

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

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**No. 83546**

Electronically Filed  
Feb 11 2022 09:54 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**DORIE HENLEY**

Appellant,

v.

**THE STATE OF NEVADA**

Respondent.

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Appeal from Judgment of Conviction  
Eighth Judicial District Court, Clark County  
The Honorable Cristina Silva, District Court Judge  
District Court Case No. C-17-327585-1

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**APPELLANT'S APPENDIX**

**VOLUME I**

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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*

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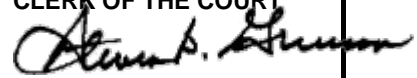
### **CERTIFICATE OF SERVICE**

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Clark County District Attorney

By: /s/ Lucas Gaffney  
An Employee of Gaffney Law



EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

DORIE REGINA HENLEY, ANDREW  
BRANDON HENLEY, JOSE MELVIN  
FRANCO,

Defendants.

GJ No. 17AGJ113A-C

DC No. C327585

Taken at Las Vegas, Nevada

Tuesday, October 24, 2017

1:02 p.m.

REPORTER'S TRANSCRIPT OF PROCEEDINGS

VOLUME 1

Reported by: Danette L. Antonacci, C.C.R. No. 222

AA 0001

12:00 1 GRAND JURORS PRESENT ON OCTOBER 24, 2017

2

3 MORGAN DEVLIN, Foreperson

4 SANDRA MOORE, Deputy Foreperson

12:00 5 RAELENN CASTANEDA, Secretary

6 JANIS ROGERS, Assistant Secretary

7 MARY ANDERSON

8 DOMINIQUE CARDENAS

9 IVAN CAYLOR

12:00 10 JERRY DIVINCENZO

11 MICHELLE FENDELANDER

12 BOBBI FLORIAN

13 AMY KNUDSON

14 GREGORY KORNILOFF

12:00 15 PATRICIA PRATHER

16 LATANIS WATTS

17 GUSTAVO ZAVALA

18

19 Also present at the request of the Grand Jury:

12:00 20 David Stanton, Chief Deputy District Attorney

21 Jory Scarborough, Deputy District Attorney

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12:00

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INDEX OF WITNESSESExamined

JASON MCCARTHY

11

12:00	1	<u>INDEX OF EXHIBITS</u>	
	2		
	3	<u>Grand Jury Exhibits</u>	<u>Identified</u>
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12:00	5	2 - INSTRUCTION	8
	6	3 - PHOTOGRAPH	28
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	8	5 - PHOTOGRAPH	22
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12:00	10	7 - PHOTOGRAPH	19
	11	8 - PHOTOGRAPH	20
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	24		
	25		

12:00 1 LAS VEGAS, NEVADA, OCTOBER 24, 2017

2 \* \* \* \* \*

3

4 DANETTE L. ANTONACCI,

12:00 5 having been first duly sworn to faithfully  
6 and accurately transcribe the following  
7 proceedings to the best of her ability.

8

9 MR. STANTON: Good afternoon ladies and  
01:02 10 gentlemen. My name is David Stanton and I also have  
11 with me -- if you could introduce yourself on the  
12 record, Jory.

13 MR. SCARBOROUGH: Jory Scarborough.

14 MR. STANTON: Jory is a deputy district  
01:02 15 attorney who is my co-counsel on this case.

16 Ladies and gentlemen, we are going to  
17 present to you today a proposed Indictment on three  
18 defendants. We are for timing purposes not going to ask  
19 you to deliberate today but we'll ask you to deliberate  
01:02 20 one week from today so we'd appreciate all of you folks  
21 coming back to give us your vote next week.

22 The proposed Indictment against the three  
23 defendants are Dorie Henley, Andrew Henley and Jose  
24 Franco. They're charged with a number of felony  
01:02 25 offenses. Count 1, page 2, murder. That the defendants

01:03 1 willfully, unlawfully and with malice aforethought, kill  
2 Jose Juan Garcia-Hernandez, a human being, with a deadly  
3 weapon, to-wit: a knife, by stabbing at or into the body  
4 of said Jose Juan Garcia-Hernandez.

01:03 5 As a matter of fact, ladies and gentlemen,  
6 instead of a knife on line 8, let's use a implement  
7 because I'm not sure what the evidence is going to speak  
8 as to the weapon. So just note that for now and then  
9 we'll see about the testimony.

01:03 10 Said killing having been, and then these  
11 are the theories of murder: Number 1, willful,  
12 deliberate and premeditated, and then committed as a,  
13 during the course of an inherently dangerous felony of  
14 which there are two. Item number 2, line 10, during the  
01:03 15 commission of a robbery; and line 11, item number 3,  
16 committed during the commission of a kidnapping.

17 That the defendants are liable under one of  
18 the following principles of criminal liability.  
19 Number 1, that they directly committed the crime;  
01:04 20 number 2, they aided or abetted in the commission of the  
21 crime with the intent that the crime be committed, by  
22 counseling, encouraging, hiring, commanding, inducing or  
23 otherwise procuring the other to commit the crime;  
24 and/or 3, pursuant to a conspiracy to commit this crime  
01:04 25 with the intent that this crime be committed, defendants

01:04 1 aiding or abetting and/or conspiring by the defendants  
2 acting in concert throughout.

3           You'll see a number of counts in here of  
4 conspiracy. The elements are all the same except for  
01:04 5 the conspiracy to commit and then kind of a blank spot,  
6 fill in the blank of a particular crime. So Count 2 is  
7 conspiracy to commit murder. The elements of that  
8 offense are that the defendants willfully, unlawfully  
9 and feloniously conspired with each other to commit  
01:04 10 murder, by the defendants committing the acts as set  
11 forth in Count 1.

12           Count 3 is third degree arson. That the  
13 defendants willfully, unlawfully, maliciously and  
14 feloniously set fire to, burn, or cause to be burned,  
01:05 15 unoccupied personal property, to-wit: a 2004 Pontiac  
16 Grand Prix -- Grand is misspelled, I apologize for  
17 that -- bearing license 870B17, belonging to Jose Juan  
18 Garcia-Hernandez, and that was in Clark County, vehicle  
19 had a value in excess of \$25, by use of open flame and  
01:05 20 flammable and/or combustible materials, and/or by manner  
21 or means unknown.

22           Count 4, conspiracy to commit third degree  
23 arson. That the defendants willfully, unlawfully and  
24 feloniously conspire with each other to commit, that  
01:05 25 should be third degree arson on line 2, not first

01:05 1 degree, the defendants committing the acts as set forth  
2 in Count 3.

3 Count 5, first degree kidnapping. That the  
4 defendants did willfully, unlawfully and feloniously  
01:05 5 confine, inveigle, entice or decoy Jose Juan  
6 Garcia-Hernandez, a human being, with the intent to hold  
7 or detain Jose Juan Garcia-Hernandez against his will,  
8 and without his consent, for the purpose of committing  
9 murder, robbery, arson and grand larceny auto.

01:06 10 At this point I'm going to have Jory stand  
11 up and read to you the legal definition of inveigle  
12 which is an element or a part of the element of  
13 kidnapping.

14 Jory.

01:06 15 MR. SCARBOROUGH: Okay. Inveigle means to  
16 persuade, entice, seduce or to lure a person to do  
17 something by means of deception or flattery.

18 MR. STANTON: Once again that's Grand Jury  
19 Exhibit Number 2 for your reference.

01:06 20 Count 6, conspiracy to commit kidnapping.  
21 Once again it's the same elements before as the other  
22 acts of conspiracy, willfully, unlawfully conspiring  
23 with each other to commit kidnapping as set forth in  
24 Count 5.

01:07 25 Count 7 is a straightforward robbery with

01:07 1 use of a deadly weapon. Willfully, unlawfully and  
2 feloniously take personal property, to-wit: a wallet  
3 and/or cellular telephone from the person of Jose Juan  
4 Garcia-Hernandez -- I'm going to also add in there the  
01:07 5 vehicle -- by means of force or violence, or fear of  
6 injury to, and without the consent and against the will  
7 of Jose Juan Garcia-Hernandez, with use of a deadly  
8 weapon. Once again it says a knife on page 3, line 19.  
9 I think we should use the word implement at this  
01:07 10 juncture. Defendants criminally liable under the theory  
11 of robbery by directly committing the crime, number 1,  
12 by aiding/abetting, number 2, or number 3, by acting in  
13 a conspiracy with one another.  
14 Count 8 is the conspiracy to commit  
01:07 15 robbery. Same elements as conspiracy and the elements  
16 of robbery as set forth in Count 7.  
17 And finally grand larceny auto. Willfully,  
18 unlawfully, feloniously and intentionally, with the  
19 intent to deprive the owner permanently thereof, steal,  
01:08 20 take and carry away, drive away or otherwise remove a  
21 motor vehicle owned by another person, in this case Jose  
22 Juan Garcia-Hernandez, a 2004 Pontiac Grand Prix,  
23 bearing Nevada license 870B17, and that they committed  
24 this act directly, aiding and abetting one another, or  
01:08 25 conspiring.

01:08 1 And finally Count 10, conspiracy to commit  
2 larceny. Same elements of conspiracy and the elements  
3 of larceny set out in Count 9.

4 As to Count 9 we are going to ask to add  
01:08 5 some personal items that are reflected in the robbery  
6 and that is a cell phone and a wallet.

7 With that, is there any questions about the  
8 elements of the Indictment and the slight modification  
9 of some of the verbiage contained therein.

01:09 10 For the record there being no questions,  
11 Madame Foreperson, I'm prepared to call my first  
12 witness.

13 Detective.

14 THE FOREPERSON: Please raise your right  
01:09 15 hand.

16 You do solemnly swear the testimony you are  
17 about to give upon the investigation now pending before  
18 this Grand Jury shall be the truth, the whole truth, and  
19 nothing but the truth, so help you God?

01:09 20 THE WITNESS: I do.

21 THE FOREPERSON: Please be seated.

22 You are advised that you are here today to  
23 give testimony in the investigation pertaining to the  
24 offenses of murder with use of a deadly weapon,  
01:09 25 conspiracy to commit murder, third degree arson,

01:09 1 conspiracy to commit third degree arson, first degree  
2 kidnapping, conspiracy to commit kidnapping, robbery  
3 with use of a deadly weapon, conspiracy to commit  
4 robbery, grand larceny auto, and conspiracy to commit  
01:09 5 larceny, involving Dorie Henley, Andrew Henley and Jose  
6 Franco.

7 Do you understand this advisement?

8 THE WITNESS: Yes.

9 THE FOREPERSON: Please state your first  
01:10 10 and last name and spell both for the record.

11 THE WITNESS: First name is Jason,  
12 J-A-S-O-N, last name is McCarthy, M-C-C-A-R-T-H-Y.

13 MR. STANTON: May I proceed?

14 THE FOREPERSON: You may.

01:10 15 JASON MCCARTHY,  
16 having been first duly sworn by the Foreperson of the  
17 Grand Jury to testify to the truth, the whole truth,  
18 and nothing but the truth, testified as follows:

01:10 20 EXAMINATION

21

22 BY MR. STANTON:

23 Q. How are you employed?

24 A. I'm employed with the Las Vegas

01:10 25 Metropolitan Police Department currently assigned to the

01:10 1 homicide section, have been employed with the department  
2 for 24 years, been in homicide 10.

3 Q. And during the course of 24 years in law  
4 enforcement, how many violent death scenes do you think  
01:10 5 you've been involved in, in investigating either as the  
6 primary homicide detective or in some sort of capacity  
7 as a law enforcement official?

8 A. Thousands.

9 Q. And did a significant portion of them  
01:10 10 involve injuries dealing with blunt force trauma,  
11 beatings either with an implement or not, and to include  
12 knives or some sort of sharp cutting instrument?

13 A. Yes, they do.

14 Q. I would like to direct your attention to  
01:10 15 the 10th day of October of this year. Did you have  
16 occasion on that date to be what's referred in the  
17 homicide division as the up team?

18 A. Yes, I was.

19 Q. Does that up team reference that you are  
01:11 20 the next team to be called out if a homicide or a  
21 suspected homicide occurred?

22 A. That's correct.

23 Q. Did you get called out on that day?

24 A. Yes, I did.

01:11 25 Q. Where did you go?

01:11 1 A. Myself and my partner Detective Gillis, we  
2 were called by our supervisor to respond to the area of  
3 Cory Street and Soprano. It's in the, off of West  
4 Charleston in between Decatur and Jones, a neighborhood  
01:11 5 just to the north of there behind a 7-Eleven.

6 Q. Showing you Grand Jury Exhibit Number 17.  
7 Do you recognize the physical area depicted in that  
8 photograph?

9 A. Yes, I do.

01:11 10 Q. Where are we looking at in this photograph?

11 A. From where that photo was taken you'd be  
12 looking north down Soprano. The street that would run  
13 to your right as you look at the photo would be Cory  
14 Street. There's a block wall just to the left of the  
01:11 15 sidewalk. That block wall borders Tiffany apartment  
16 complex.

17 Q. And there was a deceased person that's in  
18 the foreground of this photograph, although it's a  
19 little difficult to see with the lights in the  
01:12 20 photograph; is that correct?

21 A. That's correct. In that particular  
22 photograph there's an ambulance that's there with their  
23 lights on and the, was later to be the victim is behind  
24 the ambulance.

01:12 25 Q. And showing you Grand Jury Exhibit

01:12 1 Number 16. Is that kind of how the body appeared when  
2 you first arrived at the scene?

3 A. Yes. And this photo is looking to the  
4 south on Soprano and it's kind of a cul-de-sac which  
01:12 5 leads to the left which would be Cory Street. And this  
6 photograph is obviously taken after the ambulance had  
7 left.

8 Q. And this is all in Clark County?

9 A. Yes.

01:12 10 Q. Now as you arrive, were you advised that  
11 some other personnel, first responders, had been to the  
12 scene prior to your arrival?

13 A. That's correct.

14 Q. What had you been advised as far as other  
01:12 15 first responders got there before you did?

16 A. We were advised that it initially came out  
17 as a medical call. One of our witnesses was going to  
18 work, discovered --

19 Q. Just the agencies that responded. So  
01:13 20 medical came?

21 A. Medical was first.

22 Q. Who came after medical?

23 A. Medical then notified Metro patrol. Patrol  
24 showed up to the scene and then we were notified.

01:13 25 Q. And that sheet that's over the body, were

01:13 1 you advised that someone had put that sheet on top of  
2 the body?

3 A. Yes, medical personnel did that.

4 Q. Now what are we looking at in Grand Jury  
01:13 5 Exhibit Number 15?

6 A. The victim without the sheet over him.

7 Q. And when you went to the scene, did you  
8 notice any obvious injuries to his person?

9 A. I did.

01:13 10 Q. Where anatomically generally were those  
11 injuries that you could observe?

12 A. The injuries that I observed, and this is  
13 after they removed the sheet, there were some abrasions  
14 to his face, his hands, arms, and there was two  
01:13 15 significant abrasions to the front of his abdomen.

16 Q. And the abrasions or the injuries to the  
17 face appear to be, based upon your training and  
18 experience, consistent with blunt force trauma?

19 A. That's correct.

01:14 20 Q. And then there's other injuries that appear  
21 to be some sort of stabbing or penetrating wounds with  
22 either a knife or some other sharp implement?

23 A. That's correct. And those were the two on  
24 the front of his abdomen.

01:14 25 Q. And the abdomen and then later on you were

01:14 1 able to, when the body is moved, see other injuries  
2 associated with the implement being used to penetrate  
3 the torso area?

4 A. Yes.

01:14 5 Q. We'll get to those in just one second.  
6 Were you able during the course of your  
7 investigation to determine the identity of the person we  
8 see in that previous photograph?

9 A. Yes, we were.

01:14 10 Q. And is that who's now in front of the Grand  
11 Jury now in Exhibit 21?

12 A. Yes, it is.

13 Q. What is the victim's name in this case?

14 A. It's Jose Juan Garcia-Hernandez.

01:14 15 Q. And this was a photograph that you were  
16 able to obtain and was consistent with the deceased  
17 person that you saw at the scene?

18 A. Yes.

19 Q. Now let me show you Exhibit 14. That's a  
01:15 20 different angle of the victim?

21 A. Yes, it is.

22 Q. And it appears that there was some blood  
23 letting injuries around his face and also some  
24 significant blood off to his left arm area in this  
01:15 25 photograph?

01:15 1 A. Yes.

2 Q. And his belt is undone?

3 A. Yes.

4 Q. Now there's an item on the right hip, this

01:15 5 white circle. Have you seen that item before?

6 A. Yes.

7 Q. What do you regularly associate that white

8 circle with?

9 A. Those are for medical intervention. When

01:15 10 medical arrives they'll typically pull up the shirt,

11 hook their medical devices to the body to see if there

12 is any signs of life.

13 Q. And now Grand Jury Exhibit 13, we see the

14 right hip a little closer, one of those white patches

01:15 15 you just described, and then a closer area of his belt;

16 is that correct?

17 A. Yes.

18 Q. Now was any wallet, cell phone or other

19 personal effects found on his person?

01:16 20 A. No.

21 Q. Not on it, not around it?

22 A. No.

23 Q. Not in the immediate vicinity?

24 A. No.

01:16 25 Q. Did you ever find a vehicle associated as a

01:16 1 registered owner near him in that parking lot?

2 A. No, we did not.

3 Q. That condition of his belt becomes relevant  
4 a little later on in your investigation when you

01:16 5 conducted some interviews; is that correct?

6 A. That is correct.

7 Q. Now I'd like to go to the torso portion and  
8 start with Grand Jury Exhibit Number 12. Kind of tell  
9 us where we are looking on the victim's body and what

01:16 10 we're looking at based upon your training and  
11 experience.

12 A. We're looking at some small abrasions to  
13 the middle of the torso in the front of the body and to  
14 the left of his torso which we later found out that  
01:16 15 those were not penetrating into the abdomen.

16 Q. These two were not the fatal injuries?

17 A. That's correct.

18 Q. Now near the body, Grand Jury Exhibit  
19 Number 10, what are we looking at there?

01:17 20 A. This is just to the west of the body. It's  
21 a, the sidewalk he was located, Jose was located just  
22 off that sidewalk and it's a rock landscaping which  
23 appeared to me to be freshly disturbed as if something  
24 had happened in that area and the rocks were kicked  
01:17 25 around.

01:17 1 Q. And once again ultimately in the interviews  
2 of the three suspects in this case, what they told you  
3 about what had occurred, this photograph is kind of  
4 corroborative of some of that evidence?

01:17 5 A. Yes, it is.

6 Q. And once again could you estimate the  
7 distance that that disturbed gravel was from the body of  
8 the victim?

9 A. Within three feet.

01:17 10 Q. Now Exhibit 9. It's self-evident  
11 anatomically where we're looking at, but what did it  
12 mean to you as a homicide detective of 10 plus years, 24  
13 years as a law enforcement officer?

14 A. This is very consistent with blunt force  
01:18 15 trauma, being in a fistfight or any kind of a fight,  
16 being hit in the mouth or in the face area. You'll see  
17 that injury a lot with the cut underneath inside the  
18 mouth.

19 Q. And then the bruising around the inside of  
01:18 20 the lip. And once again you said punching. It also  
21 could be kicking or some sort of force applied to the  
22 face?

23 A. Yes.

24 Q. And let's go to Exhibit Number 7. I  
01:18 25 believe that's the right shoulder. What are we looking

01:18 1 at there?

2 A. Looking at another abrasion caused by a  
3 object and it appears to be the same as the abrasions  
4 that he has on the front of his torso but that is his  
01:18 5 right shoulder.

6 Q. Now let's go to his back and Grand Jury  
7 Exhibit Number 6. Were those the fatal injuries?

8 A. Yes, they were.

9 Q. And what internal organs made those  
01:18 10 injuries fatal?

11 A. Those went through his abdomen and  
12 penetrated his aorta.

13 Q. His aorta?

14 A. Yeah.

01:19 15 Q. And made significant damage to his aorta?

16 A. Yes, which caused a lot of internal  
17 bleeding.

18 Q. And once again closeup, Grand Jury  
19 Exhibit 8, of those same two injuries?

01:19 20 A. Same injuries.

21 Q. Now these injuries are penetrating  
22 injuries; correct?

23 A. Yes.

24 Q. And they're different from incised injuries  
01:19 25 where there is a sharp item that runs across the skin.

01:19 1 These are a stabbing or penetrating injury.

2 A. That is correct.

3 Q. Can you tell based upon your training and  
4 experience or anything immediately attendant to the

01:19 5 scene what kind of object could have caused that?

6 A. Screwdriver could cause that. Ice pick can  
7 cause that.

8 Q. So not necessarily a knife, but it could be  
9 an object that, used as a knife that has enough force

01:19 10 and by its design could penetrate a body and cause  
11 internal injuries?

12 A. Yes.

13 Q. As you testify here today, do you have any  
14 specific facts that would determine with certainty what  
01:20 15 implement was used to kill the victim?

16 A. Based --

17 Q. You don't know what the murder weapon is as  
18 you testify today, right?

19 A. Just what was told to me in some of the  
01:20 20 interviews.

21 Q. Right. But I mean generally speaking from  
22 your perspective looking at the injuries and what you  
23 were able to glean, there's no knife that was found next  
24 to his body or anything like that?

01:20 25 A. No weapon was found next to the body, no.

01:20 1 Q. And Grand Jury Exhibit, I think this is 5,  
2 can you tell me what we're looking at there and where  
3 that item was found?

4 A. That is the victim's Pontiac.

01:20 5 Q. Where was it found?

6 A. Bruce and Flowmaster, Foremaster I think it  
7 is.

8 Q. Is that once again in Clark County?

9 A. In Clark County in the downtown area, yeah.

01:20 10 Q. And how as the crow flies, how far away  
11 from the victim's body was this vehicle located?

12 A. I don't know the exact --

13 Q. Approximately.

14 A. It's significant. It's more than I would  
01:21 15 say two or three miles away. More on the east side of  
16 town.

17 Q. Was the victim the registered owner of that  
18 vehicle?

19 A. Yes, he is.

01:21 20 Q. And did it have a license plate of Nevada  
21 870B17?

22 A. Yes.

23 Q. And by its appearance, at least before it  
24 was damaged as you observed it, did it in your opinion  
01:21 25 have a value in excess of \$25?

01:21 1 A. Yes.

2 Q. What was the interior and the exterior as  
3 far as what appeared to be recent damage to the vehicle?  
4 Can you describe that?

01:21 5 A. On the exterior?

6 Q. Both the exterior and the interior. Just  
7 generally as you observed it.

8 A. I know that he had a bumper that was  
9 replaced and that was told to us by his roommates.

01:21 10 Q. But how about the obvious damage to the  
11 car?

12 A. When we found it?

13 Q. Yes.

14 A. The inside had been burnt or at least there  
01:21 15 was an attempt to burn it.

16 Q. And what we see here in Grand Jury  
17 Exhibit 4 is the interior passenger compartment?

18 A. Yes.

19 Q. And you said there was an attempt to burn

01:22 20 it. Can you describe, based upon your experience, what  
21 it appeared to you to be as far as an attempt to burn it  
22 and why it was not fully engulfed in flames?

23 A. It appears to me through my training and  
24 experience that they used some type of accelerant to put  
01:22 25 inside the car, lit it on fire and the doors were closed

01:22 1 and the windows were found to be up. When that happens  
2 obviously there is no oxygen inside the car, it puts the  
3 fire out.

4 Q. And in fact you and I have worked several  
01:22 5 homicide cases where that exact scenario occurs where  
6 people attempt to burn something and when you shut the  
7 car door you in essence in a short period of time turn  
8 out the flames?

9 A. Yes.

01:22 10 Q. If the vehicle doors had been left open or  
11 the windows had been open you would have a much more  
12 significant charring and burning effect?

13 A. Yes.

14 Q. Ultimately in this case did you come into  
01:23 15 contact with three individuals, the first of which I'm  
16 showing you is Grand Jury Exhibit Number 20. Do you  
17 recognize who is depicted in that photograph?

18 A. I do.

19 Q. And what is her name?

01:23 20 A. Her name is Dorie Henley.

21 Q. Did you interview Miss Henley for purposes  
22 of whether or not she knew anything about this homicide?

23 A. Yes.

24 Q. And did you advise her of her Miranda  
01:23 25 warnings prior to the interview?

01:23 1 A. Yes, I did.

2 Q. Did she agree to speak with you?

3 A. Yes, she agreed to speak with me.

4 Q. Can you tell us -- and ladies and

01:23 5 gentlemen, you're going to hear over the next several  
6 minutes testimony from Detective McCarthy about the  
7 interview of each of the three targets of this  
8 Indictment. As a matter of law, and I know you've all  
9 been advised of this in other cases but so the record is

01:23 10 clear and that you all once again are reminded. The  
11 evidence that you're about to hear from each of three  
12 interviews can only be used against the person who is  
13 being interviewed. So you cannot use the contents of  
14 that interview as we're about to get into the interview  
01:24 15 of Miss Henley, you cannot use the contents of what she  
16 told Detective McCarthy as tangible evidence for any  
17 other suspect other than Miss Henley. Does every member  
18 of the Grand Jury understand that legal requirement that  
19 we have involving interviews of multiple defendants?

01:24 20 For the record, all members of the Grand  
21 Jury are nodding in the affirmative.

22 Once again, Detective, let me pick up with  
23 my question. What did Miss Henley tell you about her  
24 knowledge, if any, of these events?

01:24 25 A. Miss Henley stated to me that she had known

01:24 1 the victim for a little over a year, probably within two  
2 years. She had come up with a plan to meet with the  
3 victim the night of the 10th. He wanted, the victim  
4 Jose told her that he wanted to go to dinner and  
01:24 5 dancing. She met up with him and she took him over to  
6 that area because it was close to Dexter Park and she  
7 had come up with a plan with others to rob him, take his  
8 money cause she knew that he had some money.

9 Q. And what did the victim do for a living?

01:25 10 A. The victim was a construction worker,  
11 worked in a construction job and also did side  
12 construction jobs as well.

13 Q. And the area that she, Miss Henley  
14 described as meeting him, is the exact area where his  
01:25 15 body was found?

16 A. That is correct.

17 Q. And then the park is fairly close to that  
18 parking lot that we saw where his body was found?

19 A. Yeah, down Soprano Street. Dexter Park is  
01:25 20 located there. It just happened to be under  
21 construction at the time.

22 Q. So she meets with the victim at the parking  
23 lot?

24 A. She meets with him and she tells him to go  
01:25 25 over to that area in there in his car which is the white

01:25 1 Pontiac. She states that she's drinking beer with him,  
2 being very flirtatious with him, and then notifies  
3 others of her location where she and the victim are at.

4 Q. And at some point she's describing to you  
01:26 5 that when other people show up she's doing something  
6 physical or close to it with the victim at the time  
7 inside the car?

8 A. Yeah, she's got her hands in his pockets  
9 and being very flirtatious, trying to get his wallet.

01:26 10 Q. Maybe consistent with his belt being  
11 undone, something, is that kind of consistent with what  
12 she was describing?

13 A. That would be very consistent with that.

14 Q. What does she say, and once again, pursuant  
01:26 15 to the rule of Bruton, not to describe any other actors,  
16 but what does she describe she observes when other  
17 people arrive?

18 A. She says that when other people arrive the  
19 victim Jose is confronted and beaten, kicked to the  
01:26 20 ground.

21 Q. Did she see anything taken from his person?

22 A. She does not observe any of that.

23 Q. And how does she, Miss Henley, describe  
24 leaving the area?

01:26 25 A. She states that she had ran northbound and

01:26 1 was picked up by someone else.

2 Q. And did she describe the vehicle?

3 A. She did.

4 Q. What kind of vehicle did she get picked up  
01:27 5 in?

6 A. A red pickup truck.

7 Q. Grand Jury Exhibit Number 3. That red  
8 pickup truck, who is the registered owner of that truck?

9 A. That is going to be a female who is  
01:27 10 associated as being Andrew Henley's wife.

11 Q. And so Miss Henley describes running from  
12 the scene and then being picked up in that red pickup  
13 truck?

14 A. That is correct.

01:27 15 Q. Now showing you Grand Jury Exhibit 19. Who  
16 is that?

17 A. That is Andrew Henley.

18 Q. What relationship if any does Andrew have  
19 with Miss Henley?

01:27 20 A. They are brother and sister.

21 Q. Did you interview him as part of your  
22 investigation in this case?

23 A. I did.

24 Q. And after giving him a Miranda admonition  
01:27 25 did he agree to speak with you?

01:27 1 A. Yes, he did.

2 Q. What was Mr. Henley's version of events?

3 A. He says he and another person or other  
4 people had planned to rob the victim. He was notified

01:28 5 of the victim's location. Him and someone else drove

6 his red truck, parked it on the opposite side of that

7 Tiffany apartment complex and Andrew and someone else

8 walked through the apartment complex, jumped over the

9 wall onto Soprano Street, they then walked down Soprano,

01:28 10 confronted the victim and others. He, other people were

11 involved in beating the victim. He also claims that he

12 was --

13 Q. He describes to you he's observing this  
14 beating?

01:28 15 A. Observing it and also he alludes to the  
16 fact that he may have participated in that.

17 Q. In the beating?

18 A. In the beating.

19 Q. He's not sure but he may have?

01:28 20 A. That's correct. He observes somebody else  
21 remove a wallet and cell phone from the victim, also

22 claims that he observed somebody take his car. He

23 then --

24 Q. This is the victim's white Pontiac?

01:29 25 A. White Pontiac.

01:29 1 Q. Okay.

2 A. He then says that he walks back, jumps back  
3 over the wall into the apartment complex where he then  
4 gets in his truck.

01:29 5 Q. And once against that's the red pickup  
6 truck?

7 A. The red pickup truck.

8 Q. Okay. And finally Grand Jury Exhibit  
9 Number 18. Who is this guy?

01:29 10 A. That is Jose Franco.

11 Q. And did you have occasion to interview him  
12 as part of the investigation in this case?

13 A. Yes, I did.

14 Q. And did you advise him of his Miranda  
01:29 15 warnings prior to the interview?

16 A. Yes, I did.

17 Q. And what was his version of events as he  
18 described to you, if any, about his involvement?

19 A. He says that he was down the street with  
01:29 20 somebody else near Dexter Park, observed the victim and  
21 another person, that he had been drinking, taking Xanax,  
22 doesn't remember too much about what the plan was but  
23 that there was a plan, and then ultimately says that he  
24 and somebody else went down there and they were just  
01:30 25 supposed to kick, quote, the victim's ass, unquote, and

01:30 1 that's what happened. He also claims that he was  
2 involved in the fighting of the victim.

3 Q. And how did he get away from the scene?

4 A. He says that he just left.

01:30 5 Q. Did any of the three people that you  
6 mentioned give any indication to you that they were  
7 involved in setting the victim's car on fire?

8 A. Dorie had told us where the vehicle was  
9 located.

01:30 10 Q. But no comment that she was involved in  
11 actually setting the vehicle on fire?

12 A. No.

13 Q. And the interviews of all three of these  
14 individuals, did they occur on the same day?

01:30 15 A. Yes.

16 Q. Do you remember what day that was of their  
17 interviews?

18 A. The 15th of October.

19 Q. And as far as Mr. Jose Juan

01:31 20 Garcia-Hernandez, his wallet was never found; correct?

21 A. That's correct.

22 Q. His cell phone was not found?

23 A. That is correct.

24 Q. And his vehicle, while ultimately found,

01:31 25 had no tools or any other trade items that he did with

01:31 1 his employment?

2 A. No.

3 Q. Were you able to find some tools that were  
4 associated to the victim?

01:31 5 A. Yes, we were.

6 Q. And how long after the discovery of his  
7 body did that come approximately?

8 A. This was all on the 15th, 16th.

9 Q. Of October?

01:31 10 A. Of October, yeah.

11 Q. And where did you physically find the  
12 victim's tools?

13 A. It was in an abandoned apartment right next  
14 door to Jose Franco's residence.

01:31 15 MR. STANTON: Ladies and gentlemen, I have  
16 no further questions of Detective McCarthy and ask if  
17 any member of the Grand Jury has any questions?

18 There being no questions, please listen to  
19 the admonishment, Detective.

01:31 20 THE FOREPERSON: By law, these proceedings  
21 are secret and you are prohibited from disclosing to  
22 anyone anything that has transpired before us, including  
23 evidence and statements presented to the Grand Jury, any  
24 event occurring or statement made in the presence of the  
01:31 25 Grand Jury, and information obtained by the Grand Jury.

01:31 1 Failure to comply with this admonition is a  
2 gross misdemeanor punishable up to 364 days in the Clark  
3 County Detention Center and a \$2,000 fine. In addition,  
4 you may be held in contempt of court punishable by an  
01:31 5 additional \$500 fine and 25 days in the Clark County  
6 Detention Center.

7 Do you understand this admonition?

8 THE WITNESS: Yes, I do.

9 THE FOREPERSON: Thank you. You're  
01:32 10 excused.

11 THE WITNESS: Thank you, ladies and  
12 gentlemen, for your time.

13 A JUROR: Thank you.

14 MR. STANTON: So ladies and gentlemen, that  
01:32 15 will conclude my factual and evidentiary presentation to  
16 you. I will be back on the 31st, one week from today,  
17 to ask you formally to deliberate on the matter. I  
18 appreciate your time and attention and I'll see you next  
19 Tuesday. Thank you.

01:32 20 (Proceedings adjourned, to reconvene on  
21 Tuesday, October 31, 2017.)

22 --oo0oo--

23

24

25

**REPORTER'S CERTIFICATE**

**STATE OF NEVADA**       )  
                                  :   ss  
**COUNTY OF CLARK**       )

I, Danette L. Antonacci, C.C.R. 222, do  
hereby certify that I took down in Shorthand (Stenotype)  
all of the proceedings had in the before-entitled matter  
at the time and place indicated and thereafter said  
shorthand notes were transcribed at and under my  
direction and supervision and that the foregoing  
transcript constitutes a full, true, and accurate record  
of the proceedings had.

Dated at Las Vegas, Nevada,  
October 30, 2017.

/s/ Danette L. Antonacci

\_\_\_\_\_  
Danette L. Antonacci, C.C.R. 222

01:32

1

## AFFIRMATION

2

Pursuant to NRS 239B.030

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4

The undersigned does hereby affirm that the  
preceding TRANSCRIPT filed in GRAND JURY CASE NUMBER  
17AGJ113A-C:

01:32

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X Does not contain the social security number of any  
person,

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01:32

10

-OR-

11

       Contains the social security number of a person as  
required by:

12

13

A. A specific state or federal law, to-  
wit: NRS 656.250.

14

-OR-

01:32

15

16

B. For the administration of a public program  
or for an application for a federal or  
state grant.

17

18

/s/ Danette L. Antonacci

19

Signature

10-30-17

Date

01:32

20

21

Danette L. Antonacci

Print Name

22

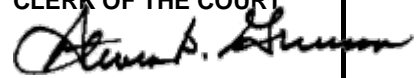
23

Official Court Reporter

Title

24

25



EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

DORIE REGINA HENLEY, ANDREW  
BRANDON HENLEY, JOSE MELVIN  
FRANCO,

Defendants.

GJ No. 17AGJ113A-C

DC No. C327585

Taken at Las Vegas, Nevada

Tuesday, October 31, 2017

1:59 p.m.

REPORTER'S TRANSCRIPT OF PROCEEDINGS

VOLUME 2

Reported by: Danette L. Antonacci, C.C.R. No. 222

12:00 1 GRAND JURORS PRESENT ON OCTOBER 31, 2017  
2  
3 MORGAN DEVLIN, Foreperson  
4 SANDRA MOORE, Deputy Foreperson  
12:00 5 RAELYNN CASTANEDA, Secretary  
6 JANIS ROGERS, Assistant Secretary  
7 MARY ANDERSON  
8 DOMINIQUE CARDENAS  
9 IVAN CAYLOR  
12:00 10 JERRY DIVINCENZO  
11 MICHELLE FENDELANDER  
12 BOBBI FLORIAN  
13 AMY KNUDSON  
14 GREGORY KORNILOFF  
12:00 15 PATRICIA PRATHER  
16 LATANIS WATTS  
17 GUSTAVO ZAVALA  
18  
19 Also present at the request of the Grand Jury:  
12:00 20 John Giordani, Chief Deputy District Attorney  
21 Jory Scarborough, Deputy District Attorney  
22  
23  
24  
25

12:00 1 LAS VEGAS, NEVADA, OCTOBER 31, 2017

2 \* \* \* \* \*

3

4 DANETTE L. ANTONACCI,

12:00 5 having been first duly sworn to faithfully

6 and accurately transcribe the following

7 proceedings to the best of her ability.

8

9 MR. GIORDANI: Good afternoon ladies and

01:59 10 gentlemen of the Grand Jury. John Giordani here on

11 behalf of the State of Nevada, also Michael Jory

12 Scarborough. We're here for the continued presentation

13 on the case of State of Nevada versus Dorie Henley,

14 Andrew Henry and Jose Franco, Grand Jury case number

01:59 15 17AGJ113A-C. Are there any members of the Grand Jury

16 who were not present at the last presentation on this

17 case? I'm seeing no hands.

18 With that we will ask you to deliberate at

19 this time. As always if you require any further

01:59 20 instruction on the law prior to returning your bill

21 please let us know. Thank you.

22 (At this time, all persons, other than

23 members of the Grand Jury, exit the room at 1:59 p.m.

24 and return at 2:03 p.m.)

02:03 25 THE FOREPERSON: Mr. District Attorney, by

02:03 1 a voted of 12 or more grand jurors a true bill has been  
2 returned against defendants Dorie Henley, Andrew Henley  
3 and Jose Franco charging the crimes of murder with use  
4 of a deadly weapon, conspiracy to commit murder, third  
02:03 5 degree arson, conspiracy to commit third degree arson,  
6 first degree kidnapping, conspiracy to commit  
7 kidnapping, robbery with use of a deadly weapon,  
8 conspiracy to commit robbery, grand larceny auto, and  
9 conspiracy to commit larceny, in Grand Jury case number  
02:03 10 17AGJ113A-C. We instruct you to prepare an Indictment  
11 in conformance with the proposed Indictment previously  
12 submitted to us.

13 MR. GIORDANI: Will do. Thank you very  
14 much.

02:04 15 (Proceedings concluded.)

16 --oo0oo--

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02:04

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**REPORTER'S CERTIFICATE**

2

3

**STATE OF NEVADA** )

: ss

4

**COUNTY OF CLARK** )

02:04

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6

I, Danette L. Antonacci, C.C.R. 222, do

7

hereby certify that I took down in Shorthand (Stenotype)

8

all of the proceedings had in the before-entitled matter

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at the time and place indicated and thereafter said

02:04

10

shorthand notes were transcribed at and under my

11

direction and supervision and that the foregoing

12

transcript constitutes a full, true, and accurate record

13

of the proceedings had.

14

Dated at Las Vegas, Nevada,

02:04

15

November 2, 2017.

16

17

/s/ Danette L. Antonacci

18

19

---

Danette L. Antonacci, C.C.R. 222

02:04

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02:04

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## AFFIRMATION

2

Pursuant to NRS 239B.030

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The undersigned does hereby affirm that the  
preceding TRANSCRIPT filed in GRAND JURY CASE NUMBER  
17AGJ113A-C:

02:04

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X Does not contain the social security number of any  
person,

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02:04

10

-OR-

11

       Contains the social security number of a person as  
required by:

12

13

A. A specific state or federal law, to-  
wit: NRS 656.250.

14

-OR-

02:04

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16

B. For the administration of a public program  
or for an application for a federal or  
state grant.

17

18

/s/ Danette L. Antonacci

19

Signature

11-2-17

Date

02:04

20

21

Danette L. Antonacci

Print Name

22

23

Official Court Reporter

Title

24

25

ORIGINAL

1 IND

2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 DAVID STANTON  
6 Chief Deputy District Attorney  
7 Nevada Bar #003202  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

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

NOV 01 2017

BY   
DULCE MARIE ROMEA, DEPUTY

DISTRICT COURT  
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

11 -VS-

CASE NO: C-17-327585-1

DEPT NO: III

12 DORIE REGINA HENLEY,  
13 #2826387  
14 ANDREW BRANDON HENLEY,  
15 #2836044  
16 JOSE MELVIN FRANCO, #2780519

Defendant(s).

INDICTMENT

16 STATE OF NEVADA }  
17 COUNTY OF CLARK } ss.

18 The Defendant(s) above named, DORIE REGINA HENLEY, ANDREW BRANDON  
19 HENLEY and JOSE MELVIN FRANCO, accused by the Clark County Grand Jury of the  
20 crime(s) of MURDER WITH USE OF A DEADLY WEAPON (Category A Felony - NRS  
21 200.010, 200.030, 193.165 - NOC 50001); CONSPIRACY TO COMMIT MURDER  
22 (Category B Felony - NRS 200.010, 200.030, 199.480 - NOC 50038); THIRD DEGREE  
23 ARSON (Category D Felony - NRS 205.020 - NOC 50416); CONSPIRACY TO COMMIT  
24 THIRD DEGREE ARSON (Gross Misdemeanor - NRS 205.020, 199.480 - NOC 50422);  
25 FIRST DEGREE KIDNAPPING (Category A Felony - NRS 200.310, 200.320 - NOC 50051);  
26 CONSPIRACY TO COMMIT KIDNAPPING (Category B Felony - NRS 200.310, 200.320,  
27 199.480 - NOC 50087); ROBBERY WITH USE OF A DEADLY WEAPON (Category B  
28 Felony - NRS 200.380, 193.165 - NOC 50138); CONSPIRACY TO COMMIT ROBBERY

C-17-327585-1  
IND  
Indictment  
4694481



(Category B Felony - NRS 200.380, 199.480 - NOC 50147); GRAND LARCENY AUTO (Category C Felony - NRS 205.228.2 - NOC 56011) and CONSPIRACY TO COMMIT LARCENY (Gross Misdemeanor - NRS 205.220, 199.480 - NOC 55982), committed at and within the County of Clark, State of Nevada, on or about the 10th day of October, 2017, as follows:

COUNT 1 - MURDER WITH USE OF A DEADLY WEAPON

did willfully, unlawfully, feloniously and with malice aforethought, kill JOSE JUAN GARCIA-HERNANDEZ, a human being, with use of a deadly weapon, to wit: a knife, by stabbing at or into the body of the said JOSE JUAN GARCIA-HERNANDEZ, the said killing having been; (1) willful, deliberate and premeditated; (2) committed during the commission of Robbery; and (3) committed during the commission of Kidnapping; the Defendant(s) being criminally liable under one or more of the following principles of criminal liability, to wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime be committed, by counseling, encouraging, hiring, commanding, inducing and/or otherwise procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this crime be committed, Defendants aiding or abetting and/or conspiring by Defendants acting in concert throughout.

COUNT 2 - CONSPIRACY TO COMMIT MURDER

did willfully, unlawfully, and feloniously conspire with each other to commit murder, by the defendants committing the acts as set forth in Count 1, said acts being incorporated by this reference as though fully set forth herein.

COUNT 3 - THIRD DEGREE ARSON

did willfully, unlawfully, maliciously, and feloniously set fire to, burn, and/or cause to be burned, unoccupied personal property, to wit: a certain 2004 Pontiac Gradn Prix, bearing Nevada License No. 870B17, belonging to JOSE JUAN GARCIA-HERNANDEZ, located in, Clark County Nevada, having a value of \$25.00 or more, by use of open flame and flammable and/or combustible materials, and/or by manner and means unknown.

///

1 COUNT 4 - CONSPIRACY TO COMMIT THIRD DEGREE ARSON

2 did willfully, unlawfully, and feloniously conspire with each other to commit first  
3 degree arson, by the defendants committing the acts as set forth in Count 3, said acts being  
4 incorporated by this reference as though fully set forth herein.

5 COUNT 5 - FIRST DEGREE KIDNAPPING

6 did willfully, unlawfully, and feloniously, confine, inveigle, entice or decoy JOSE  
7 JUAN GARCIA-HERNANDEZ, a human being, with the intent to hold or detain JOSE JUAN  
8 GARCIA-HERNANDEZ against his will, and without his consent, for the purpose of  
9 committing Murder, Robbery, Arson and Grand Larceny Auto.

10 COUNT 6 - CONSPIRACY TO COMMIT KIDNAPPING

11 did then and willfully, unlawfully, and feloniously conspire with each other to commit  
12 a kidnapping, by the defendant's committing the acts as set forth in Count 5, said acts being  
13 incorporated by this reference as though fully set forth herein.

14 COUNT 7 - ROBBERY WITH USE OF A DEADLY WEAPON

15 did willfully, unlawfully, and feloniously take personal property, to wit: a wallet and/or  
16 a cellular telephone, from the person of JOSE JUAN GARCIA-HERNANDEZ, or in his  
17 presence, by means of force or violence, or fear of injury to, and without the consent and  
18 against the will of JOSE JUAN GARCIA-HERNANDEZ, with use of a deadly weapon, to  
19 wit: a knife; the Defendant(s) being criminally liable under one or more of the following  
20 principles of criminal liability, to wit: (1) by directly committing this crime; and/or (2) by  
21 aiding or abetting in the commission of this crime, with the intent that this crime be committed,  
22 by counseling, encouraging, hiring, commanding, inducing and/or otherwise procuring the  
23 other to commit the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the  
24 intent that this crime be committed, Defendants aiding or abetting and/or conspiring by  
25 Defendants acting in concert throughout.

26 ///

27 ///

28 ///

1 COUNT 8 - CONSPIRACY TO COMMIT ROBBERY

2 did willfully, unlawfully, and feloniously conspire with each other to commit a  
3 robbery, by the Defendants committing the acts as set forth in Count 7, said acts being  
4 incorporated by this reference as though fully set forth herein.

5 COUNT 9 - GRAND LARCENY AUTO

6 did then and there willfully, unlawfully, feloniously, and intentionally, with intent to  
7 deprive the owner permanently thereof, steal, take and carry away, drive away or otherwise  
8 remove a motor vehicle owned by another person, in the possession of JOSE JUAN GARCIA-  
9 HERNANDEZ, to wit: a 2004 Pontiac Grand Prix, bearing Nevada License No. 870B17; the  
10 Defendant(s) being criminally liable under one or more of the following principles of criminal  
11 liability, to wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the  
12 commission of this crime, with the intent that this crime be committed, by counseling,  
13 encouraging, hiring, commanding, inducing and/or otherwise procuring the other to commit  
14 the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this  
15 crime be committed, Defendants aiding or abetting and/or conspiring by Defendants acting in  
16 concert throughout.

17 COUNT 10 - CONSPIRACY TO COMMIT LARCENY

18 did willfully and unlawfully conspire with each other to commit larceny, by the  
19 Defendants committing the acts as set forth in Count 9, said acts being incorporated by this  
20 reference as though fully set forth herein.

21 DATED this 15<sup>th</sup> day of November, 2017.

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

24 BY

10193 For  
25 DAVID STANTON  
Chief Deputy District Attorney  
Nevada Bar #003202

26 ENDORSEMENT: A True Bill

27 Andrea Moore  
28 Foreperson, Clark County Grand Jury

1 Names of Witnesses and testifying before the Grand Jury:

2 MCCARTHY, JASON, LVMPD #4715

4 Additional Witnesses known to the District Attorney at time of filing the Indictment:

5 CORDOSO, RALPHY, c/o CCDA, 200 Lewis Avenue, Las Vegas, NV

6 CUSTODIAN OF RECORDS, CCDC

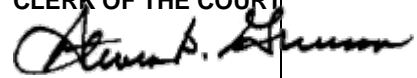
7 CUSTODIAN OF RECORDS, LVMPD COMMUNICATIONS

8 CUSTODIAN OF RECORDS, LVMPD RECORDS

9 GILLIS, MATTHEW, LVMPD #6432

10 MORENO, JUAN, c/o CCDA, 200 Lewis Avenue, Las Vegas, NV

27 17AGJ113A-C/17F18527A-C/mc/GJ  
28 LVMPD #1710103981  
(TK1)



RTRAN

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,  
Plaintiff,

vs.

DORIE REGINA HENLEY,  
ANDREW BRANDON HENLEY,  
Defendant.

CASE NO: C-17-327585-1  
CASE NO: C-17-327585-2

DEPT. XXI

BEFORE THE HONORABLE VALERIE ADAIR, DISTRICT COURT JUDGE  
THURSDAY, MAY 23, 2019

**RECORDER'S TRANSCRIPT OF HEARING RE:  
DEFENDANT DORIE HENLEY'S MOTION TO SEVER DEFENDANTS;  
STATUS CHECK: STATEMENTS OF DEFENDANTS**

APPEARANCES:

For the State: CHRISTOPHER S. HAMNER, ESQ.  
Chief Deputy District Attorney

For Defendant Dorie Henley: MARY DAGGETT BROWN, ESQ.

For Defendant Andrew Henley: ANDREA L. LUEM, ESQ.

RECORDED BY: ROBIN PAGE, COURT RECORDER

1 Las Vegas, Nevada; Thursday, May 23, 2019

2 \* \* \* \* \*

3 [Proceeding commenced at 9:36 a.m.]

4 THE COURT: State versus Andrew Henley and Dorie Henley.  
5 All right. I'm sorry. We have to trail this for Dorie Henley.

6 MR. HAMNER: Understood.

7 MS. BROWN: Okay.

8 THE COURT: I guess they must be short staffed. They're  
9 short staffed and they couldn't bring up all the inmates.

10 MR. HAMNER: Okay.

11 [Matter trailed]

12 [Matter recalled at 9:54 a.m.]

13 THE COURT: State versus Dorie Henley, that's page 13.  
14 She's present in custody with Ms. Brown.

15 MS. BROWN: Good morning, Your Honor.

16 THE COURT: All right. And then the next one is Andrew  
17 Henley, who's present in custody with Ms. Luem.

18 MS. LUEM: Yes.

19 THE COURT: All right. This is continuation relating to the  
20 motions to sever and just general status check. So when we passed this  
21 over before, counsel was going to review the statements and see what  
22 redactions could be agreed upon. And hopefully the redactions could be  
23 agreed upon, but if not, I was going to make the decision.

24 So where are we on that?

25 MS. BROWN: I send over the information that I thought was --

1 that I would like to admit. I spoke with Ms. Luem briefly this morning,  
2 she can speak for herself.

3 MS. LUEM: Judge, I'm not objecting to Ms. Henley's  
4 statement coming in in its entirety. Frankly, the only things that I think  
5 I'm objecting to are the things that would be inadmissible, otherwise,  
6 404(b) type stuff, bad acts evidence concerning Mr. Henley's prior felony  
7 conviction and prior prison sentence, but other than that, I don't see any  
8 need for redaction and I --

9 THE COURT: Okay.

10 MS. LUEM: -- I don't think that there's a need for severance.

11 MS. BROWN: And --

12 THE COURT: That should be redacted anyway.

13 MS. LUEM: Right.

14 MS. BROWN: Unless it becomes relevant as to the  
15 reasonableness of his -- her fear of him.

16 MS. LUEM: I'm not sure how that's relevant because he's the  
17 co-defendant not the victim, but I mean that's something we can address  
18 I suppose at a later time.

19 THE COURT: Well, is -- what I'm assuming then, Ms. Brown,  
20 is the defense is going to be something like she didn't want to participate  
21 in this, but she felt coerced by Mr. Henley and that was reasonable  
22 based on what she knew about his prior history. Is that it in a nutshell?

23 MS. BROWN: In a nutshell.

24 THE COURT: But that could only probably come out if  
25 Ms. Henley herself were to testify.

1 In which case, Ms. Luem, there really isn't a problem because  
2 you would have an opportunity at that point to cross examine, unless  
3 somehow the prior would come in there and your client wasn't testifying.

4 MS. LUEM: Right.

5 THE COURT: So that could be an issue potentially. Mr. --

6 MS. LUEM: Well, it could be, but --

7 THE COURT: I'm sorry.

8 MS. LUEM: It could be, but I don't anticipate that it will be, so.

9 THE COURT: Okay. All right. That -- like I said, obviously, if  
10 your client testifies, it's all going to come out anyway and there's no  
11 issue at all about the prior. Mr. -- but of course we won't know that until  
12 -- at the end of the trial or very close to the end.

13 Mr. Hamner, do you want to weigh in on this?

14 MR. HAMNER: I mean, we'll submit on our briefs. I think that,  
15 you know, we kind of echo, I think a little -- we kind of echo what Andrew  
16 -- Andrew's counsel's kind of stating at this point. I mean if they don't  
17 have an issue with it, I don't know that severance is appropriate at this  
18 point.

19 THE COURT: All right.

20 MR. HAMNER: So we're just going to rest on our brief.

21 THE COURT: All right. It sounds to me then like the issue is  
22 essentially resolved.

23 So in terms of other trial preparation, where are we  
24 Ms. Brown? And we need to set a trial date.

25 MS. BROWN: Yeah, I think we're ready -- ready to set the

1 trial date.

2 THE COURT: Okay.

3 MS. BROWN: I don't have any other issues.

4 THE COURT: What else remains to be done from your  
5 preparation in terms of how long is this going to take? And I know the  
6 other issue will be your schedule.

7 MS. BROWN: Yeah, I think it's going to be a calendaring  
8 issue, more than it's going to be a my time for preparation issue.

9 THE COURT: Okay.

10 MS. BROWN: Because I know Ms. Luem has a very crowded  
11 calendar which will allow me the time I need.

12 THE COURT: Ms. Luem.

13 MS. LUEM: That's all true. I start a trial in this department  
14 with Mr. Acosta next month and then I am moving into a three to four  
15 month federal murder trial, so I may be tied up until December possibly.

16 THE COURT: Until when?

17 MS. LUEM: December.

18 THE COURT: And Mr. Hamner.

19 MR. HAMNER: My summer is pretty busy. September got  
20 four that are set, October there's another four that are set; November  
21 there's another three that are set. I don't have any objection if she  
22 wants to move into next year, that's fine.

23 THE COURT: Okay.

24 MR. HAMNER: But I, you know, I can obviously put  
25 something a little bit earlier, whether it's sometime after September.

1 THE COURT: How long do we anticipate for trial with the two  
2 together?

3 MR. HAMNER: I think it's two weeks probably.

4 THE COURT: All right. It would either be the first week of  
5 December or into the New Year, so we'll see what we can.

6 [Colloquy between the Court and Law Clerk]

7 THE LAW CLERK: January 13<sup>th</sup>, 2020, at 9:00 a.m. for the  
8 trial; calendar call is January 9<sup>th</sup>, 2020, at 9:30.

9 MS. LUEM: I have one set that date. I'm hoping it won't go  
10 forward, but it's, I think, the third trial setting.

11 THE COURT: That's where.

12 MS. LUEM: That is in front of Judge Miley.

13 THE COURT: Okay. So it's not a murder case.

14 MS. LUEM: It's a sexual -- multi count sexual assault on --  
15 case, so.

16 THE COURT: What that's January 20<sup>th</sup> you said.

17 MS. LUEM: January 13.

18 THE COURT: Oh.

19 MS. LUEM: I mean, I can double set it and try to --

20 THE COURT: This would take priority over that one just  
21 because these murder cases are supposed to take priority.

22 MS. LUEM: Even though that one's been continued by the  
23 State three -- two or three times.

24 THE COURT: It's still the --

25 MS. LUEM: Okay.

1 THE COURT: That's what I've been told by the powers that  
2 be.

3 MS. LUEM: I'm happy to double set it on that date.

4 THE COURT: Otherwise, we're going into February.

5 MS. LUEM: And, yeah, I have a death penalty case in  
6 February and another one in March, so.

7 THE COURT: All right. Refresh my memory, has there been  
8 any discussion regarding a possible resolution in this case or was  
9 everybody waiting to see what happened on the motion or?

10 MR. HAMNER: Well, I mean, there's been a long standing  
11 offer that's been out to both of them and I've been trying my darndest to  
12 try to get it resolved.

13 With respect to Ms. Henley, there's been some new evidence  
14 that's come to light and I've now pulled the offer in light of the evidence  
15 that I've kind of had. I provided it to both sides. So I need to speak with  
16 Ms. Brown again to see if we can reevaluate what the offer is going to  
17 be, but there's still an offer out for Mr. Henley at this point and I'm  
18 willing to kind of work, so.

19 THE COURT: All right. So let's go ahead and give you the  
20 new trial date.

21 THE LAW CLERK: January 13<sup>th</sup>, 2020, at 9:00 a.m. for the  
22 trial; January 9<sup>th</sup>, 2020, at 9:30 for the calendar call.

23 THE COURT: All right. We'll come back for a continued  
24 status check in 60 days.

25 MR. HAMNER: Thank you so much.

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THE CLERK: July 25<sup>th</sup> at 9:30 a.m.

MS. LUEM: Thank you.

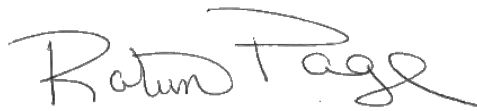
MS. BROWN: Thank you, Your Honor.

THE COURT: All right. Thank you.

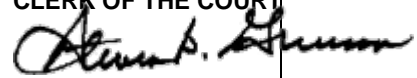
[Proceeding concluded at 10:01 a.m.]

\* \* \* \* \*

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



Robin Page  
Court Recorder/Transcriber



RTRAN

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,  
Plaintiff,

vs.

DORIE REGINA HENLEY,  
ANDREW BRANDON HENLEY,  
Defendant.

CASE NO: C-17-327585-1  
CASE NO: C-17-327585-2

DEPT. XXI

BEFORE THE HONORABLE VALERIE ADAIR, DISTRICT COURT JUDGE  
THURSDAY, JULY 25, 2019

**RECORDER'S TRANSCRIPT OF HEARING RE:  
STATUS CHECK: TRIAL READINESS**

APPEARANCES:

For the State: CHRISTOPHER S. HAMNER, ESQ.  
Chief Deputy District Attorney

For Defendant Dorie Henley: MARY DAGGETT BROWN, ESQ.  
PHIL H. BROWN, ESQ.

For Defendant Andrew Henley: ANDREA L. LUEM, ESQ.

RECORDED BY: ROBIN PAGE, COURT RECORDER

1                   **Las Vegas, Nevada; Thursday, July 25, 2019**

2                   \* \* \* \* \*

3                   [Proceeding commenced at 10:20 a.m.]

4                   THE COURT: State versus Dorie Henley, who's present in  
5 custody with Ms. Brown and Mr. Brown. You're not here on that, you're  
6 just standing around.

7                   MR. BROWN: Well, I sort of am, Judge.

8                   MS. BROWN: He's visiting.

9                   MR. BROWN: Visiting.

10                  THE COURT: All right, so just Ms. Brown. And then we have  
11 Andrew Henley, who's in custody and present with Ms. Luem,  
12 Mr. Hamner for the State. This is on for status check, trial readiness.

13                  Who wants to start?

14                  MS. BROWN: I anticipate being ready in January.

15                  THE COURT: Okay.

16                  Ms. Luem.

17                  MS. BROWN: I'm hopeful -- I'm still hopeful the case will  
18 resolve.

19                  THE COURT: Have there been any offers or meaningful  
20 discussions regarding negotiations?

21                  MS. BROWN: There's been offers and I have talked to  
22 Mr. Hamner about the meaningful negotiation part and we're hoping to  
23 do that in the next two weeks.

24                  MR. HAMNER: I mean, there's been offers since the outset of  
25 the case since I've been on it.

1 THE COURT: Is it the same offer or does the offer get --

2 MR. HAMNER: Her offer did go up.

3 THE COURT: -- better, worse, or.

4 MR. HAMNER: Her offer got worse in light of something that  
5 they discovered in the jail that she wrote, so that made it more  
6 problematic for --

7 THE COURT: And that's as to Ms. Henley.

8 MR. HAMNER: That is correct.

9 THE COURT: And then as to Mr. Henley.

10 MR. HAMNER: There is an offer out to him and I'm working  
11 my darndest to try to get that resolved, but there is an offer out to him as  
12 well.

13 THE COURT: Okay. And is it a global -- I mean, do both  
14 defendants have to accept the offers or is it okay if just one defendant  
15 accepts the offer?

16 MR. HAMNER: If -- the way this one works is her offer is  
17 contingent, his is not.

18 THE COURT: All right. And then in terms of other trial  
19 preparation, where are we?

20 MR. HAMNER: We're basically ready to go. I think the one  
21 outstanding thing that I don't think we fully kind of fleshed out was  
22 definitively all the redactions. I know we kind of talked about it at the last  
23 motion and I know Ms. Luem kind of indicated she wanted everything  
24 coming in from a potential statement, you know, in terms of the *Bruton*  
25 issues or what not. So, I mean, that's more of a fine tuning -- a fine

1 tuning thing. Everything else has been provided, we've done file  
2 reviews. We're ready to go.

3 MS. LUEM: That's true, Judge. With respect to the  
4 redactions, I think that's something we can work out at the -- the issues I  
5 clearly have are the 404(b) issues, not the *Bruton* issues because I've  
6 chosen not to file a motion to sever, so. But I think between the three of  
7 us, we can resolve that.

8 I am supposed to start a 12 to 16 week trial on Monday in  
9 federal court. We have a trial calendar through November right now.

10 THE COURT: Okay.

11 MS. LUEM: It's possible I -- that it could go longer based on  
12 the number of witnesses on both sides, so.

13 THE COURT: Okay. This -- I don't know if you were in the  
14 courtroom, but somebody else has that same issue, I mean.

15 MS. LUEM: It is what it is.

16 THE COURT: Right.

17 MS. LUEM: I mean if we're still in trial in January, then I'll  
18 obviously have to continue this case.

19 THE COURT: Right. Well, let's come back for a continued  
20 status check. Maybe 60 days.

21 THE CLERK: September 26<sup>th</sup> at 9:30.

22 MS. BROWN: I do have one other item, Your Honor.

23 THE COURT: Okay.

24 MS. LUEM: And just with respect to that 26<sup>th</sup> date, I will be in  
25 trial, so I will probably have to have somebody stand in for me that day if

1 that's okay with the Court.

2 THE COURT: Okay. Do -- I mean, what time do they start in  
3 federal court?

4 MS. LUEM: We're starting at 9 o'clock.

5 THE COURT: Every day?

6 MS. LUEM: Ever day. Well, Monday through Thursday 9 to 3  
7 and then we're dark on Friday.

8 THE COURT: Okay.

9 [Colloquy between counsel]

10 MS. BROWN: I filed a motion for eyeglasses at State's -- at  
11 State's expense. I did file it with hearing requested, but they never set it  
12 for hearing.

13 THE COURT: Okay.

14 MS. BROWN: Basically, they're saying that they're going to --

15 THE COURT: So there's a written motion on file, but there is  
16 no hearing set?

17 MS. BROWN: Correct.

18 THE COURT: Okay. We didn't see that, but.

19 MS. BROWN: Can I approach?

20 THE COURT: Sure.

21 And, Mr. Hamner, you were served with that?

22 MR. HAMNER: We're not taking a position. Yeah, I have  
23 been.

24 THE COURT: Okay.

25 MR. HAMNER: And we're not taking a position on it.

1 THE COURT: All right. So she needs glasses.

2 MR. HAMNER: Yes.

3 MS. BROWN: She does and she's requested them and they  
4 said that she has to pay for them.

5 THE COURT: So these are just readers, right?

6 MS. BROWN: Correct.

7 THE COURT: That's all she needs.

8 MS. BROWN: I think she needs an eye exam to determine. I  
9 mean, I don't want to represent she needs one thing or the other.

10 THE COURT: Seems like that's -- I don't know, is it standard  
11 to require them to pay for glasses?

12 MR. HAMNER: I have no idea.

13 MS. LUEM: Your Honor, in the past what -- what's happened  
14 with my clients is that I have the Court sign an order and have them  
15 transported to the eye doctor, then I pay for it, the eye exam and glasses  
16 and then the office of appointed counsel reimburses me when I provide  
17 the receipt, so.

18 THE COURT: It seems like a cheaper way to do this would be  
19 -- I don't know if you can do this. Most people just get readers at the  
20 drugstore and they don't go for an eye exam. I mean, I think that's pretty  
21 typical. You know, they just get them, right. So I mean --

22 Counsel approach.

23 I don't know why she should have an eye exam when most  
24 people -- you know, it's not distance where you need an eye exam if it's  
25 just readers.

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[Bench conference held - not recorded]

THE COURT: So, Ms. Henley, you have trouble reading the police reports and the things like that in the discovery; is that right?

DEFENDANT DORIE HENLEY: Yes, and I have trouble seeing as well.

THE COURT: So seeing like what --

DEFENDANT DORIE HENLEY: Distant-wise.

THE COURT: -- do you have trouble -- like, as you stand in court, do you have trouble seeing your lawyer, Ms. Brown?

DEFENDANT DORIE HENLEY: Mm-hmm.

THE COURT: You do?

DEFENDANT DORIE HENLEY: Yeah.

THE COURT: Can you -- and like do you have trouble seeing the Court and the Bailiff and the staff?

DEFENDANT DORIE HENLEY: Yeah, everything's blurry.

THE COURT: Okay. Then she needs a regular eye exam. So I'll go ahead, based on those representations, and order that she have an eye exam and it sounds like she may need -- she has various issues, so go ahead and order that.

MS. BROWN: And we'll do the transport and all that.

THE COURT: Yeah. I mean in the interim if you want to try bringing her some readers, that's fine.

MS. BROWN: In the short term. Sure.

THE COURT: And you can, you know, bill Mr. Christensen's office for that, you know, just add that to the bill, but based on what she's

1 telling me, it sounds like an eye exam would be in order.

2 MS. BROWN: All right. Thank you.

3 THE COURT: All right. Did we give a new date?

4 THE CLERK: September 26<sup>th</sup> at 9:30.

5 THE COURT: All right. Thank you.

6 Is that it for all of you?

7 MS. BROWN: Yes.

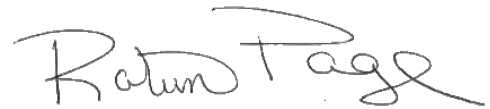
8 THE COURT: All right. Thank you.

9 MS. LUEM: Thank you.

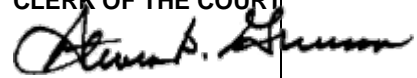
10 [Proceeding concluded at 10:28 a.m.]

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

24 

25 Robin Page  
Court Recorder/Transcriber



1 RTRAN

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5 DISTRICT COURT  
6 CLARK COUNTY, NEVADA

7 )  
8 THE STATE OF NEVADA, )  
9 Plaintiff, )

CASE NO: C-17-327585-1  
DEPT. XXI

10 vs. )

11 DORIE HENLEY, )

12 Defendant. )  
13

14 BEFORE THE HONORABLE MICHAEL VILLANI, DISTRICT COURT JUDGE  
15 MONDAY, MARCH 16, 2020

16 ***RECORDER'S TRANSCRIPT OF HEARING RE:***  
17 ***ENTRY OF PLEA***

18 APPEARANCES:

19 For the State:

CHRISTOPHER S. HAMNER, ESQ.  
Chief Deputy District Attorney

21 For the Defendant:

MARY D. BROWN, ESQ.  
PHILLIP H. BROWN, ESQ.

23  
24  
25 RECORDED BY: RENEE VINCENT, COURT RECORDER

1                   **Las Vegas, Nevada; Monday, March 16, 2020**

2                                   \* \* \* \* \*

3                                   [Proceeding commenced at 4:34 p.m.]

4                   THE COURT: Morning, everyone.

5                                   [Colloquy between counsel]

6                   THE COURT: And which case is this?

7                   MR. HAMNER: So this is C-17-327585-1, Your Honor. It's  
8 the State of Nevada versus Dorie Regina Henley.

9                   Your Honor, the matter is negotiated. We have a GPA and  
10 an amended indictment. What I wanted to do -- if I could just  
11 approach. I just wanted to show you, kind of, interlineation that  
12 was done, just to see if you're okay with this kind of edit or if you  
13 want me to do a totally clean one.

14                   So this -- we had a settlement conference today. The case  
15 was negotiated and so when our -- my secretary had printed up the  
16 new amended indictment, she threw in all of the first degree  
17 theories of liability in the original amended indictment. This is a  
18 second plea, so if you take a look at what I've had crossed out that  
19 both myself and defense counsel has initialed --

20                   MS. BROWN: It doesn't change the substance of what  
21 we're doing, it's just correcting a typographical error.

22                   MR. HAMNER: So if you look at the beginning it just kind  
23 of -- those copies, those file stamp copies, I haven't made the edit  
24 on, I just did it on the original, since that's what's getting filed with  
25 the Court. But as you can see it says in the beginning how the

1 killing is willful and with malice aforethought --

2 THE COURT: Right.

3 MR. HAMNER: -- which would be a second, but then it  
4 eliminates all of those premeditation, deliberation, or felony  
5 robbery theory, or felony kidnapping theory. And then it just  
6 moves on to baron pleading language about, you know, she either  
7 did it directly or she --

8 THE COURT: Right.

9 MR. HAMNER: -- pursuant to aiding and abetting.

10 THE COURT: That's fine with me. I have two sets of  
11 initials here. Do we have the Defendant's initials on this?

12 MR. HAMNER: No. Well, we could do that, Your Honor.

13 THE COURT: If we could do that. That's fine with me.

14 Ma'am, do you understand what they're talking about  
15 here? They're removing some of the language. Do you understand  
16 that, ma'am?

17 THE DEFENDANT: Yes, sir.

18 [Colloquy between Defense counsel and Defendant]

19 MR. BROWN: And we would, of course, waive any  
20 potential defect with any of the pleadings even though we don't  
21 think there are any.

22 MR. HAMNER: And, Mary, will you make that edit also in  
23 the amended indictment that attached to the GPA?

24 MS. BROWN: I did.

25 MR. HAMNER: Okay.

1 MS. BROWN: And just to make it clean, I'll go ahead and  
2 have her initial that as well.

3 MR. HAMNER: And I'll sign that as well when she's done.

4 [Colloquy between Defense counsel and Defendant]

5 MR. HAMNER: With that in mind, may I approach with the  
6 -- an amended?

7 THE COURT: Yes. And do we have the GPA?

8 THE CLERK: Not yet, Your Honor.

9 MR. HAMNER: They're working on it right now.

10 THE COURT: Oh, they're still -- okay.

11 MR. HAMNER: All right. Has she signed it?

12 MS. BROWN: Everything's done.

13 MR. HAMNER: Okay. This is our -- is this -- where's the  
14 original?

15 MS. BROWN: I think that's the original that I just handed  
16 you.

17 MR. HAMNER: Okay. So this other one is just a copy?

18 MS. BROWN: Yes.

19 MR. HAMNER: Okay. You can keep that. You can keep  
20 that one. This is the original.

21 MS. BROWN: Yeah, I'd like to get mine file stamped if you  
22 don't mind.

23 MR. HAMNER: Okay, sure.

24 [Colloquy between the State and Clerk]

25 THE COURT: That's the GPA, Your Honor, with an extra

1 copy.

2 THE COURT: All right.

3 Counsel, I do have a copy of the guilty plea agreement  
4 here. Can you put it on the record -- ma'am, can you stand up -- the  
5 negotiations, please?

6 MS. BROWN: Your Honor, today my client is going to  
7 plead guilty to second murder, stipulating to a sentence of 15 to life.

8 MR. HAMNER: It's second degree murder with use of a  
9 deadly weapon.

10 MS. BROWN: I'm sorry, my mistake.

11 MR. HAMNER: It's okay.

12 MS. BROWN: That is correct.

13 THE COURT: All right.

14 Ms. Henley, is that your understanding of the  
15 negotiations?

16 THE DEFENDANT: Yes, Your Honor.

17 THE COURT: And do you wish to accept these  
18 negotiations?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Okay, ma'am, I understand that you -- both  
21 of your counsel went through the -- went through a settlement  
22 conference this afternoon with Judge Bell; is that correct?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: And did you enter into that conference  
25 freely and voluntarily?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: And are you satisfied with the results of that  
3 settlement conference?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: Okay, ma'am, for the record, what is your  
6 true name?

7 THE DEFENDANT: Dorie Regina Henley.

8 THE COURT: And how old are you?

9 THE DEFENDANT: I'm 28.

10 THE COURT: How far did you go in school?

11 THE DEFENDANT: 11<sup>th</sup> grade.

12 THE COURT: Okay. Do you read, write, and understand  
13 the English language?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: All right, ma'am, and are you pleading guilty  
16 to the charge of murder second degree with use of a deadly  
17 weapon?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: Before I can accept your plea of guilty, I  
20 must make sure it is freely and voluntarily entered. Has anyone  
21 forced you to plead guilty?

22 THE DEFENDANT: No, sir.

23 THE COURT: Has anyone threatened you or anyone  
24 closely associated with you in order to get you to plead guilty?

25 THE DEFENDANT: No, sir.

1 THE COURT: Ma'am, do you understand -- and you have  
2 a copy of the guilty plea agreement in front of you, ma'am?

3 THE DEFENDANT: Yes. I read it through with my lawyer.

4 THE COURT: Do you have a copy there?

5 MS. BROWN: I don't have a copy of the --

6 THE DEFENDANT: Not in front of me.

7 MS. BROWN: -- we gave one to be file stamped.

8 THE COURT: I'm going to get these file stamped real  
9 quick.

10 MS. BROWN: Thank you.

11 THE CLERK: You're welcome.

12 MS. BROWN: Okay.

13 THE COURT: Okay, ma'am, on the underlying charge of  
14 murder in the second degree, and I'm referencing page two of the  
15 guilty plea agreement. It says here that the Court -- I just want to  
16 advise you that the Court could sentence you to a maximum term  
17 of 25 years, minimum term -- excuse me -- for definite term of  
18 maximum of 25 years, minimum term of 10 years in the Nevada  
19 Department of Corrections.

20 Do you understand that, ma'am?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: And for the weapons enhancement, it says  
23 here that a deadly weapon was used. The Court must sentence you  
24 to a consecutive term of no more than 20 years and no less than 1  
25 year in Nevada Department of Corrections.

1 Do you understand that?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: And do you understand that at sentencing,  
4 it's strictly up to the Court? No one can promise you probation,  
5 leniency, or any special treatment.

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: Ma'am, did anyone -- now, I do see here in  
8 the guilty plea agreement, it says both parties stipulate to a term of  
9 15 years to life in the Nevada Department of Corrections.

10 Do you understand that, ma'am?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: Besides that agreement, ma'am, has anyone  
13 else made any other promises to you regarding the sentence in this  
14 matter?

15 THE DEFENDANT: No.

16 MS. BROWN: The only thing that was stated in the  
17 settlement conference was that if the Court wanted to vary from the  
18 stipulated sentence, due to it being in a settlement conference, that  
19 she would be given the right to withdraw or if they wanted to give  
20 lower, that the State would be given the right to withdraw.

21 THE COURT: Is that your understand, Ms. Henley?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: Okay. So if the judge doesn't want to go  
24 along with these negotiations, you can withdraw from these.

25 You understand that?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: All right. Thank you.

3 And, ma'am, how long has this case been going on? It  
4 says here from 2017. You've had counsel since 2017?

5 THE DEFENDANT: Yes.

6 THE COURT: Okay. And have you been discussing this  
7 case with your counsel since that time?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: Okay. And, ma'am, has anyone ever told  
10 you you've had a mental illness?

11 THE DEFENDANT: Yes.

12 THE COURT: Okay. And what was that illness?

13 THE DEFENDANT: Bipolar disorder.

14 THE COURT: Okay. And even with that condition, did you  
15 understand -- do you understand what's going on this afternoon  
16 here in front of me?

17 THE DEFENDANT: Yes.

18 THE COURT: And did you understand what was going on  
19 in front of Judge Bell?

20 THE DEFENDANT: Yes.

21 THE COURT: Counsel, would you agree that your client  
22 understood the --

23 MS. BROWN: Yes.

24 THE COURT: -- the events.

25 MR. BROWN: Yes.

1 THE COURT: All right, ma'am, have you ever had to take  
2 any special education classes?

3 THE DEFENDANT: No, sir.

4 THE COURT: Are you presently on any medication?

5 THE DEFENDANT: Depakote.

6 THE COURT: And what is that for?

7 THE DEFENDANT: It's a mood stabilizer.

8 THE COURT: Okay. And you've been taking that for the  
9 last 30 days or so?

10 THE DEFENDANT: Yes.

11 THE COURT: Okay. Do you feel that that medication has  
12 prevented you from understanding what is going on today?

13 THE DEFENDANT: No, sir.

14 THE COURT: Would you agree with that, Counsel?

15 MS. BROWN: Yes, Your Honor.

16 MR. BROWN: Yes.

17 THE COURT: Is one of the reasons you're pleading guilty  
18 to the second degree murder with use of a deadly weapon charge is  
19 in fact you are guilty of that charge?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: Okay. Ma'am, I've got a copy of the guilty  
22 plea agreement in front of me. You have one as well in front of  
23 you. Is that your signature on page five of the agreement?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: Did you read and understand everything

1 contained within the agreement?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: If you had any questions, were they  
4 answered by your attorneys?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: And, ma'am, do you understand that you  
7 have the right to go to trial on the original charges filed in your  
8 case?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: Ma'am, if you could turn to page four of  
11 your agreement, see it says waiver of rights. Do you see that,  
12 ma'am?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Do you understand that you have those  
15 constitutional rights in this case?

16 THE DEFENDANT: Yes, Your Honor, I do.

17 THE COURT: And you read those rights, ma'am; is that  
18 correct?

19 THE DEFENDANT: Yes.

20 THE COURT: All right. Do you have any question  
21 regarding your constitutional rights?

22 THE DEFENDANT: No.

23 THE COURT: And, ma'am, in this particular case, it seems  
24 like which has been going since 2017, have your attorneys had the  
25 opportunity to go over the evidence in this case that's against you,

1 for example, police reports, and witness statements, any forensic  
2 tests, photographs, video tapes, et cetera?

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: And has your attorneys discussed with you  
5 any potential defenses that you might have for this case?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: Have your attorneys answered all of your  
8 questions?

9 THE DEFENDANT: Yes.

10 THE COURT: Ma'am, based upon all the facts and  
11 circumstances of your case, are you satisfied with services of your  
12 attorney?

13 THE DEFENDANT: Yes, Your Honor, I am.

14 THE COURT: And, ma'am, do you believe that your  
15 attorneys have done everything within the law to competently  
16 represent you in this matter?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: And, ma'am, are you a U.S. citizen?

19 THE DEFENDANT: Yes.

20 THE COURT: Okay, ma'am, I'm going to read from  
21 amended indictment in this matter. You should have a copy of that  
22 in front of you and ask if you committed this particular offense, so  
23 you can read along with me. I'm starting at page 1, about line 20 or  
24 so. Okay.

25 Did you, on or about the 10<sup>th</sup> day of October 2017, here in

1 Clark County, Nevada, willfully, and lawfully, feloniously, and with  
2 malice aforethought, kill Jose Juan Garcia-Hernandez, a human  
3 being, with use of a deadly weapon, to wit: a knife, by stabbing at  
4 or into the body of said Jose Juan Garcia-Hernandez.

5 That you being criminally liable under one or more of the  
6 following principles of liability, to wit: (1) by directly committing  
7 this crime and/or (2) by aiding or abetting in the commission of this  
8 crime with the intent that the crime be committed by counseling,  
9 encouraging, hiring, commanding, inducing, and/or otherwise  
10 procuring the other to commit the crime and/or (3) pursuant to  
11 conspiracy to commit this crime, with the intent that the crime be  
12 committed, Defendants aiding and/or abetting and/or conspiring by  
13 Defendants acting in concert throughout.

14 Ma'am, did you do these things I just read to you?

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: And, ma'am, have you considered your  
17 attorneys advice in accepting these negotiations?

18 [Colloquy between Defense counsel and the Defendant]

19 MS. BROWN: Did you consider what I recommended to  
20 you?

21 THE DEFENDANT: Like --

22 THE COURT: Did your attorneys recommend that you  
23 accept these negotiations?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: Okay. And you -- but you understand it's

1 still up to you whether or not you accept the negotiations?

2 THE DEFENDANT: I accept.

3 THE COURT: Okay. And you understand that whether or  
4 not your attorneys have recommended that you take these  
5 negotiations, you still have the right to go to trial on the original  
6 charges. Do you understand that?

7 THE DEFENDANT: Yes, Your Honor, I do.

8 THE COURT: Before we go any further, do you have any  
9 additional questions for your attorneys?

10 THE DEFENDANT: No. I'd just like to thank them.

11 THE COURT: Do you have any questions for me?

12 THE DEFENDANT: No.

13 THE COURT: Ma'am, do you understand that I will not  
14 allow anyone to rush you into accepting these negotiations?

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: Okay. And, ma'am, based upon the  
17 discussion with your attorneys and the negotiations, have you  
18 determined that it is your belief that accepting these negotiations  
19 are in your best interest?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: And that going to trial would be contrary to  
22 your best interest?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: And you understand that you're not  
25 guaranteed to have -- I think this goes in front of Judge Adair.

1 MS. BROWN: It does.

2 MR. HAMNER: Yes.

3 THE COURT: That you're -- you understand that you're  
4 not guaranteed to have Judge Adair sentence you in this particular  
5 matter, that any constitutionally seated district court judge can  
6 sentence you in this matter. Do you understand that?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: Do you have any questions before we go  
9 any further, ma'am?

10 THE DEFENDANT: No, sir, I don't.

11 THE COURT: Okay. Are you making your plea freely and  
12 voluntarily?

13 THE DEFENDANT: Yes, Your Honor, I am.

14 THE COURT: Court so finds. Set this matter for  
15 sentencing in front of Judge Adair on the following day.

16 THE CLERK: May 7<sup>th</sup> at 9:30 a.m.

17 May we vacate the calendar call, the jury trial, and the  
18 status check?

19 THE COURT: Yes.

20 THE CLERK: Thank you.

21 THE COURT: All right.

22 Thank you, counsel. Thank you, ma'am.

23 MR. HAMNER: Thank you.

24 MR. BROWN: Thank you.

25 MS. BROWN: Thank you.

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THE DEFENDANT: Thank you.  
THE COURT: Have a good day.  
THE CLERK: I'm sorry, I didn't get his name.  
MS. BROWN: Phil Brown.  
THE CLERK: Okay.  
MR. BROWN: I'm Phil Brown, Bar Number 6240.  
THE CLERK: Thank you.  
MR. BROWN: Just co-counsel.

[Proceeding concluded at 4:49 p.m.]

\* \* \* \* \*

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



Robin Page  
Court Recorder/Transcriber

ORIGINAL

GPA

STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
CHRISTOPHER S. HAMNER  
Chief Deputy District Attorney  
Nevada Bar #011390  
200 Lewis Avenue  
Las Vegas, NV 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

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

MAR 16 2020  
BY *Cynthia L. Moleres*  
CYNTHIA L. MOLERES, DEPUTY

DISTRICT COURT  
CLARK COUNTY, NEVADA

C-17-327585-1  
GPA  
Guilty Plea Agreement  
4903940



THE STATE OF NEVADA,  
Plaintiff,

-vs-

DORIE REGINA HENLEY,  
#2826387

Defendant.

CASE NO: C-17-327585-1

DEPT NO: XXI

GUILTY PLEA AGREEMENT

I hereby agree to plead guilty to: **MURDER (SECOND DEGREE) WITH USE OF A DEADLY WEAPON (Category A Felony - NRS 200.010, 200.030.2, 193.165 - NOC 50011)**, as more fully alleged in the charging document attached hereto as Exhibit "1".

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

Both parties stipulate to a Fifteen (15) years to LIFE sentence in the Nevada Department of Corrections (NDOC).

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

I understand and agree that, if I fail to interview with the Department of Parole and Probation, fail to appear at any subsequent hearings in this case, or an independent magistrate, by affidavit review, confirms probable cause against me for new criminal charges including

1 reckless driving or DUI, but excluding minor traffic violations, the State will have the  
2 unqualified right to argue for any legal sentence and term of confinement allowable for the  
3 crime(s) to which I am pleading guilty, including the use of any prior convictions I may have  
4 to increase my sentence as an habitual criminal to five (5) to twenty (20) years, life without  
5 the possibility of parole, life with the possibility of parole after ten (10) years, or a definite  
6 twenty-five (25) year term with the possibility of parole after ten (10) years.

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

#### 9 CONSEQUENCES OF THE PLEA

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

12 I understand that as a consequence of my plea of guilty the Court must sentence me to  
13 Life in the Nevada Department of Corrections with the possibility of parole eligibility  
14 beginning at ten (10) years or a definite term of twenty-five (25) years with parole eligibility  
15 beginning at ten (10) years, plus a consecutive one (1) to twenty (20) years for the use of a  
16 deadly weapon. I understand that the law requires me to pay an Administrative Assessment  
17 Fee.

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

22 I understand that I am not eligible for probation for the offense to which I am pleading  
23 guilty.

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

26 I understand that if I am pleading guilty to charges of Burglary, Invasion of the Home,  
27 Possession of a Controlled Substance with Intent to Sell, Sale of a Controlled Substance, or  
28 Gaming Crimes, for which I have prior felony conviction(s), I will not be eligible for probation

1 and may receive a higher sentencing range.

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

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

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

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

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

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

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

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

25 I understand that the Division of Parole and Probation will prepare a report for the  
26 sentencing judge prior to sentencing. This report will include matters relevant to the issue of  
27 sentencing, including my criminal history. This report may contain hearsay information  
28 regarding my background and criminal history. My attorney and I will each have the

1 opportunity to comment on the information contained in the report at the time of sentencing.  
2 Unless the District Attorney has specifically agreed otherwise, the District Attorney may also  
3 comment on this report.

#### 4 WAIVER OF RIGHTS

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

- 7 1. The constitutional privilege against self-incrimination, including the right  
8 to refuse to testify at trial, in which event the prosecution would not be  
allowed to comment to the jury about my refusal to testify.
- 9 2. The constitutional right to a speedy and public trial by an impartial jury,  
10 free of excessive pretrial publicity prejudicial to the defense, at which  
11 trial I would be entitled to the assistance of an attorney, either appointed  
or retained. At trial the State would bear the burden of proving beyond  
a reasonable doubt each element of the offense(s) charged.
- 12 3. The constitutional right to confront and cross-examine any witnesses who  
13 would testify against me.
- 14 4. The constitutional right to subpoena witnesses to testify on my behalf.
- 15 5. The constitutional right to testify in my own defense.
- 16 6. The right to appeal the conviction with the assistance of an attorney,  
17 either appointed or retained, unless specifically reserved in writing and  
18 agreed upon as provided in NRS 174.035(3). I understand this means I  
19 am unconditionally waiving my right to a direct appeal of this conviction,  
20 including any challenge based upon reasonable constitutional,  
jurisdictional or other grounds that challenge the legality of the  
proceedings as stated in NRS 177.015(4). However, I remain free to  
challenge my conviction through other post-conviction remedies  
including a habeas corpus petition pursuant to NRS Chapter 34.

#### 21 VOLUNTARINESS OF PLEA

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

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

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

28 ///

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

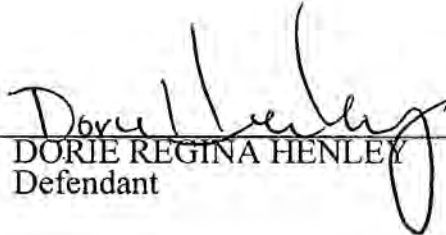
3 I believe that pleading guilty and accepting this plea bargain is in my best interest, and  
4 that a trial would be contrary to my best interest.

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


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

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

13 DATED this 16<sup>th</sup> day of March, 2020.

14  
15   
16 DORIE REGINA HENLEY  
Defendant

17 AGREED TO BY:

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19  
20 CHRISTOPHER S. HAMNER  
21 Chief Deputy District Attorney  
22 Nevada Bar #011390  
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28

1 CERTIFICATE OF COUNSEL:

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

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

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

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

Dated: This 16 day of March, 2020.

26   
27 MARY BROWN, ESQ.

28 17F18527A/saj/MVU

1 **AIND**

2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 CHRISTOPHER S. HAMNER  
6 Chief Deputy District Attorney  
7 Nevada Bar #011390  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

7 DISTRICT COURT  
8 CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

11 -vs-

12 DORIE REGINA HENLEY,  
13 #2826387

14 Defendant.

CASE NO. C-17-327585-1

DEPT NO. XXI

AMENDED  
INDICTMENT


15 STATE OF NEVADA }  
16 COUNTY OF CLARK } ss:

17 The Defendant(s) above named, DORIE REGINA HENLEY, is accused by the Clark  
18 County Grand Jury of the crime(s) of **MURDER (SECOND DEGREE) WITH USE OF A**  
19 **DEADLY WEAPON (Category A Felony - NRS 200.010, 200.030.2, 193.165 - NOC**  
20 **50011)**, committed at and within the County of Clark, State of Nevada, on or about the 10th  
21 day of October, 2017, as follows: did willfully, unlawfully, feloniously, and with malice  
22 aforethought, kill JOSE JUAN GARCIA-HERNANDEZ, a human being, with use of a deadly  
23 weapon, to wit: a knife, by stabbing at or into the body of the said JOSE JUAN GARCIA-  
24 HERNANDEZ, ~~the said killing having been, (1) willful, deliberate and premeditated; (2)~~  
25 ~~committed during the commission of Robbery; and (3) committed during the commission of~~  
26 ~~Kidnapping~~ the Defendant(s) being criminally liable under one or more of the following  
27 principles of criminal liability, to wit: (1) by directly committing this crime; and/or (2) by  
28 aiding or abetting in the commission of this crime, with the intent that this crime be committed,

1 by counseling, encouraging, hiring, commanding, inducing and/or otherwise procuring the  
2 other to commit the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the  
3 intent that this crime be committed, Defendants aiding or abetting and/or conspiring by  
4 Defendants acting in concert throughout.

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

8 BY

  
9 CHRISTOPHER S. HAMNER  
10 Chief Deputy District Attorney  
11 Nevada Bar #011390  
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27 17AGJ113A-C/17F18527A-C/saj/MVU  
28 LVMPD #1710103981  
(TK1)

ORIGINAL

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

1 AIND  
STEVEN B. WOLFSON  
2 Clark County District Attorney  
Nevada Bar #001565  
3 CHRISTOPHER S. HAMNER  
Chief Deputy District Attorney  
4 Nevada Bar #011390  
200 Lewis Avenue  
5 Las Vegas, Nevada 89155-2212  
(702) 671-2500  
6 Attorney for Plaintiff

MAR 16 2020  
BY: *[Signature]*  
CYNTHIA L. MOLERES, DEPUTY

DISTRICT COURT  
CLARK COUNTY, NEVADA

C-17-327585-1  
AIND  
Amended Indictment  
4903939



9 THE STATE OF NEVADA,  
10 Plaintiff,

11 -vs-

12 DORIE REGINA HENLEY,  
#2826387

14 Defendant.

CASE NO. C-17-327585-1

DEPT NO. XXI

AMENDED  
INDICTMENT


15 STATE OF NEVADA }  
16 COUNTY OF CLARK } ss:

17 The Defendant(s) above named, DORIE REGINA HENLEY, is accused by the Clark  
18 County Grand Jury of the crime(s) of **MURDER (SECOND DEGREE) WITH USE OF A**  
19 **DEADLY WEAPON (Category A Felony - NRS 200.010. 200.030.2, 193.165 - NOC**  
20 **50011)**, committed at and within the County of Clark, State of Nevada, on or about the 10th  
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22 aforethought, kill JOSE JUAN GARCIA-HERNANDEZ, a human being, with use of a deadly  
23 weapon, to wit: a knife, by stabbing at or into the body of the said JOSE JUAN GARCIA-  
24 HERNANDEZ, ~~the said killing having been, (1) willful, deliberate and premeditated, (2)~~  
25 ~~committed during the commission of Robbery; and (3) committed during the commission of~~  
26 ~~Kidnapping;~~ the Defendant(s) being criminally liable under one or more of the following  
27 principles of criminal liability, to wit: (1) by directly committing this crime; and/or (2) by  
28 aiding or abetting in the commission of this crime, with the intent that this crime be committed,

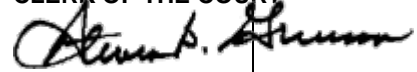
1 by counseling, encouraging, hiring, commanding, inducing and/or otherwise procuring the  
2 other to commit the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the  
3 intent that this crime be committed, Defendants aiding or abetting and/or conspiring by  
4 Defendants acting in concert throughout.

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

8 BY

  
9 CHRISTOPHER S. HAMNER  
10 Chief Deputy District Attorney  
11 Nevada Bar #011390  
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28 LVMPD #1710103981  
(TK1)



MOT  
MARY D. BROWN, ESQ.  
Nevada Bar No. 6947  
BROWN LAW OFFICES  
200 Hoover Ave., Suite #130  
Las Vegas, NV 89101  
Telephone (702) 405-0505  
Facsimile (866) 215-8145  
Mary@TheLasVegasDefender.com  
*Attorney for Defendant*

**EIGHTH JUDICIAL DISTRICT COURT  
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,  
Plaintiff,

vs.

DORIE HENLEY,

Defendant.

CASE NO.: C-17-327585-1

DEPT. NO.: XXI

**HEARING REQUESTED**

**MOTION FOR APPOINTMENT OF INDEPENDENT COUNSEL TO DETERMINE IF  
GROUNDS EXIST TO WITHDRAW PLEA**

Upon the application of MARY D. BROWN, ESQ., attorney of record in the above captioned case, it is hereby requested that the above captioned matter be placed on calendar for the appointment of independent counsel to determine if there are grounds sufficient to support a motion to withdraw plea.

DATED this 22<sup>nd</sup> day of June, 2020.

By: /s/ Mary D. Brown  
MARY D. BROWN, Esq.  
Nevada Bar No. 6947  
200 Hoover Ave., Suite 130  
Las Vegas, Nevada 89101

1 *Attorney for Defendant*

2  
3 **NOTICE OF MOTION**

4 TO: Steven B. Wolfson, District Attorney, Clark County, Nevada;

5 Defendant's Motion for Appointment of Independent Counsel to Determine if Grounds  
6 Exist to Withdraw Plea will be heard on the \_\_\_\_\_ day of \_\_\_\_\_, 2020 at  
7 the hour of \_\_\_\_\_ a.m/p.m. in Department \_\_\_\_\_.

8  
9 DATED this 22<sup>nd</sup> day of June, 2020.

10  
11 By: /s/ Mary D. Brown  
12 MARY D. BROWN, Esq.  
13 Nevada Bar No. 6240  
14 200 Hoover Ave., Suite 130  
15 Las Vegas, Nevada 89101  
16 *Attorney for Defendant*

17 **MEMORANDUM OF POINTS AND AUTHORITIES**

18 **ARGUMENT**

19 Ms. Henley informed counsel that she is requesting to withdraw her guilty plea in this  
20 matter. Ms. Henley indicated that she wants to go to jury trial in this matter. Independent

21 ///

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1 counsel is necessary to determine whether sufficient grounds exist to support a Motion to  
2 Withdraw Guilty Plea.

3 **CONCLUSION**

4 For the foregoing reasons, Defendant respectfully requests that the Court enter an order  
5 granting the instant motion.  
6

7 DATED this 22<sup>nd</sup> day of June, 2020  
8

9  
10 By: /s/ Mary D. Brown  
11 MARY D. BROWN, Esq.  
12 Nevada Bar No. 6240  
13 200 Hoover Ave., Suite 130  
14 Las Vegas, Nevada 89101  
15 *Attorney for Defendant*

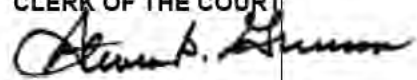
16 **CERTIFICATE OF ELECTRONIC SERVICE**

17 I HEREBY CERTIFY THAT on the 22<sup>nd</sup> day of June, 2020, a true and correct copy of the  
18 above this Motion for Appointment of Independent Counsel to Determine if Grounds Exist to  
19 Withdraw Plea was electronically served on the Clark County District Attorney's Offices and the  
20 other parties, at the following address:  
21

22 Motions@clarkcountyda.com  
23  
24

25 BROWN LAW OFFICES

26 /s/ Mary D. Brown  
27 Employee of Brown Law Offices  
28



**MOT**

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 Dorie Henley*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,  
  
Plaintiff,

vs.

DORIE REGINA HENLEY,  
  
Defendant.

CASE NO.: C-17-327585-1

DEPT NO.: XXI

Date of Hearing: 10/27/2020

Time of Hearing: 9:30 a.m.

**DEFENDANT DORIE HENLEY'S  
MOTION TO WITHDRAW GUILTY PLEA AGREEMENT**

COMES NOW, Defendant DORIE HENLEY, by and through her attorney, LUCAS J. GAFFNEY, ESQ., and hereby moves the Honorable Court for an order allowing Defendant to withdraw her guilty plea in this matter. This motion is made and based on the following Memorandum of Points and Authorities, the submitted exhibits, all papers and pleadings on file herein, and any oral argument that may be entertained in this matter.

Dated this 25<sup>th</sup> day of August, 2020.

RESPECTFULLY SUBMITTED BY:

/s/ Lucas Gaffney  
LUCAS J. GAFFNEY, ESQ.  
Nevada Bar No. 12373

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**MEMORANDUM OF POINTS AND AUTHORITIES**

**I.**

**STATEMENT OF RELEVANT PROCEDURAL HISTORY**

On November 1, 2017, the State of Nevada (“State”) filed its Indictment against defendants Dorie Henley (“Dorie”), Andrew Henley (“Andrew”), and Jose Franco (“Franco”). The indictment charged the defendants with the following offenses:

- Count 1 – Murder With Use of a Deadly Weapon.
- Count 2 – Conspiracy to Commit Murder.
- Count 3 – Third Degree Arson.
- Count 4 – Conspiracy to Commit Third Degree Arson.
- Count 5 – First Degree Kidnapping.
- Count 6 – Conspiracy to Commit Kidnapping.
- Count 7 – Robbery With Use of a Deadly Weapon.
- Count 8 – Conspiracy to Commit Robbery.
- Count 9 – Grand Larceny Auto.
- Count 10 – Conspiracy to Commit Larceny.

On November 28, 2017, Dorie filed her pre-trial Petition for Writ of Habeas Corpus (Pretrial Petition). On December 6, 2017, the State filed its Opposition. On January 8, 2018, the district court granted the Pretrial Petition as to Count 2 and Count 4.

On March 16, 2020, the district court conducted a settlement conference and the parties reached a negotiation.<sup>1</sup> That same day, Dorie entered into a plea agreement with the State where she pleaded guilty to one count of Second-Degree Murder With Use of a Deadly Weapon. Pursuant to the plea agreement, the parties stipulated to recommending the district court impose an aggregate sentence of fifteen (15) years to LIFE in the Nevada Department of Corrections. That same day, the State filed its Amended Indictment which charged Dorie with second-degree

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<sup>1</sup> At the time of the Settlement Conference trial was set for April 23, 2020.

1 murder with use of a deadly weapon for the murder of Jose Juan Garcia-Hernandez (“victim”),  
2 which occurred on October 10, 2017.<sup>2</sup>

3 During the change of plea hearing, Dorie’s attorney, Mary Brown, Esq. (“Counsel”),  
4 indicated the parties agreed Dorie and the State could withdraw from the plea agreement in the  
5 event that the sentencing court “vary from the stipulated sentence.” *See* Recorder’s Transcript of  
6 Hearing RE: Entry of Plea, held March 16, 2017, page 8, lines 16-20. After conducting its plea  
7 canvass, the district court accepted Dorie’s guilty plea as being freely and voluntarily given. *Id.*  
8 at 15, lines 11-15.

9 On June 22, 2020, Dorie filed her Motion for Appointment of Independent Counsel to  
10 Determine if Grounds Exist to Withdraw Plea. On July 2, 2020, during a hearing on said motion,  
11 Dorie indicated she had been rushed into accepting the plea agreement by counsel. The district  
12 court indicated that Dorie’s claim created a conflict of interest and granted the motion to appoint  
13 independent counsel to represent Dorie during her efforts to withdraw her guilty plea agreement.

## 14 II.

### 15 LEGAL ARGUMENT

16  
17 Under the totality of the circumstances, there are fair and just reasons to allow Dorie to  
18 withdraw from the parties’ plea agreement.

19 Nevada Revised Statute § 176.165 provides:

20 Except as otherwise provided in this section, a motion to withdraw a plea of guilty,  
21 guilty but mentally ill or nolo contendere may be made only before sentence is  
22 imposed or imposition of sentence is suspended. To correct manifest injustice, the  
23 court after sentence may set aside the judgment of conviction and permit the  
defendant to withdraw the plea.

24 Dorie is timely moving the Court to allow her to withdraw from her plea agreement  
25 pursuant to NRS 176.165 as she has not been sentenced in this matter.

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26  
27 <sup>2</sup> The parties struck the language in the Amended Indictment that pertained to premeditated  
28 murder, and felony murder.

1           The decision to grant a pre-sentence motion to withdraw a guilty plea under NRS 176.165,  
2 is vested in the district court, which is not constrained to ask only whether a defendant entered  
3 into a plea “knowingly, voluntarily, and intelligently[.]” but rather has wide latitude to allow  
4 withdrawal of a guilty plea “for *any reason* where permitting withdrawal would be fair and just  
5 ....” Stevenson v. State, 131 Nev. 598, 603-604, 354 P.3d 1227, 1281 (emphasis added).  
6 “Accordingly, Nevada trial courts must apply a more relaxed standard to presentence motions to  
7 withdraw guilty pleas than to post-sentencing motions.” Molina v. State, 120 Nev. 185, 191, 87  
8 P.3d 533, 537 (2004).

9  
10           Indeed, even before Stevenson rejected a strict knowing-voluntary-intelligent analysis  
11 previously imposed under Crawford v. State, 117 Nev. 718, 30 P.3d 1123 (2001) as too narrow,  
12 the Nevada Supreme Court held that in assessing the validity of a guilty plea, “we *require* the  
13 district court to look *beyond the plea canvass* to the entire record and the totality of the  
14 circumstances.” Rubio v. State, 124 Nev. 1032, 1038 (2008). (emphasis added; internal  
15 quotations, citation omitted). In other words, a district court may not simply review the plea  
16 canvass in a vacuum, conclude that it indicates that the defendant understood what she was doing,  
17 and use that conclusion as the sole basis for denying a motion to withdraw a guilty plea. Mitchell  
18 v. State, 109 Nev. 137, 141, 848 P.2d 1060, 1062 (1993).

19  
20           Moreover, and more importantly, “a defendant does *not* have to prove that his [or her]  
21 plea is invalid ... to establish a fair and just reason for withdrawal before sentencing.” U.S. v.  
22 Davis, 428 F.3d 802, 806 (9<sup>th</sup> Cir. 2005 (emphasis original). Rather, the “proper inquiry is  
23 whether the defendant has shown a fair and just reason for withdrawing his [or her] plea *even if*  
24 *the plea is otherwise valid.*” Id. (emphasis added). Thus, the plea withdraw analysis turns entirely  
25 on what a court, as an impartial arbiter, believes is “fair and just.”  
26  
27  
28

1 A plea of guilty must be the result of an informed and voluntary decision. *see* Smith v.  
2 State, 110 Nev. 1009, 1010, 879 P.2d 60, 61 (1994). A defendant who pleads guilty upon the  
3 advice of counsel may attack the validity of the guilty plea by showing that she received  
4 ineffective assistance of counsel under the Sixth Amendment to the United States Constitution.  
5 Molina, 120 Nev. at 190 (2004). Alleged ineffective assistance of counsel is evaluated under  
6 Strickland, which requires demonstrating (1) counsel’s deficient (objectively unreasonable)  
7 performance; and (2) prejudice (the reasonable probability that, but for the deficient performance,  
8 the outcome would have been different). *See, e.g.,* Johnson v. State, 402 P.3d 1266, 1273 (Nev.,  
9 2017) (*citing* Strickland v. Washington, 466 U.S. 668 (1984)).

11 Here, Dorie submits that there are fair and just reasons to allow her to withdraw from the  
12 parties’ plea agreement, which include: 1) Counsel failed to convey a more favorable offer of 11  
13 to LIFE that Dorie would have accepted; 2) Counsel failed to provide Dorie with information  
14 that bolstered her defense and would have resulted in Dorie proceeding to trial rather than  
15 entering into a plea agreement that contemplated a 15-to-LIFE sentence; and 3) Dorie did not  
16 have sufficient time to make a decision whether to accept the plea agreement

18 **A. COUNSEL FAILED TO CONVEY AN EARLIER OFFER THAT DORIE**  
19 **WOULD HAVE ACCEPTED.**

20 During the settlement conference, Dorie learned for the first time that the State had previously  
21 extended an offer that recommended an aggregate sentence of eleven (11) years to LIFE. Dorie  
22 submits that counsel did not convey the 11-to-LIFE offer to her, and that she would have accepted  
23 the offer at the time it was presented to counsel.

24 It is well settled that the right to the effective assistance of counsel applies to certain steps  
25 before trial. Missouri v. Frye, 566 U.S. 134, 140, 132 S. Ct. 1399, 1405, 182 L. Ed. 2d 379 (2012).  
26 The “Sixth Amendment guarantees a defendant the right to have counsel present at all ‘critical’  
27 stages of the criminal proceedings.” Montejo v. Louisiana, 556 U.S. 778, 786, 129 S.Ct. 2079,  
28

1 173 L.Ed.2d 955 (2009) (*quoting United States v. Wade*, 388 U.S. 218, 227–228, 87 S.Ct. 1926,  
2 18 L.Ed.2d 1149 (1967)). Critical stages include arraignments, post-indictment interrogations,  
3 post-indictment lineups, and the entry of a guilty plea. *See Argersinger v. Hamlin*, 407 U.S. 25,  
4 92 S.Ct. 2006, 32 L.Ed.2d 530 (1972) (guilty plea). Thus, the right to effective assistance of  
5 counsel extends to the plea-bargaining process. *Lafler v. Cooper*, 132 S.Ct. 1376, 1385, 182  
6 L.Ed.2d 398 (2102). (*See also, McMann v. Richardson*, 397 U.S. 759, 771, 90 S.Ct. 1441, 25  
7 L.Ed.2d 763 (1970) - Defendants are “entitled to effective assistance of competent counsel.”). In  
8 *Frye*, the Court held “as a general rule, defense counsel has the duty to communicate formal  
9 offers from the prosecution to accept a plea on terms and conditions that may be favorable to the  
10 accused.” *Frye*, 566 U.S. at 145. When defense counsel allows an offer to expire without advising  
11 the defendant or allowing her to consider it, defense counsel did not render the effective  
12 assistance the Constitution requires. *Id.* Furthermore:

14 To show prejudice from ineffective assistance of counsel where a plea offer has  
15 lapsed or been rejected because of counsel's deficient performance, defendants  
16 must demonstrate a reasonable probability they would have accepted the earlier  
17 plea offer had they been afforded effective assistance of counsel. Defendants must  
18 also demonstrate a reasonable probability the plea would have been entered without  
19 the prosecution canceling it or the trial court refusing to accept it, if they had the  
20 authority to exercise that discretion under state law. To establish prejudice in this  
21 instance, it is necessary to show a reasonable probability that the end result of the  
22 criminal process would have been more favorable by reason of a plea to a lesser  
23 charge or a sentence of less prison time. Cf. *Glover v. United States*, 531 U.S. 198,  
203, 121 S.Ct. 696, 148 L.Ed.2d 604 (2001) (“[A]ny amount of [additional] jail  
time has Sixth Amendment significance”).

22 *Frye*, 566 U.S. at 147.

24 Here, counsel’s failure to convey the 11-to-LIFE offer constitutes a fair and just reason to  
25 allow Dorie to withdraw from the parties’ plea agreement because but for counsel’s failure to  
26 convey the earlier offer, there is a reasonable probability that Dorie would not have accepted the  
27 15-to-LIFE offer.  
28

1 First, the sentence contemplated by the 11-to-LIFE plea agreement is manifestly more  
2 favorable than the plea agreement Dorie later accepted which recommended a larger aggregate  
3 sentence of 15 to LIFE.

4 Second, at this stage, there is no evidence to suggest that but for counsel's failure to convey  
5 the 11-to-LIFE plea offer, Dorie would have rejected it. Indeed, Dorie submits that she would  
6 have accepted the 11-to-LIFE offer. Similarly, there is no evidence to suggest the State would  
7 have revoked the plea offer if Dorie accepted it soon after the offer had been conveyed to counsel.  
8 Indeed, from a logical standpoint, it is inexplicable that the State would extend an offer to resolve  
9 Dorie's case if it had no intention to honor the negotiated terms. It also makes little sense that the  
10 State would extend the offer, but then suddenly revoke it before Dorie had a chance to consider  
11 it. Thus, any absence of evidence as to this factor does not inure to the State's benefit as custom,  
12 practice, and logic dictate that the offer would remain available for a period of time to allow  
13 Dorie to consider accepting it.  
14

15 Additionally, there is no evidence to suggest that the Court would have rejected a negotiation  
16 that contemplated Dorie receiving a 11-to-LIFE sentence. It is certainly not unreasonable to  
17 believe that the Court would have accepted a resolution that contemplated Dorie pleading guilty  
18 to a lesser degree of the most egregious, charged offense of murder, and agreeing to serve an 11-  
19 to-LIFE sentence in the Nevada Department of Corrections. Especially given that the Court  
20 accepted the plea agreements of Dorie's co-defendants which recommended sentences that were  
21 not significantly greater than the 11-to-LIFE offer.<sup>3</sup> Nor was the 11-to-LIFE offer atypical of  
22 other plea agreements the State has entered to resolve murder cases in the Eighth Judicial District  
23 Court.  
24  
25  
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27 <sup>3</sup> Co-defendant Jose Franco, who stabbed the victim, received an aggregate sentence of 15 to  
28 LIFE. And co-defendant Andrew Henley received an aggregate sentence of 12 to 35 years.

1 Accordingly, but for counsel's failure to convey the more favorable offer there is a reasonable  
2 probability that the end result of the criminal process in Dorie's case would have been more  
3 favorable by reason of a plea to a sentence of less prison time. Thus, counsel's failure to convey  
4 the earlier offer constitutes a fair and just reason to allow Dorie to withdraw from the parties'  
5 plea agreement and either proceed to trial or enter into a new plea agreement recommending an  
6 aggregate sentence of 11 to LIFE.<sup>4</sup>  
7

8  
9 **B. COUNSEL FAILED TO PROVIDE DORIE WITH INFORMATION THAT**  
10 **BOLSTERED HER DEFENSE AND WOULD HAVE RESULTED IN DORIE**  
11 **PROCEEDING TO TRIAL RATHER THAN ENTERING INTO A PLEA**  
12 **AGREEMENT THAT CONTEMPLATED A 15 TO LIFE SENTENCE.**

13 On December 7, 2017, counsel's investigator interviewed a witness that indicated Dorie's co-  
14 defendant had forced Dorie to participate in the robbery of the victim.<sup>5</sup> The witness' testimony  
15 could have been used to present a defense of duress pursuant to NRS 194.010(8), which provides  
16 that all persons are liable to punishment except those belonging to one the following classes:

17 8. Persons, unless the crime is punishable with death, who committed the act or  
18 made the omission charged under threats or menaces sufficient to show that they  
19 had reasonable cause to believe, and did believe, their lives would be endangered  
20 if they refused, or that they would suffer great bodily harm.

21 Nevada's duress statute does not limit the defense by reference to certain crimes, like murder  
22 and manslaughter, but rather limits the defense by reference to the potential punishment (death).

---

23 <sup>4</sup> In Lafler, the Supreme Court suggested that the proper exercise of discretion to remedy a  
24 constitutional injury of ineffective assistance at the plea-bargaining stage "may be to require the  
25 prosecution to reoffer the plea proposal." Lafler, 566 U.S. at 171. Dorie acknowledges that in  
26 Lafler the defendant rejected the proposed offer based on counsel's erroneous advice, as opposed  
27 to Frye where counsel failed to convey the plea offer all together. However, because the end  
28 result of both scenarios are the same—a defendant does not accept a favorable plea offer due to  
the ineffective assistance of counsel—the potential remedies should be the same as well.

<sup>5</sup> Due to the sensitive nature of the witness' statements, Dorie has refrained from using the  
witness' name or initials in this pleading. A copy of the witness' statement will be provided  
directly to the State and the Court.

1 Cabrera v. State, 135 Nev. 492, 496, 454 P.3d 722, 725 (2019). Accordingly, because the State  
2 did not seek the death penalty in this case, duress would have provided a complete defense to all  
3 of the offenses Dorie faced.

4 Although the investigator provided Dorie with a brief, oral summary of the interview, Dorie  
5 submits that counsel did not provide her with a transcript of the interview, and therefore Dorie  
6 did not know the full extent to which the witness' statements supported a defense of duress.<sup>6</sup>  
7 Dorie further submits that had she been provided with a transcript of the witness' statement prior  
8 to the settlement conference, she would not have accepted the 15-to-LIFE offer but insisted on  
9 proceeding to trial.  
10

11 The longstanding test for determining the validity of a guilty plea is "whether the plea  
12 represents a voluntary and intelligent choice among the alternative courses of action open to the  
13 defendant." North Carolina v. Alford, 400 U.S. 25, 31, 91 S.Ct. 160, 164, 27 L.Ed.2d 162 (1970);  
14 *see* Boykin v. Alabama, 395 U.S. 238, 242, 89 S.Ct. 1709, 1711, 23 L.Ed.2d 274  
15 (1969); Machibroda v. United States, 368 U.S. 487, 493, 82 S.Ct. 510, 513, 7 L.Ed.2d 473 (1962).  
16 Indeed, a defendant has the right to make a reasonably informed decision whether to accept a  
17 plea offer. *See* Hill v. Lockhart, 474 U.S. 52, 56-57, 106 S.Ct. 366, 369, 88 L.Ed.2d 203 (1985).  
18

19 However, counsel denied Dorie the ability to render a reasonably informed decision  
20 whether to accept the plea offer, or proceed to trial, by withholding a transcript of the witnesses'  
21 statement that bolstered Dorie's defense of duress. As such, counsel rendered ineffective  
22 assistance by advising Dorie to accept the State's plea offer without disclosing the statement so  
23 Dorie could make an intelligent choice among the alternative courses of action that were open to  
24 her. And but for counsel's failure to disclose the statement or apprise Dorie of the full contents  
25  
26

---

27 <sup>6</sup> Dorie did not have the opportunity to review the witness' statement until it was disclosed to  
28 her by her current counsel.

1 of the statement, there is a reasonable probability that Dorie would not have accepted the State's  
2 15-to-Life offer but insisted on proceeding to trial. Accordingly, counsel's failure to disclose the  
3 statement constitutes a fair and just reason to allow Dorie to withdraw from the parties' plea  
4 agreement.

5 **C. DORIE DID NOT HAVE SUFFICIENT TIME TO DECIDE WHETHER TO**  
6 **ACCEPT THE PLEA AGREEMENT.**

7  
8 On March 16, 2020, approximately three (3) weeks before trial, the parties participated in a  
9 settlement conference. Before the conference began, Dorie spoke to counsel in the inmate holding  
10 room located just outside of the courtroom. During that conversation, counsel told Dorie that the  
11 settlement conference presented the last opportunity to resolve her case before proceeding to trial.  
12 In other words, if Dorie did not accept the State's offer that day she would be forced to go to  
13 trial—where, according to counsel, Dorie faced a very high likelihood of conviction on all counts.  
14 As such, based on the advice of counsel, Dorie felt she had no choice but to accept the plea  
15 agreement.  
16

17 During the settlement conference, the State extended the offer that Dorie eventually accepted.  
18 In doing so, the State explained it would only offer Dorie a 15-to-LIFE negotiation, and would  
19 not deviate downward.<sup>7</sup> Dorie submits that she had approximately two (2) minutes to make a  
20 decision whether to accept the offer that would result in her spending at least 15 years in prison,  
21 if not the rest of her life. And after accepting the plea agreement, Dorie had approximately thirty  
22 (30) minutes to change her mind while the State prepared the plea agreement and Second  
23 Amended Indictment. Dorie did not have enough time to think through all of the ramifications of  
24 the plea agreement, speak to her family, or seek a second opinion about the offer. As such, Dorie  
25  
26

---

27 <sup>7</sup> It should be noted that co-defendant Jose Franco, who stabbed the victim, received an aggregate  
28 sentence of 15 to LIFE. And co-defendant Andrew Henley received an aggregate sentence of 12  
to 35 years.

1 did not have sufficient time to make a decision that affected the next 15 years, or more, of her  
2 life. Dorie submits that had she been given adequate time to consider the offer and its  
3 consequences she would not have accepted it but insisted on proceeding to trial. As such, the  
4 limited amount of time Dorie had to make a decision to accept or reject the State's offer  
5 constitutes a fair and just reason for this Court to allow her to withdraw from the parties' plea  
6 agreement.

7  
8 **III.**

9 **CONCLUSION**

10 Dorie has provided several justifications where permitting her to withdraw from the  
11 parties' plea agreement would be fair and just under the totality of the circumstances, even if this  
12 Court determines that her plea agreement is otherwise valid. Based on the foregoing facts and  
13 legal arguments, Dorie respectfully requests an order allowing her to withdraw her guilty plea.

14 In the alternative, Dorie requests an evidentiary hearing in order to develop the facts as  
15 alleged herein as they are not currently belied by the record, and if true would entitle her to relief.  
16 See Hargrove v. State, 100 Nev. 498, 686 P.2d 222 (1984).  
17

18  
19  
20 DATED this 25<sup>th</sup> day of August, 2020.

*Respectfully submitted,*

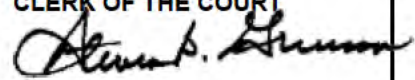
21 By: /s/ Lucas Gaffney  
22 LUCAS J. GAFFNEY, ESQ.  
23 Nevada Bar No. 12373  
24 1050 Indigo Drive, Suite 120  
25 Las Vegas, Nevada 89145  
26 Telephone: (702) 742-2055  
27 Facsimile: (702) 920-8838  
28

**CERTIFICATE OF SERVICE**

I hereby certify that on the 25<sup>th</sup> day of August, 2020, I served a true and correct copy of the foregoing Defendant Dorie Henley's Motion to Withdraw Guilty Plea Agreement on the following:

STEVEN B. WOLFSON  
Clark County District Attorney  
200 Lewis Avenue  
Las Vegas, Nevada 89101  
Motions@clarkcountyda.com

/s/ Lucas Gaffney  
An employee of GAFFNEY LAW



**OPPS**

STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
CHRISTOPHER S. HAMNER  
Chief Deputy District Attorney  
Nevada Bar #011390  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,  
  
Plaintiff,

-vs-

DORIE REGINA HENLEY,  
#2826387  
  
Defendant.

CASE NO: C-17-327585-1

DEPT NO: XXI

**STATE'S OPPOSITION TO DEFENDANT'S MOTION TO  
WITHDRAW GUILTY PLEA**

DATE OF HEARING: DECEMBER 8, 2020  
TIME OF HEARING: 3:30 PM

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through CHRISTOPHER S. HAMNER, Chief Deputy District Attorney, and hereby submits the attached Points and Authorities in Opposition to Defendant's Motion To Withdraw Guilty Plea.

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

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1 **POINTS AND AUTHORITIES**

2 **STATEMENT OF FACTS**

3 **Facts Presented to the Grand Jury**

4 The following information was presented to the Grand Jury which resulted in an  
5 indictment in this matter against defendants, Dorie Henley, Andrew Henley and Jose Franco.  
6 On October 10, 2017, Detective Jason McCarthy, a member of the LVMPD Homicide team,  
7 was called out to a scene in the area of Cory and Soprano. (Grand Jury Transcript hereinafter  
8 "GJT") at 12-13. There the victim, Jose Juan Garcia-Hernandez, was located. Id. at 15-16.  
9 The victim had abrasions to his face, hands, arms and abdomen. Id. at 15. Additionally, the  
10 victim had two stabbing and/or penetrating wounds to his abdomen. Id. These were determined  
11 to be fatal injuries as they penetrated the victim's aorta. Id. at 20. The victim was dead at the  
12 time of the detective's arrival. Id.

13 Detective McCarthy noticed that the victim did not have any wallet, cell phone or  
14 personal items on his person. Id. at 17. Additionally, the police were unable to locate a vehicle  
15 belonging to the victim at the scene. Id. at 18. Eventually, the victim's Pontiac was found  
16 several miles from the scene near the streets of Bruce and Flowmaster here in Clark County.  
17 Id. at 22. Police observed that the interior of the vehicle had been burnt or there was an attempt  
18 to burn it. Id. at 23.

19 During the course of the investigation, Detective McCarthy interviewed defendant,  
20 Dorie Henley (hereinafter "Defendant"). Id. at 24. Defendant indicated that she was aware of  
21 the homicide and had known the victim for a little over a year. Id. at 26. Defendant admitted  
22 that she had formulated a plan to meet the victim on the 10<sup>th</sup>. Id. The victim wanted to go out  
23 to dinner and go dancing. Id. Defendant lured him to an area near Dexter Park, because she  
24 had made a plan with others to rob him and take his money. Id. The area they met was the  
25 location where the victim's body was found. Id. Once there, Defendant flirted and drank with  
26 the victim. Id. at 27. Defendant flirted with the victim so much that she was unbuckling his  
27 belt buckle. Id. At the same time, Defendant was putting her hands into the victim's pockets  
28 in an effort to get his wallet. Id. While Defendant was seducing/distracting the victim, her co-

1 defendants arrived and began to beat and kick the victim. Id. Defendant fled the scene and was  
2 eventually picked up by someone in a red pickup. Id. at 28.

3 Detective McCarthy also interviewed Defendant's brother, Andrew Henley  
4 ("Andrew"). Id. at 29. Police determined that the red pickup truck was registered to Andrew's  
5 wife. Id. at 28-29. Andrew admitted on the day of the murder, he drove someone in his red  
6 pickup to the Tiffany apartment complex. Id. at 29. He and another person hopped a wall onto  
7 Soprano Street where he observed the victim and others. Id. Andrew admitted to possibly  
8 beating the victim and observed others beating the victim. Id. Andrew observed others taking  
9 his wallet, cellphone as well as the victim's vehicle a white Pontiac. Id. Andrew then left and  
10 went back to his red pickup and left the scene. Id.

11 Detective McCarthy also interviewed Jose Franco. ("Franco"). Id. at 30. Franco said  
12 that on the day of the murder he was with someone else near Dexter Park. Id. At the park he  
13 observed the victim with someone. Id. Franco said he had been drinking and consumed some  
14 Xanax. Id. Franco recalls there had been a plan and he did not remember too much of the  
15 details other than he was supposed to "kick the victim's ass" and that is what he did. Id. Franco  
16 stated he then left the scene but didn't acknowledge how he left.

17 Police never recovered the victim's stolen phone or wallet. Id. at 31. Police did recover  
18 the victim's stolen white Pontiac, but the victim's tools were missing from the vehicle. Id. The  
19 tools were located by police in an abandoned apartment next to Franco's residence. Id. at 32.

20 **Further information not presented to the Grand Jury or the Court and Pertinent to**  
21 **Negotiations.**

22 **Dorie Henley's Confession:**

23 Defendant provided other information to the police, which was not heard by the Grand  
24 Jury, specific to her *own* involvement in these crimes. Defendant told the police that the victim  
25 was someone who had wanted to date her for three years and was willing to do anything for  
26 her. (Exhibit 1 - Dorie's Voluntary Statement at 11). Defendant admitted that she convinced  
27 the victim to meet her at the park. Id. Defendant admitted that she told her brother Andrew the  
28 general location of where she and the victim were prior to the robbery and murder. Id. at 16-

18. Defendant admitted she was kissing the victim around the time Andrew and Franco approached the victim. Id. at 50. Defendant admitted to leaving her beer cans, which she drank while with the victim, behind at the scene, which were impounded by the police. Id. at 53. Defendant admitted that she told a bunch of “tweakers” who she saw rummaging through the victim’s belongings after the murder in an abandoned apartment next to Franco’s, to throw the victim’s belongings away. Id. at 60. Defendant admitted she was supposed to get paid money for the robbery of the victim. Id. at 63. Defendant admitted that the victim was unarmed on the night he died. Id. at 65. Defendant also admitted, prior to the robbery/murder, the victim was in possession of his cell phone and a wallet. Id. at 66. Defendant also admitted she told the father of her children that she was part of this robbery and murder of the victim. Id. at 70. Defendant also admitted that the victim did not deserve what happened to him. Id. at 75.

Moreover, while Defendant was waiting to speak with police in the interview room she was recorded.<sup>1</sup> During the time prior to police entering the room, Defendant is seen alone in the room talking out loud to the victim and apologizing for what happened to him.

**Defendant’s Text Messages to Raphael Cordoso:**

During the investigation, Detectives interviewed Raphael Cordoso, who is the father of Defendant’s children. According to Cordoso, he had talked to Defendant on approximately October 11, 2017, one day after police located the victim’s body. (Exhibit 2 – Raphael Cordoso’s Voluntary Statement at 4). During the conversation, Defendant revealed her plan to lure someone to a location and rob someone them for money. Id. at 5-6. Specifically, Defendant told Cordoso that she involved her brother Andrew Henley. Id.

The following day on October 12, 2017, Defendant called and told Cordoso that she had done something, and that she was going to be on the run. Id. at 5. Specifically, Defendant told Cordoso that she tried to lure a male around the corner near Jones. Id. at 6. Defendant explained that during the robbery, the victim began to fight back since she was attempting to get his wallet by being affectionate, luring him with sex. Id. The victim figured out what was

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<sup>1</sup> This video was a Court’s exhibit during Defendant’s Motion for an Evidentiary Hearing Pursuant to Jackson v. Denno Prior to Admission of Any Statements that was heard by the Court at an evidentiary hearing held on March 11, 2019.

1 going on and grabbed her. Id. at 9. Defendant then yelled out for Andrew Henley and Jose  
2 Franco. Id. Defendant told Cordoso that she did not know they (Andrew Henley and Jose  
3 Franco) were going to stab him. Id. Defendant told Cordoso that the robbery and stabbing  
4 happened on October 11<sup>th</sup>, at night. Id. at 7.

5 Cordoso stated after talking to Defendant, he received several text messages from  
6 Defendant Henley, from her phone number of (702) 498-5843 to his phone (702) 324-4532 on  
7 October 12, 2017. Id. at 3. Throughout these text messages, Defendant Henley relayed to  
8 Cordoso that she had robbed someone because she needed diapers for her children. (See  
9 Exhibit 3 – Defendant’s Text Messages to Cordoso).

10 **Dorie’s CCDC Letter:**

11 Finally, and perhaps most importantly, is the letter authored by Defendant while she  
12 was in custody that the State obtained before trial after the Jackson v. Denno evidentiary  
13 hearing in March 2019. (Exhibit 4 - Defendant’s CCDC Letter). Dorie Henley authored a four  
14 (4) page handwritten letter to Cordoso. For the first half page, Defendant elaborates with how  
15 much gratitude she has for Mr. Cardoso’s presence in her life. Id. at 4. She tenderly reminds  
16 him of how much she loves him and how happy she is when she thinks and talks about him.  
17 Id. And just as she is about to wrap up the first page of her long love letter to Mr. Cordoso,  
18 she asks him to help fabricate a coercion defense to her murder charge by writing a letter  
19 saying that her brother forced her into the crime. Id.

20 In the letter Defendant states:

21  
22 TBH I need you to write me a letter saying I told you I was forced  
23 that Andrew threatened me that he was going to shoot up your  
24 house and burn it down with the kids...It could help me get a lower  
25 deal! Please.

26 (Ex. 4 at 3).

27 The period of time in which Defendant is writing this letter is significant for multiple  
28 reasons. At the time, there was a current long-standing offer for Defendant to plead to a  
Second-Degree Murder with Use of a Deadly Weapon with the parties retaining the right to

1 argue. Additionally, there were lengthy discussions about a potential stipulated sentence  
2 within the Second-Degree Murder with Use of a Deadly Weapon sentencing range.

3 More importantly, this letter specifically reveals what Defendant's true desired  
4 negotiation is. Defendant states in the letter:

5 Please help me it could help me with my case and they might through [sic] out  
6 your statement and the screen shot messages to [sic]! Please do this not for us,  
7 for the kids and for us I could get a 8-20 if you do it cause my lawyer will tell  
8 the da like dude he didn't even know what he was saying or anything. They  
9 will have to through [sic] it all out! I need it for Court or my visit.

10 (Ex. 4 at 5)(emphasis added).

11 Defendant's letter reveals and belies the claim that Defendant would have wanted to  
12 take an Eleven (11) to Life negotiation. According to conversations between the State and  
13 Defense counsel, Defendant was never interested in any plea negotiation containing a life tail,  
14 as the letter illustrates that she sought an 8-20 year sentence which could only be possible if  
15 the State reduced its offer down to a Voluntary Manslaughter with Use. Such a low offer was  
16 never extended by the State, let alone contemplated by it.

17 Upon receipt of this letter, the State revoked all offers as to Defendant, as it revealed  
18 she was attempting to coach a witness into lying on the stand in order to secure a more  
19 favorable negotiation.

### 20 Procedural History

21 On November 1, 2017, Defendants Dorie Henley, Andrew Henley and Jose Melvin  
22 Franco were indicted for the following crimes of Murder with Use of a Deadly Weapon,  
23 Conspiracy to Commit Murder, Third Degree Arson, Conspiracy to Commit Third Degree  
24 Arson, First Degree Kidnapping, Conspiracy to Commit Kidnapping, Robbery with Use of A  
25 Deadly Weapon, Conspiracy to Commit Robbery, Grand Larceny Auto and Conspiracy to  
26 Commit Grand Larceny.

27 At the beginning of the case, Chief Deputy District Attorney David Stanton was  
28 assigned to the case. For nearly a year, Mr. Stanton litigated the case and was responsible for  
the negotiations. As of September 13, 2018, no formal offers were made to any of the co-  
defendants in the case. (Exhibit 5 – Court Minutes from Hearing September 13, 2018). A

1 November 15, 2018 status check trial readiness was set, and a March 2019 trial date was set  
2 as well.

3 After a personnel change in the District Attorney's office, Chief Deputy District  
4 Attorney Christopher Hamner joined the Major Violators Unit and took over the instant case  
5 in November of 2018. Mr. Hamner made his first appearance in the case at the November 15,  
6 2018 status check. At that hearing, Mr. Hamner indicated to the court that he had a meeting  
7 scheduled with the family regarding the offer. A status check was set on January 10, 2019.  
8 (Exhibit 6 – Court Minutes from Hearing November 15, 2018). At the January 10, 2019  
9 hearing, Attorney Andrea Luem stood in for Ms. Brown. Mr. Hamner stated that the parties  
10 agreed to continue the motions set for that day while the parties work on resolving the matter.  
11 The motions were continued to February 12, 2019.

12 On February 12, 2019, Ms. Brown stated that the parties were still negotiating and were  
13 “close to the bottom line.” (Exhibit 7 - Recorder's Transcript of Hearing February 12, 2019).  
14 The outstanding offer at the time was a Second-Degree Murder with Use of a Deadly Weapon  
15 with the parties retaining the right to argue. There were also discussions of a stipulated range  
16 within the sentencing range of that plea. At that time, Defendant Franco entered a plea of  
17 guilty to Second Degree Murder with Use of a Deadly Weapon and he was set for sentencing.  
18 The matter was continued to March 15, 2019. On March 11, 2019, the evidentiary hearing on  
19 Defendant's motion to Suppress statement took place.

20 On May 23, 2019, the Court denied Defendant's motion to sever defendants. (Exhibit  
21 8 - Recorder's Transcript of Hearing May 23, 2019). After the trial was set, offers were  
22 generally discussed with no significant or substantive change announced on the record. At that  
23 hearing, the State revoked any offer as to Defendant Dorie Henley, but kept the offer open to  
24 Defendant Andrew Henley.

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26 ///

27 ///

28 ///

1 THE COURT: All right. Refresh my memory, has there been any discussion  
2 regarding a possible resolution in this case or was everybody waiting to see what  
3 happened on the motion or?

4 MR HAMNER: *Well, I mean there's been a long-standing offer that's been*  
5 *out to both of them* and I've been trying my darndest to try to get it resolved.  
6 *With respect to Ms. Henley, there's been some new evidence that's come to*  
7 *light and now I've pulled the offer in light of the evidence that I've kind of*  
8 *had. I provided it to both sides.* So I need to speak with Ms. Brown again to see  
if we can reevaluate what the offer is going to be, but there's still an offer out  
for Mr. Henley at this point and I'm willing to kind of work so.

THE COURT: All right

9 (Exhibit 8 at 7.)(emphasis added).

10 On July 25<sup>th</sup>, 2019 the court held a status check on trial readiness. Prior to the hearing,  
11 the State reopened negotiations.

12 THE COURT: Have there been any offers or meaningful discussion regarding  
13 negotiations.

14 MS. BROWN: There's been offers and I have to Mr. Hamner about the  
meaningful negotiation part and we're hoping to do that in the next two weeks.

15 MR. HAMNER: I mean, there's been offers since the outset of the case since  
I've been on it.

16 THE COURT: Is it the same offer or does the offer get –

17 MR. HAMNER: Her offer did go up.

18 THE COURT: -- better, worse, or.

19 MR. HAMNER: Her offer got worse in light of something that they discovered  
in the jail that she wrote, so that made it more problematic for –

20 THE COURT: And that's as to Ms. Henley.

MR HAMNER: That is correct

21 THE COURT: And then as to Mr. Henley.

22 MR. HAMNER: There is an offer out to him and I'm working my darndest to  
try to get that resolved, but there is an offer out to him as well.

23 THE COURT: Okay. And is it a global – I mean, do both defendants have to  
accept the offers or is it okay if just one defendant accepts the offer?

24 MR HAMNER: If – the way this one works is her offer is contingent, his is not.

25 (Exhibit 9 - Recorder's Transcript of Hearing July 25, 2019).

26 On September 26, 2019, the court held another status check trial readiness hearing. Ms.  
27 Brown indicated that there was discussion of a settlement conference and that the matter  
28 should negotiate.

1 THE COURT: All right. So this is on for status check, trial readiness. Last time  
2 we were here, we discussed whether or not the case would be resolving. And I  
3 believe Mr. Henley could take the deal regardless of whether Ms. Henley took  
4 it, but Ms. Henley's deal was contingent on Mr. Henley taking the deal; is that  
5 right.

6 MS. BROWN: That's correct. And since then, there's been some discussion  
7 about possible doing a settlement conference.

8 THE COURT: Okay.

9 MS. BROWN: You know, if the court were inclined, we thought that that might  
10 be beneficial. It's a case that realistically should negotiate.

11 THE COURT: Okay.

12 MS. BROWN: We're just a little stuck.

13 (Exhibit 10 - Recorder's Transcript of Hearing September 26, 2019).

14 On December 5, 2019, the court held another status check trial readiness. Ms. Brown  
15 advised that an offer has been conveyed.

16 On March 16, 2020, a settlement conference took place between the parties. The matter  
17 was settled, and Defendant entered a plea of guilty to one count of Second-Degree Murder  
18 with use of a Deadly Weapon. Pursuant to the negotiations, the parties stipulated to  
19 recommend a sentence of Fifteen (15) years to Life in the Nevada Department of Corrections.  
20 This was an offer that was a year less on the bottom end that Defendant Franco, who stabbed  
21 the victim to death, received.

## 22 ARGUMENT

### 23 **I. DEFENDANT'S PLEA WAS FREELY AND VOLUNTARILY ENTERED**

24 A plea of guilty is presumptively valid, particularly where it is entered into on the  
25 advice of counsel. Jezierski v. State, 107 Nev. 395, 397, 812 P.2d 355, 356 (1991). The  
26 defendant has the burden of proving that the plea was not entered knowingly or voluntarily.  
27 Bryant v. State, 102 Nev. 268, 272, 721 P.2d 364, 368 (1986); Wynn v. State, 96 Nev. 673,  
28 615 P.2d 946 (1980); Housewright v. Powell, 101 Nev. 147, 710 P.2d 73 (1985). In  
determining whether a guilty plea is knowingly and voluntarily entered, the court will review  
the totality of the circumstances surrounding the defendant's plea. Bryant, 102 Nev. at 271,  
721 P.2d at 367. The proper standard set forth in Bryant requires the trial court to personally  
address a defendant at the time he enters his plea in order to determine whether he understands

1 the nature of the charges to which he is pleading. Id. at 271; State v. Freese, 116 Nev. 1097,  
2 1105, 13 P.3d 442, 448 (2000). The guidelines for voluntariness of guilty pleas “do not require  
3 the articulation of talismanic phrases.” Heffley v. Warden, 89 Nev. 573, 575, 516 P.2d 1403,  
4 1404 (1973). It requires only “that the record affirmatively disclose that a defendant who  
5 pleaded guilty entered his plea understandingly and voluntarily.” Brady v. United States, 397  
6 U.S. 742, 747-748, 90 S.Ct. 1463, 1470 (1970); United States v. Sherman, 474 F.2d 303 (9th  
7 Cir. 1973).

8 Specifically, the record must affirmatively show the following: 1) the defendant  
9 knowingly waived his privilege against self-incrimination, the right to trial by jury, and the  
10 right to confront his accusers; 2) the plea was voluntary, was not coerced, and was not the  
11 result of a promise of leniency; 3) the defendant understood the consequences of his plea and  
12 the range of punishment; and 4) the defendant understood the nature of the charge, i.e., the  
13 elements of the crime. Higby v. Sheriff, 86 Nev. 774, 781, 476 P.2d 950, 963 (1970).  
14 Consequently, in applying the “totality of circumstances” test, the most significant factors for  
15 review include the plea canvass and the written guilty plea agreement. See Hudson v. Warden,  
16 117 Nev. 387, 399, 22 P.3d 1154, 1162 (2001).

17 The Nevada Supreme Court recently decided Stevenson v. State, 131 Nev., Adv. Op.  
18 61, slip. op. at 8 (Aug. 13, 2015), holding that the statement in Crawford v. State, 117 Nev.  
19 718, 30 P.3d 1123 (2001), which focuses the “fair and just” analysis solely upon whether the  
20 plea was knowing, voluntary, and intelligent is more narrow than contemplated by NRS  
21 176.165. The Nevada Supreme Court therefore disavowed Crawford’s exclusive focus on the  
22 validity of the plea and affirmed that the district court must consider the totality of the  
23 circumstances to determine whether permitting withdrawal of a guilty plea before sentencing  
24 would be fair and just. However, the Court also held that appellant had failed to present a fair  
25 and just reason favoring withdrawal of his plea and therefore affirmed his judgment of  
26 conviction. Stevenson v. State, 131 Nev., Adv. Op. 61, slip. op. at 8 (Aug. 13, 2015).

27 In Stevenson, the Nevada Supreme Court found that none of the reasons presented  
28 warranted the withdrawal of Stevenson’s guilty plea, including allegations that the members

1 of his defense team lied about the existence of the video in order to induce him to plead guilty.  
2 The Court found similarly unconvincing Stevenson's contention that he was coerced into  
3 pleading guilty based on the compounded pressures of the district court's evidentiary ruling,  
4 standby counsel's pressure to negotiate a plea, and time constraints. As the Court noted, undue  
5 coercion occurs when a defendant is induced by promises or threats which deprive the plea of  
6 the nature of a voluntary act. Id. at 9, quoting Doe v. Woodford, 508 F. 3d 563, 570 (9<sup>th</sup> Cir.  
7 2007).

8 The Nevada Supreme Court also rejected Stevenson's implied contention that  
9 withdrawal was warranted because he made an impulsive decision to plead guilty without  
10 knowing definitively whether the video could be viewed. Stevenson did not move to withdraw  
11 his plea for several months. The Court made clear that one of the goals of the fair and just  
12 analysis is to allow a hastily entered plea made with unsure heart and confused mind to be  
13 undone, not to allow a defendant to make a tactical decision to enter a plea, wait several weeks,  
14 and then obtain a withdrawal if he believes that he made a bad choice in pleading guilty. Id.  
15 at 10, quoting United States v. Alexander, 948 F.2d 1002, 1004 (6<sup>th</sup> Cir. 1991). The Court  
16 found that considering the totality of the circumstances, they had no difficulty in concluding  
17 that Stevenson failed to present a sufficient reason to permit withdrawal of his plea. Permitting  
18 him to withdraw his plea under the circumstances would allow the solemn entry of a guilty  
19 plea to become a mere gesture, a temporary and meaningless formality reversible at the  
20 defendant's whim, which the Court cannot allow. Id. at 11, quoting United States v. Barker,  
21 514 F. 2d 208, 222 (D.C. Cir. 1975).

22 In this case, just as in Stevenson, considering the totality of the circumstances,  
23 Defendant has failed to present a sufficient reason to permit withdrawal of her guilty plea.

24 Here, by signing her Guilty Plea Agreement (hereinafter "GPA"), Defendant  
25 represented that she was fully aware of the plea agreement in this case:

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

28 (Exhibit 11 - GPA at 1).

1 Defendant also acknowledged that she did not enter her plea pursuant to any promises  
2 made to her:

3 I have not been promised or guaranteed any particular sentence by anyone. I  
4 know that my sentence is to be determined by the Court within the limits  
5 prescribed by statute. I understand that if my attorney or the State of Nevada or  
6 both recommend any specific punishment to the Court, the Court is not obligated  
7 to accept the recommendation.

8 (Id. at 3).

9 Defendant also acknowledged that she was waiving various rights pursuant to the  
10 agreement she entered into with the State. (Id. at 4). Moreover, in the section entitled  
11 “Voluntariness of Plea,” Defendant acknowledged that the following statements are true:

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

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

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

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

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

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

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

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

(Id. at 4-5).

Finally, Defendant’s attorney executed a “Certificate of Counsel” as an officer of the  
Court affirming the following:

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

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

3 3. I have inquired of Defendant facts concerning Defendant's immigration  
4 status and explained to Defendant that if Defendant is not a United States  
citizen any criminal conviction will most likely result in serious negative  
immigration consequences including but not limited to:

5 a. The removal from the United States through deportation;

6 b. An inability to reenter the United States;

7 c. The inability to gain United States citizenship or legal residency;

8 d. An inability to renew and/or retain any legal residency status;  
9 and/or

10 e. An indeterminate term of confinement, by with United States  
Federal Government based on the conviction and immigration status.

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

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

16 5. To the best of my knowledge and belief, the Defendant:

17 a. Is competent and understands the charges and the consequences of  
18 pleading guilty as provided in this agreement,

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

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

22 (Id. at 6).

23 In addition to making the above representations by signing her GPA, Defendant was  
24 canvassed by this Court when she entered her plea. Defendant was extensively and thoroughly  
25 canvassed by this Court when she entered her plea on March 16, 2020. The following is the  
26 extent of the plea canvas:

27 MS. BROWN: Your Honor, today my client is going to plead guilty to Second  
28 Degree murder, stipulating to a sentence of 15 to life.

1 THE COURT: All right. Ms. Henley, is that your understanding of the  
2 negotiations?

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: And do you wish to accept these negotiations?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Okay, ma'am, I understand that you -- both of your counsel went  
7 through the -- went through a settlement conference this afternoon with Judge  
8 Bell; is that correct? THE DEFENDANT: Yes, Your Honor.

9 THE COURT: And did you enter into that conference freely and voluntarily?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: And are you satisfied with the results of that settlement  
12 conference?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: Okay, ma'am, for the record, what is your true name?

15 THE DEFENDANT: Dorie Regina Henley.

16 THE COURT: And how old are you?

17 THE DEFENDANT: I'm 28.

18 THE COURT: How far did you go in school?

19 THE DEFENDANT: 11th grade.

20 THE COURT: Okay. Do you read, write, and understand the English language?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: All right, ma'am, and are you pleading guilty to the charge of  
23 murder second degree with use of a deadly weapon?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: Before I can accept your plea of guilty, I must make sure it is  
26 freely and voluntarily entered. Has anyone forced you to plead guilty?

27 THE DEFENDANT: No, sir.

28 THE COURT: Has anyone threatened you or anyone closely associated with you  
in order to get you to plead guilty?

THE DEFENDANT: No, sir.

THE COURT: Ma'am, do you understand -- and you have a copy of the guilty  
plea agreement in front of you, ma'am?

THE DEFENDANT: Yes. I read it through with my lawyer.

THE COURT: Do you have a copy there?

MS. BROWN: I don't have a copy of the --

THE DEFENDANT: Not in front of me.

MS. BROWN: -- we gave one to be file stamped.

THE COURT: I'm going to get these file stamped real quick.

MS. BROWN: Thank you.

THE CLERK: You're welcome.

MS. BROWN: Okay.

///

1 THE COURT: Okay, ma'am, on the underlying charge of murder in the second  
2 degree, and I'm referencing page two of the guilty plea agreement. It says here  
3 that the Court -- I just want to advise you that the Court could sentence you to a  
4 maximum term of 25 years, minimum term -- excuse me -- for definite term of  
5 maximum of 25 years, minimum term of 10 years in the Nevada Department of  
6 Corrections. Do you understand that, ma'am? THE DEFENDANT: Yes, Your  
7 Honor.

8 THE COURT: And for the weapons enhancement, it says here that a deadly  
9 weapon was used. The Court must sentence you to a consecutive term of no  
10 more than 20 years and no less than 1 year in Nevada Department of Corrections.  
11 Do you understand that?

12 THE DEFENDANT: Yes, Your Honor.

13 THE COURT: And do you understand that at sentencing, it's strictly up to the  
14 Court? No one can promise you probation, leniency, or any special treatment.

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: Ma'am, did anyone -- now, I do see here in the guilty plea  
17 agreement, it says both parties stipulate to a term of 15 years to life in the Nevada  
18 Department of Corrections. Do you understand that, ma'am?

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: Besides that agreement, ma'am, has anyone else made any other  
21 promises to you regarding the sentence in this matter?

22 THE DEFENDANT: No.

23 MS. BROWN: The only thing that was stated in the settlement conference was  
24 that if the Court wanted to vary from the stipulated sentence, due to it being in a  
25 settlement conference, that she would be given the right to withdraw or if they  
26 wanted to give lower, that the State would be given the right to withdraw.

27 THE COURT: Is that your understand, Ms. Henley?

28 THE DEFENDANT: Yes, Your Honor.

THE COURT: Okay. So if the judge doesn't want to go along with these  
negotiations, you can withdraw from these. You understand that?

THE DEFENDANT: Yes, sir.

THE COURT: All right. Thank you. And, ma'am, how long has this case been  
going on? It says here from 2017. You've had counsel since 2017?

THE DEFENDANT: Yes.

THE COURT: Okay. And have you been discussing this case with your counsel  
since that time?

THE DEFENDANT: Yes, Your Honor.

THE COURT: Okay. And, ma'am, has anyone ever told you you've had a  
mental illness?

THE DEFENDANT: Yes.

THE COURT: Okay. And what was that illness?

///

1 THE DEFENDANT: Bipolar disorder. THE COURT: Okay. And even with that  
2 condition, did you understand -- do you understand what's going on this  
3 afternoon here in front of me?  
4 THE DEFENDANT: Yes.  
5 THE COURT: And did you understand what was going on in front of Judge  
6 Bell?  
7 THE DEFENDANT: Yes.  
8 THE COURT: Counsel, would you agree that your client understood the --  
9 MS. BROWN: Yes.  
10 THE COURT: -- the events.  
11 MR. BROWN: Yes. Page  
12 THE COURT: All right, ma'am, have you ever had to take any special education  
13 classes?  
14 THE DEFENDANT: No, sir.  
15 THE COURT: Are you presently on any medication?  
16 THE DEFENDANT: Depakote.  
17 THE COURT: And what is that for?  
18 THE DEFENDANT: It's a mood stabilizer. T  
19 THE COURT: Okay. And you've been taking that for the last 30 days or so?  
20 THE DEFENDANT: Yes.  
21 THE COURT: Okay. Do you feel that that medication has prevented you from  
22 understanding what is going on today?  
23 THE DEFENDANT: No, sir.  
24 THE COURT: Would you agree with that, Counsel?  
25 MS. BROWN: Yes, Your Honor.  
26 MR. BROWN: Yes.  
27 THE COURT: Is one of the reasons you're pleading guilty to the second-degree  
28 murder with use of a deadly weapon charge is in fact you are guilty of that  
charge?  
THE DEFENDANT: Yes, Your Honor.  
THE COURT: Okay. Ma'am, I've got a copy of the guilty plea agreement in  
front of me. You have one as well in front of you. Is that your signature on page  
five of the agreement? THE DEFENDANT: Yes, Your Honor.  
THE COURT: Did you read and understand everything contained within the  
agreement? THE DEFENDANT: Yes, sir.  
THE COURT: If you had any questions, were they answered by your attorneys?  
THE DEFENDANT: Yes, Your Honor.  
THE COURT: And, ma'am, do you understand that you have the right to go to  
trial on the original charges filed in your case?  
THE DEFENDANT: Yes, Your Honor.  
THE COURT: Ma'am, if you could turn to page four of your agreement, see it  
says waiver of rights. Do you see that, ma'am?  
THE DEFENDANT: Yes, sir.

1 THE COURT: Do you understand that you have those constitutional rights in  
2 this case?

3 THE DEFENDANT: Yes, Your Honor, I do.

4 THE COURT: And you read those rights, ma'am; is that correct?

5 THE DEFENDANT: Yes.

6 THE COURT: All right. Do you have any question regarding your constitutional  
7 rights?

8 THE DEFENDANT: No.

9 THE COURT: And, ma'am, in this particular case, it seems like which has been  
10 going since 2017, have your attorneys had the opportunity to go over the  
11 evidence in this case that's against you, for example, police reports, and witness  
12 statements, any forensic tests, photographs, video tapes, et cetera?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: And has your attorneys discussed with you any potential defenses  
15 that you might have for this case?

16 THE DEFENDANT: Yes, Your Honor.

17 THE COURT: Have your attorneys answered all of your questions?

18 THE DEFENDANT: Yes.

19 THE COURT: Ma'am, based upon all the facts and circumstances of your case,  
20 are you satisfied with services of your attorney?

21 THE DEFENDANT: Yes, Your Honor, I am.

22 THE COURT: And, ma'am, do you believe that your attorneys have done  
23 everything within the law to competently represent you in this matter?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: And, ma'am, are you a U.S. citizen?

26 THE DEFENDANT: Yes.

27 THE COURT: Okay, ma'am, I'm going to read from amended indictment in this  
28 matter. You should have a copy of that in front of you and ask if you committed  
this particular offense, so you can read along with me. I'm starting at page 1,  
about line 20 or so. Okay. Did you, on or about the 10th day of October 2017,  
here in Clark County, Nevada, willfully, and lawfully, feloniously, and with  
malice aforethought, kill Jose Juan Garcia-Hernandez, a human being, with use  
of a deadly weapon, to wit: a knife, by stabbing at or into the body of said Jose  
Juan Garcia-Hernandez. That you being criminally liable under one or more of  
the following principles of liability, to wit: (1) by directly committing this crime  
and/or (2) by aiding or abetting in the commission of this crime with the intent  
that the crime be committed by counseling, encouraging, hiring, commanding,  
inducing, and/or otherwise procuring the other to commit the crime and/or (3)  
pursuant to conspiracy to commit this crime, with the intent that the crime be  
committed, Defendants aiding and/or abetting and/or conspiring by Defendants  
acting in concert throughout. Ma'am, did you do these things I just read to you?

THE DEFENDANT: Yes, Your Honor.

1 THE COURT: And, ma'am, have you considered your attorneys advice in  
2 accepting these negotiations? [Colloquy between Defense counsel and the  
3 Defendant]

4 MS. BROWN: Did you consider what I recommended to you?

5 THE DEFENDANT: Like --

6 THE COURT: Did your attorneys recommend that you accept these  
7 negotiations?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: Okay. And you -- but you understand it's still up to you whether  
10 or not you accept the negotiations?

11 THE DEFENDANT: I accept.

12 THE COURT: Okay. And you understand that whether or not your attorneys  
13 have recommended that you take these negotiations, you still have the right to  
14 go to trial on the original charges. Do you understand that?

15 THE DEFENDANT: Yes, Your Honor, I do.

16 THE COURT: Before we go any further, do you have any additional questions  
17 for your attorneys?

18 THE DEFENDANT: No. I'd just like to thank them.

19 THE COURT: Do you have any questions for me?

20 THE DEFENDANT: No.

21 THE COURT: Ma'am, do you understand that I will not allow anyone to rush  
22 you into accepting these negotiations?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: Okay. And, ma'am, based upon the discussion with your  
25 attorneys and the negotiations, have you determined that it is your belief that  
26 accepting these negotiations are in your best interest?

27 THE DEFENDANT: Yes, Your Honor.

28 THE COURT: And that going to trial would be contrary to your best interest?

THE DEFENDANT: Yes, Your Honor.

THE COURT: And you understand that you're not guaranteed to have -- I think  
this goes in front of Judge Adair.

MS. BROWN: It does.

MR. HAMNER: Yes.

THE COURT: That you're -- you understand that you're not guaranteed to have  
Judge Adair sentence you in this particular matter, that any constitutionally  
seated district court judge can sentence you in this matter. Do you understand  
that?

THE DEFENDANT: Yes, Your Honor.

THE COURT: Do you have any questions before we go any further, ma'am?

THE DEFENDANT: No, sir, I don't.

THE COURT: Okay. Are you making your plea freely and voluntarily?

THE DEFENDANT: Yes, Your Honor, I am.

THE COURT: Court so finds. Set this matter for sentencing in front of Judge  
Adair on the following day.

1 See Exhibit 12 - Recorder's Transcript of Hearing March 16, 2020.

2 In reviewing the totality of circumstances, it is clear that 1) the defendant knowingly  
3 waived her privilege against self-incrimination, the right to trial by jury, and the right to  
4 confront her accusers; 2) the plea was voluntary, was not coerced, and was not the result of a  
5 promise of leniency; 3) the defendant understood the consequences of her plea and the range  
6 of punishment; and 4) the defendant understood the nature of the charge, i.e., the elements of  
7 the crime.

8 Based on Defendant's signature on her GPA and the extensive plea canvass executed  
9 by the Court on March 16, 2020, Defendant affirmatively acknowledged all four (4) of the  
10 requirements set forth in Higby for the Court to determine that her plea was valid.

11 Defendant has made various arguments that do not hold weight after reviewing  
12 substantial evidence to the contrary.

13 **a. Defendant Repeatedly Rejected the Offers Extended by the State**

14 Defendant claims Attorney Mary Brown failed to convey an 11- to -LIFE offer that  
15 Defendant would have accepted. This claim is wholly disingenuous and belied by the record  
16 throughout the case, as well as the sequence of events in this case.

17 First, the record throughout this case fully displays that there was a longstanding offer  
18 open to Defendant from November 15, 2018 until May 23, 2019. For six (6) months,  
19 Defendant had a long-standing offer of Second-Degree Murder with Use of a Deadly Weapon  
20 with the State retaining the right to argue extended to her. During discussions with defense  
21 counsel, the State indicated that within the structure of a Second-Degree Murder with Use of  
22 a Deadly Weapon plea, the State indicated it would consider eleven (11) years on the bottom  
23 end provided there was a life tail on the end. Yet, due to the fact that Defendant did not want  
24 to accept any offer with a life tail, she refused to accept the Second-Degree Murder with Use  
25 of a Deadly Weapon offer from the State. On May 23, 2019, the State revoked this favorable  
26 offer in light of the CCDC letter that Defendant wrote to Cardoso. See Exhibit 4.

27 Ms. Brown was the attorney at record for Defendant throughout the entire pendency of  
28 the case. Multiple times throughout the record, Ms. Brown expressed the state of the

1 negotiations in the case. In particular, Ms. Brown spoke on record at four<sup>2</sup> (4) separate court  
2 hearings discussing the offer and negotiations in this case. For Defendant to claim that Ms.  
3 Brown did not convey the offer of eleven (11) to life is completely contrary to the record that  
4 Ms. Brown made throughout the case.

5 Second, the canvass by the Court on March 16, 2020 expressly addressed the issue as  
6 to whether Defendant had opportunities to discuss the case with her attorney. Defendant  
7 affirmatively answered all of the canvas questions pertaining her counsel's assistance and  
8 advice to her during the case. In particular, the canvas discussion is as follows:

9 THE COURT: And, ma'am, in this particular case, it seems like which has been  
10 going since 2017, have your attorneys had the opportunity to go over the  
11 evidence in this case that's against you, for example, police reports, and witness  
12 statements, any forensic tests, photographs, video tapes, et cetera?

12 THE DEFENDANT: Yes, Your Honor.

13 THE COURT: And has your attorneys discussed with you any potential defenses  
14 that you might have for this case?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: Have your attorneys answered all of your questions?

15 THE DEFENDANT: Yes.

16 See State's Exhibit 11.

17  
18 Finally, the letter written by Defendant during this case fully rejects the notion that  
19 Defendant was ever willing to accept an eleven to Life offer prior to the settlement conference.  
20 See State's Exhibit 4. According to conversations between the State and Defense counsel,  
21 Defendant was never interested in any plea negotiation containing a life tail. This desire is  
22 memorialized by the letter she wrote the father of her children. This letter clearly illustrates  
23 the state of mind of Defendant. In particular, the letter is evidence of Defendant's desire to  
24 only accept an offer of eight (8) to twenty (20). The contents of this letter parallels the  
25 understanding between the State and Defendant's counsel when discussing ongoing  
26 negotiations – namely that Defendant would never accept a life tail. Accordingly, Defendant's  
27 claim is belied by her own writings.

28 <sup>2</sup> On February 12, 2019, July 25, 2019, September 26, 2019, and December 5, 2019 Ms. Brown is on record explaining that there was an offer and she was in negotiations with the State.

1           **b. Defendant's claim that she would have rejected the plea deal she accepted is**  
2           **repelled by her actions.**

3           Defendant claims that if Mary Brown had provided her with a transcript of a jailhouse  
4 informant who allegedly had information regarding her brother Andrew Henley, she would  
5 have elected to proceed to trial instead of taking a plea negotiation. It is notable that Defendant  
6 admits that she was well aware of the interview, its general substance and that she had been  
7 informed of its existence by defense counsel's investigator. This is significant because despite  
8 knowing that the interview existed, knowing that there might be a transcript of the interview,  
9 Defendant still elected to engage in settlement negotiations.

10          If Defendant was so interested in bolstering her defense, why would she even elect to  
11 participate in a settlement negotiation? Let alone accept a negotiation during the meeting.  
12 Moreover, it is notable that Defendant never brought up the existence of this informant  
13 interview during the negotiations. It should also be noted that defense counsel did bring up the  
14 existence of this jailhouse informant during the months-long negotiations with the State.  
15 However, the State was unpersuaded by the substance of the interview. The State would  
16 contend that defense counsel also passed along this fact to Defendant prior to her taking a  
17 negotiation in this case.

18          Furthermore, it should be noted that it was Defendant who agreed to accept the  
19 negotiation despite knowing there was the interview that could supposedly "bolster" her case.  
20 Moreover, the plea canvass repels Defendant's claim that she would not have taken this  
21 negotiation if she had read the informant's interview. In particular, the canvass by the Court  
22 went as follows:

23           THE COURT: And, ma'am, in this particular case, it seems like which has been  
24 going since 2017, *have your attorneys had the opportunity to go over the*  
25 *evidence in this case that's against you*, for example, police reports, and witness  
26 statements, any forensic tests, photographs, video tapes, et cetera?

27           THE DEFENDANT: *Yes, Your Honor.*

28           THE COURT: And has your attorneys *discussed with you any potential*  
*defenses that you might have for this case?*

            THE DEFENDANT: *Yes, Your Honor.*

            THE COURT: Have your attorneys answered all of your questions?

1 THE DEFENDANT: Yes.

2 See State's Exhibit 11. (emphasis added).

3 Here, the record reveals Defendant was not primarily concerned with this informant  
4 interview or she would have raised the matter to the Court. Moreover, a review of the multiple  
5 transcripts that discussed ongoing negotiations repeatedly indicated that things were close.  
6 Most notably, the significance of the informant interview was never raised before the Court as  
7 a potential sticking point in negotiations. (See Exhibits 8, 9, 10). In short, this was never a  
8 primary concern for Defendant.

9 Additionally, Defendant's claims that she was so concerned about this particular  
10 informant interview must be viewed with a jaundiced eye since she had already been caught  
11 writing letters to material witness coaching them to lie to bolster her defense. Defendant's  
12 credibility on any of the issues she raises in this motion is questionable at best in light of the  
13 duplicitous letter she was caught writing from jail. Accordingly, this argument is meritless.

14 **c. Defendant literally had over a year to consider the State's offer.**

15 Defendant's claim that she was rushed into accepting a negotiation is wholly  
16 disingenuous as the offer and range of negotiations were discussed for many months while the  
17 case was open. This case was open for approximately three (3) years. Starting in November  
18 2018, an offer was conveyed to Defendant. From November 2018 to May of 2019, Defendant  
19 had time to discuss and contemplate this offer. In May of 2019 the State became aware of  
20 Defendant's CCDC letter and revoked that offer. On July 25, 2019 the State re-opened  
21 negotiations and conveyed a new offer to Defendant. Defendant then had from July 2019 until  
22 the settlement conference in March of 2020 to contemplate this offer. It was at this settlement  
23 conference where Defendant accepted this offer of fifteen (15) to life. In total, the Defendant  
24 had seven (7) months to contemplate this new offer from the State.

25 Defendant was also canvassed as to the amount of time she had to contemplate this  
26 offer. In particular, the court canvassed Defendant as follows:

27  
28 THE COURT: All right. Thank you. And, ma'am, how long has this case been  
going on? It says here from 2017. You've had counsel since 2017?

1 THE DEFENDANT: Yes.

2 THE COURT: Okay. And have you been discussing this case with your  
3 counsel since that time?

4 THE DEFENDANT: Yes, Your Honor.

5 (See Exhibit 11).

6 This plea canvass evidences the fact that Defendant had been discussing her case with  
7 Ms. Brown since 2017. It can be inferred from this statement that during this three (3) year  
8 period of discussing the case with her counsel that she had been discussing the offers with Ms.  
9 Brown. The Defendant in this case had ample time to discuss and decide whether or not she  
10 wanted to accept the offer made by the State and enter into a Guilty Plea Agreement.

11 Additionally, the letter that Defendant wrote while in CCDC is evidence of her  
12 contemplation of offers and what she believed to be the best sentence for her. See State's  
13 Exhibit 4. In the letter, Defendant clearly states that she "wants 8-20" and the letter crafts a  
14 new scheme to achieve this desired result. Here, Defendant had contemplated and rejected  
15 offers from the State and decided that her best-case scenario was to convince a material witness  
16 to lie for her. It was only after she was caught trying to convince a witness to lie for her, that  
17 she then desired a settlement negotiation as well as a resolution in this case. Accordingly, the  
18 claim that she was rushed into taking a deal is meritless.

### 19 CONCLUSION

20 For all the aforementioned reasons, Defendant's motion should be denied.

21 DATED this 2nd day of December, 2020.

22 Respectfully submitted,

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

26 BY /s/ Christopher S. Hamner  
27 CHRISTOPHER S. HAMNER  
28 Chief Deputy District Attorney  
Nevada Bar #011390

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CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that service of the above and foregoing, was made this 2nd day of  
December 2020, by email to:

LUCAS GAFFNEY, ESQ.  
[lucas@gaffneylawlv.com](mailto:lucas@gaffneylawlv.com)

BY: /s/ Stephanie Johnson  
Employee of the District Attorney's Office

17F18527A/CSH/saj/MVU

# EXHIBIT 1

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**SURREPTITIOUS RECORDING**  
PAGE 1

EVENT #: 171010-3981  
STATEMENT OF: DORIE HENLEY

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**SPECIFIC CRIME:** MURDER WDW

**DATE OCCURRED:**

**TIME OCCURRED:**

**LOCATION OF OCCURRENCE:**

CITY OF LAS VEGAS

CLARK COUNTY

---

**NAME OF PERSON GIVING STATEMENT:** DORIE HENLEY

**DOB:** [REDACTED]

**SOCIAL SECURITY #:**

**RACE:**

**SEX:**

**HEIGHT:**

**WEIGHT:**

**HAIR:**

**EYES:**

**WORK SCHEDULE:**

**DAYS OFF:**

**HOME ADDRESS:**

**PHONE 1:**

**WORK ADDRESS:**

---

The following is the transcription of a tape-recorded surreptitious interview conducted by DETECTIVE J. MCCARTHY, P#4715, LVMPD HOMICIDE SECTION, on 10-15-17 at 1345 hours. Also present is DETECTIVE M. GILLIS, P#6432, LVMPD HOMICIDE SECTION.

Q: Operator, this is Detective J. McCarthy, P# 4715, along with Detective Gillis, P# 6432, conducting a surreptitious interview of Dorie, D-O-R-I-E. Ah, last name Henley, H-E-N-L-E-Y. Date of birth is [REDACTED] Her ID number's 2826387. This is in reference Event# 171010-3981. The date of this interview is 10-15-2017. Ah, the time, ah, 1345 hours. This is gonna be at the Homicide Interview room, ah, building 'A'. Ah, located at, ah, 400 South Martin Luther King. This is in reference to a murder with a deadly weapon investigation.

Q1: Gotta hurry she's getting her Zen on.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**SURREPTITIOUS RECORDING**  
PAGE 2

EVENT #: 171010-3981  
STATEMENT OF: DORIE HENLEY

Q: Her what? Hey? Go ahead and stand up for me. What you doing?

A: Meditating.

Q: Meditating?

A: Yeah.

Q: Are you Dorie?

A: Yeah.

Q: I'm Jason McCarthy. I'm a detective with Metro. This is my partner Detective Gillis. You all right? I brought you a water.

A: Thanks.

Q: Okay. How old are you?

A: Twenty-five.

Q: Twenty-five, did you grow up here in Las Vegas?

A: Ah, yeah, I did.

Q: Okay, where'd you go to school?

A: Ah, I went to Van Buren, Von Tobel and Las Vegas...

((Crosstalk))

Q: You went to Von Tobel?

A: Ah, yeah.

Q: I went to Von...

((Crosstalk))

Q: I went to Von Tobel way back in the day. That school's still open, no?

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**SURREPTITIOUS RECORDING**  
PAGE 3

EVENT #: 171010-3981  
STATEMENT OF: DORIE HENLEY

A: Ah, yeah.

Q: Okay. Um.

A: There was somebody watching us.

Q: Somebody watching you? When you were picked up by the police and brought here? Okay. Hey, look at me, turn - turn this way a little bit. I feel kind of weird because we're not like talking to each other. You know, stand over here. So...

A: They were watching us. I know why they were there.

Q: Okay. Dorie, I'm gonna ex- I want to know who was watching you and why you were there but because the police brought you down, ah, here. (Unintelligible) read you your rights, okay. And this is just so you know your rights because the police brought you here you didn't voluntarily come down here, you understand that?

A: Mm-hm.

Q: Okay, so listen up, you have the right to remain silent. Anything you say can be used against you in a court of law. You have the right to consult with an attorney before questioning. You have the right to the presence of an attorney during questioning. If you cannot afford an attorney one will be appointed before questioning. Do you understand these rights?

A: Yeah.

Q: Okay. Just - this is - just saying that I read that to you, if you could just sign right there for me, okay. Dorie, what's the highest grade you completed in school?

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**SURREPTITIOUS RECORDING**  
PAGE 4

EVENT #: 171010-3981  
STATEMENT OF: **DORIE HENLEY**

A: Um, eleventh but I graduated...

((Crosstalk))

Q: Okay, are you in college or anything like that?

A: Yeah, I go to medical.

Q: Medical school?

A: Well, yeah.

Q: What are you trying to be?

A: I'm trying to be a, um - like, um - like a nurse.

Q: Oh, that's awesome.

A: Just to come in and do like vitals and stuff.

Q: Help people and stuff like that. And you have children?

A: Yes, I do.

Q: How many children do you have?

A: I have five.

Q: Okay. And how old are your children?

A: Um, one's 1-1-2. The other one's 3, 5 and 7 and 10.

Q: Okay. Well I'd like to know what - what were you talking about somebody was watching you and why they were watching you. You want to explain that to me.

A: 'Cause they don't want me to say anything.

Q: Okay. Say anything about what?

A: I already got threatened last night.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**SURREPTITIOUS RECORDING**  
PAGE 5

EVENT #: 171010-3981  
STATEMENT OF: **DORIE HENLEY**

Q: Okay. Threatened how, you got a - you got get me up to speed.

A: They threatened me, they told me if I did - the shoes that they found in the house they wanted me to burn 'em.

Q: What shoes?

A: Fucking Andrew's shoes.

Q: And who is Andrew?

A: My brother.

Q: Okay. And, ah, why are you - why wo- help me out here why we talking about burning shoes and why are people threatening...

A: Why are we talking about that?

Q: Yeah.

A: You already know why I'm here. The guy told me, they know I didn't do it but I was - I wasn't involved. I was more like pushed.

Q: Okay.

A: My dad even kicked me out because I'm - because they kept on just asking and asking.

Q: Okay. Dorie, here's what I'm gonna do. You're - you're absolutely there's probably a very good chance that I know a lot more. Okay, then what I'm leading onto believe right now. But what I'd like to do is I'd like you to kind of tell me so I kind of know that we're on the same page.

A: Um.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**SURREPTITIOUS RECORDING**  
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EVENT #: 171010-3981  
STATEMENT OF: **DORIE HENLEY**

Q: So I mean we can make it all make sense.

A: Um, my brother - my brother Andrew came to me Toro and told Toro, Jose Franco. Um, he said like, "Let's do it, let's come up." And I was like, "I'm cool, I don't want to come up. I don't - I don't want to." (Unintelligible) came to the house (unintelligible) and he take - he took me to go wash my clothes and to go eat with the kids. When I left and Andrew was there when I came back and he was like, "What about this fool right here?" And I was like, "No, dog, I don't want to do anything," - like I was begging, I'm like, "Please, dog, I don't want to." And he's like, "Well you're down right, you're down for the hood." (Unintelligible) my kids, dog, like. And he's like, "And if you don't do it something's gonna happen, dog." And I was like, "What do you mean?" Well, I didn't know if that Andrew - I went to go hang out with the guy in the nighttime, um, Andrew was like, "Oh, where you guys at?" And I was like, well I didn't know Dexter Park was already closed. I didn't know that I just remembered that I used to go there and kick it as a kid.

Q: Where's Dexter Park at?

A: Ah, it's on Upland and Charleston.

Q: Okay. Is it under - is that the part that's under construction?

A: Yeah.

Q: Okay.

A: Well I didn't know that.

Q: Right.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**SURREPTITIOUS RECORDING**  
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EVENT #: 171010-3981  
STATEMENT OF: DORIE HENLEY

A: But, um, they just said they were gonna beat him up. I didn't know until after.  
Until after.

Q: What's the guy's name?

A: His name is John.

Q: You know him as John? Okay. Ah, Hispanic male?

A: (Unintelligible).

Q: Okay. So we're talking about the same, when did this all occur? Today is  
Sunday. Was this all last - we talking about the incident last Tuesday, right?  
Okay, hey, it's okay. It's okay.

A: Yeah, I don't want to (unintelligible).

Q: What's that? Is that him?

A: Fuck, I didn't know that they were gonna do that to him.

Q: Is this the guy we're talking about. Yes, you're shaking your head yes.

A: Yes.

Q: Okay. All right, so now that we're kind of coming clean with this last Tuesday, um,  
kind of tell me how everything went down.

A: Andrew.

Q: Your brother?

A: Right. He told me that if I didn't do with that he was gonna tell my dad. That he  
was gonna tell my dad, ah, that I've been talking to my kids' dad because I'm not  
supposed to be around him. And (unintelligible), "Well, I'll end to your fucking

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happiness." My - yeah, my brother...

Q: This photo that my partner just showed you is your brother that's Andrew?

A: Yeah.

Q: Okay. Okay.

A: The other guy said something about self-preservation. To be honest with you I really don't know what that means but. I know that - I had talked to one of my friends his name is Andy and he said he knows Jose.

Q: Who's this photo right here?

A: That's Franco.

Q: Is that Jose, the Toro that we're talking about?

A: Yeah.

Q: So the people that were involved with this is your brother and this guy, Jose, and you were there?

A: Um, not because I wanted to be there.

Q: Right, but you were there. Okay. So they - let's do this. I'm gonna - let's just kind of - I'm gonna backup a little and I understand that you're upset, okay. But if you were told, "Hey, this is why we're gonna do this and you better," - I - I want to know a little bit more what you're down for. They were telling you, "Are you down to do this," who was saying that to you?

A: Because...

Q: And what did they mean by that?

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A: Well back in the day like me, Toro and Andrew and a couple other people, like the ones, if you looked up Andrew on Facebook like he has pictures of other people in there. And we like made up this little like hood or whatever right there Dexter Park.

Q: Like a gang kind of thing?

A: Yeah, and then like.

Q: What - what was the gang called?

A: It was LCK. And like 'Little Crazy Kriminals'.

Q: LCK?

A: Right, but...

((Crosstalk))

A: ...it wasn't - it wasn't like nothing like that. But then when Andrew went to prison 'cause my - I have an older brother in prison...

Q: Right.

A: ...and he's like highly like (unintelligible) he was in CLPS.

Q: Okay.

A: And that's who I - that's who was following us. That's who watched me.

Q: Okay.

A: Literally just...

Q: Well before we...

((Crosstalk))

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Q: Before we get into that, um, I want to know, okay, when did this whole plan start or how'd this all come to be - before this happened Tuesday.

A: Andrew was telling me like for every like two weeks. But I told him I couldn't, like every time I was alone with...

Q: When did Andrew get out?

A: I don't know.

Q: Recently?

A: Ah, yeah.

Q: All right, like in...

A: Probably like what three months ago, two months ago.

Q: Okay. So he gets out and he's telling you now you and this guy.

A: Toro, he was like - 'cause Toro's like his homie so he was like...

Q: Right.

A: ..."Hey, fool, if you don't do that shit then you know, shit's gonna happen."

Q: To you?

A: To Toro and then...

Q: Oh, okay.

A: ...that's...

((Crosstalk))

Q: So Andrew's telling that to Toro?

A: Yeah, and Toro's like, "Oh, okay," you know, 'cause Toro and my sister broke up

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so he's...

((Crosstalk))

Q: Danielle?

A: Yeah, so he was like very emotional and shit. And like (unintelligible) was like,  
"Fuck that bitch let's just go do what we have to do."

Q: Okay, why this guy? Who knows this guy? Do you know this guy?

A: I...

Q: The victim?

A: Yeah, he was my boyfriend.

Q: Mm-hm.

A: But, like he...

((Crosstalk))

A: ...wasn't like my boyfriend he was like my friend that always helped me out.

Q: Okay, so how long have you known the, ah - and you know him as John right?  
Okay, how long have you and John...

A: Um, for like three years but like he's always wanted to date me but I always like -  
he had always had like different girlfriends so I'd be like, "No, I'll just be your  
friend," you know. And he was like, "I'll help you with anything." And the day that  
my brother seen him like he gave me money and my brother was like...

Q: When was that?

A: Um, probably like it was like Monday. Like not the Monday not Tuesday - you

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know, Monday, Tuesday then it happened or whatever.

Q: Mm-hm.

A: It was like last week.

Q: Okay, the week before?

A: Yeah. And then like he was like, "This guy - this guy," and I was like, "No."

Q: Well when he's say - when he's saying, "This guy," what is he saying like.

A: Be like he wants to rob him.

Q: Okay.

A: And I was like, "No," - I was like, "No, this guy helps me with everything, like my kids and everything." And he was like - he was like, "I don't care, like I'll tell dad on you. Like I'll dad if you're - you know, if you're not gonna do this." And then he tried to like get me to get my dad's gun. And I told my dad I was like, "I'm scared of..."

((Crosstalk))

Q: Is your dad okay with this kind of stuff? Okay.

A: No. He fucking kicked me out because of Andrew wouldn't leave me alone.

Q: Okay. So, Andrew sees this guy giving - John giving you money the week before the mur...

A: Mm-hm.

Q: This all happened. And, ah, he's kind of like, hey, he comes up with this plan we're gonna rob this guy.

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A: Right, but...

Q: And you don't want to because he's a friend of yours he's helped you out.

A: Yeah, but I - I - I didn't know that that's what they were gonna do. I thought that they just like, I don't know - I don't know Andrew was just like, "Don't even trip and then we're just gonna knock him out and that's it." And I was like, "No, dog, "- I said, "I'm scared, dog, I'm scared." And he was like, "Don't fucking cry. Stop fool. Like don't trip, don't trip." And I was like I don't know - I was sitting there and we're like - I was talking to him and like he was like, "Who is this?" And I - I didn't even know they were coming like straight...

Q: Oh, okay.

A: ...for us they just like...

Q: So last week between the week prior to this past Tuesday when this happened how many times has - has Andrew said like, ah - how did we get to a point where you got...

((Crosstalk))

Q: ...got him there. 'Cause you got him there for that right?

A: Because he went and took my son to go buy my son some stuff.

Q: Who did - who did?

A: Andrew did. He told my son I was broke. He's not gonna get him anything. Because I was a low life. And I told him, "Don't say that to my son. I'm a good mom I work hard for what I do for," - I may not have fancy shoes for him but I have

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what he needs. And he's just like (unintelligible), "You're a fucking low life, dog."

And I told him, "Fine, fine, dog, I will. But don't hurt - don't hurt him."

Q: Okay, so he's telling your son that you don't got any - Andrew's telling your son you don't have any money. You feel bad about that so you agree to do this - this robbery?

A: I - yeah, I...

Q: And you tell him not to hurt him though.

A: I told him, "Don't hurt him."

Q: Okay.

A: 'Cause he just said he was gonna...

((Crosstalk))

Q: So what - what plan came - did you guys come up with for that Tuesday? Did you call him over there...

A: No.

Q: ...to that area? How'd you guys get to that area?

A: Um, we were gonna go out to eat. And...

Q: Who's we?

A: Me and John. And...

Q: Okay.

A: And like I was - I didn't tell Andrew I was with him already.

Q: 'Kay.

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A: And then - 'cause Andrew lives close to the park. And Andrew seen - he seen that I lied where we were.

Q: How did he see where you were - know where you were at or even that you...

A: 'Cause he was driving around.

Q: Okay.

A: He lives right there by the park.

Q: Yeah, but how does Andrew know that - what car he drives?

A: Because I wasn't - because he seen before, remember I told you that he seen me get out the car, he...

Q: Mm-hm.

A: ...gave me some money and stuff.

Q: Okay.

A: Well, I told Andrew, I was like, "Oh, yeah, we're hella far," and shit like that. And he was like, "No, bitch, I told you where the fuck," - he came over the house and made me delete everything off of my phone and everything.

Q: After?

A: Mm, yeah.

Q: Okay, I'm talking kind of before, I want - I want to talk about us leading up to this how we all got there. How all you guys got there and how this all progressed.

A: Well...

Q: So you're driving around with him and you and John are supposed to go get

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something to eat.

A: Right.

Q: Did you call him or he call you?

A: Andrew called me.

Q: No, I'm talking John.

A: Oh, John? John called me.

Q: Okay, John calls you.

A: He - he usually always texts me all the time and stuff like that.

Q: Okay.

A: We always text all the time. And, um, he text and was like, "Are you hungry," and I said, "Yeah, fine." And then I remember like when I got with him I was like, oh, my God, like what (unintelligible) him because Andrew was watching me at the house. And he was watching me. And then I left with him and he got mad because I didn't tell him I was with him. And then was like, "Why are you mad?" And he was like, "I fucking told you already, like I already told you, dog." And I was like, "Remember who's the little brother." And he was like, "No, I'm not playing any games, dog." And I said, "Well, I'm not either I'm just gonna have him take me home." And he was like, "If you don't I'm telling you right now, dog, I'll go and light to your baby's dad's house up with your kids inside of it."

Q: 'Kay.

A: So, I didn't tell him exactly where we were. But I told him like we were by Dexter

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Park. So Andrew got mad because I didn't tell him exactly where they were and he strolled around like whole neighborhood trying to find us.

Q: Mm-hm.

A: That's when actually like when we're sitting down I was talking to him and I was trying to tell John...

Q: Talking to John?

A: Mm-hm. I was...

((Crosstalk))

Q: Okay, so you guys are parked where this happened now?

A: Yeah, we were already parked.

Q: Okay, were you guys outside the car or inside the car?

A: He wanted to - John wanted to get out and walk. He wanted to get out and walk around the whole church and everything like that 'cause he seen where we went that it was like a little (unintelligible) thing you could just go around and round.

Q: Like cul-de-sac kind of thing?

A: Yeah.

Q: Which leads around to the park, there's a church right there.

A: Right. Right, he was like you could go in circles if you want. And I - I told Andrew that we're like by right there and...

Q: How did you tell Andrew that - where you guys were at? Text him?

A: Andrew text me and tell me, "Where the fuck are you?" And I told him that I was

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gonna go home. And he was like, "You're fucking lying, you're lying." He goes, "Cause I know exactly where you are, exactly where I want him to be."

Q: But did you text him where you were at?

A: Um, I told him I was by Dexter's Park.

Q: Okay.

A: But I didn't tell him like the street behind. Andrew already knew.

Q: Okay.

A: Knew like...

((Crosstalk))

Q: And then...

A: I didn't even know he was watching us.

Q: All right. And then what happened?

A: And like I was just sitting there I was telling John, "Let's go already." And he was like, "No, 'cause I want to talk to you." And I was telling him...

Q: Was John - what was John doing was he drinking a beer, was he...

A: He was - we were drinking. And...

Q: What were you guys drinking?

A: Modelo.

Q: Okay. So you guys were outside the car hanging out drinking Modelo?

A: Yeah, like a little bit away from the car kind of...

Q: Oh, from the sidewalk?

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A: Yeah, yeah, like on some rocks and stuff 'cause...

Q: There's like a boulder or something - there's some- there's a Modelo can - there's like a boulder and there's like a Modelo can right there.

A: That was my can.

Q: Okay.

A: I had like put it like that 'cause I got scared because Andrew and them they didn't walk up. They just ran up.

Q: Okay, from what direction?

A: I - I was sitting like this. And John was facing towards me. And I told him to look and he looked to the side and he (unintelligible). Walk, they just like ran like ran and didn't even care if I was right there. They like pushed me out the way and I was like, "Please stop, stop," and they just kept...

Q: Hey, I'll make this a little bit easier. There's an apartment complex that's right here. This is the - this is this street actually is Cory. This is where John was found. This is another street and Dexter Park is this park right here, right? I already know that was called Dexter but we'll put that on Dexter Park. So you guys are here, there's that rock that I'm talking about like's right here. Your beer was there. So, you guys are hanging out here, where's his - where's his car is it parked in the street?

A: It was right here.

Q: Um, John's car?

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A: Yeah.

Q: Okay, so John's car is like right here. And which way did your brother and...

A: They came from this way. I didn't even know but because I'm - on the thing I was asking them - I was asking like, "Where..."

((Crosstalk))

Q: So this is the part...

A: "Where did you guys come from? How did you guys even know that I was exactly at that spot?" And he said, "Oh, I was watching you from the fucking complex wall."

Q: Oh, so they were in the apartment complex?

A: Yeah, that he was watching us the whole time. He already knew...

Q: Okay.

A: That I was already like right there.

Q: So you think they came from this way?

A: He did.

Q: Okay. Who, Andrew or both?

A: Andrew, both of 'em.

Q: Okay. And then what happened?

A: And then like they just ran - I was telling 'em I - I grabbed John and I put him behind me and I said, "I already told you guys," and John looked at me and said, "Do you know them?" And I said, "I - I think my brother's just jealous or something." I was

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like, "I don't know why," and I started crying, I was telling him, "Please stop." And Andrew just pushed me out the way.

Q: And what happened?

A: And they (unintelligible). I started fucking tripping just telling them to stop. And he wouldn't. So I got scared and I ran.

Q: Who was - who was - did they fight with him?

A: Yeah, they were like...

Q: Was - who was physically involved in the fight with him? Was it bo- and we're...

A: Andrew...

Q: ...talking about Andrew and Jose, right?

A: Andrew kicked him in his face.

Q: Okay.

A: I couldn't see Jose.

Q: Was Jose fighting with him?

A: Andrew was making him.

Q: What do you mean Andrew was making?

A: He was telling him, "Hit him, hit him." He just said, "Please stop, stop," and he's, "Get the fuck out of here bitch. Get out of here now," and I just - I don't know. And I just started running and fucking Andrew got mad because I didn't take the car or anything and. I didn't take anything, I didn't want anything. I just wanted to go home.

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Q: Okay, so they're fighting.

A: And - and I just ran like I seen like...

Q: Where did you run to?

A: I ran like around going that way. There's a street right here that goes that way.

Q: Right.

A: And I ran right here while by the time I already had got to the fucking like entrance part right here Andrew jumped over I guess the wall or whatever.

Q: Jumped over the wall right here?

A: Yeah, 'cause I didn't see Toro I only seen one like one guy go...

Q: Yeah.

A: ...over. I didn't see Toro, I don't know Andrew just got mad. He - he like - I was running and shit and he opened the door like, boom. And I fell and...

Q: Opened the door to what?

A: To my legs.

Q: Opened the door, whose car was he in?

A: His. His truck.

Q: What kind of truck does he have?

A: The red one. I think it's like a Chevy.

Q: Oh, Jose?

A: Mm, no, Jose wasn't in there. Andrew was.

Q: In a red truck?

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A: Yeah, and it seemed like he had like reached all the way across to fucking throw the door at me because when it hit me I fell.

Q: So, you're saying Andrew jumps this wall and he picked you up over here on this street?

A: Like right there on the street.

Q: In a red truck?

A: Yeah. He doesn't pick me up. He makes me get inside there.

Q: Okay. How 'bout the white Explorer?

A: Huh?

Q: The white Explorer?

A: I don't know.

Q: Who drives a white Explorer? Like a white SUV?

A: I don't know who does.

Q: There's one at your parent's house.

A: Oh, that - that's an SUV, that's a - my SUV. I thought that was like a Jeep or something.

Q: Okay.

A: Ah...

Q: But who's car is that?

A: That's my brother's car.

Q: Andrew?

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A: No. No, um...

Q: Was that car in here?

A: No. No, hell, no...

((Crosstalk))

Q: Who takes - who takes the victim's car, John's car?

A: I'm guessing Toro did because he had - when I had went back to the house, um, I told Andrew I don't want to stay at his house.

Q: Back to Jose's house?

A: Yeah.

Q: Where you were picked up today?

A: Yeah.

Q: That's where you guys went after this?

A: 'Cause my dad said he didn't want me to come home.

Q: Okay, but after this incident you guys go back to Jose's house?

A: I did. And then that's when I seen Jose. Andrew didn't come after that. I didn't see Andrew until he came yesterday. And he fucking like beat me up. Put a gun to my face and told me if I told on him that that fool's gonna kill me. And then I told him, "I don't know what happened." And he said, "They're going to come for you. They're gonna come for you, dog."

Q: Who's gonna come for you?

A: Like I don't know he was saying like maybe the cops or something. And he said,

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"And you'll be an accomplish," he goes, "So you won't even be able to snitch or anything." And I said, "I didn't - I didn't want anything to do with this, dog."

Q: Okay...

A: I just wanted it to be over.

Q: ...why - where's the - where's John's wallet at?

A: I don't know.

Q: Where's his car?

A: I don't know whatever Jose did with it is what he did with it. After that my dad brang my kids over like two days after and I had my kids ever since. So I didn't leave - I was leaving back and forth but I couldn't go anywhere or do anything 'cause I had my kids. And Andrew got mad at that because when I came yesterday (unintelligible). And fucking gave me his shoes and told me if I didn't burn 'em that...

((Crosstalk))

Q: Did you, whose shoes?

A: Andrew gave me his shoes that he...

Q: What...

A: ...that he kicked John with.

Q: Oh, okay, did they have blood on them?

A: Yeah.

Q: Okay, what kind of shoes were they?

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A: Like I think some Reeboks shoes.

Q: What...

A: Some white Reeboks.

Q: White Reeboks? Did it kind of look like the Nike Cortez shoes?

A: Um, sort of kind of, yeah.

Q: Okay, but they had blood on 'em?

A: Yeah, they were in the...

Q: Where are the...

A: ...house.

Q: Where are those shoes right now?

A: The cops probably got 'em.

Q: Where are they at though?

A: In Toro's house. He brang 'em last night but I went home with my kids.

Q: Oh, so last night - so the house that the cops are at now the shoes should be there?

A: Mm-hm.

Q: With blood on them?

A: Mm-hm.

Q: Okay. Who stabbed the, ah - who stabbed this guy?

A: I don't know. I...

Q: You want to talk about that?

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A: I know, I'm just scare, I don't want to die. They already came for...

((Crosstalk))

Q: Listen, listen, we're working through this right. And you're doing a very good job, okay. But we need to work through this and then we...

A: Andrew made Jose do it. Andrew - Andrew didn't touch him. He just kicked him one time. And then Jose he kept on doing it. And that's when I just ran. Because he pushed me and he told me to get the fuck out of here. That I wasn't gangster enough to be in that position. Like after that, I said, "Fuck you, I'm a mom, dog."

Q: He said you weren't gangster enough?

A: No.

Q: Okay, so you're saying Jose stabbed him?

A: Andrew didn't touch him, I didn't see Andrew touching him.

Q: Who had a - who had the - who had, ah, the weapon in their hand?

A: I don't - I know when they - when Jose got back they didn't want to talk in front of me anymore. Like Andrew and them they just went like, "Oh fool, go over there real quick we're gonna smoke this bowl," like weed. And I was like, "Oh, what I can't hit that shit?" And he was like, "No," - I was like, "Fuck it then whatever, I'm gonna go over here and roll a blunt." And then like I walked in kind of and Andrew was like, "Shut up, shut up." And Jose was saying that. Jose's saying, "I was just so mad 'cause the way your sister did to me." And I said, "What did you do?"

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And he said, "Can't tell you fool. Andrew told me you're gonna snitch on us."

And I said, "I know - I know they're gonna come after me." And I said, "And if they do I'm just gonna tell the truth." And Andrew told me, "Telling the truth is like snitching. And trust and believe there will be somebody watching you." And I told him like, "I'm your sister, dog. Like I'm your sister, you know, I don't do shit like this, man, I have kids, I take care of my kids. You pushed me." I was like, "Why you push me for?" And then Jose like came out of nowhere. And he was like. He said, "I'm sorry."

Q: Okay, but - can you let them know about this...

((Crosstalk))

Q1: Okay.

Q: Okay. Um, what other - what other things that are gonna be at that Jose's place that's related to this?

A: Um, I don't know probably next door. Um, they had like, ah, everything from his car. Like...

Q: Who had his car next door?

A: ...Andrew. Yeah, no...

((Crosstalk))

Q: To - to Jose's place?

A: Yeah, Jose took the car there. Andrew met him like a couple days after that.

And Andrew like text me and was like, "Don't fucking let none of those fools touch

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the tools."

Q: And did they have tools or something in the car?

A: Yeah. And I was like, "I don't - I'm not gonna touch anything." I said, "I'm not gonna even worry about it."

Q: Okay. Well where's the car now?

A: I don't know.

Q: Where...

A: Ask Jose.

Q: (Unintelligible).

A: They didn't want to let me - I got in it one time.

Q: Did...

A: And they didn't want to let me go with them wherever they were going.

Q: Was that after this happened? What day was that?

A: Probably like a couple days after that.

Q: Like Thursday?

A: Yeah.

Q: Friday?

A: Andrew kept on telling us like, "Oh, you guys are gonna fucking burn everything." I was like, "I didn't even do anything." And he was like, "You're still gonna go to prison." And I was like...

Q: Where'd they take car when you were in the car?

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A: Ah, like to like - I guess they went to go pick up some meth or whatever. And it was like right there on Maryland Parkway and I think Bonanza. But I didn't see the cross street, I just remember going to Maryland Parkway (unintelligible) and they turned like that and went like that.

Q: Turn left?

A: Yeah, but it was like some of Jose's homies. They didn't - Jose didn't tell 'em what happened but he was letting them inside the car.

Q: There was tools and stuff in that car?

A: Mm, yeah.

Q: Describe the car for me.

A: Ah, it was white. It had like a black thing on top of the, um. On top of the - the hood.

Q: On top of the hood? Okay. And you have no idea where that car is 'cause I have the - I wo- I had some information you might...

A: They told me...

((Crosstalk))

Q: ...know where that car is.

A: They told me that they blew it up. I don't know exactly where but I know like Andrew dropped Toro off on Washington and Bruce. Or I think - yeah, Bruce (unintelligible) on Washington and Bruce. And he said, "Handle that shit," and Andrew's wife don't like me, I don't know why. But she don't like me so he said,

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"Handle that shit." And, "I'm gonna take this bitch home." And I was like, "Who?" And he was like, "You." Was like, "You don't know what we're gonna do, we don't know," and that's when yesterday all of a sudden he wanted me to be like right by his side. And I didn't know why. And he like came to me and was like - I didn't - at first I didn't trip I didn't know he was gonna...

Q: Right.

A: ...hit me in my face. But like he was like, "So what do you know? What do you know?"

Q: What about his wallet? Oh, that's about it like that - there had to been...

A: I don't know.

Q: ...some discussion...

A: At least Andrew or Toro has it.

Q: Okay.

A: I didn't get any money out of...

((Crosstalk))

Q: Did he have any money?

A: I don't know.

Q: Okay, what about...

((Crosstalk))

Q: What about - what about his cell phone?

A: Um, like Toro had like - Toro's homies, because they went in the car, they took like

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a whole bunch of cell phones and stuff and probably sold 'em or, I don't know but I didn't take anything. Didn't take nothing because I was scared and all I could think about was John and shit and.

Q: And who are all these homies and stuff that we're talking about? This is all that whatever gang you were talking about? Or a different one?

A: Like...

Q: Like who's - who's Jose's clicked up with. Jose and Andrew?

A: Jose's from Florence.

Q: Florence, okay.

A: Andrew's from (Unintelligible).

Q: (Unintelligible), all right.

A: Which we don't mix. We don't - they don't mix - you're not supposed to mix.

Q: But this whole thing is kind of stemmed because it's because it's like, "Hey are you down for whatever gang," or, "Hey we're gonna need to do this and you better be down if you don't get him over there so we can rob him 'cause...

A: 'Cause, "We're gonna fuck you up...

Q: ...you...

A: ...or something," like.

Q: Right, is that what this is all about?

A: Yeah.

Q: Okay.

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A: Andrew was probably jealous because I had somebody sitting there taking care of me, buying me stuff, buying my kids' stuff.

Q: Mm-hm.

A: That when he went and did that to my son he basically proved to me like that I didn't have anything to give my son like Andrew did.

Q: Mm-hm.

A: And he told me I would go.

Q: That night, um, let's - let's start with Andrew. Tell me what, describe Andrew for me. I mean obviously we know how tall he is and...

A: Um.

Q: And he's got you - what was he wearing that night?

A: I think he had like a blue shirt, dark blue shirt on.

Q: Mm-hm.

A: Toro had a black sweater.

Q: Let's just start with Andrew.

A: Okay, um.

Q: So he's got a dark shirt. Was he wearing pants or shorts?

A: Yeah, like black shorts pro clamps and white shoes.

Q: White shoes, that's Andrew?

A: Mm-hm.

Q: Does Andrew have tattoos on his arms?

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A: Yeah.

Q: Both arms?

A: Yeah.

Q: Is he sleeved?

A: Kind of, yeah.

Q: Okay. And is - and his hair right now...

A: Is pelon.

Q: Is what?

A: Bald.

Q: Bald, so it's completely bald, okay. And how 'bout, um, Jose, what was he wearing that night?

A: Um.

Q: You said he was wearing a sweater.

A: A black sweater...

((Crosstalk))

Q: Black sweater, did it have a hood...

A: A black shirt.

Q: ...is it have a hoodie?

A: Ah, yeah.

Q: It's like a - is it a, ah - just those, ah...

A: A regular.

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((Crosstalk))

Q: Hoodie or a zip up one?

A: A zip up one.

Q: Okay. And was he wearing pants or shorts?

A: Pants.

Q: What color?

A: Um, blue.

Q: Okay. What kind of shoes is he wearing?

A: Ah, I think he had some like blue and white shoes or maybe his black and white Cortez's, I really wasn't like paying attention to be honest with you. I was more...

Q: Mm-hm.

A: ...like - I was like scared that.

Q: Okay.

A: Scared that they would actually really do something like that.

Q: Okay. Um, does he have any tattoos or anything?

A: Ah, I don't know. I don't really look at him. Like (unintelligible) sister's boyfriend so.

Q: Right.

A: But I think he has like one or two probably like.

Q: Okay. So, Andrew's telling your kids you're broke, you don't have any money.

Jose and Andrew are telling you you need to be down to do this. This guy's been

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seen giving you money.

A: Jose didn't say anything.

Q: Like that? It's just that's all coming from Andrew? Okay, so, "Hey you gotta be down, you gotta be down," so you - John calls you, you guys want to go eat. You're hanging out over there by Dexter Park. You guys park here, you guys are drinking doing your thing. You - you say that Andrew knows where you're at but you did tell me that you text Andrew to let him know that you're there.

A: No, I didn't tell him I was exactly right here.

Q: But then...

((Crosstalk))

A: I told him that we were by...

Q: By Dexter Park.

A: Dexter Park and he was...

((Crosstalk))

Q: When you're with this guy?

A: Yeah.

Q: And - and you're telling him that because we know we're gonna rob him at this point. And you - and you agreed to...

((Crosstalk))

A: Well I was...

Q: You agreed to this but you tell him, "Hey, don't hurt him though," right?

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A: I didn't - I didn't want - I didn't want to do it.

Q: I know you didn't want to do it but that's what happened. And you tell him not to hurt him. So then they come over there. They're engaged in the fight and during that fight did John fight these guys?

A: No.

Q: I mean 'cause it looks to us that he was - he was involved in a pretty good fight.

A: I didn't, I ran.

Q: So you - you're saying you ran and you went here. And then you say that Andrew jumped this wall back in the apartment complex.

((Crosstalk))

Q: And then how long after that - and you don't see Jose anymore.

A: Not until...

Q: And then...

A: ...like way later on.

Q: But then you say Andrew picked you up in a - the red truck that Jose drives?

A: No, that Andrew drives, that's Andrew's truck.

Q: But it's - okay, so.

A: Jose don't have a car.

Q: Oh, okay. But he - Andrew hang out ov- over at Jose's place. And then you guys go over to Jose's and then eventually when you see Jose show up...

A: Andrew doesn't go, Andrew doesn't go. Andrew drops me off and dips all the way

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back home. And then - 'cause he lives on the other side like where it happened at. He lives over there. So he had to come all the way back over there to take me. He was mad because that - I didn't go with Jose.

Q: Okay. When do you...

((Crosstalk))

Q: ...see Jose again?

A: Like when I got back to Andrew's house and then like...

Q: When was that?

A: Ah, I mean not Andrew's house I got back at Toro's house probably like around 1:00...

((Crosstalk))

Q: In the morning? That night?

A: Mm-hm.

Q: Going into the next morning, okay. So when you get back there what happens? Who's there?

A: They start tripping on me. And stuff.

Q: Who's - so Jose's there and Andrew?

A: No, Andrew just like, "Where did you go fool?" And...

Q: Well he knows where you went 'cause he picked you up and he dropped you off apparently.

A: No, Andrew did but not Jose.

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Q: So who's tripping on you Andrew or Jose?

A: Jose...

Q: Okay.

A: He wanted to know where I went.

Q: Now does Jose have John's car at that point?

A: Yeah, but it wasn't inside the driveway, (unintelligible) like - like, "I'm sorry, dog, I couldn't stay there." And then he looked at me and said, "Your brother's not gonna like this." And I was like...

Q: Your brother Andrew is not gonna like what?

A: That I ran away.

Q: Okay. So he's kind of giving you shit for running away? What did they want you to do?

A: They wanted me to help them.

Q: Beat him up? Okay. Were they planning on killing him?

A: No.

Q: Why - why did they - why did they stab him?

A: I don't know why Jose did it. He wouldn't stop.

((Crosstalk))

Q: Okay, so you're saying Jose's the one that stabbed him? Yes?

A: Yes.

Q: Did you see that - did you see - see Jose stab him?

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A: No.

Q: Did he talk about it later?

A: Yeah, he...

((Crosstalk))

A: ...was like - he's like, "I couldn't stop, I was so mad."

Q: Okay, what did he do with weapon that he used to stab him with?

A: I don't know.

Q: Did he say what...

((Crosstalk))

Q: ...what weapon he had?

A: He's - it was like a screwdriver.

Q: It was a screwdriver? Okay.

A: And I was like, "Why would you do that?" And Andrew was like - when we all got back to the house like the next couple days Andrew was like, "Fuck, I heard it penetrating like a couple times." And then that's when I looked at and I said, "What did you just say?" And he's like, "We can't fucking tell you shit, we can't tell you shit." And I think Andrew got mad because then I left. I just like broke the window. I fucking broke the window and I got mad. Because they already knew that Toro was not lying. He said he couldn't stop because he was so mad of what my sister did to him. And I told him it wasn't right to take somebody else's life. And he's like (unintelligible), "Suck it up buttercup. There's nothing you can do

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anymore we're all fucking going down for it." And I told him - and I called my friend Andy and he told me to get a \$1,000 to just tell the truth to the lawyer.

Q: So you overheard...

A: 'Cause I already...

Q: Jose - Jose talking about like he did...

A: Yeah.

((Crosstalk))

Q: So there's - there's - there's shoes that we're trying to get rid of that belong to Andrew? Okay, are they...

((Crosstalk))

Q: What did they did with this screwdriver?

A: I don't know, okay, so...

Q: There had to have been talk about that.

A: Last night when Andrew came - Andrew waited for like fucking five hours, I was gone, I was doing something and shit. And Andrew was like, "You need to fucking get back here now." Well then I got back home and I took a shower right. And my homegirl she said she was gonna go to Kelly, um, to go get her Mustang that she just bought. So I was like, "Oh, cool, I'll go with you," but like something inside my heart was like, don't - don't leave, don't. And I was like, you know, Andrew - my homegirl left already and Andrew looked at me he was like.

Q: Like what, like kind of like pissed that you were about to...

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((Crosstalk))

A: They were not saying anything.

Q: Right.

A: And just...

Q: Well where's Andrew right now?

A: Probably at his house sitting up there like a little fucking princess. I know why he did this. He should have never been let out. He's never gonna stop. From him threatening me like that yesterday. I told my dad and my dad told me to go home.

Q: You told your dad about this?

A: I told my dad and he told me tell on them.

Q: What?

A: My dad said, "I didn't have no part of it." To tell on them that you guys would understand. And I said, "I just don't want to be away from my kids." I have (unintelligible) I have like anxiety and stuff. Like when I get scared I start like shaking and...

Q: Well to- today is Sunday right? Okay, so this happened Tuesday night. Why didn't you ever call the police between Tuesday and now and let us know?

A: I was gonna call the detective I know but I couldn't find his number.

Q: So you never called 911 right?

A: I was scared because Andrew told me that - that you guys are gonna think I set it up on purpose, to be like a gangster and I'm like fucking totally a pussy and I'm not

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no fucking gangster and I just don't know why (unintelligible) let him bring me down to where this happened.

Q: Here's a couple questions I have. Obviously, we got there and talk to folks right? Um, and - and some of the stuff you're saying kind of matches up with what witnesses say. The problem I got is there's a white SUV seen by people over here that picked up - now we know is probably gonna be Andrew. So Andrew's seen jumping the wall. But he gets in a white car. Who's white car is that?

A: I don't know he was in his red truck.

Q: No, I'm telling you that there's witnesses that see two guys matching both their descriptions jumped this wall and they hear a girl giggling which we know is now you right?

A: No, I wasn't even inside the car.

Q: No, you were over here over on the other side of the wall.

A: But I wasn't giggling.

Q: Oh, well, they hear a female.

A: I was fucking...

((Crosstalk))

A: ...screaming.

((Crosstalk))

Q: The only female - no, this is before. This is before this happens. Okay, so the...

A: Oh, well, yeah, of course I was...

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Q: Yeah.

A: I was talking with John laughing...

Q: Yeah, laughing and joking right. So people hear that that's what I'm trying to tell you. People hear that they don't think nothing of it. They see some guys walking through there and then next thing you know...

((Crosstalk))

A: No, there couldn't be that white truck, Andrew...

Q: But they see - they see what they think's a white like Ford Explorer or white car.

A: Andrew...

((Crosstalk))

Q: Pull up and pick up...

A: It's a Chevy. Andrew picked me up from right over here.

Q: Yeah, but obviously the house that you guys stay at right where your parents stay there's a white SUV in that parking lot.

A: I mean you can check it that's my dad's it doesn't even have plates on it. And the only one that drives that truck is...

Q: Is that (unintelligible) or?

A: No.

Q: There's not a white SUV over there?

A: No. Maybe Andrew has a car or - okay, today the guys that were looking at us...

Q: So what I'm trying to figure out is how if - how does one car pick somebody up

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here. You run over here he's in a red truck. And then obviously somebody has to take off in John's car.

A: I know Toro had to take off in the car obviously because he came back to the house.

Q: Right.

A: Andrew, I don't know what's going with that white truck. I don't know anything about that and maybe it was some type of side thing with them or something but...

((Crosstalk))

Q: Who - who do they know over here in the apartment complex? Do they know anybody in that apartment complex?

A: Um, I don't know. I haven't been around here, I haven't been back in this neighborhood and for a very long time.

Q1: What's your phone number?

A: 702-498-5843.

Q1: 'Kay, and what was John's phone number?

A: Um, 775-419-3039. Or maybe 3930.

Q1: Okay. Then - and I understand you coming in and talking with us and - and, you know, trying to help us straighten this out but it's just a couple things that I want to get straightened out. And you're - you're giving us the majority of what happened but you're still holding back on a little bit and I get that, I get you're scared and I - I get you're trying to minimize your involvement but there's just some of things that -

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that aren't making sense that we - we know - you know, we just want to clarify this.

Um, have you talked to anyone since this happened have you told anyone?

A: I told my dad.

Q1: Anyone else?

A: Um, Andy.

Q1: Who's Andy?

A: Um, one of my friends, my dad's friends.

Q1: Anyone else?

A: Ah, I told a couple people 'cause I was scared.

Q1: And what'd you tell them?

A: I told them what Toro and Andrew were doing.

Q1: Now when you called John what did you tell him?

A: Ah, well he called earlier in the - in the daytime and was like, "Okay, we're gonna go out." We were supposed to go out the day before that.

Q1: From here?

A: But my phone died and I...

((Crosstalk))

Q1: Have you guys dated?

A: Ah, no.

Q1: Have you guys been intimate?

A: No. Never. But he - like we were supposed to like...

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Q1: But he wanted you?

A: Yeah.

Q1: Okay. So when you called him what - what did you tell him how - how did you get him to come and meet you?

A: Oh, he - we - 'cause we missed our date the day before. And then he was like, "Oh," - missed it because Andrew was trying to make me have him go in the alley and I told him, "No."

Q1: Okay, so I understand that you talked about that Andrew about two - or about a week prior they told you that he wanted to - you to set him up. For - to get robbed correct? Is that a yes?

A: Yes.

Q1: Okay. And when you called John, 'kay, and you had him come meet you what is it that you're telling him, how did - where - is this just for a date or...

A: We were just gonna go out to eat.

Q1: Okay.

A: Maybe go dance or something.

Q1: Okay, but you know Andrew has different ideas for the evening? And is that...

((Crosstalk))

A: Yes.

Q1: Okay.

A: Yes.

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Q1: So when you called John where'd you tell him to park?

A: Ah, I didn't he picked me up at McDonald's.

Q1: 'Kay, which one?

A: Ah, the one on - by Toro's house.

Q1: Okay, so he picks you up the one...

A: Las Vegas...

Q1: Over by...

((Crosstalk))

A: ...and Lake Mead.

Q1: Okay, (unintelligible). And so why does - why are you directing him where to go?

A: Ah, who John?

Q1: Yeah.

A: No, he said he wanted to go dance over there at some place on Jones and  
Charleston are Decatur and Charleston or whatever.

Q1: Um-'kay.

A: And I was like - well, 'cause I already told Andrew we were gonna go over there to  
Decatur and Charleston.

Q1: Mm-hm.

A: And so I told...

((Crosstalk))

A: ...him not to go over that way.

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Q: Real - real quick. Those shoes at Jose's place where are those at, what room are they in?

A: In Toro's room, in Jose's room.

Q: Jose's room, where in his room?

A: Ah, on top of the couch.

Q: In his room?

A: Mm-hm.

Q: He's got a couch in his room?

A: Yeah.

Q: Okay, they should be on top of the couch, okay. You saw 'em today?

A: I was supposed to burn them.

Q: Okay, okay. Continue.

Q1: So - so how - how do you guys finally get over to that location?

A: Ah, I just - 'cause Andrew already knew we were like gonna go to Decatur and Charleston.

Q1: Mm-hm.

A: So I was like, "Why don't we just chill right here by the park," and stuff like that where there's a lot of light, you know.

Q1: Mm-hm.

A: Because if they were trying to do something at least somebody could see and that's what I told John, "Like I don't want to be here." And he was like - well 'cause

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he kept on trying to have sex with me.

Q1: Okay.

A: And I was like...

Q1: And I - and I get that - I get that he - you know, pretty girl, you know, and he's trying to meet up with you at the day before. You know, this is kind of (unintelligible) but you also have alternative motive for him coming over there as well. So he's trying to be intimate with you at the same time, you know, you're being told to set him up for a robbery. 'Kay, so when you get over there what's going on?

A: I explained to John that like - I told him. I was like, ah, "I just want to go home. You know, let's not...

Q1: Is there kissing going on?

A: Ah, yeah, I kissed him...

Q1: Okay.

A: ...a couple times because he wanted like to kiss but then after like...

Q1: Is he trying to take your clothes off?

A: Ah, he was like - like moving my shirt a little bit but...

((Crosstalk))

Q1: Were you undoing his clothes?

A: No. No, I was just like..

((Crosstalk))

Q1: Were you touching his clothes?

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A: Yeah, I - I...

Q1: 'Kay.

A: ...hugged him a couple times. I told him like, you know, ah, "I don't want to be like that with you. I just want to be friends with you."

Q1: Did you try and take his wallet?

A: No, I just - where my hands - where my hands were.

Q1: Mm-hm.

A: And we're like right here like...

((Crosstalk))

Q1: Now you're pointing to his pockets.

A: Right, but I was holding him like that to keep him back from me because he kept on pushing his self on me so I was like, "Oh, don't - you know, calm down, calm down, you know, at a right time it would happen." And I kept on...

Q1: And - and the reason why I'm asking is because obviously we...

((Crosstalk))

Q1: ...have his clothes. Not just fingerprints but DNA. Did you undo his belt?

A: No, I just was acting like I was gonna have sex with him.

Q1: 'Kay, you're acting like you're gonna have sex with him, are you - is this part of the distraction?

A: No, because he was face-to-face with them. If it was part of a distraction...

Q1: I'm talking before they come over.

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A: No.

Q1: You're supposed to - you're supposed to distract him while they come over and rob him?

A: No. They didn't - they didn't tell me to do that.

Q1: Okay, so, you're kissing, you have your hands on his - down his pants, correct?

A: Yeah, and I was - you know, like I was kind of getting into like doing it but then I was like scared because I told him I said, "I've got to go," and he was like, "No, no, it's okay." And I was just like, "Please like."

Q1: Obviously we know that you have Andrew and Toro are there.

A: I didn't know they were right around the corner.

Q1: 'Kay, well you had to have communicated with them otherwise how would they be there?

A: I didn't 'cause I...

((Crosstalk))

A: I did I told him.

Q: You - you text - you text Andrew.

Q1: 'Kay, so you texted and told him where we're at.

A: I was by Dexter Park.

Q1: Okay, you're by Dexter Park, did you tell them what vehicle?

A: Ah, no, Andrew already knew what kind of car he was in.

Q1: 'Kay, so Andrew already knew what kind of vehicle that John drove.

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A: Right.

Q1: And he knew you guys were there by the park. And he had already told you the week prior that he wanted to rob Andrew or I'm sorry he wanted to rob John.

A: Rob John.

Q1: Okay. So while you're there hugging and kissing whatever, what happens?

A: Ah, we stopped and, ah, we sat next to each other. Ah, he was already finished with his beer so he had like threw it a little bit away...

Q1: Mm-hm.

A: ...and stuff. And I sat down, I had my beer right here. And I was sitting there and I was...

Q1: In the car or out of the car?

A: Out of the car like...

Q1: Okay.

A: ...on the boulders right there and.

Q1: Mm-hm.

A: And, ah, we were both taking pictures together and stuff like that. To be honest with you I was trying to give as much as I could to like, you know. I was trying to give you guys (unintelligible) - they got mad because I left my beer behind. And they're like, "You're fucking sorry." I told 'em that - I told my dad, "I left it there for a reason." And he said, "Why?" And I told him, "Because what happens the next time Andrew tells me to do this."

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Q1: Okay, look I - I understand you're trying to minimize and you're trying to put this all on the other guys but...

A: No, I - if it wasn't for me that would have never happened.

Q1: 'Kay. Ah, but you guys discussed this prior to this happening.

A: But I didn't want no part of it.

Q1: Un-'kay, I - I get that.

A: I was scared.

Q1: I get that. You still called him, you still lured him there. With the reason to rob him.

A: Yes, sir.

Q1: Um-'kay. But when you are being - kissing and intimate however you want to call it, 'kay, what was the - the cue or the - the when we're, ah...

A: I didn't know when they...

Q1: ...Toro and...

A: ...were gonna run up because when I was sitting right here (unintelligible) I was talking to John. Like we were already getting up to walk to the car.

Q1: Mm-hm.

A: And then that's when - I didn't get no chance to even see anybody walk up. It was just run up and I pushed John behind me and I was like, "Please stop," you know, like I was pushing him like...

((Crosstalk))

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Q1: You pushed John behind you.

A: Yeah, and I stand in front of them and I told them, "No, please don't, please," and Andrew just like, "Move bitch." And fucking I fell on the ground, I got up and I was trying to push Toro and them away from him and Andrew was like, "Move, move," like and all I can hear was Andrew telling Toro like, "Get him, get him, get him, get him." And when I looked up to run out of the way and shit Andrew wasn't nowhere near him.

Q1: 'Kay, well you already told my partner that Andrew kicked him in the face.

A: Yeah, one time.

Q1: 'Kay.

A: And after that Andrew - I did, I said Andrew kicked him and then he like - when he went to go fall back like that.

Q1: Mm-hm

A: And I lift up my head again Andrew was like - like was scared for him to get on him. And I - I was just like, "What the fuck," so I just ran.

Q1: Mm-hm.

A: Well, I - I had to run I didn't know what to do, I was scared. I didn't know what they did, I thought they were just gonna beat him up and stuff and like he said he was gonna knock him out or whatever. And then when I heard them talking about it that's when I started...

Q1: Who?

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A: Andrew and Toro. And then he's like, "Shh, don't..."

Q1: Who...

A: ...say nothing."

Q1: Who told you about the stabbing?

A: Toro told me, not told me but I heard him and then I walked in and I was like, "What did you just say?" And was like, "Nothing fool." And then I heard Andrew - Andrew's girlfriend got in the car, right, and she was like, "Who fucking seen you guys?" And I was like, "What do you mean?" And she was like, "Yeah, who fucking seen you guys?" And I was just like. I just - I didn't know what to say I just got out. And called my dad and I told my dad. Then Andrew got mad at me for telling my dad because my dad told me tell on Andrew. He said to, "Tell on - tell 'em the truth, tell 'em."

Q1: Did you see Toro stab David?

A: I didn't see him but 'cause he was punching him, you know what I mean, like that's all I seen.

Q1: Okay, so you see him punch him you just don't...

A: I thought he was like...

((Crosstalk))

A: ...punching - I thought he was like punching him like this.

Q1: But he's making a shanking motion.

A: Yeah, but it couldn't - like the way he was - like the way he was it was 'cause -

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when Andrew kicked him Andrew like backed up. And Toro was like holding him up and he was like punching him and punching him like punching and punching him.

Q1: Where's he punching him at?

A: Like in his face, in his head like 'cause he said he was trying to knock him out.

Q1: Okay. As this is all occurring outside the car?

A: Yeah. And then that's when I just ran and I don't know about no white car or anything.

Q1: Where did you run to?

A: I ran down the street like, okay, down this way...

Q1: Mm-hm.

A: ...there's a street that goes like that.

Q1: Mm-hm.

A: And so I just ran down there. Andrew caught me - maybe not like exactly right here but...

Q1: Mm-hm.

A: ...down the street a little bit more and he fucking like flung door open and hit me and told me why the fuck did I run? And he said, "I'm gonna take your ass home," and I told him take me to my dad's house but he said, "Dad don't want you there anymore."

Q1: And then who took David's car?

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A: Um, Toro was the only there.

Q1: Did - did Toro tell you?

A: I seen him in it.

Q1: Okay, so you see - you saw Toro driving the car?

A: I seen him - when he came home.

Q1: Mm-hm.

A: That's when I seen him. And then all his tweaker friends...

((Crosstalk))

Q1: Okay, did you see the car?

A: Yeah, I did.

Q1: Okay, so where was the car at?

A: In Toro's driveway that's...

Q1: 'Cause...

A: ...not in the front but in the back.

Q1: Okay, so David's vehicle was in Toro's back of the house?

A: Yes.

Q1: Okay.

A: Sir.

Q1: The wallet.

A: It has to be next door in that apartment complex, in the apartment.

Q1: Did you touch the wallet?

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A: Well I've touched it plenty of times before.

Q: And when you say next door at Jose's place where - where we talking?

A: Ah, there's like an abandoned apartment next to Jose's place.

Q: And who stays in there?

A: I don't know like a whole bunch of tweakers and stuff. Like people go in and out, in and out.

Q: Oh, there's somebody - is it the first one, second one, third one? Like, where...

A: It's the last one, like Toro's...

Q: Last one?

A: ...is the second one and the one is the last one.

Q: Okay.

Q1: So your prints and DNA are gonna be on his wallet?

A: Well, I've grabbed it like what - the same time that he gave me the money for the, um - for the washing do laundry.

Q1: Mm-hm.

A: He gave me his wallet and told me to take out some money and put it inside the thing to get quarters. I gave it right back to him.

Q1: Um-'kay. What about his cell phone?

A: Mm, no.

Q1: You've never touched his cell phone?

A: Well I - we've took pictures. Remember, I told you we took pictures there.

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Q1: Mm-hm.

A: And I was holding his cell phone and he was holding it and he was taking pictures of me and I was taking pictures of him. Well we both...

Q1: Did you handle it after?

A: After...

((Crosstalk))

Q1: After this - the stabbing?

A: Ah, to be honest with you, I told him - I seen all the tweakers in the stuff and I like grabbed everything and I told him to throw it away. "Why would you guys even mess with any of it?" And they told me, "Oh, we're gonna sell it," or whatever and then some...

((Crosstalk))

Q1: So it's a possibility you touched his cell phone then too?

A: Ah, I don't know which one was his cell phone though. There was like white, gray, black, two black ones.

Q1: Mm-hm.

A: Like a gray one.

Q1: Well what happened to all his stuff that was in the car, all his tools?

A: Ah, possibly next door in the abandoned apartment.

Q1: Did you receive any money?

A: No, I did not. That's why I'm like...

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Q1: Did you receive any money from the wallet?

A: No.

Q1: Did you receive any money from the items that were taken from the house?

A: No. That's what I'm saying...

Q1: I'm sorry, not the house the car?

A: No.

Q1: 'Kay, so you set up the robbery but you don't get anything out of it?

A: They were just using me.

Q1: Okay, understand this, we've talked to several people.

A: I know.

Q1: Um-'kay.

A: And I'm telling you what I know.

Q1: Okay. And we've heard that you did profit from this.

A: I did not.

Q1: You've gotten money from...

A: So how much did I profit if I got it because Andrew still has everything. I didn't touch anything. I've been asking that's why he got me...

((Crosstalk))

Q1: So you asked him for some?

A: I said, "Yeah, so like you want to do all this bullshit." I said, "So where did - what did you get from that?"

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Q1: Mm-hm.

A: "What did you get from it?"

Q1: What were you supposed to get?

A: I don't know. He said that he was gonna give me some money but he never did and I told him, "Like I don't want anything, dog. I don't want anything especially after. Especially after..."

((Crosstalk))

Q1: So you were supposed to profit - well, what did Andrew tell you he was gonna give you from this?

((Crosstalk))

Q1: Before the stabbing happened.

A: He didn't tell me he was gonna give me anything.

Q1: Understand this, we've talked to sev- several people and we have communications.

A: I know but I'm telling you the truth. I did not get no money from him.

Q1: But, no...

A: Andrew gave Toro money.

Q1: And that might be true - and that may be true.

((Crosstalk))

A: Andrew gave Toro money.

Q1: But you were supposed to.

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A: But I didn't want it I refused it.

Q1: Okay, what were you supposed to get?

A: I guess money.

Q1: Okay.

A: That's what he said he was gonna give me money but I told him I didn't want it.

Q1: And who was telling you that he was gonna give you money?

A: Andrew.

Q1: Okay. And you - and you wound up...

A: He's like...

Q1: ...not getting money but he gave money to...

A: Toro.

Q1: Toro. How much...

A: Because I refused it.

Q1: ...did Toro get?

A: I don't know enough to pay his rent. But, I didn't - I didn't take anything. Because I didn't want anything. After I found out - that guy helps me out and my kids. He took care of me like while my kids dad beat the fuck out of me. I went to his house.

Q1: Well then why did you set him up?

A: Because I was scared. Look, man, I ain't trying to sugarcoat shit for you guys. But...

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Q: We appreciate that.

A: I'm fucking like - I've been through a lot of shit. And...

Q: Mm-hm.

A: Andrew and Toro - Toro, I don't even think he wanted to but he did it because of Andrew. Ever since Andrew got out he's like telling us, "We need to get somebody, we need to get somebody." Yeah, I know I made that happen for them because of me listening to all the fucking shit that he was saying. I - I don't know why, I don't know why.

Q: How come Andrew - how does Andrew have this much influence over everybody? What makes him so special?

A: Well, like the last time he like choked me out and shit. And fucking yesterday when he came he fucking (unintelligible) shit. And I was telling him like, "I'm sorry." And he was like, "It wouldn't be sorry if you snitch on me dog." "I'm sorry, I love you." But...

Q1: Did David have a weapon?

Q: David or John?

Q1: I'm sorry, John?

A: John.

Q1: John did not.

A: Who's David?

Q1: I just (unintelligible). All my cases are blending in again. So, first time...

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((Crosstalk))

Q1: ...you knew it was John the person that I showed you the picture of that's the person that you knew as John. The person that got stabbed correct?

A: Yeah.

Q1: And you're saying he did not have any weapons?

A: No.

Q1: Okay.

A: I was next to him, like we were like next to each other like making out, feeling on each other and shit and then I was all like, "Okay, you know, maybe we should wait or something," you know. And then - I was like, "Fuck it let's just go to the car," and he was all like, "All right, cool." What I was trying to do was get John in there before Andrew and them came so we could leave but he kept on trying to have sex with me. And I was like, "Come on, like - like let's - let's go," and stuff. That's why I just left my beer right there 'cause...

Q: Did he have a condom, did he open a condom or anything when he was out there?

A: No. No.

Q: 'Cause we found like a little wrapper thing kind of looked like it might be a...

A: Really?

Q: Just - just in the street so that's why I'm asking.

A: No, maybe it came from his pocket or something when they took everything out but I...

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Q: Okay.

A: ...didn't see him with no condoms or anything. He didn't have nothing but his cell phone and his wallet and his belt on his side and that was it. He didn't have anything else.

Q: Okay. And you don't know where his cell phone went?

A: They could be in one - anyone of those tweakers that have it. I - I swear.

Q: Where's the car 'cause you told, did - did...

A: Um, it has to be on Bruce and Washington.

Q: Bruce and Washington?

A: Yeah.

Q: Where at in Bruce and Washington, is it a dope spot? Is it just out there?

A: Ah, there's - right there there's like Section 8 and it's like, um, the cemetery is right...

((Crosstalk))

Q: Do you know that it's there or you think it's there?

A: I know that it's there because that's...

((Crosstalk))

A: ...where Andrew dropped me off at. Not drop me but drop Toro off and told me I couldn't go with him.

Q: Bruce - Bruce and Charleston?

A: No, Washington...

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Q: Washington.

A: ...and Bruce.

Q: Washington and Bruce.

A: Rancho High School is right there.

Q: Okay.

A: That's the only reason why I remember where the fuck it was because Rancho High School is right there.

Q: Is it on the street, is it in an apartment complex, is it in Section 8?

A: It - well Toro ran into like this Section 8, um, thing. Like he ran into like the Section 8 building - when I was driving off I turned around and looked and (unintelligible) was running in there and he had like, um - like a bottle with him. And that's, you know, basically the last time I seen him. Until today. When Andrew told me that I couldn't leave anywhere. And I told him, "Why?" And he's like, "Because you can't leave anywhere." And I was like, "I'm about to leave to California, I'm about to go somewhere," and he was like, "No the fuck you're not." And I said, "Yes, I am gonna leave," and he goes, "No, the fuck you're not. You're not gonna leave." And I said, "Why can't I leave?" "Because well. I might have to take you and Toro out." And I was just sitting there on my cell phone like, "Why?" "Cause you fools might snitch on me." And he goes, "Let me see your phone." I said, "Why?" "Because you need to delete everything about me on your Facebook. Everything about me on your phone, delete it." Then, because I was too caught up because

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my - I told my dad what happened and that what Andrew did to me. He told me to go home. And so I went home my kids and I got dropped off this morning. Because Toro's baby was crying sick. That was the last time I seen Andrew was yesterday. And today I forgot that I had to throw the shoes out. Like I told you to be honest with you I was throwing as much as evidence out there as I could to put myself right there. Because I didn't think you guys...

((Crosstalk))

Q1: Everything except for calling the police.

A: I was scared. If every second, every move that I made he was on it. He was on it. And he would tell me I'm not going anywhere and shit. And then I finally, like today I didn't see Andrew at all. And that's why I didn't try to run from the cop or anything. He already looked at me and he was all like, "I'm sorry, but I have to talk to you." And I told him, "No, I already know." And he was like, "Oh, well then let me get somebody over here to take you down here to talk to them." If I didn't give a fuck about giving you any of this information or whatever - if you've heard from somebody else and stuff remember not everybody's statement is reliable. Including mines as well. And I'm not trying to sugarcoat that shit. But yeah, I did make this happen and I did not even ask for help.

Q: What...

A: Today is the reason why I know why I didn't ask for help. Seeing that fucking car with all three of them dudes in there. They watched the cop - the cops weren't

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even watching, dog. They fucking sat there the whole time while I was talking and telling the cop that. And they looked and they fucking started bumping (unintelligible). Fucking start bumping click out one fucking song, you know what I mean. A gangster song. And they park all the way like that and the whole time I was sitting there like - like in cuffs. That I turned around and I could hear this song and I know that they were sitting right there. So when it got time for the cops to put me inside the car all three of them motherfuckers right, turned right there and this was the cops car. The cop opened the door for me and the guys were sitting right there bumping their music and the cops weren't even paying attention. And he was like, "Yeah, you're gonna go to the interview room." The guy did. And those guys heard that shit. They followed us halfway up here. But they weren't paying attention. All I know is that it wasn't nobody from Toro's hood. It had to be somebody from Andrew's hood. Because the other day when my dad - Andrew shot at my dad's house.

Q: What's up with the deal with your baby's dad? What's his name?

A: Ralphie.

Q: What happened with that whole window thing or police were called to his house a window got smashed and shit. What was up with that, you hear about that?

A: No. What the fuck, no. I was just talking to him this morning and he didn't tell me anything like that. I - if they're talking about no cops were called but like...

Q: Cops were called.

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A: At his house?

Q: Mm-hm.

A: (Unintelligible). He didn't even tell me anything this morning.

Q: You talked to him today?

A: Yeah. I just talked to him, I told him I was right there with the kids because Toro was sick. I even told him about it.

Q: You told who what?

A: My kids' dad.

Q: Ralph? What'd you tell him?

A: I told him because he always talks to this detective. And I told him to get ahold of that detective so I could talk to him. And he told me that he couldn't find that guy's number.

Q: What do you think should happen to you?

A: I should go to jail for the rest of my life. That guy was good guy. He would help me take care of my kids. If I go to jail I don't know. Just.

Q1: What is it that you told your child's father, what did you tell him happened?

A: (Unintelligible) ask him like - I told him - I told him I was scared. And he was like, "Why?" Then I told him like what happened and he was like, "Please come with me."

Q1: What did you tell him happened?

A: I told him what Toro - that I ran because Toro and them wouldn't stop hitting him

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and Andrew got mad at me. And he said he was gonna fuck my brother up because of what he did to me.

Q1: What did you tell him the reason why this happened?

A: Told him because Andrew wanted money. Andrew was saving up for a trip to go to Texas. And he told me that he was going today. Or tonight. I don't know or last night. He said that he already had, ah - ah, \$1200 already. And I was like, "Well, that's cool for you I guess." And he was like, "Yeah, I'm going to Texas." And I was like, "Okay, I don't know anybody in Texas so why would you want to go Texas?" Like, "Oh, just to go." And I was like, "Okay." So I told my kid's dad and my kid's dad told me, "You're fucking dumb they used you." He's like, "They fucking used you, dog." And then Andrew, um - when I got into it with Andrew he threatened that he was gonna go over there and shoot at my dad's house with the kids and he was gonna go blow my baby's dad's face off. And then he was like, "And if I have to I'll shoot you five times in the face." And I was like, "Why me?" He's like - okay, I'm gonna tell you why he's scared. That I'm gonna tell on him. Because when I was 12 years old I told on Cory and Kevin Stubbs because they were like drugging girls and raping them and shit like that. And fucking shooting at people and shit. And I was with them. And they like stopped hanging out with me because of that. When I got locked up and the detectives came and I talked to them in juvie and shit and. The guy told me, he's like, "Just tell me." So I told him it was Cory and Kevin Stubbs. Andrew told me if I didn't do that that he was

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gonna open and show that paperwork to everybody that I was a snitch. And that I know what happens to snitches. And I was like - I was tripping because I didn't think he would ever get ahold of that paperwork. And Cory gave him the paperwork with my name. Every- I don't even remember what I said when I was a kid. But they said it was like - they said the paperwork's like that. And I was like, "Well, I don't remember." And he was like, "Well you better start remembering. Because everybody else is gonna remember." I don't remember what I said. But all I know is them fools got like 15 to 20 years in prison. And then got out and every time they see me or anything they're just like because I have my kids with me they're just like whatever. But Andrew made it like - like, "I want to let everybody know," and I was just like...

Q: Let me ask you this is Andrew and Jose gonna tell us the same thing?

A: No.

Q: That you told us?

A: No.

Q: Why not?

((Crosstalk))

Q: If you're telling us the truth what they - what they should say should match what you're saying.

A: If they want...

Q: I mean they're not gonna come here. 'Cause they're on their way down here.

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A: Hm? You got Andrew already?

Q: Well, Jose. I don't know what's going on out there with Andrew.

A: I don't know exactly where Andrew lives but I know he lives like right down the street from where it happened at.

Q: Okay. In an apartment or a house?

A: In a house. Um. I never even went there.

Q: But why - why is isn't it gonna be the same?

A: Because.

Q: 'Cause why? Well tell me why. 'Cause are you - and I think you're telling the truth.

A: I think they're probably just...

Q: For the most part I mean you're minimizing all different things but.

A: And what is that?

Q: For - for the most - I mean you're kind of - I think you had a little bit more like...

A: I did...

Q: ..."Okay, I'm down to do this," type attitude.

A: No, I wasn't down. But when - when he told me he was gonna tell people I was scared and I said, "Yes, I will do it."

Q: Where - what is Andrew gonna tell me?

A: Probably not gonna tell you anything.

Q: What's Jose gonna tell me?

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STATEMENT OF: DORIE HENLEY

A: He's probably gonna tell you what I told you.

Q: 'Kay.

A: That I knew the guy. And that I listened to what Andrew said. He's probably not gonna tell you that Andrew was fucking sitting there taunting me about it.

Q: Mm-hm.

A: 'Cause that's his homie.

Q: Mm-hm.

Q1: Handcuffs.

A: But it's - I don't, I'm just like. I don't have no excuses.

Q: 'Kay.

A: And I'm not trying to.

Q: Dorie, I appreciate you being forthcoming with the information, okay. Um...

A: I was gonna go to Seven Hills. and 'cause I can't deal with it.

Q: I got to - I got to find that car, I really would like to know where that car is.

A: It has to be on Washington and Bruce.

Q: Yeah, 'cause obviously this guy's got family.

A: I don't...

Q: You know, they probably want like his possessions...

A: I really didn't know...

Q: ...back, his wallet, his phone, his car. And he was killed senselessly and for no reason at all. I mean he does have family.

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((Crosstalk))

A: I know he has a brother.

Q: Yeah, we talked to him.

A: And I know like maybe he has eight people that live at his house.

Q: Have you ever been to his house?

A: One time. I was just to eat dinner.

Q: Mm.

A: But, Andrew's mad because I didn't take him...

((Crosstalk))

Q: Yeah, but he didn't deserve this right?

A: No, he did not.

Q: Yeah, he's just a working guy, works all the time. And, ah, thought he was - got a little crush on you and doing his thing and you guys set him up to rob him and kill him and take all his shit.

A: I didn't...

Q: I mean that's - well that's what happened.

A: I didn't...

Q: You know, I mean that's - that's unacceptable right?

A: I didn't do it though.

Q: Well, when you - when you - when you say, "Hey, this is what we're gonna do," or you initially threaten to do it by your own...

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A: I wasn't the one...

Q: ...by your own brother.

A: ...that was like, "Hey, let's do this."

Q: You, that...

((Crosstalk))

Q: Just so you understand the way the law reads if you agree to that and you get him over there and they come over there and they kill him everybody gets charged for murder.

A: Really?

Q: Yeah.

A: I have four kids.

Q: Mm-hm.

A: Please, I'm a good mom. I know I did not want that to happen.

Q: What I want you do is we're gonna take a - a short break right now, okay. I gotta go make a few phone calls. If you can really think of where his car specifically...

A: It is...

((Crosstalk))

A: It's right there.

Q: I got people looking over there right now. But if - if that changes - you know, I'll - I'll come in here and check on you and stuff like that. Ah, if you got to - if you have to use the restroom just let us know. Ah, you have a water there but just hang out.

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STATEMENT OF: **DORIE HENLEY**

I believe Jose's here so I'm gonna go talk with him. So you're gonna be sitting in here a little bit. Ah, and then if we have some follow-up questions. Another thing we're gonna take your DNA today. Okay, we'll probably have some folks take some photos of you. And take your DNA so there's gonna be a process - so we're gonna be in here a while. So, we'll probably come back in here and ask you some questions.

A: I don't feel good.

Q: Oh, well you shouldn't. You know, it's a pretty bad thing.

A: I haven't ate.

Q: Oh, we'll get you a snack or something to...

Q1: Well when you say you don't feel good like 'cause you haven't eaten or...

((Crosstalk))

Q1: ...'cause you're having medical problems?

A: I'm bipolar and (unintelligible).

Q1: Well I'm just seeing if you just need something to eat or...

Q: You're just nauseous...

((Crosstalk))

A: I have anxiety.

Q1: Okay.

A: And I have ADHD, I have (unintelligible).

Q: Mm-hm.

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STATEMENT OF: DORIE HENLEY

A: Without, you know this...

Q: Yeah.

A: I don't...

((Crosstalk))

Q: And this is a lot to take on, right, because I mean this is probably...

((Crosstalk))

Q1: Drink some water, if you need anything just...

Q: Drink some water.

Q1: ...knock on the door.

Q: 'Kay.

Q1: We'll get you everything.

Q: Give us a second and when, ah, we'll be back here in in a little bit. Operator, this is Detective J. McCarthy, P# 4715. This is gonna conclude the end of interview it's 1500 hours.

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**THIS SURREPTITIOUS RECORDING WAS COMPLETED AT 400 S. MLK BLVD. ON THE 15<sup>TH</sup> DAY OF OCTOBER, 2017 AT 1500 HOURS.**

**JM:MG:Nettranscripts**

**JM039**

# EXHIBIT 2

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**  
PAGE 1

EVENT #: 171010-3981

**SPECIFIC CRIME:** MURDER WITH DEADLY WEAPON;  
ROBBERY WITH DEADLY WEAPON

**DATE OCCURRED:**

**TIME OCCURRED:**

**LOCATION OF OCCURRENCE:**

**CITY OF LAS VEGAS**

**CLARK COUNTY**

**NAME OF PERSON GIVING STATEMENT:** RALPHY ISHMAEL CORDOSO

**DOB:** [REDACTED]

**SOCIAL SECURITY #:** [REDACTED]

**RACE:**

**SEX:** M

**HEIGHT:**

**WEIGHT:**

**HAIR:**

**EYES:**

**HOME ADDRESS:** 2424 STATZ, APT# 1  
NORTH LAS VEGAS, NEVADA 89030

**PHONE 1:** 702-324-4532

**WORK ADDRESS:**

**PHONE 2:**

The following is the transcription of a tape-recorded interview conducted by DETECTIVE M. GILLIS, P# 6432, LVMPD HOMICIDE SECTION, on October 14, 2017 at 2323 hours.

Also present Detective J. McCarthy, P# 4715, and Detective Sergeant J. Harney, P# 6231, LVMPD Homicide Section.

Q: Okay. This is Detective Matthew Gillis, P# 6432, uh, collecting a voluntary statement under Event# 171010-3981 and the person we will be speakin' with today last name is gonna be C-O-R-D-O-S-A - I'm sorry, C-O-R-D-O-S-O. First is just gonna be Ralphy, middle is gonna be Ishmael. His date of birth is [REDACTED] of [REDACTED] soc is [REDACTED]. Address is going to be, uh, 2424 Statz, Apartment Number 1, North Las Vegas 89030. Uh, today's, uh, date is gonna be October

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STATEMENT OF: RALPHY ISHMAEL CORDOSO

14, 2017, at approx- and the time being 2323 hours. This, uh, interview is taking place inside my marked police vehicle parked in the parking lot of Jerry's, uh, Nugget. Also present is gonna be Detective McCarthy, P# 4745, and Detective Sergeant Harney, P# 6231. Um, Ralphy, do you understand this conversation is being recorded?

A: Yes.

Q: Do I have your permission to continue? Okay. What I'd like to do is, you contacted the police department and you stated that you had some information that was possibly related to, uh, a murder investigation, is that correct?

A: Correct.

Q: Okay. And can you tell me a little bit about the information that you have, who gave you that information. I understand you've also got some text messages.

A: Correct. So it was the mother of my children which is - name is Dorie Regina Henley. She texted me the day of Thursday, October 12, 2017. She said - she said, "Yes I need help, yo, I love you." My reply was, "Tell me somethin', are you being real about this shit you told me?" Her reply, "Yes I am." Her second reply, "About the robbery." Her third reply, "Yes dog," at 3:16 pm. My reply, "So why the fuck are you doing this shit for," at 3:16. My second reply, "Huh? I told you if you needed shit just tell me." Her reply, "IDK." Her second reply, "I need diapers and wipes," at 3:17. My reply, "I only have \$5. They did not give me the renter's check 'cause I was working at the time so I cannot apply for that no more. I am

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asking one of my coworkers, all right?" Her reply, "Okay. I can't believe you would be doing that dumbass shit for, man." So and sh- her reply, "Yes." I asked her if she did anything to tell them, "And I did this to get this - the kids' shit," that's her reply. Her second reply, "Yep." I said, "Why the fuck," my reply, "do you care?" Her reply, "I do, what the fuck?" My reply, "Then what drove you to do this - do that instead of just and askin' me?" "You were acting dumb," that was her reply. My reply, "Yeah a little 'cause I'm in love with you. You think I'm just gonna lay down and - not lay down, nah, I'm gonna fight for what's mine, you, my soul mate." Well that's basically all the intimate conversation (unintelligible).

Q: Okay. Now that - that's all comin' through text communication, correct?

A: Yes.

Q: And who is it that's texting you?

A: Dorie Regina Henley.

Q: Okay. And what is the phone number that she's texting you from?

A: [REDACTED]

Q: [REDACTED] and what's the last four?

A: [REDACTED]

Q: [REDACTED] And that's from Dorie and she's texting you. What is your number?

A: [REDACTED]

Q: [REDACTED]?

A: Yes.

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Q: Okay. And that number that she's texting you from, is that her normal phone number?

A: Yes.

Q: Okay. And this is all coming in on October 12th, is that correct?

A: Yes.

Q: Okay. When - when was the time of the first - uh, when she first started texting you?

A: As in of what happened of the incident or...

Q: Yeah when she's...

Q1: Did she actually talk - did you guys have a conversation where you talked about it?

A: In person.

Q1: Okay. Before the text messages started coming?

A: Yes.

Q1: Tell me about the conversation you had with her.

A: Well she told me that she had, uh - the night before I was talking to her she said that she was gonna go and do something with her brother, and I thought they were going out so I got really upset because her brother doesn't like me. And I guess he's been bringing his friends over to - to be with her or whatever the crap. So she's - you know, I didn't - I didn't think nothin' of it really so I thought she had the kids with 'er and all this other stuff but really she didn't. The kids were at her

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father's house, which there's no running water and probably no power there so it's, like, why the fuck my kids need to live in a situation like that. I got running water, I got power, I got food. Anyways, the next morning she called me and she told me that she was, like, all hysterical and, like, all, "I have fucked up" and shit like that. "I'm gonna be on the run, I'm going to Mexico," and all this other shit. And I'm, like, "What the fuck are you talkin' about?" She was like, "Oh I robbed somebody and we stabbed 'em and shit." And I was like, "Well what are you talking - like, what the fuck are you doing, why are you doing this shit?" And then she goes on about how she needs me to go pick up all the kids, and then I tell 'em where they're at so I go all the way down to where she was at. She wasn't there, nobody was there at the house, not even my kids. I guess they're out there with - with my father-in-law at their sister's house, which is Dominique which she has seizures. So okay, so I'm runnin' around, like, looking for my kids and she's tellin' me that she's, like, stabbed somebody in the neck and the head, and I'm like - like, "Are you serious about this shit?" She's like, "Yeah." So I get paranoid and I'm, like, nah, like, I got felonies, you know, I was involved in some stupid shit and they're gonna eventually come knockin' on my door thinkin' I had somethin' to do with this, 'cause I have a conspiracy to commit robbery. She said she tried to rob - the dude got stabbed, they all dipped out from there and so, like - and then me being the, like, you know, some type of affiliation with you...

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Q: How did she say this went down and who was with 'er?

A: Uh, she said that she was with her brother Andrew and her brother-in-law, which is Jose Franco, and Andrew has the same last name as Dorie, which is Henley. They said that - that she was, like, tryin' to lure 'em, and once she got 'em around the corner or whatever or in the little - a little spot I guess or wherever they - she didn't explain too much of what happened, but she said Jones and all that. And then I seen the thing on the newspaper Jones and some shit, so, like, two and two together, I mean...

Q1: But what specifically did she say?

A: She said that they robbed 'em and then, like, the dude was, like, fightin' with them, the - the two - that they were fightin' with their brother and them because she couldn't, like, you know, get the dude's wallet, like, being affectionate with 'em. And so they had to come out and, like, beat 'em up, and I guess one of 'em stabbed 'em.

Q1: So she was being the - tryin' to get his wallet by being affectionate with 'em?

A: Yeah basically lurin' 'em in with sex.

Q1: But he - but...

A: He probably figured out what was goin' on. She hollered for them and they probably went to town on dude.

Q1: And - I'm sorry. And it was Andrew, Dorie, and who?

A: Uh, Jose Franco.

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Q1: Does he go by a nickname?

A: Toto.

Q1: Okay.

Q: When did she say this happened?

A: She said it happened, uh - okay, so October 12th is when she called me and we had that conversation, so it would be October 11th, the night.

Q: It's October 11th at night.

A: Yeah that might be, I don't know. She called me the next morning very hysterical, so I'm assuming.

Q: What did she say she got out of it?

A: Uh, I don't know. She didn't tell me nothing like that.

Q: Did she talk about a vehicle?

A: No.

Q: She talk about a wallet?

A: I don't know. She didn't say anything like that to me because I was talking to this, uh, this guy, uh, from North Las Vegas, he was an investigator. And I had some weed on me. Well when the cops caught me, uh, walking up shakin' somebody's hand, I already had the weed in my pocket, but he thought I was doin' a drug so which we - there was no money. He could've stopped the other guy but he didn't, you know. If it was really like that, a real drug deal, you would stop both of us, put us both on the ground but me - already had the weed in my

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pocket, it was - it was...

Q1: Yeah we don't care about any of that, what's your point, bud?

A: Yeah. Well my point is, is, like, I was talkin' to him and, uh, he tried to get me to be a criminal informant, which I was, like, not tryin' to do that.

Q1: Uh-huh.

A: And, uh, she was, like, "Oh, who you talkin' to - who you talkin' to?" And she wind up callin' the number and he answered the phone and said his name and, like, she thinks I was talkin' to the cops like that so that's why she didn't give me so much information.

Q1: And that happened in the past, right?

A: Yes.

Q1: Okay. Did they talk about takin' this dude's car or anything?

A: They didn't say anything like that. They had, uh - the brother, I seen 'em drivin' a PT Cruiser all the time and, uh, today my mom said when they broke the window he was drivin' in a red truck.

Q1: Okay.

A: And that was the first.

Q1: Did she say specifically who stabbed this guy or - or what happened...

A: Uh, no but...

Q1: ...as far as, like, how the - what - how - how specific was she in the chain of events of what happened?

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- A: Just basically that she was tryin' to be sex - lure 'em with sex for his wallet, tryin' to grab it while they were huggin' and kissin' on each other. Dude found out and she, like - dude grabbed her, so she decided to holler for her brother and them, and she said, like, that's when it happened. She was, like, she didn't know that, like, they were gonna stab 'em. So they said "they."
- Q1: Huh.
- Q: How long have you known Dorie for?
- A: Oh my God, man, I knew that girl since 2013.
- Q: Okay. So - sev- more - several years.
- A: Yeah.
- Q: Okay. And you guys have kids together?
- A: Yes.
- Q: And at some point she even lived with you?
- A: Yes.
- Q: Okay. And what about, uh, Andrew?
- A: Uh, he was in prison the whole time. He just recently got out.
- Q: When did he get out?
- A: Uh, I should say, uh, two months ago - three months ago.
- Q: 'Kay. But you know - you've known 'em for a while?
- A: Uh, no I have never met that dude.
- Q: You've never met Andrew?

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A: No I c-

Q: Never - never seen 'em before?

A: I've seen 'em a few times when he just came over to her dad's house when I was there.

Q: Okay. So you've seen him more than once.

A: Yes.

Q: Okay. And what about Jose?

A: Jose? Yeah I know him. We hung out.

Q: How long have you known him for?

A: Uh, about - as long as I actually was introduced into Dorie's family, so I should say about a good four years.

Q: Okay. Now, has she done this before, settin' up people and robbin' 'em?

A: Uh, she's just talked about it. She has talked about it that she's done it before.

Q: What's that?

A: That she - yeah she has talked about it and that she has done it before.

Q: Oh that she's done it before, okay. Since this has happened and she sent the text communications, eh - what - what is she - what's she talkin' about doin'?

A: Uh, well I told her that I am filing for custody so she just like, "Oh I'm turnin' myself in," all this other crap so I really don't know. I've been tryin' to call her, like...

Q: Do you think she would turn herself in?

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- A: ...multiple times. If - if I take the kids f- and I keep them and that I'm awarded custody, she'll wind up turnin' herself in - she probably won't.
- Q: I'm not - I'm not talkin' about the - the kids, I mean, do you think...
- A: Yeah.
- Q: ...she honestly feels bad about what happened?
- A: I - to be honest with you, I'm not her so I really don't know.
- Q1: Do you know if she knew the dude that she set up at all, like, did she know 'em from before or anything like that?
- A: She did not mention that to me.
- Q1: Did she used to work at 7-Eleven?
- A: Yes.
- Q1: Which one?
- A: Uh, the one on Bonanza and Maryland - or 11th Street, Bonanza and 11th where the Metro Station up there. And, uh, supposedly she started working down here on the 7-Eleven on Las Vegas and, uh, Lake Mead. Her mom and dad's right there right now too. They work there.
- Q: Where's she livin' at?
- A: Well there's 3219 Anacapa Way and Jose Franco's house - or apartment.
- Q1: Which is where?
- A: Uh, I don't know the address but I can show you.
- Q1: Oh okay. Is it close to here?

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- A: Yeah.
- Q1: Oh okay.
- A: It's right behind the McDonalds, the Chevron.
- Q1: Okay. We'll drive by before we g- before we leave, if that's cool with you?
- A: Yeah that's fine.
- Q1: Okay.
- Q: You got a picture of, uh, Dorie?
- Q1: Just so we're all talkin' about the same person, this the same Dorie we're talkin' about?
- A: Yeah.
- Q1: Does she still look like that?
- A: Yeah.
- Q1: And then you know Andrew.
- A: Yes.
- Q1: So you'd recog- no big deal you recognize him all day long if you saw 'em?
- A: Yep.
- Q1: Who's that?
- A: Andrew.
- Q1: Okay.
- Q1: And you said this Jose is her cousin or somethin'?
- A: Uh, actually he is Danielle's kids' father.

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STATEMENT OF: RALPHY ISHMAEL CORDOSO

Q1: He's Danielle's kids' father. And Danielle is Dorie's...

A: Uh, Dorie's sister.

Q1: ...sister. Danielle Henley...

A: Yes.

Q1: ...is dating Jose.

A: Yes - now they're split up.

Q1: They're split up but they share...

A: Yes.

Q1: ...a child in common or a couple...

A: Three kids.

Q1: ...of - three kids in common. So Danielle has three kids with Jose.

A: Yep with Jose.

Q1: What are the three kids' names?

A: I - like, uh...

Q: 'Kay. Just t- just to recap. She - on the - October 12th she calls you and she tells you about that she'd done a robbery on the 11th, is - is that right?

A: Yeah.

Q: And during the robbery she was trying to lure the guy with - with sex, kissin' on 'em and she tried to steal his wallet, is that correct?

A: Yeah.

Q: And for whatever reason the - the guy caught on to what she was doing, she

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yelled out and her brother and Jose came, is that correct?

A: Yes.

Q: Okay. And she said they wound up stabbing him, is that correct?

A: Yes.

Q: Okay. Did she say where they ran to or where they went after they stabbed 'em?

A: Nope she didn't disclose any of the - anything else w- to me really, didn't tell me what they took or anything like that because...

Q: Did she tell you how they left?

A: Nope.

Q1: Earlier you mentioned something about jumpin' a wall or somethin'.

A: Yeah the - she - she read that - uh, I read the article about two males jumpin' a wall and all that and she sorta mentioned that when she was readin' the article to me, and I was like, you know what, dude, I'm cool. So after I, you know, helped her out, gave her a ride, I took her down to, like, right there behind the McDonalds and that where Franco lives and she walked in the house - oh actually I was tryin' to get my kids. She lure in - me in to say, like, oh I got the kids with me, come and get 'em. You take 'em for - for a few days so...

Q: Okay. So you wound up readin' the news article about what had happened, is that correct?

A: Yeah - yes.

Q: And then what did she tell you about the news article?

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A: She was like, "Oh," like, "look they even got it in the news now, like, they're really gonna - really gonna get me," and all this other crap, like...

Q: Did she tell you anything that wasn't in the news article?

A: As in what happened...

Q: Yeah.

A: ...t- versus, uh, I mean, basically what she told me and what I read, I mean, it kinda sounded the same so I was, like - that's why I called you guys, you know? Like, I'm concerned. I - I don't know what to do, man.

Q1: You're doin' the right thing no matter what. You got kids, man, you're doin' the right thing.

A: Like, I'm tryin' to change, dude, I ain't - I ain't with this shit no more.

Q1: So what is your reasoning behind contacting the police?

A: The reason behind contactin' the police is I'm concerned my kids as well. What happens when y'all come and grab her or whatever this really truly she really did do something like that. My kids ain't gonna go - them probably go to Child Haven or something like that. Like, what would that do to a kid, man, like that - that's - that's fuckin' devastating. Uh, I - I love my kids, I - my little girl, she's teachin' 'em wrong morals in life.

Q1: Mm-hm.

A: Like, I don't understand how - how a person could have children and then - and then expect to - to - to - for them to be the best people in the world when you're

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not doin not a damn shit for yourself. Like, I don't understand this. Yeah I fucked up - I - I did my dirt, I fucking went to prison, but I wanna change now. This is me wanting to change. And I wanna do it for my three little girls, like...

Q1: Do you have a phone number for Jose?

A: 702-752-3923.

Q1: How about Andrew?

A: No I do not.

Q: Do you have a picture of Jose...

A: No I do not.

Q: ...on your phone?

A: Try the Facebook, Jose Franco.

Q1: Oh he's on Facebook?

A: Yeah.

Q1: Oh let's see it, pull it up.

A: I don't have 'em on Facebook but...

Q1: Oh he's on there.

A: ...I'll search it for you guys, yeah.

Q1: Oh yeah maybe we can look at it and if it's the same Jose. I mean, you're doin' the right thing for your girls, dude. Sounds like you're makin' some good decisions on that side of your life now so that's good.

A: Yeah, man, like I - I wanna be a cop but I can't so it just sucks. We're watching

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**  
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STATEMENT OF: RALPHY ISHMAEL CORDOSO

(unintelligible) and shit. My phone is really slow and it's about to get cut off and, like...

Q1: Why is that? Power-wise or what?

A: No, uh, I have to pay the bill today but I didn't have enough time because of what was goin' on and how I was feeling so, like, it's gonna get cut off at 12:00, like, 17 minutes. So I just put Jose Franco, and it's, uh, he has - you know he has, like, a nice little beard going on. You could - you could tell because you'll see Dorie's picture, you know, as a friend. You'll see Danielle Henley. You'll see everybody else.

Q: Is Dorie and Danielle are they - do they use their normal names for Facebook, Dorie Henley and Danielle Henley...

A: Yes they do.

Q1: ...on Facebook?

A: Yes they do.

Q1: And they're friends with Jose on Facebook.

A: Yes.

Q1: Jose Franco.

A: Yes. Jose Franco.

Q: Did she talk about the guy that wound up gettin' hurt, did she describe 'em at all?

A: No she did not disclose anything like that because...

Q: Did she disclose w- where exactly she lured 'em?

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**  
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STATEMENT OF: RALPHY ISHMAEL CORDOSO

A: She said it was - it looked, like, kinda like - like, a back alley, like - not a back alley but, like, a dark narrow street that had, like, I guess some buildings and shit, I guess it happened between...

Q: Did she say what - what they stabbed 'em with?

A: No she didn't say anything like that. She was, like - she was very hesitant to tell me, but I still, like, seduce her to tell me, like, I wasn't gonna let this shit go like that.

Q: Have you communicated with her today?

A: Uh, I've been trying to but she has not answered my phone calls for shit.

Q: Is she working?

A: Supposedly she's working at 7-Eleven so...

Q: At work, 7-Eleven?

A: Yeah.

Q1: Right here at Lake Mead and Las Vegas Boulevard 7-Eleven.

A: Yeah.

Q: What about An- Andrew?

A: Uh, I dunno they said he's...

Q: What a - what about Jose?

A: Jose, he works with this dude named Angel Gardening.

Q: He works what?

A: Angel Gardening.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**  
PAGE 19

EVENT #: 171010-3981  
STATEMENT OF: RALPHY ISHMAEL CORDOSO

Q: Where's that at?

A: Uh, it's, like, a home business. Um, let me see, on, like, Durango and Washington. I was gonna say Decatur but, nah, that's not the street. It was it's Durango and Washington.

Q: Has she talked about leaving town?

A: Yeah she was. California, Mexico.

Q: When did she talk about that?

A: Mexico, like, two - like, the day she called me and told me about that. Uh, California was early this morning.

Q: They say how they were gonna get there?

A: Uh, no she did not say anything like that really.

Q: Does, uh, Dorie have a vehicle?

A: No.

Q: What about Andrew?

A: Yes.

Q: Hm?

A: Yes.

Q: What kind?

A: Black PT Cruiser.

Q: What about Jose?

A: Uh, probably gold brand Nissan, uh, other vehicle might be a work truck. Che-

**VOLUNTARY STATEMENT**

PAGE 20

EVENT #: 171010-3981

STATEMENT OF: RALPHY ISHMAEL CORDOSO

uh, Chevro...

Q: Oh a work truck?

A: Yeah, Chevrolet work truck with Angel Gardening's s- stickers on it. Probably a trailer.

Q1: What kind of vehicle does she drive?

A: Who?

Q1: Dorie.

A: She don't have a vehicle.

Q1: Where do you think they're at - all at right now?

A: Probably at Franco's house.

Q1: This apartment over here?

A: Yeah.

Q1: It wouldn't be over at the other - where she normally stays?

A: I don't know. She might have...

Q1: Where - where are your kids right now?

A: I don't know, I really don't know. I wish I knew that, I really do.

Q: John, you got any other questions?

Q2: Uh, your car's locked up? 'Cause we can drive real fast in one car...

Q: Mm-hm.

Q2: ...look at Franco's thing.

Q1: (Unintelligible).

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 21

EVENT #: 171010-3981

STATEMENT OF: RALPHY ISHMAEL CORDOSO

Q: Uh we're just gonna conclude this interview (unintelligible) interview. Date again is going to be, uh, October 14, 2017, with the time being, uh, 2347 hours. Thank you, operator.

---

THIS VOLUNTARY STATEMENT WAS COMPLETED AT 1821 NORTH LAS VEGAS BOULEVARD, NORTH LAS VEGAS, NEVADA 89030 ON THE 14<sup>TH</sup> DAY OF OCTOBER, 2017 AT 2347 HOURS.

MG:JM:JH:net

MG043

# EXHIBIT 3

cricket

LTE 24% 11:57 PM



Alright then so you  
really want to do this  
with me

2:06 PM



Yes I need help yo..i  
love you

3:13 PM

Tell me somthing are  
you being real about  
that shit you told me

3:15 PM



Yes I am

About the robbery

Yes dog

3:16 PM

So why the fuck are  
you doing that shit for

3:16 PM

Huh i told you if you  
need shit just tell me

3:17 PM



AA 0230

SAMSUNG

cricket

LTE 24% 11:57 PM



Idk

I need diapers ND  
wipes

3:17 PM

I only have five dallor  
they didn't give me  
that renter check  
cause i was working  
at the time so i can't  
apply for that no more  
i am ask one of my  
coworks alright

3:20 PM



Ok

3:20 PM

I can't believe you  
would be doing that  
dumb ass shit for man  
so they know who you  
are

3:22 PM



Yes

3:22 PM



SEND

AA 0231

SAMSUNG

cricket

LTE 24% 11:57 PM



CALL

MORE

3:22 PM

Did you leave anything  
for them to tell



And I did it to get the  
kids shit..

Yup

3:22 PM

3:23 PM

Why the fuck dawg  
don't you care



I do WTF

3:25 PM

3:26 PM

Then what drove you  
to do that instead of  
just asking me



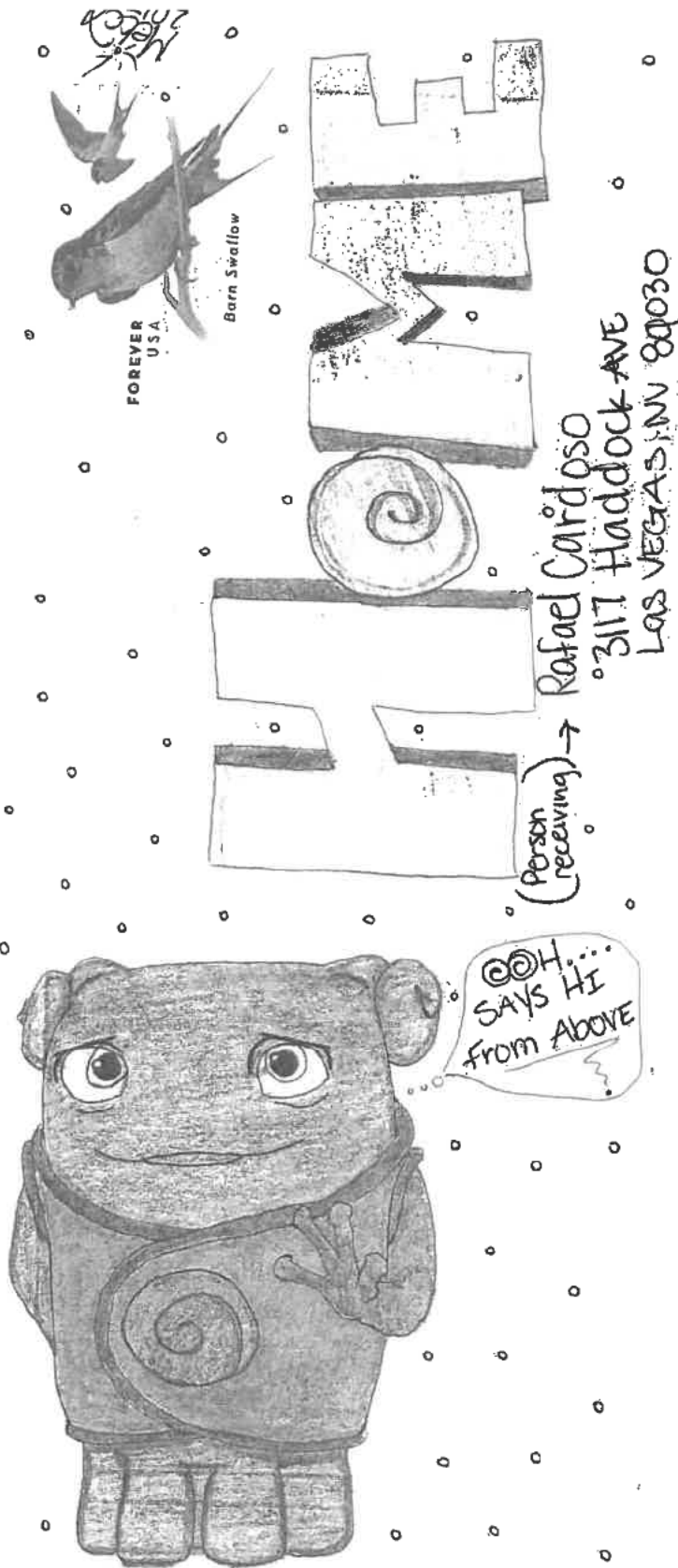
You were acting dum

3:26 PM

Yeah alil cause i am  
inlove with you think  
i am just going to lay  
down nahh i am fight  
for mines you my

AA 0232

# EXHIBIT 4



Dorie Henley #2826387  
330 S. Casino Center Blvd  
Las Vegas, Nevada  
89101 (C.C.D.C.)  
(Person sending)

Hurry Up; Hurry Up There's No More Waiting  
Will Still Worth Saving; Feel The Light  
Shining From The Darkness Night.....



THIS ENVELOPE IS RECYCLABLE AND MADE WITH 30% POST CONSUMER CONTENT

© USPS 2016

My Love:

Some things are left unsaid at this point knowing we both made mistakes in life, but if you remember we all will be in heaven one day as brothers and sisters together so lets be patient and remain calm ok 😊 Thank you for those pictures (UGH) our God is good to us, I was blessed when you walked in my life, I cant be mad or upset for doing the right thing so please understand you are forgiven in every way possible, My resentment is what I pray over cause its not right I should be able to forgive anyone "Just as God forgave us".

I love you so much baby, its going to be a minute before we can touch again, before we can hold ~~me~~ each other, in do time this will all be over dont beat yourself up over it, you must understand that we cant go back now its all about moving forward so dont grief over it anymore. you make me happy in my memories and when I talk to you its all better for me.

TBH I need you to write me a letter saying I told you I was force that Andrew threatened me that he was going to shoot up your house and burn it down with the kids inside, I need you to say you change ~~there~~ your statement around because you were mad at me, we had a conversation in person were I told you andrew force me; that he wouldnt leave me alone, when you would pick up the kids andrew was there bugging me but you didnt know what for. And I looked scared everytime he was around me please it could help my case start the letter with Im sorry I shouldve told the true about

It could help  
me get a lower deal.  
please.

That you told me I know your mental state isn't all good!  
You were scared, crying on your knees when I seen  
you crying, I couldn't help but cry to but I was mad  
thinking you were sleeping with someone else.  
I pushed you to say what you said in those text  
messages knowing you weren't all there at the  
time my ~~the~~ Love I could've changed everything if I  
would've stayed trueful when they asked me!  
I wish I would've never lied out of anger cause  
now they've got the wrong idea about you!  
I'm sorry baby I wasn't thinking straight  
when I told them shit all I could think of  
was how was I going to get you in  
trouble with the stuff you told me I got  
most of it from the newspaper and the news  
you never told me anything else other  
Then Andrew forced you to set him up  
or he would kill me and the kids, your  
right he is smart, he planned it all I wish  
you would've come to me, I could've  
protected you my love I am in love  
with you, I remember when you said you  
push him behind you to stop them I should've  
said that to them, he had no right to  
use you in that way why would he do  
that to you, Andrew and Jose were hanging  
out ever since Andrew got out I've seen

hem together all the time and the reason  
why you were down there at Jose's house  
was because you had to watch Danielle  
kids cause she didn't trust Jose and  
cause he worked in the morning time  
till 5, I remember because I would be  
over there with you sometimes and  
she would say that ya, you had the  
keys cause I would help watch them  
damn baby I dont know!

please flip me if could help me with my case  
and they might through out your statement  
and the screen shot messages to! please  
do this not for us, for the kids and for us  
I could get a 8-20 if you do it cause my  
lawyer will tell the da like dude he didn't  
even know what he was saying or  
anything they will have to through it all  
out! I need it for court or my visit.

Rafael;

# EXHIBIT 5

Felony/Gross Misdemeanor

COURT MINUTES

September 13, 2018

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

September 13, 2018      09:30 AM      Calendar Call

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

COURT CLERK: Chambers, Jill

RECORDER:      Schofield, Susan

REPORTER:

PARTIES PRESENT:

David L. Stanton	Attorney for Plaintiff
Dorie Regina Henley	Defendant
Philip H. Brown	Attorney for Defendant
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

# EXHIBIT 6

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      09:30 AM      All Pending Motions

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

COURT CLERK: Chambers, Jill

RECORDER:      Schofield, Susan

REPORTER:

PARTIES PRESENT:

Christopher S. Hamner

Attorney for Plaintiff

Dorie Regina Henley

Defendant

Mary Daggett Brown

Attorney for 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.

CUSTODY

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

# EXHIBIT 7



1 RTRAN

2  
3  
4  
5  
6 DISTRICT COURT  
7 CLARK COUNTY, NEVADA

8  
9 THE STATE OF NEVADA,

10 Plaintiff,

11 vs.

12 DORIE REGINA HENLEY,  
13 ANDREW BRANDON HENLEY,  
14 JOSE FRANCO,

15 Defendants.

CASE NO: C-17-327585-1

CASE NO: C-17-327585-2

CASE NO: C-17-327585-3

DEPT. XXI

16 BEFORE THE HONORABLE VALERIE ADAIR, DISTRICT COURT JUDGE  
17 TUESDAY, FEBRUARY 12, 2019

18 **RECORDER'S TRANSCRIPT OF HEARING RE:**  
19 **ALL PENDING MOTIONS**

20 SEE APPEARANCES ON PAGE 2:  
21  
22  
23  
24

25 RECORDED BY: SUSAN SCHOFIELD, COURT RECORDER

AA 0245

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APPEARANCES:

For the State:	CHRISTOPHER S. HAMNER, ESQ. Chief Deputy District Attorney
For Defendant Dorie Henley:	MARY DAGGET BROWN, ESQ.
For Defendant Andrew Henley:	ANDREA L. LUEM, ESQ.
For Defendant Jose Franco:	JOHN P. PARRIS, ESQ.

1 **Las Vegas, Nevada; Tuesday, February 12, 2019**

2 \* \* \* \* \*

3 [Proceeding commenced at 10:02 a.m.]

4 THE COURT: State versus Dorie Henley, who's present in  
5 custody with Ms. Brown, and Andrew Henley, who's present in custody  
6 with Ms. Luem, and Jose Franco, who's present in custody with  
7 Mr. Parris.

8 And we -- this is on for -- it's on for some motions as well as  
9 status check, trial readiness. And my understanding is that the parties  
10 are still working on a resolution.

11 So, Mr. Hamner, what's going on?

12 MR. PARRIS: Well, if I may, Your Honor, again, John Parris,  
13 appearing with Mr. Franco. Mr. Franco's reviewing a guilty plea; he very  
14 well may be entering it this morning.

15 THE COURT: Okay.

16 MR. PARRIS: We anticipate that he will be doing so.

17 THE COURT: All right. We'll trial it.

18 MR. PARRIS: If we could, I'd appreciate it.

19 MR. HAMNER: Thank you, Your Honor.

20 THE COURT: All right. And then as to Ms. Henley, Ms. Brown.

21 MS. BROWN: Your Honor, we're still in negotiations. We're, I  
22 think, pretty close to bottom line in terms of whether it's going to deal or  
23 go. I don't think that Mr. Hamner is ready to go this setting. I'm not, you  
24 know, I would prefer not to go this setting as well as I have a sex assault  
25 case in the same timeframe, but I'll submit it to the Court.

1 THE COURT: Okay.

2 MR. HAMNER: Your Honor, the State's position on this is  
3 we're trying to -- we've had a framework that we've been working with all  
4 three attorneys on. What Mr. Franco decides has an affect on,  
5 essentially, what we do with the other two, so it's pretty critical that we  
6 have a decision on this.

7 THE COURT: Okay.

8 MR. HAMNER: The deadline is -- for today for him to decide  
9 because it will literally affect how we move the --

10 THE COURT: Let's trail everybody then.

11 MR. HAMNER: Thank you very much.

12 THE COURT: I basically thought that your motions --  
13 Ms. Henley's motions for an evidentiary hearing and motion to sever  
14 were being passed over to see if the case resolved.

15 MR. HAMNER: That's --

16 MS. BROWN: Correct.

17 MR. HAMNER: -- that's correct.

18 THE COURT: And then Mr. Hamner would be filing an  
19 opposition. So let's see what's going on.

20 MS. BROWN: If we don't resolve.

21 MR. HAMNER: Thank you.

22 THE COURT: And I don't know if I want to vacate the trial  
23 date just yet, so let's trail all three.

24 MR. HAMNER: Thank you very much, Your Honor, I  
25 appreciate it.

1 MS. BROWN: Thank you, Your Honor.

2 MR. PARRIS: Thank you, Your Honor.

3 [Matter trailed]

4 [Matter recalled at 10:39 a.m.]

5 MS. BROWN: You're Honor, could we recall the two  
6 Henley's? Four and five.

7 THE COURT: Where's Mr. Parris?

8 MS. BROWN: In the box.

9 MR. PARRIS: I'm right here, Your Honor. And I do have a  
10 signed guilty plea, so we'd be ready to call Mr. Franco as well.

11 THE COURT: All right. So recalling Dorie Henley, Andrew  
12 Henley, and Jose Franco.

13 MR. HAMNER: Your Honor, may I approach you with an  
14 amended indictment?

15 THE COURT: You may.

16 MR. HAMNER: Thank you. With respect to Mr. Franco.

17 THE COURT: All right. An amended indictment concerning  
18 Defendant Jose Franco has been -- everybody can sit down right now.  
19 The Henley's can sit down, and Mr. Franco needs to remain standing.

20 MR. PARRIS: And if I may approach.

21 MS. LUEM: Judge, I was going to request possibly that the  
22 Henley matters, two Henley's be status checked next week and then  
23 Ms. Brown and I can leave, so we don't have to stay for the plea canvas  
24 for Mr. Franco because Ms. Brown has other matters.

25 THE COURT: Are we comfortable the plea is going to go

1 down with respect to Mr. Franco?

2 MR. PARRIS: Yes, Your Honor. We have filed a copy of the  
3 guilty plea and we do have a copy of the amended indictment and waive  
4 its reading.

5 THE COURT: All right. You can come back on February 14<sup>th</sup>  
6 at 9:30.

7 MR. HAMNER: Thank you.

8 THE COURT: All right.

9 MS. BROWN: Thank you, Your Honor.

10 MS. LUEM: Thanks, Judge.

11 THE COURT: Mr. Franco, the Court is in possession of a  
12 written plea of guilty, wherein you agree to plead guilty to the felony  
13 crime of murder in the second degree with use of a deadly weapon.

14 Is this your signature here on page five of the written plea of  
15 guilty?

16 DEFENDANT FRANCO: Yes, ma'am.

17 THE COURT: All right. Before the Court may accept your  
18 written plea of guilty, I must be satisfied that your plea is freely and  
19 voluntarily given. Are you making this plea freely and voluntarily?

20 DEFENDANT FRANCO: Yes.

21 THE COURT: Other than what's contained in the written plea  
22 of guilty, have any promises or threats been made to induce you or to  
23 get you to plead guilty in this case?

24 DEFENDANT FRANCO: No.

25 THE COURT: And are you pleading guilty to crime of murder