

Electronically Filed
Sep 29 2021 08:29 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

NOASC
LUCAS J. GAFFNEY, ESQ.
Nevada Bar No. 12373
GAFFNEY LAW
1050 Indigo Drive, Suite 120
Las Vegas, Nevada 89145
Telephone: (702) 742-2055
Facsimile: (702) 920-8838
lucas@gaffneylawlv.com
Attorney for Appellant

DISTRICT COURT
CLARK COUNTY, NEVADA

DORIE REGINA HENLEY ,

Appellant,

v.

THE STATE OF NEVADA,

Respondent.

CASE NO. C-17-327585-1

DEPT. NO. IX

NOTICE OF APPEAL

NOTICE is hereby given that DORIE HENLEY, Appellant above named, hereby appeals to the Nevada Supreme Court from District Court's decision rendered in this action, the 24th day of August, 2021.

DATED this 21st day of September 2021.

GAFFNEY LAW

/s/ Lucas J. Gaffney, Esq.

LUCAS J. GAFFNEY, ESQ.
Nevada Bar No. 12373
1050 Indigo Drive, Suite 120
Las Vegas, Nevada 89145
Telephone: (702) 742-2055
Attorney for Appellant

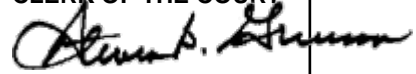
1 **CERTIFICATE OF SERVICE**

2 I hereby certify and affirm that this document was filed electronically with the Nevada State
3 District Court in Clark County, Nevada on September 21, 2021. Electronic service of the foregoing
4 document shall be made in accordance with the Master Service List as follows:
5

6 STEVEN WOLFSON,
7 Clark County District Attorney
8 200 Lewis Avenue
9 Las Vegas, Nevada 89101
10 Motions@clarkcountyda.com
Respondent

11 AARON D. FORD
12 Nevada Attorney General
13 100 N. Carson Street
Carson City, Nevada 89701-4714

14
15 By: /s/ Lucas Gaffney
16 An employee of GAFFNEY LAW.
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LUCAS J. GAFFNEY, ESQ.
Nevada Bar No. 12373
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Las Vegas, Nevada 89145
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Facsimile: (702) 920-8838
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Attorney for Appellant

DISTRICT COURT
CLARK COUNTY, NEVADA

DORIE REGINA HENLEY ,

Appellant,

v.

THE STATE OF NEVADA,

Respondent.

CASE NO. C-17-327585-1

DEPT. NO. IX

CASE APPEAL STATEMENT

1. Appellant filing this case appeal statement: **Dorie Henley.**

2. The name of the judge who entered the order or judgment that is being appealed: **The Honorable Cristina D. Silva.**

3. All parties to the proceedings in the district court (the use of et al. to denote parties is prohibited): **Dorie Henley, Defendant; The State of Nevada, Plaintiff.**

4. All parties involved in this appeal (the use of et. al. to denote parties is prohibited): **Dorie Henley, Appellant; The State of Nevada, Respondent.**

5. Name, law firm, address, and telephone number of all counsel on appeal and party or parties whom they represent:

1
2 **LUCAS J. GAFFNEY, ESQ.**
3 **GAFFNEY LAW**
4 **1050 Indigo Drive, Suite 120**
5 **Las Vegas, Nevada 89145**
6 **(702) 742-2055**
7 *Attorney for Appellant*

STEVEN B. WOLFSON
Clark County District Attorney
200 Lewis Avenue
Las Vegas, Nevada 89155
(702) 671-2500
Attorney for Respondent

8 6. Whether an attorney identified in response to paragraph 5 is not licensed to practice
9 law in Nevada, and if so, whether the district court granted that attorney permission to appear under
10 SCR 42, including a copy of any district court order granting that permission: **N/A.**

11 7. Whether appellant was represented by appointed or retained counsel in the district
12 court: **Appointed.**

13 8. Whether appellant is represented by appointed or retained counsel on appeal:
14 **Appointed.**

15 9. Whether appellant was granted leave to proceed in forma pauperis, and the date of entry
16 of the district court order granting such leave: **N/A.**

17 10. Date proceedings commenced in the district court (e.g., date complaint, indictment,
18 information, or petition was filed): **Indictment filed November 1, 2017.**

19 11. A brief description of the nature of the action and result in the district court, including
20 the type of judgment or order being appealed and the relief granted by the district court: **This is a**
21 **direct appeal from a Judgment of Conviction pursuant to a guilty plea agreement.**

22 12. Whether the case has previously been the subject of an appeal to or original writ
23 proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number of the prior
24 proceeding: **N/A**

25 13. Whether the appeal involves child custody or visitation: **N/A.**

26
27 **///**
28

1 14. In civil cases, whether the appeal involves the possibility of settlement. N/A.

2
3 DATED this 21st day of September, 2021.

4
5 GAFFNEY LAW

6 /s/ Lucas J. Gaffney, Esq.

7 LUCAS J. GAFFNEY, ESQ.

8 Nevada Bar No. 12373

9 1050 Indigo Drive, Suite 120

10 Las Vegas, Nevada 89145

11 Telephone: (702) 742-2055

12 Attorney for Appellant

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STEVEN WOLFSON,
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200 Lewis Avenue
Las Vegas, Nevada 89101
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Respondent

AARON D. FORD
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100 N. Carson Street
Carson City, Nevada 89701-4714

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EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY
CASE NO. C-17-327585-1

State of Nevada
vs
Dorie Henley

§ Location: **Department 9**
§ Judicial Officer: **Silva, Cristina D.**
§ Filed on: **11/01/2017**
§ Case Number History:
§ Cross-Reference Case **C327585**
§ Number:
§ Defendant's Scope ID #: **2826387**
§ ITAG Case ID: **1929131**
§ Lower Court Case # Root: **17AGJ113**
§ Lower Court Case Number: **17AGJ113A**

CASE INFORMATION

Offense	Statute	Deg	Date	Case Type:	Felony/Gross Misdemeanor
1. MURDER (SECOND DEGREE) WITH USE OF A DEADLY WEAPON	200.030.2	F	10/10/2017	Case Status:	08/30/2021 Closed
<i>Filed As:</i> MURDER WITH USE OF A DEADLY WEAPON	F	11/1/2017			
2. CONSPIRACY TO COMMIT MURDER	200.010	F	10/10/2017		
3. THIRD DEGREE ARSON	205.020	F	10/10/2017		
4. CONSPIRACY TO COMMIT THIRD DEGREE ARSON	205.020	G	10/10/2017		
5. FIRST DEGREE KIDNAPPING	200.310.1	F	10/10/2017		
6. CONSPIRACY TO COMMIT KIDNAPPING	200.310.1	F	10/10/2017		
7. ROBBERY WITH USE OF A DEADLY WEAPON	200.380	F	10/10/2017		
8. CONSPIRACY TO COMMIT ROBBERY	200.380	F	10/10/2017		
9. GRAND LARCENY AUTO	205.228.2	F	10/10/2017		
10. CONSPIRACY TO COMMIT LARCENY	199.480.3	G	10/10/2017		

Related Cases

C-17-327585-2 (Multi-Defendant Case)
C-17-327585-3 (Multi-Defendant Case)

Statistical Closures

08/30/2021 Guilty Plea with Sentence (before trial) (CR)

Warrants

Indictment Warrant - Henley, Dorie Regina (Judicial Officer: Gonzalez, Elizabeth)
11/07/2017 1:28 PM Returned - Served
11/01/2017 11:45 AM Active
Hold Without Bond

DATE

CASE ASSIGNMENT

Current Case Assignment




Case Number C-17-327585-1
Court Department 9
Date Assigned 01/04/2021
Judicial Officer Silva, Cristina D.

PARTY INFORMATION

Defendant	Henley, Dorie Regina	<i>Lead Attorneys</i> Gaffney, Lucas <i>Retained</i> 702-742-2055(H)
Plaintiff	State of Nevada	Wolfson, Steven B

CASE SUMMARY**CASE NO. C-17-327585-1**

702-671-2700(W)

DATE	EVENTS & ORDERS OF THE COURT	INDEX
	<u>EVENTS</u>	
11/01/2017	 Indictment [1]	In #1
11/01/2017	 Warrant [2] Indictment Warrant; Warrant for Arrest	In #2
11/02/2017	 Transcript of Proceedings [3] Reporter's Transcript of Proceedings, Grand Jury Hearing, Volume 1, October 24, 2017	In #3
11/02/2017	 Transcript of Proceedings [4] Reporter's Transcript of Proceedings, Grand Jury Hearing, Volume 2, October 31, 2017	In #4
11/02/2017	 Indictment Warrant Return [5]	In #5
11/02/2017	 Motion to Dismiss [6] Motion to Dismiss Indictment or, in the Alternative, for Own Recognizance Release Pending Writ Due to State's Knowing and Intentional Deprivation of Defendant's Rights	In #6
11/16/2017	 Opposition Filed By: Plaintiff State of Nevada [7] State's Opposition to Defendant's Motion for Own Recognizance Release/Setting of Reasonable Bail	In #7
11/28/2017	 Notice of Department Reassignment [8] Notice of Department Reassignment	In #8
11/28/2017	 Petition for Writ of Habeas Corpus Filed by: Defendant Henley, Dorie Regina [9] Petition for Writ of Habeas Corpus	In #9
12/05/2017	 Joinder Filed By: Defendant Henley, Dorie Regina [10] Notice of Joinder and Joinder in Co-Defendant Andrew Henley's Petition for Writ of Habeas Corpus	In #1
12/06/2017	 Opposition Filed By: Plaintiff State of Nevada [11] State's Opposition to Defendant's Petition for Writ of Habeas Corpus	In #1
12/20/2017	 Order Filed By: Defendant Henley, Dorie Regina [12] Order on Motion to Dismiss Indictment Or, In The Alternative, For Own Recognizance Release Pending Writ Due To The State's Knowing And Intentional Deprivation of Defendant's Rights	In #1
12/20/2017	 Order	In #1

CASE SUMMARY

CASE NO. C-17-327585-1

	Filed By: Defendant Henley, Dorie Regina <i>[13] Order Denying Motion to Stay Proceedings Pending Writ To Supreme Court On Order on Motion to Dismiss Indictment Or, In The Alternative, For Own Recognizance Release Pending Writ Due To The State's Knowing and Intentional Deprivation Of Defendant's Rights</i>	
05/02/2018	 Receipt of Copy <i>[14] Receipt of Copy</i>	In #1
05/18/2018	 Recorders Transcript of Hearing <i>[15] Recorder's Transcript of Hearing: Petition for Writ of Habeas Corpus; Notice of Joinder and Joinder to Co-Defendant Andrew Henley's Petition for Writ of Habeas Corpus. December 19, 2017</i>	In #1
07/10/2018	 Order Filed By: Plaintiff State of Nevada <i>[16] Order Granting in part and Denying in part, Defendant's Petition for Writ of Habeas Corpus</i>	In #1
08/20/2018	 Notice of Witnesses and/or Expert Witnesses Filed By: Plaintiff State of Nevada <i>[17] State's Notice of Expert Witnesses</i>	In #1
10/31/2018	 Motion Filed By: Defendant Henley, Dorie Regina <i>[18] Defendant Dorie Henley's Motion for an Evidentiary Hearing Pursuant to Jackson v. Denno Prior to Admission of Any Statements</i>	In #1
10/31/2018	 Motion Filed By: Defendant Henley, Dorie Regina <i>[19] Defendant Dorie Henley's Motion to Sever Defendants</i>	In #1
02/26/2019	 Opposition Filed By: Plaintiff State of Nevada <i>[20] State's Opposition to Defendant Dorie Henley's Motion to Sever</i>	In #2
03/01/2019	 Opposition Filed By: Plaintiff State of Nevada <i>[21] State's Opposition to Defendant Dorie Henley's Motion for an Evidentiary Hearing Pursuant to Jackson v. Denno Prior to Admission of Any Statements</i>	In #2
03/05/2019	 Notice of Witnesses and/or Expert Witnesses Filed By: Plaintiff State of Nevada <i>[22] State's Notice of Witnesses</i>	In #2
03/05/2019	 Notice of Witnesses and/or Expert Witnesses Filed By: Plaintiff State of Nevada <i>[23] State's Supplemental Notice of Expert Witnesses</i>	In #2
03/12/2019	 Receipt of Copy <i>[24] Receipt of Copy</i>	In #2
03/19/2019	 Receipt of Copy	In #2

CASE SUMMARY**CASE NO. C-17-327585-1**

	<i>[25] Receipt of Copy</i>	
04/10/2019	 Recorders Transcript of Hearing <i>[26] Recorder's Partial Transcript of Hearing: All Pending Motions 03.11.19</i>	<i>In #2</i>
04/11/2019	 Filed Under Seal <i>[27] Monday March 11, 2019 Recorder's Partial Transcript of Hearings: All Pending Motions [Sealed Portion]</i>	<i>In #2</i>
05/07/2019	 Receipt of Copy <i>[28] Receipt of Copy</i>	<i>In #2</i>
07/16/2019	 Motion Filed By: Defendant Henley, Dorie Regina <i>[29] Motion for Eyeglasses at State's Expense</i>	<i>In #2</i>
09/04/2019	 Ex Parte Order Filed By: Defendant Henley, Dorie Regina <i>[30] Ex Parte order for Transport</i>	<i>In #2</i>
03/16/2020	 Acknowledgment <i>[31] Settlement Conference Acknowledgment</i>	<i>In #2</i>
03/16/2020	 Amended Indictment <i>[32] Amended Indictment</i>	<i>In #2</i>
03/16/2020	 Guilty Plea Agreement <i>[33] Guilty Plea Agreement</i>	<i>In #2</i>
04/22/2020	 PSI <i>[34]</i>	<i>In #2</i>
06/22/2020	 Motion Filed By: Defendant Henley, Dorie Regina <i>[35] Motion for Appointment of Independent Counsel to Determine if Grounds Exist to Withdraw Plea</i>	<i>In #2</i>
06/22/2020	 Clerk's Notice of Hearing <i>[36] Notice of Hearing</i>	<i>In #2</i>
07/20/2020	 Recorders Transcript of Hearing <i>[37] Recorder's Transcript of Hearing Re: Entry of Plea - March 16, 2020</i>	<i>In #2</i>
08/25/2020	 Motion Filed By: Defendant Henley, Dorie Regina <i>[38] Defendant Dorie Henley's Motion to Withdraw Guilty Plea Agreement</i>	<i>In #2</i>
10/06/2020	 Order Filed By: Plaintiff State of Nevada <i>[39] Order for Transcript</i>	<i>In #2</i>

CASE SUMMARY
CASE NO. C-17-327585-1

10/15/2020	 Recorders Transcript of Hearing <i>[40] Recorder's Transcript of Hearing Re: All Pending Motions - January 10, 2019</i>	In #4
10/15/2020	 Recorders Transcript of Hearing <i>[41] Recorder's Transcript of Hearing Re: All Pending Motions - February 12, 2019</i>	In #4
10/15/2020	 Recorders Transcript of Hearing <i>[42] Recorder's Transcript of Hearing Re: All Pending Motions - March 14, 2019</i>	In #4
10/15/2020	 Recorders Transcript of Hearing <i>[43] Recorder's Transcript of Hearing Re: Defendant Dorie Henley's Motion to Sever Defendants; Status Check: Statements of Defendants - May 23, 2019</i>	In #4
10/15/2020	 Recorders Transcript of Hearing <i>[44] Recorder's Transcript of Hearing Re: Status Check: Trial Readiness - July 25, 2019</i>	In #4
10/15/2020	 Recorders Transcript of Hearing <i>[45] Recorder's Transcript of Hearing Re: Status Check: Trial Readiness - September 26, 2019</i>	In #4
12/02/2020	 Opposition <i>[46] State's Opposition to Defendant's Motion to Withdraw Guilty Plea</i>	In #4
01/04/2021	Case Reassigned to Department 9 <i>Judicial Reassignment to Judge Cristina Silva</i>	
01/12/2021	 Reply to Opposition Filed by: Defendant Henley, Dorie Regina <i>[47] Reply to State's Opposition to Defendant's Motion to Withdraw Guilty Plea</i>	In #4
04/01/2021	 Recorders Transcript of Hearing <i>[48] RECORDER'S TRANSCRIPT OF HEARING: EVIDENTIARY HEARING. HEARD ON MARCH 4, 2021</i>	In #4
05/28/2021	 Decision <i>[49] Decision: Motion to Withdraw Plea</i>	In #4
06/01/2021	 Notice of Hearing <i>[50] Notice of Hearing: Status Check</i>	In #5
08/24/2021	 Judgment of Conviction <i>[51] Judgment of Conviction (Plea of Guilty)</i>	In #5
08/30/2021	 Criminal Order to Statistically Close Case <i>[52] Criminal Order to Statistically Close Case</i>	In #5
09/21/2021	 Notice of Appeal (Criminal) Party: Defendant Henley, Dorie Regina <i>[53] Notice of Appeal</i>	In #5

CASE SUMMARY
CASE NO. C-17-327585-1

In
#:

09/21/2021



Case Appeal Statement

Filed By: Defendant Henley, Dorie Regina
[54] Case Appeal Statement

DISPOSITIONS

03/18/2020

Disposition (Judicial Officer: Adair, Valerie)

2. CONSPIRACY TO COMMIT MURDER

Amended Information Filed/Charges Not Addressed
PCN: Sequence:

3. THIRD DEGREE ARSON

Amended Information Filed/Charges Not Addressed
PCN: Sequence:

4. CONSPIRACY TO COMMIT THIRD DEGREE ARSON

Amended Information Filed/Charges Not Addressed
PCN: Sequence:

5. FIRST DEGREE KIDNAPPING

Amended Information Filed/Charges Not Addressed
PCN: Sequence:

6. CONSPIRACY TO COMMIT KIDNAPPING

Amended Information Filed/Charges Not Addressed
PCN: Sequence:

7. ROBBERY WITH USE OF A DEADLY WEAPON

Amended Information Filed/Charges Not Addressed
PCN: Sequence:

8. CONSPIRACY TO COMMIT ROBBERY

Amended Information Filed/Charges Not Addressed
PCN: Sequence:

9. GRAND LARCENY AUTO

Amended Information Filed/Charges Not Addressed
PCN: Sequence:

10. CONSPIRACY TO COMMIT LARCENY

Amended Information Filed/Charges Not Addressed
PCN: Sequence:

04/23/2021

Plea (Judicial Officer: Silva, Cristina D.)

1. MURDER (SECOND DEGREE) WITH USE OF A DEADLY WEAPON

Guilty
PCN: Sequence:

08/20/2021

Disposition (Judicial Officer: Silva, Cristina D.)

1. MURDER (SECOND DEGREE) WITH USE OF A DEADLY WEAPON

Guilty
PCN: Sequence:

08/20/2021

Adult Adjudication (Judicial Officer: Silva, Cristina D.)

1. MURDER (SECOND DEGREE) WITH USE OF A DEADLY WEAPON

10/10/2017 (F) 200.030.2 (DC50011)
PCN: Sequence:

CASE SUMMARY**CASE NO. C-17-327585-1**


Sentenced to Nevada Dept. of Corrections

Term: Life with the possibility of parole after:15 Years

Credit for Time Served: 1406 Days

Fee Totals:

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

HEARINGS11/01/2017  **Grand Jury Indictment** (11:45 AM) (Judicial Officer: Gonzalez, Elizabeth)**MINUTES****Warrant**

11/01/2017 Inactive Indictment Warrant

Matter Heard;

Journal Entry Details:

Sandra Moore, Grand Jury Deputy Foreperson, stated to the Court that at least twelve members had concurred in the return of the true bill during deliberation, but had been excused for presentation to the Court. State presented Grand Jury Case Number 17AGJ113A to the Court. COURT ORDERED, the Indictment may be filed and is assigned Case Number C-17-327585-1, Department III, as coordinator of the homicide team. Mr. Stanton requested a warrant, argued no bail be set as in Justice Court, and advised Deft is in custody. Ms. Brown argued in support of a summons or O.R. release. COURT ORDERED, INDICTMENT WARRANT ISSUED. NO BAIL setting previously set in Justice Court will REMAIN. Counsel to file written bail motion with the assigned Department. COURT FURTHER ORDERED, matter SET for Arraignment. Exhibits 1 - 21 to be lodged with the Clerk of the Court. Upon inquiry of the Court, State advised there are no material witness warrants to be quashed. Both sides confirmed the Las Vegas Justice Court case was dismissed this morning. I.W. (CUSTODY) 11-7-17 9:00 AM INITIAL ARRAIGNMENT (DEPT III - Herndon);

SCHEDULED HEARINGS**Initial Arraignment** (11/07/2017 at 9:00 AM) (Judicial Officer: Herndon, Douglas W.)11/07/2017 **Initial Arraignment** (9:00 AM) (Judicial Officer: Herndon, Douglas W.)

Plea Entered;

11/07/2017 **Indictment Warrant Return** (9:00 AM) (Judicial Officer: Herndon, Douglas W.)

Matter Heard;

11/07/2017 **Motion for Own Recognizance Release/Settling Reasonable Bail** (9:00 AM) (Judicial Officer: Herndon, Douglas W.)
11/07/2017, 11/21/2017

Defendant's Motion to Dismiss Indictment or, in the Alternative, for Own Recognizance Release Pending Writ Due to the State's Knowing and Intentional Deprivation of Defendant's Rights

Continued;

Continued;

Continued;

Continued;

11/07/2017  **All Pending Motions** (9:00 AM) (Judicial Officer: Herndon, Douglas W.)

Matter Heard;

Journal Entry Details:

Also present: Co-defendant A. Henley, in custody, represented by Andrea Luem, Esq. Co-defendant Franco, in custody, represented by John Parris, Esq. INDICTMENT WARRANT RETURN..INITIAL ARRAIGNMENT...MOTION TO DISMISS INDICTMENT OR IN THE ALTERNATIVE FOR OWN RECOGNIZANCE RELEASE PENDING WRIT DUE TO THE STATE'S KNOWING AND INTENTIONAL DEPRIVATION OF DEFENDANT'S RIGHTS Mr. Stanton advised


CASE SUMMARY

CASE NO. C-17-327585-1

matter will be going in front of the Death Review Committee. DEFT. HENLEY ARRAIGNED, PLED NOT GUILTY, and WAIVED the 60-DAY RULE. COURT ORDERED, counsel has 21 days to from today to file any Writs. COURT FURTHER ORDERED, matter SET for Status Check, noting matter will remain in this department for now. CUSTODY 11/21/17 9:00 AM MOTION TO DISMISS.... STATUS CHECK: DECISION/REASSIGNMENT;

11/21/2017 **Status Check (2:00 PM)** (Judicial Officer: Herndon, Douglas W.)

Status Check: Decision/Reassignment
Matter Heard;

11/21/2017  **All Pending Motions (2:00 PM)** (Judicial Officer: Herndon, Douglas W.)

Matter Heard;

Journal Entry Details:


Also present: Codefendant Henley, in custody, represented by Andrea Luem, Esq. and Codefendant Franco, in custody, represented by Andrea Luem, Esq. standing in for John Parris, Esq. DEFENDANT'S MOTION TO DISMISS INDICTMENT OR, IN THE ALTERNATIVE, FOR OWN RECOGNIZANCE RELEASE PENDING WRIT DUE TO THE STATE'S KNOWING AND INTENTIONAL DEPRIVATION OF DEFENDANT'S RIGHTS...STATUS CHECK: DECISION/REASSIGNMENT Court stated matter is on calendar for decision on death review committee and reassignment, noting there is a motion to dismiss pending as to Ms. Henley. Upon Court's inquiry, Mr. Stanton advised the State will not be seeking death. Pursuant to EDCR 1.30 and 1.31 this court ORDERS Case C327585-1, C327585-2, and C327585-3 REASSIGNED to Department 21, matter SET for Status Check. Court stated he prefers the new department rule on the motion. COURT FURTHER ORDERED, motion CONTINUED. CUSTODY 11/30/17 9:30 AM STATUS CHECK: TRIAL SETTING (ALL) DEFENDANT'S MOTION TO DISMISS INDICTMENT OR, IN THE ALTERNATIVE, FOR OWN RECOGNIZANCE RELEASE PENDING WRIT DUE TO THE STATE'S KNOWING AND INTENTIONAL DEPRIVATION OF DEFENDANT'S RIGHTS (D. HENLEY) (DEPT. 21) ;

11/30/2017 **Status Check: Trial Setting (9:30 AM)** (Judicial Officer: Adair, Valerie)

Matter Heard;

11/30/2017 **Motion (9:30 AM)** (Judicial Officer: Adair, Valerie)

Defendant's Motion to Dismiss Indictment, or In the Alternative, for Own Recognizance Release Pending Writ Due to the State's Knowing and Intentional Deprivation of Defendant's Rights
Decision Pending;
Decision 12/7/17

11/30/2017  **All Pending Motions (9:30 AM)** (Judicial Officer: Adair, Valerie)


MINUTES

Matter Heard;

Journal Entry Details:

DEFT'S MOTION TO DISMISS INDICTMENT...STATUS CHECK. Counsel stated they anticipated needing 7-8 days for trial. Court SET trial date. Argument as to Deft's motion. Court advised counsel a decision would issue from chambers. CUSTODY 3/23/18 9:30 AM CALENDAR CALL 3/26/18 9:30 AM JURY TRIAL;

SCHEDULED HEARINGS

 **Calendar Call (03/22/2018 at 9:30 AM)** (Judicial Officer: Adair, Valerie)

CANCELED Jury Trial (03/26/2018 at 9:00 AM) (Judicial Officer: Adair, Valerie)

Vacated

12/07/2017  **Decision (9:30 AM)** (Judicial Officer: Adair, Valerie)

Defendant's Motion to Dismiss Indictment

Matter Heard;

Journal Entry Details:

Court FINDS, Ms. Brown was not required to serve the State with an executed waiver of rights and that the Marcum notice was therefore defective, not giving the statutory five day period adding that Mr. Stanton was correct that in the 2015 amendments he may have the Deft. testify before the same Grand Jury that has already deliberated and have them deliberate again with the testimony of the Deft. Upon the Court's inquiry, Ms. Brown stated that it was her desire to have her client testify before the Grand Jury, that she would need to speak to her first but further stated that her client was being held illegally. Court advised that it researched the legislative history, which did not provide any guidance, along with consulting with colleagues on the homicide team. Court further advised counsel of possible remedies. Ms. Brown moved to have the indictment dismissed. Mr. Stanton argued to have the Deft. testify in front of the Grand Jury. Court advised that additional research would be welcomed and at the very least, Mr. Stanton must make time available Tuesday for the Deft. to testify. Ms. Brown objected to the short time given for her to respond and

CASE SUMMARY
CASE NO. C-17-327585-1

that Mr. Stanton should have to renounce her. Court advised counsel that it was inclined to allow Mr. Stanton to have the Deft. testify. Ms. Brown stated that she was going to request a stay. The Court advised that it was not willing to grant the stay and release the Deft. from custody. COURT ORDERED, Deft. to testify before the Grand Jury. Colloquy regarding moving the hearing date on the writ. Upon inquiry of the Court, Mr. Stanton stated that he would not object to waiving any defects in hearing Ms. Brown's petition based on the other evidence that has been presented. Court advised that it would delay the decision as to the remedy until after the testimony date and welcomed any blind briefing counsel would like to submit. CUSTODY;

12/12/2017 **Petition for Writ of Habeas Corpus (9:30 AM)** (Judicial Officer: Adair, Valerie)

12/12/2017, 12/19/2017

Matter Continued;
Matter Heard;
Matter Continued;
Matter Heard;

12/12/2017 **Joinder (9:30 AM)** (Judicial Officer: Adair, Valerie)

12/12/2017, 12/19/2017

Notice of Joinder and Joinder in Co-Defendant Andrew Henley's Petition for Writ of Habeas Corpus

MINUTES

Matter Continued;
Matter Heard;

MINUTES

Matter Continued;
Matter Heard;

SCHEDULED HEARINGS



All Pending Motions (12/12/2017 at 9:30 AM) (Judicial Officer: Adair, Valerie)

SCHEDULED HEARINGS



All Pending Motions (12/19/2017 at 9:30 AM) (Judicial Officer: Adair, Valerie)



Decision (01/08/2018 at 3:00 AM) (Judicial Officer: Adair, Valerie)

12/12/2017 **All Pending Motions (9:30 AM)** (Judicial Officer: Adair, Valerie)

Matter Continued;
Journal Entry Details:

PETITION OF WRIT OF HABEAS CORPUS....JOINDER Court noted that it reviewed everything. Argument by counsel. Ms. Brown argued that the indictment is defective and requested the Deft. be released. Court noted that counsel would have the Deft. testify 1/2/18 instead of the original date agreed upon. Ms. Luem stated she filed a joinder and a writ that contained different issues than that of the Deft. Mr. Stanton requested additional time to respond to Ms. Luem's petition by Thursday. Court ORDERED, MATTER CONTINUED to review the exhibits. CUSTODY CONTINUED TO: 12/19/17 9:30 AM;

12/19/2017 **All Pending Motions (9:30 AM)** (Judicial Officer: Adair, Valerie)

Matter Heard;
Journal Entry Details:

DECISION: DEFT'S MOTION TO DISMISS INDICTMENT...JOINDER Court noted that it placed the matter on calendar and stated FINDINGS. Court FINDS that Ms. Brown was not required to serve the State with an executed waiver of rights and therefore, the Markum notice was defective adding that Mr. Stanton can have the Deft. testify before the same Grand Jury and have them deliberate again considering the Deft's testimony. Upon inquiry of the Court, Ms. Brown stated that she did want to have the Deft. testify and argued that she was being held illegally. Court advised counsel of three possible remedies; dismiss the indictment and advise Mr. Stanton that he could present at any time; direct Mr. Stanton to schedule time on Tuesday for the Deft. to testify and hold the Deft. on the indictment that currently stands based on the probable cause finding of the Grand Jury and if time is not made available, dismiss the case; Mr. Stanton could have the Deft. remanded or resurrect the criminal complaint in Justice Court by issuing a summons. The Court advised counsel that there was no guidance on the matter and that it would welcome additional briefing. Court advised it would give Mr. Stanton until Tuesday to have the Deft. testify. Ms. Brown requested a stay in the matter. Court stated the issue will remain open as to remedies until 12/12/17 and directed Mr. Stanton to make time for the Deft. to testify.;

01/08/2018 **Decision (3:00 AM)** (Judicial Officer: Adair, Valerie)

CASE SUMMARY

CASE NO. C-17-327585-1

Decision Made;

Journal Entry Details:

Defendant's Petition for Writ of Habeas Corpus is granted as to Count 2 Conspiracy to Commit Murder and Count 4 Conspiracy to Commit Third Degree Arson; the Petition is denied as to all other counts for the reasons previously stated by the Court at the hearing. The State is directed to prepare the order. CLERK'S NOTE: The above minute order has been distributed to counsel via email. jmc 1/24/18;

03/22/2018



Calendar Call (9:30 AM) (Judicial Officer: Adair, Valerie)

Matter Heard;

Journal Entry Details:

Ms. Luem stated that she previously notified the Court that she would not be ready to proceed with the trial date given and that she was still missing discovery such as the DNA analysis. Upon inquiry of the Court, Mr. Stanton stated he was still waiting on DNA and fingerprint data along with possible cell phone data and transcripts from Metro that would be done. Ms. Brown stated she had not received the homicide report, the video requested or the witness statements adding that she sent an extensive list to the State and was told she would have everything thirty days ago. Mr. Stanton stated he provided most of it on 2/3/18. Ms. Brown stated she did not receive anything. Court directed counsel to look into it further and provide what is available. Ms. Luem stated she sent a subpoena to metro for photos, reports and all of the data related, CAD, 911 calls and that she would provide to counsel when she received any of it. Court directed Ms. Luem to also share what subpoenas she's issued so there they are not sent again. Mr. Parris stated he would not be ready to proceed to trial adding that his client was willing to waive his right for a speedy trial. Court confirmed with Deft. Franco that he wanted to waive the right to a speed trial. Colloquy regarding trial dates. Court SET a status check to set a new trial date and to get an update as to the materials from Metro, the file review and discovery. At the status check, Court will set a subsequent status check on the DNA and fingerprinting if it is not provided by the next status check. CUSTODY 4/17/18 9:30 AM STATUS CHECK: SETTING OF TRIAL;

03/26/2018

CANCELED Jury Trial (9:00 AM) (Judicial Officer: Adair, Valerie)

Vacated

04/17/2018



Status Check: Trial Setting (9:30 AM) (Judicial Officer: Adair, Valerie)

MINUTES

Trial Date Set;

Journal Entry Details:

Colloquy regarding trial scheduling. COURT SET MATTER FOR TRIAL. CUSTODY 9/13/18 9:30 AM CALENDAR CALL 9/17/18 9:30 AM JURY TRIAL;

SCHEDULED HEARINGS



Calendar Call (09/13/2018 at 9:30 AM) (Judicial Officer: Adair, Valerie)

CANCELED Jury Trial (09/17/2018 at 9:30 AM) (Judicial Officer: Adair, Valerie)

Vacated

09/13/2018



Calendar Call (9:30 AM) (Judicial Officer: Adair, Valerie)

MINUTES

Trial Date Set;

Journal Entry Details:

Mr. Stanton stated that he received an email saying Ms. Brown would not be ready for trial but that the State was ready. Mr. Brown stated that counsel would not be ready along with the co-Defts. adding that there were motion to file and leads to follow up on. Mr. Brown also stated that a substantial amount of discovery was received from the Deft. and the State and after reviewing everything, found that motions to sever and suppress and possibly an additional motion for discovery. Mr. Stanton stated that he provided thumbdrives with a voluminous amount of information. Ms. Luem stated that she recently received transcripts of the Defts' statements and requested the matter be continued to allow her to file a motion to sever if Ms. Brown does not. Mr. Parris stated that he received the thumbdrive approximately one month ago and had other developments come up that he would like to follow up on adding that he would be filing a motion to sever and possibly others. Mr. Stanton stated there were no offers but that it would be a package deal and would be made within the next 45 days. COURT ORDERED, MATTER CONTINUED and SET new trial date. CUSTODY 11/15/18 9:30 AM STATUS CHECK: TRIAL READINESS 3/21/19 9:30 AM CALENDAR CALL 3/25/19 9:30 AM JURY TRIAL;


SCHEDULED HEARINGS

Status Check: Trial Readiness (11/15/2018 at 9:30 AM) (Judicial Officer: Adair, Valerie)

11/15/2018, 01/10/2019, 02/12/2019, 02/19/2019, 03/05/2019

CANCELED Calendar Call (03/21/2019 at 9:30 AM) (Judicial Officer: Adair, Valerie)

CASE SUMMARY
CASE NO. C-17-327585-1

	<p><i>Vacated</i></p> <p>CANCELED Jury Trial (03/25/2019 at 9:30 AM) (Judicial Officer: Adair, Valerie)</p> <p><i>Vacated</i></p>
09/17/2018	<p>CANCELED Jury Trial (9:30 AM) (Judicial Officer: Adair, Valerie)</p> <p><i>Vacated</i></p>
11/15/2018	<p>Status Check: Trial Readiness (9:30 AM) (Judicial Officer: Adair, Valerie)</p> <p>11/15/2018, 01/10/2019, 02/12/2019, 02/19/2019, 03/05/2019</p> <p>MINUTES</p> <p>Matter Continued;</p> <p>Matter Continued;</p> <p>Matter Continued;</p> <p>Matter Continued;</p> <p>Matter Heard;</p> <p>Matter Continued;</p> <p>Matter Continued;</p> <p>Matter Continued;</p> <p>Matter Continued;</p> <p>Matter Heard;</p> <p>Matter Continued;</p> <p>Matter Continued;</p> <p>Matter Continued;</p> <p>Matter Continued;</p> <p>Matter Heard;</p> <p>Matter Continued;</p> <p>Matter Continued;</p> <p>Matter Continued;</p> <p>Matter Continued;</p> <p>Matter Heard;</p> <p>MINUTES</p> <p>Matter Continued;</p> <p>Matter Continued;</p> <p>Matter Continued;</p> <p>Matter Continued;</p> <p>Matter Heard;</p> <p>SCHEDULED HEARINGS</p> <p>Hearing (01/10/2019 at 9:30 AM) (Judicial Officer: Adair, Valerie)</p> <p>01/10/2019, 02/12/2019, 02/19/2019, 03/05/2019</p> <p>SCHEDULED HEARINGS</p> <p> All Pending Motions (03/05/2019 at 9:30 AM) (Judicial Officer: Adair, Valerie)</p>
11/15/2018	<p>Motion (9:30 AM) (Judicial Officer: Adair, Valerie)</p> <p>11/15/2018, 01/10/2019, 02/12/2019, 02/19/2019, 03/11/2019, 03/14/2019</p> <p><i>Defendant Dorie Henley Motion for an Evidentiary Hearing Pursuant to Jackson v. Denno Prior to Admission of Any Statements</i></p> <p>MINUTES</p> <p>Matter Continued;</p> <p>Matter Continued;</p> <p>Matter Continued;</p> <p>Matter Continued;</p> <p>Matter Continued;</p> <p>Denied;</p> <p>Matter Continued;</p> <p>Matter Continued;</p> <p>Matter Continued;</p> <p>Matter Continued;</p>

CASE SUMMARY
CASE NO. C-17-327585-1

Matter Continued;
Denied;
Matter Continued;
Matter Continued;
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Matter Continued;
Denied;

SCHEDULED HEARINGS



All Pending Motions (03/14/2019 at 9:30 AM) (Judicial Officer: Adair, Valerie)

11/15/2018 **Motion to Sever** (9:30 AM) (Judicial Officer: Adair, Valerie)

11/15/2018, 01/10/2019, 02/12/2019, 02/19/2019, 03/11/2019, 03/14/2019, 04/18/2019, 05/23/2019


Defendant Dorie Henley's Motion to Sever Defendants

Matter Continued;
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Denied;
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Matter Continued;

CASE SUMMARY
CASE NO. C-17-327585-1

MINUTES

SCHEDULED HEARINGS

 **All Pending Motions** (02/19/2019 at 9:30 AM) (Judicial Officer: Smith, Douglas E.)

 All Pending Motions (9:30 AM) (Judicial Officer: Barker, David)


DEFT. DORIE HENLEY MOTION FOR AN EVIDENTIARY HEARING PURSUANT TO JACKSON V. DENNO PRIOR TO ADMISSION OF ANY STATEMENTS...DEFT'S MOTION TO SEVER...STATUS CHECK Mr. Hamner requested time to respond to the motions adding that he had a meeting scheduled with the family regarding the offer. Ms. Brown made no objection. Ms. Luem stated that she had an 8-10 week trial beginning the end of January in Federal Court. Ms. Brown requested the trial date stand until the Motion to Sever has been decided. Court gave the following briefing schedule: 12/17/18 - opposition due; 12/24/18 - reply due. COURT SET HEARING ON THE MOTIONS and CONTINUED the status check to the same date. CUSTODY 1/10/19 9:30 AM HEARING/STATUS CHECK:


Hearing (9:30 AM) (Judicial Officer: Adair, Valerie)


Matter Continued;
Matter Continued;
Matter Continued;
Hearing Set;


CASE SUMMARY
CASE NO. C-17-327585-1

Matter Continued;
Matter Continued;
Matter Continued;
Hearing Set;
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Matter Continued;
Hearing Set;
Matter Continued;
Matter Continued;
Matter Continued;
Hearing Set;


01/10/2019  **All Pending Motions (9:30 AM)** (Judicial Officer: Adair, Valerie)
Matter Heard;
Journal Entry Details:
HEARING...DEFT. DORIE HENLEY'S MOTION FOR AN EVIDENTIARY HEARING PURSUANT TO JACKSON V. DENNO PRIOR TO ADMISSION OF ANY STATEMENTS...DEFT. DORIE HENLEY'S MOTION TO SEVER DEFTS....STATUS CHECK Ms. Luem in for Ms. Brown. Court noted that the motions were not opposed. Mr. Hamner stated that counsel agreed to continue the motions while they work on resolving the matter. Court ORDERED, MATTERS CONTINUED and directed Mr. hamner to notify the Court if there is a resolution before the next date. CUSTODY CONTINUED TO: 2/12/19 9:30 AM;


02/12/2019  **All Pending Motions (9:30 AM)** (Judicial Officer: Adair, Valerie)
Matter Heard;
Journal Entry Details:
DEFT'S MOTION FOR AN EVIDENTIARY HEARING...DEFT'S MOTION TO SEVER DEFTS...HEARING...STATUS CHECK Ms. Brown stated that parties were still negotiating and were close to the bottom line. Ms. Brown also stated that she was aware that Mr. Hamner may not be ready for trial and that she had another trial set at the same time. Mr. Hamner placed the offer on the record. Ms. Luem requested the matter be continued as to both Henley Defs. Def. Franco entered a plea and was SET for sentencing. COURT ORDERED, MATTER CONTINUED. CUSTODY CONTINUED TO: 2/14/19 9:30 AM;

02/19/2019  **All Pending Motions (9:30 AM)** (Judicial Officer: Smith, Douglas E.)
Matter Heard;
Journal Entry Details:
DEFT'S MOTION FOR AN EVIDENTIARY HEARING...DEFT'S MOTION TO SEVER DEFTS...HEARING...STATUS CHECK Ms. Luem, in for Ms. Brown, requested a briefing schedule be set and matter be set for hearing. COURT SO ORDERED and directed Mr. Pesci to have his answer filed in one week and Ms. Brown will have one week to reply. CUSTODY CONTINUED TO: 3/5/19 9:30 AM;

03/05/2019  **All Pending Motions (9:30 AM)** (Judicial Officer: Adair, Valerie)
MINUTES
Matter Heard;
Journal Entry Details:
HEARING...STATUS CHECK Court SET an Evidentiary Hearing as the request of Ms. Brown and will hear the other motions at that time. As to trial readiness, Mr. Hamner stated that he had a firm trial set that was seven years old. Ms. Brown stated that she also had a trial set where the Def. was opposed to continue it for a third time. Ms. Luem stated that she could be ready for trial but still believed that the matter may resolve. Colloquy regarding offers. Court directed jail personal to bring the co-Def. to the hearing set. CUSTODY 3/11/19 9:00 AM EVIDENTIARY HEARING;

SCHEDULED HEARINGS

 **Evidentiary Hearing (03/11/2019 at 9:00 AM)** (Judicial Officer: Adair, Valerie)


03/11/2019  **Evidentiary Hearing (9:00 AM)** (Judicial Officer: Adair, Valerie)
Matter Heard;
Journal Entry Details:
Ms. Luem stated that Ms. Brown did not want her client to be present during the hearing but there were some issues that needed to be dealt with while he was present. Court advised that Ms. Brown wanted to put some things on the

CASE SUMMARY

CASE NO. C-17-327585-1

sealed record with the Court regarding her strategy and upon inquiry, Mr. Hamner made no objection as to preliminary issues. Court suggested having a closed hearing that would be sealed if the Court finds there is no basis to justify severance, or in the alternative, the Court finds there are issues that would justify severance, the State will be given the opportunity to respond to those issues. As to trial readiness, Ms. Luem stated she had no scheduling conflicts but was aware that other counsel would both have conflicts with the trial date as set. Ms. Luem also stated that the previous attorney for the State, based on information from the State recently received, told her the homicide file was reviewed but it appeared that there was a lot of discovery missing such as bodycam footage and a phone dump and that she would like to know whether the trial was going forward. Colloquy regarding data from the phone and the bodycam video. Mr. Hamner stated he did not find any text messages between the Defts. after the murder. Mr. Hamner stated he would know if his other trial was going forward by this case's calendar call. Ms. Brown stated she had a sex assault case beginning 3/18/19 that would go beyond one week. Court advised counsel that it would not decide about continuing the trial until Thursday after finding out what is on the footage and in the phone dump. Deft. Andrew Henley removed from courtroom. Mr. Hamner invoked the exclusionary rule. Testimony and exhibits presented. (See worksheets) Court advised parties that it would review everything further as to the admission of statements and issue a decision. SEALED PROCEEDINGS BEGAN CUSTODY 3/14/19 9:30 AM DECISION ;


03/14/2019 **Decision** (9:30 AM) (Judicial Officer: Adair, Valerie)
Matter Heard;

03/14/2019  **All Pending Motions** (9:30 AM) (Judicial Officer: Adair, Valerie)
Matter Heard;
Journal Entry Details:
DECISION...MOTION FOR AN EVIDENTIARY HEARING PURSUANT TO JACKSON V. DENNO PRIOR TO ADMISSION OF ANY STATEMENTS...MOTION TO SEVER DEFENDANTS Court ORDERED motion for Evidentiary Hearing DENIED as follows: with respect to questioning done by SWAT officers, Court did not find testimony inconsistent as to what the Deft. and the officer testified to. Court further found that, although the Deft. was not read her Miranda Rights initially, the statements she made did not go to heart of the crime itself and did not taint the subsequent interview of the Deft. when Miranda Rights were appropriately given. As to the Motion to Sever, Court noted that it was submitted at the last minute and was not briefed. Upon the Court's inquiry, Ms. Brown stated that coercion was a defense to charges beside murder and can be briefed. Mr. Hamner argued. Court advised that it does open the door to the coercion statement and the State could choose not to admit the statement in any form, omit parts of the statement that open the door or in the alternative, sever the cases. Colloquy regarding the trial dates. Ms. Luem suggested that the redactions to the statement be decided before determining if the cases are to be severed. Court directed counsel to meet and come to an agreement as to what will be admitted. Ms. Brown stated that she would file a motion to omit the co-Deft's statement. Mr. Hamner stated he was not seeking to admit the statement as to Dorie Henley. Court VACATED the trial date and SET matter for status check to work out the statement issue, decide on the Motion to Sever and that the parties would have time to determine what's going to be objected to. Court suggested counsel have the statement transcript high lighted with what's disputed and email it to the Court to prepare as to what will be discussed at the status check. CUSTODY 4/18/19 9:30 AM STATUS CHECK: SEVERANCE/TRIAL SETTING;

03/21/2019 **CANCELED Calendar Call** (9:30 AM) (Judicial Officer: Adair, Valerie)
Vacated

03/25/2019 **CANCELED Jury Trial** (9:30 AM) (Judicial Officer: Adair, Valerie)
Vacated

04/18/2019 **Status Check** (9:30 AM) (Judicial Officer: Adair, Valerie)
04/18/2019, 05/23/2019
Status Check: Statements of Defendants
Matter Continued;
Matter Heard;
Matter Continued;
Matter Heard;

04/18/2019  **All Pending Motions** (9:30 AM) (Judicial Officer: Adair, Valerie)
Matter Heard;
Journal Entry Details:
STATUS CHECK...MOTION TO SEVER Counsel stated that the Defts' presences were previously waived and that the hearing could proceed without them. Court WAIVED both Deft's presence. As to redactions, Ms. Luem stated that Ms. Brown completed her redaction and she was still working on them. Mr. Scarborough stated that Mr. Hamner was out and requested the matter be continued. COURT ORDERED, MATTER CONTINUED. CUSTODY CONTINUED TO: 5/23/19 9:30 AM;

CASE SUMMARY

CASE NO. C-17-327585-1

05/23/2019



All Pending Motions (9:30 AM) (Judicial Officer: Adair, Valerie)

MINUTES

Matter Heard;

Journal Entry Details:

DEFENDANT DORIE HENLEY'S MOTION TO SEVER DEFENDANT'S ... STATUS CHECK: STATEMENTS OF DEFENDANTS Ms. Brown requested the cases be severed. Ms. Luem advised she has no opposition to the statements with redactions and argued there is no need to sever the cases. State submitted on the briefs. COURT ORDERED, motion to Sever DENIED and matter SET for trial. Ms. Luem noted she will be double set with another trial in Department 23. State advised any outstanding offers and revoked as to Defendant Dorie Henley, however remain open as to Defendant Andrew Henley. CUSTODY 7/25/19 9:30 AM STATUS CHECK: TRIAL READINESS 1/9/20 9:30 AM CALENDAR CALL 1/13/20 9:00 AM JURY TRIAL ;

SCHEDULED HEARINGS



Status Check: Trial Readiness (07/25/2019 at 9:30 AM) (Judicial Officer: Adair, Valerie)

07/25/2019, 09/26/2019, 10/24/2019, 12/05/2019

CANCELED Calendar Call (01/09/2020 at 9:30 AM) (Judicial Officer: Jones, Tierra)

Vacated - per Judge

CANCELED Jury Trial (01/13/2020 at 9:00 AM) (Judicial Officer: Adair, Valerie)

Vacated - per Judge

07/25/2019



Status Check: Trial Readiness (9:30 AM) (Judicial Officer: Adair, Valerie)

07/25/2019, 09/26/2019, 10/24/2019, 12/05/2019

Continued;

Matter Continued;

Continued;

Vacated and Reset;

Journal Entry Details:

Mr. Brown advised an offer has been conveyed. Ms. Luem advised they will be trying to set up a settlement conference, and noted she will not be available for trial in January due to the Vagos trial. Upon Court's inquiry, Mr. Brown advised there is no opposition to resetting the trial. COURT ORDERED, trial date VACATED and RESET. CUSTODY 2/4/20 9:30 AM STATUS CHECK: TRIAL READINESS 4/23/20 9:30 AM CALENDAR CALL 4/27/20 9:00 AM JURY TRIAL ;

Continued;

Matter Continued;

Continued;

Vacated and Reset;

Journal Entry Details:

Mr. Brown advised they are ready for trial and noted the Defendant received her glasses. Further, Mr. Brown advised he is standing in for Ms. Luem, who has nothing to report today. State advised it is filling in for DA Hamner and noted it has no information on the settlement conference. COURT ORDERED, matter CONTINUED. CUSTODY CONTINUED TO: 12/5/19 9:30 AM ;

Continued;

Matter Continued;

Continued;

Vacated and Reset;

Journal Entry Details:

Ms. Brown advised Ms. Luem was in federal trial. Upon Court's inquiry of possible resolution, Ms. Brown indicated that there had been discussion of a settlement conference if Court was inclined, and the matter should negotiate. Further, Ms. Brown noted that Dorie Henley's offer is contingent; however, Andrew Henley's offer is not. Court INSTRUCTED counsel to coordinate to get the matter on calendar with Judge Bell before January. Ms. Brown stated redactions were still an issue for her but not for Ms. Luem. Ms. Brown noted an Order had been submitted for Ms. Henley to get glasses, however the in-house clinic was ongoing until noon that day and the next one wouldn't be until October 10th. COURT ORDERED, matter CONTINUED, noting Ms. Henley should have her glasses by the next Court date. CUSTODY CONTINUED TO: 10/24/2019 9:30 AM;

Continued;

Matter Continued;

Continued;






Vacated and Reset;

Journal Entry Details:

Ms. Brown advised she is hopeful the case will resolve, however, she will be ready for trial. State advised offers have been made, noting Dorie Henley's offer is contingent, but Andrew Henley's offer is not. Upon Court's inquiry, State advised it will be ready, advising they are just waiting on redactions. Ms. Luem advised she believes it can be resolved.

CASE SUMMARY**CASE NO. C-17-327585-1**

Further, Ms. Luem advised she is starting a federal trial on Monday. COURT ORDERED, matter CONTINUED. Ms. Brown advised she filed a motion for the Defendant to get glasses at the State's expense, but it has not been set for hearing. CONFERENCE AT THE BENCH. COURT ORDERED, Motion for Glasses at State's Expense GRANTED. CUSTODY CONTINUED TO: 9/26/19 9:30 AM;


01/09/2020	CANCELED Calendar Call (9:30 AM) (Judicial Officer: Jones, Tierra) <i>Vacated - per Judge</i>
01/13/2020	CANCELED Jury Trial (9:00 AM) (Judicial Officer: Adair, Valerie) <i>Vacated - per Judge</i>
02/04/2020	 Status Check: Trial Readiness (9:30 AM) (Judicial Officer: Barker, David) Matter Continued; Plea Accepted on 3/16/2020 Journal Entry Details: <i>State advised another settlement conference would take place 3/16/20. COURT ORDERED, matter CONTINUED. CUSTODY CONTINUED TO: 3/17/20 9:30 AM;</i>
03/16/2020	CANCELED Entry of Plea (9:00 AM) (Judicial Officer: Adair, Valerie) <i>Vacated - On in Error</i>
03/16/2020	 Settlement Conference (1:00 PM) (Judicial Officer: Bell, Linda Marie) Matter Heard; Journal Entry Details: <i>Matter Settled. ;</i>
03/16/2020	 Entry of Plea (4:00 PM) (Judicial Officer: Villani, Michael) Plea Entered; Journal Entry Details: <i>Amended Indictment FILED IN OPEN COURT Mr. Hamner explained the changes made to the Amended Indictment which were lined through and initialed by all parties. Upon Court's inquiry, Defendant indicated she understood the changes and initialed the Amended Indictment. Mr. Brown advised Defense would waive any potential defects and Ms. Brown summarized the negotiations. NEGOTIATIONS are as contained in the Guilty Plea Agreement FILED IN OPEN COURT. Defendant HENLEY ARRAIGNED and PLED GUILTY to COUNT 1 - MURDER (SECOND DEGREE) WITH USE OF A DEADLY WEAPON (F). Court ACCEPTED plea, and ORDERED, matter SET for Sentencing. COURT FURTHER ORDERED, Status Check: Trial Readiness, Calendar Call and Jury Trial VACATED. IN CUSTODY 05/07/2020 9:30 A.M. SENTENCING;</i>
04/23/2020	CANCELED Calendar Call (3:30 PM) (Judicial Officer: Adair, Valerie) <i>Vacated</i>
04/27/2020	CANCELED Jury Trial (9:00 AM) (Judicial Officer: Adair, Valerie) <i>Vacated</i>
07/02/2020	 Motion for Appointment (3:30 PM) (Judicial Officer: Adair, Valerie) Events: 06/22/2020 Motion <i>Motion for Appointment of Independent Counsel to Determine if Grounds Exist to Withdraw Plea</i> Motion Granted; Motion for Appointment of Independent Counsel to Determine if Grounds Exist to Withdraw Plea Journal Entry Details: <i>Upon Court's inquiry, Ms. Brown advised Deft. will make allegations in context of settlement that Deft. was rushed into taking deal by counsel, the State and the settlement judge and believes there is a conflict. COURT ORDERED, motion GRANTED and matter SET for confirmation of counsel. CUSTODY 7/9/2020 3:30 PM CONFIRMATION OF COUNSEL;</i>
07/09/2020	 Confirmation of Counsel (3:30 PM) (Judicial Officer: Adair, Valerie) Counsel Confirmed; Journal Entry Details: <i>Upon Court's inquiry, Mr. Gaffney CONFIRMED as counsel for the limited purpose of determining if motion to withdraw plea can be filed. Mr. Gaffney requested transcript of plea be prepared. COURT SO ORDERED. Colloquy. COURT ORDERED, sentencing date VACATED and matter SET for status check. CUSTODY 7/28/2020 3:30 PM</i>

CASE SUMMARY

CASE NO. C-17-327585-1

STATUS CHECK: SET BRIEFING SCHEDULE;

07/16/2020 **CANCELED Sentencing** (3:30 PM) (Judicial Officer: Barker, David)
Vacated - per Judge


07/28/2020  **Status Check** (3:30 PM) (Judicial Officer: Adair, Valerie)

Status Check: Set Briefing Schedule

Briefing Schedule Set; Status Check: Set Briefing Schedule

Journal Entry Details:

Upon Court's inquiry, Mr. Gaffney stated he has spoken to Deft. and Deft. does want to move forward with motion to withdraw plea. Further, Mr. Gaffney stated he did receive file from Ms. Brown and requested 30 days to file motion. COURT ORDERED, the following briefing schedule is set: Deft's Motion due by August 25, 2020, State's Opposition due by September 29, 2020, Deft's Reply due by October 13, 2020, and matter SET thereafter. CUSTODY 10/27/2020 9:30 AM DEFT'S MOTION TO WITHDRAW GUILTY PLEA;

01/15/2021  **Motion to Withdraw Plea** (1:30 PM) (Judicial Officer: Silva, Cristina D.)

Deft's Motion to Withdraw Guilty Plea

Motion Denied; Deft's Motion to Withdraw Guilty Plea

Journal Entry Details:

Mr. Gaffney requested an evidentiary hearing on issues he put forth in the Motion and the Reply, adding there are factual issues that would required the Defense to expand the record for the Court to be able to analyze the totality of the circumstances, and determine if there is a fair and just reason for the Defendant to withdraw her plea. Upon Court's inquiry, Mr. Gaffney stated there are three issues, and his understanding is the State extended several offers that were extending within the structure of second degree murder, however the offer of 11-life was never conveyed. Mr. Gaffney further argued even though the Defendant was aware of the conversation with the jail house informant, she was not provided the transcript, and if she was she would not have gone forward with the negotiations, further adding the Defendant did not have enough time to decide if she wanted to take the offer, and requested an evidentiary hearing be set. Mr. Hamner argued against the Motion, stated with regards to the jail house informant, it was never discussed during the settlement conference, or during the plea canvass, adding if the transcript was going to change the Defendant's decision to enter a plea she would have spoken up about it. Mr. Hamner further argued the Defendant did have enough time to consider the offer, as this scope of the second degree murder has been open since he took over the case, however the Defendant was clear she did not want to take a plea that includes a life tail. Mr. Hamner argued prior to the Defendant being caught writing a letter to his boyfriend asking him to lie, she was not interested in taking a second degree offer. COURT ORDERED, Motion GRANTED a IN PART, a limited Evidentiary Hearing with regards to prior counsel as to when and if the offers were conveyed to the Defendant, and when and if those offers were rejected; also with how and why the informant would have changed the Defendant's mind with regards to the plea itself. COURT ORDERED, matter SET for status check; and DIRECTED parties to reach out to Department 7 to figure out a time to set the hearing, and to Ms. Brown as to when she is available to hold the Evidentiary Hearing. CUSTODY 1/29/2021 1:30 P.M. STATUS CHECK: SETTING EVIDENTIARY HEARING;


01/29/2021  **Status Check** (1:30 PM) (Judicial Officer: Silva, Cristina D.)

Status Check: Setting of Limited Evidentiary Hearing

Hearing Set;

Journal Entry Details:

Mr. Gaffney stated March 4, is a good date for everyone. COURT ORDERED, Limited Evidentiary Hearing SET. CUSTODY 1:30 P.M. EVIDENTIARY HEARING;

03/04/2021  **Evidentiary Hearing** (1:30 PM) (Judicial Officer: Silva, Cristina D.)

Set Status Check;




Journal Entry Details:

Testimony and Exhibits presented. MATTER TRAILED. MATTER RECALLED. All parties present as before. Mr. Gaffney informed the Court he has had enough time to speak with the Defendant. Testimony presented. Upon Court's inquiry, Defendant stated she is waiving her attorney client privilege with regards to the settlement conference, and for purposes of this hearing. COURT STATED they will issue a written order in this case. Mr. Gaffney requested the Statement by made part of the record, under seal. COURT ORDERED, Transcript FILED on December 3, 2020 is marked as a Court's Exhibit, and will remain sealed. Colloquy regarding additional briefing. Mr. Hamner inquired if the Court was willing to hear argument regarding the Evidentiary Hearing today. Mr. Gaffney stated if the Court was inclined to hear argument, he would request a copy of the Transcript from today. COURT ORDERED, Transcript from today's proceedings PRODUCED; counsel is to submit additional briefing 10 pages or under; matter SET for status check briefing documents. COURT STATED at the next hearing a special setting will be set. CUSTODY 3/24/2021 11:00 A.M. STATUS CHECK: EVIDENTIARY HEARING RE: SUPPLEMENTAL BRIEFS;

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. C-17-327585-1

04/16/2021	 Status Check (1:30 PM) (Judicial Officer: Silva, Cristina D.) <i>Status Check: Supplemental Briefing Re: Evidentiary Hearing</i> State out of jurisdiction Decision Pending; Journal Entry Details: <i>Extensive arguments by Counsel. COURT ADVISED they will issue a written order, and ORDERED matter SET for status check. CUSTODY 5/6/2021 3:00 A.M. DECISION: MOTION TO WITHDRAW PLEA;</i>
05/06/2021	Decision (3:00 AM) (Judicial Officer: Silva, Cristina D.) <i>Decision: Motion to Withdraw Plea</i>
06/11/2021	 Status Check: Sentencing (1:30 PM) (Judicial Officer: Silva, Cristina D.) <i>Status Check: Sentencing</i> Hearing Set; Journal Entry Details: <i>Deputy District Attorney John Giordani present on behalf of the State. Mr. Gaffney stated he spoke with Mr. Hamner who is requesting a sentencing date within sixty days. COURT ORDERED, sentencing date SET. CUSTODY 8/20/2021 1:30 P.M. SENTENCING;</i>
08/20/2021	 Sentencing (1:30 PM) (Judicial Officer: Silva, Cristina D.) Defendant Sentenced; Journal Entry Details: <i>Upon Court's inquiry, Mr. Gaffney stated they have reviewed the Pre-Sentence Investigation (PSI) Report with the Defendant. Defendant stated he has reviewed the Report and there is nothing to change. Mr. Scarborough indicated the State will stand by the negotiations. DEFENDANT HENLEY ADJUDGED GUILTY of MURDER (SECOND DEGREE) WITH USE OF A DEADLY WEAPON (F). COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, a \$150.00 DNA analysis fee, including testing to determine genetic markers, \$3.00 DNA Collection fee, and \$250.00 Indigent Defense Civil Assessment fee, Defendant SENTENCED in COUNT 1 - a MAXIMUM term of LIFE with a MINIMUM parole eligibility of FIFTEEN (15) YEARS in the Nevada Department of Corrections (NDC) WITH ONE THOUSAND FOUR HUNDRED AND SIX (1406) DAYS credit for time served. COURT RECOMMENDS Defendant for any substance abuse and mental health treatment while incarcerated; and once the Defendant approaches their parole date, the Defendant be evaluation for any re-entry program. BOND, if any, EXONERATED. NDC;</i>

DATE

FINANCIAL INFORMATION

Defendant Henley, Dorie Regina
 Total Charges
 Total Payments and Credits
Balance Due as of 9/22/2021

428.00
 0.00
428.00

Heather S. Smith

CLERK OF THE COURT

JOCP

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

DORIE REGINA HENLEY
#2826387

Defendant.

CASE NO. C-17-327585-1

DEPT. NO. IX

JUDGMENT OF CONVICTION

(PLEA OF GUILTY)

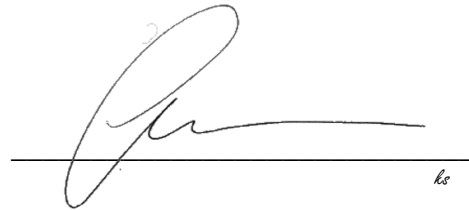
The Defendant previously appeared before the Court with counsel and entered a plea of guilty to the crime of MURDER (SECOND DEGREE) WITH USE OF A DEADLY WEAPON (Category A Felony) in violation of NRS 200.010, 200.030.2, 193.165; thereafter, on the 20th day of August, 2021, the Defendant was present in court for sentencing with counsel LUCAS J. GAFFNEY, ESQ., and good cause appearing,

THE DEFENDANT IS HEREBY ADJUDGED guilty of said offense and, in addition to the \$25.00 Administrative Assessment Fee, \$250.00 Indigent Defense Civil Assessment Fee and \$150.00 DNA Analysis Fee including testing to determine genetic markers plus \$3.00

1 DNA Collection Fee, the Defendant is sentenced as follows: LIFE with a MINIMUM parole
2 eligibility of FIFTEEN (15) YEARS in the Nevada Department of Corrections (NDC); with
3 ONE THOUSAND FOUR HUNDRED SIX (1,406) DAYS credit for time served. COURT
4 RECOMMENDS Defendant for any substance abuse and mental health treatment while
5 incarcerated; and once the Defendant approaches their parole date, the Defendant be evaluation
6 for any re-entry program.
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10 Dated this 24th day of August, 2021

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A handwritten signature in black ink, appearing to be 'Cristina D. Silva', is written over a horizontal line. The signature is fluid and cursive. To the right of the signature, there is a small, handwritten 'ks'.

BA9 B80 ECC6 6530
Cristina D. Silva
District Court Judge

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 State of Nevada

CASE NO: C-17-327585-1

7 vs

DEPT. NO. Department 9

8 Dorie Henley
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 8/24/2021

15 Andrea Luem

Andrea@luemlaw.com

16 John Parris

John@khuenandparris.com

17 Mary Brown

Mary@thelasvegasdefender.com

18 Lucas Gaffney, Esq.

Lucas@GaffneylawLV.com

19 Christopher Hamner, ESQ.

christopher.hamner@clarkcountyda.com

20 Stephanie Johnson

stephanie.johnson@clarkcountyda.com

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 01, 2017

C-17-327585-1 State of Nevada
 vs
 Dorie Henley

November 01, 2017 11:45 AM Grand Jury Indictment

HEARD BY: Gonzalez, Elizabeth

COURTROOM: RJC Courtroom 10C

COURT CLERK: Dulce Romea

RECORDER: Jessica Kirkpatrick

REPORTER:

PARTIES

PRESENT:	Brown, Mary Daggett	Attorney
	Raman, Jay	Attorney
	Stanton, David L.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Sandra Moore, Grand Jury Deputy Foreperson, stated to the Court that at least twelve members had concurred in the return of the true bill during deliberation, but had been excused for presentation to the Court. State presented Grand Jury Case Number 17AGJ113A to the Court. COURT ORDERED, the Indictment may be filed and is assigned Case Number C-17-327585-1, Department III, as coordinator of the homicide team.

Mr. Stanton requested a warrant, argued no bail be set as in Justice Court, and advised Deft is in custody. Ms. Brown argued in support of a summons or O.R. release. COURT ORDERED, INDICTMENT WARRANT ISSUED. NO BAIL setting previously set in Justice Court will REMAIN. Counsel to file written bail motion with the assigned Department. COURT FURTHER ORDERED, matter SET for Arraignment. Exhibits 1 - 21 to be lodged with the Clerk of the Court.

Upon inquiry of the Court, State advised there are no material witness warrants to be quashed. Both sides confirmed the Las Vegas Justice Court case was dismissed this morning.

PRINT DATE: 09/22/2021

Page 1 of 52

Minutes Date: November 01, 2017

I.W. (CUSTODY)

11-7-17 9:00 AM INITIAL ARRAIGNMENT (DEPT III - Herndon)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 07, 2017

C-17-327585-1 State of Nevada
 vs
 Dorie Henley

November 07, 2017 9:00 AM All Pending Motions

HEARD BY: Herndon, Douglas W. **COURTROOM:** RJC Courtroom 16C

COURT CLERK: Deborah Miller

RECORDER: Sara Richardson

REPORTER:

PARTIES

PRESENT:	Brown, Mary Daggett	Attorney
	Henley, Dorie Regina	Defendant
	Stanton, David L.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Also present: Co-defendant A. Henley, in custody, represented by Andrea Luem, Esq.
Co-defendant Franco, in custody, represented by John Parris, Esq.

INDICTMENT WARRANT RETURN..INITIAL ARRAIGNMENT...MOTION TO DISMISS
INDICTMENT OR IN THE ALTERNATIVE FOR OWN RECOGNIZANCE RELEASE PENDING
WRIT DUE TO THE STATE'S KNOWING AND INTENTIONAL DEPRIVATION OF DEFENDANT'S
RIGHTS

Mr. Stanton advised matter will be going in front of the Death Review Committee. DEFT. HENLEY
ARRAIGNED, PLED NOT GUILTY, and WAIVED the 60-DAY RULE. COURT ORDERED, counsel
has 21 days to from today to file any Writs. COURT FURTHER ORDERED, matter SET for Status

C-17-327585-1

Check, noting matter will remain in this department for now.

CUSTODY

11/21/17 9:00 AM MOTION TO DISMISS.... STATUS CHECK: DECISION/REASSIGNMENT

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 21, 2017

C-17-327585-1 State of Nevada
 vs
 Dorie Henley

November 21, 2017 2:00 PM All Pending Motions

HEARD BY: Herndon, Douglas W.

COURTROOM: RJC Courtroom 16C

COURT CLERK: Deborah Miller
 Lauren Kidd

RECORDER: Sara Richardson

REPORTER:

PARTIES

PRESENT:	Brown, Mary Daggett	Attorney
	Henley, Dorie Regina	Defendant
	Stanton, David L.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Also present: Codefendant Henley, in custody, represented by Andrea Luem, Esq. and Codefendant Franco, in custody, represented by Andrea Luem, Esq. standing in for John Parris, Esq.

DEFENDANT'S MOTION TO DISMISS INDICTMENT OR, IN THE ALTERNATIVE, FOR OWN RECOGNIZANCE RELEASE PENDING WRIT DUE TO THE STATE'S KNOWING AND INTENTIONAL DEPRIVATION OF DEFENDANT'S RIGHTS...STATUS CHECK:
DECISION/REASSIGNMENT

Court stated matter is on calendar for decision on death review committee and reassignment, noting there is a motion to dismiss pending as to Ms. Henley. Upon Court's inquiry, Mr. Stanton advised the State will not be seeking death. Pursuant to EDCR 1.30 and 1.31 this court ORDERS Case

PRINT DATE: 09/22/2021

Page 5 of 52

Minutes Date: November 01, 2017

C327585-1, C327585-2, and C327585-3 REASSIGNED to Department 21, matter SET for Status Check. Court stated he prefers the new department rule on the motion. COURT FURTHER ORDERED, motion CONTINUED.

CUSTODY

11/30/17 9:30 AM STATUS CHECK: TRIAL SETTING (ALL) DEFENDANT'S MOTION TO DISMISS INDICTMENT OR, IN THE ALTERNATIVE, FOR OWN RECOGNIZANCE RELEASE PENDING WRIT DUE TO THE STATE'S KNOWING AND INTENTIONAL DEPRIVATION OF DEFENDANT'S RIGHTS (D. HENLEY) (DEPT. 21)

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

November 30, 2017

C-17-327585-1 State of Nevada
vs
Dorie Henley

November 30, 2017 9:30 AM All Pending Motions

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: Jill Chambers

RECORDER: Susan Schofield

REPORTER:

PARTIES

PRESENT: Brown, Mary Daggett Attorney
Henley, Dorie Regina Defendant
Stanton, David L. Attorney
State of Nevada Plaintiff

JOURNAL ENTRIES

- DEFT'S MOTION TO DISMISS INDICTMENT...STATUS CHECK.

Counsel stated they anticipated needing 7-8 days for trial. Court SET trial date.

Argument as to Deft's motion. Court advised counsel a decision would issue from chambers.

CUSTODY

3/23/18 9:30 AM CALENDAR CALL

3/26/18 9:30 AM JURY TRIAL

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

December 07, 2017

C-17-327585-1 State of Nevada
vs
Dorie Henley

December 07, 2017 9:30 AM Decision

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: Jill Chambers

RECORDER: Susan Schofield

REPORTER:

PARTIES

PRESENT: Brown, Mary Daggett Attorney
Stanton, David L. Attorney
State of Nevada Plaintiff

JOURNAL ENTRIES

- Court FINDS, Ms. Brown was not required to serve the State with an executed waiver of rights and that the Marcum notice was therefore defective, not giving the statutory five day period adding that Mr. Stanton was correct that in the 2015 amendments he may have the Deft. testify before the same Grand Jury that has already deliberated and have them deliberate again with the testimony of the Deft.

Upon the Court's inquiry, Ms. Brown stated that it was her desire to have her client testify before the Grand Jury, that she would need to speak to her first but further stated that her client was being held illegally. Court advised that it researched the legislative history, which did not provide any guidance, along with consulting with colleagues on the homicide team. Court further advised counsel of possible remedies.

Ms. Brown moved to have the indictment dismissed. Mr. Stanton argued to have the Deft. testify in front of the Grand Jury.

Court advised that additional research would be welcomed and at the very least, Mr. Stanton must make time available Tuesday for the Deft. to testify. Ms. Brown objected to the short time given for her to respond and that Mr. Stanton should have to renotice her.

Court advised counsel that it was inclined to allow Mr. Stanton to have the Deft. testify. Ms. Brown stated that she was going to request a stay. The Court advised that it was not willing to grant the stay and release the Deft. from custody.

COURT ORDERED, Deft. to testify before the Grand Jury. Colloquy regarding moving the hearing date on the writ. Upon inquiry of the Court, Mr. Stanton stated that he would not object to waiving any defects in hearing Ms. Brown's petition based on the other evidence that has been presented. Court advised that it would delay the decision as to the remedy until after the testimony date and welcomed any blind briefing counsel would like to submit.

CUSTODY

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

December 12, 2017

C-17-327585-1 State of Nevada
vs
Dorie Henley

December 12, 2017 9:30 AM All Pending Motions

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: Jill Chambers

RECORDER: Susan Schofield

REPORTER:

PARTIES

PRESENT: Brown, Mary Daggett Attorney
Henley, Dorie Regina Defendant
Stanton, David L. Attorney
State of Nevada Plaintiff

JOURNAL ENTRIES

- PETITION OF WRIT OF HABEAS CORPUS....JOINDER

Court noted that it reviewed everything. Argument by counsel. Ms. Brown argued that the indictment is defective and requested the Deft. be released. Court noted that counsel would have the Deft. testify 1/2/18 instead of the original date agreed upon.

Ms. Luem stated she filed a joinder and a writ that contained different issues than that of the Deft. Mr. Stanton requested additional time to respond to Ms. Luem's petition by Thursday. Court ORDERED, MATTER CONTINUED to review the exhibits.

CUSTODY

CONTINUED TO: 12/19/17 9:30 AM

PRINT DATE: 09/22/2021

Page 10 of 52

Minutes Date: November 01, 2017

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****December 19, 2017**

C-17-327585-1 State of Nevada
vs
Dorie Henley

December 19, 2017 9:30 AM All Pending Motions

HEARD BY: Adair, Valerie**COURTROOM:** RJC Courtroom 11C**COURT CLERK:** Jill Chambers**RECORDER:** Susan Schofield**REPORTER:****PARTIES**

PRESENT:	Brown, Mary Daggett	Attorney
	Henley, Dorie Regina	Defendant
	Stanton, David L.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- DECISION: DEFT'S MOTION TO DISMISS INDICTMENT...JOINDER

Court noted that it placed the matter on calendar and stated FINDINGS. Court FINDS that Ms. Brown was not required to serve the State with an executed waiver of rights and therefore, the Markum notice was defective adding that Mr. Stanton can have the Deft. testify before the same Grand Jury and have them deliberate again considering the Deft's testimony. Upon inquiry of the Court, Ms. Brown stated that she did want to have the Deft. testify and argued that she was being held illegally. Court advised counsel of three possible remedies; dismiss the indictment and advise Mr. Stanton that he could present at any time; direct Mr. Stanton to schedule time on Tuesday for the Deft. to testify and hold the Deft. on the indictment that currently stands based on the probable cause finding of the Grand Jury and if time is not made available, dismiss the case; Mr. Stanton could have the Deft. remanded or resurrect the criminal complaint in Justice Court by issuing a summons. The Court advised counsel that there was no guidance on the matter and that it would welcome

additional briefing. Court advised it would give Mr. Stanton until Tuesday to have the Deft. testify. Ms. Brown requested a stay in the matter. Court stated the issue will remain open as to remedies until 12/12/17 and directed Mr. Stanton to make time for the Deft. to testify.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor	COURT MINUTES	January 08, 2018
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C-17-327585-1	State of Nevada vs Dorie Henley
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January 08, 2018	3:00 AM	Decision
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HEARD BY: Adair, Valerie	COURTROOM: RJC Courtroom 11C
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COURT CLERK: Jill Chambers

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Defendant's Petition for Writ of Habeas Corpus is granted as to Count 2 Conspiracy to Commit Murder and Court 4 Conspiracy to Commit Third Degree Arson; the Petition is denied as to all other counts for the reasons previously stated by the Court at the hearing. The State is directed to prepare the order.

CLERK'S NOTE: The above minute order has been distributed to counsel via email. jmc 1/24/18

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 22, 2018

C-17-327585-1 State of Nevada
 vs
 Dorie Henley

March 22, 2018 9:30 AM Calendar Call

HEARD BY: Adair, Valerie **COURTROOM:** RJC Courtroom 11C

COURT CLERK: Jill Chambers

RECORDER: Susan Schofield

REPORTER:

PARTIES

PRESENT:	Brown, Mary Daggett	Attorney
	Henley, Dorie Regina	Defendant
	Stanton, David L.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Ms. Luem stated that she previously notified the Court that she would not be ready to proceed with the trial date given and that she was still missing discovery such as the DNA analysis. Upon inquiry of the Court, Mr. Stanton stated he was still waiting on DNA and fingerprint data along with possible cell phone data and transcripts from Metro that would be done.

Ms. Brown stated she had not received the homicide report, the video requested or the witness statements adding that she sent an extensive list to the State and was told she would have everything thirty days ago. Mr. Stanton stated he provided most of it on 2/3/18. Ms. Brown stated she did not receive anything. Court directed counsel to look into it further and provide what is available.

Ms. Luem stated she sent a subpoena to metro for photos, reports and all of the data related, CAD, 911 calls and that she would provide to counsel when she received any of it. Court directed Ms. Luem to also share what subpoenas she's issued so there they are not sent again.

Mr. Parris stated he would not be ready to proceed to trial adding that his client was willing to waive his right for a speedy trial. Court confirmed with Deft. Franco that he wanted to waive the right to a speed trial.

Colloquy regarding trial dates. Court SET a status check to set a new trial date and to get an update as to the materials from Metro, the file review and discovery. At the status check, Court will set a subsequent status check on the DNA and fingerprinting if it is not provided by the next status check.

CUSTODY

4/17/18 9:30 AM STATUS CHECK: SETTING OF TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 17, 2018

C-17-327585-1 State of Nevada
 vs
 Dorie Henley

April 17, 2018 9:30 AM Status Check: Trial Setting

HEARD BY: Adair, Valerie **COURTROOM:** RJC Courtroom 11C

COURT CLERK: Jill Chambers

RECORDER: Susan Schofield

REPORTER:

PARTIES

PRESENT:	Brown, Philip H.	Attorney
	Henley, Dorie Regina	Defendant
	Schwartz, Bryan A.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Colloquy regarding trial scheduling. COURT SET MATTER FOR TRIAL.

CUSTODY

9/13/18 9:30 AM CALENDAR CALL

9/17/18 9:30 AM JURY TRIAL

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

September 13, 2018

C-17-327585-1 State of Nevada
vs
Dorie Henley

September 13, 2018 9:30 AM Calendar Call

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: Jill Chambers

RECORDER: Susan Schofield

REPORTER:

PARTIES

PRESENT:	Brown, Philip H.	Attorney
	Henley, Dorie Regina	Defendant
	Stanton, David L.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Mr. Stanton stated that he received an email saying Ms. Brown would not be ready for trial but that the State was ready. Mr. Brown stated that counsel would not be ready along with the co-Defts. adding that there were motion to file and leads to follow up on. Mr. Brown also stated that a substantial amount of discovery was received from the Deft. and the State and after reviewing everything, found that motions to sever and suppress and possibly an additional motion for discovery.

Mr. Stanton stated that he provided thumbdrives with a voluminous amount of information.

Ms. Luem stated that she recently received transcripts of the Defts' statements and requested the matter be continued to allow her to file a motion to sever if Ms. Brown does not.

Mr. Parris stated that he received the thumbdrive approximately one month ago and had other

developments come up that he would like to follow up on adding that he would be filing a motion to sever and possibly others.

Mr. Stanton stated there were no offers but that it would be a package deal and would be made within the next 45 days.

COURT ORDERED, MATTER CONTINUED and SET new trial date.

CUSTODY

11/15/18 9:30 AM STATUS CHECK: TRIAL READINESS

3/21/19 9:30 AM CALENDAR CALL

3/25/19 9:30 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 15, 2018

C-17-327585-1 State of Nevada
 vs
 Dorie Henley

November 15, 2018 9:30 AM All Pending Motions

HEARD BY: Barker, David **COURTROOM:** RJC Courtroom 11C

COURT CLERK: Jill Chambers

RECORDER: Susan Schofield

REPORTER:

PARTIES

PRESENT:	Brown, Mary Daggett	Attorney
	Hamner, Christopher S.	Attorney
	Henley, Dorie Regina	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- DEFT. DORIE HENLEY MOTION FOR AN EVIDENTIARY HEARING PURSUANT TO JACKSON V. DENNO PRIOR TO ADMISSION OF ANY STATEMENTS...DEFT'S MOTION TO SEVER...STATUS CHECK

Mr. Hamner requested time to respond to the motions adding that he had a meeting scheduled with the family regarding the offer. Ms. Brown made no objection. Ms. Luem stated that she had an 8-10 week trial beginning the end of January in Federal Court. Ms. Brown requested the trial date stand until the Motion to Sever has been decided. Court gave the following briefing schedule:

12/17/18 - opposition due;
12/24/18 - reply due.

COURT SET HEARING ON THE MOTIONS and CONTINUED the status check to the same date.

PRINT DATE: 09/22/2021

Page 20 of 52

Minutes Date: November 01, 2017

CUSTODY

1/10/19 9:30 AM HEARING/STATUS CHECK

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 10, 2019

C-17-327585-1 State of Nevada
 vs
 Dorie Henley

January 10, 2019 9:30 AM All Pending Motions

HEARD BY: Adair, Valerie **COURTROOM:** RJC Courtroom 11C

COURT CLERK: Jill Chambers

RECORDER: Susan Schofield

REPORTER:

PARTIES

PRESENT:	Hamner, Christopher S.	Attorney
	Henley, Dorie Regina	Defendant
	Luem, Andrea L.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- HEARING...DEFT. DORIE HENLEY'S MOTION FOR AN EVIDENTIARY HEARING PURSUANT TO JACKSON V. DENNO PRIOR TO ADMISSION OF ANY STATEMENTS...DEFT. DORIE HENLEY'S MOTION TO SEVER DEFTS....STATUS CHECK

Ms. Luem in for Ms. Brown. Court noted that the motions were not opposed. Mr. Hamner stated that counsel agreed to continue the motions while they work on resolving the matter. Court ORDERED, MATTERS CONTINUED and directed Mr. hamner to notify the Court if there is a resolution before the next date.

CUSTODY

CONTINUED TO: 2/12/19 9:30 AM

PRINT DATE: 09/22/2021

Page 22 of 52

Minutes Date: November 01, 2017

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

February 12, 2019

C-17-327585-1 State of Nevada
vs
Dorie Henley

February 12, 2019 9:30 AM All Pending Motions

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: Jill Chambers

RECORDER: Susan Schofield

REPORTER:

PARTIES

PRESENT:	Brown, Mary Daggett	Attorney
	Hamner, Christopher S.	Attorney
	Henley, Dorie Regina	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- DEFT'S MOTION FOR AN EVIDENTIARY HEARING...DEFT'S MOTION TO SEVER
DEFTS...HEARING...STATUS CHECK

Ms. Brown stated that parties were still negotiating and were close to the bottom line. Ms. Brown also stated that she was aware that Mr. Hamner may not be ready for trial and that she had another trial set at the same time. Mr. Hamner placed the offer on the record. Ms. Luem requested the matter be continued as to both Henley Defts. Deft. Franco entered a plea and was SET for sentencing. COURT ORDERED, MATTER CONTINUED.

CUSTODY

CONTINUED TO: 2/14/19 9:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 19, 2019

C-17-327585-1 State of Nevada
 vs
 Dorie Henley

February 19, 2019 9:30 AM All Pending Motions

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

COURT CLERK: Jill Chambers

RECORDER: Susan Schofield

REPORTER:

PARTIES

PRESENT:	Henley, Dorie Regina	Defendant
	Luem, Andrea L.	Attorney
	Pesci, Giancarlo	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- DEFT'S MOTION FOR AN EVIDENTIARY HEARING...DEFT'S MOTION TO SEVER
DEFTS...HEARING...STATUS CHECK

Ms. Luem, in for Ms. Brown, requested a briefing schedule be set and matter be set for hearing.
COURT SO ORDERED and directed Mr. Pesci to have his answer filed in one week and Ms. Brown
will have one week to reply.

CUSTODY

CONTINUED TO: 3/5/19 9:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 05, 2019

C-17-327585-1 State of Nevada
 vs
 Dorie Henley

March 05, 2019 9:30 AM All Pending Motions

HEARD BY: Adair, Valerie **COURTROOM:** RJC Courtroom 11C

COURT CLERK: Jill Chambers

RECORDER: Susan Schofield

REPORTER:

PARTIES

PRESENT:	Brown, Mary Daggett	Attorney
	Hamner, Christopher S.	Attorney
	Henley, Dorie Regina	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- HEARING...STATUS CHECK

Court SET an Evidentiary Hearing as the request of Ms. Brown and will hear the other motions at that time.

As to trial readiness, Mr. Hamner stated that he had a firm trial set that was seven years old. Ms. Brown stated that she also had a trial set where the Deft. was opposed to continue it for a third time. Ms. Luem stated that she could be ready for trial but still believed that the matter may resolve. Colloquy regarding offers. Court directed jail personal to bring the co-Deft. to the hearing set.

CUSTODY

3/11/19 9:00 AM EVIDENTIARY HEARING

PRINT DATE: 09/22/2021

Page 25 of 52

Minutes Date: November 01, 2017

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 11, 2019

C-17-327585-1 State of Nevada
 vs
 Dorie Henley

March 11, 2019 9:00 AM Evidentiary Hearing

HEARD BY: Adair, Valerie **COURTROOM:** RJC Courtroom 11C

COURT CLERK: Jill Chambers

RECORDER: Susan Schofield

REPORTER:

PARTIES

PRESENT:	Brown, Mary Daggett	Attorney
	Hamner, Christopher S.	Attorney
	Henley, Dorie Regina	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Ms. Luem stated that Ms. Brown did not want her client to be present during the hearing but there were some issues that needed to be dealt with while he was present. Court advised that Ms. Brown wanted to put some things on the sealed record with the Court regarding her strategy and upon inquiry, Mr. Hamner made no objection as to preliminary issues. Court suggested having a closed hearing that would be sealed if the Court finds there is no basis to justify severance, or in the alternative, the Court finds there are issues that would justify severance, the State will be given the opportunity to respond to those issues.

As to trial readiness, Ms. Luem stated she had no scheduling conflicts but was aware that other counsel would both have conflicts with the trial date as set. Ms. Luem also stated that the previous attorney for the State, based on information from the State recently received, told her the homicide file was reviewed but it appeared that there was a lot of discovery missing such as bodycam footage and a phone dump and that she would like to know whether the trial was going forward. Colloquy

regarding data from the phone and the bodycam video. Mr. Hamner stated he did not find any text messages between the Defts. after the murder. Mr. Hamner stated he would know if his other trial was going forward by this case's calendar call. Ms. Brown stated she had a sex assault case beginning 3/18/19 that would go beyond one week. Court advised counsel that it would not decide about continuing the trial until Thursday after finding out what is on the footage and in the phone dump.

Deft. Andrew Henley removed from courtroom. Mr. Hamner invoked the exclusionary rule.

Testimony and exhibits presented. (See worksheets)

Court advised parties that it would review everything further as to the admission of statements and issue a decision.

SEALED PROCEEDINGS BEGAN

CUSTODY

3/14/19 9:30 AM DECISION

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 14, 2019

C-17-327585-1 State of Nevada
 vs
 Dorie Henley

March 14, 2019 9:30 AM All Pending Motions

HEARD BY: Adair, Valerie **COURTROOM:** RJC Courtroom 11C

COURT CLERK: Jill Chambers

RECORDER: Susan Schofield

REPORTER:

PARTIES

PRESENT:	Brown, Mary Daggett	Attorney
	Brown, Philip H.	Attorney
	Hamner, Christopher S.	Attorney
	Henley, Dorie Regina	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- DECISION...MOTION FOR AN EVIDENTIARY HEARING PURSUANT TO JACKSON V. DENNO
PRIOR TO ADMISSION OF ANY STATEMENTS...MOTION TO SEVER DEFENDANTS

Court ORDERED motion for Evidentiary Hearing DENIED as follows:

with respect to questioning done by SWAT officers, Court did not find testimony inconsistent as to what the Deft. and the officer testified to. Court further found that, although the Deft. was not read her Miranda Rights initially, the statements she made did not go to heart of the crime itself and did not taint the subsequent interview of the Deft. when Miranda Rights were appropriately given.

As to the Motion to Sever, Court noted that it was submitted at the last minute and was not briefed. Upon the Court's inquiry, Ms. Brown stated that coercion was a defense to charges beside murder

and can be briefed. Mr. Hamner argued. Court advised that it does open the door to the coercion statement and the State could choose not to admit the statement in any form, omit parts of the statement that open the door or in the alternative, sever the cases.

Colloquy regarding the trial dates. Ms. Luem suggested that the redactions to the statement be decided before determining if the cases are to be severed. Court directed counsel to meet and come to an agreement as to what will be admitted.

Ms. Brown stated that she would file a motion to omit the co-Deft's statement. Mr. Hamner stated he was not seeking to admit the statement as to Dorie Henley.

Court VACATED the trial date and SET matter for status check to work out the statement issue, decide on the Motion to Sever and that the parties would have time to determine what's going to be objected to. Court suggested counsel have the statement transcript high lighted with what's disputed and email it to the Court to prepare as to what will be discussed at the status check.

CUSTODY

4/18/19 9:30 AM STATUS CHECK: SEVERANCE/TRIAL SETTING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 18, 2019

C-17-327585-1 State of Nevada
 vs
 Dorie Henley

April 18, 2019 9:30 AM All Pending Motions

HEARD BY: Adair, Valerie **COURTROOM:** RJC Courtroom 11C

COURT CLERK: Jill Chambers

RECORDER: Susan Schofield

REPORTER:

PARTIES

PRESENT:	Brown, Mary Daggett	Attorney
	Henley, Dorie Regina	Defendant
	Scarborough, Michael J.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- STATUS CHECK...MOTION TO SEVER

Counsel stated that the Defts' presences were previously waived and that the hearing could proceed without them. Court WAIVED both Deft's presence.

As to redactions, Ms. Luem stated that Ms. Brown completed her redaction and she was still working on them. Mr. Scarborough stated that Mr. Hamner was out and requested the matter be continued. COURT ORDERED, MATTER CONTINUED.

CUSTODY

CONTINUED TO: 5/23/19 9:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 23, 2019

C-17-327585-1 State of Nevada
 vs
 Dorie Henley

May 23, 2019

9:30 AM

All Pending Motions

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: Athena Trujillo

RECORDER: Robin Page

REPORTER:

PARTIES

PRESENT:

Brown, Mary Daggett	Attorney
Hamner, Christopher S.	Attorney
Henley, Dorie Regina	Defendant
State of Nevada	Plaintiff

JOURNAL ENTRIES

- DEFENDANT DORIE HENLEY'S MOTION TO SEVER DEFENDANT'S ... STATUS CHECK:
STATEMENTS OF DEFENDANTS

Ms. Brown requested the cases be severed. Ms. Luem advised she has no opposition to the statements with redactions and argued there is no need to sever the cases. State submitted on the briefs. COURT ORDERED, motion to Sever DENIED and matter SET for trial. Ms. Luem noted she will be double set with another trial in Department 23. State advised any outstanding offers and revoked as to Defendant Dorie Henley, however remain open as to Defendant Andrew Henley.

CUSTODY

7/25/19 9:30 AM STATUS CHECK: TRIAL READINESS

C-17-327585-1

1/9/20 9:30 AM CALENDAR CALL

1/13/20 9:00 AM JURY TRIAL

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

July 25, 2019

C-17-327585-1 State of Nevada
vs
Dorie Henley

July 25, 2019 9:30 AM Status Check: Trial
Readiness

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: Athena Trujillo

RECORDER: Robin Page

REPORTER:

PARTIES

PRESENT:	Brown, Mary Daggett	Attorney
	Hamner, Christopher S.	Attorney
	Henley, Dorie Regina	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Ms. Brown advised she is hopeful the case will resolve, however, she will be ready for trial. State advised offers have been made, noting Dorie Henley's offer is contingent, but Andrew Henley's offer is not. Upon Court's inquiry, State advised it will be ready, advising they are just waiting on redactions. Ms. Luem advised she believes it can be resolved. Further, Ms. Luem advised she is starting a federal trial on Monday. COURT ORDERED, matter CONTINUED. Ms. Brown advised she filed a motion for the Defendant to get glasses at the State's expense, but it has not been set for hearing. CONFERENCE AT THE BENCH. COURT ORDERED, Motion for Glasses at State's Expense GRANTED.

CUSTODY

CONTINUED TO: 9/26/19 9:30 AM

PRINT DATE: 09/22/2021

Page 33 of 52

Minutes Date: November 01, 2017

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

September 26, 2019

C-17-327585-1 State of Nevada
vs
Dorie Henley

September 26, 2019 9:30 AM Status Check: Trial Readiness

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: Athena Trujillo
Shannon Reid

RECORDER: Robin Page

REPORTER:

PARTIES

PRESENT: Brown, Mary Daggett Attorney
Henley, Dorie Regina Defendant

JOURNAL ENTRIES

- Ms. Brown advised Ms. Luem was in federal trial. Upon Court's inquiry of possible resolution, Ms. Brown indicated that there had been discussion of a settlement conference if Court was inclined, and the matter should negotiate. Further, Ms. Brown noted that Dorie Henley's offer is contingent; however, Andrew Henley's offer is not. Court INSTRUCTED counsel to coordinate to get the matter on calendar with Judge Bell before January. Ms. Brown stated redactions were still an issue for her but not for Ms. Luem. Ms. Brown noted an Order had been submitted for Ms. Henley to get glasses, however the in-house clinic was ongoing until noon that day and the next one wouldn't be until October 10th. COURT ORDERED, matter CONTINUED, noting Ms. Henley should have her glasses by the next Court date.

CUSTODY

CONTINUED TO: 10/24/2019 9:30 AM

PRINT DATE: 09/22/2021

Page 34 of 52

Minutes Date: November 01, 2017

October 24, 2019

Minutes Date: November 01, 2017

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

December 05, 2019

C-17-327585-1 State of Nevada
vs
Dorie Henley

December 05, 2019 9:30 AM Status Check: Trial
Readiness

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: Athena Trujillo

RECORDER: Robin Page

REPORTER:

PARTIES

PRESENT:	Brown, Philip H.	Attorney
	Henley, Dorie Regina	Defendant
	Schwartzner, Michael J.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Mr. Brown advised an offer has been conveyed. Ms. Luem advised they will be trying to set up a settlement conference, and noted she will not be available for trial in January due to the Vagos trial. Upon Court's inquiry, Mr. Brown advised there is no opposition to resetting the trial. COURT ORDERED, trial date VACATED and RESET.

CUSTODY

2/4/20 9:30 AM STATUS CHECK: TRIAL READINESS

4/23/20 9:30 AM CALENDAR CALL

4/27/20 9:00 AM JURY TRIAL

PRINT DATE: 09/22/2021

Page 36 of 52

Minutes Date: November 01, 2017

February 04, 2020

Minutes Date: November 01, 2017

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 16, 2020

C-17-327585-1 State of Nevada
 vs
 Dorie Henley

March 16, 2020 1:00 PM Settlement Conference

HEARD BY: Bell, Linda Marie **COURTROOM:** RJC Courtroom 10C

COURT CLERK: Cynthia Molerres

RECORDER:

REPORTER:

PARTIES

PRESENT:	Brown, Mary Daggett	Attorney
	Hamner, Christopher S.	Attorney
	Henley, Dorie Regina	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Matter Settled.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 16, 2020**

C-17-327585-1 State of Nevada
vs
Dorie Henley

March 16, 2020 4:00 PM Entry of Plea

HEARD BY: Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Cynthia Moleres**RECORDER:** Renee Vincent**REPORTER:****PARTIES**

PRESENT:	Brown, Mary Daggett	Attorney
	Brown, Philip H.	Attorney
	Hamner, Christopher S.	Attorney
	Henley, Dorie Regina	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Amended Indictment FILED IN OPEN COURT

Mr. Hamner explained the changes made to the Amended Indictment which were lined through and initialed by all parties. Upon Court's inquiry, Defendant indicated she understood the changes and initialed the Amended Indictment.

Mr. Brown advised Defense would waive any potential defects and Ms. Brown summarized the negotiations. NEGOTIATIONS are as contained in the Guilty Plea Agreement FILED IN OPEN COURT. Defendant HENLEY ARRAIGNED and PLED GUILTY to COUNT I - MURDER (SECOND DEGREE) WITH USE OF A DEADLY WEAPON (F). Court ACCEPTED plea, and ORDERED, matter SET for Sentencing. COURT FURTHER ORDERED, Status Check: Trial Readiness, Calendar Call and Jury Trial VACATED.

C-17-327585-1

IN CUSTODY

05/07/2020 9:30 A.M. SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 02, 2020

C-17-327585-1 State of Nevada
 vs
 Dorie Henley

July 02, 2020	3:30 PM	Motion for Appointment	Motion for Appointment of Independent Counsel to Determine if Grounds Exist to Withdraw Plea
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HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: April Watkins

RECORDER: Robin Page

REPORTER:

PARTIES

PRESENT:	Brown, Mary Daggett	Attorney
	Hamner, Christopher S.	Attorney
	Henley, Dorie Regina	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Upon Court's inquiry, Ms. Brown advised Deft. will make allegations in context of settlement that Deft. was rushed into taking deal by counsel, the State and the settlement judge and believes there is a conflict. COURT ORDERED, motion GRANTED and matter SET for confirmation of counsel.

CUSTODY

7/9/2020 3:30 PM CONFIRMATION OF COUNSEL

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

July 09, 2020

C-17-327585-1 State of Nevada
vs
Dorie Henley

July 09, 2020 3:30 PM Confirmation of Counsel

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: April Watkins

RECORDER: Robin Page

REPORTER:

PARTIES

PRESENT:	Gaffney, Lucas	Attorney
	Henley, Dorie Regina	Defendant
	Moors, Lindsey	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Upon Court's inquiry, Mr. Gaffney CONFIRMED as counsel for the limited purpose of determining if motion to withdraw plea can be filed. Mr. Gaffney requested transcript of plea be prepared.

COURT SO ORDERED. Colloquy. COURT ORDERED, sentencing date VACATED and matter SET for status check.

CUSTODY

7/28/2020 3:30 PM STATUS CHECK: SET BRIEFING SCHEDULE

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 28, 2020

C-17-327585-1 State of Nevada
 vs
 Dorie Henley

July 28, 2020

3:30 PM

Status Check

**Status Check: Set
Briefing Schedule**

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: April Watkins

RECORDER: Robin Page

REPORTER:

PARTIES

PRESENT:

Gaffney, Lucas
Henley, Dorie Regina
State of Nevada
Torre, John T.

Attorney
Defendant
Plaintiff
Attorney

JOURNAL ENTRIES

- Upon Court's inquiry, Mr. Gaffney stated he has spoken to Deft. and Deft. does want to move forward with motion to withdraw plea. Further, Mr. Gaffney stated he did receive file from Ms. Brown and requested 30 days to file motion. COURT ORDERED, the following briefing schedule is set: Deft's Motion due by August 25, 2020, State's Opposition due by September 29, 2020, Deft's Reply due by October 13, 2020, and matter SET thereafter.

CUSTODY

10/27/2020 9:30 AM DEFT'S MOTION TO WITHDRAW GUILTY PLEA

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 15, 2021**

C-17-327585-1 State of Nevada
vs
Dorie Henley

January 15, 2021	1:30 PM	Motion to Withdraw Plea	Deft's Motion to Withdraw Guilty Plea
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HEARD BY: Silva, Cristina D.**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** Kory Schlitz**RECORDER:** Gina Villani**REPORTER:****PARTIES**

PRESENT:	Gaffney, Lucas	Attorney
	Hamner, Christopher S.	Attorney
	Henley, Dorie Regina	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Mr. Gaffney requested an evidentiary hearing on issues he put forth in the Motion and the Reply, adding there are factual issues that would required the Defense to expand the record for the Court to be able to analyze the totality of the circumstances, and determine if there is a fair and just reason for the Defendant to withdraw her plea. Upon Court's inquiry, Mr. Gaffney stated there are three issues, and his understanding is the State extended several offers that were extending within the structure of second degree murder, however the offer of 11-life was never conveyed. Mr. Gaffney further argued even though the Defendant was aware of the conversation with the jail house information, she was not provided the transcript, and if she was she would not have gone forward with the negotiations, further adding the Defendant did not have enough time to decide if she wanted to take the offer, and requested an evidentiary hearing be set. Mr. Hamner argued against the Motion, stated with regards to the jail house informant, it was never discussed during the settlement conference, or during the

plea canvass, adding if the transcript was going to change the Defendant's decision to enter a plea she would have spoken up about it. Mr. Hamner further argued the Defendant did have enough time to consider the offer, as this scope of the second degree murder has been open since he took over the case, however the Defendant was clear she did not want to take a plea that includes a life tail. Mr. Hamner argued prior to the Defendant being caught writing a letter to his boyfriend asking him to lie, she was not interested in taking a second degree offer. COURT ORDERED, Motion GRANTED a IN PART, a limited Evidentiary Hearing with regards to prior counsel as to when and if the offers were conveyed to the Defendant, and when and if those offers were rejected; also with how and why the informant would have changed the Defendant's mind with regards to the plea itself. COURT ORDERED, matter SET for status check; and DIRECTED parties to reach out to Department 7 to figure out a time to set the hearing, and to Ms. Brown as to when she is available to hold the Evidentiary Hearing.

CUSTODY

1/29/2021 1:30 P.M. STATUS CHECK: SETTING EVIDENTIARY HEARING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 29, 2021

C-17-327585-1 State of Nevada
 vs
 Dorie Henley

January 29, 2021 1:30 PM Status Check

HEARD BY: Silva, Cristina D. **COURTROOM:** RJC Courtroom 11B

COURT CLERK: Kory Schlitz

RECORDER: Gina Villani

REPORTER:

PARTIES

PRESENT:	Gaffney, Lucas	Attorney
	Hamner, Christopher S.	Attorney
	Henley, Dorie Regina	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Mr. Gaffney stated March 4, is a good date for everyone. COURT ORDERED, Limited Evidentiary Hearing SET.

CUSTODY

1:30 P.M. EVIDENTIARY HEARING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 04, 2021**

C-17-327585-1 State of Nevada
vs
Dorie Henley

March 04, 2021 1:30 PM Evidentiary Hearing

HEARD BY: Silva, Cristina D.**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** Kory Schlitz**RECORDER:** Gina Villani**REPORTER:****PARTIES**

PRESENT:	Gaffney, Lucas	Attorney
	Hamner, Christopher S.	Attorney
	Henley, Dorie Regina	Defendant
	Scarborough, Michael J.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Testimony and Exhibits presented. MATTER TRAILED.

MATTER RECALLED. All parties present as before. Mr. Gaffney informed the Court he has had enough time to speak with the Defendant. Testimony presented. Upon Court's inquiry, Defendant stated she is waiving her attorney client privilege with regards to the settlement conference, and for purposes of this hearing. COURT STATED they will issue a written order in this case. Mr. Gaffney requested the Statement by made part of the record, under seal. COURT ORDERED, Transcript FILED on December 3, 2020 is marked as a Court's Exhibit, and will remain sealed. Colloquy regarding additional briefing. Mr. Hamner inquired if the Court was wiling to hear argument regarding the Evidentiary Hearing today. Mr. Gaffney stated if the Court was inclined to hear argument, he would request a copy of the Transcript from today. COURT ORDERED, Transcript from today's proceedings PRODUCED; counsel is to submit additional briefing 10 pages or under;

matter SET for status check briefing documents. COURT STATED at the next hearing a special setting will be set.

CUSTODY

3/24/2021 11:00 A.M. STATUS CHECK: EVIDENTIARY HEARING RE: SUPPLEMENTAL BRIEFS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 16, 2021

C-17-327585-1 State of Nevada
 vs
 Dorie Henley

April 16, 2021 1:30 PM Status Check

HEARD BY: Silva, Cristina D. **COURTROOM:** RJC Courtroom 11B

COURT CLERK: Kory Schlitz

RECORDER: Gina Villani

REPORTER:

PARTIES

PRESENT:	Gaffney, Lucas	Attorney
	Hamner, Christopher S.	Attorney
	Henley, Dorie Regina	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Extensive arguments by Counsel. COURT ADVISED they will issue a written order, and ORDERED matter SET for status check.

CUSTODY

5/6/2021 3:00 A.M. DECISION: MOTION TO WITHDRAW PLEA

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor	COURT MINUTES	June 11, 2021
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C-17-327585-1	State of Nevada
	vs
	Dorie Henley

June 11, 2021	1:30 PM	Status Check: Sentencing
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HEARD BY: Silva, Cristina D.	COURTROOM: RJC Courtroom 11B
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COURT CLERK: Kory Schlitz

RECORDER: Gina Villani

REPORTER:

PARTIES

PRESENT:	Gaffney, Lucas	Attorney
	Henley, Dorie Regina	Defendant

JOURNAL ENTRIES

- Deputy District Attorney John Giordani present on behalf of the State.

Mr. Gaffney stated he spoke with Mr. Hamner who is requesting a sentencing date within sixty days.
COURT ORDERED, sentencing date SET.

CUSTODY

8/20/2021 1:30 P.M. SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****August 20, 2021**

C-17-327585-1 State of Nevada
vs
Dorie Henley

August 20, 2021 1:30 PM Sentencing

HEARD BY: Silva, Cristina D. **COURTROOM:** RJC Courtroom 11B

COURT CLERK: Kory Schlitz

RECORDER: Gina Villani

REPORTER:

PARTIES

PRESENT:	Gaffney, Lucas	Attorney
	Henley, Dorie Regina	Defendant
	Scarborough, Michael J.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Upon Court's inquiry, Mr. Gaffney stated they have reviewed the Pre-Sentence Investigation (PSI) Report with the Defendant. Defendant stated he has reviewed the Report and there is nothing to change. Mr. Scarborough indicated the State will stand by the negotiations. DEFENDANT HENLEY ADJUDGED GUILTY of MURDER (SECOND DEGREE) WITH USE OF A DEADLY WEAPON (F). COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, a \$150.00 DNA analysis fee, including testing to determine genetic markers, \$3.00 DNA Collection fee, and \$250.00 Indigent Defense Civil Assessment fee, Defendant SENTENCED in COUNT 1 - a MAXIMUM term of LIFE with a MINIMUM parole eligibility of FIFTEEN (15) YEARS in the Nevada Department of Corrections (NDC) WITH ONE THOUSAND FOUR HUNDRED AND SIX (1406) DAYS credit for time served. COURT RECOMMENDS Defendant for any substance abuse and mental health treatment while incarcerated; and once the Defendant approaches their parole date, the Defendant be evaluation for any re-entry program. BOND, if any, EXONERATED.

NDC

CASE NO. C-17-327585-1,-2,-3
DEPT. NO. III
CDDA DAVID STANTON (MVU)

Defendant(s): DORIE REGINA HENLEY #2826387
ANDREW BRANDON HENLEY #2836044
JOSE MELVIN FRANCO #2780519

Case No(s): 17AGJ113A-C (RANDOMLY TRACKS TO DC III)

Charge(s): (1) CT - MURDER WITH USE OF A DEADLY WEAPON (Category A Felony - NRS 200.010, 200.030, 193.165 - NOC 50001);
(1) CT - CONSPIRACY TO COMMIT MURDER (Category B Felony - NRS 200.010, 200.030, 199.480 - NOC 50038);
(1) CT - THIRD DEGREE ARSON (Category D Felony - NRS 205.020 - NOC 50416);
(1) CT - CONSPIRACY TO COMMIT THIRD DEGREE ARSON (Gross Misdemeanor - NRS 205.020, 199.480 - NOC 50422);
(1) CT - FIRST DEGREE KIDNAPPING (Category A Felony - NRS 200.310, 200.320 - NOC 50051);
(1) CT - CONSPIRACY TO COMMIT KIDNAPPING (Category B Felony - NRS 200.310, 200.320, 199.480 - NOC 50087);
(1) CT - ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.380, 193.165 - NOC 50138);
(1) CT - CONSPIRACY TO COMMIT ROBBERY (Category B Felony - NRS 200.380, 199.480 - NOC 50147);
(1) CT - GRAND LARCENY AUTO (Category C Felony - NRS 205.228.2 - NOC 56011) and
(1) CT - CONSPIRACY TO COMMIT LARCENY (Gross Misdemeanor - NRS 205.220, 199.480 - NOC 55982)

Def. Counsel(s): DORIE - MARY BROWN, ESQ.
ANDREW - ANDREA LUEM, ESQ.
JOSE - JOHN PARRIS, ESQ.

WARRANTS (1 WEEK)

DORIE:
ANDREW:
JOSE:

3 No Bail 11.7 @ 9 DC3

DEFTS ARE IN CUSTODY @ CCDC (17F18527A-C PH 11/1 JC1)

~~LVJC CASES TO BE DISM'D: 17F18527A-C~~

Exhibits:

1. Proposed Indictment
2. Jury Instructions
3. Photo
4. Photo
5. Photo

CONTINUED TO NEXT PAGE...

- 6. Photo
- 7. Photo
- 8. Photo
- 9. Photo
- 10. Photo
- 11. Photo
- 12. Photo
- 13. Photo
- 14. Photo
- 15. Photo
- 16. Photo
- 17. Photo
- 18. Photo
- 19. Photo
- 20. Photo
- 21. Photo

Exhibits 1 - 21 to be lodged with the Clerk of the Court.

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Courts

EXHIBITS

CASE NO.

6327585-1

[illegible]

EXHIBIT(S) LIST

Case No.: C-17-327585-1

Hearing / Trial Date: 3/4/2021

Dept. No.: 9

Judge: CRISTINA D. SILVA

Court Clerk: KORY SCHLITZ

Plaintiff: STATE OF NEVADA

Recorder / Reporter: GINA VILLANI

Counsel for Plaintiff: Chris Hamner

vs.

& Jory Scarborough

Defendant: _____

Counsel for Defendant: Lucas Gaffney

Dorie Henley

HEARING / TRIAL BEFORE THE COURT

COURT'S EXHIBITS

[illegible]

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; JUDGMENT OF CONVICTION (PLEA OF GUILTY); DISTRICT COURT
MINUTES; EXHIBITS LIST

STATE OF NEVADA,

Plaintiff(s),

vs.

DORIE REGINA HENLEY,

Defendant(s).

Case No: C-17-327585-1

Dept No: IX

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 22 day of September 2021.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk