

IN THE SUPREME COURT OF THE STATE OF NEVADA

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DORIE HENLEY,  
Appellant,

v.

THE STATE OF NEVADA,  
Respondent.

Electronically Filed  
Mar 09 2022 12:12 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

Case No. 83546

**RESPONDENT'S APPENDIX**

LUCAS J. GAFFNEY, ESQ.  
Nevada Bar #012373  
Gaffney Law  
1050 Indigo Drive, Suite 120  
Las Vegas, Nevada 89145  
(702) 742-2055

STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
Regional Justice Center  
200 Lewis Avenue  
Post Office Box 552212  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
State of Nevada

AARON D. FORD  
Nevada Attorney General  
Nevada Bar # 007704  
100 North Carson Street  
Carson City, Nevada 89701-4717  
(775) 684-1265

Counsel for Appellant

Counsel for Respondent

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## **CERTIFICATE OF SERVICE**

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on 9<sup>th</sup> day of March, 2022. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

AARON D. FORD  
Nevada Attorney General

LUCAS J. GAFFNEY, ESQ.  
Counsel for Appellant

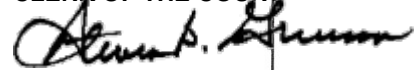
KAREN MISHLER  
Chief Deputy District Attorney

*/s/ J. Hall*

---

Employee, Clark County  
District Attorney's Office

KM/Corey Hallquist/jh



**WRIT**

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

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

In the Matter of the Application of,

DORIE HENLEY

for a Writ of Habeas Corpus.

CASE NO.: C-17-327585-1

DEPT. NO.: XXI

**PETITION FOR WRIT OF HABEAS CORPUS**

TO: The Honorable Judge Valerie Adair of the Eighth Judicial District Court of  
The State of Nevada, in and for the County of Clark

The Petition of DORIE HENLEY submitted by MARY D. BROWN, as attorney for the  
above-captioned individual, respectfully affirms:

1. That she is a duly qualified, practicing and licensed attorney in the City of Las  
Vegas, County of Clark, State of Nevada.

2. That Petitioner makes application for a Writ of Habeas Corpus; that the place  
where the Petitioner is imprisoned actually or constructively imprisoned and restrained of his  
liberty is the Clark County Detention Center; that the officer by whom he is imprisoned and  
restrained is Joe Lombardo, Sheriff.

3. That the imprisonment and restraint of said Petitioner is unlawful in that the State  
failed to prove that Ms. Henley committed the offenses of Murder with use of a Deadly Weapon,  
Conspiracy to Commit Murder, Third Degree Arson, Conspiracy to Commit Arson, First Degree



1 Kidnapping, Conspiracy to Commit Kidnapping, Robbery with Use of a Deadly Weapon,  
2 Conspiracy to Commit Robbery, Grand Larceny Auto and Conspiracy to Commit Larceny –  
3 Counts One through Ten.

4 4. That Petitioner waives his right to be brought to trial within 60 days, but only to  
5 the extent necessary to accommodate a hearing and decision on the instant writ.

6 5. That Petitioner consents that if Petition is not decided within 15 days before the  
7 date set for trial, the Court may, without notice of hearing, continue the trial to a date designated  
8 by the Court.

9 6. That Petitioner personally authorized his aforementioned attorney to commence  
10 this action.

11 WHEREFORE, Petitioner prays that this Honorable Court make an order directing  
12 the County of Clark to issue a Writ of Habeas Corpus directed to the said Joe Lombardo, Sheriff,  
13 commanding him to bring the Petitioner before your Honor, and return the cause of his  
14 imprisonment.

15 DATED this 28 day of November, 2017.

16 By: \_\_\_\_\_

17 Mary D. Brown, Esq.  
18 200 Hoover Ave., Suite 130  
19 Las Vegas, Nevada 89101  
20 (702) 405-0505  
21 Attorney for Defendant  
22  
23  
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YOU WILL PLEASE TAKE NOTICE that the foregoing PETITION FOR WRIT OF  
HABEAS CORPUS will be heard on the 12 day of Dec., 2017, at 09:30 am a.m. in  
Department No. XXI, Eighth Judicial District Court.


DATED this 28 day of November, 2017.

*(continued)*

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1. I am an attorney duly licensed to practice law in the State of Nevada; I have been appointed to represent the Defendant in the instant matter, and I am familiar with the facts and circumstances of this case.

I declare under penalty of perjury that the foregoing is true and correct to the best of my information and belief. (NRS 53.045).

By:   
Mary D. Brown, Esq.  
200 Hoover Ave., Suite 130  
Las Vegas, Nevada 89101  
(702) 405-0505  
Attorney for Defendant

1                                   **MEMORANDUM OF POINTS AND AUTHORITIES**

2           COMES NOW the Petitioner, DORIE HENLEY, by and through her counsel, MARY D.  
3 BROWN, and submits the following Points and Authorities in Support of Defendant's Petition  
4 for a pre-trial Writ of Habeas Corpus.

5                                   **PROCEDURAL HISTORY**

6           Defendant Dorie Henley is charged by way of Indictment Murder with use of a Deadly  
7 Weapon, Conspiracy to Commit Murder, Third Degree Arson, Conspiracy to Commit Arson,  
8 First Degree Kidnapping, Conspiracy to Commit Kidnapping, Robbery with Use of a Deadly  
9 Weapon, Conspiracy to Commit Robbery, Grand Larceny Auto and Conspiracy to Commit  
10 Larceny – Counts One through Ten.

11           On October 15, 2017, Defendant Dorie Henley was arrested on the instant charges. On  
12 October 18, 2017, the undersigned counsel was appointed to represent Ms. Henley and a  
13 preliminary hearing was set for November 1, 2017. On October 23, 2017, the District  
14 Attorney's Office served a Notice of Intent to Seek Indictment on defense counsel by fax. See,  
15 Exhibit 1. On the afternoon of October 24, 2017, the State presented its case to the grand jury.  
16 However, the State delayed deliberations to allow defense counsel time to respond to its  
17 Marcum Notice.

18           On October 25, 2017, counsel for Ms. Henley specifically informed counsel that Ms.  
19 Henley was considering whether to testify and was also in the process of identifying  
20 exculpatory evidence to be presented. Defense counsel specifically noted that the time to  
21 provide notice and present evidence did not run until the end of the day October 31, 2017 due to  
22 the court holiday on October 27, 2017. Exhibit 2.

23           In an apparent hurry to avoid a preliminary hearing in this matter, at 1:59 p.m. on  
24 October 31, 2017, the State allowed the Grand Jury to deliberate on the instant indictment.



1 Exhibit 3. Less than an hour later, on October 31, 2017 at 2:47 p.m., defense counsel timely  
2 provided formal notice to the State that Ms. Henley intended to testify. Exhibit 4. Ms. Henley  
3 also submitted specific requests that certain exculpatory information be provided to the Grand  
4 Jury. Exhibit 5. At 2:59, after the grand jury already returned its True Bill, the prosecutor  
5 coyly responded: "She will need to endorse the written waiver of rights per the statute." Exhibit  
6 6. Counsel for Ms. Henley (who had not been advised that the True Bill had already been  
7 returned) responded that she would timely provide a waiver.

8 Ms. Henley was not provided an opportunity to testify. The requested exculpatory  
9 evidence was not presented. Instead, the indictment was returned on November 1, 2017. At the  
10 time of the return, Counsel requested that the indictment be dismissed and/or that a summons  
11 issue and/or that Ms. Henley be granted an OR release. Judge Gonzalez indicated that any such  
12 request should be placed in writing. A written motion was filed in front of Judge Douglas  
13 Herndon, who deferred its decision to the trial court.

14 Defendant was arraigned on November 7, 2017. A not guilty plea was entered, and the  
15 matter was transferred to this court for trial setting. This writ follows.

#### 16 **STATEMENT OF FACTS**

17 A grand jury proceeding was held on October 24, 2017, at which one witness testified.  
18 That witness was Detective Jason McCarthy. The relevant evidence adduced at the grand jury  
19 proceeding is as follows:

20 Jason McCarthy is a homicide detective with the Las Vegas Metropolitan Police  
21 Department. He has been employed with Metro for twenty-four (24) years and has been a  
22 homicide detective for ten (10) years. Det. McCarthy claimed to have involved in "thousands"  
23 of violent death scenes, a significant portion of which involved blunt force trauma. Grand Jury  
24 Transcript, p. 12:1-13.

1 On October 10, 2017, Det. McCarthy and his partner Det. Gillis were called out to the  
2 area of Cory St. and Soprano. GJT, 13:1-3. There, they observed a deceased person who was  
3 subsequently identified as Jose Juan Garcia-Hernandez. Det. McCarthy observed abrasions to  
4 Garcia-Hernandez's face, arms, hands, and abdomen. GJT, p. 15:13-15. Det. McCarthy  
5 testified that the two injuries to the abdomen were "stabbing or penetrating" injuries. GJT, p.  
6 15:20-24. Det. McCarthy later contradicted himself stating that the two abrasions to the  
7 abdomen were not penetrating wounds. He also testified, without foundation or support, that  
8 these injuries were not the fatal injuries. GJT, p. 18:12-17. Notably, Det. McCarthy did not at  
9 any time testify to examining the wounds or being present when a coroner examined the  
10 wounds. He also never testified to having any medical training whatsoever.

11 Despite a complete lack of evidence or testimony regarding any medical knowledge,  
12 training or experience, Det. McCarthy blithely testified that a photo admitted by the State as  
13 being of "the fatal injuries." Det. McCarthy testified that the "injury" purportedly went through  
14 the abdomen and penetrated the aorta. Det. McCarthy went on to testify that the injury caused  
15 "significant damage" to the aorta and "caused a lot of internal bleeding." GJT, p. 20:7-17. Not  
16 to be constrained, Det. McCarthy went further to testify - without qualification or explanation -  
17 that the wounds depicted were "stabbing or penetrating injury" and that they were different  
18 from incised injuries. GJT, pp. 20:21-21:2. Det. McCarthy additionally speculated (without  
19 foundation) that a screwdriver or ice pick could have caused the injury. GJT, p. 21:3-7.

20 Garcia-Hernandez's vehicle was subsequently found at the intersection of Bruce and  
21 Foremaster Ln., which was two or three miles from where Garcia-Hernandez was found. It  
22 appeared that someone tried to burn the interior of the vehicle. GJT, pg. 23:14-15. Despite not  
23 presenting any evidence whatsoever related to fire investigation, Det. McCarthy then testified  
24 that "through [his] training and experience that they used some type of accelerant to put inside



1 the car, lit it on fire and the doors were closed and the windows were found to be up. When that  
2 happens obviously there is no oxygen inside the car, it puts the fire out.” GJT, pp. 23:23-24:3.

3 The prosecutor, apparently aware of the dearth of testimony regarding expertise, then  
4 interjected and began testifying himself and vouching for the witness: “And in fact you and I  
5 have worked several homicide cases where that exact scenario occurs where people attempt to  
6 burn something and when you shut the car door you in essence in a short period of time turn out  
7 the flames?” The witness responded “Yes.” GJT, p. 24:4-9.

8 The State also introduced the purported statement of Ms. Henley. According to Det.  
9 McCarthy, Ms. Henley told him that she knew Garcia-Hernandez. Ms. Henley reportedly  
10 planned with others to rob Garcia-Hernandez and subsequently agreed to meet up with him.  
11 Det. McCarthy testified that Ms. Henley admitted being very flirtatious with Garcia-Hernandez.  
12 She tried to get his wallet. At that point, other people arrived and beat and kicked him to the  
13 ground. Ms. Henley ran and was unaware of what happened after she fled. GJT, p. 25:1-27:25.  
14 Ms. Henley later told Detectives where to find Garcia-Hernandez’s car. GJT, p. 31:8-9.

### 15 ARGUMENT

16 To establish probable cause to bind a defendant over for trial, the State must demonstrate  
17 that (1) a crime has been committed and (2) the defendant committed the crime. NRS § 171.206;  
18 *Jones v. Sheriff*, 93 Nev. 297, 565 P.2d 325 (1977). The standard of review for a pretrial habeas  
19 challenge to the sufficiency of the evidence is that the State has the burden of showing “slight or  
20 marginal” evidence that a crime has been committed and that the defendant committed the crime.  
21 *Sheriff v. Hodes*, 96 Nev. 184, 186, 606 P.2d 178, 179 (1980). A writ of habeas corpus will not  
22 be denied if there is a showing of a lack of probable cause that a crime was committed and that  
23 the defendant committed the crime. *In re Rowland*, 74 Nev. 215, 218, 326 P.2d 1102, 1103  
24 (1958).

I.

**THE INDICTMENT MUST BE DISMISSED BECAUSE THE STATE WILFULLY AND INTENTIONALLY VIOLATED PETITIONER'S DUE PROCESS RIGHTS**

The prosecutor in this case knowingly and intentionally violated Ms. Henley's right to Marcum notice. Therefore, the Indictment must be dismissed. Pursuant to NRS 172.241(2), a prosecutor is required to provide reasonable notice to persons against whom he or she seeks and indictment. See also, Marcum v. Sheriff, 105 Nev. 824 (1989). The purpose of the notice requirement is to ensure that the defendant has an opportunity to testify before the grand jury. Id. Notice is considered "adequate" if it "gives the person not less than 5 judicial days to submit a request to testify to the district attorney ..." NRS 172.241(2)(a). "Without proper notice, the right to testify would be meaningless." Solis-Ramirez v. Eighth Judicial District Court, 112 Nev. 344, 347 (1996).

Pursuant to Eighth Judicial District Court Rule 1.14, the day upon which notice is served does not count as a judicial day. Also, since the time frame was less than eleven (11) days, intermediate Saturdays, Sundays and court holidays cannot be included as judicial days.

Here, the Notice of Intent to Seek Indictment was served on October 23, 2017. October 27, 2017 was a court holiday, October 28, 2017 was a Saturday and October 29, 2017 was a Sunday. Therefore, the time to provide notice of an intent to testify or to present exculpatory evidence did not run until October 31, 2017.

Counsel for Defendant Dorie Henley gave the State notice well in advance that she may exercise her right to testify and request that exculpatory information be presented. Counsel further informed the State that she needed all the available time to make that determination. Despite being placed on notice, the prosecutor in this case returned the indictment before Defendant's time had run for Defendant to serve her notice of intent to testify or request the presentation of exculpatory evidence. Defense counsel subsequently timely notified the State



1 that she intended to testify at the Grand Jury. At the same time, she requested that items of  
2 exculpatory evidence be presented to the grand jury. Neither request was honored. In fact, the  
3 prosecutor in this case – apparently viewing the exercise of a defendant’s due process rights as a  
4 mere game – coyly emailed to counsel that he was waiting on Petitioner’s waiver of rights when  
5 in fact he had already returned the true bill.

6 As discussed above, the entire purpose of the notice requirement is to allow the  
7 defendant an opportunity to testify before the grand jury. A right must have a remedy. In this  
8 case, the remedy is a dismissal of the Indictment. See, Solis-Ramirez, supra. Ms. Henley is  
9 being illegally detained. Based on the foregoing, counsel respectfully requests that the  
10 indictment be immediately dismissed.

## 11 II.

### 12 **THE STATE FAILED TO PRESENT SUFFICIENT LEGAL EVIDENCE** 13 **THAT PETITIONER COMMITTED THE OFFENSE OF MURDER** 14 **WITH USE OF A DEADLY WEAPON**

15 The State failed to present sufficient evidence that Petitioner committed the offense of  
16 Murder with a Deadly Weapon. Murder is defined as: “Murder is the unlawful killing of a human  
17 being ... [w]ith malice aforethought, either express or implied.” NRS 200.010. NRS 200.0.20  
18 defines malice as: “Express malice is that deliberate intention unlawfully to take away the life of  
19 a fellow creature, which is manifested by external circumstances capable of proof. ... Malice shall  
20 be implied when no considerable provocation appears, or when all the circumstances of the killing  
21 show an abandoned and malignant heart.”

22 Here, the State did not present any lawful evidence of cause or manner of death of Garcia-  
23 Hernandez. The State did not call the coroner to testify. The State did not present a certified  
24 death certificate. The State did not lay a foundation from which Detective McCarthy could give  
expert medical testimony regarding cause or manner of death.

1       “The grand jury can receive none but legal evidence, and the best evidence in degree, to  
2 the exclusion of hearsay or secondary evidence.” NRS 172.135. If scientific, technical or other  
3 specialized knowledge will assist the trier of fact to understand the evidence or to determine a  
4 fact in issue, **a witness qualified as an expert** by special knowledge, skill, experience, training  
5 or education may testify **to matters within the scope of such knowledge**. NRS 50.275.

6       Here, the State failed to present any legal evidence regarding cause or manner of death. It  
7 is axiomatic that testimony regarding cause and manner of death is the exclusive purview of expert  
8 testimony. However, the State failed to present any medical testimony whatsoever. The  
9 prosecutor in this case simply attempted to bootstrap Det. McCarthy’s generic and unexplained  
10 experience as a homicide investigator into an unsubstantiated expert medical opinion.

11       The only foundation laid at all regarding Det. McCarthy’s experience was that he  
12 reportedly investigated “thousands” of violent death scenes and that a “significant portion” of  
13 those deaths involved blunt force trauma. GJT, p. 12. Det. McCarthy did not testify regarding  
14 any medical experience; nor did he testify to any experience whatsoever in determination of fatal  
15 vs. non-fatal wounds. The witness did not testify to examining the wound himself or being present  
16 at the time the wound was examined. Therefore, he was not qualified to give an expert opinion  
17 regarding cause or manner of death.

18       Nevertheless, Det. McCarthy then went on to identify wounds as “penetrating” and “non-  
19 penetrating.” He also characterized wounds as “lethal” and “non-lethal.” GJT 18. Without any  
20 foundation whatsoever, Det. McCarthy even opined that one of these “fatal injuries” went through  
21 his abdomen and penetrated the aorta, causing “a lot of internal bleeding.” GJT, p. 20. Det.  
22 McCarthy’s testimony was the functional equivalent of a “trust me, I’m an expert” - with a wink  
23 and a nod - but no showing whatsoever of any expertise in the field at issue. This is exactly the  
24 type of misleading improper expert testimony which is barred.



1 Here, the State failed to properly establish the cause or manner of death. Instead, they  
2 infected the grand jury proceedings with improper expert testimony, which was unlawful and  
3 unduly prejudicial. Because the State failed to present lawful evidence necessary to support the  
4 charge Murder with use of a Deadly Weapon, Count I must be dismissed.

5 **III.**

6 **THE STATE FAILED TO PRESENT SUFFICIENT LAWFUL EVIDENCE TO**  
7 **SUPPORT THE CHARGE OF FIRST-DEGREE KIDNAPPING WITH USE OF A**  
8 **DEADLY WEAPON**

9 The State failed to present sufficient evidence to support a charge of First-Degree  
10 Kidnapping. Kidnapping is defined under Nevada law as follows:

11 A person who willfully seizes, confines, inveigles, entices, decoys, abducts,  
12 conceals, kidnaps or carries away a person by any means whatsoever with the  
13 intent to hold or detain, or who holds or detains, the person for ransom, or reward,  
14 or for the purpose of committing sexual assault, extortion or robbery upon or  
15 from the person, or for the purpose of killing the person or inflicting substantial  
bodily harm upon the person, or to exact from relatives, friends, or any other  
person any money or valuable thing for the return or disposition of the kidnapped  
person ... is guilty of kidnapping in the first degree which is a category A  
felony.”

16 NRS 200.310. Count 5 of the Indictment in this case alleges that the Petitioner “did  
17 willfully, unlawfully and feloniously, confine, inveigle, entice or decoy Jose Juan  
18 Garcia-Hernandez, a human being, **with the intent to hold or detain** Jose Juan Garcia-  
19 Hernandez **against his will**, and **without his consent**, for the purpose of committing  
20 Murder, Arson, and Grand Larceny.” (Emphasis added).

21 The State failed to present any evidence at all to establish that Petitioner held or  
22 detained Garcia-Hernandez or that she intended to do so. The evidence, even viewed in  
23 the light most favorable to the State, could only support a finding that Garcia-Hernandez  
24 acted of his own free will and that he engaged in a mutually flirtatious encounter with

1 Petitioner. Garcia-Hernandez voluntarily went with Petitioner. There was no element  
2 of compelling or forcible asportation. Further, there was no evidence that Petitioner  
3 intended to hold or detain Garcia-Hernandez. In fact, quite the contrary. The State failed  
4 to present evidence to support the elements of Kidnapping. Therefore, the charge must  
5 be dismissed.

6 IV.

7 **THE STATE FAILED TO PRESENT SUFFICIENT LAWFUL EVIDENCE TO**  
8 **SUPPORT THE CHARGE OF ARSON**

9 The State failed to present sufficient legal evidence to support the charge of Arson. NRS  
10 205.020(1) defines Arson as “A person who willfully and maliciously sets fire to or burns or  
11 causes to be burned, or who aids, counsels or procures the burning of ... [a]ny unoccupied  
12 personal property of another which has the value of \$25 or more ...” The indictment in this case  
13 charges Petitioner: “did willfully, unlawfully, maliciously and feloniously set fire to, burn, and/or  
14 cause to be burned, unoccupied personal property, ... having a value of \$25.00 or more by use of  
15 open flame and flammable and/or combustible materials, and/or by manner and means unknown.”

16 As discussed above, “the grand jury can receive none but legal evidence, and the best  
17 evidence in degree, to the exclusion of hearsay or secondary evidence.” NRS 172.135. If  
18 scientific, technical or other specialized knowledge will assist the trier of fact to understand the  
19 evidence or to determine a fact in issue, **a witness qualified as an expert** by special knowledge,  
20 skill, experience, training or education may testify **to matters within the scope of such**  
21 **knowledge**. NRS 50.275.

22 Here, the State again sought to admit improper expert opinion without proper foundation.  
23 The State did not qualify Det. McCarthy as an expert in arson investigations. They did not present  
24 evidence of any specialized knowledge, training and experience possessed by Det. McCarthy.



1 The State did not present any evidence regarding his specialized knowledge regarding the use of  
2 accelerants in fire setting or the behavior of fire when fed or deprived of oxygen.

3 Despite any lack of foundation or basis for an expert qualification, the State elicited the  
4 following testimony from Det. McCarthy: "It appears to me through my training and experience  
5 that they used some type of accelerant to put inside the car, lit it on fire and the doors were closed,  
6 and the windows were found to be up. When that happens obviously there is no oxygen inside the  
7 car, it puts the fire out." GJT, pp. 23-24. Testimony of the behavior of chemicals and accelerants  
8 as well as the behavior of fire in the presence and absence of oxygen are plainly areas reserved  
9 for expert testimony. The State contaminated the grand jury proceeding when it elicited this  
10 "expert" opinion without basis or foundation.

11 The prosecutor further compounded the problem when he then vouched for the witness –  
12 in an apparent attempt to cure the original problem. The prosecutor then testified: "And in fact  
13 you and I have worked several homicide cases where that exact scenario occurs where people  
14 attempt to burn something and when you shut the car door you in essence in a short period of time  
15 turn out the flames?" The witness complied: "Yes."

16 It is absolutely improper for a prosecuting attorney to use the prestige of the District  
17 Attorney's Office to vouch for a witness. Rowland v. State, 188 Nev. 31, 39 (2002). That is  
18 exactly what the prosecutor did in this case. He used the force of his office to bestow credibility  
19 on the witness, who was clearly testifying outside any area of expertise. This is impermissible.

20 Either the admission of the improper expert testimony or the impermissible vouching,  
21 standing alone, would be grounds to dismiss the arson charge. Together, the compounded  
22 prejudicial errors absolutely mandate that the arson charge be dismissed.

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V.

**THE STATE FAILED TO PRESENT SUFFICIENT EVIDENCE TO SUPPORT ANY  
OF THE CONSPIRACY COUNTS**

It is a fundamental principle of criminal law that the prosecution must establish the corpus delicti of an offense prior to admission of a defendant's statement or admission. Hooker v. Sheriff, 89 Nev. 89 (1973). "To sustain a conviction of conspiracy there must be *independent* proof of an agreement among two or more persons." Myatt v. State, 101 Nev. 761, 763, 710 P.2d 720, 722 (1985), citing United States v. Todd, 657 F.2d 212, 216 (8<sup>th</sup> Cir. 1981).

Here, the State has alleged five (5) counts of Conspiracy, including Conspiracy to Commit Murder, Conspiracy to Commit Arson, Conspiracy to Commit Kidnapping, Conspiracy to Commit Robbery, and Conspiracy to Commit Larceny. Aside from confessions of the accused, the State presented absolutely NO evidence of any form of agreement between two or more people. Without such evidence, the five Conspiracy counts cannot stand. Therefore, Counts 2, 4, 6, 8 and 10 should be dismissed.

VI.

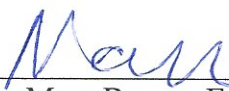
**THE CUMULATIVE ERROR IN THIS CASE COMPELS  
DISMISSAL OF THE INDICTMENT**

The errors committed in this grand jury presentment were numerous and serious. They were prejudicial in effect and affected Ms. Henley's substantial rights. The admission of improper "expert" testimony on numerous occasions, the prosecutor's improper vouching for a witness, along with the other listed errors completely tainted the grand jury proceedings. Ms. Henley was deprived of her constitutional right to due process of law. Therefore, the entire Indictment must be dismissed.

1 CONCLUSION


2 For the foregoing reasons the writ must be granted, and the Indictment against  
3 Ms. Henley should be dismissed without having to undertake the burden of trial.

4 DATED this 28 day of November, 2016.

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7 Mary Brown, Esq.  
8 200 Hoover Ave., Suite 130  
9 Las Vegas, Nevada 89101  
10 (702) 405-0505  
11 Attorney for Defendant  
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BROWN LAW OFFICES

  
Employee of Brown Law Offices



# EXHIBIT 1

# STATE'S NOTICE OF INTENT TO SEEK INDICTMENT

TO: DORE R. HENLEY; ANDREW B. HENLEY & JOSE FRANCO  
AND/OR YOUR LEGAL COUNSEL: MARY BROWN; ANDREA LUEM & JOHN PARRIS

YOU ARE HEREBY NOTIFIED THAT THE DISTRICT ATTORNEY MAY SEEK AN INDICTMENT AGAINST YOU FOR THE CRIMES OF:

MURDER W/ DEADLY WEAPON; ROBBERY W/ DEADLY WEAPON; CONSPIRACY TO COMMIT ROBBERY; 1<sup>ST</sup> DEGREE ARSON; 1<sup>ST</sup> DEGREE KIDNAPPING W/ DEADLY WEAPON; CONSPIRACY TO COMMIT KIDNAPPING; AND SUBSTANTIAL BODILY HARM; GRAND LARCENY AUTO; AND/OR ANY OTHER CHARGES ARISING OUT OF THE INCIDENTS OCCURRING ON OR ABOUT OCTOBER 10, 2017; AGENCY EVENT NUMBERS: LVMPD 17F18527 A/B/C.

A person whose indictment the District Attorney intends to seek or the Grand Jury on its own motion intends to return, but who has not been subpoenaed to appear before the Grand Jury, may testify before the Grand Jury if he requests to do so and executes a valid waiver in writing of his constitutional privilege against self-incrimination. Nev. Rev. Stat. 172.241.

You are advised that you may testify before the Grand Jury only if you submit a written request to the District Attorney and include an address where the District Attorney may send a notice of the date, time and place of the scheduled proceeding of the Grand Jury. Nev. Rev. Stat. 172.241.

You are additionally notified that, since the State is seeking to initiate a charge of open or first degree murder against you by indictment, you may request that the court appoint defense counsel for you prior to the commencement of the grand jury proceedings. Upon your request, the district court shall appoint one attorney to serve as defense counsel prior to and during the grand jury proceedings. That attorney would have to possess the qualifications specified in subsection 2(b) of Rule 250.

You have already been appointed counsel in connection with this matter, and a copy of the NOTICE is being served on your counsel as well. You should consult with your counsel to insure that one of your two attorneys possesses the required qualifications.

A person whose indictment the District Attorney intends to seek or the Grand Jury on its own motion intends to return, may be accompanied by legal counsel during any appearance before the Grand Jury. The legal counsel who accompanies a person may advise his client, but shall not address directly the members of the Grand Jury, speak in such a manner as to be heard by members of the Grand Jury, or in any other way participate in the proceedings of the Grand Jury. The court or the foreperson of the Grand Jury may have the legal counsel removed if he violates any of these provisions or in any other way disrupts the proceedings of the Grand Jury. Nev. Rev. Stat. 172.239

If you are aware of any evidence which tends to explain away the above crimes, and it is your desire that this evidence be presented to the Grand Jury, then you or your attorney must furnish such evidence to the office of the District Attorney immediately. Responses to testify or present evidence must be addressed to:

DAVID L. STANTON: Clark County District Attorney, 301 CLARK PLACE, 10<sup>TH</sup> FLOOR Las Vegas, NV89155-2211. TELEPHONE (702) 671-2826/ 671-2830.

THIS IS THE ONLY NOTICE YOU WILL RECEIVE. It is your duty to respond as set forth above. Any response inconsistent with the above directions will be disregarded.

## CERTIFICATE OF SERVICE

I hereby certify that service of the above and foregoing was made this 23rd day of October, 2017, by David L. Stanton to:

MARY BROWN; ANDREA LUEM & JOHN PARRIS  
VIA EMAIL & FAX

By: DAVID L. STANTON  
District Attorney's Office

I certify that I received the above State's Notice of Intent To Seek Indictment

000019

# EXHIBIT 2

000020



**Mary@thelasvegasdefender.com**

---

**From:** Mary@thelasvegasdefender.com  
**Sent:** Wednesday, October 25, 2017 4:03 PM  
**To:** David Stanton  
**Cc:** michael.karstedt@yahoo.com; jparris@johnparrislaw.com; andrea@luemlaw.com  
**Subject:** Re: Henley, Henley & Franco - 17F18527 A/B/C

Dear Mr. Stanton,

The Marcum Notice was not served until Monday, October 23, 2017. Pursuant to NRS 172.241, my client has five (5) judicial days to submit a request to testify. According to EJD Rule 1.14, the day of service and court holidays do not count as judicial days. Therefore, my client has until the end of the day on October 31, 2017 to submit a request to testify and to submit exculpatory evidence.

My client has yet to decide whether to testify. We will need every minute of this time, particularly in light of the scant discovery currently provided by the State. If the State attempts to indict my client before that time has run or fails to provide evidence timely submitted by my client, we will seek appropriate remedies through the Court for intentional deprivation of my client's due process rights.

I will contact you shortly with a request for specific discovery. I will need this discovery immediately, so that I can properly advise my client whether to testify before the Grand Jury.

Mary Brown, Esq.  
Brown Law Offices  
200 Hoover Ave., Suite 130  
Las Vegas, NV 89101  
(702) 405-0505  
www.thelasvegasdefender.com

---

**From:** David Stanton <David.Stanton@clarkcountyda.com>  
**Sent:** Wednesday, October 25, 2017 1:53 PM  
**To:** Mary@thelasvegasdefender.com  
**Subject:** Re: Henley, Henley & Franco - 17F18527 A/B/C

If you are talking about next Wednesday, this case will be presented to the grand jury before that date. If you have any exculpatory evidence you need to provide it to me within the next 48 hours.

**From:** Mary@thelasvegasdefender.com <mary@thelasvegasdefender.com>  
**Sent:** Wednesday, October 25, 2017 8:51:49 PM  
**To:** David Stanton  
**Subject:** Re: Henley, Henley & Franco - 17F18527 A/B/C

Thank you. Can I have until Wed to provide exculpatory evidence?

Mary Brown, Esq.  
Brown Law Offices  
200 Hoover Ave., Suite 130

Las Vegas, NV 89101  
(702) 405-0505  
[www.thelasvegasdefender.com](http://www.thelasvegasdefender.com)

Las Vegas Criminal Defense Attorney |  
Brown Law Offices



[www.thelasvegasdefender.com](http://www.thelasvegasdefender.com)

If you are facing criminal charges, contact our Las Vegas criminal defense lawyers at Brown Law Offices to get the experience of a former Chief Prosecutor on your side.

**From:** David Stanton <David.Stanton@clarkcountyda.com>  
**Sent:** Wednesday, October 25, 2017 1:48:54 PM  
**To:** Mary@thelasvegasdefender.com  
**Subject:** RE: Henley, Henley & Franco - 17F18527 A/B/C

Presentation will be very shortly

**From:** Mary@thelasvegasdefender.com <mary@thelasvegasdefender.com>  
**Sent:** Wednesday, October 25, 2017 12:39:34 PM  
**To:** John Parris; David Stanton; Andrea Luem  
**Cc:** Stephanie Johnson  
**Subject:** RE: Henley, Henley & Franco - 17F18527 A/B/C

Thank you. Did we receive a date yet? I will have items that I will request be presented. I will be in touch shortly with specific requests.

**Mary D. Brown, Esq.**  
**Brown Law Offices**  
200 Hoover Ave., Suite 130  
Las Vegas, NV 89101  
(702) 405-0505  
[www.thelasvegasdefender.com](http://www.thelasvegasdefender.com)



Las Vegas Criminal Defense Attorney |  
Brown Law Offices



[www.thelasvegasdefender.com](http://www.thelasvegasdefender.com)

If you are facing criminal charges, contact our Las Vegas criminal defense lawyers at Brown Law Offices to get the experience of a former Chief Prosecutor on your side.

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**From:** John Parris [<mailto:john@kihuenandparris.com>]  
**Sent:** Monday, October 23, 2017 11:25 AM  
**To:** David Stanton <[David.Stanton@clarkcountyda.com](mailto:David.Stanton@clarkcountyda.com)>; Mary@thelasvegasdefender.com; Andrea Luem <[andrea@luemlaw.com](mailto:andrea@luemlaw.com)>  
**Cc:** Stephanie Johnson <[Stephanie.Johnson@clarkcountyda.com](mailto:Stephanie.Johnson@clarkcountyda.com)>  
**Subject:** RE: Henley, Henley & Franco - 17F18527 A/B/C

Dave,  
Marcum received. We were only given the bare bones of the discovery in Court last week so anything additional would be greatly appreciated. Also, do you have GJ scheduled yet?  
Thanks,  
John.

**From:** David Stanton [<mailto:David.Stanton@clarkcountyda.com>]  
**Sent:** Monday, October 23, 2017 10:45 AM  
**To:** [mary@thelasvegasdefender.com](mailto:mary@thelasvegasdefender.com); Andrea Luem <[andrea@luemlaw.com](mailto:andrea@luemlaw.com)>; John Parris <[jparris@johnparrislaw.com](mailto:jparris@johnparrislaw.com)>  
**Cc:** Stephanie Johnson <[Stephanie.Johnson@clarkcountyda.com](mailto:Stephanie.Johnson@clarkcountyda.com)>  
**Subject:** Henley, Henley & Franco - 17F18527 A/B/C

Attached is Marcum notice re: this case. Please reply, via email, of this notice. I will coordinate discovery via this email address as well.

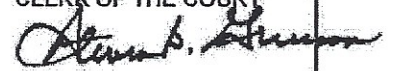
Thank you.

David L. Stanton  
Chief Deputy District Attorney

Major Violators Unit  
Clark County D.A.s Office  
Las Vegas, Nevada 89101  
Office: (702) 671-2826  
Fax: (702) 477-2974  
[david.stanton@clarkcountyda.com](mailto:david.stanton@clarkcountyda.com)

# EXHIBIT 3





EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

12:00

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12:00

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THE STATE OF NEVADA,

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Plaintiff,

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vs.

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DORIE REGINA HENLEY, ANDREW

9

BRANDON HENLEY, JOSE MELVIN  
FRANCO,

12:00

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Defendants.

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12

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Taken at Las Vegas, Nevada

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Tuesday, October 31, 2017

12:00

15

1:59 p.m.

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REPORTER'S TRANSCRIPT OF PROCEEDINGS

12:00

20

21

VOLUME 2

22

23

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12:00

25

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  
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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

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STATE OF NEVADA       )  
                              : ss  
4 COUNTY OF CLARK       )

02:04

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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,

November 2, 2017.

/s/ Danette L. Antonacci

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

02:04

1

## AFFIRMATION

2

Pursuant to NRS 239B.030

3

4

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,

9

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

15

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

16

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

000031

# EXHIBIT 4

000032



# Dorie Henley - 17F18527A - Notice of Intent to Testify

Mary@thelasvegasdefender.com

Tue 10/31/2017 2:47 PM

To: David Stanton <David.Stanton@clarkcountyda.com>;

Bcc: the-brown-law-offices-ukrVu87rx8@mycasemail.com <the-brown-law-offices-ukrVu87rx8@mycasemail.com>;

Dear Mr. Stanton,

Please allow this to serve as a response to the Notice of Intent to Seek Indictment that was served on my client on or about October 23, 2017. I am hereby putting you on formal notice that in the event you elect to take this case to the Grand Jury my client Dorie Henley is requesting that she be permitted to testify at the grand jury proceedings herein. You may send notice of the date, time and place of that scheduled proceeding to me at this email address.

Your time and attention are greatly appreciated. Please do not hesitate to call with any further questions or comments.

Sincerely,

**Mary D. Brown, Esq.**

**Brown Law Offices**

200 Hoover Ave., Suite 130

Las Vegas, NV 89101

(702) 405-0505

[www.thelasvegasdefender.com](http://www.thelasvegasdefender.com)

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# EXHIBIT 5

000034

# Dorie Henley - 17F18527A - Exculpatory Evidence

Mary@thelasvegasdefender.com

Tue 10/31/2017 3:06 PM

To: David Stanton <David.Stanton@clarkcountyda.com>;

Cc: Andrea Luem <andrea@luemlaw.com>; John Parris <john@kihuenandparris.com>; Michael T Karstedt <michael.karstedt@yahoo.com>;

Bcc: the-brown-law-offices-ukrVu87rx8@mycasemail.com <the-brown-law-offices-ukrVu87rx8@mycasemail.com>;

Dear Mr. Stanton,

I am requesting that the following exculpatory evidence be presented to the Grand Jury:

Evidence of Andrew Henley's felony conviction under District Court case no. C277813

Evidence of any felony convictions for source #1 referenced in the second paragraph of page 2 of the arrest report, who claimed to have spoken to Dorie Henley on October 12, 2017.

Evidence of any felony convictions for source #2 referenced in the third paragraph of page 2 of the arrest report, who claimed to have spoken to Dorie Henley on October 11, 2017.

I would further note that the preliminary hearing is scheduled for tomorrow and no discovery beyond the arrest report has been provided. You previously served a Marcum notice and indicated that you would be going to the grand jury very soon. Therefore, I have to assume that there is substantial discovery in your possession that has not been provided – at least some of which is exculpatory. My client and I are requesting that all discovery in your possession be provided prior to the Grand Jury presentment so my client can exercise her legal rights.

We still stand ready to proceed to preliminary hearing tomorrow.

**Mary D. Brown, Esq.**

**Brown Law Offices**

200 Hoover Ave., Suite 130

Las Vegas, NV 89101

(702) 405-0505

[www.thelasvegasdefender.com](http://www.thelasvegasdefender.com)

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000035

# **EXHIBIT 6**

000036

# Re: Dorie Henley - 17F18527A - Notice of Intent to Testify

David Stanton <David.Stanton@clarkcountyda.com>

Tue 10/31/2017 2:49 PM

To: Mary@thelastegasdefender.com <mary@thelastegasdefender.com>;

She will need to endorse the written waiver of rights per the statute.

---

**From:** Mary@thelastegasdefender.com <mary@thelastegasdefender.com>

**Sent:** Tuesday, October 31, 2017 2:46:54 PM

**To:** David Stanton

**Subject:** Dorie Henley - 17F18527A - Notice of Intent to Testify

Dear Mr. Stanton,

Please allow this to serve as a response to the Notice of Intent to Seek Indictment that was served on my client on or about October 23, 2017. I am hereby putting you on formal notice that in the event you elect to take this case to the Grand Jury my client Dorie Henley is requesting that she be permitted to testify at the grand jury proceedings herein. You may send notice of the date, time and place of that scheduled proceeding to me at this email address.

Your time and attention are greatly appreciated. Please do not hesitate to call with any further questions or comments.

Sincerely,

**Mary D. Brown, Esq.**

**Brown Law Offices**

200 Hoover Ave., Suite 130

Las Vegas, NV 89101

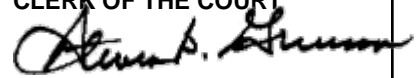
(702) 405-0505

[www.thelastegasdefender.com](http://www.thelastegasdefender.com)

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000037





**OPPS**

STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
DAVID STANTON  
Chief Deputy District Attorney  
Nevada Bar #003202  
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  
ANDREW BRANDON HENLEY,  
#2836044  
JOSE MELVIN FRANCO, #2780519

Defendants.

CASE NO: C-17-327585-1

DEPT NO: XXI

**STATE'S OPPOSITION TO DEFENDANT'S PETITION FOR WRIT OF HABEAS  
CORPUS**

DATE OF HEARING: 12/12/2017  
TIME OF HEARING: 9:30 AM

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through DAVID STANTON, Chief Deputy District Attorney, and hereby submits the attached Points and Authorities in Opposition to Defendant's Petition For Writ Of Habeas Corpus.

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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mandatory written waiver was not presented to the State within the *Marcum* timeframe. In fact, it has never been presented to the State.

Compounding the error regarding *Marcum* and what constitutes proper “notice,” is Petitioner’s incorrect analysis of the “remedy.” The sole authority relied upon is *Solis-Ramirez v. Eighth Judicial District Court*, 112 Nev. 344, 347 (1996) claiming the remedy is “dismissal of the Indictment.” Petition, page 10, lns. 7-8. While the result in that case was dismissal it was based upon the remedy sought in that particular defendant’s motion before the trial court.

Understanding that is relief requested instantly, it does equate to the remedy being proper. Relief, to be proper and meaningful, is to afford Petitioner the relief that they are actually complaining of: to wit, the time to testify before the Grand Jury.

If notice required to be served upon a person pursuant to subsection 2 is not adequate, the person must be given the opportunity to testify before the grand jury. If the person testifies pursuant to this subsection, the grand jury must be instructed to deliberate again on all the charges contained in the indictment following such testimony.

N.R.S. 172.241(5).

The instant Petition fails to mention, cite to or analyze the prayer for relief in light of the 2015 statutory change after the *Solis* decision.

## 2. SUFFICIENT EVIDENCE OF MURDER

Once again without citation to any legal authority, Petitioner complains that the State did not present “any lawful evidence of cause or manner of death.” Petition, page 10, 21-24. Compounding the error further, the Petition incorrectly asserts that Detective McCarthy could not testify to the cause and manner of death.

Medical/legal cause and manner of death is not an element of murder. Thus, the complaint that failure to produce competent evidence of same is unavailing. Detective McCarthy, an experienced homicide detective, observed the victim deceased at the scene. He observed multiple injuries that, in his experience, were both fatal and non-fatal in nature. Detective McCarthy's testimony in this regard was admissible. Petitioner's argument seem targeted upon the weight one would attach to such an opinion. The complaint that this was

1 “expert medical” testimony is incorrect. Detective McCarthy was not testifying to expert  
2 medical opinions, but to his percipient observations as a highly trained homicide detective.  
3 This, coupled with the photographs admitted before the grand jury of the injuries to the victim,  
4 compromise the competent and admissible evidence establishing the actual elements of murder  
5 that a person died by the criminal agency of another.

6 Once again Petitioner complains that: “the State failed to present any medical testimony  
7 whatsoever.” The State is unaware of any legal authority that would mandate the presentation  
8 of medical testimony under these circumstances, let alone at a jury trial. The testimony was  
9 based upon the direct observations of an experienced homicide detective and the  
10 corresponding photographs (Grand Jury exhibits 2-21 that are part of the court record in this  
11 case) corroborating each and every observation by Detective McCarthy.

### 12 3. SUFFICIENT EVIDENCE OF KIDNAPING

13 Petitioner’s argument fails to understand the prima facie elements of kidnapping and  
14 the applicable law interpreting the offense of kidnapping. Here, the conduct of Petitioner in  
15 luring the victim to an isolated area to then, in a coordinated attack, beat, rob and kill him falls  
16 within the definition of the plain meaning of the statutory terms of kidnapping. N.R.S.  
17 200.310.

18 If that were not enough, the Nevada Supreme Court has, frequently, defined the scope  
19 of kidnapping in Nevada. Quoting from a recent decision:

20 Jermaine argues that the State did not present sufficient evidence to convict him  
21 of kidnapping. The Due Process Clause of the United States Constitution  
22 requires each element that constitutes a crime be proven beyond a reasonable  
23 doubt. When reviewing a criminal conviction for sufficiency of the evidence,  
24 this court determines whether any rational trier of fact could have found the  
25 essential elements of the crime beyond a reasonable doubt when viewing the  
26 evidence in the light most favorable to the prosecution. The jury's verdict will  
27 not be disturbed on appeal when there is substantial evidence supporting it.

28 ///



1 Under NRS 200.310(1), a person is guilty of first-degree kidnapping if that  
2 person willfully "inveigles, [or] entices . . . a person by any means whatsoever .  
3 . . for the purpose of killing the person or inflicting substantial bodily harm upon  
4 the person . . . ." Here, the record reflects that Ronnie arrived at the home of  
5 Ernest and Katrinna and an argument ensued between Ronnie and Ernest. The  
6 argument escalated and Ernest eventually walked out the front door of his house.  
7 Thereafter, Ronnie allegedly signaled to an unidentified man who shot Ernest.  
8 Evidence was presented that this unidentified man was Jermaine. This evidence  
9 viewed in the light most favorable to the State suggests that there was a specific  
10 plan to lure Ernest outside of the house for Jermaine to have a clear shot at him.  
11 Therefore, a rational jury could find that Jermaine had willfully enticed Ernest  
12 to leave his house for the purpose of killing him. Jermaine's insufficiency-of-  
13 evidence argument has no merit.

14 *Brass v. State*, 128 Nev. 748, 754-55, 291 P.3d 145, 149-50 (2012) (internal citations omitted).

#### 15 4. SUFFICIENT EVIDENCE OF ARSON

16 Once again, Petitioner complains that Detective McCarthy is not an "arson expert."  
17 Whether he is or is not is not relevant. He was permitted to testify to his direct observations  
18 of the victim's vehicle after it was stolen by Petitioner and the co-defendants in this case and  
19 set afire. This was evidenced by the plain and simple facts observable in the photographs  
20 before the grand jury that accompanied Detective McCarthy's testimony in this regard.

21 Petitioner asserts, once again without any citation to legal authority: "Testimony of the  
22 behavior of chemicals and accelerants as well as the behavior of fire in the presence and  
23 absence of oxygen are plainly areas reserved for expert testimony." Petition, page 14, lns. 7-  
24 9.

25 Here, Petitioner cites to (incorrectly cited in Petition as volume 188 of the Nevada  
26 Reports) *Rowland v. State*, 118 Nev. 31, 39 (2002). *Rowland* found the State's vouching for  
27 material witnesses in their closing arguments to be improper. Comparison to the presentation  
28 of Detective McCarthy's case to *Rowland* is patently absurd. No vouching for Detective  
McCarthy occurred. In fact, the dialogue spoke directly to the foundational aspect of the  
Detective's experience in fires intentionally set to destroy evidence in a murder investigation.  
A fact that was described as part of McCarthy's extensive resume as a homicide detective.

#### 29 5. EVIDENCE OF CONSPIRACY

30 Petitioner misstates the law regarding evidence outside the confession of this particular  
31 Petitioner. Once the confession was admitted, other evidence corroborating that is admissible

1 to establish the reliability of the confession. Commonly referred to as the outdated and  
2 unnecessary “corpus delicti” doctrine. Petitioner cites to *Myatt* to support this portion of her  
3 argument.

4 The critical part of that decision is as follows:

5 It is well settled in Nevada that there must be sufficient evidence to establish the  
6 *corpus delicti* independent of a defendant's own confessions and admissions. Corroborative evidence need not be sufficient, independent of the statements, to  
7 establish the corpus delicti [but must] tend to establish the trustworthiness of the  
8 statement . . . and provide substantial independent evidence that the offense has  
9 been committed." *United States v. Todd*, 657 F.2d 212, 216 (8th Cir. 1981),  
10 quoting *Opper v. United States*, 348 U.S. 84 (1954) and *Smith v. United States*,  
348 U.S. 147 (1954). Accordingly, to sustain a conviction of conspiracy there  
must be *independent* proof of an agreement among two or more persons. *United*  
*States v. Todd*, at 216.

11 *Myatt v. State*, 101 Nev. 761, 763, 710 P.2d 720, 722 (1985).

12 The corroboration is from the physical evidence at the scene, to include, the photograph  
13 of the victim’s pants evidencing the false narrative told to him by Petitioner to lure him to his  
14 fatal demise.

#### 15 CONCLUSION

16 The Petition is unsupported by legal authority to support its claims and relief requested.  
17 As such, the Petition should be denied in its entirety.

18  
19 DATED this \_\_\_\_ 6th \_\_\_\_ day of December, 2017.

20 Respectfully submitted,

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

23  
24 BY /s/ David Stanton  
25 DAVID STANTON  
26 Chief Deputy District Attorney  
27 Nevada Bar #003202  
28

///

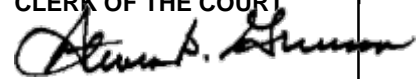
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CERTIFICATE OF ELECTRONIC FILING

I hereby certify that service of State’s Opposition to Defendant’s Petition For Writ Of Habeas Corpus, was made this 6<sup>th</sup> day of December, 2017, by Electronic Filing to:

MARY D. BROWN, ESQ.  
[Mary@TheLasVegasDefender.com](mailto:Mary@TheLasVegasDefender.com)  
  
ANDREA LUEM, ESQ.  
[Andrea@luemlaw.com](mailto:Andrea@luemlaw.com)

BY: /s/ Stephanie Johnson  
Employee of the District Attorney’s Office



**ORDR**

STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
DAVID STANTON  
Chief Deputy District Attorney  
Nevada Bar #003202  
200 Lewis Avenue  
Las Vegas, NV 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,  
Plaintiff,

-vs-

DORIE REGINA HENLEY,  
#2826387  
ANDREW BRANDON HENLEY,  
#2836044  
JOSE MELVIN FRANCO, #2780519

Defendants.

CASE NO: C-17-327585-1  
C-17-327585-2  
C-17-327585-3

DEPT NO: XXI

**ORDER GRANTING IN PART AND DENYING IN PART, DEFENDANTS  
PETITION FOR WRIT OF HABEAS CORPUS**

DATE OF MINUTE ORDER: 01/08/2018

THIS MATTER having come on for hearing before the above entitled Court on the  
8th day of January, 2018, the Defendants not being present, represented by MARY BROWN,  
ANDREA LEUM and JOHN PARRIS, the Plaintiff being represented by STEVEN B.  
WOLFSON, District Attorney, through DAVID STANTON, Chief Deputy District Attorney,  
and the Court having heard the arguments of counsel and good cause appearing therefor,

///

///




1 IT IS HEREBY ORDERED that the Defendant's Petition for Writ of Habeas Corpus  
2 is granted as to Count 2 Conspiracy to Commit Murder and Court 4 Conspiracy to Commit  
3 Third Degree Arson; the Petition is denied as to all other counts, ~~and the reasons previously~~  
4 ~~stated by the Court at the hearing. The State is directed to prepare the order.~~  
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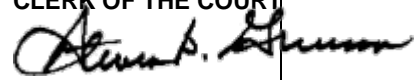
  
DISTRICT JUDGE

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

10  
11 BY

  
12 DAVID STANTON  
13 Chief Deputy District Attorney  
14 Nevada Bar #003202  
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RTRAN

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,  
Plaintiff,

vs.

DORIE HENLEY, ANDREW  
HENLEY, JOSE FRANCO,  
Defendants.

CASE NO. C-17-327585-1  
CASE NO. C-17-327585-2  
CASE NO. C-17-327585-3

DEPT. XXI

BEFORE THE HONORABLE VALERIE ADAIR, DISTRICT COURT JUDGE  
THURSDAY, SEPTEMBER 13, 2018

**RECORDER'S TRANSCRIPT OF HEARING RE:  
CALENDAR CALL**

APPEARANCES:

For the State: DAVID L. STANTON, ESQ.  
Chief Deputy District Attorney

For Defendant Dorie Henley: PHILLIP H. BROWN, ESQ.

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

For Defendant Jose Franco: JOHN P. PARRIS, ESQ.

RECORDED BY: SUSAN SCHOFIELD, COURT RECORDER

1                   **Las Vegas, Nevada; Thursday, September 13, 2018**

2                   \* \* \* \* \*

3                   [Proceeding commenced at 10:31 a.m.]

4                   THE COURT: State versus Dorie Henley, Andrew Henley,  
5 and Jose Franco. All right. Ms. Henley is present in custody with  
6 Mr. Brown from the law offices of Mr. and Mrs. Brown, correct?

7                   MR. BROWN: Yes, Your Honor.

8                   THE COURT: All right. Because Ms. Brown is counsel of  
9 record.

10                  And where is Andrew Henley? He is present in custody with  
11 Ms. Luem and then we have Jose Franco who's present in custody with  
12 Mr. Parris. And this is the time set for calendar call.

13                  State?

14                  MR. STANTON: Your Honor, I received an email of  
15 Ms. Brown indicating that she would not be ready. I talked to Ms. Luem  
16 on another case last week to discuss aspects of the case, so I don't  
17 know that the Defense is prepared to announce ready.

18                  THE COURT: But the State is ready?

19                  MR. STANTON: Yes.

20                  THE COURT: Okay. So as to -- we'll start with Mr. Brown as  
21 to Defendant Dorie Henley?

22                  MR. BROWN: Judge, we're not ready. We're going to ask to  
23 continue the matter. It's my understanding that all the other defendants  
24 are going to ask for the same thing.

25                  THE COURT: Okay. Well, why aren't you ready?

1 MR. BROWN: We have a variety of motions that we're filing.

2 THE COURT: Okay.

3 MR. BROWN: Reviewing extensive discovery and our client  
4 has provided us, without getting into details, some leads to follow up on.

5 THE COURT: Okay. Why weren't the motions filed already?

6 MR. BROWN: Well, we did get a substantial amount of  
7 discovery.

8 THE COURT: Okay. From your client or from Mr. Stanton?

9 MR. BROWN: From both, from both. And it's voluminous, but  
10 after reviewing that, it's clear. And after speaking to the client, it's led to  
11 some other issues that we want to explore without getting into defense  
12 strategy and again, so.

13 THE COURT: All right. What --

14 MR. BROWN: She understands and she has no objection.

15 THE COURT: Right. But I mean part of the whole point of the  
16 homicide team, if you will, is to move, you know, move the cases forward  
17 and not grant unnecessary continuances. Let me ask you this, what  
18 motions do you anticipate filing?

19 MR. BROWN: Motions to suppress, motion to sever, possibly  
20 the additional motion for discovery to name a few.

21 THE COURT: And -- well there aren't that many other types  
22 of motions. I mean, you can file a motion in limine to do, I don't know,  
23 something, but I guess the problem is this has already been continued  
24 once and I'm -- Mr. Stanton, when was the last time discovery was  
25 provided to defense from the State?



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[Colloquy between counsel]

THE COURT: Mr. Brown.

MR. BROWN: Uh-huh.

THE COURT: That's discourteous.

MR. STANTON: The --

THE COURT: It is.

MR. STANTON: -- we provided a series of thumb drives, I believe, because there's video --

THE COURT: Okay.

MR. STANTON: -- in this case from several different areas, so that was larger. So that was done -- I don't have the date, but it was some time ago.

THE COURT: All right.

MS. LUEM: Judge, there's been -- I will jump in there -- there has been a few different times that discovery provided. I think the most recently was probably three weeks to a month ago --

THE COURT: Okay.

MS. LUEM: -- that I received new discovery from the State myself. I know Mr. Stanton -- I don't know who he sent it to, if it was Jeremy or somebody else, but when I was picking up it was a couple of weeks ago. There were initial audios of our client's various statements that were provided, but it wasn't until fairly recently that we received the transcripts of those. So I think that may be one of the issues with respect to the motion to suppress statements was that we were waiting for the full transcript of those statements.

1 THE COURT: Okay. And then, Ms. Luem, are you ready or  
2 are you seeking a continuance, as well.

3 MS. LUEM: Judge, I'm requesting a continuance partly in --  
4 based on the fact that Ms. Brown is requesting a continuance. We  
5 haven't filed a motion to sever, but based on some information received  
6 from my client, codefendant, who are brother and sister, from the family  
7 fairly recently, it does appear that I also will need to file a motion to  
8 sever --

9 THE COURT: Okay.

10 MS. LUEM: -- if Ms. Brown does not. So I'm not looking for  
11 necessarily a lengthy continuance, but I do need additional time.

12 THE COURT: Okay. And then other than the motion to sever,  
13 do you anticipate filing any motions on behalf of your client?

14 MS. LUEM: Other than that, Judge, I don't believe so. It  
15 appears that my client was properly Mirandized, so I think that may be  
16 the only other outstanding issue that I need to clarify.

17 THE COURT: Okay.

18 And then, Mr. Parris, as your client.

19 MR. PARRIS: Again, I received that same thumb drive or  
20 same or similar thumb drive approximately a month ago. Again, I don't  
21 know the exact date either. There had been some other developments  
22 with respect to the other codefendants that I need to look into, as well,  
23 that I obviously don't want to get into in open court.

24 I do not know if a -- if we would be filing a severance motion,  
25 but I don't know how many more motions we would be filing on behalf of

1 Mr. Franco.

2 THE COURT: All right.

3 And I'm assuming, Mr. Stanton, when you provide discovery to  
4 one defendant, you're providing the same discovery to the codefendants.

5 MR. STANTON: Yes, Your Honor.

6 THE COURT: Is that a correct assumption?

7 MR. STANTON: Yes.

8 THE COURT: So you're all getting the same thing basically at  
9 the same time. All right. Have any offers of negotiation been made in  
10 this case?

11 MR. STANTON: No there was an email, once again, from  
12 Ms. Brown, probably two months ago, requesting discussions in that  
13 regard. I think that was kind of after the time that -- and I don't want to  
14 speak for her, but that she had reviewed the discovery to intelligently  
15 enter that phase of the case.

16 My response was, in this case, factually, it's going to be a  
17 package offer. I said, sure, come on down, but it's got to be three of  
18 you, not one of you. And haven't had much progress on that. That may  
19 be because they're reviewing the facts and evidence to attempt to sever,  
20 which at least certainly with two of the defendants I get the motion. I  
21 don't obviously think it should be granted, but I get that the expiration of  
22 that is a motion. So that's -- nothing meaningful has occurred regarding  
23 negotiations in my opinion.

24 THE COURT: Okay. So you haven't made offers as to any of  
25 the defendants. And as of this point in time, it would be a global

1 negotiation, meaning all three would have had to accept whatever offer  
2 is made.

3 MR. STANTON: Correct.

4 THE COURT: All right. I certainly think whether they take it or  
5 don't take it or it's a good offer or bad offer, I think some offer needs to  
6 be made by the State to at least begin discussions and give these  
7 attorneys something to at least talk to their clients about. Does it seem  
8 reasonable that the State should be making an offer within 30 days or 45  
9 days? Is that --

10 MR. STANTON: Sure, I'd say 45 days.

11 THE COURT: All right. And then we're going set this over for  
12 a status check in about 60 days, but right now we're also going to set a  
13 trial date. And has everyone looked at their calendars and how long do  
14 we need? I mean, I think 60 or so days is reasonable to get those  
15 motions filed, 60 to -- is certainly more than enough time, in my opinion,  
16 for all the defense motions to be filed. And then maybe 80 days to have  
17 them all heard and decided. So given that timeframe, we're looking at,  
18 what, February, March, is that --

19 MR. STANTON: Fine with me.

20 THE COURT: I don't know if what we have available.

21 MR. PARRIS: Can inform the Court that my February has --  
22 I've already been stacked with multiple trials in February that appear to  
23 be rather firm, but my March is rather open. I can't speak for anyone  
24 else, though.

25 THE JUDICIAL EXECUTIVE ASSISTANT: What about March



1 25<sup>th</sup>?

2 MR. PARRIS: Court's indulgence.

3 MR. STANTON: That's fine with me.

4 MS. LUEM: That works.

5 MR. PARRIS: Perfect.

6 THE JUDICIAL EXECUTIVE ASSISTANT: Oaky, March 25<sup>th</sup>  
7 for the trial at 9:00 a.m. and that will be -- sorry -- March 21<sup>st</sup> for the  
8 calendar call at 9:30.

9 THE CLERK: Status check will be November 15<sup>th</sup> at 9:30.

10 THE COURT: All right. We'll see everybody back November  
11 15<sup>th</sup>.

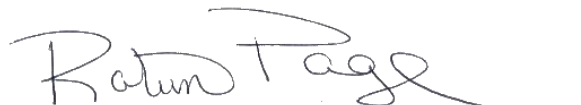
12 MS. LUEM: Thanks, Judge.

13 MR. PARRIS: Thank you, Your Honor.

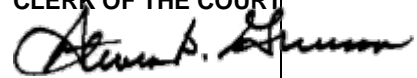
14 [Proceeding concluded at 10:39 a.m.]

15 \* \* \* \* \*

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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



RTRAN

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,  
Plaintiff,

vs.

DORIE HENLEY, ANDREW  
HENLEY, JOSE FRANCO,  
Defendants.

CASE NO. C-17-327585-1  
CASE NO. C-17-327585-2  
CASE NO. C-17-327585-3

DEPT. XXI

BEFORE THE HONORABLE DAVID BARKER,  
SENIOR DISTRICT COURT JUDGE  
THURSDAY, NOVEMBER 15, 2018

**RECORDER'S TRANSCRIPT OF HEARING RE:  
ALL PENDING MOTIONS**

APPEARANCES:

|                              |  |
|------------------------------|--|
| For the State:               | CHRISTOPHER HAMNER, ESQ.<br>Chief Deputy District Attorney |
| For Defendant Dorie Henley:  | MARY DAGGETT BROWN, ESQ.                                   |
| For Defendant Andrew Henley: | ANDREA L. LUEM, ESQ.                                       |
| For Defendant Jose Franco:   | ANDREA L. LUEM, ESQ.                                       |

RECORDED BY: SUSAN SCHOFIELD, COURT RECORDER

1                   **Las Vegas, Nevada; Thursday, November 15, 2018**

2                   \* \* \* \* \*

3                   [Proceeding commenced at 9:49 a.m.]

4                   THE COURT: C327585, State of Nevada versus Dorie  
5                   Henley, 8 is State of Nevada versus Andrew Henley and 9 is State of  
6                   Nevada versus Jose Franco. Record should reflect I've got Ms. Brown  
7                   present on behalf of Henley, Dorie Henley, page 7 identified as  
8                   Defendant 1. Andrew Henley is present represented by Ms. Luem.

9                   MS. LUEM: Judge, I'm going to stand for Mr. Parris on behalf  
10                  of Mr. Franco, also.

11                  THE COURT: Okay and Mr. Parris on behalf of Mr. Franco,  
12                  Ms. Luem is assisting him in this effort this morning. I've got --

13                  MR. HAMNER: Good morning, Your Honor, Christopher  
14                  Hamner for the State.

15                  THE COURT: -- Mr. Hamner on behalf of the State. Time set  
16                  status check, trial readiness.

17                  MR. HAMNER: That's correct.

18                  THE COURT: Lawyers, take me through. It looks like there  
19                  was some motions, pending motions to sever, possible discovery issues,  
20                  a deadline. It sounds like we need to set a -- or looks like we need to set  
21                  a deadline for any opps on the severance effort and a hearing date and  
22                  to confirm any offers and where you are in possible negotiation. That's  
23                  what I have.

24                  MR. HAMNER: Yes, Your Honor, let me give you at least an  
25                  update. So I recently came over and, kind of, took over this case around

1 -- with a variety of other murder cases, so I'm asking for 30 days to file  
2 an opp with respect to these motions because I've been out for two  
3 months. And so I'm trying to get up to speed on a variety of these  
4 cases, so I don't think there's any objection from the other side.

5 With respect to an offer, I have a meeting I think scheduled  
6 this week to speak with the family and talk with them before I extend an  
7 offer; I at least want to speak with them and also with my detective. I've  
8 kind of advised them of that, so the plan is over the next week or so,  
9 maybe two weeks to have an offer out to the parties with respect to this.

10 THE COURT: Okay.

11 MR. HAMNER: And that's kind of where we are at least in  
12 terms of getting up to speed from the State's perspective.

13 THE COURT: Mr. -- Ms. Brown, Ms. Luem, is that a fairly  
14 accurate -- or I'm -- let's build a record on it.

15 MS. BROWN: Yes, Your Honor, I have not objections, you  
16 know, he's just taking over a brand new case load.

17 THE COURT: So what's the deal here, I set a -- do I set a  
18 status check. You said 30 days to file opp, do I want to set a hearing  
19 date in 30 days on --

20 MR. HAMNER: That's fine. I mean, if they want, I mean, if  
21 the defense wants time to file a reply maybe we add another week or  
22 two for that.

23 THE COURT: I -- almost set -- set a briefing schedule on that.

24 MR. HAMNER: That's fine. That would be great.

25 MS. LUEM: That's fine, Judge. I just --



1 THE COURT: Okay.

2 MS. LUEM: -- I'd like to put on the record something that I've  
3 mentioned before when we originally set this trial date for March, which  
4 is that I'm scheduled to begin a 8 to 12 week federal murder trial at the  
5 end of January. And so I told Judge Adair that when we scheduled this  
6 trial that I might not -- that that March trial date may not work for me  
7 because I'll be in a federal trial.

8 THE COURT: Okay.

9 MS. LUEM: So I just want to reiterate that I know it's a status  
10 check --

11 THE COURT: Minutes will reflect Ms. Luems --

12 MS. LUEM: -- trial readiness, that I do have a conflict still at  
13 this point.

14 THE COURT: What's your case number on that in your  
15 federal case, do you know?

16 MS. LUEM: Case number. I don't know off the top of my  
17 head.

18 THE COURT: How about your client's name? How about  
19 your client's name?

20 MS. LUEM: It's *United States versus Palafox*, Judge; it's the  
21 Vagos indictment.

22 THE COURT: Okay.

23 MS. LUEM: So 19 codefendant and 8 murder defendants are  
24 scheduled for January 27<sup>th</sup>. I represent Benjamin Perez, so.

25 THE COURT: Okay. Minutes need to reflect that that's a

1 potential conflict for Ms. Luem, but I'm going to keep moving forward  
2 under Judge Adair's direction.

3 Ms. Brown, do you have anything additional you want to put  
4 on the record?

5 MS. BROWN: No, I mean, I just ask to keep the trial date in  
6 the event that my motion to sever is granted. I'd like to keep it if we  
7 could.

8 THE COURT: All right. So let's set a hearing date. I'm giving  
9 30 days to file an opposition to the motion to sever.

10 THE CLERK: So December 15<sup>th</sup>.

11 THE COURT: Mr. Hamner's got until that date to file the  
12 opposition.

13 MS. BROWN: The 15<sup>th</sup> is a Saturday; do you want to give him  
14 the 17<sup>th</sup>?

15 THE CLERK: Oh, yes, let's do the 17<sup>th</sup>.

16 MR. HAMNER: I'll take that.

17 THE COURT: Okay. And do you want -- defense, do you  
18 want time to file a potential reply.

19 MS. BROWN: Yes, Your Honor, if I can have a week.

20 THE COURT: Week, seven days. And then how about a  
21 hearing date seven days after that? So two weeks after our -- the opps  
22 to be filed, we're going to have a hearing. Does that work?

23 MR. HAMNER: I'm thinking -- I'm just looking at, kind of --

24 MS. BROWN: That's New Year's Eve day.

25 MR. HAMNER: -- yeah, I'm thinking it's probably right around

1 New Years, so maybe a little bit longer.

2 MS. BROWN: I'm here anyways, so it doesn't matter.

3 THE COURT: Yeah, let's push it a little further out.

4 THE CLERK: How about January 8<sup>th</sup>?

5 MR. HAMNER: That works.

6 THE CLERK: Okay. So January 8<sup>th</sup> is the hearing at 9:30.

7 MS. BROWN: Could we do the 10<sup>th</sup>? Is that okay?

8 THE CLERK: Sure.

9 MR. HAMNER: No objection, Your Honor.

10 MS. BROWN: Thanks.

11 THE COURT: So January 10<sup>th</sup>, 9:30 hearing on defense

12 motion to sever. You're still in Judge Adair's trial stack for March 25<sup>th</sup> for

13 the calendar call on March 21<sup>st</sup>.

14 Anything else we can do today, lawyers?

15 MR. HAMNER: No, Your Honor.

16 THE COURT: Ms. Henley, any questions?

17 DEFENDANT DORIE HENLEY: No, sir.

18 THE COURT: Mr. Henley, which is Mr. Henley?

19 Mr. Henley's here, any questions?

20 DEFENDANT ANDREW HENLEY: No.

21 THE COURT: And --

22 MS. BROWN: Your Honor, do you want to --

23 [Colloquy between counsel]

24 MS. LUEM: I just didn't if the Court wanted to set another 30-

25 day status check regarding negotiations.

1 THE COURT: I think -- let's just use that severance hearing  
2 date; we'll call that both trial readiness and hearing.

3 THE CLERK: January 10<sup>th</sup>.

4 THE COURT: For continuity sake.

5 MS. BROWN: So it'll be all parties?

6 MR. HAMNER: Thank you.

7 THE COURT: Yes, for all parties.

8 MS. LUEM: Great. Thanks, Judge.

9 THE COURT: All right. Good.

10 And, again, Mr. Franco, any questions?

11 DEFENDANT FRANCO: No, sir.

12 THE COURT: Very good.

13 MS. BROWN: Can I get my reply date again?

14 THE CLERK: Say it again?

15 MS. BROWN: Reply date.

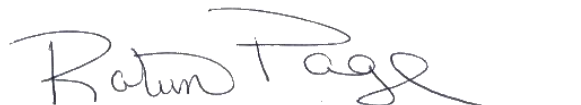
16 THE CLERK: That was the 24<sup>th</sup>.

17 MS. BROWN: Thank you.

18 [Proceeding concluded at 9:55 a.m.]

19 \* \* \* \* \*

20  
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





RTRAN

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,  
Plaintiff,

vs.

DORIE REGINA HENLEY,  
ANDREW BRANDON HENLEY,  
JOSE FRANCO,  
Defendants.

CASE NO: C-17-327585-1  
CASE NO: C-17-327585-2  
CASE NO: C-17-327585-3

DEPT. XXI

BEFORE THE HONORABLE VALERIE ADAIR, DISTRICT COURT JUDGE

THURSDAY, JANUARY 10, 2019

**RECORDER'S TRANSCRIPT OF HEARING RE:  
ALL PENDING MOTIONS**

SEE APPEARANCES ON PAGE 2:

RECORDED BY: SUSAN SCHOFIELD, COURT RECORDER

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APPEARANCES:

|                              |   |
|------------------------------|---|
| For the State:               | CHRISTOPHER S. HAMNER, ESQ.<br>Chief Deputy District Attorney |
| For Defendant Dorie Henley:  | ANDREA L. LUEM, ESQ.<br>[Standing in for Ms. Brown]           |
| For Defendant Andrew Henley: | ANDREA L. LUEM, ESQ.  |
| For Defendant Jose Franco:   | JOHN P. PARRIS, ESQ.  |

1                   **Las Vegas, Nevada; Thursday, January 10, 2019**

2                   \* \* \* \* \*

3                   [Proceeding commenced at 9:37 a.m.]

4                   THE COURT: State versus Dorie Henley and Andrew Henley  
5 and Jose Franco.

6                   And, Ms. Henley, where's Ms. Brown?

7                   MS. LUEM: Judge, Ms. Brown had a family emergency and I  
8 told her that I would stand in for her.

9                   THE COURT: Okay. So we've got -- which one's Andrew  
10 Henley? Andrew Henley present in custody with Ms. Luem and Jose  
11 Franco present in custody with Mr. Parris. This is just on for several  
12 motions as well as a status check for trial readiness. The motions that  
13 are calendared for today were not opposed.

14                  MR. HAMNER: Well -- and Your Honor, I had reached out to  
15 your clerk and I've spoken with Mr. Brown about this, we've reached an  
16 agreement to pass to this. We're in the middle of, kind of, some  
17 negotiations and so we wanted to try and continue this for 30 days. Kick  
18 out the motions to see if we can get a resolution. And I've spoken with  
19 the other parties in this case and everybody's kind of in agreement with  
20 that --

21                  THE COURT: Okay.

22                  MR. HAMNER: -- if it's amenable to the Court.

23                  THE COURT: All right. So you're asking us to pass it 30  
24 days. We'll either having a hearing on the motion in 30 days --

25                  MR. HAMNER: Yes.

1 THE COURT: -- or when it's on calendar, the matter will be  
2 resolved, and you'll have guilty plea agreements prepared.  
3 MR. HAMNER: Yes, Your Honor.  
4 THE COURT: Is that what you're telling me?  
5 MR. HAMNER: That's correct.  
6 THE COURT: All right. So we'll pass it out 30 days.  
7 Would you do me a favor, Mr. Hamner?  
8 MR. HAMNER: Yes, Your Honor.  
9 THE COURT: Would you let us know like the day before or so  
10 which it's going to be?  
11 MR. HAMNER: Yes, I can do that.  
12 THE COURT: Okay. So I don't have to read everything if the  
13 case is resolved.  
14 MR. HAMNER: Understood.  
15 THE CLERK: That's going be February 7<sup>th</sup> at 9:30.  
16 THE COURT: That's not quite 30 days.  
17 Do you want a little more?  
18 MR. HAMNER: Yes, please.  
19 THE CLERK: How about February 12<sup>th</sup>?  
20 MR. HAMNER: That works.  
21 THE CLERK: 9:30.  
22 MS. LEUM: That's fine. Thank you.  
23 MR. PARRIS: Thank you, Your Honor.  
24 ///  
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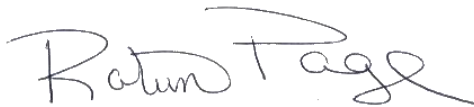
MR. HAMNER: Thank you, Your Honor.

THE COURT: Thank you.

[Proceeding concluded at 9:38 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,  
JOSE FRANCO,  
Defendants.

CASE NO: C-17-327585-1  
CASE NO: C-17-327585-2  
CASE NO: C-17-327585-3

DEPT. XXI

BEFORE THE HONORABLE VALERIE ADAIR, DISTRICT COURT JUDGE  
TUESDAY, FEBRUARY 12, 2019

**RECORDER'S TRANSCRIPT OF HEARING RE:  
ALL PENDING MOTIONS**

SEE APPEARANCES ON PAGE 2:

RECORDED BY: SUSAN SCHOFIELD, COURT RECORDER

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APPEARANCES:

|                              |   |
|------------------------------|---|
| For the State:               | CHRISTOPHER S. HAMNER, ESQ.<br>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

1 in the second degree with use of a deadly weapon because in truth and  
2 in fact you are guilty?

3 DEFENDANT FRANCO: I am, ma'am.

4 THE COURT: All right. Before you signed the written plea of  
5 guilty, did you read it?

6 DEFENDANT FRANCO: Yes.

7 THE COURT: Did you understand everything contained in the  
8 written plea of guilty?

9 DEFENDANT FRANCO: Yes.

10 THE COURT: Did you also read the amended indictment  
11 charging you with murder in the second degree with use of a deadly  
12 weapon?

13 DEFENDANT FRANCO: Yes, ma'am.

14 THE COURT: And do you understand the charge to which  
15 you're entering your plea of guilty?

16 DEFENDANT FRANCO: Yes, ma'am.

17 THE COURT: Did you have a full and ample opportunity to  
18 discuss your plea of guilty as well as the charge to which you're pleading  
19 guilty with your lawyer, Mr. Parris?

20 DEFENDANT FRANCO: Yes.

21 THE COURT: And did Mr. Parris answer all of your questions  
22 to your satisfaction?

23 DEFENDANT FRANCO: He did, ma'am.

24 THE COURT: Do you feel like Mr. Parris has spent enough  
25 time with you in this case going over everything, like the evidence and

1 the discovery and explaining everything to you?

2 DEFENDANT FRANCO: Yes, ma'am.

3 THE COURT: All right. And do you feel like anybody is  
4 forcing you to plead guilty in this case, such as your lawyer Mr. Parris or  
5 the Court or anybody else?

6 DEFENDANT FRANCO: No.

7 THE COURT: Are you pleading guilty today to murder in the  
8 second degree with use of a deadly weapon of your own free will?

9 DEFENDANT FRANCO: Yes.

10 THE COURT: All right. Before we turn to your plea, do you  
11 have any questions that you would like to ask me, the Court?

12 DEFENDANT FRANCO: No.

13 THE COURT: Tell me then in your own words what you did  
14 on or about October 10, 2017, here in Clark County, Nevada, that  
15 causes you to plead guilty to murder in the second degree.

16 MR. PARRIS: Your Honor, we will stipulate to the facts  
17 contained in the amended indictment.

18 THE COURT: All right.

19 Do you acknowledge that you and the individuals named on  
20 lines 21 and 22 stabbed a human being by the name of Jose Juan  
21 Garcia-Hernandez?

22 DEFENDANT FRANCO: Yeah.

23 THE COURT: Yes?

24 DEFENDANT FRANCO: Yes.

25 THE COURT: And do you acknowledge that as a result of

1 those stab wounds, Mr. Garcia-Hernandez died?

2 DEFENDANT FRANCO: Yes.

3 THE COURT: And do you acknowledge that he was stabbed  
4 with a deadly weapon being in this case, a knife; is that true?

5 DEFENDANT FRANCO: Yes.

6 THE COURT: And you acknowledge that you acted willfully,  
7 unlawfully, feloniously, and with malice aforethought?

8 DEFENDANT FRANCO: Yes.

9 THE COURT: Is that acceptable, State?

10 MR. HAMNER: Yes, it is, Your Honor.

11 THE COURT: All right. The amended indictment original is  
12 not dated, so the Court will interlineate today's date.

13 MR. PARRIS: No objection, Your Honor.

14 THE COURT: All right.

15 MR. HAMNER: No objection.

16 THE COURT: Or the Court Clerk.

17 And the Court finds that Mr. Franco's plea of guilty has been  
18 freely and voluntarily given. His plea is hereby accepted and the matter  
19 if referred to the Department of Parole and Probation and we'll set it over  
20 for presentence investigation and in custody sentencing date on --

21 THE CLERK: That's going to be April 4<sup>th</sup> at 9:30.

22 MR. HAMNER: Thank you, your Honor.

23 MR. PARRIS: Thank you, Your Honor.

24 THE COURT: All right. Thank you.

25 MR. HAMNER: Have a good day, Your Honor.

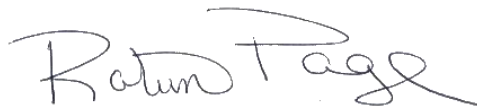
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THE COURT: Thank you.

[Proceeding concluded at 10:44 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



Felony/Gross Misdemeanor

COURT MINUTES

March 11, 2019

---

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

---

March 11, 2019      09:00 AM      Evidentiary Hearing

HEARD BY:      Adair, Valerie      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**

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

As to trial readiness, Ms. Luem stated she had no scheduling conflicts but was aware that other counsel would both have conflicts with the trial date as set. Ms. Luem also stated that the previous attorney for the State, based on information from the State recently received, told her the homicide file was reviewed but it appeared that there was a lot of discovery missing such as bodycam footage and a phone dump and that she would like to know whether the trial was going forward. Colloquy regarding data from the phone and the bodycam video. Mr. Hamner stated he did not find any text messages between the Defts. after the murder. Mr. Hamner stated he would know if his other trial was going forward by this case's calendar call. Ms. Brown stated she had a sex assault case beginning 3/18/19 that would go beyond one week. Court advised counsel that it would not decide about continuing the trial until Thursday after finding out what is on the footage and in the phone dump.

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

Testimony and exhibits presented. (See worksheets)

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

SEALED PROCEEDINGS BEGAN

CUSTODY

3/14/19 9:30 AM DECISION



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, SEPTEMBER 26, 2019

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

APPEARANCES:

For the State:

TINA MORALES, ESQ.  
Deputy District Attorney

For Defendant Andrew Henley:

MARY DAGGETT BROWN, ESQ.

For Defendant Dorie Henley:

MARY DAGGETT BROWN, ESQ.  
[Standing in for Ms. Luem]

RECORDED BY: ROBIN PAGE, COURT RECORDER

1 Las Vegas, Nevada; Thursday, September 26, 2019

2 \* \* \* \* \*

3 [Proceeding commenced at 10:15 a.m.]

4 THE COURT: State versus Dorie Henley and Andrew  
5 Henley.

6 And you said, Ms. Brown, you're standing in for Ms. Luem.

7 MS. BROWN: I am, Your Honor.

8 THE COURT: Was she just not available today?

9 MS. BROWN: She's in that federal 12 week trial.

10 THE COURT: Okay.

11 MS. BROWN: And so the only day off she has --

12 THE COURT: Is Friday.

13 MS. BROWN: --is Fridays.

14 THE COURT: Yeah, we have that issue with several other  
15 lawyers.

16 MS. BROWN: Yeah.

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

22 MS. BROWN: That's correct. And since then, there's been  
23 some discussion about possibly doing a settlement conference.

24 THE COURT: Okay.

25 MS. BROWN: You know, if the Court were inclined, we

1 thought that that might be beneficial. It's a case that realistically should  
2 negotiate.

3 THE COURT: Okay.

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

5 THE COURT: You have a little bit of time, as you know,  
6 because it's not until January. So I would suggest -- I know Mr. Hamner  
7 is a fan of the settlement conferences, so you three lawyers need to  
8 coordinate and get this to the -- Judge Bell prior -- way before the  
9 calendar call.

10 MS. BROWN: Okay.

11 THE COURT: Okay. And then the last time we were here, it  
12 was also a discussion on the redactions.

13 MS. BROWN: We haven't discussed that in a while. Actually,  
14 the last time we were here, we were talking about her glasses.

15 THE COURT: Oh, okay.

16 MS. BROWN: And the redactions, I think, are an issue.  
17 Ms. Luem does not.

18 THE COURT: Okay. Well, --

19 MS. BROWN: It would be difficult for me to have that  
20 conversation without her here because we don't agree.

21 THE COURT: Okay. Well, we need to get that going if it's not  
22 going to resolve.

23 MS. BROWN: I understand.

24 THE COURT: Okay. So let's come back for another status  
25 check in 30 days.



1 THE CLERK: October 24<sup>th</sup> at 9:30.

2 MS. BROWN: Would it be possible to -- actually that's fine.  
3 October 24<sup>th</sup> at 9:30?

4 THE COURT: Right.

5 MS. BROWN: Okay. And just so the Court's aware, we did  
6 submit the order for my client to be transported to get glasses the --

7 THE COURT: Okay.

8 MS. BROWN: -- the jail said, great news, we're going to do it  
9 in house and we don't have to transport her.

10 THE COURT: Okay.

11 MS. BROWN: They haven't transported her and they haven't  
12 given her her glasses. And so I guess -- I emailed over there, they said  
13 that the clinic is today --

14 THE COURT: Okay.

15 MS. BROWN: -- until noon.

16 THE COURT: Oh.

17 MS. BROWN: And so she's not going to make it back and so  
18 they said the next day is October 10<sup>th</sup>.

19 THE COURT: Okay. Well, that's before the status check.

20 MS. BROWN: It is.

21 THE COURT: So Ms. Henley ought to have her glasses then  
22 by the next time she comes to court.

23 MS. BROWN: She should.

24 THE COURT: Right. Okay.

25 MS. BROWN: So just to keep the Court up to date.

1 THE COURT: Right. So that should go in the minutes and  
2 we'll make sure she has her glasses by the next status check.

3 MS. BROWN: Thank you, Your Honor.

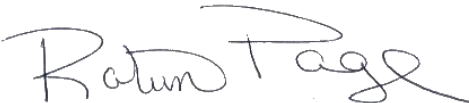
4 THE COURT: All right. Thank you.

5 MS. MORALES: Thank you.

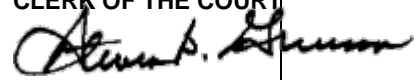
6 [Proceeding concluded at 10:19 a.m.]

7 \* \* \* \* \*

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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.

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Robin Page  
Court Recorder/Transcriber



RTRAN

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,  
Plaintiff,

vs.

DORIE HENLEY, ANDREW  
HENLEY,  
Defendants.

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

DEPT. XXI

BEFORE THE HONORABLE VALERIE ADAIR, DISTRICT COURT JUDGE  
THURSDAY, DECEMBER 5, 2019

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

APPEARANCES:

For the State: MICHAEL J. SCHWARTZER, ESQ.  
Chief Deputy District Attorney

For Defendant Dorie Henley: PHILLIP H. BROWN, ESQ.

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

RECORDED BY: ROBIN PAGE, COURT RECORDER

1                   **Las Vegas, Nevada; Thursday, December 5, 2019**

2                   \* \* \* \* \*

3                   [Proceeding commenced at 10:48 a.m.]

4                   THE COURT: State versus Dorie Henley, who's present in  
5 custody and Andrew Henley, we've got Mr. Brown and Mr. Luem. This  
6 is on for status check, trial readiness. There was, I think, going to be a  
7 settlement conference. Has there been any advancement in negotiation  
8 or had -- there has been a settlement conference.

9                   MR. BROWN: There hasn't been one, I don't anticipate  
10 scheduling one. We have communicated the offer to Ms. Henley and  
11 we're still ongoing with that, so.

12                  THE COURT: All right.

13                  And, Ms. Luem?

14                  MS. LUEM: I have been in the discussions with Mr. Hamner;  
15 we're going to schedule a settlement conference. I think he's going to  
16 reach out to Judge Bell this week, hopefully, because we're dark next  
17 week in the Vagos trial and we'd be able to do that maybe next week.

18                  THE COURT: Okay.

19                  MS. LUEM: But I'm not going to be available for the January  
20 trial date that's currently set in this courtroom.

21                  THE COURT: Okay. Is that because of the Vagos trial?  
22 Because Mr. Hill just said that's starting back up in February.

23                  MS. LUEM: No, that -- I think, I think --

24                  THE COURT: Or are they --

25                  MS. LUEM: -- either misspoke or you misheard. We're dark

1 next week.

2 THE COURT: I heard that.

3 MS. LUEM: And then we start back on the 16<sup>th</sup> and we have a  
4 trial calendar through the end of December and we just got an updated  
5 trial calendar through the end of January.

6 THE COURT: Okay. And so when are you in trial on the  
7 Vagos matter in January?

8 MS. LUEM: Well, the entire month of January. I think there's  
9 two free Fridays that are dark and, I mean, I can approach if you want to  
10 see the schedule. But, I mean, it's basically --

11 THE COURT: You don't need to show it to me.

12 MS. LUEM: -- just about every -- just about every day with the  
13 exception of holidays, so we are -- I think this trial's scheduled for the  
14 13<sup>th</sup> and we -- we're in -- we have four trial days that week.

15 THE COURT: All right. So you're orally requesting that we  
16 vacate the trial date and set another trial date; is that right?

17 MS. LUEM: Yes, I am, I -- just because I can't -- I mean, I,  
18 obviously, can't here and there.

19 THE COURT: All right.

20 And, Mr. Brown, would you have any objection to vacating the  
21 trial date as to your client to keep it with Ms. Luem's client?

22 MR. BROWN: No, Your Honor, we've already collectively had  
23 some discussion with Mr. Hamner, who I believe spoke to the DA about  
24 that and bounced around some potential trial dates --

25 THE COURT: Okay.

1 MR. BROWN: -- so that we can make sure that we're out of  
2 any real zone of conflicts, so.

3 THE COURT: Okay.

4 So, State, no objection based, obviously, on those  
5 representations to vacating the trial dates as to both defendants?

6 MR. SCHWARTZER: No, Mr. Hamner had no objection.

7 THE COURT: Okay. You're just filling in, this isn't your case.

8 MR. SCHWARTZER: I am. It's not my case.

9 THE COURT: All right.

10 MR. SCHWARTZER: I do have his trial schedule, though.

11 THE COURT: Okay. So what are we looking at for a new trial  
12 date?

13 MR. SCHWARTZER: Mr. Hamner just asked for some time  
14 after February.

15 MS. LUEM: I think he said after March, but -- all right -- or  
16 April, right?

17 MR. SCHWARTZER: Yeah, I mean, he would -- he would  
18 prefer after April.

19 MS. LUEM: Yeah, after mid-April I think is -- April -- late April  
20 or May.

21 THE COURT: And how long do -- I mean, with two  
22 defendants, how long do we anticipate?

23 MS. LUEM: Maximum of two weeks, I would --

24 MR. BROWN: I'd agree with that.

25 THE COURT: All right. Let's see what we have available.



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[Colloquy between the Court and Clerk]

THE CLERK: Can you do July?

MR. SCHWARTZER: His July -- he has nothing scheduled in July.

MS. LUEM: I can't do July. I have a death penalty case starting on the 14<sup>th</sup>.

[Colloquy between the Court and Clerk]

THE COURT: You want it April or March, originally?

MS. LUEM: Later in April if it's possible.

THE CLERK: Can you do April 27<sup>th</sup>?

MR. SCHWARTZER: Sounds good, Your Honor.

THE CLERK: Calendar call will be April 23<sup>rd</sup> at 8:30 -- excuse me, 9:30; jury trial will be April 27<sup>th</sup> at 9:00 a.m.

THE COURT: All right. Let's set this out for another status check in about 60 days.

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

MR. SCHWARTZER: Thank you, Your Honor.

MR. BROWN: Thank you.

THE COURT: Is that it for all three of you?

MR. BROWN: It is and then so any future -- well, I don't think we have anymore future dates, so never mind.

MR. SCHWARTZER: Status check, I believe.

THE COURT: Okay. We can talk about the negotiations at the February status check.

MR. BROWN: Sounds good, Judge.

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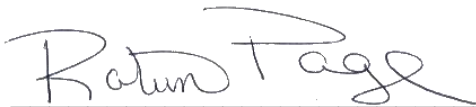
THE COURT: All right. Thank you.

MR. BROWN: Thank you.

[Proceeding concluded at 10:52 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

*Steven D. Grierson*

ACKN

Attorney Mary Brown

Bar # 6947

Address 200 Hoover Ave #130

Las Vegas, NV 89101

Telephone 702-405-0505

Fax 866-215-8145

Email mary@thelassvegasdefender.com

Attorneys for Dorice Hanley

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

Dorice Hanley,

Defendant.

CASE NO. C-17-327585-1

DEPT NO. 21

**SETTLEMENT CONFERENCE ACKNOWLEDGMENT**

Defendant Dorice Hanley, following discussion with his (or her) counsel Mary Brown, agrees to participate in the settlement conference program, which is described in the attached Exhibit. Defendant understands that program is voluntary, that he (or she) may

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decline to participate, and that he (or she) may stop participating while the settlement conference is underway.

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

Doni Harley  
Defendant

Mayh  
Defendant's Counsel

EXHIBIT  
SUPREME COURT RULE 252

Rule 252(2).

Settlement conferences in criminal cases. The purpose of a settlement conference is to facilitate good faith discussions to resolve any criminal case before the district court in a manner that serves the interest of justice.

(a) In any criminal case before the district court, either party may request a settlement conference, or the trial judge may, on its own, recommend that counsel with settlement authority participate in a settlement conference. A case will not be referred to a settlement conference if any party objects. The defendant must consent on the record or in writing before a case is referred to a settlement conference. In all cases, the settlement conference must not be before the trial judge. If settlement discussions do not result in an agreement, the case must be returned to the trial judge.

(b) Beyond all else, participation in a settlement conference is voluntary by the parties, and no party has any right to an offer, or may raise any claim from any fact or circumstance that occurs during the settlement conference, including but not limited to the bad faith of the parties in participating in the conference. Decision-making authority remains with the parties and not the settlement judge. The trial judge, the settlement judge, or any party may unilaterally terminate the settlement conference at any time.

(c) Settlement conferences must, in all respects, be confidential and not reported or recorded.

(d) Communications between the settlement judge and the trial judge. The settlement judge and the trial judge must have no contact or

communication, except that the settlement judge may, without comment or observation, report to the trial judge that:

(1) The parties cannot reach an agreement:

(2) The parties have reached an agreement, and the agreement reached may be reduced to writing, signed by the prosecuting attorney, the defendant, and defense counsel and submitted to the court for approval;

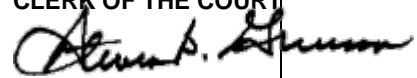
(3) Meaningful attempt to settle is ongoing; or

(4) The settlement Judge withdraws from further participation in potential settlements.

(e) Should the settlement conference result in a settlement agreement, the terms of the agreement must be reduced to a guilty plea agreement in accordance with NRS 174.063 and signed by the defendant, defense counsel (if any), and the prosecutor. The parties must file the guilty plea agreement with the trial judge. Any party may withdraw from an agreement before the trial judge accepts the plea.

(f) If the parties reach a guilty plea agreement that involves any stipulations, the trial judge agrees that such a settlement shall be conditioned on the trial judge's acceptance of and agreement to follow the stipulations. If the trial judge is unwilling to abide by the stipulations, then either side may withdraw from the guilty plea agreement.





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5 DISTRICT COURT  
6 CLARK COUNTY, NEVADA

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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 VALERIE ADAIR, DISTRICT COURT JUDGE  
15 THURSDAY, JULY 2, 2020

16 **RECORDER'S TRANSCRIPT OF HEARING RE:**  
17 **MOTION FOR APPOINTMENT OF INDEPENDENT COUNSEL TO**  
18 **DETERMINE IF GROUNDS EXIST TO WITHDRAW PLEA**

19 APPEARANCES:

20 For the State:

CHRISTOPHER S. HAMNER, ESQ.  
Chief Deputy District Attorney

22 For the Defendant:

MARY BROWN DAGGETT, ESQ.

24  
25 RECORDED BY: ROBIN PAGE, COURT RECORDER

1 **Las Vegas, Nevada; Thursday, July 2, 2020**

2 \* \* \* \* \*

3 [Proceeding commenced at 3:46 p.m.]

4 THE COURT: State versus Dorie Henley.

5 MR. HAMNER: It's Christopher Hamner for the State. I know  
6 the Browns, Mary Brown and Phil Brown, had -- were on this matter.

7 MS. BROWN: I'm here, I'm here.

8 THE COURT: All right. And where's Ms. Henley?

9 THE DEFENDANT: I'm right here.

10 THE COURT: All right. And so this is on for the motion for  
11 appointment of independent counsel.

12 And, Ms. Henley, is it your desire to withdraw your plea and  
13 proceed to trial on the original charges against you?

14 THE DEFENDANT: Yes, ma'am.

15 THE COURT: All right. And just in a nutshell, what is the  
16 basis for that?

17 THE DEFENDANT: What are the reasons for it?

18 THE COURT: Right, right.

19 THE DEFENDANT: I felt like I was rushed into taking the  
20 deal.

21 THE COURT: Okay.

22 Ms. -- who -- is Ms. Brown there?

23 MS. BROWN: I am, Your Honor.

24 THE COURT: I see that you want independent counsel  
25 appointed. Where I'm going with this questioning is to ascertain whether

1 or not there's a conflict with you and Ms. Henley or whether you can file  
2 the motion on her behalf. Obviously, if she's alleging that, you know,  
3 you didn't meet with her and tell her the consequences of her plea, then  
4 there may be a conflict, but if it's some other reason, then we don't need  
5 to appoint independent counsel. So that's where I'm going with this  
6 questioning.

7 And, Ms. Brown, are there any representations on that you  
8 can make to the Court?

9 MS. BROWN: I believe that Ms. Henley is going to make  
10 allegations that within the context of the settlement process that she was  
11 rushed into taking a deal by myself, the prosecutor, and the settlement  
12 judge. So based on that, I think it would be a conflict for me to handle.

13 THE COURT: Okay.

14 Is that what you're -- one of your claims, Ms. Henley?

15 THE DEFENDANT: Yes, ma'am.

16 THE COURT: So you're asserting or telling me that you felt  
17 rushed and you didn't have time to make an independent decision. Is  
18 that, essentially, your claim?

19 THE DEFENDANT: Yes.

20 THE COURT: All right. We'll go ahead and pass this over.  
21 The Court would need to contact Mr. Christensen's office to have  
22 someone appointed. And we'll give you a new date.

23 THE CLERK: July 9<sup>th</sup> at 3:30.

24 THE DEFENDANT: Thank you.

25 THE COURT: Thank you.

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MR. HAMNER: Thank you, Your Honor.

MS. BROWN: Thank you, Your Honor.

THE COURT: And the sentencing date is after that, so we'll discuss the date at the next court appearance.

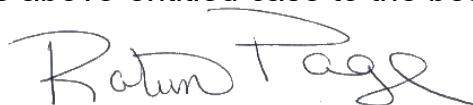
MR. HAMNER: Yes, Your Honor.

MS. BROWN: Thank you.

[Proceeding concluded at 3:49 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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**July 09, 2020**

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

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**July 09, 2020**

**3:30 PM**

**Confirmation of Counsel**

**HEARD BY:** Adair, Valerie

**COURTROOM:** RJC Courtroom 11C

**COURT CLERK:** April Watkins

**RECORDER:** Robin Page

**PARTIES**

**PRESENT:**

Gaffney, Lucas

Attorney for Deft. appearing on  
Blue Jeans

Henley, Dorie Regina

Defendant

Moors, Lindsey

Attorney for Pltf.

State of Nevada

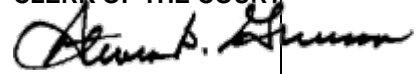
Plaintiff

**JOURNAL ENTRIES**

- Upon Court's inquiry, Mr. Gaffney CONFIRMED as counsel for the limited purpose of determining if motion to withdraw plea can be filed. Mr. Gaffney requested transcript of plea be prepared. COURT SO ORDERED. Colloquy. COURT ORDERED, sentencing date VACATED and matter SET for status check.

**CUSTODY**

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



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5 DISTRICT COURT  
6 CLARK COUNTY, NEVADA

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8 THE STATE OF NEVADA,  
9 Plaintiff,

CASE#: C-17-327585-1  
DEPT. IX

10 vs.

11 DORIE REGINA HENLEY,  
12 Defendant.

13  
14 BEFORE THE HONORABLE CRISTINA D. SILVA, DISTRICT COURT JUDGE  
15 FRIDAY, JANUARY 15, 2021

16 **RECORDER'S TRANSCRIPT OF HEARING:**  
17 **DEFENDANT'S MOTION TO WITHDRAW GUILTY PLEA**

18  
19 APPEARANCES VIA VIDEOCONFERENCE:

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

21  
22 For the Defendant: LUCAS J. GAFFNEY, ESQ.

23  
24  
25 RECORDED BY: GINA VILLANI, COURT RECORDER

1 Las Vegas, Nevada, Friday, January 15, 2021

2  
3 [Hearing commenced at 2:28 p.m.]

4 THE COURT: Page 9, C-17-327585-1, State of Nevada  
5 versus Dorie Henley.

6 Good afternoon, Ms. Henley.

7 Who's present on behalf of the State?

8 MR. HAMNER: Christopher Hamner for the State.

9 THE COURT: All right. And good afternoon to you.

10 And who's present on behalf of Ms. Henley?

11 MR. GAFFNEY: Good afternoon, Your Honor, Lucas Gaffney  
12 on behalf of Ms. Henley.

13 THE COURT: All right. And good afternoon to you.

14 So we are here on defendant's motion to withdraw guilty plea.  
15 I have reviewed the motion, the opposition, and the reply.

16 I'll start with Mr. Gaffney, as this is your motion, is there  
17 anything you would like to add outside of the written pleadings?

18 MR. GAFFNEY: Not outside of the written pleading, Your  
19 Honor. Our -- my request today is for an evidentiary hearing on the  
20 issues that we put forth in the motion and also in the reply. I think that  
21 there are factual issues that would require us to expand the record so the  
22 Court can analyze the totality of the circumstances, determine whether  
23 there's a fair and just reason for Ms. Henley to withdraw her plea. So I  
24 would request an evidentiary hearing.

25 THE COURT: Well, let me -- I'm going to drill down on that a



1 little bit. In reading your motion it seems -- and you can correct me if I'm  
2 wrong and that's totally fine -- really the crux of your argument is that the  
3 11 to life or the 11 -- the sentence that was 11 years at the bottom wasn't  
4 conveyed but that seems to be contradicted by the other information  
5 provided.

6 Am I wrong in that that is the crux of your argument?

7 MR. GAFFNEY: Well, Your Honor, there's three issues and  
8 that's one. And in regard to that issue, my understanding is that the  
9 State extended an offer within the structure of second degree murder.  
10 There were, I believe, several offers that were extended within the  
11 structure of second degree murder; however, the specific offer of 11 to  
12 life was never conveyed. I think there may have been an offer of 13 to  
13 life that was conveyed and potentially another one but not that specific  
14 offer of 11 to life.

15 And when I looked through the record that the State included in  
16 their opposition, from what I could see in the court minutes and the  
17 transcripts, there is not a specific discussion of that offer being extended  
18 or rejected. And so that's why I believe an evidentiary hearing would be  
19 warranted so we bring in counsel to figure out when she received that  
20 offer, when she conveyed that offer, and potentially when, you know, if  
21 Ms. Henley did receive that offer, when it was rejected.

22 And then I also believe an evidentiary hearing is warranted on  
23 the second issue regarding the jailhouse informant. As, you know, we  
24 put forward in our motion, and also in our reply, although Ms. Henley was  
25 aware that the interview had taken place with the jailhouse informant it

1 wasn't until I provided her a copy of the actual statement -- well after she  
2 had entered her plea -- when she discovered that the statement she had  
3 previously given to the police and the contents of the statement were -- a  
4 lot of it were in alignment.

5 And so I think an evidentiary hearing is warranted on that to  
6 determine, one, why that statement was withheld. My understanding is  
7 that Ms. Henley's counsel refused to provide the statement before the  
8 informant's safety. And I think that Ms. Henley was entitled to have it and  
9 had she been able to obtain a copy of that she wouldn't have entered a  
10 plea but would have chosen to proceed to trial.

11 And then we also put forward an issue of -- that she did not  
12 have enough time to consider the offer. And just to be clear, that's in  
13 reference to what occurred at the settlement conference; that she was  
14 presented with an offer at the settlement conference. She was told this is  
15 the last offer that you're going to get. She had two minutes to make a  
16 decision whether to accept the offer and then 30 minutes to think about it  
17 as the paperwork was being prepared for the entry of plea.

18 So I believe that at least on two of those issues, the issue  
19 regarding the offer and the issue regarding the jailhouse statement, that  
20 an evidentiary hearing would be warranted and would help the Court to  
21 understand the totality of the circumstances under which Ms. Henley  
22 entered her plea.

23 THE COURT: All right. And thank you for that, Mr. Gaffney.

24 Let me hear from Mr. Hamner.

25 MR. HAMNER: Yes, Your Honor.

1                   And if I could at least start with the jailhouse informant issue  
2 first. The problem with the argument that counsel has just kind of  
3 posited, which was essentially if my client had had access to the  
4 informant's statement she never would have taken the offer. The  
5 problem with that offer is it flies in the face of what actually happened  
6 during her plea canvass. I mean, the purpose of a plea canvass is to  
7 figure out if the defendant really wants to go through with the particular  
8 offer that she has. If you take this argument that they're raising right  
9 now, at whole cloth, which is she genuinely always wanted to see the  
10 substance of the statement.

11                   That was never discussed during the plea canvass. It was  
12 never discussed during the settlement conference. At no point does  
13 Ms. Henley talk about, you know, for me a big hang up about resolving  
14 this case is until I see the substance of an informant's recorded interview,  
15 I'm not taking this negotiation. And what cuts against her is she's always  
16 known about the informant and the defense has known that.

17                   So I don't think physically holding this transcript in her hand  
18 would have changed her mind about things or she would have spoken up  
19 about it at the plea canvass, during the settlement conference, at some  
20 point because this case has been going on for years. I mean, the second  
21 degree, deadly weapon, right to argue offer has been out there ever  
22 since I started on this case and that was several years ago.

23                   So I don't know that that argument requires an evidentiary  
24 hearing because I think it's belied by the record.

25                   With respect to the argument that she has not had enough

1 time, again I think the Court needs to examine -- and I think the State has  
2 laid out pretty clearly in its briefing -- that the time to consider an offer  
3 within the scope of a second degree murder with a right to argue, or  
4 somewhere within that range, has been going on ever since I took over  
5 the case. And I've made it very clear to everybody involved, Listen, I will  
6 work with you. But what was very clear was that Ms. Henley never  
7 wanted to take a life tail, ever.

8 And that kind of dove tails into this argument about the 11 to  
9 life. Prior to her being caught writing a jail letter trying to convince her  
10 boyfriend to lie to the Court and retract everything that he said, prior to  
11 being caught with that Ms. Henley had absolutely no interest in a second  
12 with use or anything involving a life tail. She wanted a second degree  
13 murder, with no deadly weapon whatsoever. And she wasn't interested  
14 in taking it.

15 And where you have further corroboration of that intent is the  
16 very letter itself, because she says, Listen, if you lie and you say I made  
17 all this stuff up that completely incriminates me, I can then get an 8 to 20,  
18 which would be a voluntary with use, which is entirely consistent as to  
19 why Dorie Henley never took a second degree murder offer that had  
20 been out there for years. It's only when she's caught and I pull the offer  
21 off the table and I say, All right, you're kind of done at this point, we're  
22 just going to go to trial, or maybe we'll go back to you just taking a  
23 straight first at this point because you're complete -- you've confessed  
24 already and now we caught you trying to coach witnesses to lie, you're  
25 never going to beat the rap on this.

1           And it's at that point we finally go to a settlement conference  
2 and the big hang up at settlement conference was she didn't think she  
3 should take anything in time more than the defendant who took a second  
4 degree right to argue who had stabbed the victim. She didn't think she  
5 should take more than the guy who actually plunged in the knife. And  
6 that's how we got to the 15 to life. It's one year less than what he got  
7 when he argued before Judge Adair.

8           And so that's really the genesis of it.

9           So from the State's position I don't know that an evidentiary  
10 hearing is necessary. If the Court, in an abundance of caution, wants to  
11 hold such an evidentiary hearing, I mean, that's fine by the State. But,  
12 you know, the chronology of things, her position before getting caught  
13 with this incriminating letter and after, really is a very clear reflection of  
14 why she took the offer that she did.

15           But with that the State would submit on the arguments it laid  
16 out in its opposition.

17           THE COURT: All right. Here's where I'm going to come down  
18 on this, I do think in an abundance of caution we should have a limited  
19 evidentiary hearing. And it's going to be limited in the following ways: I  
20 want to hear from prior counsel regarding when and what offers were  
21 conveyed and when and if those offers were rejected.

22           I also, in order to meet her burden for grounds to withdraw the  
23 plea based on the argument set forth in the motion, I want to hear  
24 regarding how and why the informant impacted or would have changed  
25 Ms. Henley's mind regarding the plea itself.

1           Those are the two areas that I think are necessary for me to  
2 explore in order to have a fulsome record and to make a complete  
3 decision on the pending motion.

4           We can do that -- we can do the hearing via BlueJeans, of  
5 course the challenge is with Ms. Henley being in custody, setting that up.  
6 So I am going to set this for status in two weeks, and between now and  
7 then I'm going to ask counsel for the State to work with Mr. Gaffney to  
8 figure out when we want to set this for that hearing.

9           And certainly Mr. Gaffney if you can reach out to Ms. Brown  
10 between now and the two week status check so we can figure out when  
11 she's available and how she's available in order to hold that evidentiary  
12 hearing.

13           I think it's a possibility, if we work through Department 7, to  
14 have a special setting for this. But to the degree that anyone needs  
15 assistance with that, please reach out to chambers so we're all on the  
16 same page and we can get that taken care of.

17           Are there any questions, I'll start with the State, Mr. Hamner,  
18 any questions?

19           MR. HAMNER: No, Your Honor.

20           THE COURT: And, Mr. Gaffney, any questions?

21           MR. GAFFNEY: Your Honor, are we waiting to get, I guess, a  
22 range of dates from Department 7 first or do you want us to just start  
23 coordinating our schedules to try to figure out what availability the parties  
24 have?

25           THE COURT: I'm going to say, yes, that's a really broad yes.

1 So, yes, start coordinating, and, yes, get dates from Department 7 that  
2 way we can bring that altogether and hopefully get an update in two  
3 weeks and we can get something on calendar.

4 MR. GAFFNEY: And should I contact Department 7 or is that  
5 something that's going to be done through the Court?

6 THE COURT: It would be either you or the State. It's actually  
7 your motion, so you should contact Department 7 to try and get that on  
8 calendar.

9 MR. GAFFNEY: Okay.

10 THE COURT: And if there are any issues --

11 MR. GAFFNEY: Okay.

12 THE COURT: -- or you're having challenges, please reach out  
13 to Department -- to us and we'll try and assist you.

14 MR. GAFFNEY: Understood. Thank you, Judge.

15 THE COURT: All right. So we'll see everyone again on  
16 January 29<sup>th</sup> at 1:30 in the afternoon.

17 MR. HAMNER: Thank you, Your Honor.

18 THE COURT: Thank you.

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MR. GAFFNEY: Thank you, Judge.

THE COURT: Thank you.

[Hearing concluded at 2:40 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.

  
\_\_\_\_\_  
Gina Villani  
Court Recorder/Transcriber