; he has another case pending trial next week in Department XXI, the Calendar Call is tomorrow and the Deft, is in custody; colloquy. Ms. Lexis announced ready for the State; the State INVOKED. Ms. Lexis advised that the trial was previously continued to a date which Mr. Weinstock represented was convenient for him so she requested that the trial proceed as scheduled; she is ready and Mr. Arnold is ready. Mr. Arnold CONCURRED. COURT ORDERED, matter set for trial on Monday, August 13, 2018; Court noted that a Senior Judge will be present on Monday to try this case. For the record, Ms. Lexis advised that Mr. Arnold has repeatedly come to her requesting an offer; however, the offers in this case were always contingent. Deft. Hayes believes his conduct is worthy of a Gross Misdemeanor, which the State has declined. CUSTODY (YOUNG) . . . BOND (HAYES) 08/13/18 9:30 AM JURY TRIAL (BOTH);

08/10/2018



Motion to Continue Trial (8:00 AM) (Judicial Officer: Smith, Douglas E.)

Status Check: Jury Trial

Denied;

Journal Entry Details:

Defendant Ismail T. Young also present. Carl Arnold, Esq., present telephonically on behalf of Co-Defendant Young (C329403-1). Defendant Hayes not present. Arguments by counsel regarding the merits of the motion. COURT ORDERED, Motion to Continue Trial DENIED; trial date STANDS, August 13, 2018 at 9:30 a.m. COURT FURTHER ORDERED, BENCH WARRANT WILL ISSUE, NO BAIL for Defendant Hayes (C329403-2). COURT NOTED the C.A.T. team would seek out the Defendant. Mr. Weinstock made an oral motion to stay this matter to proceed to the Supreme Court. COURT ADDITIONALLY ORDERED, request DENIED. 8/13/18 9:30 AM JURY TRIAL (BOTH); Defendant Ismail T. Young also present. Carl Arnold, Esq., present telephonically on behalf of Co-Defendant Young (C329403-1). Defendant Hayes not present. Arguments by counsel regarding the merits of the motion. COURT ORDERED, Motion to Continue Trial DENIED; trial date STANDS, August 13, 2018 at 9:30 a.m. COURT FURTHER ORDERED, BENCH WARRANT WILL ISSUE, NO BAIL for Defendant Hayes (C329403-2). COURT NOTED the C.A.T. team would seek out the Defendant. Mr. Weinstock made an oral motion to stay this matter to proceed to the Supreme Court. COURT ADDITIONALLY ORDERED, request DENIED. 8/13/18 9:30 AM JURY TRIAL (BOTH) CLERK'S NOTE: Subsequent to court, COURT ORDERED, Bench Warrant QUASHED. ndo8/10/18;

08/13/2018



Jury Trial (9:30 AM) (Judicial Officer: Bonaventure, Joseph T.)

08/13/2018-08/14/2018, 08/16/2018

Trial Continues;

Trial Continues;

Plea Entered;

Journal Entry Details:

*Agnes Lexis, Chf Dep DA, present on behalf of the State; Arnold Weinstock, Esq., and Dan Winder, Esq., present on behalf of Deft. Hayes; and Carl Arnold, Esq., present on behalf of Deft. Young. Both Deft.'s are present. The Jury Trial resumed; Counsel advised that this matter is resolved. *****ISMAIL T. YOUNG***** Amended Information and Guilty Plea Agreement FILED IN OPEN COURT. Negotiations are as contained in the Guilty Plea Agreement. DEFT. YOUNG ARRAIGNED and PLED GUILTY to COUNT 1 - ROBBERY (F) and COUNT 2 - ATTEMPT MURDER (F). Court ACCEPTED plea and ORDERED, matter referred to the Division of Parole and Probation (P&P) and SET for sentencing. Deft. is REMANDED to custody until sentencing. *****CARMAN DE'JOUR HAYES***** Amended Information and Guilty Plea Agreement FILED IN OPEN COURT. Negotiations are as contained in the Guilty Plea Agreement. DEFT. HAYES ARRAIGNED and PLED GUILTY to ROBBERY (F). Court ACCEPTED plea and ORDERED, matter referred to the Division of Parole and Probation (P&P) and SET for sentencing. Deft. to remain on BOND until sentencing. Mr. Weinstock WITHDREW Deft.'s Motion to Suppress Statement and Deft.'s Motion to Sever Co-Deft.'s; the Motions are set for hearing on August 20, 2018. COURT ORDERED, hearing date VACATED.*

CASE SUMMARY

CASE NO. C-18-329403-1

Additionally, Mr. Weinstock requested that Judge Bonaventure be available for sentencing, if possible. Court advised it was agreeable to sentencing the Deft.'s and would make itself accessible. CUSTODY (YOUNG) . . . BOND (HAYES) 10/03/18 8:00 AM SENTENCING (BOTH) ;

Trial Continues;

Trial Continues;

Plea Entered;

Journal Entry Details:

Agnes Lexis, Chf Dep DA, and Karen Mishler, Dep DA, present on behalf of the State; Arnold Weinstock, Esq., and Dan Winder, Esq., present on behalf of Deft. Hayes; and Adam Gill, Esq., appearing on behalf of Carl Arnold, Esq., for Deft. Young. Both Deft.'s are present. The Jury Trial resumed and the Judge met with counsel in the Jury Deliberation room. It appears that this matter is resolved. Mr. Gill reviewed the Guilty Plea Agreement with Deft. Young but he wants to talk to Mr. Arnold before agreeing to the negotiations and Mr. Arnold is still in the hospital. Since the negotiations are contingent, COURT ORDERED, Jury Trial CONTINUED. CUSTODY (YOUNG) . . . BOND (HAYES) CONTINUED TO: 08/16/18 9:00 AM;

Trial Continues;

Trial Continues;

Plea Entered;

Journal Entry Details:

Agnes Lexis, Chf Dep DA, and Karen Mishler, Dep DA, present on behalf of the State; Arnold Weinstock, Esq., and Dan Winder, Esq., present on behalf of Deft. Hayes, who is also present. Deft. Young is present but his counsel, Carl Arnold, is not. This is the time set for Jury Trial; however, Mr. Arnold is not present. Due to a medical emergency, Mr. Arnold has been hospitalized. This trial is being heard by a Senior Judge; the Judge met with counsel in the Jury Deliberation room. COURT ORDERED, Jury Trial CONTINUED. CUSTODY (YOUNG) . . . BOND (HAYES) CONTINUED TO: 08/14/18 9:00 AM;

10/03/2018



Sentencing (8:00 AM) (Judicial Officer: Smith, Douglas E.)

10/03/2018, 10/31/2018, 01/09/2019

Sentencing: Deft. to be Sentenced by Judge Bonaventure

Matter Continued;

Matter Continued;

Defendant Sentenced;

Journal Entry Details:

Agnes Lexis, Chf Dep DA, present on behalf of the State and Carl Arnold, Esq., present on behalf of Deft. Young, who is also present. DEFT. YOUNG ADJUDGED GUILTY of COUNT 1 - ROBBERY (F) and COUNT 2 - ATTEMPT MURDER (F). Matter argued and submitted by counsel; Ms. Lexis provided the Court with some photographs for consideration, which were collectively marked for identification as State's Exhibit 1 and admitted. Statement by Deft. Sworn victim impact statement given by the victim's mother, who also read a letter from the victim, who is not present as he is in the military. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, the \$150.00 DNA Analysis fee including testing to determine genetic markers, the \$3.00 DNA Collection fee, and the \$32,452.77 RESTITUTION to be paid JOINTLY and SEVERALLY with the Co-Deft., Carman Hayes, as follows: \$100.00 Cash America and \$32,352.77 to Manuel Anderson, as to COUNT 1, Deft. SENTENCED to a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS and a MINIMUM of SEVENTY-TWO (72) MONTHS in the Nevada Department of Corrections (NDC) and as to COUNT 2, Deft. SENTENCED to a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS and a MINIMUM of SEVENTY-TWO (72) MONTHS in NDC, CONSECUTIVE to COUNT 1. Deft.'s AGGREGATE TERM is a MAXIMUM of THREE HUNDRED SIXTY (360) MONTHS and a MINIMUM of ONE HUNDRED FORTY-FOUR (144) MONTHS; Deft. has FOUR HUNDRED ONE (401) DAYS credit for time served. BOND, if any, EXONERATED;

Matter Continued;

Matter Continued;

Defendant Sentenced;

Journal Entry Details:

SENTENCING (YOUNG) . . . SENTENCING (HAYES) Agnes Lexis, Chf Dep DA, present on behalf of the State; Carl Arnold, Esq., present on behalf of Deft. Young; and Arnold Weinstock, Esq., present on behalf of Deft. Hayes. Both Deft.'s are present. This is the time set for Sentencing for both Deft.'s. Conference at the Bench; pursuant to the representations made at the bench, Ms. Lexis advised that she is seeking a continuance. The main victim in this case, Manuel Anderson, enlisted in the military; his mother wanted to be present to make a victim impact statement this morning but she is currently in Missouri at Mr. Anderson's graduation from Boot Camp. Although the Deft.'s mother was aware of today's date, she did not realize that victim speakers have a statutory right to speak at sentencings or that the current sentencing date could have been continued upon her request. The victim speaker does want be present and, therefore, Ms. Lexis is requesting that the Deft.'s Sentencings be CONTINUED. Mr. Weinstock advised that he has no opposition; however, if the Court is inclined to continue the matter, he would request a date after the first of the year. Mr. Arnold has no objection either. COURT ORDERED, Sentencings CONTINUED. CUSTODY (YOUNG) . . . BOND (HAYES) CONTINUED TO: 01/09/19 8:00 AM ;

Matter Continued;

CASE SUMMARY

CASE NO. C-18-329403-1

Matter Continued;

Defendant Sentenced;

Journal Entry Details:

SENTENCING (YOUNG) . . . SENTENCING (HAYES) Nicole Cannizzaro, Chf Dep DA, present on behalf of the State; Arnold Weinstock, Esq., present on behalf of Deft. Hayes; Carl Arnold, Esq., present on behalf of Deft. Young Both Deft.'s are present This is the time set for Sentencing for both Deft.'s. Court noted that Mr. Weinstock just filed a Sentencing Memorandum and Mr. Arnold may or may not be present today. Therefore COURT ORDERED, sentencing CONTINUED. Since Judge Bonaventure had agreed to sentence the Deft.'s, the Court will notify him of the continued sentencing date. MATTER RECALLED: Ms. Cannizzaro, Mr. Arnold, and Deft Young are present. The Court informed Mr. Arnold of the CONTINUED sentencing date. Mr. Arnold requested that the Court sign a Widdis Motion in that matter as he would like to retain a mitigation expert. Order signed in open court. CUSTODY (YOUNG) . . . BOND (HAYES) CONTINUED TO: 10/31/18 8:00 AM (BOTH) ;

12/04/2019



Motion (8:30 AM) (Judicial Officer: Silva, Cristina D.)

Deft.'s Motion to Withdraw Counsel

Denied Without Prejudice; Deft.'s Motion to Withdraw Counsel

Journal Entry Details:

Jacob Villani, Chf Dep DA, present on behalf of the State; neither Deft. Young nor his counsel, Carl Arnold, are present. Deft. is incarcerated in the Nevada Department of Corrections (NDC). This is the time set for hearing on Deft.'s Motion to Withdraw Counsel, which he filed pro se. Court noted that it reviewed the Motion and the Motion is insufficient for the Court to grant the Deft.'s request. The Motion contains a blanket statement that there is a conflict of interest due to counsel's misconduct; however, no information was provided to support that allegation. Therefore, COURT ORDERED, the Motion is DENIED, without prejudice. NDC CLERK'S NOTE: A copy of this minute order was mailed to Ismail Young #1210890, High Desert State Prison, P.O. Box 650, Indian Springs, Nevada, 89070.;

03/15/2021



Motion (11:00 AM) (Judicial Officer: Lilly-Spells, Jasmin)

03/15/2021, 04/19/2021

Motion to Withdraw Counsel

MINUTES

Continued;

Granted; Motion to Withdraw Counsel

Journal Entry Details:

Court noted matter is on for Deft's Motion to Withdraw Counsel and as Deft. has already been sentenced, ORDERED motion GRANTED. Mr. Arnold DIRECTED to send a copy of the file to the Deft. within 21 days and file proof that it has been sent. COURT FURTHER ORDERED matter SET for status check; court noted Mr. Arnold did not need to appear. CUSTODY (NDC) 05-17-2021 12:30 PM STATUS CHECK: PROOF OF PROVIDING COPY OF FILE TO DEFT. ;

Continued;

Granted; Motion to Withdraw Counsel

Journal Entry Details:

Mr. Arnold and Deft. not present. Matter TRAILED. Matter RECALLED. Mr. Arnold and Deft. still not present. COURT NOTED, it received notice that Mr. Arnold was in a deposition; therefore, ORDERED, matter CONTINUED. NDC CONTINUED TO: 4/19/21 - 12:30 PM;

SCHEDULED HEARINGS



Status Check (05/17/2021 at 12:30 PM) (Judicial Officer: Lilly-Spells, Jasmin)

05/17/2021, 05/19/2021

05/17/2021



Status Check (12:30 PM) (Judicial Officer: Lilly-Spells, Jasmin)

05/17/2021, 05/19/2021

Matter Continued;

Order to Show Cause - To Issue;



Journal Entry Details:

Court stated this matter is on for hearing of a status check regarding proof the case file was provided to the Defendant's. Court further stated no proof has been filed with the Court that the case file was provided to the Defendant and ORDERED, Order to Show Cause WILL ISSUE. 06/16/21 12:30 PM SHOW CAUSE HEARING The above minute order has been distributed to: Jay Raman, Esq. (jay.raman@clarkcountyda.com; Carl Arnold, Esq. (carl@cegalawgroup.com) and Ismail T Young #1210890, HDSP, PO Box 650, Indian Springs, NV 89070. /cj 05/20/21;

Matter Continued;

Order to Show Cause - To Issue;

CASE SUMMARY
CASE NO. C-18-329403-1

	<p>Journal Entry Details: <i>Deft. not present. Counsel not present. Court noted Mr. Arnold has not filed proof of mailing Deft. his file and ORDERED, matter CONTINUED. NDC CONTINUED TO: 5/19/21 12:30 PM CLERK'S NOTE: The continuation date issued in open Court was set for 6/9/21, but after the hearing the Court RESCHEDULED the hearing as Mr. Arnold will be present on Wednesday, May 19, 2021. /mt 5/21/21;</i></p>
06/16/2021	<p> Show Cause Hearing (12:30 PM) (Judicial Officer: Lilly-Spells, Jasmin)</p> <p>Matter Heard; Journal Entry Details: <i>DA- SUSAN BENEDICT No parties present. The matter has been on calendar several times. COURT FINDS counsel in contempt for not submitted proof the case file was sent to Defendant and will not be issuing sanctions at this time. Matter set for status check. 7/14/21 12:30PM STATUS CHECK CLERK'S NOTE: distributed to, carl@jharmonlaw.com;</i></p>
07/14/2021	<p> Status Check (12:30 PM) (Judicial Officer: Lilly-Spells, Jasmin)</p> <p>07/14/2021, 08/11/2021, 08/25/2021, 09/15/2021 Continued; Matter Continued; Journal Entry Details: <i>Court noted that the matter was previously continued to allow Mr. Arnold to turn over the Deft's file to him and ORDERED SANCTIONS in the amount of \$10.00. COURT FURTHER ORDERED, MATTER CONTINUED. NDC CONTINUED TO: 8/25/21 12:30 PM;</i> Continued; Matter Continued; Journal Entry Details: <i>DA- VICTORIA VILLEGAS Attorney Carl Arnold not present. COURT FINDS Mr. Arnold in contempt of Court and he is to pay a fine of \$100.00 or to provide proof the file was sent to the Defendant. Matter SET for status check 8/11/21 12:30pm. NDC;</i></p>

DATE

FINANCIAL INFORMATION

Defendant Young, Ismail T	
Total Charges	178.00
Total Payments and Credits	0.00
Balance Due as of 8/30/2021	178.00

Heather S. Smith

CLERK OF THE COURT

FFCO

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
JONATHAN VANBOSKERCK
Deputy District Attorney
Nevada Bar #006528
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
702-671-2645
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

ISMAIL T. YOUNG,
#8184847

Defendant.

CASE NO: A-19-805427-W

C-18-329403-1

DEPT NO: XXIII

FINDINGS OF FACT AND CONCLUSIONS OF LAW

DATE OF HEARING: July 7, 2021

TIME OF HEARING: 11:00 AM

THIS MATTER having come on for hearing before the above-entitled Court on the 7th day of July, 2021, the Defendant not being present, the Plaintiff being represented by STEVEN B. WOLFSON, District Attorney, through VICTORIA VELLAGAS, Deputy District Attorney, without argument, and the Court having considered the matter, including briefs, transcripts, and documents on file herein, now therefore, the Court makes the following findings of fact and conclusions of law:

FINDINGS OF FACT, CONCLUSIONS OF LAW

PROCEDURAL HISTORY

On January 26, 2018, the State filed an Information charging Ismail T. Young ("Petitioner") with Count 1 – Conspiracy to Commit Robbery; Count 2 – Robbery with Use of a Deadly Weapon; Counts 3 and 4 – Attempt Robbery with Use of a Deadly Weapon; Count

1 5 – Battery with Use of a Deadly Weapon Resulting in Substantial Bodily Harm; Count 6 –
2 Attempt Murder with Use of a Deadly Weapon; Count 7 – Battery with Intent to Commit
3 Robbery; and Counts 8, 9, and 10 – Assault with a Deadly Weapon. A co-defendant, Carman
4 De'Jour Hayes, was also charged on the first four (4) counts.

5 Petitioner waived his right to a preliminary hearing on January 22, 2018. Recorded
6 Transcript of Conditional Waiver pp. 1-2. On January 31, 2018, Petitioner pled not guilty and
7 invoked the sixty (60) day rule.

8 At calendar call on March 7, 2018, the State announced ready for trial. Defendant
9 Hayes announced not ready and requested a continuance to file a Pre-Trial Petition for Writ of
10 Habeas Corpus. Defendant Young did not object to Hayes' Motion to Continue. Due to the
11 timing of the filing of the preliminary hearing transcripts, the State also did not object to the
12 continuance. However, the State advised the court and the Defendants that the victim who
13 was shot in the chest, Manuel Anderson was scheduled to enter into military boot camp on
14 June 16, 2018, and all three victims were scheduled to graduate high school on May 25, 2018.
15 The State requested that the trial be set prior to June 18, 2018, so that all three victims could
16 testify at the trial. At that time, the Court indicated that the victims could be deposed prior to
17 leaving for boot camp and/or college. The Court then reset trial for May 21, 2018.

18 On May 8, 2018, Defendant Hayes filed a Motion to Continue the Trial. At calendar
19 call on May 16, 2018, the State once again announced ready for trial. This time, Defendant
20 Young made an oral motion to continue the trial, which was granted by the Court. Since
21 Defendant Hayes was not present at the calendar call, the Court denied his Motion to Continue
22 Trial and issued a no bail bench warrant for his arrest. The trial was reset for August 13, 2018.

23 On August 10, 2018, a Motion to Continue trial was denied and the trial date for August
24 13, 2018, stood. On August 13, 2018, the jury trial was continued to the next day due to a
25 medical emergency with Petitioner's counsel. On that day, the Court was informed that the
26 matter was resolved, but Petitioner wanted to speak with his attorney.

27 On August 16, 2018, Petitioner entered into a Guilty Plea Agreement ("GPA") where
28 Petitioner plead guilty to one (1) count of Robbery and one (1) count of Attempt Murder.

1 Petitioner stipulated to the following negotiations: “Both parties retain the full right to argue
2 at rendition of sentence, including the time to run consecutive between the counts. This deal
3 is contingent on both defendants pleading guilty.” GPA p. 1. The Amended Information was
4 also filed that day.

5 On October 3, 2018, the sentencing hearing was continued as counsel for the co-
6 defendant had just filed a sentencing memorandum, and Petitioner’s counsel, Mr. Arnold,
7 potentially would not be present. Later, the matter was recalled and the Court signed an Order
8 so that Mr. Arnold could retain a mitigation expert. On October 31, 2018, the hearing was
9 again continued to allow for the victim’s presence.

10 On January 9, 2019, Petitioner was adjudicated guilty and sentenced to Count 1 –
11 maximum of one hundred eight (180) months and a minimum of seventy-two (72) months in
12 the Nevada Department of Corrections; and Count 2 – maximum of one hundred eighty (180)
13 months and a minimum of seventy-two (72) months, to run consecutive to Count 1 with four
14 hundred one (401) days credit for time served. The aggregate sentence is a maximum of three
15 hundred sixty (360) months and a minimum of one hundred forty-four (144) months.
16 Restitution was also ordered in the amount of \$32,452.77, to be paid jointly and severally with
17 the co-defendant. On January 17, 2019, the Judgment of Conviction was filed.

18 On November 12, 2019, Petitioner filed a pro per Motion to Withdraw Counsel. On
19 December 4, 2019, this Court denied the Motion. On November 14, 2019, Petitioner filed a
20 pro per Petition for Writ of Habeas Corpus (Post-Conviction) (hereinafter “First Petition”).
21 The State responded on January 6, 2020. This petition was denied on March 17, 2020.

22 On May 4, 2021, Petitioner filed his second Petition for Writ of Habeas Corpus (Post-
23 Conviction) (hereinafter “Second Petition”). On July 7th, 2021, this Court denied the Petition
24 in open court and now finds as follows.

25 **ANALYSIS**

26 **I. THE PETITION IS TIME-BARRED**

27 This Second Petition for Writ of Habeas Corpus was filed too late. Pursuant to NRS
28 34.726(1), petitions challenging the validity of a conviction must be filed within one year. The

1 Supreme Court of Nevada has held that NRS 34.726 should be construed by its plain meaning.
2 Pellegrini v. State, 117 Nev. 860, 873-74, 34 P.3d 519, 528 (2001). As per the language of the
3 statute, the one-year time bar proscribed by NRS 34.726 begins to run from the date the
4 judgment of conviction is filed or a remittitur from a timely direct appeal is filed. Dickerson
5 v. State, 114 Nev. 1084, 1087, 967 P.2d 1132, 1133-34 (1998). The one-year time limit is
6 strictly applied. Gonzales v. State, 118 Nev. 590, 596, 53 P.3d 901, 904 (2002).

7 The Nevada Supreme Court has granted no discretion to the district courts regarding
8 whether to apply the statutory procedural bars; the rules must be applied. State v. Eighth
9 Judicial Dist. Court (Riker), 121 Nev. 225, 231, 112 P.3d 1070, 1074 (2005). The Riker Court
10 found that “[a]pplication of the statutory procedural default rules to post-conviction habeas
11 petitions is mandatory,” noting:

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

16 Id. Additionally, the Court noted that procedural bars “cannot be ignored [by the district court]
17 when properly raised by the State.” Id. at 233, 112 P.3d at 1075.

18 There is no right to counsel in post-conviction proceedings. Coleman v. Thompson, 501
19 U.S. 722, 752, 111 S.Ct. 2546, 2566 (1991). Similarly, the Nevada Constitution does not
20 provide a right to counsel in post-conviction proceedings. McKague v. Warden, 112 Nev. 159,
21 163, 912 P.2d 255, 258 (1996). Nevada courts have the discretion to appoint post-conviction
22 counsel if: 1) the court is satisfied that the petitioner is indigent and 2) the petition is not
23 summarily dismissed. NRS 34.750. In making the determination of whether to appoint
24 counsel, the court can consider whether the issues are difficult, whether the defendant is unable
25 to comprehend the proceedings, or if counsel is necessary to proceed with discovery. Id.

26 Here, Petitioner is not entitled to counsel because his petition is summarily dismissed
27 as time-barred. The Judgment of Conviction was filed on January 9, 2019. Petitioner did not
28 appeal his case to the Supreme Court. Thus, any petition filed by Petitioner needed to be filed

1 by January 9, 2020. This Second Petition was filed May 4, 2021 and is untimely absent a
2 showing of good cause. Absent such a showing, the Petition should be denied.

3 II. PETITIONER FAILS TO SHOW GOOD CAUSE

4 To overcome a time-bar, the Petitioner must demonstrate good cause and actual
5 prejudice. NRS 34.726(1), NRS 34.810(1)(b)(3). This narrow exception to the mandatory NRS
6 34.726 procedural bar is reserved for extraordinary cases. *Sawyer v. Whitley*, 505 U.S. 333,
7 340 (1992).

8 “To establish good cause, appellants must show that an impediment external to the
9 defense prevented their compliance with the applicable procedural rule. A qualifying
10 impediment might be shown where the factual or legal basis for a claim was not reasonably
11 available at the time of default.” *Clem v. State*, 119 Nev. 615, 621, 81 P.3d 521, 525 (2003).
12 The Court continued, “appellants cannot attempt to manufacture good cause[.]” *Id.* at 621, 81
13 P.3d at 526. Examples of good cause include interference by State officials and the previous
14 unavailability of a legal or factual basis. *See State v. Huebler*, 128 Nev. Adv. Op. 19, 275 P.3d
15 91, 95 (2012).

16 In order to establish prejudice, the defendant must show ““not merely that the errors of
17 [the proceedings] created possibility of prejudice, but that they worked to his actual and
18 substantial disadvantage, in affecting the state proceedings with error of constitutional
19 dimensions.”” *Hogan v. Warden*, 109 Nev. 952, 960, 860 P.2d 710, 716 (1993) (quoting *United*
20 *States v. Frady*, 456 U.S. 152, 170, 102 S. Ct. 1584, 1596 (1982)). To find good cause there
21 must be a “substantial reason; one that affords a legal excuse.” *Hathaway v. State*, 119 Nev.
22 248, 252, 71 P.3d 503, 506 (2003) (quoting *Colley v. State*, 105 Nev. 235, 236, 773 P.2d 1229,
23 1230 (1989)). Clearly, any delay in the filing of the petition must not be the fault of the
24 petitioner. NRS 34.726(1)(a).

25 Petitioner fails to cite any good cause for filing his Second Petition more than a year
26 after his conviction. Additionally, the instant petition is successive as the arguments raised are
27 either arguments previously raised or arguments that could have been raised in the initial
28 petition. Successive petitions are only decided on the merits if Petitioner can show good cause

1 and prejudice. NRS 34.810. Here, Petitioner has not shown good cause or prejudice. As such,
2 he cannot overcome the good cause requirement for this Petition to even be considered.
3 Without good cause, there can be no actual prejudice caused by the good cause.

4 **III. PETITIONER HAS NOT SHOWN ACTUAL INNOCENCE**

5 A Petitioner may show that the procedural bars should be excused to prevent a
6 fundamental miscarriage of justice. Pelligrini v. State, 117 Nev. 860, 34 P.3d 519 (2001),
7 abrogated on other grounds by Rippo v. State, 134 Nev. 411, 423 P.3d 1084 (2018).

8 Here, Petitioner argues he should be able to overcome the procedural bars because his
9 case is one of actual innocence. “Even absent a showing of good cause, this court will consider
10 a claim if the petitioner can demonstrate that applying the procedural bars would result in a
11 fundamental miscarriage of justice.” Bejarano v. State, 122 Nev. 1066, 1072, 146 P.3d 265,
12 270 (2006). NRS 34.726(1) allows for the procedural bars to be overcome on an untimely
13 petition when the petition is based on actual innocence. A petition for post-conviction relief
14 must be supported with factual allegations, not belied by the record and of true, would entitle
15 the Petitioner to relief. Hargrove v. State, 100 Nev. 498, 686 P.2d 222 (1984).

16 However “actual innocence” means “factual innocence, not mere legal insufficiency.”
17 Mitchell v. State, 122 Nev. 1269, 1273-1274, 149 P.3d 33, 36 (2006). Petitioner asserts that
18 when he threatened his robbery victims with a loaded gun, fired a shot into the air, pointed his
19 gun at one victim, and pulled the trigger, he did not have the requisite intent to murder. As
20 further proof of his lack of intent, he points out that he did not fire at the victims at the onset
21 of the robbery and that he did not continue to fire once his victim fell.

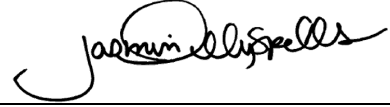
22 This assertion is utterly without merit. Pulling the trigger of a loaded gun pointed at
23 another shows an intent to kill the person. A person is presumed to intend the natural
24 consequences of his actions. State v. Hall, 54 Nev. 213, 13 P.2d 624, 632 (1932). Petitioner
25 fails to make a “credible claim of factual innocence.” Vitacca v. State, 125 Nev. 1086, 281
26 P.3d 1228 (2009).

27 Petitioner’s factual contentions are belied by the record. Because Petitioner’s claim is
28 not one of actual innocence, he fails to overcome the procedural hurdles.

ORDER

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

Dated this 12th day of August, 2021



968 031 3843 7A12
Jasmin Lilly-Spells
District Court Judge

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

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

CERTIFICATE OF MAILING

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

ISMAIL YOUNG, BAC#1210890
HIGH DESERT STATE PRISON
22010 COLD CREEK ROAD
P.O. BOX 650
INDIAN SPRINGS, NEVADA 89070

BY /s/ L.M.
Secretary for the District Attorney's Office

17FN2527A/AC/lm/GCU

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Ismail Young, Plaintiff(s)

CASE NO: A-19-805427-W

7 vs.

DEPT. NO. Department 23

8 State of Nevada, Defendant(s)
9

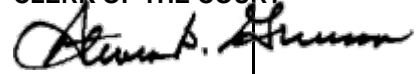
10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 8/12/2021

15 Dept 23 Law Clerk

dept23lc@clarkcountycourts.us



NEO

**DISTRICT COURT
CLARK COUNTY, NEVADA**

ISMAIL YOUNG,

Petitioner,

vs.

THE STATE OF NEVADA,

Respondent,

Case No: C-18-329403-1

Dept No: XXIII

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

PLEASE TAKE NOTICE that on August 12, 2021, the court entered a decision or order in this matter, a true and correct copy of which is attached to this notice.

You may appeal to the Supreme Court from the decision or order of this court. If you wish to appeal, you must file a notice of appeal with the clerk of this court within thirty-three (33) days after the date this notice is mailed to you. This notice was mailed on August 18, 2021.

STEVEN D. GRIERSON, CLERK OF THE COURT

/s/ Amanda Hampton

Amanda Hampton, Deputy Clerk

CERTIFICATE OF E-SERVICE / MAILING

I hereby certify that on this 18 day of August 2021, I served a copy of this Notice of Entry on the following:

☒ By e-mail:

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

☒ The United States mail addressed as follows:

Ismail Young # 1210890
P.O. Box 650
Indian Springs, NV 89070

/s/ Amanda Hampton

Amanda Hampton, Deputy Clerk

Heather S. Smith

CLERK OF THE COURT

FFCO

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
JONATHAN VANBOSKERCK
Deputy District Attorney
Nevada Bar #006528
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
702-671-2645
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

ISMAIL T. YOUNG,
#8184847

Defendant.

CASE NO: A-19-805427-W

C-18-329403-1

DEPT NO: XXIII

FINDINGS OF FACT AND CONCLUSIONS OF LAW

DATE OF HEARING: July 7, 2021

TIME OF HEARING: 11:00 AM

THIS MATTER having come on for hearing before the above-entitled Court on the 7th day of July, 2021, the Defendant not being present, the Plaintiff being represented by STEVEN B. WOLFSON, District Attorney, through VICTORIA VELLAGAS, Deputy District Attorney, without argument, and the Court having considered the matter, including briefs, transcripts, and documents on file herein, now therefore, the Court makes the following findings of fact and conclusions of law:

FINDINGS OF FACT, CONCLUSIONS OF LAW

PROCEDURAL HISTORY

On January 26, 2018, the State filed an Information charging Ismail T. Young ("Petitioner") with Count 1 – Conspiracy to Commit Robbery; Count 2 – Robbery with Use of a Deadly Weapon; Counts 3 and 4 – Attempt Robbery with Use of a Deadly Weapon; Count

1 5 – Battery with Use of a Deadly Weapon Resulting in Substantial Bodily Harm; Count 6 –
2 Attempt Murder with Use of a Deadly Weapon; Count 7 – Battery with Intent to Commit
3 Robbery; and Counts 8, 9, and 10 – Assault with a Deadly Weapon. A co-defendant, Carman
4 De'Jour Hayes, was also charged on the first four (4) counts.

5 Petitioner waived his right to a preliminary hearing on January 22, 2018. Recorded
6 Transcript of Conditional Waiver pp. 1-2. On January 31, 2018, Petitioner pled not guilty and
7 invoked the sixty (60) day rule.

8 At calendar call on March 7, 2018, the State announced ready for trial. Defendant
9 Hayes announced not ready and requested a continuance to file a Pre-Trial Petition for Writ of
10 Habeas Corpus. Defendant Young did not object to Hayes' Motion to Continue. Due to the
11 timing of the filing of the preliminary hearing transcripts, the State also did not object to the
12 continuance. However, the State advised the court and the Defendants that the victim who
13 was shot in the chest, Manuel Anderson was scheduled to enter into military boot camp on
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15 The State requested that the trial be set prior to June 18, 2018, so that all three victims could
16 testify at the trial. At that time, the Court indicated that the victims could be deposed prior to
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22 Trial and issued a no bail bench warrant for his arrest. The trial was reset for August 13, 2018.

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28 Petitioner plead guilty to one (1) count of Robbery and one (1) count of Attempt Murder.

1 Petitioner stipulated to the following negotiations: “Both parties retain the full right to argue
2 at rendition of sentence, including the time to run consecutive between the counts. This deal
3 is contingent on both defendants pleading guilty.” GPA p. 1. The Amended Information was
4 also filed that day.

5 On October 3, 2018, the sentencing hearing was continued as counsel for the co-
6 defendant had just filed a sentencing memorandum, and Petitioner’s counsel, Mr. Arnold,
7 potentially would not be present. Later, the matter was recalled and the Court signed an Order
8 so that Mr. Arnold could retain a mitigation expert. On October 31, 2018, the hearing was
9 again continued to allow for the victim’s presence.

10 On January 9, 2019, Petitioner was adjudicated guilty and sentenced to Count 1 –
11 maximum of one hundred eight (180) months and a minimum of seventy-two (72) months in
12 the Nevada Department of Corrections; and Count 2 – maximum of one hundred eighty (180)
13 months and a minimum of seventy-two (72) months, to run consecutive to Count 1 with four
14 hundred one (401) days credit for time served. The aggregate sentence is a maximum of three
15 hundred sixty (360) months and a minimum of one hundred forty-four (144) months.
16 Restitution was also ordered in the amount of \$32,452.77, to be paid jointly and severally with
17 the co-defendant. On January 17, 2019, the Judgment of Conviction was filed.

18 On November 12, 2019, Petitioner filed a pro per Motion to Withdraw Counsel. On
19 December 4, 2019, this Court denied the Motion. On November 14, 2019, Petitioner filed a
20 pro per Petition for Writ of Habeas Corpus (Post-Conviction) (hereinafter “First Petition”).
21 The State responded on January 6, 2020. This petition was denied on March 17, 2020.

22 On May 4, 2021, Petitioner filed his second Petition for Writ of Habeas Corpus (Post-
23 Conviction) (hereinafter “Second Petition”). On July 7th, 2021, this Court denied the Petition
24 in open court and now finds as follows.

25 **ANALYSIS**

26 **I. THE PETITION IS TIME-BARRED**

27 This Second Petition for Writ of Habeas Corpus was filed too late. Pursuant to NRS
28 34.726(1), petitions challenging the validity of a conviction must be filed within one year. The

1 Supreme Court of Nevada has held that NRS 34.726 should be construed by its plain meaning.
2 Pellegrini v. State, 117 Nev. 860, 873-74, 34 P.3d 519, 528 (2001). As per the language of the
3 statute, the one-year time bar proscribed by NRS 34.726 begins to run from the date the
4 judgment of conviction is filed or a remittitur from a timely direct appeal is filed. Dickerson
5 v. State, 114 Nev. 1084, 1087, 967 P.2d 1132, 1133-34 (1998). The one-year time limit is
6 strictly applied. Gonzales v. State, 118 Nev. 590, 596, 53 P.3d 901, 904 (2002).

7 The Nevada Supreme Court has granted no discretion to the district courts regarding
8 whether to apply the statutory procedural bars; the rules must be applied. State v. Eighth
9 Judicial Dist. Court (Riker), 121 Nev. 225, 231, 112 P.3d 1070, 1074 (2005). The Riker Court
10 found that “[a]pplication of the statutory procedural default rules to post-conviction habeas
11 petitions is mandatory,” noting:

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

16 Id. Additionally, the Court noted that procedural bars “cannot be ignored [by the district court]
17 when properly raised by the State.” Id. at 233, 112 P.3d at 1075.

18 There is no right to counsel in post-conviction proceedings. Coleman v. Thompson, 501
19 U.S. 722, 752, 111 S.Ct. 2546, 2566 (1991). Similarly, the Nevada Constitution does not
20 provide a right to counsel in post-conviction proceedings. McKague v. Warden, 112 Nev. 159,
21 163, 912 P.2d 255, 258 (1996). Nevada courts have the discretion to appoint post-conviction
22 counsel if: 1) the court is satisfied that the petitioner is indigent and 2) the petition is not
23 summarily dismissed. NRS 34.750. In making the determination of whether to appoint
24 counsel, the court can consider whether the issues are difficult, whether the defendant is unable
25 to comprehend the proceedings, or if counsel is necessary to proceed with discovery. Id.

26 Here, Petitioner is not entitled to counsel because his petition is summarily dismissed
27 as time-barred. The Judgment of Conviction was filed on January 9, 2019. Petitioner did not
28 appeal his case to the Supreme Court. Thus, any petition filed by Petitioner needed to be filed

1 by January 9, 2020. This Second Petition was filed May 4, 2021 and is untimely absent a
2 showing of good cause. Absent such a showing, the Petition should be denied.

3 II. PETITIONER FAILS TO SHOW GOOD CAUSE

4 To overcome a time-bar, the Petitioner must demonstrate good cause and actual
5 prejudice. NRS 34.726(1), NRS 34.810(1)(b)(3). This narrow exception to the mandatory NRS
6 34.726 procedural bar is reserved for extraordinary cases. *Sawyer v. Whitley*, 505 U.S. 333,
7 340 (1992).

8 “To establish good cause, appellants must show that an impediment external to the
9 defense prevented their compliance with the applicable procedural rule. A qualifying
10 impediment might be shown where the factual or legal basis for a claim was not reasonably
11 available at the time of default.” *Clem v. State*, 119 Nev. 615, 621, 81 P.3d 521, 525 (2003).
12 The Court continued, “appellants cannot attempt to manufacture good cause[.]” *Id.* at 621, 81
13 P.3d at 526. Examples of good cause include interference by State officials and the previous
14 unavailability of a legal or factual basis. *See State v. Huebler*, 128 Nev. Adv. Op. 19, 275 P.3d
15 91, 95 (2012).

16 In order to establish prejudice, the defendant must show ““not merely that the errors of
17 [the proceedings] created possibility of prejudice, but that they worked to his actual and
18 substantial disadvantage, in affecting the state proceedings with error of constitutional
19 dimensions.”” *Hogan v. Warden*, 109 Nev. 952, 960, 860 P.2d 710, 716 (1993) (quoting *United*
20 *States v. Frady*, 456 U.S. 152, 170, 102 S. Ct. 1584, 1596 (1982)). To find good cause there
21 must be a “substantial reason; one that affords a legal excuse.” *Hathaway v. State*, 119 Nev.
22 248, 252, 71 P.3d 503, 506 (2003) (quoting *Colley v. State*, 105 Nev. 235, 236, 773 P.2d 1229,
23 1230 (1989)). Clearly, any delay in the filing of the petition must not be the fault of the
24 petitioner. NRS 34.726(1)(a).

25 Petitioner fails to cite any good cause for filing his Second Petition more than a year
26 after his conviction. Additionally, the instant petition is successive as the arguments raised are
27 either arguments previously raised or arguments that could have been raised in the initial
28 petition. Successive petitions are only decided on the merits if Petitioner can show good cause

1 and prejudice. NRS 34.810. Here, Petitioner has not shown good cause or prejudice. As such,
2 he cannot overcome the good cause requirement for this Petition to even be considered.
3 Without good cause, there can be no actual prejudice caused by the good cause.

4 **III. PETITIONER HAS NOT SHOWN ACTUAL INNOCENCE**

5 A Petitioner may show that the procedural bars should be excused to prevent a
6 fundamental miscarriage of justice. Pelligrini v. State, 117 Nev. 860, 34 P.3d 519 (2001),
7 abrogated on other grounds by Rippo v. State, 134 Nev. 411, 423 P.3d 1084 (2018).

8 Here, Petitioner argues he should be able to overcome the procedural bars because his
9 case is one of actual innocence. “Even absent a showing of good cause, this court will consider
10 a claim if the petitioner can demonstrate that applying the procedural bars would result in a
11 fundamental miscarriage of justice.” Bejarano v. State, 122 Nev. 1066, 1072, 146 P.3d 265,
12 270 (2006). NRS 34.726(1) allows for the procedural bars to be overcome on an untimely
13 petition when the petition is based on actual innocence. A petition for post-conviction relief
14 must be supported with factual allegations, not belied by the record and of true, would entitle
15 the Petitioner to relief. Hargrove v. State, 100 Nev. 498, 686 P.2d 222 (1984).

16 However “actual innocence” means “factual innocence, not mere legal insufficiency.”
17 Mitchell v. State, 122 Nev. 1269, 1273-1274, 149 P.3d 33, 36 (2006). Petitioner asserts that
18 when he threatened his robbery victims with a loaded gun, fired a shot into the air, pointed his
19 gun at one victim, and pulled the trigger, he did not have the requisite intent to murder. As
20 further proof of his lack of intent, he points out that he did not fire at the victims at the onset
21 of the robbery and that he did not continue to fire once his victim fell.

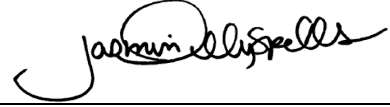
22 This assertion is utterly without merit. Pulling the trigger of a loaded gun pointed at
23 another shows an intent to kill the person. A person is presumed to intend the natural
24 consequences of his actions. State v. Hall, 54 Nev. 213, 13 P.2d 624, 632 (1932). Petitioner
25 fails to make a “credible claim of factual innocence.” Vitacca v. State, 125 Nev. 1086, 281
26 P.3d 1228 (2009).

27 Petitioner’s factual contentions are belied by the record. Because Petitioner’s claim is
28 not one of actual innocence, he fails to overcome the procedural hurdles.

ORDER

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

Dated this 12th day of August, 2021



968 031 3843 7A12
Jasmin Lilly-Spells
District Court Judge

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

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

CERTIFICATE OF MAILING

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

ISMAIL YOUNG, BAC#1210890
HIGH DESERT STATE PRISON
22010 COLD CREEK ROAD
P.O. BOX 650
INDIAN SPRINGS, NEVADA 89070

BY /s/ L.M.
Secretary for the District Attorney's Office

17FN2527A/AC/lm/GCU

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Ismail Young, Plaintiff(s)

CASE NO: A-19-805427-W

7 vs.

DEPT. NO. Department 23

8 State of Nevada, Defendant(s)
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 8/12/2021

15 Dept 23 Law Clerk

dept23lc@clarkcountycourts.us

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 31, 2018

C-18-329403-1 State of Nevada
 vs
 Ismail Young

January 31, 2018 10:00 AM Initial Arraignment

HEARD BY: De La Garza, Melisa

COURTROOM: RJC Lower Level Arraignment

COURT CLERK: Kristen Brown
Chante Williams
Michaela Tapia

RECORDER: Kiara Schmidt

REPORTER:

PARTIES

PRESENT:	Arnold, Carl E.	Attorney
	Merback, William J.	Attorney
	State of Nevada	Plaintiff
	Young, Ismail T	Defendant

JOURNAL ENTRIES

- DEFT. YOUNG ARRAIGNED, PLED NOT GUILTY, and INVOKED the 60-DAY RULE. COURT ORDERED, matter set for trial. COURT FURTHER ORDERED, pursuant to Statute, Counsel has 21 days from today for the filing of any Writs; if the Preliminary Hearing Transcript has not been filed as of today, Counsel has 21 days from the filing of the Transcript.

CUSTODY

3/7/18 8:00 AM CALENDAR CALL (DEPT 8)

3/12/18 9:30 AM JURY TRIAL (DEPT 8)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 07, 2018

C-18-329403-1 State of Nevada
 vs
 Ismail Young

March 07, 2018 8:00 AM Calendar Call

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 11B

COURT CLERK: Carol Donahoo

RECORDER: Gina Villani

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- CALENDAR CALL (YOUNG) . . . CALENDAR CALL (HAYES)

Agnes Lexis, Chf Dep DA, present on behalf of the State; Carl Arnold, Esq., present on behalf of Deft. Young; and Arnold Weinstock, Esq., present on behalf of Deft. Hayes. Both Deft.'s are present.

This is the time set for Calendar Call for both Deft.'s. Upon Court's inquiry, Ms. Lexis advised that the State is ready.

With regard to Deft. HAYES, Mr. Weinstock advised that the Preliminary Hearing transcript was just filed last week and he plans on filing a Pre-Trial Writ so he is not ready. COURT ORDERED, Mr. Weinstock shall have TWENTY-ONE (21) days after the filing of the Preliminary Hearing transcript to preserve any Writ issues.

With regard to Deft. YOUNG, Mr. Arnold advised he has no objection to the filing of the Writ and Deft. Young is willing to WAIVE his speedy trial right at this time; Deft. CONCURRED.

Ms. Lexis advised that the State INVOKED; however, she has no objection to the continuance. For the record, one of the named victims in this matter has enlisted in the military and is going to boot camp

on June 18, 2018. Therefore, she would request that a new trial be set before that date so he can testify. Additionally, the other named victims do not graduate from high school until May 25, 2018. COURT ORDERED, trial date VACATED and RESET.

CUSTODY (YOUNG) . . . BOND (HAYES)

05/16/18 8:00 AM CALENDAR CALL (BOTH)

05/21/18 9:30 AM JURY TRIAL (BOTH)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 16, 2018

C-18-329403-1 State of Nevada
 vs
 Ismail Young

May 16, 2018 8:00 AM Calendar Call

HEARD BY: Smith, Douglas E. **COURTROOM:** RJC Courtroom 11B

COURT CLERK: Carol Donahoo

RECORDER: Gina Villani

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- CALENDAR CALL (YOUNG) . . . CALENDAR CALL (HAYES) . . . DEFT.'S MOTION TO CONTINUE TRIAL (HAYES)

Vivian Luong, Dep DA, present on behalf of the State; Carl Arnold, Esq., present on behalf of Deft. Young; and Arnold Weinstock, Esq., present on behalf of Deft. Hayes. Deft. Young is present but Deft. Hayes is not.

This is the time set for the Calendar Calls for both Deft.'s; however, Deft. Hayes has filed a Motion to Continue Trial, which is set for hearing on May 21, 2018. Mr. Arnold advised that he represents Deft. Young and has a conflict with the current trial date; he will be in trial next week in another Department and, therefore, the instant trial cannot go forward. Court trailed matter for Mr. Weinstock.

MATTER RECALLED: All present as before; Mr. Weinstock is now present but Deft. Hayes is not. Upon Court's inquiry, Mr. Weinstock advised he is not sure why the Deft. is not present, he has always appeared for all his court appearances.

Due to the Court's schedule and the unavailability of Mr. Arnold, the trial will have to be continued.

Ms. Luong advised that the State would object to a continuance and would request that a Bench Warrant issue for Deft. Hayes. COURT ORDERED, Deft. Hayes' Motion to Continue Trial is ADVANCED and DENIED; a BENCH WARRANT SHALL ISSUE, NO BAIL. COURT FURTHER ORDERED, trial dates VACATED.

CUSTODY (YOUNG) . . . B.W. (BOND/HAYES)

08/08/18 8:00 AM CALENDAR CALL

08/13/18 9:30 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 21, 2018**

C-18-329403-1 State of Nevada
vs
Ismail Young

May 21, 2018**8:00 AM****Status Check****Trial Date****HEARD BY:** Smith, Douglas E.**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** Carol Donahoo**RECORDER:** Gina Villani**REPORTER:**

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- STATUS CHECK: TRIAL DATE (YOUNG) . . . DEFT.'S MOTION TO QUASH BENCH WARRANT (HAYES)

Nicole Cannizzaro, Chf Dep DA, present on behalf of the State and Arnold Weinstock, Esq., present on behalf of Deft. Hayes, who is also present.

This is the time set for the hearing on Deft.'s Motion to Quash Bench Warrant. For the record, Deft. Young was supposed to be on calendar today but was left off by the Calendar Clerk so neither he nor his counsel are present.

Mr. Weinstock advised that there was a Calendar Call back on May 16, 2018; Deft. HAYES was not present and the trial was vacated and reset because Carl Arnold, counsel for the Deft. YOUNG was not available; however, the Court issued a Bench Warrant for Deft. HAYES because he was not present. Colloquy regarding Deft, HAYES custodial status; Mr. Weinstock advised that Deft. HAYES is out on bail, he posted \$150,000, and to Mr. Weinstock's knowledge that bail has not been revoked. Therefore, Mr. Weinstock requested that the Bench Warrant be QUASHED and the matter be set for trial the same day as Deft. YOUNG's. Mr. Weinstock noted that Deft. HAYES had contacted his office right before court and somebody in the office told him that did not need to show up on May 16, 2018,

because the case was going to be continued. Mr. Weinstock stated that was the only reason Deft. HAYES failed to appear on the scheduled date, he has shown up for every other court date, he has a good job, and is working.

Ms. Cannizzaro advised that the State is OPPOSED to Deft.'s HAYES' Motion. COURT ORDERED, Motion GRANTED; the Bench Warrant is QUASHED. COURT FURTHER ORDERED, matter set for trial the same day as Deft. YOUNG.

BOND

08/08/18 8:00 AM CALENDAR CALL

08/13/18 9:30 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 06, 2018

C-18-329403-1 State of Nevada
vs
Ismail Young

June 06, 2018

8:00 AM

Motion

**State's Motion to
Depose Manuel
Anderson Pursuant to
NRS 174.175**

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 11B

COURT CLERK: Carol Donahoo

RECORDER: Gina Villani

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Agnes Lexis, Chf Dep DA, present on behalf of the State; Carl Arnold, Esq., present on behalf of Deft. Young; and Arnold Weinstock, Esq., present on behalf of Deft. Hayes. Deft. Young is present; Deft. Hayes is not

This is the time set for hearing on the State's Motion to Depose Manuel Anderson Pursuant to NRS 174.175. Mr. Weinstock advised that he only learned about this Motion last night; he contacted Deft. Hayes to be present today but he has a job and could not get off work. Therefore, Mr. Weinstock would request that the Court WAIVE Deft.'s Hayes' presence. Since the State has no objection, COURT ORDERED, request GRANTED.

Court noted that it did not receive any response to the State's Motion and inquired as to whether counsel wanted to respond orally. Mr. Weinstock advised that the normal rules for depositions require fifteen (15) days' notice and that was not done in this case; however, he has no opposition. This witness already testified at the Preliminary Hearing and basically said that he does not know Deft. Hayes and had nothing to do with him. Mr. Arnold stated that he has no opposition to the

Motion. Therefore, COURT ORDERED, the Motion is GRANTED.

Ms. Lexis advised that the deposition needs to take place before June 18, 2018, because the witness is entering the military and will be leaving for Boot Camp; thereafter, he will be unavailable for some time. The trial is scheduled for August 13, 2018, with a Calendar Call on August 8, 2018. COURT ORDERED, the witness' deposition will be set for June 15, 2018, at 8:00 a.m. in this courtroom. Ms. Lexis advised she expects it to take a couple of hours.

CUSTODY (YOUNG) . . . BOND (HAYES)

06/15/18 8:00 AM STATUS CHECK: DEPOSITION OF MANUEL ANDERSON

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 15, 2018

C-18-329403-1 State of Nevada
 vs
 Ismail Young

June 15, 2018 8:00 AM Status Check

HEARD BY: Smith, Douglas E. **COURTROOM:** RJC Courtroom 11B

COURT CLERK: Phyllis Irby

RECORDER: Gina Villani

REPORTER:

PARTIES

PRESENT:	Arnold, Carl E.	Attorney
	Lexis, Agnes	Attorney
	State of Nevada	Plaintiff
	Young, Ismail T	Defendant

JOURNAL ENTRIES

- Mr. Anderson Sworn & Testified. Testimony and exhibits presented (see worksheet).

COURT ORDERED, TRIAL DATE STANDS.

CUSTODY

8-08-18 8:00 AM CALENDAR CALL (DEPT. VIII)

8-13-18 9:30 AM JURY TRIAL (DEPT. VIII)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 08, 2018

C-18-329403-1 State of Nevada
 vs
 Ismail Young

August 08, 2018 8:00 AM Calendar Call

HEARD BY: Smith, Douglas E. **COURTROOM:** RJC Courtroom 11B

COURT CLERK: Carol Donahoo

RECORDER: Gina Villani

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- CALENDAR CALL (YOUNG) . . . CALENDAR CALL (HAYES)

Agnes Lexis, Chf Dep DA, present on behalf of the State; Carl Arnold, Esq., present on behalf of Deft. Hayes; and Arnold Weinstock, Esq., present on behalf of Deft. Hayes. Both Deft.'s are present.

This is the time set for Calendar Call for both Deft.'s. Upon Court's inquiry, Mr. Weinstock stated that he was not ready for trial; he has another case pending trial next week in Department XXI, the Calendar Call is tomorrow and the Deft, is in custody; colloquy. Ms. Lexis announced ready for the State; the State INVOKED. Ms. Lexis advised that the trial was previously continued to a date which Mr. Weinstock represented was convenient for him so she requested that the trial proceed as scheduled; she is ready and Mr. Arnold is ready. Mr. Arnold CONCURRED. COURT ORDERED, matter set for trial on Monday, August 13, 2018; Court noted that a Senior Judge will be present on Monday to try this case.

For the record, Ms. Lexis advised that Mr. Arnold has repeatedly come to her requesting an offer; however, the offers in this case were always contingent. Deft. Hayes believes his conduct is worthy of a Gross Misdemeanor, which the State has declined.

C-18-329403-1

CUSTODY (YOUNG) . . . BOND (HAYES)

08/13/18 9:30 AM JURY TRIAL (BOTH)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 10, 2018

C-18-329403-1 State of Nevada
 vs
 Ismail Young

August 10, 2018 8:00 AM Motion to Continue Trial

HEARD BY: Smith, Douglas E. **COURTROOM:** RJC Courtroom 11B

COURT CLERK: Natalie Ortega

RECORDER: Gina Villani

REPORTER:

PARTIES

PRESENT: Lexis, Agnes Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Defendant Ismail T. Young also present.

Carl Arnold, Esq., present telephonically on behalf of Co-Defendant Young (C329403-1).

Defendant Hayes not present. Arguments by counsel regarding the merits of the motion. COURT ORDERED, Motion to Continue Trial DENIED; trial date STANDS, August 13, 2018 at 9:30 a.m.

COURT FURTHER ORDERED, BENCH WARRANT WILL ISSUE, NO BAIL for Defendant Hayes (C329403-2). COURT NOTED the C.A.T. team would seek out the Defendant.

Mr. Weinstock made an oral motion to stay this matter to proceed to the Supreme Court. COURT ADDITIONALLY ORDERED, request DENIED.

8/13/18 9:30 AM JURY TRIAL (BOTH)

CLERK'S NOTE: Subsequent to court, COURT ORDERED, Bench Warrant QUASHED. ndo8/10/18
- Defendant Ismail T. Young also present.

Carl Arnold, Esq., present telephonically on behalf of Co-Defendant Young (C329403-1).

Defendant Hayes not present.

Arguments by counsel regarding the merits of the motion. COURT ORDERED, Motion to Continue Trial DENIED; trial date STANDS, August 13, 2018 at 9:30 a.m.

COURT FURTHER ORDERED, BENCH WARRANT WILL ISSUE, NO BAIL for Defendant Hayes (C329403-2). COURT NOTED the C.A.T. team would seek out the Defendant.

Mr. Weinstock made an oral motion to stay this matter to proceed to the Supreme Court. COURT ADDITIONALLY ORDERED, request DENIED.

8/13/18 9:30 AM JURY TRIAL (BOTH)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 13, 2018

C-18-329403-1 State of Nevada
vs
Ismail Young

August 13, 2018 9:30 AM Jury Trial

HEARD BY: Bonaventure, Joseph T. **COURTROOM:** RJC Courtroom 11B

COURT CLERK: Carol Donahoo

RECORDER: Gina Villani

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Agnes Lexis, Chf Dep DA, and Karen Mishler, Dep DA, present on behalf of the State; Arnold Weinstock, Esq., and Dan Winder, Esq., present on behalf of Deft. Hayes, who is also present. Deft. Young is present but his counsel, Carl Arnold, is not.

This is the time set for Jury Trial; however, Mr. Arnold is not present. Due to a medical emergency, Mr. Arnold has been hospitalized. This trial is being heard by a Senior Judge; the Judge met with counsel in the Jury Deliberation room. COURT ORDERED, Jury Trial CONTINUED.

CUSTODY (YOUNG) . . . BOND (HAYES)

CONTINUED TO: 08/14/18 9:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 14, 2018

C-18-329403-1 State of Nevada
vs
Ismail Young

August 14, 2018 9:00 AM Jury Trial

HEARD BY: Bonaventure, Joseph T. **COURTROOM:** RJC Courtroom 11B

COURT CLERK: Carol Donahoo

RECORDER: Gina Villani

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Agnes Lexis, Chf Dep DA, and Karen Mishler, Dep DA, present on behalf of the State; Arnold Weinstock, Esq., and Dan Winder, Esq., present on behalf of Deft. Hayes; and Adam Gill, Esq., appearing on behalf of Carl Arnold, Esq., for Deft. Young. Both Deft.'s are present.

The Jury Trial resumed and the Judge met with counsel in the Jury Deliberation room. It appears that this matter is resolved. Mr. Gill reviewed the Guilty Plea Agreement with Deft. Young but he wants to talk to Mr. Arnold before agreeing to the negotiations and Mr. Arnold is still in the hospital. Since the negotiations are contingent, COURT ORDERED, Jury Trial CONTINUED.

CUSTODY (YOUNG) . . . BOND (HAYES)

CONTINUED TO: 08/16/18 9:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 16, 2018

C-18-329403-1 State of Nevada
vs
Ismail Young

August 16, 2018 9:00 AM Jury Trial

HEARD BY: Bonaventure, Joseph T. **COURTROOM:** RJC Courtroom 11B

COURT CLERK: Carol Donahoo

RECORDER: Gina Villani

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Agnes Lexis, Chf Dep DA, present on behalf of the State; Arnold Weinstock, Esq., and Dan Winder, Esq., present on behalf of Deft. Hayes; and Carl Arnold, Esq., present on behalf of Deft. Young. Both Deft.'s are present.

The Jury Trial resumed; Counsel advised that this matter is resolved.

*****ISMAIL T. YOUNG*****

Amended Information and Guilty Plea Agreement FILED IN OPEN COURT. Negotiations are as contained in the Guilty Plea Agreement. DEFT. YOUNG ARRAIGNED and PLED GUILTY to COUNT 1 - ROBBERY (F) and COUNT 2 - ATTEMPT MURDER (F). Court ACCEPTED plea and ORDERED, matter referred to the Division of Parole and Probation (P&P) and SET for sentencing. Deft. is REMANDED to custody until sentencing.

*****CARMAN DE'JOUR HAYES*****

Amended Information and Guilty Plea Agreement FILED IN OPEN COURT. Negotiations are as contained in the Guilty Plea Agreement. DEFT. HAYES ARRAIGNED and PLED GUILTY to

ROBBERY (F). Court ACCEPTED plea and ORDERED, matter referred to the Division of Parole and Probation (P&P) and SET for sentencing. Deft. to remain on BOND until sentencing.

Mr. Weinstock WITHDREW Deft.'s Motion to Suppress Statement and Deft.'s Motion to Sever Co-Deft.'s; the Motions are set for hearing on August 20, 2018. COURT ORDERED, hearing date VACATED. Additionally, Mr. Weinstock requested that Judge Bonaventure be available for sentencing, if possible. Court advised it was agreeable to sentencing the Deft.'s and would make itself accessible.

CUSTODY (YOUNG) . . . BOND (HAYES)

10/03/18 8:00 AM SENTENCING (BOTH)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 03, 2018

C-18-329403-1 State of Nevada
 vs
 Ismail Young

October 03, 2018 8:00 AM Sentencing

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 11B

COURT CLERK: Carol Donahoo

RECORDER: Gina Villani

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- SENTENCING (YOUNG) . . . SENTENCING (HAYES)

Nicole Cannizzaro, Chf Dep DA, present on behalf of the State; Arnold Weinstock, Esq., present on behalf of Deft. Hayes; Carl Arnold, Esq., present on behalf of Deft. Young Both Deft.'s are present

This is the time set for Sentencing for both Deft.'s. Court noted that Mr. Weinstock just filed a Sentencing Memorandum and Mr. Arnold may or may not be present today. Therefore COURT ORDERED, sentencing CONTINUED. Since Judge Bonaventure had agreed to sentence the Deft.'s, the Court will notify him of the continued sentencing date.

MATTER RECALLED: Ms. Cannizzaro, Mr. Arnold, and Deft Young are present. The Court informed Mr. Arnold of the CONTINUED sentencing date. Mr. Arnold requested that the Court sign a Widdis Motion in that matter as he would like to retain a mitigation expert. Order signed in open court.

CUSTODY (YOUNG) . . . BOND (HAYES)

CONTINUED TO: 10/31/18 8:00 AM (BOTH)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 31, 2018

C-18-329403-1 State of Nevada
 vs
 Ismail Young

October 31, 2018 8:00 AM Sentencing

HEARD BY: Bonaventure, Joseph T. **COURTROOM:** RJC Courtroom 11B

COURT CLERK: Carol Donahoo

RECORDER: Gina Villani

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- SENTENCING (YOUNG) SENTENCING (HAYES)

Agnes Lexis, Chf Dep DA, present on behalf of the State; Carl Arnold, Esq., present on behalf of Deft. Young; and Arnold Weinstock, Esq., present on behalf of Deft. Hayes. Both Deft.'s are present.

This is the time set for Sentencing for both Deft.'s. Conference at the Bench; pursuant to the representations made at the bench, Ms. Lexis advised that she is seeking a continuance. The main victim in this case, Manuel Anderson, enlisted in the military; his mother wanted to be present to make a victim impact statement this morning but she is currently in Missouri at Mr. Anderson's graduation from Boot Camp. Although the Deft.'s mother was aware of today's date, she did not realize that victim speakers have a statutory right to speak at sentencings or that the current sentencing date could have been continued upon her request. The victim speaker does want be present and, therefore, Ms. Lexis is requesting that the Deft.'s Sentencings be CONTINUED.

Mr. Weinstock advised that he has no opposition; however, if the Court is inclined to continue the matter, he would request a date after the first of the year. Mr. Arnold has no objection either. COURT ORDERED, Sentencings CONTINUED.

C-18-329403-1

CUSTODY (YOUNG) . . . BOND (HAYES)

CONTINUED TO: 01/09/19 8:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 09, 2019

C-18-329403-1 State of Nevada
vs
Ismail Young

January 09, 2019 8:00 AM Sentencing

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 11B

COURT CLERK: Carol Donahoo

RECORDER: Gina Villani

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Agnes Lexis, Chf Dep DA, present on behalf of the State and Carl Arnold, Esq., present on behalf of Deft. Young, who is also present.

DEFT. YOUNG ADJUDGED GUILTY of COUNT 1 - ROBBERY (F) and COUNT 2 - ATTEMPT MURDER (F). Matter argued and submitted by counsel; Ms. Lexis provided the Court with some photographs for consideration, which were collectively marked for identification as State's Exhibit 1 and admitted. Statement by Deft. Sworn victim impact statement given by the victim's mother, who also read a letter from the victim, who is not present as he is in the military.

COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, the \$150.00 DNA Analysis fee including testing to determine genetic markers, the \$3.00 DNA Collection fee, and the \$32,452.77 RESTITUTION to be paid JOINTLY and SEVERALLY with the Co-Deft., Carman Hayes, as follows: \$100.00 Cash America and \$32,352.77 to Manuel Anderson, as to COUNT 1, Deft. SENTENCED to a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS and a MINIMUM of SEVENTY-TWO (72) MONTHS in the Nevada Department of Corrections (NDC) and as to COUNT 2, Deft. SENTENCED to a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS and a MINIMUM of SEVENTY-TWO (72) MONTHS in NDC, CONSECUTIVE to COUNT 1. Deft.'s AGGREGATE TERM is a MAXIMUM of THREE HUNDRED SIXTY (360) MONTHS and a

MINIMUM of ONE HUNDRED FORTY-FOUR (144) MONTHS; Deft, has FOUR HUNDRED ONE (401) DAYS credit for time served.

BOND, if any, EXONERATED

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 04, 2019

C-18-329403-1 State of Nevada
vs
Ismail Young

**December 04, 2019 8:30 AM Motion Deft.'s Motion to
Withdraw Counsel**

HEARD BY: Silva, Cristina D.

COURTROOM: RJC Courtroom 11B

COURT CLERK: Carol Donahoo

RECORDER: Gina Villani

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Jacob Villani, Chf Dep DA, present on behalf of the State; neither Deft. Young nor his counsel, Carl Arnold, are present. Deft. is incarcerated in the Nevada Department of Corrections (NDC).

This is the time set for hearing on Deft.'s Motion to Withdraw Counsel, which he filed pro se. Court noted that it reviewed the Motion and the Motion is insufficient for the Court to grant the Deft.'s request. The Motion contains a blanket statement that there is a conflict of interest due to counsel's misconduct; however, no information was provided to support that allegation. Therefore, COURT ORDERED, the Motion is DENIED, without prejudice.

NDC

CLERK'S NOTE: A copy of this minute order was mailed to Ismail Young #1210890, High Desert State Prison, P.O. Box 650, Indian Springs, Nevada, 89070.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 15, 2021

C-18-329403-1 State of Nevada
 vs
 Ismail Young

March 15, 2021 11:00 AM Motion

HEARD BY: Lilly-Spells, Jasmin **COURTROOM:** RJC Courtroom 12D

COURT CLERK:
 Andrea Natali

RECORDER: Maria Garibay

REPORTER:

PARTIES

PRESENT: Christensen, Nell Elisabeth Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Mr. Arnold and Deft. not present. Matter TRAILED.

Matter RECALLED. Mr. Arnold and Deft. still not present. COURT NOTED, it received notice that Mr. Arnold was in a deposition; therefore, ORDERED, matter CONTINUED.

NDC

CONTINUED TO: 4/19/21 - 12:30 PM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****April 19, 2021**

C-18-329403-1 State of Nevada
vs
Ismail Young

April 19, 2021**12:30 AM****Motion****Motion to Withdraw
Counsel****HEARD BY:** Lilly-Spells, Jasmin**COURTROOM:** RJC Courtroom 12D**COURT CLERK:** Carina Bracamontez-Munguia**RECORDER:** Angelica Michaux**REPORTER:****PARTIES**

PRESENT:	Arnold, Carl E.	Attorney
	Christensen, Nell Elisabeth	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Court noted matter is on for Deft's Motion to Withdraw Counsel and as Deft. has already been sentenced, ORDERED motion GRANTED. Mr. Arnold DIRECTED to send a copy of the file to the Deft. within 21 days and file proof that it has been sent. COURT FURTHER ORDERED matter SET for status check; court noted Mr. Arnold did not need to appear.

CUSTODY (NDC)

05-17-2021 12:30 PM STATUS CHECK: PROOF OF PROVIDING COPY OF FILE TO DEFT.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 17, 2021

C-18-329403-1 State of Nevada
vs
Ismail Young

May 17, 2021 12:30 AM Status Check

HEARD BY: Lilly-Spells, Jasmin **COURTROOM:** RJC Courtroom 12D

COURT CLERK: Michaela Tapia

RECORDER: Maria Garibay

REPORTER:

PARTIES

PRESENT: Albritton, Alicia A. Attorney
State of Nevada Plaintiff

JOURNAL ENTRIES

- Deft. not present. Counsel not present.

Court noted Mr. Arnold has not filed proof of mailing Deft. his file and ORDERED, matter CONTINUED.

NDC

CONTINUED TO: 5/19/21 12:30 PM

CLERK'S NOTE: The continuation date issued in open Court was set for 6/9/21, but after the hearing the Court RESCHEDULED the hearing as Mr. Arnold will be present on Wednesday, May 19, 2021. /mt 5/21/21

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 19, 2021

C-18-329403-1 State of Nevada
vs
Ismail Young

May 19, 2021 12:30 AM Status Check

HEARD BY: Lilly-Spells, Jasmin **COURTROOM:** RJC Courtroom 12D

COURT CLERK: Carolyn Jackson

RECORDER: Maria Garibay

REPORTER:

PARTIES

PRESENT: Raman, Jay Attorney
State of Nevada Plaintiff

JOURNAL ENTRIES

- Court stated this matter is on for hearing of a status check regarding proof the case file was provided to the Defendant's. Court further stated no proof has been filed with the Court that the case file was provided to the Defendant and ORDERED, Order to Show Cause WILL ISSUE.

06/16/21 12:30 PM SHOW CAUSE HEARING

The above minute order has been distributed to: Jay Raman, Esq. (jay.raman@clarkcountynvda.com; Carl Arnold, Esq. (carl@cegalawgroup.com) and Ismail T Young #1210890, HDSP, PO Box 650, Indian Springs, NV 89070. /cj 05/20/21

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 16, 2021

C-18-329403-1 State of Nevada
 vs
 Ismail Young

June 16, 2021 12:30 AM Show Cause Hearing

HEARD BY: Lilly-Spells, Jasmin

COURTROOM: RJC Courtroom 12D

COURT CLERK: Alice Jacobson

RECORDER: Maria Garibay

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- DA- SUSAN BENEDICT

No parties present.

The matter has been on calendar several times. COURT FINDS counsel in contempt for not submitted proof the case file was sent to Defendant and will not be issuing sanctions at this time. Matter set for status check.

7/14/21 12:30PM STATUS CHECK

CLERK'S NOTE: distributed to, carl@jharmonlaw.com

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 14, 2021

C-18-329403-1 State of Nevada
vs
Ismail Young

July 14, 2021 12:30 AM Status Check

HEARD BY: Lilly-Spells, Jasmin

COURTROOM: RJC Courtroom 12D

COURT CLERK: Alice Jacobson

RECORDER: Maria Garibay

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- DA- VICTORIA VILLEGAS

Attorney Carl Arnold not present. COURT FINDS Mr. Arnold in contempt of Court and he is to pay a fine of \$100.00 or to provide proof the file was sent to the Defendant. Matter SET for status check 8/11/21 12:30pm.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 11, 2021

C-18-329403-1 State of Nevada
 vs
 Ismail Young

August 11, 2021 12:30 AM Status Check

HEARD BY: Gibbons, Mark **COURTROOM:** RJC Courtroom 12D

COURT CLERK: Jill Chambers

RECORDER: Deloris Scott

REPORTER:

PARTIES

PRESENT: Giles, Michael G Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Court noted that the matter was previously continued to allow Mr. Arnold to turn over the Deft's file to him and ORDERED SANCTIONS in the amount of \$10.00. COURT FURTHER ORDERED, MATTER CONTINUED.

NDC

CONTINUED TO: 8/25/21 12:30 PM

EXHIBIT(S) LIST

Case No.: C329403 1-2
 Dept. No.: 8

Hearing Date: 6-15-18
 Judge: DOUGLAS E. SMITH

THE STATE OF NEVADA
 PLAINTIFF(S),

Court Clerk: PHYLLIS IRBY

Recorder: LINA VILLANI

Counsel for Plaintiff:
AGNES LEXAS

Counsel for Defendant:
A. WEINSTOCK

YOUNG, ISMAIL
HAYES, CARMEN
 DEFENDANT(S).

HEARING BEFORE THE COURT

STATES EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted	
1	PHOTO-FACE	6-15-18	NO	6-15-18	ur
2	PHOTO-MAN W/TOWEL				ur
3	PHOTO-MAN BACK W/TOWEL				ur
4	PHOTO-SIDE BODY W/WOUND				ur
5	PHOTO-BODY FRONT W/GLOVE				ur
6	PHOTO-MAN HOSPITAL BED				ur
7	PHOTO-BODY W/TUBES				ur
8	PHOTO-MAN W/TUBES NOSE & BODY				ur
9	PHOTO-MAN W/TUBES				ur
10	PHOTO-BODY IN HOSPITAL BED				ur
11	PHOTO-LEGS				ur
12	PHOTO-CHEST W/BANDAGE				ur
13	PHOTO-CHEST W/BANDAGE & TUBES				ur
14	PHOTO-EAR				ur
15	PHOTO-BODY W/TUBES & BANDAGES				ur
16	WITNESS PHOTO I.D. INSTRUCTION (2)				ur
17	WITNESS PHOTO I.D. INSTRUCTION (7)				ur

CASE NO: C329403-1,2

VS.

STATES EXHIBITS

Printed March 29, 2016

EXHIBIT(S) LIST

Case No.: C329403

Sentencing: 01/09/2019

Dept. No.: VIII

Judge: Douglas Smith

Court Clerk: Carol Donahoo

Plaintiff: The State of Nevada

Recorder / Reporter: Gina Villani

Counsel for Plaintiff: Agnes Lexis

vs.

Defendant: Ismail Young & Carman Hayes

Counsel for Defendant: Carl Arnold/Arnold
Weinstock

STATE'S EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted
1.	Photographs (11)			1/9/19 <i>WT</i>

Certification of Copy

State of Nevada }
County of Clark } SS:

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

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

STATE OF NEVADA,

Plaintiff(s),

vs.

ISMAIL T. YOUNG aka ISMAIL YOUNG,

Defendant(s).

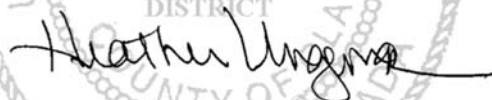
Case No: C-18-329403-1

Dept No: XXIII

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 30 day of August 2021.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk

