

Steven D. Grierson

1 ARNOLD ANDERSON
2 85509, In Propria Personam
3 Post Office Box 208, S.D.C.C.
4 Indian Springs, Nevada 89018

Electronically Filed
Jun 21 2021 10:11 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

5 IN THE ENVIRONMENTAL JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

6 IN AND FOR THE COUNTY OF CLARK

7
8 ARNOLD ANDERSON

9
10 Plaintiff,

11 vs.

12 STATE OF NEVADA
13 JERRY HOWELL WARDEN ATSOCC
14 Defendant.

A-21-82738TW
Case No. C-16-319021
Dept. No. 12
Docket _____

15
16 **NOTICE OF APPEAL**

17 NOTICE IS HEREBY GIVEN, That the Petitioner/Defendant,
18 PLANTIFF, in and through his proper person, hereby
19 appeals to the Supreme Court of Nevada from the ORDER denying and/or
20 dismissing the
21 POST CONVICTION WRIT ON MAY 27, 2021

22
23 ruled on the 27 day of MAY, 20 21.

24
25 Dated this 10 day of JUNE, 20 21.

26 Respectfully Submitted,

27 *Alfred Christ*

RECEIVED

JUN 14 2021

CLERK OF THE COURT

CERTIFICATE OF SERVICE BY MAILING

I, Arnold Anderson, hereby certify, pursuant to NRCP 5(b), that on this 10
day of JUNE, 2021, I mailed a true and correct copy of the foregoing, "NOTICE
OF APPEAL"

by placing document in a sealed pre-postage paid envelope and deposited said envelope in the
United State Mail addressed to the following:

STATE OF NEVADA
Jerry Howell
200 Lewis Ave 3rd Floor
Las Vegas NV 89155

CC: FILE

DATED: this 10 day of JUNE, 2021.

Arnold Anderson
[Signature] # 85509
/In Propria Personam
Post Office Box 208, S.D.C.C.
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

Arnold Anderson
85509
P.O. Box 208
INDIAN SPRINGS NV
89070

LAS VEGAS NV 890
11 JUN 2021 PM 4 L



RECEIVED

JUN 14 2021

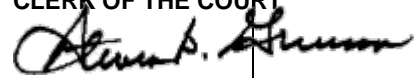
CLERK OF THE COURT

3rd Floor

CLERK OF THE COURT
AVE
200 LEWIS
LAS VEGAS NV
89155

89101-630000





1 ASTA

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

10 STATE OF NEVADA,

11 Plaintiff(s),

12 vs.

13 ARNOLD K. ANDERSON
14 aka ARNOLD KEITH ANDERSON,

15 Defendant(s),

Case No: C-16-319021-1

Dept No: XII

16
17 **CASE APPEAL STATEMENT**
18

19 1. Appellant(s): Arnold Anderson

20 2. Judge: Michelle Leavitt

21 3. Appellant(s): Arnold Anderson

22 Counsel:

23 Arnold Anderson #85509
24 P.O. Box 208
Indian Springs, NV 89070

25 4. Respondent: The State of Nevada

26 Counsel:

27 Steven B. Wolfson, District Attorney
28 200 Lewis Ave.

Las Vegas, NV 89101
(702) 671-2700

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

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

6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: Yes

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

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

9. Date Commenced in District Court: October 26, 2016

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

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

11. Previous Appeal: Yes

Supreme Court Docket Number(s): 72102, 73351, 74076, 74736, 82917

12. Child Custody or Visitation: N/A

Dated This 17 day of June 2021.

Steven D. Grierson, Clerk of the Court

/s/ Amanda Hampton

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

cc: Arnold Anderson

Steven D. Grierson

DISTRICT COURT
CLARK COUNTY, NEVADA.

ARNOLD ANDERSON
Plaintiff

CASE # C-16-319021-1

V

A-21-827381-W

STATE OF NEVADA

DEPT # 12

JERRY HOWELL WARDEN AT (SDCC)
Defendants.

CASE APPEAL STATEMENT

1. NAME OF APPELLANT FILING THIS CASE APPEAL STATEMENT.

ARNOLD ANDERSON.

2. IDENTIFY THE JUDGE ISSUING DECISION, JUDGEMENT OR
ORDER. HONORABLE MICHELLE LEAVITT.

3. IDENTIFY ALL PARTIES TO THE PROCEEDINGS IN THE
DISTRICT COURT.

ARNOLD ANDERSON

STATE OF NEVADA - JERRY HOWELL WARDEN AT SDCC

4. IDENTIFY ALL PARTIES INVOLVED IN THIS APPEAL

ARNOLD ANDERSON

STATE OF NEVADA - JERRY HOWELL WARDEN AT SDCC

RECEIVED

JUN 14 2021

CLERK OF THE COURT

5. SET FORTH THE NAME THE LAW FIRM ADDRESS AND TELEPHONE
NUMBER OF ALL COUNSEL ON APPEAL, AND IDENTIFY THE PARTY
OR PARTIES OF WHOM THEY REPRESENT.

ARNOLD ANDERSON	STEVE B. WOIFSON 702-671-2500
85509 PRO'SE	CLARK COUNTY DISTRICT ATTORNEY
P.O. BOX 208	200 LEWIS ^{AVE}
INDIAN SPRINGS NV 89070	LAS VEGAS NV. 89155 -

6. INDICATE WHETHER APPELLANT WAS REPRESENTED BY APPOINTED
OR RETAINED COUNSEL, IN THE DISTRICT COURT.

NO.

7. INDICATE WHETHER APPELLANT IS REPRESENTED BY APPOINTED
OR RETAINED COUNSEL ON APPEAL.

NO.

8. INDICATE WHETHER APPELLANT WAS GRANTED LEAVE TO PROCEED INFORMA
PAUPERIS AND DATE ENTRY OF THE DISTRICT COURT ORDERING SUCH
LEAVE.

UNKNOWN.

9. INDICATE THE DATE THE PROCEEDINGS COMMENCED IN THE
DISTRICT COURT, DATE COMPLAINT, INDICTMENT INFORMATION
OR PETITION WAS FILED. ^{JANUARY 5,} ~~2020~~ 2021.

CASE SUMMARY
CASE NO. C-16-319021-1

Location:	Department 12
Judicial Officer:	Leavitt, Michelle
Filed on:	10/26/2016
Cross-Reference Case	C319021
Number:	
Defendant's Scope ID #:	1202768
ITAG Booking Number:	1600110755
ITAG Case ID:	1814025
Lower Court Case # Root:	16F14731
Lower Court Case Number:	16F14731X
Metro Event Number:	1608233561
Supreme Court No.:	72102
	73351
	74076
	74736
	82917

Offense	Statute	Deg	Date	Case Type:	Felony/Gross Misdemeanor
Jurisdiction: District Court					
1. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON PCN: 0025643586 ACN: 1608233561 Arrest: 09/05/2016 MET - Metro	200.010	F	08/23/2016	Case Status:	12/20/2017 Closed
2. ROBBERY WITH USE OF A DEADLY WEAPON	200.380	F	08/23/2016		
3. BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM	200.481.2e2	F	08/23/2016		

12/20/2017 Jury Trial - Conviction - Criminal

Case Number	C-16-319021-1
Court	Department 12
Date Assigned	10/26/2016
Judicial Officer	Leavitt, Michelle

Wolfson, Steven B
702-671-2700(W)

10/27/2016 Information
Information

CASE SUMMARY
CASE NO. C-16-319021-1

11/15/2016	 Notice of Motion <i>Notice of Motion</i>
11/15/2016	 Motion to Dismiss <i>Motion To Dismiss Council/Represent Myself</i>
11/16/2016	 Motion <i>Motion to Reduce Bail</i>
11/19/2016	 Reporters Transcript <i>Reporter's Transcript of Proceedings Preliminary Hearing October 26, 2016</i>
11/28/2016	 Motion to Vacate <i>Motion to Vacate - Motion (12-6-16) To Dismiss Attorney Of Record And Represent Myself</i>
12/06/2016	 Notice of Witnesses and/or Expert Witnesses <i>State's Notice of Witnesses and/or Expert Witnesses</i>
12/08/2016	 Petition for Writ of Habeas Corpus <i>Defendant Arnold Anderson's Petition for Writ of Habeas Corpus</i>
12/20/2016	 Return <i>Return to Writ of Habeas Corpus</i>
12/27/2016	 Notice of Appeal (Criminal) <i>Notice of Motion to Appeal the Denial of the Writ of Habeas Corpus Hearing for December 22, 2016 Appeal to Nevada Supreme Court</i>
12/29/2016	 Motion <i>Motion To Dismiss Counsel And Appoint New Counsel Plus Pro-Per Ferretta Rights</i>
01/03/2017	 Case Appeal Statement <i>Case Appeal Statement</i>
01/06/2017	 Notice of Appeal (Criminal) <i>Notice of Appeal</i>
01/06/2017	 Notice of Motion <i>Notice Of Motion</i>
01/09/2017	 Case Appeal Statement <i>Case Appeal Statement</i>
01/13/2017	 Order <i>Order Denying Defendant's Petition for Writ of Habeas Corpus</i>
01/23/2017	 Notice of Appeal (Criminal) <i>Notice To Expedite Appeal Rule (4)(F) Fast Track Rule(3c)</i>
01/23/2017	 Case Appeal Statement <i>Case Appeal Statement</i>

CASE SUMMARY
CASE NO. C-16-319021-1

01/23/2017	 Supplemental <i>Supplemental Brief For Fast Track Statement The Writ OF Habeas Corpus That Was Denied (12-22-16)</i>
01/24/2017	 Case Appeal Statement
02/14/2017	 Notice of Motion <i>Notice Of Motion To Dismiss Counsel</i>
02/14/2017	 Motion <i>Motion To Dismiss Counsel & Represent Myself He's Discriminating Against Me</i>
02/14/2017	 Notice of Motion <i>Notice Of Motion</i>
02/14/2017	 Motion <i>Motion To Dismiss Counsel And Replace Counsel And Appoint Defendant Pro Per Person Status</i>
03/23/2017	 Notice of Motion
03/23/2017	Notice of Motion
03/23/2017	 Notice of Motion
03/23/2017	 Notice of Motion
03/28/2017	 NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>Nevada Supreme Court Clerk's Certificate Judgment - Dismissed</i>
04/04/2017	 Motion <i>Motion to Appear Pro Se 2:31</i>
04/04/2017	 Motion <i>Motion to Dismiss Kenneth Frizzell/Appoint Arnold Anderson Pro Se</i>
04/11/2017	 Opposition <i>State's Opposition to Defendant's Motion to Dismiss</i>
04/11/2017	 Opposition <i>State's Opposition to Defendant's Motion to Inspect All Evidence</i>
04/13/2017	 Motion to Suppress <i>Defendant's Pro Per Notice of Motion and Motion to Suppress</i>
04/13/2017	 Petition for Writ of Habeas Corpus <i>Defendant's Pro Per Notice of Motion and Petition for Writ of Habeas Corpus</i>
04/28/2017	 Opposition Filed By: Plaintiff State of Nevada <i>State's Opposition to Defendant's Writ of Habeas Corpus</i>

CASE SUMMARY

CASE NO. C-16-319021-1

05/01/2017	 Opposition <i>State's Opposition to Defendant's Motion to Suppress</i>
05/04/2017	 Motion <i>Defendant's Pro Per Motion and Notice of Motion to Seek Handwriting Specialist NRS 50.275</i>
05/04/2017	 Motion to Compel <i>Defendant's Pro Per Notice of Motion and Motion to Compel State to Surrender Discovery</i>
05/04/2017	 Motion to Reconsider <i>Defendant's Pro Per Notice of Motion and Motion to Reconsider Motion to Dismiss</i>
05/25/2017	 Notice of Motion <i>Defendant's Pro Per Notice of Motion Re: Motion to Dismiss</i>
05/25/2017	 Notice of Motion <i>Defendant's Pro Per Notice of Motion Re: Motion for Franks Hearing</i>
05/25/2017	 Notice of Motion <i>Defendant's Pro Per Notice of Motion Re: Motion for Full Brady Discovery</i>
05/25/2017	 Notice of Motion <i>Defendant's Pro Per Notice of Motion Re: Motion to Oppose States Opposition to Dismiss</i>
05/25/2017	 Notice of Motion <i>Defendant's Pro Per Notice of Motion Re: Motion to Dismiss - Based on Malicious Vindictive Prosecution</i>
05/25/2017	 Notice of Motion <i>Defendant's Pro Per Notice of Motion Re: Motion to Dismiss Standby Counsel Kenneth Frizzell</i>
05/25/2017	 Notice of Motion <i>Defendant's Pro Per Notice of Motion Re: Motion of Alibi Witnesses</i>
05/25/2017	 Notice of Motion <i>Defendant's Pro Per Notice of Motion Re: Motion to Dismiss - Case is Couple Jeopardy</i>
05/25/2017	 Notice of Motion <i>Defendant's Pro Per Notice of Motion Re: Writ of Habeas Corpus to Test the Legality of This Arrest</i>
05/25/2017	 Notice of Motion <i>Defendant's Pro Per Notice of Motion Re: Motion to Suppress</i>
05/25/2017	 Notice of Motion <i>Defendant's Pro Per Notice of Motion Re: Motion for Evidentiary Hearing</i>
06/19/2017	 Notice of Appeal (Criminal) <i>Notice of Appeal All Motions Denied on June 13, 2017</i>
06/22/2017	 Case Appeal Statement <i>Case Appeal Statement</i>



















CASE SUMMARY

CASE NO. C-16-319021-1

06/28/2017	 Motion Filed By: Defendant Anderson, Arnold K <i>Motion for Bail Reduction or Release</i>
06/28/2017	 Motion Filed By: Defendant Anderson, Arnold K <i>Motion to Have all Audio Interviews Played and Used in Trial of Witnessess</i>
07/10/2017	 Motion Filed By: Defendant Anderson, Arnold K <i>Motion for Court to Appoint Private Investigator and Pay for it</i>
07/10/2017	 Motion Filed By: Defendant Anderson, Arnold K <i>Motion to Dismiss Arrest NRS 171.124 is Illegal</i>
07/10/2017	 Motion Filed By: Defendant Anderson, Arnold K <i>Motion to Inspect All Evidence in Discovery</i>
07/10/2017	 Motion Filed By: Defendant Anderson, Arnold K <i>Motion to Suppress all Contents Found in Camara & Everything Associated with Event Numbe 160823-3561</i>
07/25/2017	 Notice <i>Notice to Subpoena Witnesses</i>
07/25/2017	 Notice of Motion
07/25/2017	 Notice of Motion
08/03/2017	 Affidavit <i>Affidavit Of Judge Michelle Leavitt In Response To Motion To Change Judge Judge [sic]</i>
08/08/2017	 Order Denying Motion <i>Order Denying Motion to Disqualify</i>
08/10/2017	 Motion Filed By: Defendant Anderson, Arnold K <i>Motion to Dismiss for Unnecessary Delays for Trial</i>
08/22/2017	 Notice of Intent <i>State's Notice of Intent to Seek Punishment as a Habitual Criminal/Felon</i>
08/25/2017	 Notice of Motion <i>State's Notice of Motion and Motion in Limine</i>
08/29/2017	 Motion to Strike <i>Defendant's Pro Per Notice of Motion and Motion to Strike and Oppode State's Motion to Seek Punishment as a Habitual Criminal Felon If a Felony Conviction Occur</i>
08/29/2017	 Jury List


CASE SUMMARY

CASE NO. C-16-319021-1

08/30/2017	 Memorandum <i>Memorandum Regarding Admission of Defendant's Jail Call</i>
09/01/2017	 Instructions to the Jury
09/01/2017	 Amended Jury List
09/01/2017	 Verdict
09/14/2017	 NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>Nevada Supreme Court Clerk's Certificate Judgment - Dismissed</i>
09/18/2017	 Notice of Appeal (Criminal) Party: Defendant Anderson, Arnold K <i>Notice Of Appeal</i>
09/22/2017	 Case Appeal Statement
10/02/2017	 Case Appeal Statement <i>Case Appeal Statement</i>
10/06/2017	 PSI
10/10/2017	 Notice of Motion Filed By: Defendant Anderson, Arnold K <i>Notice of Motion</i>
10/10/2017	 Motion for New Trial Filed By: Defendant Anderson, Arnold K <i>Motion for New Trial or Dismiss Charges & Vacate Verdict</i>
11/07/2017	 PSI - Supplemental PSI
11/16/2017	 PSI - Supplemental PSI
11/30/2017	 Notice of Motion
11/30/2017	 Notice of Motion
12/05/2017	 Judgment of Conviction <i>Judgment of Conviction (Jury Trial)</i>
12/12/2017	 Order Appointing Counsel Party: Defendant Anderson, Arnold K <i>Order Appointing Appellate Counsel</i>
12/12/2017	 Case Appeal Statement Filed By: Defendant Anderson, Arnold K <i>Case Appeal Statement</i>

CASE SUMMARY

CASE NO. C-16-319021-1

12/12/2017	 Notice of Appeal (Criminal) Party: Defendant Anderson, Arnold K <i>Notice Of Appeal</i>
12/14/2017	 Request Filed by: Defendant Anderson, Arnold K <i>Arnold K. Anderson Request For Full Transcripts Of District Court Proceedings To Kristine Santi</i>
12/14/2017	 Request Filed by: Defendant Anderson, Arnold K <i>Arnold K. Anderson Request For Full Transcripts Of Justice Court Proceedings To Robert Cangemi</i>
12/14/2017	 Request Filed by: Defendant Anderson, Arnold K <i>Arnold K. Anderson Request For Full Transcripts Of District Court Proceedings To Kristine Cornelius</i>
12/14/2017	 Request Filed by: Defendant Anderson, Arnold K <i>Arnold K. Anderson Request For Full Transcripts Of District Court Proceedings To Patti Slattery</i>
12/14/2017	 Request Filed by: Defendant Anderson, Arnold K <i>Arnold K. Anderson Request For Full Transcripts Of District Court Proceedings To Kiara Schmidt</i>
12/20/2017	 Criminal Order to Statistically Close Case <i>Criminal Order to Statistically Close Case</i>
12/21/2017	 Motion Filed By: Defendant Anderson, Arnold K <i>Motion to Have Parole and Probation Submit New PSI to High Desert State Prison</i>
12/21/2017	 Notice of Motion Filed By: Defendant Anderson, Arnold K <i>Notice of Motion</i>
01/13/2018	 Reporters Transcript <i>Reporter's Transcript of Proceedings Hearing</i>
01/13/2018	 Reporters Transcript <i>Reporter's Transcript of Proceedings Status Check</i>
01/13/2018	 Reporters Transcript <i>Reporter's Transcript of Proceedings Arraignment</i>
01/13/2018	 Reporters Transcript <i>Reporter's Transcript of Proceedings Status Check</i>
01/13/2018	 Reporters Transcript <i>Reporter's Transcript of Proceedings Status Check</i>
01/24/2018	 Recorders Transcript of Hearing <i>Recorders Transcript of Hearing Re: Initial Arraignment</i>

CASE SUMMARY

CASE NO. C-16-319021-1

01/26/2018	 Recorders Transcript of Hearing <i>Recorder's Transcript of Proceeding: Defendant's Motion to Reduce Bail, Thursday, December 1, 2016</i>
01/26/2018	 Recorders Transcript of Hearing <i>Recorder's Transcript of Proceeding: Defendant's Motion to Dismiss Counsel/Represent Myself, Tuesday, December 6, 2016</i>
01/26/2018	 Recorders Transcript of Hearing <i>Recorder's Transcript of Proceeding: Calendar Call, Tuesday, December 13, 2016</i>
01/26/2018	 Recorders Transcript of Hearing <i>Recorder's Transcript of Proceeding: Defendant's Petition for Writ of Habeas Corpus, Thursday, December 22, 2016</i>
01/26/2018	 Recorders Transcript of Hearing <i>Recorder's Transcript of Proceeding: Defendant's Pro Per Notice of Motion to Appeal the Denial of the Writ of Habeas Corpus Hearing for December 22, 2016 Appeal to Nevada Supreme Court, Thursday, January 19, 2017</i>
01/26/2018	 Recorders Transcript of Hearing <i>Recorder's Transcript of Proceeding: Defendant's Pro Per Motion to Dismiss Counsel and Appoint New Counsel Plus Pro Per Ferretta Rights, Tuesday, January 24, 2017</i>
01/26/2018	 Recorders Transcript of Hearing <i>Recorder's Transcript of Proceeding: Defendant's Pro Per Notice of Motion, Tuesday, January 31, 2017</i>
01/26/2018	 Recorders Transcript of Hearing <i>Recorder's Transcript of Proceeding: Defendant's Pro Per Notice of Motion to Dismiss Counsel; Defendant's Pro Per Motion to Dismiss Counsel and Replace Counsel, and Appoint Defendant Pro Per Status, Tuesday, March 7, 2017</i>
01/26/2018	 Recorders Transcript of Hearing <i>Recorder's Transcript of Proceeding: Faretta Canvass, Thursday, March 16, 2017</i>
01/26/2018	 Recorders Transcript of Hearing <i>Recorder's Transcript of Proceeding: Faretta Canvass, Thursday, March 23, 2017</i>
01/26/2018	 Recorders Transcript of Hearing <i>Recorder's Transcript of Proceeding: All Pending Motions, Thursday, April 13, 2017</i>
01/26/2018	 Recorders Transcript of Hearing <i>Recorder's Transcript of Proceeding: All Pending Motions, Thursday, May 4, 2017</i>
01/26/2018	 Recorders Transcript of Hearing <i>Recorder's Transcript of Proceeding: Defendant's Pro Per Motion to Reconsider Motion to Dismiss; Defendant's Pro Per Motion to Seek Handwriting Specialist, NRS 50.275; Defendant's Pro Per Motion to Compel State to Surrender Discovery, Thursday, May 25, 2017</i>
01/26/2018	 Recorders Transcript of Hearing <i>Recorder's Transcript of Proceeding: Calendar Call; All Pending Motions, Tuesday, June 13, 2017</i>
01/26/2018	 Recorders Transcript of Hearing <i>Recorder's Transcript of Proceeding: Calendar Call; Defendant's Motion for Bail Reduction or Release; Defendant's Motion to Have all Audio Interviews Played and Used in Trial of Witnesses, Tuesday, July 25, 2017</i>
01/26/2018	 Recorders Transcript of Hearing















CASE SUMMARY

CASE NO. C-16-319021-1


Recorder's Transcript of Proceeding: Calendar Call, Tuesday, August 22, 2017


- | | |
|------------|---|
| 01/26/2018 |  Recorders Transcript of Hearing
<i>Recorder's Transcript of Proceeding: Sentencing (Jury Verdict) /Dismissal of Count 2, Tuesday, October 24, 2017</i> |
| 01/26/2018 |  Recorders Transcript of Hearing
<i>Recorder's Transcript of Proceeding: Defendant's Pro Per Motion for New Trial or Dismiss Charges and Vacate Verdict, Tuesday, October 31, 2017</i> |
| 01/26/2018 |  Recorders Transcript of Hearing
<i>Recorder's Transcript of Proceeding: Sentencing; Dismissal of Count Two, Tuesday, November 14, 2017</i> |
| 01/26/2018 |  Recorders Transcript of Hearing
<i>Recorder's Transcript of Proceeding: Sentencing, Thursday, November 30, 2017</i> |
| 01/26/2018 |  Recorders Transcript of Hearing
<i>Recorder's Transcript of Proceeding: Status Check: Appointment of Counsel, Thursday, December 7, 2017</i> |
| 02/13/2018 |  Recorders Transcript of Hearing
<i>Transcript of Proceedings: Jury Trial - Day 1, Monday, August 28, 2017</i> |
| 02/13/2018 |  Recorders Transcript of Hearing
<i>Transcript of Proceedings: Jury Trial - Day 2, Tuesday, August 29, 2017</i> |
| 02/13/2018 |  Recorders Transcript of Hearing
<i>Transcript of Proceedings: Jury Trial - Day 3, Wednesday, August 30, 2017</i> |
| 02/13/2018 |  Recorders Transcript of Hearing
<i>Transcript of Proceedings: Jury Trial - Day 5, Friday, September 1, 2017</i> |
| 02/14/2018 |  Recorders Transcript of Hearing
<i>Transcript of Proceedings: Jury Trial - Day 4, Thursday, August 31, 2017</i> |
| 03/26/2020 |  NV Supreme Court Clerks Certificate/Judgment - Affirmed
<i>Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed; Rehearing Denied</i> |
| 05/12/2020 |  Withdrawal of Attorney
Filed by: Defendant Anderson, Arnold K
<i>Notice Of Withdrawal Of Counsel</i> |
| 02/16/2021 |  Motion
Filed By: Defendant Anderson, Arnold K
<i>Motion for Telephonic Hearing</i> |
| 02/16/2021 |  Notice of Motion
Filed By: Defendant Anderson, Arnold K |
| 03/02/2021 |  Motion
Filed By: Defendant Anderson, Arnold K
<i>Motion to Add Page 124 of 132 To Writ of Habeas Corpus</i> |
| 03/02/2021 |  Notice of Motion |


CASE SUMMARY
CASE NO. C-16-319021-1


	Filed By: Defendant Anderson, Arnold K
03/09/2021	 Motion Filed By: Defendant Anderson, Arnold K <i>Motion for Telephonic Hearing</i>
03/09/2021	 Notice of Motion Filed By: Defendant Anderson, Arnold K
03/18/2021	 Order <i>r01643513C-ORDR-(ARNOLD KEITH ANDERSON)-001</i>
04/08/2021	 Order <i>201643513C-ORDR-(ARNOLD KEITH ANDERSON)-002</i>
04/23/2021	 Memorandum Filed By: Plaintiff State of Nevada <i>Memo to Court Clerk</i>
05/12/2021	 Notice of Appeal (Criminal) Party: Defendant Anderson, Arnold K <i>Notice of Appeal</i>
05/12/2021	 Case Appeal Statement Filed By: Defendant Anderson, Arnold K <i>Case Appeal Statement</i>
05/12/2021	 Supplement Filed by: Defendant Anderson, Arnold K <i>Supplement Memo to Notice of Appeal</i>
05/13/2021	 Case Appeal Statement Filed By: Defendant Anderson, Arnold K <i>Case Appeal Statement</i>
05/25/2021	 Notice of Appeal (Criminal) Party: Defendant Anderson, Arnold K <i>Notice of Appeal</i>
05/25/2021	 Notice of Appeal (Criminal) Party: Defendant Anderson, Arnold K <i>Notice of Appeal</i>
05/26/2021	 Case Appeal Statement <i>Case Appeal Statement</i>
05/26/2021	 Case Appeal Statement Filed By: Defendant Anderson, Arnold K <i>Case Appeal Statement</i>
05/26/2021	 Motion Filed By: Defendant Anderson, Arnold K <i>Motion to Reset Post Conviction Writ for Hearing</i>


CASE SUMMARY
CASE NO. C-16-319021-1

05/27/2021  Findings of Fact, Conclusions of Law and Order
Findings of Fact, Conclusions of Law, and Order

06/03/2021  Notice of Entry
Filed By: Plaintiff State of Nevada
Notice of Entry of Findings of Fact, Conclusions of Law and Order

06/15/2021  Notice of Appeal (Criminal)
Party: Defendant Anderson, Arnold K
Notice of Appeal

06/15/2021  Case Appeal Statement
Filed By: Defendant Anderson, Arnold K
Case Appeal Statement

06/17/2021  Case Appeal Statement
Filed By: Defendant Anderson, Arnold K
Case Appeal Statement

DISPOSITIONS

10/31/2016 **Plea** (Judicial Officer: Leavitt, Michelle)
1. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON
Not Guilty
PCN: 0025643586 Sequence:

3. BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM
Not Guilty
PCN: Sequence:

11/30/2017 **Disposition** (Judicial Officer: Leavitt, Michelle)
1. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON
Guilty
PCN: 0025643586 Sequence:

2. ROBBERY WITH USE OF A DEADLY WEAPON
Dismissed
PCN: Sequence:

3. BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM
Guilty
PCN: Sequence:

11/30/2017 **Adult Adjudication** (Judicial Officer: Leavitt, Michelle)
1. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON
08/23/2016 (F) 200.010 (DC50031)
PCN: 0025643586 Sequence:

Sentenced to Nevada Dept. of Corrections
Term: Minimum:8 Years, Maximum:20 Years

11/30/2017 **Adult Adjudication** (Judicial Officer: Leavitt, Michelle)
3. BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM
08/23/2016 (F) 200.481.2e2 (DC50226)
PCN: Sequence:

Sentenced to Nevada Dept. of Corrections

CASE SUMMARY**CASE NO. C-16-319021-1**

Term: Minimum:4 Years, Maximum:10 Years

Consecutive Enhancement:Use of a Deadly Weapon, Minimum:8 Years, Maximum:20 Years

Consecutive: Charge 1

Credit for Time Served: 452 Days

Fee Totals:

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

HEARINGS

10/31/2016

**Initial Arraignment (10:00 AM)** (Judicial Officer: Henry, Jennifer)

Plea Entered;

Journal Entry Details:

DEFT. ANDERSON ARRAIGNED, PLED NOT GUILTY, and INVOKED the 60-DAY RULE. COURT ORDERED, matter set for trial. COURT FURTHER ORDERED, counsel has 21 days from the filing of the preliminary transcript to file any writs. CUSTODY 12/13/16 8:30 A.M. CALENDAR CALL (DEPT. 12) 12/20/16 1:30 P.M. JURY TRIAL (DEPT. 12);

12/01/2016

**Motion to Reduce (8:30 AM)** (Judicial Officer: Leavitt, Michelle)*Defendant's Motion to Reduce Bail*

Denied;

Journal Entry Details:

Mr. Sanft appeared for Mr. Frizzell on behalf of Deft; and submitted on the written motion. Mr. Palal opposed the Motion; and argued as to the offenses being violent in nature, and Deft's prior criminal history. Mr. Palal added the current bail setting is reasonable. COURT ORDERED, Motion DENIED. Deft. stated he has not seen documents about the charges. Court advised Deft. if he wants to see a copy of the arrest warrant or report, he can ask his attorney, and his attorney can give him a copy. CUSTODY 12/06/16 8:30 A.M. DEFTS' MOTION TO DISMISS COUNSEL / REPRESENT MYSELF 12/13/16 8:30 A.M. CALENDAR CALL 12/20/16 1:30 P.M. TRIAL BY JURY ;

12/06/2016

**Motion (8:30 AM)** (Judicial Officer: Leavitt, Michelle)*Defendant's Motion to Dismiss Counsel/Represent Myself*

Off Calendar;

Journal Entry Details:

Court TRAILED and RECALLED matter for Mr. Palal to appear. Mr. Palal not present. Mr. Frizzell advised Mr. Palal arrived earlier and relayed information to Ms. Mendoza, further noting he believes Ms. Mendoza can stand in for Mr. Palal on this case. Court addressed Deft. about his motion. Deft. stated he will withdraw his Motion, as there was a misunderstanding, and both Mr. Frizzell and himself have been communicating. SO NOTED. COURT ORDERED, Motion OFF CALENDAR. Mr. Frizzell stated he spoke with Deft. earlier, and both Deft. and himself are okay with vacating the trial date, as defense will be filing a writ. Following discussions, Court suggested to leave the trial date on, and for parties to come back at time of Calendar Call. Based on representations made today, the hearing scheduled for December 20, 2016 on Deft's pro per motion to vacate is VACATED. CUSTODY 12/13/16 8:30 A.M. CALENDAR CALL 12/20/16 1:30 P.M. TRIAL BY JURY;

12/13/2016

**Calendar Call (8:30 AM)** (Judicial Officer: Leavitt, Michelle)*Calendar Call/Faretta Canvass*

Matter Heard;

Journal Entry Details:

Mr. Frizzell indicated Defendant wanted counsel to file a writ which requires that the trial date be vacated; the Writ is set for hearing next week; and he spoke with Defendant yesterday who indicated that he did not want to waive his right to a speedy trial. Further, Mr. Frizzell stated he has spent the time on the writ and had not prepared for trial. Statements by Defendant. Noting the Writ is set for hearing, December 22, 2016, COURT ORDERED, the December 20, 2016, Trial Date is VACATED. CUSTODY CLERK'S NOTE: The minutes for this hearing have been prepared by a review of the JAVS recording. (tmj:12/22/16);

12/20/2016

CANCELED Motion (8:30 AM) (Judicial Officer: Leavitt, Michelle)

CASE SUMMARY

CASE NO. C-16-319021-1

Vacated - per Judge

Defendant's Pro Per Motion to Vacate - Motion (12-6-16) To Dismiss Attorney Of Record And Represent Myself

12/20/2016 **CANCELED Jury Trial** (1:30 PM) (Judicial Officer: Leavitt, Michelle)

Vacated - per Judge

12/22/2016 **Petition for Writ of Habeas Corpus** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

Defendant Arnold Anderson's Petition for Writ of Habeas Corpus

Denied;

12/22/2016 **Status Check: Trial Setting** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

MINUTES


Trial Date Set;

SCHEDULED HEARINGS

Calendar Call (06/13/2017 at 8:30 AM) (Judicial Officer: Leavitt, Michelle)

CANCELED Jury Trial (06/20/2017 at 1:30 PM) (Judicial Officer: Leavitt, Michelle)


Vacated - per Judge

12/22/2016  **All Pending Motions** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

Matter Heard;

Journal Entry Details:

DEFT'S PETITION FOR WRIT OF HABEAS CORPUS...STATUS CHECK: TRIAL SETTING Court noted it received the Petition. Mr. Frizzell submitted on robbery portion; and argued in support of dismissal of the charges and further argued regarding questionable and insufficient evidence presented at Preliminary Hearing. COURT ORDERED, Petition DENIED. COURT ADDITIONALLY ORDERED, trial date SET. CUSTODY 6/13/17 8:30 A.M. CALENDAR CALL 6/20/17 1:30 P.M. TRIAL BY JURY ;

01/19/2017  **Motion** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

Events: 12/27/2016 Notice of Appeal (Criminal)

Defendant's Pro Per Notice of Motion to Appeal the Denial of the Writ of Habeas Corpus Hearing for December 22, 2016 Appeal to Nevada Supreme Court

MINUTES


 Notice of Appeal (Criminal)

Notice of Motion to Appeal the Denial of the Writ of Habeas Corpus Hearing for December 22, 2016 Appeal to Nevada Supreme Court

Matter Heard;

Journal Entry Details:

Court stated there is no action being sought, as Deft. has filed a notice of appeal, and there is no issue in front of this Court. Mr. Frizzell advised he received a handwritten letter from Deft. Upon Court's inquiry, Deft. refused to have Court read the letter. Mr. Frizzell stated Deft. filed his own documents, and he wants to withdraw them. Upon Court's inquiry, Deft. stated he will withdraw the matter today, but he wants the other upcoming matters to remain on calendar. COURT ORDERED, the hearings on January 24, 2017 and January 31, 2017 will STAND. CUSTODY 1/24/17 8:30 A.M. DEFT'S PRO PER MOTION TO DISMISS COUNSEL AND APPOINT NEW COUNSEL PLUS PRO PER FERRETTA RIGHTS 1/31/17 8:30 A.M. DEFT'S PRO PER NOTICE OF MOTION 6/13/17 8:30 A.M. CALENDAR CALL 6/20/17 1:30 P.M. TRIAL BY JURY;

01/24/2017  **Motion** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

Defendant's Pro Per Motion to Dismiss Counsel and Appoint New Counsel Plus Pro Per Ferretta Rights

MINUTES

Denied;

Journal Entry Details:

Deft. stated there is a conflict. Court asked Deft. if he put the issue in his papers. Deft. stated some issues were put in his papers; and stated he wants to talk to Mr. Frizzell, but he is not getting anything from his attorney or investigation done, it has been five months, Mr. Frizzell had spoken to him at the jail one time, when he calls Mr. Frizzell's office, the office says Mr. Frizzell is with a client, and there is no evidence that he committed these crimes. Deft. further stated his attorney has not done anything about his alibi, his car was in California during the alleged events, his bail is set for \$1,000,000.00, his attorney has not done anything about the charges, there were no medical records provided as to a witness, and Mr. Frizzell has not done anything about the issues he has. Court stated the only thing it is concerned

CASE SUMMARY

CASE NO. C-16-319021-1

about is Deft's claims about Mr. Frizzell not communicating with him. Mr. Frizzell advised his investigator and himself spoke with the garage owner, who speaks Spanish, and defense had also filed a writ in this case previously, however, it was not 21 days after the Preliminary Hearing was held. Court stated it knows about the deadlines and had considered the writ. Mr. Frizzell stated Deft. calls his office during the mornings when he is busy in Court. Deft. interrupted Mr. Frizzell. Court asked Deft. to please let his attorney talk; and reminded Deft. Mr. Frizzell had allowed him to speak earlier. Mr. Frizzell stated he did not file the notice of alibi, as he is still investigating Deft's alibi, the garage owner is not subject to subpoena power, the garage owner did not believe he has video surveillance at the shop anymore for the date at issue, defense can only do so much as to this investigation, this case takes a lot of investigative time, the garage is not across town in this jurisdiction either, arrangements need to be made, and defense needs more time to complete the investigation. Court suggested continuing this case one week for Mr. Frizzell to go visit Deft. at the jail and talk to him. Court advised Deft. if he does not accept the visitation, the Court will know about it. COURT ORDERED, Deft's pro per Motion DENIED as there is no legal basis. Court advised defense counsel to meet with Deft. to talk to him, and come back to Court to make further representations. Mr. Frizzell noted for the record that every time Deft. has a conflict with him on issues like this, the Deft. gives him written letters of apologies. CUSTODY 1/31/17 8:30 A.M. STATUS CHECK: VISITATION...DEFT'S PRO PER NOTICE OF MOTION 6/13/17 8:30 A.M. CALENDAR CALL 6/20/17 1:30 P.M. TRIAL BY JURY ;

SCHEDULED HEARINGS

Status Check (01/31/2017 at 8:30 AM) (Judicial Officer: Leavitt, Michelle)

Status Check: Visitation

01/31/2017 **Motion** (8:30 AM) (Judicial Officer: Leavitt, Michelle)


Defendant's Pro Per Notice Of Motion

Off Calendar;

01/31/2017 **Status Check** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

Status Check: Visitation

Off Calendar;

01/31/2017  **All Pending Motions** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

Matter Heard;

Journal Entry Details:

DEFT'S PRO PER NOTICE OF MOTION...STATUS CHECK: VISITATION Mr. Frizzell informed Court Deft. and himself had a good visit, there was miscommunication as to why defense was not able to speak with the alleged alibi witness, and Deft. has rectified the situation. Upon Court's inquiry, Deft. stated he will withdraw the Complaint with the State Bar of Nevada, he had a lot of things going through his head, being in custody, and both he and Mr. Frizzell resolved the issues. COURT ORDERED, matters OFF CALENDAR. CUSTODY 6/13/17 8:30 A.M. CALENDAR CALL 6/20/17 1:30 P.M. TRIAL BY JURY;

03/07/2017 **Motion to Dismiss** (8:00 AM) (Judicial Officer: Leavitt, Michelle)

Defendant's Pro Per Notice of Motion to Dismiss Counsel

Denied;

03/07/2017 **CANCELED Motion to Dismiss** (8:00 AM) (Judicial Officer: Leavitt, Michelle)


Vacated - Duplicate Entry

Defendant's Pro Per Motion To Dismiss Counsel & Represent Myself. He's Discriminating Against Me

03/07/2017 **Motion to Dismiss** (8:00 AM) (Judicial Officer: Leavitt, Michelle)

Defendant's Pro Per Motion To Dismiss Counsel And Replace Counsel And Appoint Defendant Pro Per Status

Denied;

03/07/2017  **All Pending Motions** (8:00 AM) (Judicial Officer: Leavitt, Michelle)

Matter Heard;

Journal Entry Details:

DEFENDANT'S PRO PER NOTICE OF MOTION TO DISMISS COUNSEL...DEFENDANT'S PRO PER MOTION TO DISMISS COUNSEL AND REPLACE COUNSEL, AND APPOINT DEFENDANT PRO PER STATUS Ms. Mendoza advised this case is assigned to Mr. Palal. Court TRAILED and RECALLED matter. Mr. Frizzell advised Mr. Palal provided the case file to Ms. Mendoza, and she can handle the case today. Thereafter, Mr. Frizzell informed Court Deft. gave him a written letter, which he calls a "love letter", which included a fake check made in the amount of \$250,000.00, further noting Deft. has a problem with him. Court reminded Deft. he is entitled to an appointed attorney, but not an appointed attorney by his choice. Deft. stated he called Mr. Frizzell 26 times, Mr. Frizzell has never talked to him; in the last six months, Mr. Frizzell called him twice, Mr. Frizzell is not doing anything he asks on the case, there is a conflict, and he does not even know what is going on with his case. Court advised Deft. he has not given the

CASE SUMMARY**CASE NO. C-16-319021-1**

Court a legal basis to dismiss Mr. Frizzell. Upon Court's inquiry, Mr. Frizzell confirmed he made contact with Deft. and had gone to visit him at the jail, further noting there were attempts made to get the alibi witness, last time this matter was before the Court. Defense counsel further added he told the Court all this last time, and now, the alibi witness is not panning out. COURT ORDERED, Motions to dismiss counsel DENIED. Deft. indicated he wants to represent himself. Court advised Deft. if he wants to represent himself, that is not a good idea. COURT FURTHER ORDERED, matter SET for hearing on Faretta Canvass. CUSTODY 3/16/17 8:00 A.M. FARETTA CANVASS 6/13/17 8:30 A.M. CALENDAR CALL 6/20/17 1:30 P.M. TRIAL BY JURY ;

03/16/2017

**Faretta Canvass (8:00 AM)** (Judicial Officer: Leavitt, Michelle)**03/16/2017, 03/23/2017****MINUTES**

Continued;

Matter Heard;

Journal Entry Details:

Court TRAILED this matter to end of the calendar. CASE RECALLED. Court reminded Deft. if he tries to be obstreperous again, it will continue the case to another day. Court also reminded Deft. it is not here to argue with him, or hear how great his case is; he is required to answer questions, and if he goes into a tangent, Court will stop the canvass and continue this matter. Court also told Deft. it is not trying to offend him or be offensive, as it is the Court's job to tell him what the pitfalls are and how bad it is for him to represent himself; and if he still wants to represent himself, Court will let him. Deft. acknowledged; and apologized to Court for his behavior at the last hearing. Court canvassed Deft. under Faretta. During canvass, Court reminded Deft. he can hire any attorney he wants, but he is not entitled to appointed counsel of his choice, and he cannot just file motions with no legal basis, just because he thinks he has a legal basis. State provided Deft's criminal history information. Court advised Deft. he will have stand-by counsel while representing himself. Deft. stated Mr. Frizzell will not answer any of his questions that he asks. Mr. Frizzell advised he answered every question Deft. asked, and the problem is, Deft. does not like the answer he gets. Mr. Frizzell further advised he received an offer, he spoke with Deft. about the offer, and Deft. did not want to take the deal, and thereafter, that was when Deft. decided he wanted to represent himself. Mr. Dickerson provided ranges of punishment for each Count Deft. is facing if convicted at trial, including habitual criminal status. Mr. Frizzell advised he notified the District Attorney to see if there can be an offer made at this time. Court reminded Deft. the consequences if convicted, and about the offer by State that was left open until foreseeable future. Court also reminded Deft. Mr. Frizzell does not just have one client. Upon inquiry by Deft, Court advised Deft. once he pleads guilty, the presumption of innocence is gone, and he would not be entitled to bail or own recognizance release. Upon Court's inquiry, Deft. stated he still wants to represent himself. Court made findings including that Deft. waived his right to be represented by counsel, freely and voluntarily. COURT ORDERED, Deft. is allowed to represent himself in this matter; Mr. Frizzell APPOINTED as stand-by counsel. Deft. requested to file motions this morning. COURT SO ORDERED. Deft's Affidavit To Dispute Facts In Evidence And Motion For Evidentiary Hearing Rule 104 (a) FILED IN OPEN COURT. Deft's Motion To Dismiss Based Upon Deft's Illegal Arrest FILED IN OPEN COURT. Deft's Alibi Motion Pursuant To NRS 174.233 FILED IN OPEN COURT. Deft's Motion To Obtain A Full Brady Discovery To Inspect All Evidence FILED IN OPEN COURT. Court reviewed these motions; and advised Deft. State made probable cause, and Court does not know what Rule 104 (a) is, further noting there was sufficient evidence found. Court advised Deft. it will set the matters for hearing, however, State has already addressed probable cause with Justice Court. Mr. Frizzell reminded Court he had filed a writ to address these issues previously. Court reviewed the motions further. Mr. Frizzell advised Deft. received discovery already. Deft. objected; and informed Court what he had received so far. Mr. Frizzell stated Deft. has been given everything he has had in his possession. Discussions as to traffic stop report Deft. is seeking. Court advised Deft. the police may not have made a report. Deft. requested a police report. COURT ORDERED, the motions filed in open Court today are SET for hearing. CUSTODY 4/13/17 8:30 A.M. DEFT'S AFFIDAVIT TO DISPUTE FACTS IN EVIDENCE AND MOTION FOR EVIDENTIARY HEARING RULE 104 (A)...DEFT'S MOTION TO DISMISS BASED UPON DEFT'S ILLEGAL ARREST...DEFT'S ALIBI MOTION PURSUANT TO NRS 174.233...DEFT'S MOTION TO OBTAIN A FULL BRADY DISCOVERY TO INSPECT ALL EVIDENCE 6/13/17 8:30 A.M. CALENDAR CALL 6/20/17 1:30 P.M. TRIAL BY JURY ;

Continued;

Matter Heard;

Journal Entry Details:

Court proceeded to canvass Deft. pursuant to Faretta. During plea canvass, Deft. looked around the Courtroom except at the Court when being addressed, he was unable to answer some of the Court's basic questions, and was also unable to recall or remember names of college courses or a workshop he claimed to have taken. Court asked Deft. if he wants to think about this some more, and come back at another date, if he cannot answer the Court's questions. Deft. claimed he represented himself in a District Court case. Upon Court's inquiry, Deft. explained he handled his own appeal in a criminal matter. Court clarified he did not represent himself, since he was never canvassed under Faretta in his other case. Deft. asked Court what the relevance was on some questions. Court advised Deft. it has to make a record. Court canvassed Deft. further. During canvass, Deft. was unable to answer the questions. Court advised Deft. if he cannot answer this Court's questions, it will continue this matter. Deft. stated he wants to do this today. Court canvassed Deft. further. Deft. was unable to answer questions or name an evidentiary rule. State provided possible ranges of punishment Deft. is facing on all charges. Deft. proceeded to argue with the Court. COURT ORDERED, matter CONTINUED. Court advised Deft. when he comes back and is able to answer the Court's question, this matter will

CASE SUMMARY
CASE NO. C-16-319021-1

proceed. CUSTODY 3/23/17 8:00 A.M. FARETTA CANVASS 6/13/17 8:30 A.M. CALENDAR CALL 6/20/17 1:30 P.M. TRIAL BY JURY;

SCHEDULED HEARINGS

Motion (04/13/2017 at 8:30 AM) (Judicial Officer: Leavitt, Michelle)

04/13/2017, 05/04/2017

Defendant's Motion To Obtain A Full Brady Discovery To Inspect All Evidence

04/13/2017 **Motion** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

04/13/2017, 05/04/2017

Defendant's Motion To Obtain A Full Brady Discovery To Inspect All Evidence

Continued;

Granted in Part;

Continued;

Granted in Part;

04/13/2017 **Motion** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

04/13/2017, 05/04/2017

Defendant's Alibi Motion Pursuant To NRS 174.233

Continued;

Matter Heard;

Continued;

Matter Heard;

04/13/2017 **Motion to Dismiss** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

04/13/2017, 05/04/2017

Def't's Motion To Dismiss Based Upon Def't's Illegal Arrest

Continued;

Denied;

Continued;

Denied;

04/13/2017 **Motion** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

04/13/2017, 05/04/2017


Def't's Affidavit to Dispute Facts In Evidence and Motion for Evidentiary Hearing Rule 104 (a)

Continued;

Matter Heard;

Continued;

Matter Heard;

04/13/2017  **All Pending Motions** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

Matter Heard;

Journal Entry Details:

Defendant Arnold Anderson is present in proper person. Mr. Frizzell appeared as stand-by counsel for Defendant. DEFENDANT'S MOTION TO OBTAIN A FULL BRADY DISCOVERY AND TO INSPECT ALL EVIDENCE COURT ORDERED as follows: 1. Police Report from Officer Hafen - Upon Court's inquiry, Mr. Schwartz confirmed a police report from Officer Hafen does not exist. 2. Officer A. Karas Report - Upon Court's inquiry, Mr. Schwartz confirmed there is no report from Officer A. Karas. Court advised Defendant the State cannot provide what does not exist. 3. Affidavit for warrant to search of the Camaro - Any search warrants will be turned over by State, if any. 4. Search warrant for Camaro - Any search warrants will be turned over by State, if any. 5. Affidavit and Summons for all suspects in Justice Court Case 16F14731, Department 5 - MOTION OFF CALENDAR as there are no other suspects. 6. Affidavit and Summons for all suspects in Case C319021-1 - MOTION DENIED because Defendant is the only suspect in this case. 7. Arrest warrant for Arnold Anderson and all suspects in Cases 16F14731X and C319021 - MOTION OFF CALENDAR as there was no arrest warrant, and the arrest occurred based on probable cause. 8. Affidavit and Summons for arrest warrant for Arnold Anderson - MOTION OFF CALENDAR as this does not exist. 9. Photo array issued by investigator Officer Valenzuela - Court NOTED a six pack of photos was produced in this case. COURT ORDERED, MOTION GRANTED as to six-pack photo line up; and State to turn over the photo line up. 10. Photo array - MOTION GRANTED as to photo line up; and State is to turn over the photo line up. 11. List of all witnesses expected to testify or have knowledge of the case - COURT ORDERED, State is to comply with NRS 174.234. Court NOTED State has already complied with the statute and turned over a witness list, and State has a continuing obligation, without the Court ordering State to provide a witness list. 12. List of witnesses interviewed by Plaintiff - MOTION DENIED as State is not required to provide this. 13. All documents relating to the investigation of this case - MOTION GRANTED to extent it is required by NRS 174.235. 14. A list of former or present agents of Plaintiff who

CASE SUMMARY

CASE NO. C-16-319021-1


have participated who will or who will not be called as a witness - State is to comply with statutory obligations and provide Defendant with a witness list. 15. Copies of pictures of Camaro seized on 9-5-16 by Officer Valenzuela - MOTION GRANTED as to pictures taken during this search; and State is to provide these pictures. 16. Case summary for Case 16F14731 - MOTION DENIED. 17. All photos involved in this case, all reports, any scientific test, copy of criminal proceedings of Arndaejjae Anderson - MOTION GRANTED only to extent that it is required by statute. State to prepare the order for this Motion. DEFENDANT'S MOTION TO DISMISS BASED UPON DEFENDANT'S ILLEGAL ARREST stated the time to challenge the sufficiency of evidence has come and gone. Defendant argued Mr. Frizzell did not do this in the writ, and did not challenge about him being arrested against his will. Defendant further argued about his arrest and search of the vehicle. Mr. Schwartz submitted on written response. COURT ORDERED, Motion DENIED. Defendant stated he did not receive State's Oppositions to the Motion. Court asked Defendant if he wants a copy of the Oppositions, prior to leaving Court today. Defendant stated yes. Court offered to grant a short continuance of the case, to allow time for Defendant to review the Oppositions. Defendant requested the additional time; and asked to file a reply. COURT SO ORDERED. Court suggested Mr. Frizzell to provide copies of State's responses to Defendant in the future; and Court advised Mr. Schwartz to serve copies of their responses and oppositions to Mr. Frizzell in the future as well. Defendant argued the Oppositions should not be considered. Court advised Defendant it is up to Court to decide whether it will consider the written oppositions; and based on what he put in front of the Court, it can rule on these motions. Court further advised Defendant it agrees with his objection about the Oppositions not being filed timely, and he can make any motion that is appropriate. Defendant requested Court to dismiss. Court advised Defendant it already denied his Motion to dismiss. Court TRAILED the case, to allow time for Defendant to review State's Oppositions; and copies were provided to Defendant in open Court. CASE RECALLED. Defendant stated it is unfair to proceed, as he did not get served with the Oppositions. COURT ORDERED, CASE CONTINUED; it will allow more time, until April 18, 2017 for Defendant to file reply or provide a verbal reply to Court at the next hearing. Court advised Defendant it agrees with him that State should have filed the Oppositions timely, and he should have been served with the Oppositions. DEFENDANT'S ALIBI MOTION PURSUANT TO NRS 174.233...DEFENDANT'S AFFIDAVIT TO DISPUTE FACTS IN EVIDENCE AND MOTION FOR EVIDENTIARY HEARING RULE 104 (A) At request of Defendant, COURT ORDERED, Motions CONTINUED to allow time for Defendant to either provide written replies to Court by April 18, 2017, or provide verbal replies to Court at the next scheduled hearing. Court addressed Defendant's other motions, scheduled for April 27, 2017. AS TO DEFENDANT'S PRO PER MOTION TO DISMISS KENNETH FRIZZELL / APPOINT ARNOLD ANDERSON PRO SE, COURT ORDERED, Motion OFF CALENDAR as Defendant is already representing himself. AS TO DEFENDANT'S PRO PER MOTION TO APPEAR PRO SE, 2:31, COURT ORDERED, Motion OFF CALENDAR as Court is already allowing Defendant to represent himself. Hearing scheduled for April 27, 2017 for the motions OFF CALENDAR. Defendant requested to file additional motions this morning; and COURT SO ORDERED. Defendant's Pro Per Motion To Suppress Counts 1, 2, And 3 Against Arnold Anderson FILED IN OPEN COURT. Defendant's Pro Per Notice Of Motion, and Writ of Habeas Corpus FILED IN OPEN COURT. COURT ADDITIONALLY ORDERED, the motions will be SET for hearing on the same date as the other motions. Copies of Defendant's Motions were provided to Defendant, State, and Mr. Frizzell in open Court. CUSTODY 5/04/17 8:30 A.M. DEFENDANT'S MOTION TO OBTAIN A FULL BRADY DISCOVERY TO AND INSPECT ALL EVIDENCE...DEFENDANT'S ALIBI MOTION PURSUANT TO NRS 174.233...DEFENDANT'S MOTION TO DISMISS BASED UPON DEFENDANT'S ILLEGAL ARREST...DEFENDANT'S AFFIDAVIT TO DISPUTE FACTS IN EVIDENCE AND MOTION FOR EVIDENTIARY HEARING RULE 104 (A)...DEFENDANT'S PRO PER MOTION TO SUPPRESS COUNTS 1, 2, AND 3 AGAINST ARNOLD ANDERSON...DEFENDANT'S PRO PER NOTICE OF MOTION, AND WRIT OF HABEAS CORPUS ;

04/27/2017 **CANCELED Motion to Dismiss** (8:30 AM) (Judicial Officer: Leavitt, Michelle)
Vacated - per Judge
Defendant's Pro Per Motion to Dismiss Kenneth Frizzell / Appoint Arnold Anderson Pro Se

04/27/2017 **CANCELED Motion** (8:30 AM) (Judicial Officer: Leavitt, Michelle)
Vacated - per Judge
Defendant's Pro Per Motion to Appear Pro Se 2:31

05/04/2017 **Motion** (8:30 AM) (Judicial Officer: Leavitt, Michelle)
Defendant's Pro Per Notice Of Motion, And Petition For Writ Of Habeas Corpus
Denied;

05/04/2017 **Motion to Suppress** (8:30 AM) (Judicial Officer: Leavitt, Michelle)
Defendant's Pro Per Motion to Suppress Counts 1, 2 and 3 Against Arnold Anderson
Denied;

05/04/2017  **All Pending Motions** (8:30 AM) (Judicial Officer: Leavitt, Michelle)
Matter Heard;
Journal Entry Details:

Deft. present in proper person. Mr. Frizzell is present as stand-by counsel for Deft. DEFT'S PRO PER NOTICE OF MOTION, DECLARATION, AND WRIT OF HABEAS CORPUS NRS 34.360 TO TEST LEGALITY OF MY ARREST,

CASE SUMMARY

CASE NO. C-16-319021-1

IT'S ILLEGAL NO ARREST WARRANT Deft. argued he disagrees with car stop and the procedure by the officer, he never received copies of the six pack photo lineup, there was no probable cause according to the Constitution, the arrest was illegal, the car stop was unconstitutional, and his Constitutional rights were violated. Mr. Schwartz submitted on written response; and noted the photo lineup was not a single photo, as there were six photos he attached to State's response. COURT ORDERED, Motion DENIED. DEFT'S PRO PER MOTION TO SUPPRESS COUNTS 1, 2 AND 3 AGAINST ARNOLD ANDERSON COURT ORDERED, Motion DENIED. DEFT'S MOTION TO OBTAIN A FULL BRADY DISCOVERY TO INSPECT ALL EVIDENCE Court determined this Motion was ruled on. Deft. argued he did not receive anything, nor the Opposition by State. Court advised Deft. the majority of the Motion was denied, and some things were granted. Court advised State Deft. is entitled to the photo lineups. Court provided copies of photo lineups from State's Opposition to Deft. in open Court. DEFT'S ALIBI MOTION PURSUANT TO NRS 174.233 Upon Court's inquiry, Deft. clarified this is his alibi notice. Court stated it does not have to rule on this, as this is the alibi notice to State of Nevada about individuals he is going to call as to his alibi. Deft. agreed. DEFT'S MOTION TO DISMISS BASED UPON DEFT'S ILLEGAL ARREST Upon Court's inquiry, Deft. stated his arguments for this Motion are the same as the other arguments. COURT ORDERED, Motion DENIED. DEFT'S AFFIDAVIT TO DISPUTE FACTS IN EVIDENCE AND MOTION FOR EVIDENTIARY HEARING RULE 104 (A) Court advised Deft. it is not quite sure of what he is seeking here, and usually there is a trial as the facts are disputed. Following discussions, Deft. stated he is disputing the way the charges are alleged, listing sexual assault and poison as the elements in the robbery charge under NRS 200.030 and 200.010, and those statutes do not match the police report. Court stated that is what trials are for. Court noted it does not believe there is anything to rule upon here. State to prepare the orders. Deft's Pro Per Motion To Compel State To Surrender Discovery, Deft's Pro Per Motion To Seek Handwriting Specialist NRS 50.275, and Deft's Pro Per Motion To Reconsider Motion To Dismiss were all FILED IN OPEN COURT. Court reviewed these three motions; and asked Deft. how he knew Court was going to deny his Motion to dismiss today, as he has a Motion to reconsider. Deft. stated Mr. Frizzell had told him the Court was going to deny all of his Motions today anyway, and Mr. Frizzell had also told him he was wasting his time filling his motions. Mr. Frizzell clarified that is not exactly what he said, and there was a reason behind what he said. Deft. told Mr. Frizzell he said the Court will deny them all, stop filing the Motions, and the Judge has a rubber stamp saying deny, deny, deny. Court stated it does not have any rubber stamp that says deny, deny, deny, and it will have the three Motions filed and set for hearing. Court stated it appears the Motions are a motion to reconsider motions that have been denied. Deft. stated last time the Court denied the motions, the Court did not give him a chance to argue them. Court advised Deft. he usually puts his arguments in his motions, and the Court allows him to speak in open Court. Deft. stated he understands, however, the Motion to dismiss was denied without the Court hearing his argument. Mr. Schwartz clarified the Motion was not denied at the last scheduled hearing, as Deft. received a copy of State's Opposition, and the Motion to dismiss was continued to today. Mr. Frizzell noted for the record what he had said to Deft. was if his motions do not have merit, which appear they do not have merit, the Court would deny them, and all Deft. was doing was making it more difficult for him to try to resolve his case. Deft. disagreed. Further discussions were made between Deft. and Mr. Frizzell. Court provided copies of Deft's three motions to State and Mr. Frizzell in open Court. Mr. Frizzell picked up his copies in the Courtroom, during Court's calendar. CUSTODY 5/25/17 8:30 A.M. DEFT'S PRO PER MOTION TO COMPEL STATE TO SURRENDER DISCOVERY...DEFT'S PRO PER MOTION TO SEEK HANDWRITING SPECIALIST NRS 50.275...DEFT'S PRO PER MOTION TO RECONSIDER MOTION TO DISMISS 6/13/17 8:30 A.M. CALENDAR CALL 6/20/17 1:30 P.M. TRIAL BY JURY ;

05/25/2017 **Motion to Reconsider (8:30 AM)** (Judicial Officer: Leavitt, Michelle)
Deft's Pro Per Motion to Reconsider Motion to Dismiss
Denied;

05/25/2017 **Motion (8:30 AM)** (Judicial Officer: Leavitt, Michelle)
Deft's Pro Per Motion to Seek Handwriting Specialist, NRS 50.275
Denied Without Prejudice;


05/25/2017 **Motion to Compel (8:30 AM)** (Judicial Officer: Leavitt, Michelle)
Deft's Pro Per Motion to Compel State to Surrender Discovery

MINUTES

Set Status Check;

SCHEDULED HEARINGS

Status Check (06/13/2017 at 8:30 AM) (Judicial Officer: Leavitt, Michelle)
Status Check: Discovery

05/25/2017  **All Pending Motions (8:30 AM)** (Judicial Officer: Leavitt, Michelle)
Matter Heard;
Journal Entry Details:

Deft. present in proper person; and Mr. Frizzell is present as stand-by counsel. DEFT'S PRO PER MOTION TO RECONSIDER MOTION TO DISMISS Upon Court's inquiry, Deft. stated he has nothing to add. COURT ORDERED, Motion DENIED, as Court is not inclined to reconsider. DEFT'S PRO PER MOTION TO SEEK HANDWRITING

CASE SUMMARY

CASE NO. C-16-319021-1

SPECIALIST, NRS 50.275 Court advised Deft. it is not sure why he wants this. Deft. stated the handwriting changed on police report and voluntary statement by Rhonda Robinson, and he believes the handwriting is forged based on review of the handwriting. Mr. Schwartz stated the officers filled out portion of the document. Court advised Deft. he can cross examine the witness, however, Court is not inclined to believe the handwriting is forged. COURT ORDERED, Motion DENIED. DEFT'S PRO PER MOTION TO COMPEL STATE TO SURRENDER DISCOVERY Court reminded Deft. it granted the discovery motion, and that motion was very specific. Deft. stated he did not receive anything. Mr. Schwartz confirmed State turned over the discovery to Mr. Frizzell. Mr. Frizzell stated he never received anything new, and he only brought the file for today's hearing today. Court advised Deft. it agrees counsel is required to turn over discovery, and it will set a status check hearing to make sure he gets everything. COURT ORDERED, status check hearing SET. DEFT S PRO PER NOTICE OF MOTION AND MOTION TO SUPPRESS FILED IN OPEN COURT. DEFT S PRO PER NOTICE OF MOTION AND MOTION TO DISMISS FILED IN OPEN COURT. DEFT S PRO PER NOTICE OF MOTION AND MOTION OF ALIBI WITNESS FILED IN OPEN COURT. DEFT S PRO PER NOTICE OF MOTION AND MOTION TO DISMISS STAND-BY COUNSEL KENNETH FRIZZELL FILED IN OPEN COURT. DEFT S PRO PER NOTICE OF MOTION AND MOTION TO DISMISS BASED ON MALICIOUS VINDICTIVE PROSECUTION FILED IN OPEN COURT. DEFT S PRO PER NOTICE OF MOTION AND MOTION TO OPPOSE STATE S OPPOSITION TO DISMISS FILED IN OPEN COURT. DEFT S PRO PER NOTICE OF MOTION AND MOTION FOR FULL BRADY DISCOVERY FILED IN OPEN COURT. DEFT S PRO PER NOTICE OF MOTION AND MOTION FOR FRANKS HEARING FILED IN OPEN COURT. DEFT S PRO PER NOTICE OF MOTION AND MOTION FOR EVIDENTIARY HEARING FILED IN OPEN COURT. DEFT S PRO PER NOTICE OF MOTION AND MOTION TO DISMISS STATE IS GUILTY OF BRIBE NRS 199.240 FILED IN OPEN COURT. DEFT S PRO PER NOTICE OF MOTION AND MOTION FOR WRIT OF HABEAS CORPUS TO TEST LEGALITY OF THIS ARREST FILED IN OPEN COURT. Court reviewed all these pro per Motions; and advised Deft. any writ of habeas corpus is not timely, as he has 21 days from initial appearance to file a writ, and that has already been ruled upon. Court further advised Deft. the time has expired on some relief he is seeking, and he cannot keep filing Brady motions, as Court had granted the Brady motion already. Deft. stated this is a different Motion, and he made a mistake. Court asked Deft. about the Motion to oppose State's Opposition to dismiss. Deft. stated it is his reply to his Motion to dismiss. Court addressed the Motion of alibi witness; and reminded Deft. he already filed an alibi notice. Thereafter, Court asked Deft. what is different about this Motion. Deft. stated it had heard the Court say it granted the Motion. Court advised Deft. the statute requires him to file a notice, however, it will not make a decision on whether or not he complied with the statute. COURT ORDERED, Deft's Pro Per Motions SET for hearing. Mr. Frizzell requested copies of motions Deft. filed in open Court this morning, and for the copies to be provided to him by e-mail or by fax. COURT SO ORDERED. Mr. Schwartz noted for record an offer was made. Mr. Frizzell concurred; and stated there is an agreement being looked at, the issue is on the argument cap for State, and the offer has not been finalized yet. Court advised Deft. Mr. Frizzell is still trying to work on an offer, and Court wants to make sure Mr. Frizzell conveys the offer to him, as he has the right to be told what the offer is. Deft. acknowledged. CUSTODY 6/13/17 8:30 A.M. STATUS CHECK: DISCOVERY...DEFT S PRO PER NOTICE OF MOTION AND MOTION TO SUPPRESS...DEFT S PRO PER NOTICE OF MOTION AND MOTION TO DISMISS...DEFT S PRO PER NOTICE OF MOTION AND MOTION TO DISMISS STAND-BY COUNSEL KENNETH FRIZZELL...DEFT S PRO PER NOTICE OF MOTION AND MOTION TO DISMISS BASED ON MALICIOUS VINDICTIVE PROSECUTION...DEFT S PRO PER NOTICE OF MOTION AND MOTION TO OPPOSE STATE S OPPOSITION TO DISMISS...DEFT S PRO PER NOTICE OF MOTION AND MOTION FOR FULL BRADY DISCOVERY...DEFT S PRO PER NOTICE OF MOTION AND MOTION FOR FRANKS HEARING...DEFT S PRO PER NOTICE OF MOTION AND MOTION FOR EVIDENTIARY HEARING...DEFT S PRO PER NOTICE OF MOTION AND MOTION TO DISMISS STATE IS GUILTY OF BRIBE NRS 199.240...DEFT S PRO PER NOTICE OF MOTION AND MOTION FOR WRIT OF HABEAS CORPUS TO TEST LEGALITY OF THIS ARREST ;

06/13/2017 **Calendar Call** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

MINUTES

Vacated and Reset;

SCHEDULED HEARINGS

Calendar Call (07/25/2017 at 8:30 AM) (Judicial Officer: Leavitt, Michelle)

CANCELED Jury Trial (08/01/2017 at 1:30 PM) (Judicial Officer: Leavitt, Michelle)

Vacated - per Judge

06/13/2017 **Status Check** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

Status Check: Discovery

Matter Heard;

06/13/2017 **Motion to Suppress** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

Deft's Pro Per Motion to Suppress

Denied;

06/13/2017 **Motion to Dismiss** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

Deft's Pro Per Motion To Dismiss Case Is Double Jeopardy

CASE SUMMARY
CASE NO. C-16-319021-1

	Denied;
06/13/2017	Motion to Dismiss (8:30 AM) (Judicial Officer: Leavitt, Michelle) <i>Deft's Pro Per Motion to Dismiss Stand-By Counsel Kenneth Frizzell</i> Denied;
06/13/2017	Motion to Dismiss (8:30 AM) (Judicial Officer: Leavitt, Michelle) <i>Deft's Pro Per Motion to Dismiss Based On Malicious Vindictive Prosecution</i> Denied;
06/13/2017	Motion (8:30 AM) (Judicial Officer: Leavitt, Michelle) <i>Deft's Pro Per Motion to Oppose State's Opposition to Dismiss</i> Denied;
06/13/2017	Motion for Discovery (8:30 AM) (Judicial Officer: Leavitt, Michelle) <i>Deft's Pro Per Motion for Full Brady Discovery</i> Previously Granted;
06/13/2017	Motion (8:30 AM) (Judicial Officer: Leavitt, Michelle) <i>Deft's Pro Per Motion for Franks Hearing</i> Denied;
06/13/2017	Motion (8:30 AM) (Judicial Officer: Leavitt, Michelle) <i>Deft's Pro Per Motion for Evidentiary Hearing</i> Denied;
06/13/2017	Motion to Dismiss (8:30 AM) (Judicial Officer: Leavitt, Michelle) <i>Deft's Pro Per Motion to Dismiss State Is Guilty of Bribe NRS 199.240</i> Denied;
06/13/2017	Motion (8:30 AM) (Judicial Officer: Leavitt, Michelle) <i>Deft's Pro Per Motion For Writ of Habeas Corpus to Test the Legality of This Arrest</i> Denied;
06/13/2017	 All Pending Motions (8:30 AM) (Judicial Officer: Leavitt, Michelle) Matter Heard; Journal Entry Details: <i>Deft. is present in proper person. Mr. Frizzell is present as stand-by counsel. CALENDAR CALL Upon Court's inquiry, Deft. stated he is ready for trial. Mr. Schwartz advised State will be asking for a short continuance, due to both Mr. Palal and himself being set for different trials next week; further noting Mr. Palal has an invoked murder trial date set for next week. Mr. Schwartz added he himself, would like to at least try the case, due to the amount of work he has put in, and due to having met with the named victim regarding the case. Deft. objected to trial continuance; and asked if the request to continue trial needs to be in writing. Court clarified it can grant a continuance due to good cause and State's representations. Deft. stated this is the second continuance he had already, and he is ready for trial. COURT ORDERED, State's motion to continue trial GRANTED; trial date VACATED AND RESET. Mr. Frizzell advised he has a robbery with use case set for trial in Dept. 8, with multiple defendants. Court asked before it sets a trial date, why don't people tell the Court what their scheduling conflicts are. Upon Court's inquiry, Mr. Frizzell stated he may have a conflict that week, as it may be a two week trial. COURT ORDERED, trial date RESET. STATUS CHECK: DISCOVERY Mr. Schwartz advised Mr. Palal provided discovery, and Mr. Frizzell provided the discovery to Deft. Deft. argued he is missing photos the crime scene analyst took inside the vehicle. Upon Court's inquiry, Mr. Schwartz advised all the photos and all statements that the State has, were provided. Discussions. Mr. Frizzell advised from the CD that was turned over, all the paperwork was given to Deft. by the investigator, either yesterday or the day before. Court asked Mr. Frizzell to look at discovery, and see if there are photos from inside the vehicle, and if there are more photos, to please provide them to Deft. Deft. objected; and argued he never received oppositions by the State. Court advised Deft. it does not need an opposition to rule on these motions, and it can rule on the motions based on his pleadings alone. DEFT'S PRO PER MOTION TO RECONSIDER MOTION TO DISMISS Deft. argued there was no probable cause, or nothing established. Court stated it read the police reports, and is satisfied that there was probable cause. COURT ORDERED, Motion DENIED. DEFT'S PRO PER MOTION TO COMPEL COURT ORDERED, Motion MOOT. DEFT'S PRO PER MOTION TO SEEK HANDWRITING SPECIALIST Deft. argued regarding issues in police report, and about the witness statement. Court reminded Deft. it will allow him to cross examine those witnesses about the statement, however, there is nothing wrong with somebody else writing down what a witness says. COURT ORDERED, Motion DENIED WITHOUT PREJUDICE. DEFT'S PRO PER MOTION TO SUPPRESS Court advised Deft, upon review of the pleadings, his arguments are the same throughout, which is okay, however, the Court is trying</i>

CASE SUMMARY

CASE NO. C-16-319021-1

to figure out what he is seeking to suppress, and what he wants Court to do. Court further advised Deft. it knows he thinks because another person in Juvenile Court pled guilty and was convicted, for what he believes are for the same set of facts for the same victim, however, that does not prevent State from pursuing him; the Court knows Deft. thinks it is double jeopardy, however, this is not double jeopardy, and that seems to be the theme here. Court further advised Deft. if he wants to discuss it further, go ahead; and Court assumes the person from Juvenile Court who entered the plea, is the person he is talking about in the motion. Deft. made arguments about the charges. Court advised Deft. the other case does not affect him in any way. Upon Court's inquiry, Mr. Schwartz advised he does not know if the juvenile Deft. is going to testify. Further discussion. CONFERENCE AT BENCH. Court advised Deft. that witness may come in and testify, and he will be permitted to cross examine this witness, or ask the witness if State made her any promises, or if State has given her any benefits. Upon Court's inquiry about promises or benefits, Mr. Schwartz confirmed no. COURT ORDERED, Motion DENIED. Prior to Court's ruling, Deft. indicated to the Court it is the same argument he made earlier. DEFT'S MOTION TO DISMISS CASE IS DOUBLE JEOPARDY Upon Court's inquiry, Deft. stated this is the same argument as the Motion to suppress. COURT ORDERED, Motion DENIED. DEFT'S PRO PER MOTION TO DISMISS STAND-BY COUNSEL KENNETH FRIZZELL Court reminded Deft. Mr. Frizzell is stand-by counsel, Mr. Frizzell is to stand by and facilitate any questions he has, or help get him witnesses here, or assist him on getting prepared, and Mr. Frizzell is to make sure he gets discovery; Mr. Frizzell is not to argue the case or represent him, the Court does not require Mr. Frizzell prepare for trial, and Court can have him sit in the first row behind the table, if Deft. wants, and he does not have to like Mr. Frizzell or get along with Mr. Frizzell, however, Court will not dismiss Mr. Frizzell from this case. Court further advised Deft. it saw what he did in the motion, it is not sure if District Court or State Court has jurisdiction on his complaint, however, it is sure this will be addressed by another judge in another department. Deft. stated he was seeking to file a lawsuit against Mr. Frizzell. Court advised Deft. it thinks that is what he did, to try to get Mr. Frizzell off the case, however, Court is not going to dismiss Mr. Frizzell. COURT ORDERED, Motion DENIED. DEFT'S PRO PER MOTION TO DISMISS BASED ON MALICIOUS VINDICTIVE PROSECUTION Deft. argued regarding the prosecutor, and there being no basis for his arrest. Court reminded Deft. he was arrested based on probable cause and NRS 171.124, and that was the legal basis of his arrest. Deft. argued the charges were not filed in a timely fashion. COURT ORDERED, Motion DENIED. DEFT'S PRO MOTION TO OPPOSE STATE'S OPPOSITION TO DISMISS Court NOTED this Motion was previously addressed at the last hearing. DEFT'S PRO PER MOTION FOR FULL BRADY DISCOVERY Court reminded Deft. it granted this Motion, and indicated the State is to turn over all Brady material. DEFT'S MOTION FOR EVIDENTIARY HEARING Court advised Deft. it is not sure what he wants the evidentiary hearing on, so it will allow him to address the Court. Deft. argued he has the right to challenge evidence and the charges. Deft. further argued as to NRS 200.010 and the word 'poison' listed in the statute. Court stated it is not sure what he is talking about, it is difficult for Court to understand some of this in his Motion, and Court is doing its best. Deft. made further arguments about the elements of charge. Court advised Deft. the State is not charging him with poisoning anybody, and he is to look at the charging document. COURT ORDERED, Motion for evidentiary hearing DENIED. DEFT'S PRO PER MOTION FOR FRANKS HEARING Deft. argued about probable cause finding being insufficient, items in vehicle having been seized, affidavit, and warrant. Deft. further stated the officer did not know what was in the vehicle, and items needed to have been described. Court advised Deft. the witness can tell the Judge what they expect to find. Deft. further argued about the testimony made at Preliminary Hearing. Court advised Deft. he can take this up on cross examination, and if he wants to file a motion to suppress based on the Fourth Amendment, Court suggests that this is what he would do. COURT ORDERED, Motion DENIED. DEFT'S PRO PER MOTION TO DISMISS STATE IS GUILTY BRIBE NRS 199.240 Court advised Deft. it appears he believes the State has bribed a witness. Deft. argued as to the witness being a juvenile, NRS 62B.390, and certification of child. Deft. argued this witness should have been tried as an adult. Court asked who the witness was. Mr. Schwartz confirmed the juvenile witness is Deft's daughter. Deft. argued the State bribed her. Court advised Deft. State is allowed to enter into plea bargains, and he is permitted to cross examine any witness regarding that; Court is not sure what Deft. is trying to do, the Court did not preside over the juvenile's case, and it only knows what Deft. has told the Court. Upon Court's inquiry, Mr. Schwartz advised Mr. Palal handled that aspect of it, and his understanding is, the witness was not charged as an adult, and the witness spoke to the State about what happened in this case. Court confirmed State left the witness's case in Juvenile Court. COURT ORDERED, Deft. is permitted to cross examine anybody at time of trial, about this issue. DEFT'S PRO PER MOTION FOR WRIT OF HABEAS CORPUS TO TEST THE LEGALITY OF THIS ARREST Court reminded Deft. he had 21 days from first appearance in District Court to file the writ, and the writ was already filed. Upon further inquiry by Deft, Court reminded Deft. again about the 21 day rule; and stated he already filed the Petition, he cannot just keep filing this Motion, the Petition was denied, he has one time to challenge the evidence, pre-conviction, and he did this already. COURT ORDERED, Motion DENIED as being untimely. DEFT'S PRO PER MOTION FOR ALIBI WITNESSES Upon Court's inquiry, Deft. confirmed this is duplicative. SO NOTED. State to prepare order. CUSTODY 7/25/17 8:30 A.M. CALENDAR CALL 8/01/17 1:30 P.M. TRIAL BY JURY ;

06/20/2017 CANCELED Jury Trial (1:30 PM) (Judicial Officer: Leavitt, Michelle)
Vacated - per Judge

07/25/2017 Calendar Call (8:30 AM) (Judicial Officer: Leavitt, Michelle)

MINUTES

Vacated and Reset;

SCHEDULED HEARINGS

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. C-16-319021-1



Calendar Call (08/22/2017 at 8:30 AM) (Judicial Officer: Leavitt, Michelle)
CANCELED Jury Trial (08/29/2017 at 1:30 PM) (Judicial Officer: Leavitt, Michelle)
Vacated - per Judge

07/25/2017 **Motion for Own Recognizance Release/Setting Reasonable Bail** (8:30 AM) (Judicial Officer: Leavitt, Michelle)
Defendant's Motion for Bail Reduction or Release
 Denied;

07/25/2017 **Motion** (8:30 AM) (Judicial Officer: Leavitt, Michelle)
Defendant's Motion to Have all Audio Interviews Played and Used In Trial of Witnesses
 Denied;

07/25/2017 **All Pending Motions** (8:30 AM) (Judicial Officer: Leavitt, Michelle)
 Matter Heard;
 Journal Entry Details:
Def. is present in proper person. Mr. Frizzell is present as stand-by counsel for Def. Court advised Def. it read this Motions. DEFT'S MOTION TO HAVE ALL AUDIO INTERVIEWS PLAYED AND USED IN TRIAL OF WITNESSES Court asked Def. what this Motion means; and stated this is not done, as there is no rule or mechanism that allows him to play a bunch of audio interviews, and this is why there are trials. Court asked Def. what he is trying to do. Upon inquiry by Def, Court confirmed audio interviews can be used for impeachment purposes. Court told Def. his Motion appears to be asking Court to bring a jury in Court, press play, and have the Jury listen to audio interviews; and this is not going to be done, however, if at any time Def. wants to use the audio for impeachment purposes, he may use it for impeachment purposes. Court advised Def. he has the transcripts and audio recordings, however, Court will not listen to all audio recordings during trial from start to finish. COURT ORDERED, Motion DENIED. DEFT'S MOTION FOR BAIL REDUCTION OR RELEASE Def. requested standard bail. Discussions as to bail having been raised while the case was in Justice Court. Mr. Balal opposed bail reduction; and argued as the crime being violent, and Def's prior felony record. COURT ORDERED, Motion DENIED as to release or bail reduction. CALENDAR CALL Discussion as to Motions scheduled for August 1, 2017. Mr. Frizzell advised he provided a copy of proposed Guilty Plea Agreement to Def. for review, which State gave him earlier, further noting arguing the Motions may be moot if Def. is considering the plea agreement. Mr. Palal provided the offer on the record, being one count of battery with use of deadly weapon, and State retaining right to argue, and not seeking habitual treatment. Upon Court's inquiry, Def. confirmed he is not accepting the offer. Mr. Palal confirmed State will revoke the offer right now. SO NOTED. Court advised Def. it does not appear State will make the offer again, as State is ready to go to trial. Court advised parties it will not be able to try the case next week, as it has two cases set to go, and it will reset the trial to be heard as early as it can. Court further stated it will not send the case to Overflow, as Court does not think it is fair to send a case with a pro per defendant to Overflow. Mr. Palal estimated 10-12 witnesses, and 3-4 days for trial. Mr. Frizzell stated he is scheduled to start trial in front of Judge Smith on August 29, 2017, with a defendant in custody, and it is a waived case. Court advised counsel Def. has been in custody for a long time. COURT ORDERED, trial date VACATED AND RESET. Thereafter, Court advised Mr. Frizzell to come back in front of the Court, if he is not able to be here for trial. Court stated there are motions set for August 1, 2017. Court advised Def. a lot of those motions appear to be the same motions this Court has heard either once or twice, and it hopes this is not the third time this Court is hearing them. Def. stated he has not received pictures of the Camaro or crime scene photos. Mr. Palal provided black and white copies of photos to Mr. Frizzell, which were provided to Def. by Mr. Frizzell in open Court. Def. stated he wants colored copies of the photo line-up. Mr. Palal stated he will get colored copies of the line ups to Mr. Frizzell for Def. Court advised Def. Mr. Frizzell can inspect the items in State's file. Upon Court's inquiry, Mr. Frizzell confirmed that has been done at least one other time, in other prior trial settings, and if there is anything new, he will contact the State. Mr. Palal stated he will provide anything new to Mr. Frizzell, upon review of the file and detective's file again. Court advised Def. Mr. Frizzell will make sure to provide anything new to him. Def. talked about wanting notice of custodian of records, dispatch and jail records. Mr. Palal stated he will make sure information is provided to Mr. Frizzell. After Mr. Palal and Mr. Frizzell left the Courtroom, and during Court's calendar, Def. submitted additional Motions to the Court. Def's Pro Per Notice Of Motion And Motion To Change Judge FILED IN OPEN COURT. Def's Pro Per Notice Of Motion And Motion To Remand Back To Justice Court NRS 171.206 Probable Cause Not Met FILED IN OPEN COURT. Def's Pro Per Notice To Subpoena Witnesses FILED IN OPEN COURT. Court reminded Def. he knows Mr. Frizzell can have witnesses subpoenaed for him. Def. stated he knows, however, nobody from Mr. Frizzell's office has called him back, and his office will not take his calls. CUSTODY 8/01/17 8:30 A.M. DEFT'S MOTION TO SUPPRESS ALL CONTENTS FOUND IN CAMERA AND EVERYTHING ASSOCIATED WITH EVENT NUMBER 160823-3561...DEFT'S MOTION TO INSPECT ALL EVIDENCE IN DISCOVERY...DEFT'S MOTION TO DISMISS ARREST...DEFT'S MOTION FOR COURT TO APPOINT PRIVATE INVESTIGATOR AND PAY FOR IT 8/22/17 8:30 A.M. CALENDAR CALL 8/29/17 1:30 P.M. TRIAL BY JURY ;

08/01/2017 **CANCELED Jury Trial** (1:30 PM) (Judicial Officer: Leavitt, Michelle)
Vacated - per Judge

08/08/2017

CASE SUMMARY

CASE NO. C-16-319021-1

**Motion to Disqualify Judge** (9:03 AM) (Judicial Officer: Gonzalez, Elizabeth)

Denied;

Journal Entry Details:

Motion advanced from the August 11, 2017 chambers calendar. See Order Denying Motion to Disqualify filed on August 8, 2017.;

08/22/2017

**Calendar Call** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

Trial Date Set;

Journal Entry Details:

Prior to Court taking the Bench, Deft. and Mr. Frizzell were conversing in the Courtroom, and Deft. yelled at Mr. Frizzell. Deft. is present in proper person. Mr. Frizzell is present as stand-by counsel for Deft. State's Notice Of Intent To Seek Punishment As A Habitual Criminal / Felon FILED IN OPEN COURT. Mr. Palal addressed the notice; and requested Court to ~~re~~canvass Deft. Thereafter, Court canvassed Deft. about the notice having been filed. During canvass, Deft. objected; and stated he disputes the charges. Court advised Deft. if State was to seek habitual treatment, State would be required to prove up all the prior felonies. Upon Court's inquiry, Deft. stated he objects to the notice. Upon Court's inquiry, Mr. Palal advised State's intention is to seek a life sentence. Court canvassed Deft. further about the notice and all the ranges of punishment he is facing if convicted. Court told Deft. this is significant and has become more serious; and asked Deft. if he still wants to proceed on his own. Deft. stated yes. Upon Court's inquiry, Deft. stated he is ready to go to trial. Mr. Palal informed Court State is ready; and estimated 4 days for trial, with 8-10 witnesses. COURT ORDERED, trial date SET. Mr. Frizzell advised Mr. Palal had told him yesterday that the offer, previously revoked, was back on the table, for him to let Deft. know about it, which was battery with use with substantial bodily harm; and State would not seek habitual treatment, and would retain right to argue. Mr. Frizzell added this was presented to Deft, and Deft. turned it down. Upon Court's inquiry, Deft. stated the offer was not conveyed to him. At request of Court, State provided the offer again on the Record; and noted the State would not oppose 2 to 15 years in Nevada Department of Corrections (NDC). Upon Court's inquiry, Deft. confirmed he is rejecting the offer, and wants to proceed to trial. SO NOTED. Deft. stated there were motions he filed set for August 1, 2017, and they have not been addressed. COURT ORDERED, Motions RESET to be heard on date of trial. Court reminded Deft. it heard several discovery motions, and if there is something he is lacking for discovery, ask for it now. Deft. requested the auto repair receipt; and stated Mr. Frizzell has this. Court told Deft. this is not a discovery motion; and he can ask Mr. Frizzell to give it to him. Deft. stated Mr. Frizzell's office will not accept his calls from the jail. Court asked Mr. Frizzell to make sure Deft. gets a copy of this receipt. Mr. Frizzell stated he will provide it. Deft. objected. Court told Deft. Mr. Frizzell is going to do what Court asked; and reminded Deft. he is going to treat everyone in the Courtroom with respect, whether he likes it or not, and Court is going to demand it. Court further reminded Deft. everyone is going to treat him with respect, and Court expects the same in return from him, he is not going to yell at anybody or tell anybody to get away from him, and none of this is going to be tolerated, whether this Court is in the Courtroom or not. Deft. acknowledged. Upon Court's inquiry about whether there is anything else as to discovery, Deft. requested the victim's medical file; and stated he wants to see them, the medical injuries sustained, and review the battery charges. Deft. further stated he does not know if there is evidence to support the substantial bodily harm, and does not know how he can defend himself against the charge, if he does not know what is in the medical file. Mr. Palal advised records were received, State was not required to get them, and it was up to State to turn them over to Court. Deft. stated he asked for the plea agreement for the other person who was convicted in the separate case, State is choosing not to turn it over, and his opinion is this is exculpatory evidence. Court told Deft. multiple people can be convicted of crimes resulting from same set of facts. Upon inquiry by Deft, Court told Deft. that case does not have to be in the same courtroom, and he does not seem to understand this. Upon Court's inquiry, Mr. Palal stated he is sure he can get the plea agreement from Juvenile Court. Court noted that document is not a public record. COURT ORDERED, State to provide the plea agreement from juvenile case to this Court, and Court will allow Deft. to review the document, however, it will not allow Deft. to possess it. Deft. stated he does not know what custodian of records from Metro or custodian of records from the jail means, on the witness list, and he needs to know what they are, for his defense. Mr. Palal advised State listed custodian of records for both entities on the witness list, and does not anticipate calling those particular witnesses, further noting State turned over all jail calls to Mr. Frizzell. Mr. Frizzell stated he cannot give Deft. the disc, and thinks his investigator went over to the jail about this. COURT ORDERED, the investigator will go over to see Deft, and make sure Deft. listens to the jail calls. Deft. talked about crime scene photos; and stated they were not provided. Court noted the photos have been turned over. Mr. Palal also confirmed these photos were turned over to Mr. Frizzell. Court stated it is trying to be patient, however, it cannot talk about the same things every single time; and it knows this has been represented to Court that these photos were turned over to Deft. Mr. Frizzell confirmed photos have been turned over to Deft. Deft. stated he would not be asking for them, if he had received them. Mr. Palal offered to provide the same discovery that was provided to Mr. Frizzell, to this Court. Court stated the solution is to make sure Deft. has them. Mr. Frizzell stated Deft. should have them. Court stated it needs to know unequivocally. Mr. Frizzell stated photos were turned over to Deft. two times, and when Deft. says he does not have anything again, he will give them to him again. Further discussions were made about State providing discovery to Mr. Frizzell, to give to Deft. Mr. Frizzell stated he went through the file, he found the requested repair receipt, and he provided a copy to State. Thereafter, Deft. was provided the copy of the receipt by Mr. Frizzell in open Court. Deft. stated the problem is Mr. Palal is saying he is giving items to Mr. Frizzell, Mr. Frizzell is saying he gave items to investigator to give to him, and Mr. Frizzell cannot confirm what somebody else is bringing over. Court asked if there was anything else. Deft. stated on the report, the victim got text messages from the suspect in this case, State said there

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are text messages, and he would like to review them. Mr. Palal confirmed State turned those over to Mr. Frizzell. Mr. Frizzell stated he will go back and double check, further noting his investigator is good about having defendants sign a receipt, every time he takes stuff over to them at the jail. Court asked Mr. Frizzell to provide a copy of signed receipts, to make the record clear. Deft. stated the investigator gave him a phone bill and not text messages. Upon Court's inquiry, Mr. Palal advised State turned over text messages, and there is a thick record of phone records he did not go through, however, all have been scanned and turned over to Mr. Frizzell. COURT ORDERED, Mr. Frizzell to provide text messages to Deft; and for purposes of the record, Mr. Frizzell is also to provide copies of the signed receipts to the Court. Deft. stated he wants the ballistic reports. Mr. Palal confirmed all forensic reports were turned over to Mr. Frizzell. Mr. Frizzell stated he will double check this. When Court adjourned, Deft. apologized to Court for his behavior in the Courtroom earlier. CUSTODY 8/28/17 10:30 A.M. DEFT'S MOTION TO DISMISS FOR UNNECESSARY DELAYS FOR TRIAL...DEFT'S MOTION TO SUPPRESS ALL CONTENTS FOUND IN CAMARO AND EVERYTHING ASSOCIATED WITH EVENT NUMBER 160823-3561...DEFT'S MOTION TO INSPECT ALL EVIDENCE IN DISCOVERY...DEFT'S MOTION TO DISMISS ARREST...DEFT'S MOTION FOR COURT TO APPOINT PRIVATE INVESTIGATOR AND PAY FOR IT...TRIAL BY JURY ;

08/28/2017 **Motion** (10:30 AM) (Judicial Officer: Leavitt, Michelle)
Defendant's Motion for Court to Appoint Private Investigator and Pay for It
Matter Heard;

08/28/2017 **Motion** (10:30 AM) (Judicial Officer: Leavitt, Michelle)
Defendant's Motion to Dismiss Arrest
Denied;

08/28/2017 **Motion** (10:30 AM) (Judicial Officer: Leavitt, Michelle)
Defendant's Motion to Inspect All Evidence In Discovery
Previously Granted;

08/28/2017 **Motion** (10:30 AM) (Judicial Officer: Leavitt, Michelle)
Defendant's Motion to Suppress all Contents Found In Camaro & Everything Associated With Event Number 160823-3561
Denied;

08/28/2017 **Motion to Dismiss** (10:30 AM) (Judicial Officer: Leavitt, Michelle)
Defendant's Motion to Dismiss for Unnecessary Delays for Trial
Denied;

08/28/2017  **Jury Trial** (10:30 AM) (Judicial Officer: Leavitt, Michelle)

08/28/2017-09/01/2017

Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Verdict;
Journal Entry Details:

Deft. is present in proper person. Mr. Frizzell is present as stand-by counsel for Deft. OUTSIDE PRESENCE OF JURY: Mr. Frizzell advised his investigator was able to make contact again with Deft's sister, and Deft. was also able to get in contact with his sister by phone at the jail, pursuant to Court's order, and Deft's sister is not coming to Court. Deft. stated it was last minute notice, and his sister has transportation problems. Deft. further stated due to him being on suicide watch, he did not have access to a phone. Court reminded Deft. he did have access to the phone before trial, and he has Mr. Frizzell who is clearly doing what he can to get witnesses here for him. Deft. stated the jail was on lockdown Monday, and he was placed on suicide watch on Tuesday. Court reminded Deft. he was given everything he had asked for, to get witnesses here. Deft. stated his sister is not coming. Court stated Juror No. 6 was late this morning, and she is on her way, the Court had the juror notified, and the juror responded and had said she thought she was ordered to be here at 10:30 A.M., and not 8:30 A.M. Court stated it will provide breakfast to the Jury panel upon their arrival. Court went over every instruction with the State and Deft. in the courtroom. Upon Court's inquiry, Deft. stated he had an opportunity to over the instructions in the courtroom earlier. Discussions as to Carter instruction not being included. JURY INSTRUCTIONS SETTLED. VERDICT FORM APPROVED. Deft. made objections to Court. Deft. was admonished of his rights to testify and not testify. Mr. Palal provided Deft's criminal history information to Court. Deft. made objections; and stated the criminal history is not accurate. Further discussions. Court advised Deft. State can ask him about the prior felony conviction from 2004, but no details would be gone into. Deft. stated he is scared and will think about whether he will testify. SO NOTED. JURY PRESENT: Court thanked the Jury for being here. Testimony and Exhibits presented (See Worksheets.). State rested. OUTSIDE PRESENCE OF JURY: Mr. Palal advised he had his investigator pull information about when Deft. was in custody, including release date on the prior

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felony conviction. Court's Exhibits presented (See Worksheets.). COURT ORDERED, Deft's prior criminal case from 2004 is admissible upon Deft. testifying. Lunch break. OUTSIDE PRESENCE OF JURY: Upon Court's inquiry, Deft. stated he will not be testifying. SO NOTED. Upon Court's inquiry, Deft. requested the Carter instruction be included in the Jury Instructions. COURT SO ORDERED. COURT TRAILED AND RECALLED matter. The Carter instruction was included in the final jury instructions by Court. JURY INSTRUCTIONS SETTLED. Mr. Frizzell requested a copy of the Verdict form be provided to Deft, and COURT SO ORDERED. Clerk provided a copy of Verdict form to Mr. Frizzell. JURY PRESENT: Deft. rested. Court instructed Jury on the law. Closing arguments by State. Deft. made closing arguments to Jury. Marshal and Matron SWORN by Clerk to take charge of the Jury. Alternate Jurors were identified and instructed by Court. At the hour of 1:18 P.M., the Jury retired to deliberate. Jury deliberating. 5:41 P.M.-- OUTSIDE PRESENCE OF JURY: Court reconvened with all parties present from before. Deft. stated he noticed one of the jurors, being an older gentleman, had shrugged his shoulders, when he was stating his closing arguments, and he believes that juror may be prejudicial to him. Discussions. Court noted the objections. JURY PRESENT, AND RETURNED VERDICTS AS FOLLOWS: COUNT 1 - GUILTY OF ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (F); COUNT 2 - NOT GUILTY OF ROBBERY WITH USE OF A DEADLY WEAPON (F); and COUNT 3 - GUILTY OF BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM (F). Jury was polled. Court thanked and discharged the Jury from trial proceedings. OUTSIDE PRESENCE OF JURY: COURT ORDERED, matter REFERRED to Parole and Probation (P&P), and SET for sentencing. Court asked if parties wanted to address custody status. Mr. Palal requested Deft. to remain in custody; and noted the current bail setting is adequate. Deft. requested reduction of bail. COURT ORDERED, Deft's request for bail reduction DENIED. Deft. will remain in custody pending sentencing. Court adjourned. TRIAL ENDS. CUSTODY 10/24/17 8:30 A.M. SENTENCING (JURY VERDICT) / DISMISSAL OF COUNT 2 ;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Verdict;

Journal Entry Details:

Deft. present in proper person. Mr. Frizzell is present as stand-by counsel for Deft. OUTSIDE PRESENCE OF JURY: Upon Court's inquiry, Deft. stated he is not ready to go, due to his state of mind and being on suicide watch, he had no access to legal work, and he cannot prepare for adequate defense. Court advised Deft. trial is in its third day, and preparation should have been done. Deft. stated he did not know. State provided witness line up. Deft. stated the jail did not give him all material, and he cannot call people on the phone. Court advised Deft. that is what Mr. Frizzell is for. Mr. Frizzell advised one of Deft's witnesses is his sister and photographer who was spoken about, and his investigator is looking for her. Deft. asked for a Court order to make calls at the jail, and stated he cannot rely on the investigator. Court stated it is giving Mr. Frizzell a directive to contact witnesses to make arrangements for witnesses to be here, Mr. Frizzell knows what his obligations are, and he needs to make sure to provide phone numbers to Mr. Frizzell. Deft. stated the phone numbers are in his property, and when a person is on suicide watch, they do not get all property. Court asked where the phone numbers were. Deft. stated the numbers are on a piece of paper. Court told Deft. he has to be specific. COURT ORDERED, Deft. may get access to his paperwork at the jail. Court noted it appears Deft. has a lot of paperwork at his table, in front of him in Court this morning. Mr. Palal advised Mr. Frizzell has some information on his laptop, and State has copies. Mr. Palal provided copies to Mr. Frizzell in open Court. Deft. stated he is looking for notes. Mr. Palal objected; and argued there are some disadvantages of self-representation, if a person does not have an attorney, they cannot get witnesses on the subpoenas, trial is taking longer, and Deft's witnesses needed to be here. Deft. stated one witness is in California, the incident at the jail happened Tuesday night, and the jail was on lockdown the day before. Court advised Deft. he should have had witnesses contacted the day before trial, however, Mr. Frizzell will do whatever he can to reach witnesses. Mr. Frizzell provided name of Deft's sister on the record. Court noted Deft. has more paperwork with him today, than he did the previous days during trial. Court advised Deft. it just wants him to get what he needs for this morning. Deft. asked how long trial is going until today. Court advised Deft. not to worry about that, and to keep looking for his notes. Mr. Frizzell advised he texted the investigator. Court asked Deft. if there is anything Court can help with. Deft. stated no. Mr. Frizzell advised he got a response from the investigator, who received a response from Deft's sister, further noting Deft's sister indicated she had asked to take the day off from work, and she will call back and let the investigator know. Court noted Deft. touched every single piece of paper at his table. Court also noted the Deft. was given 25 minutes in the courtroom this morning, to get ready for trial. JURY PRESENT: Court thanked and Jury for their patience. Testimony and Exhibits presented (See Worksheets.). Lunch recess. OUTSIDE PRESENCE OF JURY: Court advised Deft. he did good during trial today. JURY PRESENT: Further testimony and Exhibits presented (See Worksheets.). OUTSIDE PRESENCE OF JURY: State renewed their Motion to admit the recorded jail call; and argued as to questions asked by Deft. to the detective earlier during testimony. Deft. objected; and argued he was not trying to bash or mock the detective, and he was asking questions the best he could to try to understand him. Deft. further objected to receiving short notice, and not getting access to the law library or kiosk machine to research. Court advised Deft. he opened the door on the questions about his daughter not being here. Deft. stated he was trying to get a general idea on the witness. Court read its notes from cross examination. Based on the record having been made, COURT ORDERED, State's Motion GRANTED, and State is permitted to have the jail call admitted. Mr. Palal advised State has custodial records from CCDC, including the detective present, to provide testimony about the call Deft. made on his daughter's birthday, and the State will not publish the call, prior to its admission. Deft. objected to proposed jury instructions on the attempt murder charge. Mr. Frizzell advised he spoke with State about the instruction, and State has agreed to

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submit a different version. Court stated it will have to put together a complete set of instructions, and both sides will get copies. Discussions as to jury instructions to be finalized and settled tomorrow. JURY PRESENT: Further testimony and Exhibit presented (See Worksheets.). Mr. Palal noted State will move the file of call into evidence for authenticity, however, State will move to play the jail call while on another witness. Deft. objected; and argued nobody mentions the name in the call. COURT ORDERED, State's Exhibit No. 2 will be ADMITTED. Further testimony and Exhibits presented (See Worksheets.). Court admonished and excused the Jury to return tomorrow morning at 8:30 A.M. OUTSIDE PRESENCE OF JURY: Court provided proposed jury instructions to State and to Deft. Discussions as to State's witness line up for tomorrow. Court reminded Deft. to have his witnesses available tomorrow by 9:00 A.M. Deft. requested a Court order to use the phone at the jail. Further discussions. Court Services indicated the message will be passed on to the jail staff, that Court is allowing Deft. to use the phone at the jail. Mr. Frizzell advised he got a text message from Deft's sister, and she had said she is embarrassed to come to Court, and would rather appear by video. Deft. stated he will call his sister to see if she can come to Court. COURT ORDERED, Deft's witness needs to be present in Court, and any appearance by video is DENIED. Court stated Deft. needs to sit in the courtroom and review instructions. Deft. stated the jail will take instructions away from him. Discussions as to Deft. being transported tomorrow morning at 8:00 a.m., to review jury instructions with Mr. Frizzell in the courtroom. Evening recess. TRIAL CONTINUES. CUSTODY 9/01/17 8:00 A.M. TRIAL BY JURY ;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Verdict;

Journal Entry Details:

State's Memorandum Regarding Admission Of Deft's Jail Call FILED IN OPEN COURT. Deft. is present in proper person. Mr. Frizzell is present as stand-by counsel. OUTSIDE PRESENCE OF JURY: Deft. is present in Court in a restraint chair. Court asked Deft. what is going on. Deft. stated he tried to jump from the high tier railing at the jail, his medication is not working, he put in medical kites, he has not seen anyone, and he has not seen his psychiatrist. Court asked Deft. what he wants to do. Deft. stated he is not competent to finish trial, representing himself is not easy, researching is not fast, it takes 12-15 days to get a response, the kiosk machine takes time, and he got stressed out. Court stated this is exactly what Court told him about representing himself, and it sounds like he does not want to continue. Deft. stated he is on medication, he tried to kill himself before, and it is not a delay for trial. Deft. further stated it told Mr. Frizzell he needs a mental health evaluation, and he tried to talk to psychiatrist. Court advised Deft. he waived his right to be represented by counsel, the case is in middle of trial, jeopardy is attached, and Court will continue trial until tomorrow, and give him time to decide what to do. Court further advised Deft. trial will be going forward, and he is invited to come and be here for trial. Court noted for record it received a call in Chambers earlier about Deft. refusing to come to Court. Deft. stated he asked to see psychiatrist. Court stated all it was told was Deft. refused to appear, and the Court had no idea he was on suicide watch. Deft. stated the officers stuck him in the chair. Court advised Deft. he had raised concerns, and nobody wanted him to jump off the railing. Deft. asked how Court can proceed without him. Court stated trial will keep going. Deft. asked how Court can proceed without him. Court stated it is not in the business of answering hypothetical questions, and it answers questions about things that happen. Court advised Deft. he had asked Court for a mistrial yesterday, trial is stressful and hard, and it sounds like he is figuring it out. Court told Deft. it hopes he feels better; and reminded Deft. what he did at the jail was not appropriate, and regardless of what is going on, he still has a daughter. Mr. Palal advised if Deft. chooses not to participate, State will finish its case, remedy is not a mistrial, and the remedy is to proceed without Deft. Court advised Deft. Mr. Frizzell is not permitted to take over his defense. Deft. stated he did not know this. Court reminded Deft. it told him the Court does not require stand-by counsel to prepare for trial, he is invited to appear for his trial, and Court hopes it sees him tomorrow. COURT ORDERED, trial CONTINUED. CUSTODY 8/31/17 10:30 A.M. TRIAL BY JURY ;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Verdict;

Journal Entry Details:

Deft. is present in proper person. Mr. Frizzell is present as stand-by counsel for Deft. Court Recorder Patti Slattery, is present. OUTSIDE PRESENCE OF JURY: Mr. Palal advised State received a recorded phone call Deft. had made to his daughter, and State may call his daughter as a rebuttal witness, further noting Deft. had told his daughter in the recording to go somewhere without a phone, so State could not track her. Additionally, the interview was made nine months ago, and normally, the State would need her, however, Deft. forfeits the right to confront witness about the statement. Mr. Palal made arguments in support of the call being admissible; and further argued as to statement and interviews having been given and being admissible for trial. Further arguments as to Washington and Giles case law, and forfeiture rule. Mr. Palal added State cannot find the witness, and there is a warrant for her arrest. State played the recorded jail call in open Court; and provided written memorandum to Court for review. Deft. objected; and argued he never said the caller's name, State does not know who he was talking to in the recording, there is no merit, and he has a sixth amendment right to cross examine. Court asked Deft. who the person in the recording was. Deft. stated it was a friend from a different matter. Deft. had remained seated in the Courtroom, and was told to stand by the Marshal. Deft. stated he is done addressing the Court; and remained seated. Court asked if State gets the daughter in custody, where will State take her. Mr. Palal advised the daughter is 18, and further stated Deft. had called her on her

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birthday. Mr. Palal moved to admit the jail call into evidence; and requested the witness be interviewed on the statement that was given by her. Def. objected. Arguments by State. Upon Court's inquiry, Mr. Palal advised the warrant is in scope, the CATS team was not called yet, as State wants to avoid having force used on her, and State is making calls trying to find her. Court stated it would be nice to have the daughter brought to Court on her own free will. Mr. Palal advised the probation officer in her other case is looking for her. Court noted if this witness appears, the issue becomes moot. Mr. Palal indicated State is trying to serve her. Court stated the issue does not rise, until State calls her as a witness; and it will defer ruling until State can get her here. Def. stated she was not coming to Court anyway, because of the warrant; and asked how he is preventing her. Thereafter, Def. argued regarding federal rules of evidence. Court advised Def. the State has acknowledged they would be prevented from bringing the jail call in, and State believes he caused this issue. Court reminded Def. it will defer the ruling for State to find this witness, and if she does not come in or get called by State, the Court will revisit and review the issue further. Court NOTED Def's objections. Court told Def. the State is not permitted to discuss the call during opening statements. Mr. Palal informed Court the State's offer was revoked yesterday, and he has a proposed Guilty Plea Agreement for Attempt Murder. Upon Court's inquiry, Mr. Frizzell confirmed Def. and himself have it, and Def. has not decided. Def. stated he was going to think about it. Mr. Palal advised the offer will be open until parties break for lunch. Def's Pro Per Notice Of Motion And Motion To Strike And Oppose State's Motion To Seek Punishment As A Habitual Criminal If A Felony Conviction Occurs FILED IN OPEN COURT. COURT ORDERED, State's Proposed Exhibit No. 2, being the jail call, was MARKED by Clerk. Court Recorder Kristine Santi, is present. JURY PRESENT AND SWORN BY CLERK. Court instructed Jury. Clerk read Information. Further instructions were given by Court. State made opening statements. Def. objected during opening statements, which were OVERRULED by Court. Court told Def. it can hear him speaking to Mr. Frizzell during opening statements; and asked Def. not to talk loud to Mr. Frizzell as this is disruptive. Def. made opening statements to Jury. Testimony and Exhibits presented (See Worksheets.). During testimony by victim's spouse, Def. argued with the witness during cross examination; and Def. was admonished by Court numerous times not to argue with the witness. Def. was reminded by Court that this cross examination, and not a conversation. Further testimony and Exhibits presented (See Worksheets.). OUTSIDE PRESENCE OF JURY: Court strongly cautioned Def. not to get combative with the witness during cross examination, and further stated it does not want a conversation to go on. Court reminded Def. he is not testifying. Def. moved for a mistrial; and argued the jury had to see the witness argue with him. Court advised Def. he does not get to create problems, and he does not get a mistrial. Def. interrupted Court; and stated it is all his fault then. Court admonished Def. not to misbehave towards the Court; and reminded Def. he does not get to argue with the Court or with witnesses. Def. stated he is not mentally fit to continue with trial, he is not being treated fairly, and Mr. Frizzell is not helping him out. Discussions as to Def. seeking a witness to testify. Mr. Frizzell advised there was a proposed Guilty Plea Agreement the State was going to provide before lunch, further noting he went over this same agreement with Def, Def. had said okay, thereafter had said no, and now Def. is telling him he is stressed out, and both Def. and himself are not getting along. Def. stated he wanted Paul Cobb subpoenaed. Upon Court's inquiry, Def. stated this person is not on the witness list. Mr. Palal advised this person was on State's list; however, the State does not have a good address for him. Def. stated he has an investigator who can look. Discussions. Mr. Frizzell stated his investigator does not work with Def. solely, or drop everything he is doing. Court advised Def. if and after Mr. Solario comes and testifies, let the Court know and it will have the witness come back to testify, further noting it does not know what else to do. Def. stated he is stressed out; and requested another attorney who knows what is going on with the case. Court DENIED the request. Upon Court's inquiry, Mr. Palal advised State is done with offers. SO NOTED. JURY PRESENT: Further testimony and Exhibits presented (See Worksheets.). OUTSIDE PRESENCE OF JURY: Court cautioned Def. this is his final warning not to argue with the witness; and reminded Def. he gets to ask the witness questions, and if he continues to make comments or have conversations with witness, the Court will shut it down, and he will not be permitted to ask any more questions to the current witness. Court asked Def. if he understood; and Def. stated no. Court advised Def. it made itself clear. Mr. Palal provided NRS 51.069; and argued as to impeachment of testimony. Further arguments as to testimony and statements made by Def. Court stated it had told the Jury to disregard the statements that were made by Def. after the witness answered the questions. Court reminded Def. the Jury is going to be told by Court to disregard any statements and comments he makes, after the witness answers questions. JURY PRESENT: Further testimony and Exhibits presented (See Worksheets.). Def. made numerous statements during cross examination, which were objected to by State; and Court had instructed the jury numerous times to disregard comments Def. had made during cross examination. Def. told Court to take him back to jail. Court advised Def. it suggests that he stop talking. Juror No. 12 provided two notes to Court. OUTSIDE PRESENCE OF JURY: Court reviewed the notes from juror with State and Def. in the courtroom. Court's Exhibits ADMITTED (See Worksheets.). Court stated it will not ask questions in Court's Exhibit No. 5. Def. made objections. Further discussions. State and Def. made no objections to Court asking questions from Court's Exhibit No. 4. JURY PRESENT: Further testimony and Exhibits presented (See Worksheets.). Def. made comments to witness on the stand, being named victim, during cross examination. Court admonished and excused the Jury for a break, until further instructions were given. OUTSIDE PRESENCE OF JURY: Def. told the witness he has been sitting in jail because the witness had lied. Court reminded Def. the Jury was instructed to disregard his comments. Def. interrupted Court; and Court told Def. to stop talking. Court reminded Def. this is not a circus. Def. objected to the witness showing scars to the Jury, which were NOTED by Court. State informed Court they ran out of witnesses for today. Court directed Marshal to have the Jury excused to return tomorrow morning at 11:00 A.M. Court noted during testimony, Def. repeatedly made statements about his custodial status, and he had requested to be taken back to jail in front of the jury. Court further stated there were spontaneous outbursts made by Def, and now the Jury knows Def's custodial status. Mr. Palal requested Court to rule on State's Motion; and further noted the investigator will not be available until sometime later tomorrow, due to current FMLA leave, and State anticipates closing their evidence tomorrow. Additionally, State had contacted the probation officer to try to find Def's daughter. Court stated it

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reviewed the case law from Nevada Supreme Court. Court asked about the phone number Def. had made the call to. Mr. Palal advised Def. made a previous call to his daughter at the same phone number in the jail call at issue, and in another jail call on date of his daughter's birthday, and the scope record shows her date of birth being the same date the other call took place. Thereafter, Mr. Palal argued in support of bringing the jail call in; and further argued regarding consciousness of guilt. Def. objected; and argued State cannot prove he called his daughter, there has been prejudice, this is an unfair trial, and due process rights were violated. Court stated findings; including that due to Def. having deterred the witness from coming to Court in the jail call, COURT ORDERED, it will allow the statement, however, the phone call causes one concern as State runs into some prejudice to Def. that outweighs probative value, and State may renew the motion as to the jail call, when appropriate. Mr. Palal advised he will have witnesses lined up for tomorrow. Evening recess. TRIAL CONTINUES. CUSTODY 8/30/17 11:00 A.M. TRIAL BY JURY ;

Trial Continues;

Trial Continues;

Trial Continues;


Trial Continues;

Verdict;

08/28/2017 **Motion in Limine (10:30 AM)** (Judicial Officer: Leavitt, Michelle)

State's Notice of Motion and Motion in Limine

Deferred Ruling;

08/28/2017  **All Pending Motions (10:30 AM)** (Judicial Officer: Leavitt, Michelle)

Matter Heard;

Journal Entry Details:

Def. present in proper person. Mr. Frizzell is present as stand-by counsel for Def. TRIAL BY JURY OUTSIDE PRESENCE OF PROSPECTIVE JURY PANEL: Court stated today is the date and time set for trial, and Court will rule on the motions today that are before the Court. DEFT'S MOTION TO DISMISS FOR UNNECESSARY DELAYS FOR TRIAL Def. made statements to Court, and talked about NRS 171.124. Court stated it had denied the Motion several times, and the issue is properly preserved. COURT ORDERED, Motion DENIED. DEFT'S MOTION TO SUPPRESS ALL CONTENTS FOUND IN CAMARO AND EVERYTHING ASSOCIATED WITH EVENT NUMBER 160823-3561 Def. stated the cell phone search was illegal and there was no proof of ownership. Mr. Palal argued Def. is not in position to say the police had violated of Fourth Amendment. Def. stated the cell phone is not his. Court advised Def. he has no standing to say the police had violated, as to the car and the phone. Def. stated he was driving the vehicle. Upon Court's inquiry, Def. stated he had access to the vehicle, and it was not registered to him. Upon Court's same inquiry, Def. stated the car was a friend's car. Court asked Def. what he was trying to exclude. Def. stated whatever is being used against him for trial, that was found in the car. Arguments by State. COURT ORDERED, Motion DENIED. DEFT'S MOTION TO INSPECT ALL EVIDENCE IN DISCOVERY Court noted Mr. Frizzell had provided the receipt of copy (ROC) to the Court regarding the discovery that was provided to Def. Court's Exhibit ADMITTED (See Worksheets.). Court advised Def. there was a document presented to the Court saying he got discovery. Def. asked if colored copies of photos were provided to him. Court told Def. he received the copies. Mr. Palal stated he has the colored photos with him. Court stated it will allow State to show Def. the colored copies, and for Def. to look at them in Court. Def. stated that is fine, and he had thought he needed those copies. Def. asked for documents from the juvenile matter. Following discussions regarding the document and juvenile proceedings, which have been ORDERED, SEALED by Court, COURT ORDERED, it will allow Mr. Frizzell to review the non-public document with Def. during Court, however, the Def. cannot possess the document. COURT EXHIBIT 2 WAS ADMITTED and ORDERED SEALED (See Worksheets.). Mr. Palal informed Court a subpoena was issued for the juvenile to testify. Mr. Frizzell addressed the jail calls provided to State recently; and informed Court the investigator went over to the jail, and reviewed the pertinent jail calls with Def, further noting there were approximately 300 plus calls, not all calls were relevant, and the investigator went over what would be relevant. Upon Court's inquiry, Mr. Frizzell confirmed the investigator told Def. which calls were going to be used by State for trial. Def. disagreed. Mr. Balal clarified he told the investigator he did not listen to all the jail calls, however, he did listen to the ones State is going to use for this trial, not new calls. Court reminded State to make it known to the Court about publishing or admitting jail calls, as the Court will allow Def. to hear the calls beforehand, so Def. can make any objections or any requests to the Court to not allow State to use them. Def. stated that is fair. Upon Court's inquiry, Mr. Palal advised Mr. Frizzell had asked about an offer, and there was an offer made by Def. however, State declined Def's offer, State's offer was a Battery offense, with a sentence of two (2) to fifteen (15) years, and full right to argue, with State agreeing not to seek habitual treatment; and Def. has declined this offer. Def. stated this is the same offer. Court advised Def. it is telling him, to make sure he had time to make a decision about the offer, and Court knows he rejected the same offer last week. Def. stated he understands. Upon Court's inquiry, Def. confirmed he does not want the offer, and is rejecting it. SO NOTED. Court reminded Def. the State is not going to offer this again. Mr. Palal concurred. Def. requested the offer be stated on the record again. COURT SO ORDERED. After the offer was conveyed to Def. in open Court, Def. requested to talk to Mr. Frizzell further. COURT SO ORDERED. MATTER TRAILED. CASE RECALLED. Mr. Frizzell informed Court Def. wants him to ask State about the offer, both Def. and himself are okay with each other, and Def. had asked for standard bail be considered by State. Court advised Def. the State cannot offer that. Mr. Frizzell advised State had offered \$100,000.00 bail, and Def. had said he does not want this. Court confirmed that is not on the table, as the presumption of innocence would be gone, upon entry of plea; State cannot negotiate bail

CASE SUMMARY

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setting, and Court would not be inclined to grant reduction of bail. Upon Court's inquiry, Deft. declined State's offer. Court addressed Deft's Pro Per Motion to remand case to Justice Court; and Deft. argued no evidence was produced to support charges. Deft. added even the statement from witness says no expert was there to testify. Court advised Deft. no expert is required, the named victim can testify about the substantial bodily harm, and the Court has no jurisdiction to entertain this Motion. COURT ORDERED, Motion DENIED. DEFT'S MOTION TO DISMISS ARREST Court NOTED this Motion was previously DENIED, and it is DENIED. Court addressed Deft's Pro Per Motion to inspect evidence in discovery; and clarified this Motion has been resolved. Court reminded Deft. if there is something he wants to look at, let Mr. Frizzell know, and Mr. Frizzell will let Court know, Court will take a recess to allow him to look at what he wants to view, and this Court is ready to go to trial. Deft. stated he did not know trial is starting today. Court advised Deft. it is not sure how much clearer it could have made it. Court reminded Deft. he always pushed the Court to have the trial go, and Court had told him trial was going forward this week. Deft. stated he understands. Court addressed Deft's Pro Per Motion to suppress; and noted this was all resolved. DEFT'S MOTION FOR COURT TO APPOINT PRIVATE INVESTIGATOR AND PAY FOR IT Court noted there is already an investigator, being Mr. Frizzell's investigator, on this case. Court advised Deft. to let Mr. Frizzell know, if there is somebody he needs to be subpoenaed. Discussion as to State's witness line up for trial. Court reminded Deft. his witnesses have to be ready. Deft. stated Mr. Frizzell's office will not answer or return his phone calls. Court reminded Deft. to let Mr. Frizzell know what he wants done, and the Court can clear the Courtroom, if he wants to talk to Mr. Frizzell about his case, however, he needs to have his trial witnesses here by Thursday, August 31, 2017 or Friday, September 1, 2017; and if the witnesses are not here, Court will move forward. Deft. stated he has questions about the videos and body cams, and he wants something used for trial for the Jury to see. Court asked Deft. if he wanted body cam footage. Discussions regarding the event numbers on the recordings Deft. is seeking to use. Mr. Frizzell confirmed State has the body cam footage, and Deft. can review them here during trial, further noting he had told Deft. State would likely have them here in Court. Court asked State to submit the recordings to Clerk for marking. Deft. stated he has no idea what they are, he knows what videos he wants to play, and he only wants a portion played out of the 40 minutes of footage. Court advised Deft. to let Mr. Frizzell know what he wants heard, and to let the Clerk and State know. Court also reminded Deft. to let State and Court know what time he wants the footage queued up to, and Mr. Frizzell can help narrow it down for him. Deft. stated the investigator has to see the footage again. Deft. requested 911 call as to witness Cobbs. Upon Court's inquiry, Mr. Palal confirmed State has this call, however, State will not be publishing this. Deft. stated he wants it in. Court advised Deft. he has to be able to lay foundation, and calls are not just shown to the jury. Court further advised Deft. if there is a witness and if the witness testifies about the call, he can cross examine the witness; and if proper foundation is laid, the Court will allow the call in, however, he has to give a reason how it is relevant to come in. Court suggested Deft. to ask State if they are willing to stipulate to the call coming in, which is another option, however, State does not have to agree to let it in. Deft. asked about pictures of the Camaro, and stated he needs to find out what CSA took. Court advised Deft. he needs to know which witness he wants to question the photos on, usually the person is a Crime Scene Analyst (CSA), who takes the photos, and the CSA's have certain duties, as some CSA's might do DNA, some do fingerprints, and if there are four CSA's, the duties are divided. Deft. asked how he can ask for the item to be admitted. Court advised Deft. he has to ask the Court to move to admit, or he can ask Mr. Frizzell or the State about admitting the item by stipulation, and he can ask Court to have Clerk mark the evidence as proposed exhibits. Court reminded Deft. any exhibits he seeks to mark will be letters, and State's exhibits will be numbers. Deft. was provided courtroom rules by the Marshal, pursuant to order of the Court. And Deft. was provided rules regarding self-representation by Court. Deft. requested a note pad and laptop for trial; and thereafter, stated he was kidding about the laptop. Deft. was provided a notepad and writing utensil by order of the Court. Court reminded Deft. he is entitled to presumption of innocence, and exhibits, and he is permitted to cross examine witnesses, however, the cross examination has to be appropriate. Court also reminded Deft. there are only certain types of reasons the attorneys approach the Bench to speak to the Court, and he can ask any questions to Mr. Frizzell, and he will remain at his table at all times, during trial and Bench conferences. STATE'S NOTICE OF MOTION AND MOTION IN LIMINE TO STRIKE THE DATE FROM DEFT'S EXHIBIT, OR IN THE ALTERNATIVE, ORDERING DEFT. TO PROVIDE THE ORIGINAL PHOTOGRAPH Mr. Schwartz addressed the photos admitted at Preliminary hearing; and informed Court the auto receipt was provided to State, further noting State is challenging authenticity of specific photos provided by Deft, and State will be disputing the photo from the camera phone showing a date stamp. Additionally, State had requested verification of the photos with the date stamp listed on the bottom. Mr. Schwartz added the photos in dispute were e-mailed to State by Mr. Frizzell. Mr. Frizzell stated he has black and white copies. Court advised Deft. he has to lay foundation, before the photos can be admitted into evidence. Deft. stated his sister can verify the photos, and she can bring the phone. Thereafter, Deft. objected to State not serving him this Motion. Mr. Frizzell provided black and white photographs to Court. Mr. Schwartz advised the photos do not have a time of when they were taken. Deft. objected. Court asked Deft. to provide a proffer. Deft. stated he provided an affidavit to Mr. Frizzell and to Court, about the photos. Court reviewed the Affidavits and photos. Court advised Deft. his sister can testify, however, he cannot have a date stamp on the photos. Deft. argued it is not hearsay. Court clarified his sister can testify about the personal knowledge of photos, but that does not mean the date on the photo was the date the photo was taken. Discussions. Deft. stated his sister took the photos herself, and she has a date on the memory card. Arguments by Mr. Palal. COURT ORDERED, RULING DEFERRED to time of trial and testimony. COURT FURTHER ORDERED, it will not allow the date on the photo. Court advised Deft. his sister can bring the memory card. Mr. Palal provided the auto receipt to Court; and stated objections. Court stated it is not sure how foundation can be laid on this. Deft. stated he will see if a witness can appear for the receipt. Discussion as to document being a business record. Court advised Deft. this document is hearsay and he has a foundation issue, therefore, the auto receipt cannot come in, however, that does not mean the testimony cannot come in. Deft. stated he can ask his sister about it. Court advised Deft. that is fine, however, it will not allow the date on the photo to come in. Discussions as to the affidavits provided to Court by State. Deft.

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objected to State not providing a written motion to him on this issue. Court advised Deft. State does not have to make a written Motion, as State is asking for an evidentiary ruling to be made by the Court. Upon Court's inquiry, Deft. stated his sister has personal knowledge about the photographs in dispute. Court provided Deft. rules of Voir Dire, including number of how many jurors will be qualified for Voir Dire. Court reminded Deft. it will allow him and State to make a statement about the case to the Jury panel, when the panel arrives. PROSPECTIVE JURY PANEL PRESENT: Introductory statements by Court and by State. Deft. made statement to Jury. Clerk called roll. PROSPECTIVE JURY PANEL SWORN. Voir Dire commenced. OUTSIDE PRESENCE OF PROSPECTIVE JURY PANEL: Court advised Deft. it notices he is not taking notes. Mr. Frizzell advised Deft. wants him to ask questions to State about a possible resolution. Court provided the names of the qualified jurors, including the names of the jurors that may be excused by Court later; and clarified none of the jurors have been excused yet. Deft. objected to Juror with Badge No. 0498; and stated the juror's spouse is a police officer, and he does not think this juror will be fair. Court clarified this juror had said she would be fair; and advised Deft. he can examine her on Voir Dire, and if he wants to make a challenge for cause, he may let the Court know, and the Court will clear the courtroom and allow him to make his record; however, he cannot say the challenge out loud in front of the jury. Deft. acknowledged. PROSPECTIVE JURY PANEL PRESENT: Voir Dire commenced further. OUTSIDE PRESENCE OF PROSPECTIVE JURY PANEL: State made a challenge for cause as to Juror with Badge No. 0584. Court ORDERED the juror excused. Court reminded Deft. he cannot question each juror in the panel of 24, and he needs to question the panel of 24 as a whole. Deft. made a challenge for cause as to Juror with Badge No. 0481; and argued he does not believe this juror would be fair. Court OVERRULED the objection; and DENIED the challenge for cause. Court advised Deft. it will not prevent him from asking further questions to that juror. Discussions as to excusal and replacement of juror that was done earlier. PROSPECTIVE JURY PANEL PRESENT: Voir Dire commenced further. State passed panel for cause. Deft. asked questions, which were deemed inappropriate by Court. Thereafter, Deft. questioned the jury panel as a whole with a question deemed appropriate by Court. After Voir Dire commenced further, Deft. asked another question to the panel. Court admonished and excused the prospective jury panel for a break, until further instructions were given by Marshal. OUTSIDE PRESENCE OF PROSPECTIVE JURY PANEL: Court admonished Deft. he does not have to tell the jury panel about any prior accusations made against him, or about any prior bad acts, as this would not come in as evidence, and now he has opened the door to the jury panel about his questions about all this, that are prejudicial. Court further advised Deft. he cannot get a mistrial for contaminating the panel, and if he wants to get into this information in front of the Jury, do it at his own risk. Court further admonished Deft. he does not get to try the case in front of the panel. Discussions between Deft. and Court. Court advised Deft. the issue is whether the jury panel can be fair, and not about what the jury can do about a witness that may be against him in another case. Court further advised Deft. the Jury will be instructed by Court on what to do, if State believes a witness is untruthful. Deft. stated his opinion was it was harassment as to this witness. Court advised Deft. he cannot do this during Voir Dire, and he cannot try a case during Voir Dire. Court asked Deft. what it is, that he wants to ask the jury panel. Deft. stated his concern is how a jury would view when another officer fr/m another case comes in this case for testimony. Deft. further stated he thought the questions he had were appropriate. Court asked Deft. what the questions were that he wanted to ask the jury panel. Deft. refused to provide the questions, and stated the Court is making it harder for him. Court stated it will bring the jury in for peremptory challenges to be done. Court reminded Deft. this is harder than it looks, and the Court cannot teach him or tell him how to ask the questions. Following further discussions, Deft. stated he may have taken this the wrong way. Discussion as to Deft's questions for the jury. Deft. stated he passes on this. Court advised Deft. if he wants the Court to shut him down in front the jury for an inappropriate question he makes, that is his choice. PROSPECTIVE JURY PANEL PRESENT: Voir Dire commenced further. State and Deft. exercised peremptory challenges. JURY SELECTED. Court thanked and excused the remaining jury panel members. Court instructed and excused the Jury for the evening, to return tomorrow morning at 10:30 A.M. OUTSIDE PRESENCE OF JURY: Mr. Frizzell informed Court on the last break, State had said they would leave a prior offer open, until the end of the day today, to which this was explained to Deft, further noting Deft. had wanted to talk about it, and he is putting this on the record. Court stated it is the end of the day. Deft. stated he would let State know in the morning about the offer. Mr. Palal advised the offer was around all day, and if was not for Mr. Frizzell, the State would not have extended the offer, as this is something he himself never does, and the offer was extended out of courtesy. Mr. Palal added after trial concludes for the day and when the State is leaving the Courtroom, the offer is gone; and he had extended every opportunity to resolve the case. Upon Court's inquiry, Deft. stated he did not know, and thought offer would be open until tomorrow and he would let State know. Court asked Deft. if he needed a few minutes. Mr. Frizzell stated he let Deft. know they would not talk about the offer anymore, at the end of the day. Court recessed. TRIAL CONTINUES. CUSTODY 8/29/17 10:30 A.M. TRIAL BY JURY ;

08/29/2017 **CANCELED Jury Trial (1:30 PM)** (Judicial Officer: Leavitt, Michelle)
Vacated - per Judge

10/24/2017  **Sentencing (8:30 AM)** (Judicial Officer: Leavitt, Michelle)
10/24/2017, 11/14/2017, 11/28/2017
Sentencing (Jury Verdict) / Dismissal Of Count 2
Matter Continued;
Continued;
Matter Continued;
Journal Entry Details:

CASE SUMMARY

CASE NO. C-16-319021-1

Mr. Frizzell requested a continuance; advised Mr. Schwartz for the State, is covering for Mr. Palal for the State, is out of the jurisdiction. Mr. Schwartz is presently in Justice Court covering a preliminary hearing and doesn't anticipate being able to come up to cover this matter for another hour. COURT ORDERED, MATTER CONTINUED. CUSTODY 11-30-17 8:30 AM SENTENCING: DISMISSAL OF COUNT 2 (DEPT. XII);

Matter Continued;

Continued;

Matter Continued;

Journal Entry Details:

Def. is present in proper person. Mr. Frizzell is present as stand-by counsel. Court asked Def. if there is any legal cause or reason why judgment should not be pronounced against him at this time. Def. stated yes, and it is the same situation today as it was three weeks ago, due to the PSI Report having same errors that were not fixed, and he believes there is a great possibility the score point system would change if the Report gets corrected and if the recommendation would change. Court stated sometimes if P&P does not change the information, P&P may believe the information is accurate. Mr. Palal advised he spoke with the PSI writer last week, and she wanted to know what specific items needed to be changed. Mr. Palal added some of the things previously discussed, were the social security numbers and aliases, and P&P had said the information cannot be removed from the PSI without a specific order, because the information is generated from source documents. Court stated there was no objection to striking the information; however, if P&P wants to submit to Court what was relied upon, the Court will leave the information there. Mr. Palal stated the other issues were the time of paroling and convictions on various felony counts, P&P checked this and the information accurately reflects P&P's understanding of Def's records and it matches the federal database; and P&P cannot put in a fictional date that is not accurate. Mr. Palal added there was an objection as to synopsis; however, State believes that is discretionary. Mr. Frizzell stated there is an error on page 5 that was talked about, in the arrest / detained / cited paragraph, further noting Def. has never been arrested or convicted of a sex offense; and he understands the charge was ultimately not pursued. Def. confirmed he was never arrested, cited or convicted of a sex offense. Mr. Palal stated there is no allegation of points for arrests not resulting in charges, there is no category for arrests not leading to charges on the score sheet, including no points for aliases. Mr. Palal explained the point system score sheet attached to Def's Report; and stated Def's total score is not based on any of the issues Def. has. Upon Court's inquiry, Def. stated he understands. Court stated the remaining issues are the aliases, which the Court had indicated it would not consider them, including the sex offender failure to register; and Court agrees Def. has never been convicted of offense that would require him to register like this. Def. talked about the behavior pattern, priors and assault charge information in the Report; and stated the priors listed are not true on page 5 and on page 3, the Report says he went to prison 26 times, which is not true. Court stated it understands what that information means. Upon Court's inquiry, Def. stated he went to prison three times. Mr. Palal clarified that 26 figure means prison sentences of 26 felonies, to which most of those ran concurrently. COURT ORDERED, MATTER REFERRED BACK TO P&P, for P&P to provide Court the information of what was relied upon in drafting paragraph 2 on page 5 of the PSI Report. Court NOTED it would strike the aliases, and the Court already knows the Def. did not go to prison 24 separate times. Court advised Def. if P&P cannot provide information that was relied upon, the Court will strike the information. Def. stated he received an honorable discharge in February, 2016, the information says zero on page 3 of the PSI Report, and it also says his probation had expired, in Case C199059. Court stated there was a dishonorable discharge. Discussions as to verification. Court advised Def. sentencing will proceed at the next hearing, all the information will be provided to Court, and Court will determine whether to strike the information from the Report, or leave the information the same. Court reminded Def. it has stricken almost everything he had asked. Def. stated on page 7 of the Report, it says mandatory prison, and he believes according to NRS 193.165, the offense is probationable. Mr. Palal advised he does not believe the listed offense attempt murder with use of a deadly weapon is probationable. Upon inquiry by Def, Court advised Def. the synopsis is discretionary. COURT ORDERED, sentencing CONTINUED. CASE RECALLED. Mr. Palal not present De& stated there is an incorrect date in the PSI Report on page 1, and the arrest date should be September 5, 2016, not August 23, 2016. SO NOTED. CUSTODY 11/28/17 8:30 A.M. SENTENCING (JURY VERDICT) / DISMISSAL OF COUNT 2;

Matter Continued;

Continued;

Matter Continued;

Journal Entry Details:

Defendant indicated there were mistakes in his Presentence Investigation Report. State had no objection to the proposed changes. COURT ORDERED, referred back to Parole and Probation for correction of the Presentence Investigation Report. CUSTODY CONTINUED TO: 11/14/17 8:30 AM;

10/31/2017



Motion (8:30 AM) (Judicial Officer: Leavitt, Michelle)

Defendant's Pro Per Motion for New Trial or Dismiss Charges & Vacate Verdict

Motion Denied;

Journal Entry Details:

Defendant argued in support of his Motion stating the witnesses testimony at trial could not be considered creditable since there were inconsistencies. Mr. Palal argued against the Motions stating credibility of witnesses are for the triars of fact, and the Jury heard the evidence and came to their own conclusion. COURT ORDERED, Motion DENIED; Court directed State to prepare an Order. Defendant stated issues with the PSI that Mr. Frizzell gave him the week prior and listed them for the record. Upon Court's inquiry, Mr. Palal indicated the matter has been referred

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back to P&P, and stated he will contact the writer of the PSI to look into the issues. COURT SO NOTED. CUSTODY 11/4/17 8:30 A.M. SENTENCING;

11/30/2017



Sentencing (8:30 AM) (Judicial Officer: Leavitt, Michelle)

Defendant Sentenced;

Journal Entry Details:

Motion to Vacate Sentencing FILED IN OPEN COURT. Motion for Judgment of Acquittal FILED IN OPEN COURT. DEFT. ANDERSON ADJUDGED GUILTY of COUNT 1- ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (F) and COUNT 3 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM (F). Argument by Mr. Schwartz and Defendant. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, \$150.00 DNA Analysis fee including testing to determine genetic markers and \$3.00 DNA Collection fee, Deft. SENTENCED on COUNT 1 - to a MINIMUM of EIGHT (8) YEARS and a MAXIMUM of TWENTY (20) YEARS in the Nevada Department of Corrections (NDC) and on COUNT 3 - to a MINIMUM of FOUR (4) YEARS and a MAXIMUM of TEN (10) YEARS in the NDC, CONSECUTIVE TO COUNT 1; plus a CONSECUTIVE term of a MINIMUM of EIGHT (8) YEARS and a MAXIMUM of TWENTY (20) YEARS for use of a deadly weapon in the NDC, for an AGGREGATE SENTENCE of a MINIMUM of TWENTY(20) YEARS and a MAXIMUM of FIFTY (50) YEARS with FOUR HUNDRED FIFTY-TWO (452) DAYS credit for time served. COURT FURTHER ORDERED, COUNT 2 DISMISSED pursuant to the verdict. At the request of the Defendant, COURT ORDERED, matter SET for Status Check regarding appointment of counsel. BOND, if any, EXONERATED. NDC 12/07/17 8:30 AM STATUS CHECK: APPOINTMENT OF COUNSEL;

12/07/2017



Status Check (8:30 AM) (Judicial Officer: Leavitt, Michelle)

Status Check: Appointment of Counsel

Counsel Confirmed;

Journal Entry Details:

Ms. Stewart confirmed as appointed counsel for Deft. for the appeal. COURT SO ORDERED. Order SIGNED IN OPEN COURT. Ms. Stewart provided a copy of the signed order to Deft. in open Court. Discussions as to date the Judgment of Conviction was filed in the case, being December 5, 2017. NDC ;

01/11/2018



Motion (8:30 AM) (Judicial Officer: Leavitt, Michelle)

Defendant's Pro Per Motion to Have Parole and Probation Submit New PSI to High Desert State Prison Off Calendar;

Journal Entry Details:

Deft. not present; incarcerated in Nevada Department of Corrections (NDC). Ms. Stewart is not present. COURT ORDERED, matter OFF CALENDAR. NDC CLERK'S NOTE: A copy of the above minute order has been forwarded to Deft's Attorney of record for post-conviction proceedings Sandra Stewart, Esq. /// sb;

03/09/2021



Motion (11:00 AM) (Judicial Officer: Leavitt, Michelle)

Motion for Telephonic Hearing

Denied; Motion for Telephonic Hearing

Journal Entry Details:

Defendant not present. COURT ORDERED, Motion DENIED; State to prepare the Order. NDC;

03/23/2021

Motion (12:30 PM) (Judicial Officer: Leavitt, Michelle)

Motion to Add Page 124 of 132 To Writ of Habeas Corpus

Granted;

03/23/2021

Motion (12:30 PM) (Judicial Officer: Leavitt, Michelle)

Motion for Telephonic Hearing

Denied;

03/23/2021



All Pending Motions (12:30 PM) (Judicial Officer: Leavitt, Michelle)

Matter Heard;

Journal Entry Details:

MOTION FOR TELEPHONIC HEARING ... MOTION TO ADD PAGE 124 OF 132 TO WRIT OF HABEAS CORPUS Defendant not present. COURT ORDERED, Motion for Telephonic Hearing DENIED; Motion to Add Pages GRANTED and the Court will consider those pages in the Defendant's Writ. NDC;

06/17/2021

Motion (11:00 AM) (Judicial Officer: Leavitt, Michelle)

Motion to Reset Post Conviction Writ for Hearing

CASE SUMMARY

CASE NO. C-16-319021-1

DATE

FINANCIAL INFORMATION

Defendant Anderson, Arnold K

Total Charges

178.00

Total Payments and Credits

0.00

Balance Due as of 6/17/2021

178.00

FFCO
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
ALEXANDER CHEN
Chief Deputy District Attorney
Nevada Bar #10539
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-

ARNOLD ANDERSON,
#1202768

Defendant.

CASE NO: A-21-827381-W
C-16-319021-1
DEPT NO: XII

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

DATE OF HEARING: APRIL 1, 2021
TIME OF HEARING: 12:30 PM

THIS CAUSE having come on for hearing before the Honorable MICHELLE LEAVITT, District Judge, on the 1st day of April 2021, the Defendant not present, the Respondent being represented by STEVEN B. WOLFSON, Clark County District Attorney, represented by and through MELANIE MARLAND, Deputy District Attorney, and the Court having considered the matter, including briefs, transcripts, arguments of counsel, and documents on file herein, now therefore, the Court makes the following findings of fact and conclusions of law:

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1 **FINDINGS OF FACT, CONCLUSIONS OF LAW**

2 **STATEMENT OF THE CASE**

3 On October 27, 2016, Arnold Anderson (hereinafter "Defendant") was charged by way
4 of Information with the crimes of: Attempt Murder with Use of a Deadly Weapon (Category
5 B Felony- NRS 200.010, 200.030, 193.330, 193.165- NOC 50031); Robbery with Use of a
6 Deadly Weapon (Category B Felony- NRS 200.380, 193.165- NOC 50138); and Battery with
7 Use of a Deadly Weapon resulting in Substantial Bodily Harm (Category Be Felony- NRS
8 400.281- NOC 50226).

9 On October 31, 2016, Defendant pled not guilty and invoked his right to a speedy trial.
10 On November 4, 2016, Defendant filed a Pro Per Motion to "Dismiss Counsel and Represent
11 Myself." On November 28, 2016, Defendant filed Motion to "Vacate Motion (12-6-16) to
12 Dismiss Attorney of Record," where he stated that he changed his mind and wanted to keep
13 his appointed counsel Ken Frizzell, Esq. On December 29, 2016, Defendant filed another
14 Motion to "Dismiss Counsel and Appoint New Counsel Plus Pro-Per Ferretta Rights."

15 On January 24, 2017, the District Court held a hearing on Defendant's Motion to
16 "Dismiss Counsel and Appoint New Counsel Plus Pro-Per Ferretta Rights," and after hearing
17 from the parties the District Court continued the matter for a week for a status check. A week
18 later during the status check, Defendant and Mr. Frizzell stated that they came to an
19 understanding and that the conflict was resolved. On March 7, 2017, the District Court held a
20 hearing on Defendant's renewed Motion to "Dismiss Counsel and Replace Counsel and
21 Appoint Defendant Pro Per Status." At the conclusion of the hearing, the Court denied the
22 motion.

23 On March 16, 2017, after conducting Faretta canvass, the Court granted Defendant's
24 request to represent himself, finding that he knowingly, voluntary, and intelligently waived his
25 right to be represented by counsel. On April 13, 2017, Defendant filed a Pro Per Notice of
26 Motion and Motion to Suppress and a Pro Per Notice of Motion and Petition for Writ of Habeas
27 Corpus. The State filed a Response to Defendant's Writ of Habeas Corpus on May 28, 2017,
28 and an Opposition to Defendant's Motion to Suppress on May 1, 2017. The District Court
denied both motions on May 4, 2017.

1 On May 4, 2017, Defendant filed the following motions: Defendant's Pro Per Motion
2 and Notice of Motion to Seek Handwriting Specialist NRS 50.275; Defendant's Pro Per Notice
3 of Motion and Motion to Compel State to Surrender Discovery; and Defendant's Pro Per
4 Notice of Motion and Motion to reconsider Motion to Dismiss. On May 25, 2017, denied the
5 Motion to Reconsider Motion to Dismiss, denied the Motion to Seek Handwriting Specialist,
6 and set a status check to ensure Defendant received all the requisite discovery.

7 On May 25, 2017, Defendant filed the following motions: Defendant's Pro Per Notice
8 of Motion Re Motion to Dismiss; Defendant's Pro Per Notice of Motion Re: Motion for Franks
9 Hearing; Defendant's Pro Per Notice of Motion Re: Motion for Full Brady Discovery;
10 Defendant's Pro Per Notice of Motion Re: Motion to Oppose State's Opposition to Dismiss;
11 Defendant's Pro Per Motion Re: Motion to Dismiss-Based on Malicious Vindictive
12 Prosecution; Defendant's Pro Per Notice of Motion Re: Motion to Dismiss Standby counsel
13 Kenneth Frizzell; Defendant's Pro Per Notice of Motion Re: Motion of Alibi Witnesses;
14 Defendant's Pro Per Notice of Motion Re: Motion to Dismiss-Case is Double Jeopardy;
15 Defendant's Pro Per Notice of Motion Re: Motion Writ of Habeas Corpus to Test the Legality
16 of This Arrest; Defendant's Pro Per Notice of Motion Re: Motion to Suppress; and
17 Defendant's Pro Per Notice of Motion Re: Motion for Evidentiary Hearing. On June 13, 2017,
18 the Court denied all of the motions except for: Defendant's Pro Per Motion for Full Brady
19 Discovery. Defendant filed a Case Appeal Statement on June 22, 2017.

20 Following multiple continuances, the trial date was set and the State filed a Notice of
21 Intent to Seek Punishment as a Habitual Criminal/Felon on August 22, 2017. The State also
22 filed a Notice of Motion and Motion in Limine on August 25, 2017. On August 29, 2017,
23 Defendant filed a Pro Per "Notice of Motion and Motion to Strike and Oppode [sic] State's
24 Motion to Seek Punishment as a Habitual Criminal Felony if a Felony Conviction Occur" on
25 August 29, 2017. On September 14, 2017, the Nevada Supreme court Dismissed Defendant's
26 appeal and filed an Order under Case No. 73351.

27 On August 28, 2017, Defendant's jury trial commenced. After a five-day jury trial, the
28 jury returned a guilty verdict on Count 1 - Attempt Murder with Use of a Deadly Weapon, and
Count 3 - Battery with Use of a Deadly Weapon resulting in Substantial Bodily Harm on
September 1, 2017. On December 5, 2017, the Judgment of Conviction was filed, sentencing

1 Defendant to aggregate total of maximum 50 years and minimum parole eligibility after 20
2 years.

3 On December 27, 2016, Defendant filed a Notice of Appeal. On April 23, 2018,
4 Defendant filed his opening brief. (Nevada Supreme Court Case No. 74076). On October 31,
5 2019, the Nevada Supreme Court affirmed the Judgment of Conviction. Remittitur issued on
6 March 16, 2020.

7 On January 5, 2021, Defendant filed the instant Petition for Writ of Habeas Corpus
8 (Post-Conviction) (“Petition”). The State filed its Response on February 19, 2021. This Court
9 denied the Petition on April 1, 2021.

10 **STATEMENT OF FACTS**

11 On August 23, 2016, Terry Bolden (“Bolden”) was at his brother’s house. Jury Trial
12 Day 2 (“JT 2”), August 29, 2017, at 140. At or about 6:00 p.m., Defendant called Bolden for
13 the purpose of meeting up to settle some debts. Id. at 141-2. When Defendant arrived, Bolden
14 went outside his brother’s house to meet the Defendant at his car. Id. Defendant immediately
15 exited the vehicle and stated that Bolden owed the Defendant money. Id. at 144-5. Bolden
16 responded that he would pay Defendant later but agreed to give Defendant gas money. Id. at
17 145. As Bolden pulled out money from his pocket, Defendant reached to grab Bolden’s money
18 from his hand. Id. Bolden resisted and as a result a fight ensued. Id. As they were fighting,
19 Rhonda Robinson (“Robinson”) exited Defendant’s car. JT 2, at 65. Upon exiting the vehicle,
20 Robinson testified that she saw Defendant point his gun at Bolden and shoot Bolden in the
21 head, stomach, and three times in the leg. Id. at 70. Defendant then ran to his vehicle and fled
22 from the scene, taking all of Bolden’s money. Id.

23 Bolden subsequently gave a statement to the police. JT 2, at 158. In his statement,
24 Bolden provided that the vehicle used was a black Camaro. Id. Bolden later told the Detective
25 Gilberto Valenzuela (“Detective Valenzuela”) that he remembered that Defendant said he
26 typically picked up his mail from 3700 S. Nellis. JT 4, at 161. When Detective Valenzuela
27 drove by the address, they saw a black Camaro. Id. After running the plate on the Camaro,
28 Detective Valenzuela discovered the vehicle was owned by Defendant. Id. at 162. Detective
Valenzuela then created a six-pack photo array and administered it to Bolden—where Bolden
picked out Defendant. Id. at 163-4. At the same time, but separate from Bolden, another

1 detective administered a six-pack photo array to Robinson who witnessed the shooting. Id. at
2 165-6. Robinson also identified Defendant as the shooter. Id. at 168. Shortly after these
3 identifications, Defendant was arrested. Id. at 168

4 **AUTHORITY**

5 **I. DEFENDANT'S CLAIMS ARE BARRED BY THE LAW OF THE CASE**

6 Out of the excess claims raised in this Petition, four of his arguments have already been
7 raised on direct appeal and denied by the Nevada Supreme Court (Case No. 74076).
8 Specifically, Defendant attempts to relitigate the following claims: (1) Defendant was denied
9 his right to counsel when he was not appointed new counsel and instead represented himself
10 because trial counsel, Kenneth Frizzell, Esq., was allegedly ineffective; (2) the district court
11 erred in allowing Defendant to represent himself at trial; (3) Defendant's sentence violated the
12 Double Jeopardy Clause; and (4) Defendant's Confrontation Clause rights were violated when
13 the Court admitted Arndaejae Anderson's jail call through the testimony of Marco Rafalovich.
14 Petition at 5, 10, 39, 65, 72, 74, 110, 127; see generally, Appellant's Opening Brief, April 23,
15 2018, 1-37. Defendant's claims are barred by the law of the case.

16 "The law of a first appeal is law of the case on all subsequent appeals in which the facts
17 are substantially the same." Hall v. State, 91 Nev. 314, 315, 535 P.2d 797, 798 (1975) (quoting
18 Walker v. State, 85 Nev. 337, 343, 455 P.2d 34, 38 (1969)). "The doctrine of the law of the
19 case cannot be avoided by a more detailed and precisely focused argument subsequently made
20 after reflection upon the previous proceedings." Id. at 316, 535 P.2d at 799. Under the law of
21 the case doctrine, issues previously decided on direct appeal may not be reargued in a habeas
22 petition. Pellegrini v. State, 117 Nev. 860, 879, 34 P.3d 519, 532 (2001) (citing McNelson v.
23 State, 115 Nev. 396, 414-15, 990 P.2d 1263, 1275 (1999)). Furthermore, this Court cannot
24 overrule the Nevada Supreme Court. NEV. CONST. Art. VI § 6. Here, the Nevada Supreme
25 Court discussed and denied Defendant's claims on direct appeal. The Court found that: (1) the
26 district court did not abuse its discretion in denying Defendant's requests for new counsel; (2)
27 Defendant was not denied his right to counsel; (3) Defendant's sentence was not redundant;
28 and (4) the forfeiture-by-wrongdoing exception to the Confrontation Clause allowed the

1 introduction of the jail phone call through Rafalovich. Nevada Supreme Court Order,
2 November 27, 2019, at 1-13. Therefore, such claims are barred by the law of the case and are
3 denied.

4 **II. DEFENDANT’S CLAIMS ARE WAIVED FOR FAILING TO RAISE THEM**
5 **ON APPEAL**

6 Defendant raises a multitude of issues in the instant Petition, totaling to over 36 claims.
7 However, Defendant had to opportunity to raise his complaints on direct appeal, which he had
8 filed on April 23, 2016. See Nevada Supreme Court Case No. 74076. While Defendant raised
9 only a few claims on direct appeal (all of which are reincorporated into this Petition)¹, he now
10 attempts to relitigate the entirety of his case after failing to previously include such claims on
11 direct appeal. Because Defendant failed to address these claims on direct appeal, they are
12 summarily dismissed absent a showing of good cause and prejudice.

13 NRS 34.810(1) reads:

14 The court shall dismiss a petition if the court determines that:

15 (b) The petitioner’s conviction was the result of a trial and the
16 grounds for the petition could have been:

17 (2) Raised in a direct appeal or a prior petition for a writ of habeas
corpus or postconviction relief.

18 The Nevada Supreme Court has held that “challenges to the validity of a guilty plea and
19 claims of ineffective assistance of trial and appellate counsel must first be pursued in post-
20 conviction proceedings.... [A]ll other claims that are appropriate for a direct appeal must be
21 pursued on direct appeal, or they will be *considered waived in subsequent proceedings*.”
22 Franklin v. State, 110 Nev. 750, 752, 877 P.2d 1058, 1059 (1994) (emphasis added)
23 (disapproved on other grounds by Thomas v. State, 115 Nev. 148, 979 P.2d 222 (1999)). “A
24 court must dismiss a habeas petition if it presents claims that either were or could have been
25 presented in an earlier proceeding, unless the court finds both cause for failing to present the
26 claims earlier or for raising them again and actual prejudice to the petitioner.” Evans v. State,
27 117 Nev. 609, 646-47, 29 P.3d 498, 523 (2001).
28

¹ See *supra*, Section I.

1 Further, substantive claims are beyond the scope of habeas and waived. NRS 34.724(2)(a);
2 Evans v. State, 117 Nev. 609, 646–47, 29 P.3d 498, 523 (2001); Franklin v. State, 110 Nev.
3 750, 752, 877 P.2d 1058, 1059 (1994), disapproved on other grounds, Thomas v. State, 115
4 Nev. 148, 979 P.2d 222 (1999).

5 A defendant may only escape these procedural bars if they meet the burden of
6 establishing good cause and prejudice:

7 3. Pursuant to subsections 1 and 2, the petitioner has the burden of pleading
8 and proving specific facts that demonstrate:

9 (a) Good cause for the petitioner's failure to present the claim or for
10 presenting the claim again; and

11 (b) Actual prejudice to the petitioner.

12 NRS 34.810(3). Where a defendant does not show good cause for failure to raise claims of
13 error upon direct appeal, the district court is not obliged to consider them in post-conviction
14 proceedings. Jones v. State, 91 Nev. 416, 536 P.2d 1025 (1975).

15 In the instant matter, Defendant does not even attempt to argue good cause as to why
16 he failed to raise the 36 additional claims presented within the instant Petition on direct appeal.
17 Thus, Defendant fails to establish good cause.

18 In terms of prejudice, Defendant claims that appellate counsel Sandra Stewart, Esq.,
19 (“Ms. Stewart” and/or “appellate counsel”) was ineffective in her representation on direct
20 appeal. Defendant argues that he was prejudiced by Ms. Stewart’s refusal to include the
21 entirety of his complaints on direct appeal. Defendant cannot establish prejudice because any
22 claim that appellate counsel was ineffective is without merit. Thus, this Petition is denied for
23 the following reasons.

24 **III. APPELLATE COUNSEL WAS NOT INEFFECTIVE**

25 The Sixth Amendment to the United States Constitution provides that, “[i]n all criminal
26 prosecutions, the accused shall enjoy the right . . . to have the Assistance of Counsel for his
27 defense.” The United States Supreme Court has long recognized that “the right to counsel is
28 the right to the effective assistance of counsel.” Strickland v. Washington, 466 U.S. 668, 686,

1 104 S. Ct. 2052, 2063 (1984); see also State v. Love, 109 Nev. 1136, 1138, 865 P.2d 322, 323
2 (1993).

3 To prevail on a claim of ineffective assistance of trial counsel, a defendant must prove
4 he was denied “reasonably effective assistance” of counsel by satisfying the two-prong test of
5 Strickland, 466 U.S. at 686-87, 104 S. Ct. at 2063-64. See also Love, 109 Nev. at 1138, 865
6 P.2d at 323. Under the Strickland test, a defendant must show first that his counsel's
7 representation fell below an objective standard of reasonableness, and second, that but for
8 counsel's errors, there is a reasonable probability that the result of the proceedings would have
9 been different. 466 U.S. at 687-88, 694, 104 S. Ct. at 2065, 2068; Warden, Nevada State Prison
10 v. Lyons, 100 Nev. 430, 432, 683 P.2d 504, 505 (1984) (adopting the Strickland two-part test).
11 “[T]here is no reason for a court deciding an ineffective assistance claim to approach the
12 inquiry in the same order or even to address both components of the inquiry if the defendant
13 makes an insufficient showing on one.” Strickland, 466 U.S. at 697, 104 S. Ct. at 2069.

14 The court begins with the presumption of effectiveness and then must determine
15 whether the defendant has demonstrated by a preponderance of the evidence that counsel was
16 ineffective. Means v. State, 120 Nev. 1001, 1011, 103 P.3d 25, 32 (2004). “Effective counsel
17 does not mean errorless counsel, but rather counsel whose assistance is ‘[w]ithin the range of
18 competence demanded of attorneys in criminal cases.’” Jackson v. Warden, 91 Nev. 430, 432,
19 537 P.2d 473, 474 (1975).

20 Counsel cannot be ineffective for failing to make futile objections or arguments. See
21 Ennis v. State, 122 Nev. 694, 706, 137 P.3d 1095, 1103 (2006). Trial counsel has the
22 “immediate and ultimate responsibility of deciding if and when to object, which witnesses, if
23 any, to call, and what defenses to develop.” Rhyne v. State, 118 Nev. 1, 8, 38 P.3d 163, 167
24 (2002).

25 Based on the above law, the role of a court in considering allegations of ineffective
26 assistance of counsel is “not to pass upon the merits of the action not taken but to determine
27 whether, under the particular facts and circumstances of the case, trial counsel failed to render
28 reasonably effective assistance.” Donovan v. State, 94 Nev. 671, 675, 584 P.2d 708, 711

1 (1978). This analysis does not mean that the court should “second guess reasoned choices
2 between trial tactics nor does it mean that defense counsel, to protect himself against
3 allegations of inadequacy, must make every conceivable motion no matter how remote the
4 possibilities are of success.” Id. To be effective, the constitution “does not require that counsel
5 do what is impossible or unethical. If there is no bona fide defense to the charge, counsel
6 cannot create one and may disserve the interests of his client by attempting a useless charade.”
7 United States v. Cronin, 466 U.S. 648, 657 n.19, 104 S. Ct. 2039, 2046 n.19 (1984).

8 “There are countless ways to provide effective assistance in any given case. Even the
9 best criminal defense attorneys would not defend a particular client in the same way.”
10 Strickland, 466 U.S. at 689, 104 S. Ct. at 689. “Strategic choices made by counsel after
11 thoroughly investigating the plausible options are almost unchallengeable.” Dawson v. State,
12 108 Nev. 112, 117, 825 P.2d 593, 596 (1992); see also Ford v. State, 105 Nev. 850, 853, 784
13 P.2d 951, 953 (1989). In essence, the court must “judge the reasonableness of counsel's
14 challenged conduct on the facts of the particular case, viewed as of the time of counsel's
15 conduct.” Strickland, 466 U.S. at 690, 104 S. Ct. at 2066.

16 Even if a defendant can demonstrate that his counsel's representation fell below an
17 objective standard of reasonableness, he must still demonstrate prejudice and show a
18 reasonable probability that, but for counsel's errors, the result of the trial would have been
19 different. McNelson v. State, 115 Nev. 396, 403, 990 P.2d 1263, 1268 (1999) (citing
20 Strickland, 466 U.S. at 687, 104 S. Ct. at 2064). “A reasonable probability is a probability
21 sufficient to undermine confidence in the outcome.” Id. (citing Strickland, 466 U.S. at 687-89,
22 694, 104 S. Ct. at 2064-65, 2068).

23 The Nevada Supreme Court has held “that a habeas corpus petitioner must prove the
24 disputed factual allegations underlying his ineffective-assistance claim by a preponderance of
25 the evidence.” Means v. State, 120 Nev. 1001, 1012, 103 P.3d 25, 33 (2004). Furthermore,
26 claims of ineffective assistance of counsel asserted in a petition for post-conviction relief must
27 be supported with specific factual allegations, which if true, would entitle the petitioner to
28 relief. Hargrove v. State, 100 Nev. 498, 502, 686 P.2d 222, 225 (1984). “Bare” and “naked”

1 allegations are not sufficient, nor are those belied and repelled by the record. Id. NRS
2 34.735(6) states in relevant part, “[Petitioner] *must* allege specific facts supporting the claims
3 in the petition[.] . . . Failure to allege specific facts rather than just conclusions may cause your
4 petition to be dismissed.” (emphasis added).

5 Here, Defendant argues that appellate counsel failed to present all the issues he had
6 wanted to raise on direct appeal. Petition at 114. Defendant claims that Ms. Stewart was
7 ineffective for following reasons fails.²

8 **A. Defendant’s Claims of False Evidence Fail**

9 Defendant alleges that appellate counsel was ineffective for failing raise claims of false
10 evidence presented by the State at trial. Petition at 16-118. Defendant’s claims are meritless.

11 There is a strong presumption that appellate counsel's performance was reasonable and
12 fell within “the wide range of reasonable professional assistance.” See United States v.
13 Aguirre, 912 F.2d 555, 560 (2nd Cir. 1990); citing Strickland, 466 U.S. at 689, 104 S. Ct. at
14 2065. A claim of ineffective assistance of appellate counsel must satisfy the two-prong test set
15 forth by Strickland. Kirksey v. State, 112 Nev. 980, 998, 923 P.2d 1102, 1114 (1996). In order
16 to satisfy Strickland’s second prong, the defendant must show that the omitted issue would
17 have had a reasonable probability of success on appeal. Id.

18 The professional diligence and competence required on appeal involves “winnowing
19 out weaker arguments on appeal and focusing on one central issue if possible, or at most on a
20 few key issues.” Jones v. Barnes, 463 U.S. 745, 751-52, 103 S. Ct. 3308, 3313 (1983). In
21 particular, a “brief that raises every colorable issue runs the risk of burying good arguments .
22 . . in a verbal mound made up of strong and weak contentions.” Id. at 753, 103 S. Ct. at 3313.
23 “For judges to second-guess reasonable professional judgments and impose on appointed
24 counsel a duty to raise every 'colorable' claim suggested by a client would disserve the very
25 goal of vigorous and effective advocacy.” Id. at 754, 103 S. Ct. at 3314. Further, effective
26 assistance of appellate counsel does not mean that appellate counsel must raise every non-

27
28 ² The grounds upon which Defendant argues ineffective assistance of counsel are reiterated through the Petition as individual grounds for the dismissal of his case. To prevent redundancy, this Court has addressed the merits of Defendant’s claims under its ineffective assistance of appellate counsel analysis.

1 frivolous issue. See Jones v. Barnes, 463 U.S. 745, 751–54, 103 S.Ct. 3308, 3312–15, 77
2 L.Ed.2d 987 (1983). An attorney's decision not to raise meritless issues on appeal is
3 not ineffective assistance of counsel. Daniel v. Overton, 845 F.Supp. 1170, 1176
4 (E.D.Mich.1994); Leaks v. United States, 841 F.Supp. 536, 541 (S.D.N.Y.1994), aff'd, 47
5 F.3d 1157 (2d Cir.), cert. denied, 516 U.S. 926, 116 S.Ct. 327, 133 L.Ed.2d 228 (1995). To
6 establish prejudice based on the deficient assistance of appellate counsel, the defendant must
7 show that the omitted issue would have a reasonable probability of success on
8 appeal. Duhamel v. Collins, 955 F.2d 962, 967 (5th Cir.1992); Heath, 941 F.2d at 1132. In
9 making this determination, a court must review the merits of the omitted claim. Heath, 941
10 F.2d at 1132.

11 Here, Defendant argues that appellate counsel was ineffective for not raising claims of
12 “false evidence” regarding certain testimony at trial. Petition at 16, 37, 43, 78, 118.
13 Specifically, Defendant takes issue with the testimonies of: (1) Laura Brook Cornell; (2) Jacob
14 Werner; (3) Rhonda Robinson; (4) Michael Kahnke; (5) Terry Bolden; (5) Caitlin King; and
15 (6) Gilberto Valenzuela. Id. Defendant’s claims are irrelevant.

16 The Nevada Supreme Court has held that a criminal defendant has the right to cross-
17 examine a witness as to bias or motives in testifying. Hughes v. State, 98 Nev. 437, 651 P.2d
18 102 (1982). Additionally, the broadest discretion is allowed when cross-examination is used
19 to generally attack such credibility. Bushnell v. State, 95 Nev. 570, 599 P.2d 1038 (1979). At
20 trial, Defendant was afforded ample opportunity and leeway to impeach those the State had
21 called to testify at trial. Defendant was able to cross-examine each witness and impeach them
22 regarding any inconsistent testimony he perceived at trial. Indeed, this was not a winning issue
23 on appeal. Defendant was able to highlight misidentification, inconsistencies, and whether he
24 thought a witness was lying out during cross-examination by showing prior-inconsistent
25 statements. It is for the jury to decide the credibility of the evidence. McNair v. State, 108 Nev.
26 53, 825 P.2d 571 (1992) (it is the jury’s function, not that of the court, to assess weight of the
27 evidence and determine credibility of witnesses). Therefore, appellate counsel could not have

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1 been ineffective for recognizing the frivolity of these false evidence arguments on direct
2 appeal. Thus, this claim is denied.

3 **B. Appellate Counsel Not Ineffective for Not Arguing there was a Lack of**
4 **Probable Cause at the Preliminary Hearing**

5 Defendant contends that the State failed to present sufficient evidence at the preliminary
6 hearing. Petition, at 25. Defendant's claim is meritless. Defendant was afforded a five-day jury
7 trial which concluded in Defendant being found guilty of Attempt Murder With Use of a
8 Deadly Weapon and Battery With Use of a Deadly Weapon Resulting in Substantial Bodily
9 Harm. Verdict, September 1, 2017, 1-2. Because Defendant was found guilty beyond a
10 reasonable doubt, a more stringent standard than that required at a preliminary hearing, such
11 claim could not win on appeal. Sheriff v. Steward, 109 Nev. 831, 835, 858 P.2d 48, 51 (1993)
12 (finding of "[p]robable cause to support a criminal charge '[m]ay be based on slight, even
13 'marginal' evidence'"). Thus, Defendant's claim that there was insufficient evidence to find
14 probable cause at the preliminary is not only meritless, but immaterial.

15 Nevertheless, Defendant simultaneously claims there was insufficient evidence to find
16 him guilty at trial. Petition at 122. Defendant's claim is belied by the record and without merit.
17 The Nevada Supreme Court has found that in reviewing a claim of insufficient evidence, the
18 relevant inquiry is "whether, after viewing the evidence in the light most favorable to the
19 prosecution, any rational trier of fact could have found the essential elements of the crime
20 beyond a reasonable doubt." State v. Origel-Candido, 114 Nev. 378, 381, 956 P.2d 1378, 1380
21 (1998) quoting Koza v. State, 100 Nev. 245, 250, 681 P.2d 44, 47 (1984); see also Jackson v.
22 Virginia, 443 U.S. 307, 99 S.Ct. 2781 (1979). In State v. Walker, 109 Nev. 683, 685 857 P.2d
23 1, 2 (1993), this Court delineated the proper standard of review to be utilized when analyzing
24 a claim of insufficiency of evidence:

25 Insufficiency of the evidence occurs where the prosecutor has not produced a
26 minimum threshold of evidence upon which a conviction may be based.
27 Therefore, even if the evidence presented at trial were believed by the jury, it
28 would be insufficient to sustain a conviction, as it could not convince a
reasonable and fairminded jury of guilt beyond a reasonable doubt. Id.

1 Furthermore, the Nevada Supreme Court has ruled it will not reverse a verdict even if the
2 verdict is contrary to the evidence where there is substantial evidence to support it. State v.
3 Varga, 66 Nev. 102, 117, 205 P.2d 803, 810 (1949).

4 Moreover, this Court has specifically stated that “[c]ircumstantial evidence alone may
5 sustain a conviction.” McNair v. State, 108 Nev. 53, 61, 825 P.2d 571, 576 (1992); see also
6 Kazalyn v. State, 108 Nev. 67, 71, 825 P.2d 578, 581 (1992). The rationale behind this rule is
7 that the trier of fact “may reasonably rely upon circumstantial evidence; to conclude otherwise
8 would mean that a criminal could commit a secret murder, destroy the body of the victim, and
9 escape punishment despite convincing circumstantial evidence against him or her.” Williams
10 v. State, 96 Nev. 367, 374, 609 P.2d 309, 313 (1980) citing People v. Scott, 176 Cal. App. 2nd
11 458, 1 Cal. Rptr. 600 (1959). In the present case, there was sufficient evidence to convict
12 Defendant at trial.

13 To start, the victim, Bolden, testified at trial who committed the crime: Defendant. JT
14 4 at 163-4. The victim testified regarding the specific acts performed by the Defendant: (1)
15 Defendant took money from the victim; (2) with the use of a deadly weapon, and (3) shot the
16 victim five times. JT 2 at 141-150. Additionally, the victim testified that he was transported to
17 the hospital and has several scars from the injuries inflicted by Defendant. JT 2 at 153-155.
18 Inasmuch, a victim’s testimony alone is sufficient to support Defendant’s conviction beyond
19 a reasonable doubt. Rosales v. State, 128 Nev. 931, 381 P.3d 657 (2012) (holding there was
20 sufficient evidence to convict defendant for aggravated assault when the victim testified, he
21 felt frightened, intimidated, harassed, and fearing substantial bodily harm). The word of the
22 victim is sufficient to establish proof beyond a reasonable doubt because “it is exclusively
23 within the province of the trier of fact to weigh evidence and pass on the credibility of
24 witnesses and their testimony.” Lay v. State, 100 Nev. 1189, 1192, 886 P.2d 448, 450 (1994);
25 See also, Culverson v. State, 95 Nev. 433, 435, 596 P.2d 220, 221 (1979); Azbill v. State, 88
26 Nev. 240, 252, 495 P.2d 1064, 1072 (1972), cert. denied 429 U.S. 895, 97 S.Ct. 257 (1976).
27 Even still, Robinson, an eyewitness to the crime, also testified at trial that Defendant was the
28 shooter and later identified Defendant in a photo array. JT 2 at 165-8. Therefore, counsel could

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1 not be ineffective for raising such meritless claim of insufficient evidence on appeal. As such,
2 this claim is denied.

3 Confusingly, Defendant still argues that counsel was ineffective for failing to raise this
4 claim on appeal because the victim was a “co-conspirator” in this case. Petition at 14.
5 However, this completely misstates the trial testimony. Bolden testified that the Defendant
6 assisted Bolden in paying for a place to live weekly. JT 2 at 140-45. Initially, Bolden believed
7 Defendant was merely helping him; however, Bolden explained that he soon realized
8 Defendant expected Bolden to assist in selling drugs. Id. at 145. During trial, Bolden told the
9 jury that he in fact did not agree to sell drugs nor did he ever owe Defendant money for drugs.
10 Id. Regardless, even if Bolden was involved in the drug sale, that alone does not make Bolden
11 a co-conspirator in the crimes Defendant is charged with. Therefore, based on Bolden’s
12 testimony, he could not in any way be an accomplice to his *own* attempted murder and robbery.
13 Such allegation is quite literally impossible. Therefore, Defendant’s contention that Bolden ‘s
14 role as a co-conspirator somehow negates his testimony is meritless. Thus, Defendant’s claim
15 that appellate counsel was ineffective for failing to bring these irrelevant claims of insufficient
16 evidence is without merit.

17 **C. Defendant’s Claim that Appellate Counsel was Ineffective for Not Raising**
18 **Claims of Unlawful Detention, Search, and Seizure Fail.**

19 Defendant claims appellate counsel was ineffective for failing to allege that he was
20 illegally arrested and that the search warrant in his case was illegally procured. Petition, at 30,
21 36, 87. Again, Defendant’s claims had no reasonable probability of success on appeal.
22 Strickland, 466 U.S. at 689, 104 S. Ct. at 2065.

23 First, Defendant claims that he was illegally detained because he was not “arrested,”
24 there was no arrest warrant, nor any charges pending. Petition at 30-36. NRS 171.124 provides
25 that an officer may arrest a person “when a felony or gross misdemeanor has in fact been
26 committed, and the agent has reasonable cause for believing the person arrested to have
27 committed it.” Thomas v. Sheriff, Clark County, 85 Nev. 551, 553 (1969); See Ornelas v. U.S.
28 690, 695-96 (1996).

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1 There can be no debate that a reasonable person would believe Defendant committed
2 the crime at hand. As noted *supra*, Bolden was shot multiple times, and both he and Robinson
3 picked Defendant out of a six-pack photo array. JT 2 at 163-8. There simply cannot be any
4 debate about whether Defendant's arrest was lawful. A fact Ms. Stewart informed Defendant
5 of this fact. Exhibit B at 3. Thus, appellate counsel was if anything, effective, for not pursuing
6 a meritless claim.

7 Second, Defendant contends that the vehicle stop that led to his arrest was unlawful.
8 Petition at 30. As noted, probable cause is the question of whether a prudent person would
9 believe a crime was committed. Thomas, 85 Nev. at 553. Given the facts known to the police
10 at the time of Defendant's arrest, there was undoubtedly the existence of probable cause for a
11 felony car stop. In fact, Defendant was stopped in the very vehicle that he used to flee from
12 the crime scene. JT 4 at 162. Consequently, the police impounded the vehicle and prior to a
13 search obtained a search warrant, following a positive identification from the victim and
14 Robinson. JT 4 at 165-68. Thus, appellate counsel was not ineffective for informing Defendant
15 of the issues with this claim and not raising it on appeal.

16 **D. Appellate Counsel was Not Ineffective for Not Raising Alleged Juror Issues on**
17 **Direct Appeal.**

18 Defendant complains that appellate counsel was ineffective for failing to argue that that
19 Defendant's right to a fair trial was violated due to juror misconduct. Petition at 42-82.
20 Defendant raises the following claims of misconduct: (1) Juror No. 6 was biased because she
21 recognized one of the prosecutors; (2) Juror No. 9 was biased because he allegedly "wrote the
22 word dick in his jury note"; (3) Juror No. 4 should have been dismissed due to his alleged lack
23 of comprehension of the English language; (4) Juror No. 3 should have been dismissed because
24 she stated that she was "sad" when her car was stolen because it contained her grandson's
25 pillow in it, who had recently passed away; (5) Juror No.10 should have been dismissed
26 because she worked for a company that had been robbed previously; (6) Juror No. 1 should
27 have been dismissed for previously possessing a stolen credit card; and (7) potential juror,

28 //

1 Chatavia McGowan (“McGowan”) was improperly dismissed even though she had a newborn
2 child at home. Petition, at 51-85. Defendant’s claims are waived and meritless.

3 During voir dire, Defendant failed to object to the confirmation of Jurors No. 1, 3, 4, 6,
4 9, 10. See Jury Trial Day 1, August 28, 2017, 261. Additionally, the Court concluded voir dire
5 announcing the potential jury panel and questioned each party as to whether they had any
6 objections to the potential jurors. Id. At no point did Defendant object, but instead conveyed
7 that he had “no” objections to the panel. Id. The issues raised by Defendant were known to
8 him at the time of voir dire as Defendant references the jurors’ remarks as the reason that they
9 should have been dismissed. However, a party waives any challenge to the seating of a juror
10 on appeal where the party was aware of the basis for the challenge during voir dire. Savedzada
11 v. State, 134 Nev. 283, 419 P.3d 184 (Nev. App, 2019) (holding where the party was aware of
12 the basis of the challenge at the time of voir dire, had the opportunity to challenge the
13 prospective juror on those facts, but declined to do so, and approved the juror’s presence on
14 the panel *waives any challenge on appeal*) (emphasis added). Clearly, appellate counsel could
15 not have been ineffective for failing to raise these issues on appeal since Defendant never
16 objected to the juror’s presence on the jury panel. Thus, Defendant’s claims were waived, and
17 his claims of ineffectiveness are denied.

18 Further, Defendant alleges that Juror No. 9 wrote the expletive “dick” on his jury note.
19 Defendant’s presents a bare and naked claim. “Bare” and “naked” allegations are not sufficient
20 to warrant post-conviction relief, nor are those belied and repelled by the record. Hargrove v.
21 State, 100 Nev. 498, 502, 686 P.2d 222, 225 (1984). Defendant provides this baseless argument
22 to support the contention that Juror No. 9 “could” have been there to corrupt the jury.
23 Defendant fails to provide any support of this claim. Therefore, appellate counsel could not be
24 found ineffective for determining this claim unwinnable on direct appeal. Thus, this bare and
25 naked claim is denied.

26 Finally, Defendant claims that potential juror McGowan was improperly dismissed
27 from the jury panel because the Court failed to make a record as to why she was dismissed.
28 This is not the case. The Court questioned McGowan as to whether she would be able to make

1 arrangements for her children if she were to be empaneled. JT 1 at 73-4. McGowan replied
2 that she would try, but that she had not made childcare arrangements for her four year old and
3 four month old children at that point in time. Id. The Court noted its concern for the newborn
4 child, and Defendant did not object as to her exclusion on the jury panel. Thus, this claim is
5 waived and denied.

6 **E. Appellate Counsel was Not Ineffective for Failing to Raise Certain Claims**
7 **Regarding Whether Trial Counsel was Ineffective.**

8 **i. Defendant was not denied his right to speedy trial**

9 Defendant claims that appellate counsel was ineffective for not arguing that trial
10 counsel was ineffective for waiving Defendant's right to a speedy trial. Petition, at 74.
11 Defendant's claim is a losing one. Defendant authorized trial counsel to file a pre-trial Petition
12 for Writ of Habeas Corpus. In filing the petition, Defendant "waive[d] his 60 day right to a
13 trial." Petition for Writ of Habeas Corpus, December 8, 2016, 2. Such disclosure is evidenced
14 within the petition itself and provides:

15 Petitioner waives his (60) day right to a trial and further
16 acknowledges that, if the Petition is not decided within fifteen (15)
17 days before the date set for trial, Petitioner consents that the Court
18 may, without notice of a hearing, continue the trial indefinitely or
19 to a date designated by the Court, and further that if any party
20 appeals the Court's ruling and the appeal is not determined before
21 the dates set for trial, Petitioner consents that the date is
22 automatically vacated and the trial postponed unless the Court
23 otherwise orders.

24 Id. at 2.

25 Clearly, Defendant waived his right to a speedy trial in directing trial counsel to file the
26 pre-trial petition. Thus, this issue would have been summarily denied on appeal and Ms.
27 Stewart cannot be found ineffective for not raising this issue on appeal. As such, Defendant's
28 claim is denied.

//

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1 **IV. THE JURY INSTRUCTIONS PRESENTED WERE AN ACCURATE**
2 **REPRESENTATION OF THE LAW**

3 Defendant alleges that the jury instruction on Attempt Murder because it was
4 “misleading.” Petition, at 68. Confusingly, Defendant complains that the jury was
5 misinformed because there is no such thing as “attempt malice.” Id. Defendant simply provides
6 a misinformed opinion on the law as his baseless argument is belied by the record because the
7 instruction was not an incorrect statement of the law. Mann, 118 Nev. at 354, 46 P.3d at 1230.
8 “District courts have broad discretion to settle jury instructions.” Cortinas v. State, 124 Nev.
9 1013, 195 P.3d 315, 319 (2008). Further, when an error has not been preserved, the Court
10 employs plain-error review. See Green v. State, 119 Nev. 542, 545, 80 P.3d 93, 95 (2003)
11 (explaining that failure to object to a jury instruction precludes appellate review except in
12 circumstances amounting to plain error under NRS 178.602). Under that standard, an error that
13 is plain from a review of the record does not require reversal unless the defendant demonstrates
14 that the error affected his or her substantial rights by causing “actual prejudice or a miscarriage
15 of justice.” Id.

16 Here, Defendant initially objected to the to the attempted murder instruction, but later
17 retracted his objection once the Court clarified the definition of Attempt Murder. The
18 following colloquy took place between the Court and Defendant:

19 THE COURT: Thank you. All right. The next instruction is the
20 attempt murder instruction, so if you’ll remove that and replace it
21 with the new one that the party’s agreed upon, which adds, thus,
22 in order to find the defendant guilty of attempt murder, you must
23 find that the defendant had the specific intent to kill. And that’s
24 the instruction you proposed; is that correct, [Defendant]?

25 THE DEFENDANT: Yes, but I was telling Mr.—Mr. Frizzell that
26 I think attempt murder is misleading to the jury.

27 ...

28 THE DEFENDANT: I said I objected to that one, because I think
 attempted murder is misleading to the jury if it’s not showing what
 the statute is wording would attempt it is and then what murder is.

 THE COURT: Okay. We did define what an attempt is in the
 instruction right before, an act done with intent to commit a crime,
 intending, but failing, to accomplishment, is an attempt to commit

1 that crime. And then the jury would be instructed on attempt
2 murder. Any objection knowing now they'll be instructed on what
attempt means, and then attempt murder?

3 THE DEFENDANT: No.

4 THE COURT: Okay. And we added, thus, in order to find the
5 defendant guilty of attempt murder, you must find that the
defendant has specific intent to kill. Okay.

6 Jury Trial Day 5, September 1, 2017, 12-13.

7 The Court walked Defendant through the Attempt Murder instruction, Defendant took
8 no issue once the Court explained the meaning, and yet, now he raises this unsupported
9 contention out of frustration with the result of his trial.

10 Regardless, the jury instruction for Attempt Murder is an accurate representation of the
11 law. To be found guilty of Attempt Murder there must be the *intent* to kill a human being. See
12 NRS 200.010, 200.030. Thus, this claim is denied.

13 **V. THERE WAS NO PROSECUTORIAL MISCONDUCT AT TRIAL**

14 Defendant raises multiple claims of prosecutorial misconduct at trial. Specifically, he
15 claims: (1) there was misconduct because two prosecutors working on his case instead of just
16 one; (2) the State failed to produce Defendant with discovery; (3) Deputy District Attorney
17 (“DDA”) Bryan Schwartz, Esq., allegedly gave misleading jury instructions³ and presented
18 lies to the jury; and (3) DDA Binu Palal, Esq., lied to the jury. Petition, at 46, 53, 96, 68, 101.

19 Claims of prosecutorial misconduct that have not been objected to at trial will not be
20 reviewed on appeal unless they constitute “plain error.” Leonard v. State, 17 P.3d 397, 415
21 (2001); See Mitchell v. State, 114 Nev. 1417, 971 P.2d 813, 819 (1998); Rippo v. State, 113
22 Nev. 1239, 946 P.2d 1017, 1030 (1997). Should the Court disagree, then it is the State’s
23 position that Defendant’s argument is without merit.

24 The standard of review for prosecutorial misconduct rests upon Defendant showing
25 “that the remarks made by the prosecutor were ‘patently prejudicial.’” Riker v. State, 111
26 Nev. 1316, 1328, 905 P.2d 706, 713 (1995) (citing Libby v. State, 109 Nev. 905, 911, 859
27 P.2d 1050, 1054 (1993)). This is based on a defendant’s right to have a fair trial, not
28

³ See supra, Section IV, regarding the jury instructions presented at trial.

1 necessarily a perfect one. Ross v. State, 106 Nev. 924, 927, 803 P.2d 1104, 1105 (1990). The
2 relevant inquiry is whether the prosecutor's statements so contaminated the proceedings with
3 unfairness as to make the result a denial of due process. Darden v. Wainwright, 477 U.S. 168,
4 181, 106 S.Ct. 2464, 2471 (1986). Defendant must show that the statements violated a clear
5 and unequivocal rule of law, he was denied a substantial right, and as a result, he was materially
6 prejudiced. Libby, 109 Nev. at 911, 859 P.2d at 1054.

7 First, Defendant claims it was misconduct to have two prosecutors working on his case
8 instead of just one because he had chosen to represent himself. Petition, at 46. However, as
9 noted by the Nevada Supreme Court in its affirmance of Defendant's direct appeal, Defendant
10 filed three requests to substitute counsel and represent himself. Order of Affirmance,
11 November 27, 2019, at 12. Defendant's decision does not, therefore, create an inherent
12 unfairness for the State to engage in normal trial practice. It is standard procedure for many
13 cases that go to trial for there to be a first and second chair attorney. Not only is this practice
14 commonplace, but Defendant fails to address how he was prejudiced. Thus, this claim is
15 denied.

16 Second, Defendant argues that the State failed to turn over discovery in his case, and
17 that the Court denied all his discovery requests. Petition at 53. Defendant's claim is belied by
18 the record. Mann, 118 Nev. at 354, 46 P.3d at 1230.

19 During Defendant's Faretta canvass, Defendant alerted the Court that he had not
20 received complete discovery from either trial counsel or the State. In response to Defendant's
21 concerns, the Court allowed Defendant the opportunity to file a Motion to Obtain A Full Brady
22 Discovery And To Inspect All Evidence ("Brady Motion"). On April 13, 2017, the Court ruled
23 on the Brady Motion as follows:

- 24 1. Police Report from Officer Hafen- Upon Court's inquiry, Mr.
25 Schwartz confirmed a police report from Officer Hafen does
26 not exist.
- 27 2. Officer A. Karas Report- Upon Court's inquiry, Mr. Schwartz
28 confirmed there is no report from Officer A. Karas.
Court advised Defendant the State cannot provide what does
not exist.

3. Affidavit for warrant of search of the Camaro- Any search warrants will be turned over by the State, if any.
4. Affidavit and Summons for all suspects in Justice Court Case 16F14731, Department 5- Motion Off Calendar as there are no other suspects.
5. Affidavit and Summons for all suspects Case C319021-1- Motion Denied because Defendant is the only suspect in this case.
6. Arrest warrant for Arnold Anderson and all suspects in Cases 16F14731X an C319021-Motion Off Calendar as there was no arrest warrant, and the arrest occurred based on probable cause.
7. Affidavit and Summons for arrest warrant for Arnold Anderson- Motion Off Calendar as this does not exist.
8. Photo array issued by investigator Officer Valenzuela- Court NOTED a six pack of photos was produced in this case. COURT ORDERED, MOTION GRANTED as to six-pack photo line up; and State to overturn the photo line up.
9. Photo array- MOTION GRANTED as to photo line up; and State is to turn over the photo line up.
10. List of all witnesses expected to testify or have knowledge of the case- COURT ORDERED, State is to comply with NRS 174.234. Court NOTED State has already complied with the statute and turned over a witness list, and State has a continuing obligation, without Court ordering State to provide a witness list.
11. List of witnesses interviewed by Plaintiff- MOTION DENIED as State is not required to provide this.
12. All documents relating to investigation of this case—MOTION GRANTED to the extent it is required by NRS 174.235.
13. A list of former or present agents of Plaintiff who have participated who will or who will not be called as a witness- State is to comply with statutory obligations and provide Defendant with a witness list.
14. Copies of pictures of Camaro seized on 9-15-16 by Officer Valenzuela- MOTION GRANTED as to pictures taken during this search; and State is to provide these pictures.
15. Case summary for Case 16F14731-MOTION DENIED.
16. All photos involved in this case, all reports, any scientific test, copy of criminal proceedings of Arndaejae Anderson- MOTION GRANTED only to the extent it is required by statute.

Court Minutes, April 13, 2017, 1-3.

1 Indeed, Defendant was not precluded access to discovery as this Court afforded
2 Defendant additional time to request the necessary documents, and further ordered the State
3 to produce the necessary discovery pursuant to statute.⁴ Therefore, Defendant's claim that the
4 State committed prosecutorial misconduct for failing to turn over discovery is belied by the
5 record. Thus, this claim is denied.

6 Further, when analyzing Defendant's claims specific to DDA Palal and Schwartz
7 committing prosecutorial misconduct, such claims are bare and naked allegations. Hargrove,
8 100 Nev. at 502, 686 P.2d at 225. On the contrary, it was Defendant who committed
9 misconduct throughout the entirety of trial. Defendant objected to almost all the testimony
10 making comments such as: "that's good acting" during victim testimony; "there's no doctor
11 here to prove that [Bolden's] the one in the hospital" when the victim described his injuries;
12 and refusing to comply with sustained objections during his cross-examination. JT 2, at 52,
13 151. Defendant exhibited outbursts throughout the entire trial and argued with the Court at
14 every turn. Moreover, Defendant does not provide how the prosecutors' comments were so
15 unfair that they denied him due process and/or were prejudicial. Therefore, Defendant fails to
16 demonstrate the requisite factors to prove he was subject to unfair due process. Thus, this claim
17 is denied.

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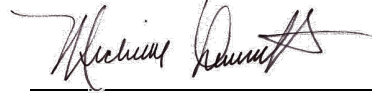
26 //

27 ⁴ In the same vein, Defendant additionally claims that the district court abused its discretion by precluding Defendant
28 discovery and the ability to prepare for trial. Defendant's claim is belied by the record as this Court allowed Defendant
supplemental time to receive discovery and file relevant motions. See Court Minutes, March 23, 2017, 1-3; Court Minutes,
April 13, 2017, 1-3. Thus, this claim is denied. Mann, at 354, 46 P.3d at 1230.

1 **ORDER**

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

4
5 Dated this 27th day of May, 2021

6 

7
8 STEVEN B. WOLFSON
9 Clark County District Attorney
Nevada Bar #001565

2EA 95A B58A 289D
Michelle Leavitt
District Court Judge

10
11 BY /s/ ALEXANDER CHEN
12 ALEXANDER CHEN
13 Chief Deputy District Attorney
14 Nevada Bar #10539

15 **CERTIFICATE OF MAILING**

16 I hereby certify that service of the above and foregoing was made this 19th day of May,
17 2021, by depositing a copy in the U.S. Mail, postage pre-paid, addressed to:

18 ARNOLD ANDERSON, #85509
19 LOVELOCK CORRECTIONAL CENTER
20 1200 PRISON ROAD
LOVELOCK, NV 89419

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

23
24
25
26
27
28 16F14731X/AC/mc/lm/GU

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Arnold Anderson, Plaintiff(s)

CASE NO: A-21-827381-W

7 vs.

DEPT. NO. Department 12

8 Jerry Howell, Warden SDCC,
9 Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 Electronic service was attempted through the Eighth Judicial District Court's
13 electronic filing system, but there were no registered users on the case. The filer has been
14 notified to serve all parties by traditional means.
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NEO

**DISTRICT COURT
CLARK COUNTY, NEVADA**

ARNOLD ANDERSON,

Petitioner,

vs.

THE STATE OF NEVADA,

Respondent,

Case No: C-16-319021-1

Dept No: XII

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

PLEASE TAKE NOTICE that on May 27, 2021, the court entered a decision or order in this matter, a true and correct copy of which is attached to this notice.

You may appeal to the Supreme Court from the decision or order of this court. If you wish to appeal, you must file a notice of appeal with the clerk of this court within thirty-three (33) days after the date this notice is mailed to you. This notice was mailed on June 3, 2021.

STEVEN D. GRIERSON, CLERK OF THE COURT

/s/ Amanda Hampton

Amanda Hampton, Deputy Clerk

CERTIFICATE OF E-SERVICE / MAILING

I hereby certify that on this 3 day of June 2021, I served a copy of this Notice of Entry on the following:

☒ By e-mail:

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

☒ The United States mail addressed as follows:

Arnold Anderson # 85509
P.O. Box 208
Indian Springs, NV 89070

/s/ Amanda Hampton

Amanda Hampton, Deputy Clerk

FFCO
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
ALEXANDER CHEN
Chief Deputy District Attorney
Nevada Bar #10539
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-

ARNOLD ANDERSON,
#1202768

Defendant.

CASE NO: A-21-827381-W
C-16-319021-1
DEPT NO: XII

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

DATE OF HEARING: APRIL 1, 2021
TIME OF HEARING: 12:30 PM

THIS CAUSE having come on for hearing before the Honorable MICHELLE LEAVITT, District Judge, on the 1st day of April 2021, the Defendant not present, the Respondent being represented by STEVEN B. WOLFSON, Clark County District Attorney, represented by and through MELANIE MARLAND, Deputy District Attorney, and the Court having considered the matter, including briefs, transcripts, arguments of counsel, and documents on file herein, now therefore, the Court makes the following findings of fact and conclusions of law:

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1 **FINDINGS OF FACT, CONCLUSIONS OF LAW**

2 **STATEMENT OF THE CASE**

3 On October 27, 2016, Arnold Anderson (hereinafter "Defendant") was charged by way
4 of Information with the crimes of: Attempt Murder with Use of a Deadly Weapon (Category
5 B Felony- NRS 200.010, 200.030, 193.330, 193.165- NOC 50031); Robbery with Use of a
6 Deadly Weapon (Category B Felony- NRS 200.380, 193.165- NOC 50138); and Battery with
7 Use of a Deadly Weapon resulting in Substantial Bodily Harm (Category Be Felony- NRS
8 400.281- NOC 50226).

9 On October 31, 2016, Defendant pled not guilty and invoked his right to a speedy trial.
10 On November 4, 2016, Defendant filed a Pro Per Motion to "Dismiss Counsel and Represent
11 Myself." On November 28, 2016, Defendant filed Motion to "Vacate Motion (12-6-16) to
12 Dismiss Attorney of Record," where he stated that he changed his mind and wanted to keep
13 his appointed counsel Ken Frizzell, Esq. On December 29, 2016, Defendant filed another
14 Motion to "Dismiss Counsel and Appoint New Counsel Plus Pro-Per Ferretta Rights."

15 On January 24, 2017, the District Court held a hearing on Defendant's Motion to
16 "Dismiss Counsel and Appoint New Counsel Plus Pro-Per Ferretta Rights," and after hearing
17 from the parties the District Court continued the matter for a week for a status check. A week
18 later during the status check, Defendant and Mr. Frizzell stated that they came to an
19 understanding and that the conflict was resolved. On March 7, 2017, the District Court held a
20 hearing on Defendant's renewed Motion to "Dismiss Counsel and Replace Counsel and
21 Appoint Defendant Pro Per Status." At the conclusion of the hearing, the Court denied the
22 motion.

23 On March 16, 2017, after conducting Faretta canvass, the Court granted Defendant's
24 request to represent himself, finding that he knowingly, voluntary, and intelligently waived his
25 right to be represented by counsel. On April 13, 2017, Defendant filed a Pro Per Notice of
26 Motion and Motion to Suppress and a Pro Per Notice of Motion and Petition for Writ of Habeas
27 Corpus. The State filed a Response to Defendant's Writ of Habeas Corpus on May 28, 2017,
28 and an Opposition to Defendant's Motion to Suppress on May 1, 2017. The District Court
denied both motions on May 4, 2017.

1 On May 4, 2017, Defendant filed the following motions: Defendant's Pro Per Motion
2 and Notice of Motion to Seek Handwriting Specialist NRS 50.275; Defendant's Pro Per Notice
3 of Motion and Motion to Compel State to Surrender Discovery; and Defendant's Pro Per
4 Notice of Motion and Motion to reconsider Motion to Dismiss. On May 25, 2017, denied the
5 Motion to Reconsider Motion to Dismiss, denied the Motion to Seek Handwriting Specialist,
6 and set a status check to ensure Defendant received all the requisite discovery.

7 On May 25, 2017, Defendant filed the following motions: Defendant's Pro Per Notice
8 of Motion Re Motion to Dismiss; Defendant's Pro Per Notice of Motion Re: Motion for Franks
9 Hearing; Defendant's Pro Per Notice of Motion Re: Motion for Full Brady Discovery;
10 Defendant's Pro Per Notice of Motion Re: Motion to Oppose State's Opposition to Dismiss;
11 Defendant's Pro Per Motion Re: Motion to Dismiss-Based on Malicious Vindictive
12 Prosecution; Defendant's Pro Per Notice of Motion Re: Motion to Dismiss Standby counsel
13 Kenneth Frizzell; Defendant's Pro Per Notice of Motion Re: Motion of Alibi Witnesses;
14 Defendant's Pro Per Notice of Motion Re: Motion to Dismiss-Case is Double Jeopardy;
15 Defendant's Pro Per Notice of Motion Re: Motion Writ of Habeas Corpus to Test the Legality
16 of This Arrest; Defendant's Pro Per Notice of Motion Re: Motion to Suppress; and
17 Defendant's Pro Per Notice of Motion Re: Motion for Evidentiary Hearing. On June 13, 2017,
18 the Court denied all of the motions except for: Defendant's Pro Per Motion for Full Brady
19 Discovery. Defendant filed a Case Appeal Statement on June 22, 2017.

20 Following multiple continuances, the trial date was set and the State filed a Notice of
21 Intent to Seek Punishment as a Habitual Criminal/Felon on August 22, 2017. The State also
22 filed a Notice of Motion and Motion in Limine on August 25, 2017. On August 29, 2017,
23 Defendant filed a Pro Per "Notice of Motion and Motion to Strike and Oppode [sic] State's
24 Motion to Seek Punishment as a Habitual Criminal Felony if a Felony Conviction Occur" on
25 August 29, 2017. On September 14, 2017, the Nevada Supreme court Dismissed Defendant's
26 appeal and filed an Order under Case No. 73351.

27 On August 28, 2017, Defendant's jury trial commenced. After a five-day jury trial, the
28 jury returned a guilty verdict on Count 1 - Attempt Murder with Use of a Deadly Weapon, and
Count 3 - Battery with Use of a Deadly Weapon resulting in Substantial Bodily Harm on
September 1, 2017. On December 5, 2017, the Judgment of Conviction was filed, sentencing

1 Defendant to aggregate total of maximum 50 years and minimum parole eligibility after 20
2 years.

3 On December 27, 2016, Defendant filed a Notice of Appeal. On April 23, 2018,
4 Defendant filed his opening brief. (Nevada Supreme Court Case No. 74076). On October 31,
5 2019, the Nevada Supreme Court affirmed the Judgment of Conviction. Remittitur issued on
6 March 16, 2020.

7 On January 5, 2021, Defendant filed the instant Petition for Writ of Habeas Corpus
8 (Post-Conviction) (“Petition”). The State filed its Response on February 19, 2021. This Court
9 denied the Petition on April 1, 2021.

10 **STATEMENT OF FACTS**

11 On August 23, 2016, Terry Bolden (“Bolden”) was at his brother’s house. Jury Trial
12 Day 2 (“JT 2”), August 29, 2017, at 140. At or about 6:00 p.m., Defendant called Bolden for
13 the purpose of meeting up to settle some debts. Id. at 141-2. When Defendant arrived, Bolden
14 went outside his brother’s house to meet the Defendant at his car. Id. Defendant immediately
15 exited the vehicle and stated that Bolden owed the Defendant money. Id. at 144-5. Bolden
16 responded that he would pay Defendant later but agreed to give Defendant gas money. Id. at
17 145. As Bolden pulled out money from his pocket, Defendant reached to grab Bolden’s money
18 from his hand. Id. Bolden resisted and as a result a fight ensued. Id. As they were fighting,
19 Rhonda Robinson (“Robinson”) exited Defendant’s car. JT 2, at 65. Upon exiting the vehicle,
20 Robinson testified that she saw Defendant point his gun at Bolden and shoot Bolden in the
21 head, stomach, and three times in the leg. Id. at 70. Defendant then ran to his vehicle and fled
22 from the scene, taking all of Bolden’s money. Id.

23 Bolden subsequently gave a statement to the police. JT 2, at 158. In his statement,
24 Bolden provided that the vehicle used was a black Camaro. Id. Bolden later told the Detective
25 Gilberto Valenzuela (“Detective Valenzuela”) that he remembered that Defendant said he
26 typically picked up his mail from 3700 S. Nellis. JT 4, at 161. When Detective Valenzuela
27 drove by the address, they saw a black Camaro. Id. After running the plate on the Camaro,
28 Detective Valenzuela discovered the vehicle was owned by Defendant. Id. at 162. Detective
Valenzuela then created a six-pack photo array and administered it to Bolden—where Bolden
picked out Defendant. Id. at 163-4. At the same time, but separate from Bolden, another

1 detective administered a six-pack photo array to Robinson who witnessed the shooting. Id. at
2 165-6. Robinson also identified Defendant as the shooter. Id. at 168. Shortly after these
3 identifications, Defendant was arrested. Id. at 168

4 **AUTHORITY**

5 **I. DEFENDANT'S CLAIMS ARE BARRED BY THE LAW OF THE CASE**

6 Out of the excess claims raised in this Petition, four of his arguments have already been
7 raised on direct appeal and denied by the Nevada Supreme Court (Case No. 74076).
8 Specifically, Defendant attempts to relitigate the following claims: (1) Defendant was denied
9 his right to counsel when he was not appointed new counsel and instead represented himself
10 because trial counsel, Kenneth Frizzell, Esq., was allegedly ineffective; (2) the district court
11 erred in allowing Defendant to represent himself at trial; (3) Defendant's sentence violated the
12 Double Jeopardy Clause; and (4) Defendant's Confrontation Clause rights were violated when
13 the Court admitted Arndaejae Anderson's jail call through the testimony of Marco Rafalovich.
14 Petition at 5, 10, 39, 65, 72, 74, 110, 127; see generally, Appellant's Opening Brief, April 23,
15 2018, 1-37. Defendant's claims are barred by the law of the case.

16 "The law of a first appeal is law of the case on all subsequent appeals in which the facts
17 are substantially the same." Hall v. State, 91 Nev. 314, 315, 535 P.2d 797, 798 (1975) (quoting
18 Walker v. State, 85 Nev. 337, 343, 455 P.2d 34, 38 (1969)). "The doctrine of the law of the
19 case cannot be avoided by a more detailed and precisely focused argument subsequently made
20 after reflection upon the previous proceedings." Id. at 316, 535 P.2d at 799. Under the law of
21 the case doctrine, issues previously decided on direct appeal may not be reargued in a habeas
22 petition. Pellegrini v. State, 117 Nev. 860, 879, 34 P.3d 519, 532 (2001) (citing McNelson v.
23 State, 115 Nev. 396, 414-15, 990 P.2d 1263, 1275 (1999)). Furthermore, this Court cannot
24 overrule the Nevada Supreme Court. NEV. CONST. Art. VI § 6. Here, the Nevada Supreme
25 Court discussed and denied Defendant's claims on direct appeal. The Court found that: (1) the
26 district court did not abuse its discretion in denying Defendant's requests for new counsel; (2)
27 Defendant was not denied his right to counsel; (3) Defendant's sentence was not redundant;
28 and (4) the forfeiture-by-wrongdoing exception to the Confrontation Clause allowed the

introduction of the jail phone call through Rafalovich. Nevada Supreme Court Order, November 27, 2019, at 1-13. Therefore, such claims are barred by the law of the case and are denied.

II. DEFENDANT’S CLAIMS ARE WAIVED FOR FAILING TO RAISE THEM ON APPEAL

Defendant raises a multitude of issues in the instant Petition, totaling to over 36 claims. However, Defendant had to opportunity to raise his complaints on direct appeal, which he had filed on April 23, 2016. See Nevada Supreme Court Case No. 74076. While Defendant raised only a few claims on direct appeal (all of which are reincorporated into this Petition)¹, he now attempts to relitigate the entirety of his case after failing to previously include such claims on direct appeal. Because Defendant failed to address these claims on direct appeal, they are summarily dismissed absent a showing of good cause and prejudice.

NRS 34.810(1) reads:

The court shall dismiss a petition if the court determines that:

(b) The petitioner’s conviction was the result of a trial and the grounds for the petition could have been:

(2) Raised in a direct appeal or a prior petition for a writ of habeas corpus or postconviction relief.

The Nevada Supreme Court has held that “challenges to the validity of a guilty plea and claims of ineffective assistance of trial and appellate counsel must first be pursued in post-conviction proceedings.... [A]ll other claims that are appropriate for a direct appeal must be pursued on direct appeal, or they will be *considered waived in subsequent proceedings*.” Franklin v. State, 110 Nev. 750, 752, 877 P.2d 1058, 1059 (1994) (emphasis added) (disapproved on other grounds by Thomas v. State, 115 Nev. 148, 979 P.2d 222 (1999)). “A court must dismiss a habeas petition if it presents claims that either were or could have been presented in an earlier proceeding, unless the court finds both cause for failing to present the claims earlier or for raising them again and actual prejudice to the petitioner.” Evans v. State, 117 Nev. 609, 646-47, 29 P.3d 498, 523 (2001).

¹ See supra, Section I.

1 Further, substantive claims are beyond the scope of habeas and waived. NRS 34.724(2)(a);
2 Evans v. State, 117 Nev. 609, 646–47, 29 P.3d 498, 523 (2001); Franklin v. State, 110 Nev.
3 750, 752, 877 P.2d 1058, 1059 (1994), disapproved on other grounds, Thomas v. State, 115
4 Nev. 148, 979 P.2d 222 (1999).

5 A defendant may only escape these procedural bars if they meet the burden of
6 establishing good cause and prejudice:

7 3. Pursuant to subsections 1 and 2, the petitioner has the burden of pleading
8 and proving specific facts that demonstrate:

9 (a) Good cause for the petitioner's failure to present the claim or for
10 presenting the claim again; and

11 (b) Actual prejudice to the petitioner.

12 NRS 34.810(3). Where a defendant does not show good cause for failure to raise claims of
13 error upon direct appeal, the district court is not obliged to consider them in post-conviction
14 proceedings. Jones v. State, 91 Nev. 416, 536 P.2d 1025 (1975).

15 In the instant matter, Defendant does not even attempt to argue good cause as to why
16 he failed to raise the 36 additional claims presented within the instant Petition on direct appeal.
17 Thus, Defendant fails to establish good cause.

18 In terms of prejudice, Defendant claims that appellate counsel Sandra Stewart, Esq.,
19 (“Ms. Stewart” and/or “appellate counsel”) was ineffective in her representation on direct
20 appeal. Defendant argues that he was prejudiced by Ms. Stewart’s refusal to include the
21 entirety of his complaints on direct appeal. Defendant cannot establish prejudice because any
22 claim that appellate counsel was ineffective is without merit. Thus, this Petition is denied for
23 the following reasons.

24 **III. APPELLATE COUNSEL WAS NOT INEFFECTIVE**

25 The Sixth Amendment to the United States Constitution provides that, “[i]n all criminal
26 prosecutions, the accused shall enjoy the right . . . to have the Assistance of Counsel for his
27 defense.” The United States Supreme Court has long recognized that “the right to counsel is
28 the right to the effective assistance of counsel.” Strickland v. Washington, 466 U.S. 668, 686,

1 104 S. Ct. 2052, 2063 (1984); see also State v. Love, 109 Nev. 1136, 1138, 865 P.2d 322, 323
2 (1993).

3 To prevail on a claim of ineffective assistance of trial counsel, a defendant must prove
4 he was denied “reasonably effective assistance” of counsel by satisfying the two-prong test of
5 Strickland, 466 U.S. at 686-87, 104 S. Ct. at 2063-64. See also Love, 109 Nev. at 1138, 865
6 P.2d at 323. Under the Strickland test, a defendant must show first that his counsel's
7 representation fell below an objective standard of reasonableness, and second, that but for
8 counsel's errors, there is a reasonable probability that the result of the proceedings would have
9 been different. 466 U.S. at 687-88, 694, 104 S. Ct. at 2065, 2068; Warden, Nevada State Prison
10 v. Lyons, 100 Nev. 430, 432, 683 P.2d 504, 505 (1984) (adopting the Strickland two-part test).
11 “[T]here is no reason for a court deciding an ineffective assistance claim to approach the
12 inquiry in the same order or even to address both components of the inquiry if the defendant
13 makes an insufficient showing on one.” Strickland, 466 U.S. at 697, 104 S. Ct. at 2069.

14 The court begins with the presumption of effectiveness and then must determine
15 whether the defendant has demonstrated by a preponderance of the evidence that counsel was
16 ineffective. Means v. State, 120 Nev. 1001, 1011, 103 P.3d 25, 32 (2004). “Effective counsel
17 does not mean errorless counsel, but rather counsel whose assistance is ‘[w]ithin the range of
18 competence demanded of attorneys in criminal cases.’” Jackson v. Warden, 91 Nev. 430, 432,
19 537 P.2d 473, 474 (1975).

20 Counsel cannot be ineffective for failing to make futile objections or arguments. See
21 Ennis v. State, 122 Nev. 694, 706, 137 P.3d 1095, 1103 (2006). Trial counsel has the
22 “immediate and ultimate responsibility of deciding if and when to object, which witnesses, if
23 any, to call, and what defenses to develop.” Rhyne v. State, 118 Nev. 1, 8, 38 P.3d 163, 167
24 (2002).

25 Based on the above law, the role of a court in considering allegations of ineffective
26 assistance of counsel is “not to pass upon the merits of the action not taken but to determine
27 whether, under the particular facts and circumstances of the case, trial counsel failed to render
28 reasonably effective assistance.” Donovan v. State, 94 Nev. 671, 675, 584 P.2d 708, 711

1 (1978). This analysis does not mean that the court should “second guess reasoned choices
2 between trial tactics nor does it mean that defense counsel, to protect himself against
3 allegations of inadequacy, must make every conceivable motion no matter how remote the
4 possibilities are of success.” Id. To be effective, the constitution “does not require that counsel
5 do what is impossible or unethical. If there is no bona fide defense to the charge, counsel
6 cannot create one and may disserve the interests of his client by attempting a useless charade.”
7 United States v. Cronin, 466 U.S. 648, 657 n.19, 104 S. Ct. 2039, 2046 n.19 (1984).

8 “There are countless ways to provide effective assistance in any given case. Even the
9 best criminal defense attorneys would not defend a particular client in the same way.”
10 Strickland, 466 U.S. at 689, 104 S. Ct. at 689. “Strategic choices made by counsel after
11 thoroughly investigating the plausible options are almost unchallengeable.” Dawson v. State,
12 108 Nev. 112, 117, 825 P.2d 593, 596 (1992); see also Ford v. State, 105 Nev. 850, 853, 784
13 P.2d 951, 953 (1989). In essence, the court must “judge the reasonableness of counsel's
14 challenged conduct on the facts of the particular case, viewed as of the time of counsel's
15 conduct.” Strickland, 466 U.S. at 690, 104 S. Ct. at 2066.

16 Even if a defendant can demonstrate that his counsel's representation fell below an
17 objective standard of reasonableness, he must still demonstrate prejudice and show a
18 reasonable probability that, but for counsel's errors, the result of the trial would have been
19 different. McNelson v. State, 115 Nev. 396, 403, 990 P.2d 1263, 1268 (1999) (citing
20 Strickland, 466 U.S. at 687, 104 S. Ct. at 2064). “A reasonable probability is a probability
21 sufficient to undermine confidence in the outcome.” Id. (citing Strickland, 466 U.S. at 687-89,
22 694, 104 S. Ct. at 2064-65, 2068).

23 The Nevada Supreme Court has held “that a habeas corpus petitioner must prove the
24 disputed factual allegations underlying his ineffective-assistance claim by a preponderance of
25 the evidence.” Means v. State, 120 Nev. 1001, 1012, 103 P.3d 25, 33 (2004). Furthermore,
26 claims of ineffective assistance of counsel asserted in a petition for post-conviction relief must
27 be supported with specific factual allegations, which if true, would entitle the petitioner to
28 relief. Hargrove v. State, 100 Nev. 498, 502, 686 P.2d 222, 225 (1984). “Bare” and “naked”

1 allegations are not sufficient, nor are those belied and repelled by the record. Id. NRS
2 34.735(6) states in relevant part, “[Petitioner] *must* allege specific facts supporting the claims
3 in the petition[.] . . . Failure to allege specific facts rather than just conclusions may cause your
4 petition to be dismissed.” (emphasis added).

5 Here, Defendant argues that appellate counsel failed to present all the issues he had
6 wanted to raise on direct appeal. Petition at 114. Defendant claims that Ms. Stewart was
7 ineffective for following reasons fails.²

8 **A. Defendant’s Claims of False Evidence Fail**

9 Defendant alleges that appellate counsel was ineffective for failing raise claims of false
10 evidence presented by the State at trial. Petition at 16-118. Defendant’s claims are meritless.

11 There is a strong presumption that appellate counsel's performance was reasonable and
12 fell within “the wide range of reasonable professional assistance.” See United States v.
13 Aguirre, 912 F.2d 555, 560 (2nd Cir. 1990); citing Strickland, 466 U.S. at 689, 104 S. Ct. at
14 2065. A claim of ineffective assistance of appellate counsel must satisfy the two-prong test set
15 forth by Strickland. Kirksey v. State, 112 Nev. 980, 998, 923 P.2d 1102, 1114 (1996). In order
16 to satisfy Strickland’s second prong, the defendant must show that the omitted issue would
17 have had a reasonable probability of success on appeal. Id.

18 The professional diligence and competence required on appeal involves “winnowing
19 out weaker arguments on appeal and focusing on one central issue if possible, or at most on a
20 few key issues.” Jones v. Barnes, 463 U.S. 745, 751-52, 103 S. Ct. 3308, 3313 (1983). In
21 particular, a “brief that raises every colorable issue runs the risk of burying good arguments .
22 . . in a verbal mound made up of strong and weak contentions.” Id. at 753, 103 S. Ct. at 3313.
23 “For judges to second-guess reasonable professional judgments and impose on appointed
24 counsel a duty to raise every 'colorable' claim suggested by a client would disserve the very
25 goal of vigorous and effective advocacy.” Id. at 754, 103 S. Ct. at 3314. Further, effective
26 assistance of appellate counsel does not mean that appellate counsel must raise every non-

27
28 ² The grounds upon which Defendant argues ineffective assistance of counsel are reiterated through the Petition as individual grounds for the dismissal of his case. To prevent redundancy, this Court has addressed the merits of Defendant’s claims under its ineffective assistance of appellate counsel analysis.

1 frivolous issue. See Jones v. Barnes, 463 U.S. 745, 751–54, 103 S.Ct. 3308, 3312–15, 77
2 L.Ed.2d 987 (1983). An attorney's decision not to raise meritless issues on appeal is
3 not ineffective assistance of counsel. Daniel v. Overton, 845 F.Supp. 1170, 1176
4 (E.D.Mich.1994); Leaks v. United States, 841 F.Supp. 536, 541 (S.D.N.Y.1994), aff'd, 47
5 F.3d 1157 (2d Cir.), cert. denied, 516 U.S. 926, 116 S.Ct. 327, 133 L.Ed.2d 228 (1995). To
6 establish prejudice based on the deficient assistance of appellate counsel, the defendant must
7 show that the omitted issue would have a reasonable probability of success on
8 appeal. Duhamel v. Collins, 955 F.2d 962, 967 (5th Cir.1992); Heath, 941 F.2d at 1132. In
9 making this determination, a court must review the merits of the omitted claim. Heath, 941
10 F.2d at 1132.

11 Here, Defendant argues that appellate counsel was ineffective for not raising claims of
12 “false evidence” regarding certain testimony at trial. Petition at 16, 37, 43, 78, 118.
13 Specifically, Defendant takes issue with the testimonies of: (1) Laura Brook Cornell; (2) Jacob
14 Werner; (3) Rhonda Robinson; (4) Michael Kahnke; (5) Terry Bolden; (5) Caitlin King; and
15 (6) Gilberto Valenzuela. Id. Defendant’s claims are irrelevant.

16 The Nevada Supreme Court has held that a criminal defendant has the right to cross-
17 examine a witness as to bias or motives in testifying. Hughes v. State, 98 Nev. 437, 651 P.2d
18 102 (1982). Additionally, the broadest discretion is allowed when cross-examination is used
19 to generally attack such credibility. Bushnell v. State, 95 Nev. 570, 599 P.2d 1038 (1979). At
20 trial, Defendant was afforded ample opportunity and leeway to impeach those the State had
21 called to testify at trial. Defendant was able to cross-examine each witness and impeach them
22 regarding any inconsistent testimony he perceived at trial. Indeed, this was not a winning issue
23 on appeal. Defendant was able to highlight misidentification, inconsistencies, and whether he
24 thought a witness was lying out during cross-examination by showing prior-inconsistent
25 statements. It is for the jury to decide the credibility of the evidence. McNair v. State, 108 Nev.
26 53, 825 P.2d 571 (1992) (it is the jury’s function, not that of the court, to assess weight of the
27 evidence and determine credibility of witnesses). Therefore, appellate counsel could not have

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1 been ineffective for recognizing the frivolity of these false evidence arguments on direct
2 appeal. Thus, this claim is denied.

3 **B. Appellate Counsel Not Ineffective for Not Arguing there was a Lack of**
4 **Probable Cause at the Preliminary Hearing**

5 Defendant contends that the State failed to present sufficient evidence at the preliminary
6 hearing. Petition, at 25. Defendant's claim is meritless. Defendant was afforded a five-day jury
7 trial which concluded in Defendant being found guilty of Attempt Murder With Use of a
8 Deadly Weapon and Battery With Use of a Deadly Weapon Resulting in Substantial Bodily
9 Harm. Verdict, September 1, 2017, 1-2. Because Defendant was found guilty beyond a
10 reasonable doubt, a more stringent standard than that required at a preliminary hearing, such
11 claim could not win on appeal. Sheriff v. Steward, 109 Nev. 831, 835, 858 P.2d 48, 51 (1993)
12 (finding of "[p]robable cause to support a criminal charge '[m]ay be based on slight, even
13 'marginal' evidence'"). Thus, Defendant's claim that there was insufficient evidence to find
14 probable cause at the preliminary is not only meritless, but immaterial.

15 Nevertheless, Defendant simultaneously claims there was insufficient evidence to find
16 him guilty at trial. Petition at 122. Defendant's claim is belied by the record and without merit.
17 The Nevada Supreme Court has found that in reviewing a claim of insufficient evidence, the
18 relevant inquiry is "whether, after viewing the evidence in the light most favorable to the
19 prosecution, any rational trier of fact could have found the essential elements of the crime
20 beyond a reasonable doubt." State v. Origel-Candido, 114 Nev. 378, 381, 956 P.2d 1378, 1380
21 (1998) quoting Koza v. State, 100 Nev. 245, 250, 681 P.2d 44, 47 (1984); see also Jackson v.
22 Virginia, 443 U.S. 307, 99 S.Ct. 2781 (1979). In State v. Walker, 109 Nev. 683, 685 857 P.2d
23 1, 2 (1993), this Court delineated the proper standard of review to be utilized when analyzing
24 a claim of insufficiency of evidence:

25 Insufficiency of the evidence occurs where the prosecutor has not produced a
26 minimum threshold of evidence upon which a conviction may be based.
27 Therefore, even if the evidence presented at trial were believed by the jury, it
28 would be insufficient to sustain a conviction, as it could not convince a
reasonable and fairminded jury of guilt beyond a reasonable doubt. Id.

1 Furthermore, the Nevada Supreme Court has ruled it will not reverse a verdict even if the
2 verdict is contrary to the evidence where there is substantial evidence to support it. State v.
3 Varga, 66 Nev. 102, 117, 205 P.2d 803, 810 (1949).

4 Moreover, this Court has specifically stated that “[c]ircumstantial evidence alone may
5 sustain a conviction.” McNair v. State, 108 Nev. 53, 61, 825 P.2d 571, 576 (1992); see also
6 Kazalyn v. State, 108 Nev. 67, 71, 825 P.2d 578, 581 (1992). The rationale behind this rule is
7 that the trier of fact “may reasonably rely upon circumstantial evidence; to conclude otherwise
8 would mean that a criminal could commit a secret murder, destroy the body of the victim, and
9 escape punishment despite convincing circumstantial evidence against him or her.” Williams
10 v. State, 96 Nev. 367, 374, 609 P.2d 309, 313 (1980) citing People v. Scott, 176 Cal. App. 2nd
11 458, 1 Cal. Rptr. 600 (1959). In the present case, there was sufficient evidence to convict
12 Defendant at trial.

13 To start, the victim, Bolden, testified at trial who committed the crime: Defendant. JT
14 4 at 163-4. The victim testified regarding the specific acts performed by the Defendant: (1)
15 Defendant took money from the victim; (2) with the use of a deadly weapon, and (3) shot the
16 victim five times. JT 2 at 141-150. Additionally, the victim testified that he was transported to
17 the hospital and has several scars from the injuries inflicted by Defendant. JT 2 at 153-155.
18 Inasmuch, a victim’s testimony alone is sufficient to support Defendant’s conviction beyond
19 a reasonable doubt. Rosales v. State, 128 Nev. 931, 381 P.3d 657 (2012) (holding there was
20 sufficient evidence to convict defendant for aggravated assault when the victim testified, he
21 felt frightened, intimidated, harassed, and fearing substantial bodily harm). The word of the
22 victim is sufficient to establish proof beyond a reasonable doubt because “it is exclusively
23 within the province of the trier of fact to weigh evidence and pass on the credibility of
24 witnesses and their testimony.” Lay v. State, 100 Nev. 1189, 1192, 886 P.2d 448, 450 (1994);
25 See also, Culverson v. State, 95 Nev. 433, 435, 596 P.2d 220, 221 (1979); Azbill v. State, 88
26 Nev. 240, 252, 495 P.2d 1064, 1072 (1972), cert. denied 429 U.S. 895, 97 S.Ct. 257 (1976).
27 Even still, Robinson, an eyewitness to the crime, also testified at trial that Defendant was the
28 shooter and later identified Defendant in a photo array. JT 2 at 165-8. Therefore, counsel could

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1 not be ineffective for raising such meritless claim of insufficient evidence on appeal. As such,
2 this claim is denied.

3 Confusingly, Defendant still argues that counsel was ineffective for failing to raise this
4 claim on appeal because the victim was a “co-conspirator” in this case. Petition at 14.
5 However, this completely misstates the trial testimony. Bolden testified that the Defendant
6 assisted Bolden in paying for a place to live weekly. JT 2 at 140-45. Initially, Bolden believed
7 Defendant was merely helping him; however, Bolden explained that he soon realized
8 Defendant expected Bolden to assist in selling drugs. Id. at 145. During trial, Bolden told the
9 jury that he in fact did not agree to sell drugs nor did he ever owe Defendant money for drugs.
10 Id. Regardless, even if Bolden was involved in the drug sale, that alone does not make Bolden
11 a co-conspirator in the crimes Defendant is charged with. Therefore, based on Bolden’s
12 testimony, he could not in any way be an accomplice to his *own* attempted murder and robbery.
13 Such allegation is quite literally impossible. Therefore, Defendant’s contention that Bolden ‘s
14 role as a co-conspirator somehow negates his testimony is meritless. Thus, Defendant’s claim
15 that appellate counsel was ineffective for failing to bring these irrelevant claims of insufficient
evidence is without merit.

16 **C. Defendant’s Claim that Appellate Counsel was Ineffective for Not Raising**
17 **Claims of Unlawful Detention, Search, and Seizure Fail.**

18 Defendant claims appellate counsel was ineffective for failing to allege that he was
19 illegally arrested and that the search warrant in his case was illegally procured. Petition, at 30,
20 36, 87. Again, Defendant’s claims had no reasonable probability of success on appeal.
21 Strickland, 466 U.S. at 689, 104 S. Ct. at 2065.

22 First, Defendant claims that he was illegally detained because he was not “arrested,”
23 there was no arrest warrant, nor any charges pending. Petition at 30-36. NRS 171.124 provides
24 that an officer may arrest a person “when a felony or gross misdemeanor has in fact been
25 committed, and the agent has reasonable cause for believing the person arrested to have
26 committed it.” Thomas v. Sheriff, Clark County, 85 Nev. 551, 553 (1969); See Ornelas v. U.S.
27 690, 695-96 (1996).

28 //

1 There can be no debate that a reasonable person would believe Defendant committed
2 the crime at hand. As noted *supra*, Bolden was shot multiple times, and both he and Robinson
3 picked Defendant out of a six-pack photo array. JT 2 at 163-8. There simply cannot be any
4 debate about whether Defendant's arrest was lawful. A fact Ms. Stewart informed Defendant
5 of this fact. Exhibit B at 3. Thus, appellate counsel was if anything, effective, for not pursuing
6 a meritless claim.

7 Second, Defendant contends that the vehicle stop that led to his arrest was unlawful.
8 Petition at 30. As noted, probable cause is the question of whether a prudent person would
9 believe a crime was committed. Thomas, 85 Nev. at 553. Given the facts known to the police
10 at the time of Defendant's arrest, there was undoubtedly the existence of probable cause for a
11 felony car stop. In fact, Defendant was stopped in the very vehicle that he used to flee from
12 the crime scene. JT 4 at 162. Consequently, the police impounded the vehicle and prior to a
13 search obtained a search warrant, following a positive identification from the victim and
14 Robinson. JT 4 at 165-68. Thus, appellate counsel was not ineffective for informing Defendant
15 of the issues with this claim and not raising it on appeal.

16 **D. Appellate Counsel was Not Ineffective for Not Raising Alleged Juror Issues on**
17 **Direct Appeal.**

18 Defendant complains that appellate counsel was ineffective for failing to argue that that
19 Defendant's right to a fair trial was violated due to juror misconduct. Petition at 42-82.
20 Defendant raises the following claims of misconduct: (1) Juror No. 6 was biased because she
21 recognized one of the prosecutors; (2) Juror No. 9 was biased because he allegedly "wrote the
22 word dick in his jury note"; (3) Juror No. 4 should have been dismissed due to his alleged lack
23 of comprehension of the English language; (4) Juror No. 3 should have been dismissed because
24 she stated that she was "sad" when her car was stolen because it contained her grandson's
25 pillow in it, who had recently passed away; (5) Juror No.10 should have been dismissed
26 because she worked for a company that had been robbed previously; (6) Juror No. 1 should
27 have been dismissed for previously possessing a stolen credit card; and (7) potential juror,

28 //

1 Chatavia McGowan (“McGowan”) was improperly dismissed even though she had a newborn
2 child at home. Petition, at 51-85. Defendant’s claims are waived and meritless.

3 During voir dire, Defendant failed to object to the confirmation of Jurors No. 1, 3, 4, 6,
4 9, 10. See Jury Trial Day 1, August 28, 2017, 261. Additionally, the Court concluded voir dire
5 announcing the potential jury panel and questioned each party as to whether they had any
6 objections to the potential jurors. Id. At no point did Defendant object, but instead conveyed
7 that he had “no” objections to the panel. Id. The issues raised by Defendant were known to
8 him at the time of voir dire as Defendant references the jurors’ remarks as the reason that they
9 should have been dismissed. However, a party waives any challenge to the seating of a juror
10 on appeal where the party was aware of the basis for the challenge during voir dire. Savedzada
11 v. State, 134 Nev. 283, 419 P.3d 184 (Nev. App, 2019) (holding where the party was aware of
12 the basis of the challenge at the time of voir dire, had the opportunity to challenge the
13 prospective juror on those facts, but declined to do so, and approved the juror’s presence on
14 the panel *waives any challenge on appeal*) (emphasis added). Clearly, appellate counsel could
15 not have been ineffective for failing to raise these issues on appeal since Defendant never
16 objected to the juror’s presence on the jury panel. Thus, Defendant’s claims were waived, and
17 his claims of ineffectiveness are denied.

18 Further, Defendant alleges that Juror No. 9 wrote the expletive “dick” on his jury note.
19 Defendant’s presents a bare and naked claim. “Bare” and “naked” allegations are not sufficient
20 to warrant post-conviction relief, nor are those belied and repelled by the record. Hargrove v.
21 State, 100 Nev. 498, 502, 686 P.2d 222, 225 (1984). Defendant provides this baseless argument
22 to support the contention that Juror No. 9 “could” have been there to corrupt the jury.
23 Defendant fails to provide any support of this claim. Therefore, appellate counsel could not be
24 found ineffective for determining this claim unwinnable on direct appeal. Thus, this bare and
25 naked claim is denied.

26 Finally, Defendant claims that potential juror McGowan was improperly dismissed
27 from the jury panel because the Court failed to make a record as to why she was dismissed.
28 This is not the case. The Court questioned McGowan as to whether she would be able to make

1 arrangements for her children if she were to be empaneled. JT 1 at 73-4. McGowan replied
2 that she would try, but that she had not made childcare arrangements for her four year old and
3 four month old children at that point in time. Id. The Court noted its concern for the newborn
4 child, and Defendant did not object as to her exclusion on the jury panel. Thus, this claim is
5 waived and denied.

6 **E. Appellate Counsel was Not Ineffective for Failing to Raise Certain Claims**
7 **Regarding Whether Trial Counsel was Ineffective.**

8 **i. Defendant was not denied his right to speedy trial**

9 Defendant claims that appellate counsel was ineffective for not arguing that trial
10 counsel was ineffective for waiving Defendant's right to a speedy trial. Petition, at 74.
11 Defendant's claim is a losing one. Defendant authorized trial counsel to file a pre-trial Petition
12 for Writ of Habeas Corpus. In filing the petition, Defendant "waive[d] his 60 day right to a
13 trial." Petition for Writ of Habeas Corpus, December 8, 2016, 2. Such disclosure is evidenced
14 within the petition itself and provides:

15 Petitioner waives his (60) day right to a trial and further
16 acknowledges that, if the Petition is not decided within fifteen (15)
17 days before the date set for trial, Petitioner consents that the Court
18 may, without notice of a hearing, continue the trial indefinitely or
19 to a date designated by the Court, and further that if any party
20 appeals the Court's ruling and the appeal is not determined before
21 the dates set for trial, Petitioner consents that the date is
22 automatically vacated and the trial postponed unless the Court
23 otherwise orders.

24 Id. at 2.

25 Clearly, Defendant waived his right to a speedy trial in directing trial counsel to file the
26 pre-trial petition. Thus, this issue would have been summarily denied on appeal and Ms.
27 Stewart cannot be found ineffective for not raising this issue on appeal. As such, Defendant's
28 claim is denied.

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1 **IV. THE JURY INSTRUCTIONS PRESENTED WERE AN ACCURATE**
2 **REPRESENTATION OF THE LAW**

3 Defendant alleges that the jury instruction on Attempt Murder because it was
4 “misleading.” Petition, at 68. Confusingly, Defendant complains that the jury was
5 misinformed because there is no such thing as “attempt malice.” Id. Defendant simply provides
6 a misinformed opinion on the law as his baseless argument is belied by the record because the
7 instruction was not an incorrect statement of the law. Mann, 118 Nev. at 354, 46 P.3d at 1230.
8 “District courts have broad discretion to settle jury instructions.” Cortinas v. State, 124 Nev.
9 1013, 195 P.3d 315, 319 (2008). Further, when an error has not been preserved, the Court
10 employs plain-error review. See Green v. State, 119 Nev. 542, 545, 80 P.3d 93, 95 (2003)
11 (explaining that failure to object to a jury instruction precludes appellate review except in
12 circumstances amounting to plain error under NRS 178.602). Under that standard, an error that
13 is plain from a review of the record does not require reversal unless the defendant demonstrates
14 that the error affected his or her substantial rights by causing “actual prejudice or a miscarriage
15 of justice.” Id.

16 Here, Defendant initially objected to the to the attempted murder instruction, but later
17 retracted his objection once the Court clarified the definition of Attempt Murder. The
18 following colloquy took place between the Court and Defendant:

19 THE COURT: Thank you. All right. The next instruction is the
20 attempt murder instruction, so if you’ll remove that and replace it
21 with the new one that the party’s agreed upon, which adds, thus,
22 in order to find the defendant guilty of attempt murder, you must
23 find that the defendant had the specific intent to kill. And that’s
24 the instruction you proposed; is that correct, [Defendant]?

25 THE DEFENDANT: Yes, but I was telling Mr.—Mr. Frizzell that
26 I think attempt murder is misleading to the jury.

27 ...

28 THE DEFENDANT: I said I objected to that one, because I think
 attempted murder is misleading to the jury if it’s not showing what
 the statute is wording would attempt it is and then what murder is.

 THE COURT: Okay. We did define what an attempt is in the
 instruction right before, an act done with intent to commit a crime,
 intending, but failing, to accomplishment, is an attempt to commit

1 that crime. And then the jury would be instructed on attempt
2 murder. Any objection knowing now they'll be instructed on what
attempt means, and then attempt murder?

3 THE DEFENDANT: No.

4 THE COURT: Okay. And we added, thus, in order to find the
5 defendant guilty of attempt murder, you must find that the
defendant has specific intent to kill. Okay.

6 Jury Trial Day 5, September 1, 2017, 12-13.

7 The Court walked Defendant through the Attempt Murder instruction, Defendant took
8 no issue once the Court explained the meaning, and yet, now he raises this unsupported
9 contention out of frustration with the result of his trial.

10 Regardless, the jury instruction for Attempt Murder is an accurate representation of the
11 law. To be found guilty of Attempt Murder there must be the *intent* to kill a human being. See
12 NRS 200.010, 200.030. Thus, this claim is denied.

13 **V. THERE WAS NO PROSECUTORIAL MISCONDUCT AT TRIAL**

14 Defendant raises multiple claims of prosecutorial misconduct at trial. Specifically, he
15 claims: (1) there was misconduct because two prosecutors working on his case instead of just
16 one; (2) the State failed to produce Defendant with discovery; (3) Deputy District Attorney
17 (“DDA”) Bryan Schwartz, Esq., allegedly gave misleading jury instructions³ and presented
18 lies to the jury; and (3) DDA Binu Palal, Esq., lied to the jury. Petition, at 46, 53, 96, 68, 101.

19 Claims of prosecutorial misconduct that have not been objected to at trial will not be
20 reviewed on appeal unless they constitute “plain error.” Leonard v. State, 17 P.3d 397, 415
21 (2001); See Mitchell v. State, 114 Nev. 1417, 971 P.2d 813, 819 (1998); Rippo v. State, 113
22 Nev. 1239, 946 P.2d 1017, 1030 (1997). Should the Court disagree, then it is the State’s
23 position that Defendant’s argument is without merit.

24 The standard of review for prosecutorial misconduct rests upon Defendant showing
25 “that the remarks made by the prosecutor were ‘patently prejudicial.’” Riker v. State, 111
26 Nev. 1316, 1328, 905 P.2d 706, 713 (1995) (citing Libby v. State, 109 Nev. 905, 911, 859
27 P.2d 1050, 1054 (1993)). This is based on a defendant’s right to have a fair trial, not
28

³ See supra, Section IV, regarding the jury instructions presented at trial.

1 necessarily a perfect one. Ross v. State, 106 Nev. 924, 927, 803 P.2d 1104, 1105 (1990). The
2 relevant inquiry is whether the prosecutor's statements so contaminated the proceedings with
3 unfairness as to make the result a denial of due process. Darden v. Wainwright, 477 U.S. 168,
4 181, 106 S.Ct. 2464, 2471 (1986). Defendant must show that the statements violated a clear
5 and unequivocal rule of law, he was denied a substantial right, and as a result, he was materially
6 prejudiced. Libby, 109 Nev. at 911, 859 P.2d at 1054.

7 First, Defendant claims it was misconduct to have two prosecutors working on his case
8 instead of just one because he had chosen to represent himself. Petition, at 46. However, as
9 noted by the Nevada Supreme Court in its affirmance of Defendant's direct appeal, Defendant
10 filed three requests to substitute counsel and represent himself. Order of Affirmance,
11 November 27, 2019, at 12. Defendant's decision does not, therefore, create an inherent
12 unfairness for the State to engage in normal trial practice. It is standard procedure for many
13 cases that go to trial for there to be a first and second chair attorney. Not only is this practice
14 commonplace, but Defendant fails to address how he was prejudiced. Thus, this claim is
15 denied.

16 Second, Defendant argues that the State failed to turn over discovery in his case, and
17 that the Court denied all his discovery requests. Petition at 53. Defendant's claim is belied by
18 the record. Mann, 118 Nev. at 354, 46 P.3d at 1230.

19 During Defendant's Faretta canvass, Defendant alerted the Court that he had not
20 received complete discovery from either trial counsel or the State. In response to Defendant's
21 concerns, the Court allowed Defendant the opportunity to file a Motion to Obtain A Full Brady
22 Discovery And To Inspect All Evidence ("Brady Motion"). On April 13, 2017, the Court ruled
23 on the Brady Motion as follows:

- 24 1. Police Report from Officer Hafen- Upon Court's inquiry, Mr.
25 Schwartz confirmed a police report from Officer Hafen does
26 not exist.
- 27 2. Officer A. Karas Report- Upon Court's inquiry, Mr. Schwartz
28 confirmed there is no report from Officer A. Karas.
Court advised Defendant the State cannot provide what does
not exist.

3. Affidavit for warrant of search of the Camaro- Any search warrants will be turned over by the State, if any.
4. Affidavit and Summons for all suspects in Justice Court Case 16F14731, Department 5- Motion Off Calendar as there are no other suspects.
5. Affidavit and Summons for all suspects Case C319021-1- Motion Denied because Defendant is the only suspect in this case.
6. Arrest warrant for Arnold Anderson and all suspects in Cases 16F14731X an C319021-Motion Off Calendar as there was no arrest warrant, and the arrest occurred based on probable cause.
7. Affidavit and Summons for arrest warrant for Arnold Anderson- Motion Off Calendar as this does not exist.
8. Photo array issued by investigator Officer Valenzuela- Court NOTED a six pack of photos was produced in this case. COURT ORDERED, MOTION GRANTED as to six-pack photo line up; and State to overturn the photo line up.
9. Photo array- MOTION GRANTED as to photo line up; and State is to turn over the photo line up.
10. List of all witnesses expected to testify or have knowledge of the case- COURT ORDERED, State is to comply with NRS 174.234. Court NOTED State has already complied with the statute and turned over a witness list, and State has a continuing obligation, without Court ordering State to provide a witness list.
11. List of witnesses interviewed by Plaintiff- MOTION DENIED as State is not required to provide this.
12. All documents relating to investigation of this case—MOTION GRANTED to the extent it is required by NRS 174.235.
13. A list of former or present agents of Plaintiff who have participated who will or who will not be called as a witness- State is to comply with statutory obligations and provide Defendant with a witness list.
14. Copies of pictures of Camaro seized on 9-15-16 by Officer Valenzuela- MOTION GRANTED as to pictures taken during this search; and State is to provide these pictures.
15. Case summary for Case 16F14731-MOTION DENIED.
16. All photos involved in this case, all reports, any scientific test, copy of criminal proceedings of Arndaejae Anderson- MOTION GRANTED only to the extent it is required by statute.

Court Minutes, April 13, 2017, 1-3.

1 Indeed, Defendant was not precluded access to discovery as this Court afforded
2 Defendant additional time to request the necessary documents, and further ordered the State
3 to produce the necessary discovery pursuant to statute.⁴ Therefore, Defendant's claim that the
4 State committed prosecutorial misconduct for failing to turn over discovery is belied by the
5 record. Thus, this claim is denied.

6 Further, when analyzing Defendant's claims specific to DDA Palal and Schwartz
7 committing prosecutorial misconduct, such claims are bare and naked allegations. Hargrove,
8 100 Nev. at 502, 686 P.2d at 225. On the contrary, it was Defendant who committed
9 misconduct throughout the entirety of trial. Defendant objected to almost all the testimony
10 making comments such as: "that's good acting" during victim testimony; "there's no doctor
11 here to prove that [Bolden's] the one in the hospital" when the victim described his injuries;
12 and refusing to comply with sustained objections during his cross-examination. JT 2, at 52,
13 151. Defendant exhibited outbursts throughout the entire trial and argued with the Court at
14 every turn. Moreover, Defendant does not provide how the prosecutors' comments were so
15 unfair that they denied him due process and/or were prejudicial. Therefore, Defendant fails to
16 demonstrate the requisite factors to prove he was subject to unfair due process. Thus, this claim
17 is denied.

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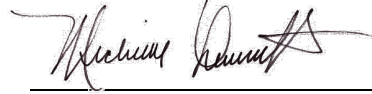
26 //

27 ⁴ In the same vein, Defendant additionally claims that the district court abused its discretion by precluding Defendant
28 discovery and the ability to prepare for trial. Defendant's claim is belied by the record as this Court allowed Defendant
supplemental time to receive discovery and file relevant motions. See Court Minutes, March 23, 2017, 1-3; Court Minutes,
April 13, 2017, 1-3. Thus, this claim is denied. Mann, at 354, 46 P.3d at 1230.

1 **ORDER**

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

4
5 Dated this 27th day of May, 2021

6 
7

8 **2EA 95A B58A 289D**
9 **Michelle Leavitt**
10 **District Court Judge**

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

14
15 BY /s/ ALEXANDER CHEN
16 ALEXANDER CHEN
17 Chief Deputy District Attorney
18 Nevada Bar #10539

19 **CERTIFICATE OF MAILING**

20 I hereby certify that service of the above and foregoing was made this 19th day of May,
21 2021, by depositing a copy in the U.S. Mail, postage pre-paid, addressed to:

22 ARNOLD ANDERSON, #85509
23 LOVELOCK CORRECTIONAL CENTER
24 1200 PRISON ROAD
25 LOVELOCK, NV 89419

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

28 16F14731X/AC/mc/lm/GU

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Arnold Anderson, Plaintiff(s)

CASE NO: A-21-827381-W

7 vs.

DEPT. NO. Department 12

8 Jerry Howell, Warden SDCC,
9 Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 Electronic service was attempted through the Eighth Judicial District Court's
13 electronic filing system, but there were no registered users on the case. The filer has been
14 notified to serve all parties by traditional means.
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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 31, 2016

C-16-319021-1 State of Nevada
vs
Arnold Anderson

October 31, 2016 10:00 AM Initial Arraignment

HEARD BY: Henry, Jennifer **COURTROOM:** RJC Lower Level Arraignment

COURT CLERK: Roshonda Mayfield

RECORDER: Kiara Schmidt

REPORTER:

PARTIES

PRESENT:	Anderson, Arnold K	Defendant
	Frizzell III, Kenneth G.	Attorney
	Luong, Vivian	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- DEFT. ANDERSON ARRAIGNED, PLED NOT GUILTY, and INVOKED the 60-DAY RULE.
COURT ORDERED, matter set for trial. COURT FURTHER ORDERED, counsel has 21 days from the
filing of the preliminary transcript to file any writs.

CUSTODY

12/13/16 8:30 A.M. CALENDAR CALL (DEPT. 12)

12/20/16 1:30 P.M. JURY TRIAL (DEPT. 12)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 01, 2016

C-16-319021-1 State of Nevada
 vs
 Arnold Anderson

December 01, 2016 8:30 AM Motion to Reduce

HEARD BY: Leavitt, Michelle

COURTROOM: RJC Courtroom 14D

COURT CLERK: Susan Botzenhart

RECORDER: Kristine Santi

REPORTER:

PARTIES

PRESENT:	Anderson, Arnold K	Defendant
	Palal, Binu G.	Attorney
	Sanft, Michael W.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Mr. Sanft appeared for Mr. Frizzell on behalf of Deft; and submitted on the written motion. Mr. Palal opposed the Motion; and argued as to the offenses being violent in nature, and Deft's prior criminal history. Mr. Palal added the current bail setting is reasonable. COURT ORDERED, Motion DENIED. Deft. stated he has not seen documents about the charges. Court advised Deft. if he wants to see a copy of the arrest warrant or report, he can ask his attorney, and his attorney can give him a copy.

CUSTODY

12/06/16 8:30 A.M. DEFTS' MOTION TO DISMISS COUNSEL / REPRESENT MYSELF

12/13/16 8:30 A.M. CALENDAR CALL

12/20/16 1:30 P.M. TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 06, 2016

C-16-319021-1	State of Nevada
	vs
	Arnold Anderson

December 06, 2016 8:30 AM Motion

HEARD BY: Leavitt, Michelle

COURTROOM: RJC Courtroom 14D

COURT CLERK: Susan Botzenhart

RECORDER: Kristine Santi

REPORTER:

PARTIES

PRESENT:	Anderson, Arnold K	Defendant
	Frizzell III, Kenneth G.	Attorney
	Mendoza, Erika	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Court TRAILED and RECALLED matter for Mr. Palal to appear. Mr. Palal not present. Mr. Frizzell advised Mr. Palal arrived earlier and relayed information to Ms. Mendoza, further noting he believes Ms. Mendoza can stand in for Mr. Palal on this case. Court addressed Deft. about his motion. Deft. stated he will withdraw his Motion, as there was a misunderstanding, and both Mr. Frizzell and himself have been communicating. SO NOTED. COURT ORDERED, Motion OFF CALENDAR. Mr. Frizzell stated he spoke with Deft. earlier, and both Deft. and himself are okay with vacating the trial date, as defense will be filing a writ. Following discussions, Court suggested to leave the trial date on, and for parties to come back at time of Calendar Call. Based on representations made today, the hearing scheduled for December 20, 2016 on Deft's pro per motion to vacate is VACATED.

CUSTODY

12/13/16 8:30 A.M. CALENDAR CALL

12/20/16 1:30 P.M. TRIAL BY JURY

PRINT DATE: 06/17/2021

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Minutes Date: October 31, 2016

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 13, 2016

C-16-319021-1 State of Nevada
 vs
 Arnold Anderson

December 13, 2016 8:30 AM Calendar Call

HEARD BY: Leavitt, Michelle **COURTROOM:** RJC Courtroom 14D

COURT CLERK: Carole D'Aloia

RECORDER: Kristine Santi

REPORTER:

PARTIES

PRESENT:	Anderson, Arnold K	Defendant
	Frizzell III, Kenneth G.	Attorney
	Schwartz, Bryan A.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Mr. Frizzell indicated Defendant wanted counsel to file a writ which requires that the trial date be vacated; the Writ is set for hearing next week; and he spoke with Defendant yesterday who indicated that he did not want to waive his right to a speedy trial. Further, Mr. Frizzell stated he has spent the time on the writ and had not prepared for trial. Statements by Defendant. Noting the Writ is set for hearing, December 22, 2016, COURT ORDERED, the December 20, 2016, Trial Date is VACATED.

CUSTODY

CLERK'S NOTE: The minutes for this hearing have been prepared by a review of the JAVS recording. (tmj:12/22/16)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 22, 2016

C-16-319021-1 State of Nevada
 vs
 Arnold Anderson

December 22, 2016 8:30 AM All Pending Motions

HEARD BY: Leavitt, Michelle **COURTROOM:** RJC Courtroom 14D

COURT CLERK: Susan Botzenhart

RECORDER: Kristine Santi

REPORTER:

PARTIES

PRESENT:	Anderson, Arnold K	Defendant
	Frizzell III, Kenneth G.	Attorney
	Palal, Binu G.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- DEFT'S PETITION FOR WRIT OF HABEAS CORPUS...STATUS CHECK: TRIAL SETTING

Court noted it received the Petition. Mr. Frizzell submitted on robbery portion; and argued in support of dismissal of the charges and further argued regarding questionable and insufficient evidence presented at Preliminary Hearing. COURT ORDERED, Petition DENIED.

COURT ADDITIONALLY ORDERED, trial date SET.

CUSTODY

6/13/17 8:30 A.M. CALENDAR CALL

6/20/17 1:30 P.M. TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

C-16-319021-1 State of Nevada
vs
Arnold Anderson

January 19, 2017 8:30 AM Motion

HEARD BY: Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Susan Botzenhart**RECORDER:** Kristine Santi**REPORTER:****PARTIES**

PRESENT:	Anderson, Arnold K	Defendant
	Frizzell III, Kenneth G.	Attorney
	Palal, Binu G.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Court stated there is no action being sought, as Deft. has filed a notice of appeal, and there is no issue in front of this Court. Mr. Frizzell advised he received a handwritten letter from Deft. Upon Court's inquiry, Deft. refused to have Court read the letter. Mr. Frizzell stated Deft. filed his own documents, and he wants to withdraw them. Upon Court's inquiry, Deft. stated he will withdraw the matter today, but he wants the other upcoming matters to remain on calendar. COURT ORDERED, the hearings on January 24, 2017 and January 31, 2017 will STAND.

CUSTODY

1/24/17 8:30 A.M. DEFT'S PRO PER MOTION TO DISMISS COUNSEL AND APPOINT NEW COUNSEL PLUS PRO PER FERRETTA RIGHTS

1/31/17 8:30 A.M. DEFT'S PRO PER NOTICE OF MOTION

6/13/17 8:30 A.M. CALENDAR CALL

PRINT DATE: 06/17/2021

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Minutes Date: October 31, 2016

6/20/17 1:30 P.M. TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 24, 2017**

C-16-319021-1 State of Nevada
vs
Arnold Anderson

January 24, 2017 8:30 AM Motion

HEARD BY: Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Susan Botzenhart**RECORDER:** Kristine Santi**REPORTER:****PARTIES**

PRESENT:	Anderson, Arnold K	Defendant
	Bunnett, Matthew T.	Attorney
	Dickerson, Michael	Attorney
	Frizzell III, Kenneth G.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Deft. stated there is a conflict. Court asked Deft. if he put the issue in his papers. Deft. stated some issues were put in his papers; and stated he wants to talk to Mr. Frizzell, but he is not getting anything from his attorney or investigation done, it has been five months, Mr. Frizzell had spoken to him at the jail one time, when he calls Mr. Frizzell's office, the office says Mr. Frizzell is with a client, and there is no evidence that he committed these crimes. Deft. further stated his attorney has not done anything about his alibi, his car was in California during the alleged events, his bail is set for \$1,000,000.00, his attorney has not done anything about the charges, there were no medical records provided as to a witness, and Mr. Frizzell has not done anything about the issues he has. Court stated the only thing it is concerned about is Deft's claims about Mr. Frizzell not communicating with him. Mr. Frizzell advised his investigator and himself spoke with the garage owner, who speaks Spanish, and defense had also filed a writ in this case previously, however, it was not 21 days after the Preliminary Hearing was held. Court stated it knows about the deadlines and had considered the writ. Mr. Frizzell stated Deft. calls his office during the mornings when he is busy in Court. Deft. interrupted Mr. Frizzell. Court asked Deft. to please let his attorney talk; and reminded Deft. Mr.

Frizzell had allowed him to speak earlier. Mr. Frizzell stated he did not file the notice of alibi, as he is still investigating Deft's alibi, the garage owner is not subject to subpoena power, the garage owner did not believe he has video surveillance at the shop anymore for the date at issue, defense can only do so much as to this investigation, this case takes a lot of investigative time, the garage is not across town in this jurisdiction either, arrangements need to be made, and defense needs more time to complete the investigation. Court suggested continuing this case one week for Mr. Frizzell to go visit Deft. at the jail and talk to him. Court advised Deft. if he does not accept the visitation, the Court will know about it. COURT ORDERED, Deft's pro per Motion DENIED as there is no legal basis. Court advised defense counsel to meet with Deft. to talk to him, and come back to Court to make further representations. Mr. Frizzell noted for the record that every time Deft. has a conflict with him on issues like this, the Deft. gives him written letters of apologies.

CUSTODY

1/31/17 8:30 A.M. STATUS CHECK: VISITATION...DEFT'S PRO PER NOTICE OF MOTION

6/13/17 8:30 A.M. CALENDAR CALL

6/20/17 1:30 P.M. TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 31, 2017

C-16-319021-1 State of Nevada
 vs
 Arnold Anderson

January 31, 2017 8:30 AM All Pending Motions

HEARD BY: Leavitt, Michelle **COURTROOM:** RJC Courtroom 14D

COURT CLERK: Susan Botzenhart

RECORDER: Kristine Santi

REPORTER:

PARTIES

PRESENT:	Anderson, Arnold K	Defendant
	Frizzell III, Kenneth G.	Attorney
	Rogan, Jeffrey	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- DEFT'S PRO PER NOTICE OF MOTION...STATUS CHECK: VISITATION

Mr. Frizzell informed Court Deft. and himself had a good visit, there was miscommunication as to why defense was not able to speak with the alleged alibi witness, and Deft. has rectified the situation. Upon Court's inquiry, Deft. stated he will withdraw the Complaint with the State Bar of Nevada, he had a lot of things going through his head, being in custody, and both he and Mr. Frizzell resolved the issues. COURT ORDERED, matters OFF CALENDAR.

CUSTODY

6/13/17 8:30 A.M. CALENDAR CALL

6/20/17 1:30 P.M. TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 07, 2017**

C-16-319021-1 State of Nevada
vs
Arnold Anderson

March 07, 2017 8:00 AM All Pending Motions

HEARD BY: Leavitt, Michelle **COURTROOM:** RJC Courtroom 14D

COURT CLERK: Susan Botzenhart

RECORDER: Kristine Santi

REPORTER:

PARTIES

PRESENT:	Anderson, Arnold K	Defendant
	Frizzell III, Kenneth G.	Attorney
	Mendoza, Erika	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- DEFENDANT'S PRO PER NOTICE OF MOTION TO DISMISS COUNSEL...DEFENDANT'S PRO PER MOTION TO DISMISS COUNSEL AND REPLACE COUNSEL, AND APPOINT DEFENDANT PRO PER STATUS

Ms. Mendoza advised this case is assigned to Mr. Palal. Court TRAILED and RECALLED matter. Mr. Frizzell advised Mr. Palal provided the case file to Ms. Mendoza, and she can handle the case today. Thereafter, Mr. Frizzell informed Court Deft. gave him a written letter, which he calls a "love letter", which included a fake check made in the amount of \$250,000.00, further noting Deft. has a problem with him. Court reminded Deft. he is entitled to an appointed attorney, but not an appointed attorney by his choice. Deft. stated he called Mr. Frizzell 26 times, Mr. Frizzell has never talked to him; in the last six months, Mr. Frizzell called him twice, Mr. Frizzell is not doing anything he asks on the case, there is a conflict, and he does not even know what is going on with his case. Court advised Deft. he has not given the Court a legal basis to dismiss Mr. Frizzell. Upon Court's inquiry, Mr. Frizzell confirmed he made contact with Deft. and had gone to visit him at the jail, further noting there were attempts made to get the alibi witness, last time this matter was before the

Court. Defense counsel further added he told the Court all this last time, and now, the alibi witness is not panning out. COURT ORDERED, Motions to dismiss counsel DENIED. Deft. indicated he wants to represent himself. Court advised Deft. if he wants to represent himself, that is not a good idea. COURT FURTHER ORDERED, matter SET for hearing on Faretta Canvass.

CUSTODY

3/16/17 8:00 A.M. FARETTA CANVASS

6/13/17 8:30 A.M. CALENDAR CALL

6/20/17 1:30 P.M. TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 16, 2017**

C-16-319021-1 State of Nevada
vs
Arnold Anderson

March 16, 2017 8:00 AM Faretta Canvass

HEARD BY: Leavitt, Michelle **COURTROOM:** RJC Courtroom 14D

COURT CLERK: Susan Botzenhart

RECORDER: Kristine Santi

REPORTER:

PARTIES

PRESENT:	Anderson, Arnold K	Defendant
	Dickerson, Michael	Attorney
	Frizzell III, Kenneth G.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Court proceeded to canvass Deft. pursuant to Faretta. During plea canvass, Deft. looked around the Courtroom except at the Court when being addressed, he was unable to answer some of the Court's basic questions, and was also unable to recall or remember names of college courses or a workshop he claimed to have taken. Court asked Deft. if he wants to think about this some more, and come back at another date, if he cannot answer the Court's questions. Deft. claimed he represented himself in a District Court case. Upon Court's inquiry, Deft. explained he handled his own appeal in a criminal matter. Court clarified he did not represent himself, since he was never canvassed under Faretta in his other case. Deft. asked Court what the relevance was on some questions. Court advised Deft. it has to make a record. Court canvassed Deft. further. During canvass, Deft. was unable to answer the questions. Court advised Deft. if he cannot answer this Court's questions, it will continue this matter. Deft. stated he wants to do this today. Court canvassed Deft. further. Deft. was unable to answer questions or name an evidentiary rule. State provided possible ranges of punishment Deft. is facing on all charges. Deft. proceeded to argue with the Court. COURT ORDERED, matter CONTINUED. Court advised Deft. when he comes back and is able to answer the Court's question, this matter will proceed.

CUSTODY

3/23/17 8:00 A.M. FARETTA CANVASS

6/13/17 8:30 A.M. CALENDAR CALL

6/20/17 1:30 P.M. TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 23, 2017**

C-16-319021-1 State of Nevada
vs
Arnold Anderson

March 23, 2017 8:00 AM Faretta Canvass

HEARD BY: Leavitt, Michelle **COURTROOM:** RJC Courtroom 14D

COURT CLERK: Susan Botzenhart

RECORDER: Kristine Santi

REPORTER:

PARTIES

PRESENT:	Anderson, Arnold K	Defendant
	Dickerson, Michael	Attorney
	Frizzell III, Kenneth G.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Court TRAILED this matter to end of the calendar. CASE RECALLED. Court reminded Deft. if he tries to be obstreperous again, it will continue the case to another day. Court also reminded Deft. it is not here to argue with him, or hear how great his case is; he is required to answer questions, and if he goes into a tangent, Court will stop the canvass and continue this matter. Court also told Deft. it is not trying to offend him or be offensive, as it is the Court's job to tell him what the pitfalls are and how bad it is for him to represent himself; and if he still wants to represent himself, Court will let him. Deft. acknowledged; and apologized to Court for his behavior at the last hearing. Court canvassed Deft. under Faretta. During canvass, Court reminded Deft. he can hire any attorney he wants, but he is not entitled to appointed counsel of his choice, and he cannot just file motions with no legal basis, just because he thinks he has a legal basis. State provided Deft's criminal history information. Court advised Deft. he will have stand-by counsel while representing himself. Deft. stated Mr. Frizzell will not answer any of his questions that he asks. Mr. Frizzell advised he answered every question Deft. asked, and the problem is, Deft. does not like the answer he gets. Mr. Frizzell further advised he received an offer, he spoke with Deft. about the offer, and Deft. did not want to take the deal, and thereafter, that was when Deft. decided he wanted to represent himself.

Mr. Dickerson provided ranges of punishment for each Count Deft. is facing if convicted at trial, including habitual criminal status. Mr. Frizzell advised he notified the District Attorney to see if there can be an offer made at this time. Court reminded Deft. the consequences if convicted, and about the offer by State that was left open until foreseeable future. Court also reminded Deft. Mr. Frizzell does not just have one client. Upon inquiry by Deft, Court advised Deft. once he pleads guilty, the presumption of innocence is gone, and he would not be entitled to bail or own recognizance release.

Upon Court's inquiry, Deft. stated he still wants to represent himself. Court made findings including that Deft. waived his right to be represented by counsel, freely and voluntarily. COURT ORDERED, Deft. is allowed to represent himself in this matter; Mr. Frizzell APPOINTED as stand-by counsel. Deft. requested to file motions this morning. COURT SO ORDERED.

Deft's Affidavit To Dispute Facts In Evidence And Motion For Evidentiary Hearing Rule 104 (a) FILED IN OPEN COURT.

Deft's Motion To Dismiss Based Upon Deft's Illegal Arrest FILED IN OPEN COURT.

Deft's Alibi Motion Pursuant To NRS 174.233 FILED IN OPEN COURT.

Deft's Motion To Obtain A Full Brady Discovery To Inspect All Evidence FILED IN OPEN COURT.

Court reviewed these motions; and advised Deft. State made probable cause, and Court does not know what Rule 104 (a) is, further noting there was sufficient evidence found. Court advised Deft. it will set the matters for hearing, however, State has already addressed probable cause with Justice Court. Mr. Frizzell reminded Court he had filed a writ to address these issues previously. Court reviewed the motions further. Mr. Frizzell advised Deft. received discovery already. Deft. objected; and informed Court what he had received so far. Mr. Frizzell stated Deft. has been given everything he has had in his possession. Discussions as to traffic stop report Deft. is seeking. Court advised Deft. the police may not have made a report. Deft. requested a police report. COURT ORDERED, the motions filed in open Court today are SET for hearing.

CUSTODY

4/13/17 8:30 A.M. DEFT'S AFFIDAVIT TO DISPUTE FACTS IN EVIDENCE AND MOTION FOR EVIDENTIARY HEARING RULE 104 (A)...DEFT'S MOTION TO DISMISS BASED UPON DEFT'S ILLEGAL ARREST...DEFT'S ALIBI MOTION PURSUANT TO NRS 174.233...DEFT'S MOTION TO OBTAIN A FULL BRADY DISCOVERY TO INSPECT ALL EVIDENCE

6/13/17 8:30 A.M. CALENDAR CALL

6/20/17 1:30 P.M. TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 13, 2017

C-16-319021-1 State of Nevada
 vs
 Arnold Anderson

April 13, 2017 8:30 AM All Pending Motions

HEARD BY: Leavitt, Michelle **COURTROOM:** RJC Courtroom 14D

COURT CLERK: Susan Botzenhart

RECORDER: Kristine Santi

REPORTER:

PARTIES

PRESENT:	Anderson, Arnold K	Defendant
	Frizzell III, Kenneth G.	Attorney
	Schwartz, Bryan A.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Defendant Arnold Anderson is present in proper person. Mr. Frizzell appeared as stand-by counsel for Defendant.

DEFENDANT'S MOTION TO OBTAIN A FULL BRADY DISCOVERY AND TO INSPECT ALL EVIDENCE

COURT ORDERED as follows:

1. Police Report from Officer Hafen - Upon Court's inquiry, Mr. Schwartz confirmed a police report from Officer Hafen does not exist.

2. Officer A. Karas Report - Upon Court's inquiry, Mr. Schwartz confirmed there is no report from Officer A. Karas.

Court advised Defendant the State cannot provide what does not exist.

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3. Affidavit for warrant to search of the Camaro - Any search warrants will be turned over by State, if any.
4. Search warrant for Camaro - Any search warrants will be turned over by State, if any.
5. Affidavit and Summons for all suspects in Justice Court Case 16F14731, Department 5 - MOTION OFF CALENDAR as there are no other suspects.
6. Affidavit and Summons for all suspects in Case C319021-1 - MOTION DENIED because Defendant is the only suspect in this case.
7. Arrest warrant for Arnold Anderson and all suspects in Cases 16F14731X and C319021 - MOTION OFF CALENDAR as there was no arrest warrant, and the arrest occurred based on probable cause.
8. Affidavit and Summons for arrest warrant for Arnold Anderson - MOTION OFF CALENDAR as this does not exist.
9. Photo array issued by investigator Officer Valenzuela - Court NOTED a six pack of photos was produced in this case. COURT ORDERED, MOTION GRANTED as to six-pack photo line up; and State to turn over the photo line up.
10. Photo array - MOTION GRANTED as to photo line up; and State is to turn over the photo line up.
11. List of all witnesses expected to testify or have knowledge of the case - COURT ORDERED, State is to comply with NRS 174.234. Court NOTED State has already complied with the statute and turned over a witness list, and State has a continuing obligation, without the Court ordering State to provide a witness list.
12. List of witnesses interviewed by Plaintiff - MOTION DENIED as State is not required to provide this.
13. All documents relating to the investigation of this case - MOTION GRANTED to extent it is required by NRS 174.235.
14. A list of former or present agents of Plaintiff who have participated who will or who will not be called as a witness - State is to comply with statutory obligations and provide Defendant with a witness list.
15. Copies of pictures of Camaro seized on 9-5-16 by Officer Valenzuela - MOTION GRANTED as to pictures taken during this search; and State is to provide these pictures.

16. Case summary for Case 16F14731 - MOTION DENIED.

17. All photos involved in this case, all reports, any scientific test, copy of criminal proceedings of Arndaeyjae Anderson - MOTION GRANTED only to extent that it is required by statute.

State to prepare the order for this Motion.

DEFENDANT'S MOTION TO DISMISS BASED UPON DEFENDANT'S ILLEGAL ARREST

Court stated the time to challenge the sufficiency of evidence has come and gone. Defendant argued Mr. Frizzell did not do this in the writ, and did not challenge about him being arrested against his will. Defendant further argued about his arrest and search of the vehicle. Mr. Schwartz submitted on written response. COURT ORDERED, Motion DENIED.

Defendant stated he did not receive State's Oppositions to the Motion. Court asked Defendant if he wants a copy of the Oppositions, prior to leaving Court today. Defendant stated yes. Court offered to grant a short continuance of the case, to allow time for Defendant to review the Oppositions. Defendant requested the additional time; and asked to file a reply. COURT SO ORDERED. Court suggested Mr. Frizzell to provide copies of State's responses to Defendant in the future; and Court advised Mr. Schwartz to serve copies of their responses and oppositions to Mr. Frizzell in the future as well. Defendant argued the Oppositions should not be considered. Court advised Defendant it is up to Court to decide whether it will consider the written oppositions; and based on what he put in front of the Court, it can rule on these motions. Court further advised Defendant it agrees with his objection about the Oppositions not being filed timely, and he can make any motion that is appropriate. Defendant requested Court to dismiss. Court advised Defendant it already denied his Motion to dismiss.

Court TRAILED the case, to allow time for Defendant to review State's Oppositions; and copies were provided to Defendant in open Court.

CASE RECALLED. Defendant stated it is unfair to proceed, as he did not get served with the Oppositions. COURT ORDERED, CASE CONTINUED; it will allow more time, until April 18, 2017 for Defendant to file reply or provide a verbal reply to Court at the next hearing. Court advised Defendant it agrees with him that State should have filed the Oppositions timely, and he should have been served with the Oppositions.

DEFENDANT'S ALIBI MOTION PURSUANT TO NRS 174.233...DEFENDANT'S AFFIDAVIT TO DISPUTE FACTS IN EVIDENCE AND MOTION FOR EVIDENTIARY HEARING RULE 104 (A)

At request of Defendant, COURT ORDERED, Motions CONTINUED to allow time for Defendant to either provide written replies to Court by April 18, 2017, or provide verbal replies to Court at the next scheduled hearing.

Court addressed Defendant's other motions, scheduled for April 27, 2017.

AS TO DEFENDANT'S PRO PER MOTION TO DISMISS KENNETH FRIZZELL / APPOINT ARNOLD ANDERSON PRO SE, COURT ORDERED, Motion OFF CALENDAR as Defendant is already representing himself. AS TO DEFENDANT'S PRO PER MOTION TO APPEAR PRO SE, 2:31, COURT ORDERED, Motion OFF CALENDAR as Court is already allowing Defendant to represent himself. Hearing scheduled for April 27, 2017 for the motions OFF CALENDAR.

Defendant requested to file additional motions this morning; and COURT SO ORDERED.

Defendant's Pro Per Motion To Suppress Counts 1, 2, And 3 Against Arnold Anderson FILED IN OPEN COURT.

Defendant's Pro Per Notice Of Motion, and Writ of Habeas Corpus FILED IN OPEN COURT.

COURT ADDITIONALLY ORDERED, the motions will be SET for hearing on the same date as the other motions.

Copies of Defendant's Motions were provided to Defendant, State, and Mr. Frizzell in open Court.

CUSTODY

5/04/17 8:30 A.M. DEFENDANT'S MOTION TO OBTAIN A FULL BRADY DISCOVERY TO AND INSPECT ALL EVIDENCE...DEFENDANT'S ALIBI MOTION PURSUANT TO NRS 174.233...DEFENDANT'S MOTION TO DISMISS BASED UPON DEFENDANT'S ILLEGAL ARREST...DEFENDANT'S AFFIDAVIT TO DISPUTE FACTS IN EVIDENCE AND MOTION FOR EVIDENTIARY HEARING RULE 104 (A)...DEFENDANT'S PRO PER MOTION TO SUPPRESS COUNTS 1, 2, AND 3 AGAINST ARNOLD ANDERSON...DEFENDANT'S PRO PER NOTICE OF MOTION, AND WRIT OF HABEAS CORPUS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 04, 2017

C-16-319021-1 State of Nevada
 vs
 Arnold Anderson

May 04, 2017 8:30 AM All Pending Motions

HEARD BY: Leavitt, Michelle **COURTROOM:** RJC Courtroom 14D

COURT CLERK: Susan Botzenhart

RECORDER: Kristine Santi

REPORTER:

PARTIES

PRESENT:	Anderson, Arnold K	Defendant
	Frizzell III, Kenneth G.	Attorney
	Schwartz, Bryan A.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Deft. present in proper person. Mr. Frizzell is present as stand-by counsel for Deft.

DEFT'S PRO PER NOTICE OF MOTION, DECLARATION, AND WRIT OF HABEAS CORPUS NRS 34.360 TO TEST LEGALITY OF MY ARREST, IT'S ILLEGAL NO ARREST WARRANT

Deft. argued he disagrees with car stop and the procedure by the officer, he never received copies of the six pack photo lineup, there was no probable cause according to the Constitution, the arrest was illegal, the car stop was unconstitutional, and his Constitutional rights were violated. Mr. Schwartz submitted on written response; and noted the photo lineup was not a single photo, as there were six photos he attached to State's response. COURT ORDERED, Motion DENIED.

DEFT'S PRO PER MOTION TO SUPPRESS COUNTS 1, 2 AND 3 AGAINST ARNOLD ANDERSON

COURT ORDERED, Motion DENIED.

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Minutes Date: October 31, 2016

DEFT'S MOTION TO OBTAIN A FULL BRADY DISCOVERY TO INSPECT ALL EVIDENCE

Court determined this Motion was ruled on. Deft. argued he did not receive anything, nor the Opposition by State. Court advised Deft. the majority of the Motion was denied, and some things were granted. Court advised State Deft. is entitled to the photo lineups.

Court provided copies of photo lineups from State's Opposition to Deft. in open Court.

DEFT'S ALIBI MOTION PURSUANT TO NRS 174.233

Upon Court's inquiry, Deft. clarified this is his alibi notice. Court stated it does not have to rule on this, as this is the alibi notice to State of Nevada about individuals he is going to call as to his alibi. Deft. agreed.

DEFT'S MOTION TO DISMISS BASED UPON DEFT'S ILLEGAL ARREST

Upon Court's inquiry, Deft. stated his arguments for this Motion are the same as the other arguments. COURT ORDERED, Motion DENIED.

DEFT'S AFFIDAVIT TO DISPUTE FACTS IN EVIDENCE AND MOTION FOR EVIDENTIARY HEARING RULE 104 (A)

Court advised Deft. it is not quite sure of what he is seeking here, and usually there is a trial as the facts are disputed. Following discussions, Deft. stated he is disputing the way the charges are alleged, listing sexual assault and poison as the elements in the robbery charge under NRS 200.030 and 200.010, and those statutes do not match the police report. Court stated that is what trials are for. Court noted it does not believe there is anything to rule upon here.

State to prepare the orders.

Deft's Pro Per Motion To Compel State To Surrender Discovery, Deft's Pro Per Motion To Seek Handwriting Specialist NRS 50.275, and Deft's Pro Per Motion To Reconsider Motion To Dismiss were all FILED IN OPEN COURT.

Court reviewed these three motions; and asked Deft. how he knew Court was going to deny his Motion to dismiss today, as he has a Motion to reconsider. Deft. stated Mr. Frizzell had told him the Court was going to deny all of his Motions today anyway, and Mr. Frizzell had also told him he was wasting his time filling his motions. Mr. Frizzell clarified that is not exactly what he said, and there was a reason behind what he said. Deft. told Mr. Frizzell he said the Court will deny them all, stop filing the Motions, and the Judge has a rubber stamp saying deny, deny, deny. Court stated it does not have any rubber stamp that says deny, deny, deny, and it will have the three Motions filed and set for hearing. Court stated it appears the Motions are a motion to reconsider motions that have

been denied. Deft. stated last time the Court denied the motions, the Court did not give him a chance to argue them. Court advised Deft. he usually puts his arguments in his motions, and the Court allows him to speak in open Court. Deft. stated he understands, however, the Motion to dismiss was denied without the Court hearing his argument. Mr. Schwartz clarified the Motion was not denied at the last scheduled hearing, as Deft. received a copy of State's Opposition, and the Motion to dismiss was continued to today. Mr. Frizzell noted for the record what he had said to Deft. was if his motions do not have merit, which appear they do not have merit, the Court would deny them, and all Deft. was doing was making it more difficult for him to try to resolve his case. Deft. disagreed. Further discussions were made between Deft. and Mr. Frizzell.

Court provided copies of Deft's three motions to State and Mr. Frizzell in open Court. Mr. Frizzell picked up his copies in the Courtroom, during Court's calendar.

CUSTODY

5/25/17 8:30 A.M. DEFT'S PRO PER MOTION TO COMPEL STATE TO SURRENDER
DISCOVERY...DEFT'S PRO PER MOTION TO SEEK HANDWRITING SPECIALIST NRS
50.275...DEFT'S PRO PER MOTION TO RECONSIDER MOTION TO DISMISS

6/13/17 8:30 A.M. CALENDAR CALL

6/20/17 1:30 P.M. TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 25, 2017

C-16-319021-1 State of Nevada
 vs
 Arnold Anderson

May 25, 2017 8:30 AM All Pending Motions

HEARD BY: Leavitt, Michelle **COURTROOM:** RJC Courtroom 14D

COURT CLERK: Susan Botzenhart

RECORDER: Kristine Santi

REPORTER:

PARTIES

PRESENT:	Anderson, Arnold K	Defendant
	Frizzell III, Kenneth G.	Attorney
	Schwartz, Bryan A.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Deft. present in proper person; and Mr. Frizzell is present as stand-by counsel.

DEFT'S PRO PER MOTION TO RECONSIDER MOTION TO DISMISS

Upon Court's inquiry, Deft. stated he has nothing to add. COURT ORDERED, Motion DENIED, as Court is not inclined to reconsider.

DEFT'S PRO PER MOTION TO SEEK HANDWRITING SPECIALIST, NRS 50.275

Court advised Deft. it is not sure why he wants this. Deft. stated the handwriting changed on police report and voluntary statement by Rhonda Robinson, and he believes the handwriting is forged based on review of the handwriting. Mr. Schwartz stated the officers filled out portion of the document. Court advised Deft. he can cross examine the witness, however, Court is not inclined to believe the handwriting is forged. COURT ORDERED, Motion DENIED.

DEFT'S PRO PER MOTION TO COMPEL STATE TO SURRENDER DISCOVERY

Court reminded Deft. it granted the discovery motion, and that motion was very specific. Deft. stated he did not receive anything. Mr. Schwartz confirmed State turned over the discovery to Mr. Frizzell. Mr. Frizzell stated he never received anything new, and he only brought the file for today's hearing today. Court advised Deft. it agrees counsel is required to turn over discovery, and it will set a status check hearing to make sure he gets everything. COURT ORDERED, status check hearing SET.

DEFT S PRO PER NOTICE OF MOTION AND MOTION TO SUPPRESS FILED IN OPEN COURT.

DEFT S PRO PER NOTICE OF MOTION AND MOTION TO DISMISS FILED IN OPEN COURT.

DEFT S PRO PER NOTICE OF MOTION AND MOTION OF ALIBI WITNESS FILED IN OPEN COURT.

DEFT S PRO PER NOTICE OF MOTION AND MOTION TO DISMISS STAND-BY COUNSEL KENNETH FRIZZELL FILED IN OPEN COURT.

DEFT S PRO PER NOTICE OF MOTION AND MOTION TO DISMISS BASED ON MALICIOUS VINDICTIVE PROSECUTION FILED IN OPEN COURT.

DEFT S PRO PER NOTICE OF MOTION AND MOTION TO OPPOSE STATE S OPPOSITION TO DISMISS FILED IN OPEN COURT.

DEFT S PRO PER NOTICE OF MOTION AND MOTION FOR FULL BRADY DISCOVERY FILED IN OPEN COURT.

DEFT S PRO PER NOTICE OF MOTION AND MOTION FOR FRANKS HEARING FILED IN OPEN COURT.

DEFT S PRO PER NOTICE OF MOTION AND MOTION FOR EVIDENTIARY HEARING FILED IN OPEN COURT.

DEFT S PRO PER NOTICE OF MOTION AND MOTION TO DISMISS STATE IS GUILTY OF BRIBE NRS 199.240 FILED IN OPEN COURT.

DEFT S PRO PER NOTICE OF MOTION AND MOTION FOR WRIT OF HABEAS CORPUS TO TEST LEGALITY OF THIS ARREST FILED IN OPEN COURT.

Court reviewed all these pro per Motions; and advised Deft. any writ of habeas corpus is not timely, as he has 21 days from initial appearance to file a writ, and that has already been ruled upon. Court further advised Deft. the time has expired on some relief he is seeking, and he cannot keep filing

Brady motions, as Court had granted the Brady motion already. Deft. stated this is a different Motion, and he made a mistake. Court asked Deft. about the Motion to oppose State's Opposition to dismiss. Deft. stated it is his reply to his Motion to dismiss. Court addressed the Motion of alibi witness; and reminded Deft. he already filed an alibi notice. Thereafter, Court asked Deft. what is different about this Motion. Deft. stated it had heard the Court say it granted the Motion. Court advised Deft. the statute requires him to file a notice, however, it will not make a decision on whether or not he complied with the statute. COURT ORDERED, Deft's Pro Per Motions SET for hearing. Mr. Frizzell requested copies of motions Deft. filed in open Court this morning, and for the copies to be provided to him by e-mail or by fax. COURT SO ORDERED.

Mr. Schwartz noted for record an offer was made. Mr. Frizzell concurred; and stated there is an agreement being looked at, the issue is on the argument cap for State, and the offer has not been finalized yet. Court advised Deft. Mr. Frizzell is still trying to work on an offer, and Court wants to make sure Mr. Frizzell conveys the offer to him, as he has the right to be told what the offer is. Deft. acknowledged.

CUSTODY

6/13/17 8:30 A.M. STATUS CHECK: DISCOVERY...DEFT S PRO PER NOTICE OF MOTION AND MOTION TO SUPPRESS...DEFT S PRO PER NOTICE OF MOTION AND MOTION TO DISMISS...DEFT S PRO PER NOTICE OF MOTION AND MOTION TO DISMISS STAND-BY COUNSEL KENNETH FRIZZELL...DEFT S PRO PER NOTICE OF MOTION AND MOTION TO DISMISS BASED ON MALICIOUS VINDICTIVE PROSECUTION...DEFT S PRO PER NOTICE OF MOTION AND MOTION TO OPPOSE STATE S OPPOSITION TO DISMISS...DEFT S PRO PER NOTICE OF MOTION AND MOTION FOR FULL BRADY DISCOVERY...DEFT S PRO PER NOTICE OF MOTION AND MOTION FOR FRANKS HEARING...DEFT S PRO PER NOTICE OF MOTION AND MOTION FOR EVIDENTIARY HEARING...DEFT S PRO PER NOTICE OF MOTION AND MOTION TO DISMISS STATE IS GUILTY OF BRIBE NRS 199.240...DEFT S PRO PER NOTICE OF MOTION AND MOTION FOR WRIT OF HABEAS CORPUS TO TEST LEGALITY OF THIS ARREST

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 13, 2017**

C-16-319021-1 State of Nevada
vs
Arnold Anderson

June 13, 2017 8:30 AM All Pending Motions

HEARD BY: Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Susan Botzenhart**RECORDER:** Kristine Santi**REPORTER:****PARTIES**

PRESENT:	Anderson, Arnold K	Defendant
	Frizzell III, Kenneth G.	Attorney
	Schwartz, Bryan A.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Deft. is present in proper person. Mr. Frizzell is present as stand-by counsel.

CALENDAR CALL

Upon Court's inquiry, Deft. stated he is ready for trial. Mr. Schwartz advised State will be asking for a short continuance, due to both Mr. Palal and himself being set for different trials next week; further noting Mr. Palal has an invoked murder trial date set for next week. Mr. Schwartz added he himself, would like to at least try the case, due to the amount of work he has put in, and due to having met with the named victim regarding the case. Deft. objected to trial continuance; and asked if the request to continue trial needs to be in writing. Court clarified it can grant a continuance due to good cause and State's representations. Deft. stated this is the second continuance he had already, and he is ready for trial. COURT ORDERED, State's motion to continue trial GRANTED; trial date VACATED AND RESET. Mr. Frizzell advised he has a robbery with use case set for trial in Dept. 8, with multiple defendants. Court asked before it sets a trial date, why don't people tell the Court what their scheduling conflicts are. Upon Court's inquiry, Mr. Frizzell stated he may have a conflict that

week, as it may be a two week trial. COURT ORDERED, trial date RESET.

STATUS CHECK: DISCOVERY

Mr. Schwartz advised Mr. Palal provided discovery, and Mr. Frizzell provided the discovery to Deft. Deft. argued he is missing photos the crime scene analyst took inside the vehicle. Upon Court's inquiry, Mr. Schwartz advised all the photos and all statements that the State has, were provided. Discussions. Mr. Frizzell advised from the CD that was turned over, all the paperwork was given to Deft. by the investigator, either yesterday or the day before. Court asked Mr. Frizzell to look at discovery, and see if there are photos from inside the vehicle, and if there are more photos, to please provide them to Deft.

Deft. objected; and argued he never received oppositions by the State. Court advised Deft. it does not need an opposition to rule on these motions, and it can rule on the motions based on his pleadings alone.

DEFT'S PRO PER MOTION TO RECONSIDER MOTION TO DISMISS

Deft. argued there was no probable cause, or nothing established. Court stated it read the police reports, and is satisfied that there was probable cause. COURT ORDERED, Motion DENIED.

DEFT'S PRO PER MOTION TO COMPEL

COURT ORDERED, Motion MOOT.

DEFT'S PRO PER MOTION TO SEEK HANDWRITING SPECIALIST

Deft. argued regarding issues in police report, and about the witness statement. Court reminded Deft. it will allow him to cross examine those witnesses about the statement, however, there is nothing wrong with somebody else writing down what a witness says. COURT ORDERED, Motion DENIED WITHOUT PREJUDICE.

DEFT'S PRO PER MOTION TO SUPPRESS

Court advised Deft, upon review of the pleadings, his arguments are the same throughout, which is okay, however, the Court is trying to figure out what he is seeking to suppress, and what he wants Court to do. Court further advised Deft. it knows he thinks because another person in Juvenile Court pled guilty and was convicted, for what he believes are for the same set of facts for the same victim, however, that does not prevent State from pursuing him; the Court knows Deft. thinks it is double jeopardy, however, this is not double jeopardy, and that seems to be the theme here. Court further advised Deft. if he wants to discuss it further, go ahead; and Court assumes the person from Juvenile Court who entered the plea, is the person he is talking about in the motion. Deft. made arguments about the charges. Court advised Deft. the other case does not affect him in any way. Upon Court's

inquiry, Mr. Schwartz advised he does not know if the juvenile Deft. is going to testify. Further discussion.

CONFERENCE AT BENCH. Court advised Deft. that witness may come in and testify, and he will be permitted to cross examine this witness, or ask the witness if State made her any promises, or if State has given her any benefits. Upon Court's inquiry about promises or benefits, Mr. Schwartz confirmed no.

COURT ORDERED, Motion DENIED. Prior to Court's ruling, Deft. indicated to the Court it is the same argument he made earlier.

DEFT'S MOTION TO DISMISS CASE IS DOUBLE JEOPARDY

Upon Court's inquiry, Deft. stated this is the same argument as the Motion to suppress. COURT ORDERED, Motion DENIED.

DEFT'S PRO PER MOTION TO DISMISS STAND-BY COUNSEL KENNETH FRIZZELL

Court reminded Deft. Mr. Frizzell is stand-by counsel, Mr. Frizzell is to stand by and facilitate any questions he has, or help get him witnesses here, or assist him on getting prepared, and Mr. Frizzell is to make sure he gets discovery; Mr. Frizzell is not to argue the case or represent him, the Court does not require Mr. Frizzell prepare for trial, and Court can have him sit in the first row behind the table, if Deft. wants, and he does not have to like Mr. Frizzell or get along with Mr. Frizzell, however, Court will not dismiss Mr. Frizzell from this case. Court further advised Deft. it saw what he did in the motion, it is not sure if District Court or State Court has jurisdiction on his complaint, however, it is sure this will be addressed by another judge in another department. Deft. stated he was seeking to file a lawsuit against Mr. Frizzell. Court advised Deft. it thinks that is what he did, to try to get Mr. Frizzell off the case, however, Court is not going to dismiss Mr. Frizzell. COURT ORDERED, motion DENIED.

DEFT'S PRO PER MOTION TO DISMISS BASED ON MALICIOUS VINDICTIVE PROSECUTION

Deft. argued regarding the prosecutor, and there being no basis for his arrest. Court reminded Deft. he was arrested based on probable cause and NRS 171.124, and that was the legal basis of his arrest. Deft. argued the charges were not filed in a timely fashion. COURT ORDERED, Motion DENIED.

DEFT'S PRO MOTION TO OPPOSE STATE'S OPPOSITION TO DISMISS

Court NOTED this Motion was previously addressed at the last hearing.

DEFT'S PRO PER MOTION FOR FULL BRADY DISCOVERY

Court reminded Deft. it granted this Motion, and indicated the State is to turn over all Brady

material.

DEFT'S MOTION FOR EVIDENTIARY HEARING

Court advised Deft. it is not sure what he wants the evidentiary hearing on, so it will allow him to address the Court. Deft. argued he has the right to challenge evidence and the charges. Deft. further argued as to NRS 200.010 and the word 'poison' listed in the statute. Court stated it is not sure what he is talking about, it is difficult for Court to understand some of this in his Motion, and Court is doing its best. Deft. made further arguments about the elements of charge. Court advised Deft. the State is not charging him with poisoning anybody, and he is to look at the charging document. COURT ORDERED, Motion for evidentiary hearing DENIED.

DEFT'S PRO PER MOTION FOR FRANKS HEARING

Deft. argued about probable cause finding being insufficient, items in vehicle having been seized, affidavit, and warrant. Deft. further stated the officer did not know what was in the vehicle, and items needed to have been described. Court advised Deft. the witness can tell the Judge what they expect to find. Deft. further argued about the testimony made at Preliminary Hearing. Court advised Deft. he can take this up on cross examination, and if he wants to file a motion to suppress based on the Fourth Amendment, Court suggests that this is what he would do. COURT ORDERED, Motion DENIED.

DEFT'S PRO PER MOTION TO DISMISS STATE IS GUILTY BRIBE NRS 199.240

Court advised Deft. it appears he believes the State has bribed a witness. Deft. argued as to the witness being a juvenile, NRS 62B.390, and certification of child. Deft. argued this witness should have been tried as an adult. Court asked who the witness was. Mr. Schwartz confirmed the juvenile witness is Deft's daughter. Deft. argued the State bribed her. Court advised Deft. State is allowed to enter into plea bargains, and he is permitted to cross examine any witness regarding that; Court is not sure what Deft. is trying to do, the Court did not preside over the juvenile's case, and it only knows what Deft. has told the Court. Upon Court's inquiry, Mr. Schwartz advised Mr. Palal handled that aspect of it, and his understanding is, the witness was not charged as an adult, and the witness spoke to the State about what happened in this case. Court confirmed State left the witness's case in Juvenile Court. COURT ORDERED, Deft. is permitted to cross examine anybody at time of trial, about this issue.

DEFT'S PRO PER MOTION FOR WRIT OF HABEAS CORPUS TO TEST THE LEGALITY OF THIS ARREST

Court reminded Deft. he had 21 days from first appearance in District Court to file the writ, and the writ was already filed. Upon further inquiry by Deft, Court reminded Deft. again about the 21 day rule; and stated he already filed the Petition, he cannot just keep filing this Motion, the Petition was denied, he has one time to challenge the evidence, pre-conviction, and he did this already. COURT

ORDERED, Motion DENIED as being untimely.

DEFT'S PRO PER MOTION FOR ALIBI WITNESSES

Upon Court's inquiry, Deft. confirmed this is duplicative. SO NOTED.

State to prepare order.

CUSTODY

7/25/17 8:30 A.M. CALENDAR CALL

8/01/17 1:30 P.M. TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 25, 2017

C-16-319021-1 State of Nevada
 vs
 Arnold Anderson

July 25, 2017 8:30 AM All Pending Motions

HEARD BY: Leavitt, Michelle **COURTROOM:** RJC Courtroom 14D

COURT CLERK: Susan Botzenhart

RECORDER: Kristine Santi

REPORTER:

PARTIES

PRESENT:	Anderson, Arnold K	Defendant
	Frizzell III, Kenneth G.	Attorney
	Palal, Binu G.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Deft. is present in proper person. Mr. Frizzell is present as stand-by counsel for Deft.

Court advised Deft. it read this Motions.

DEFT'S MOTION TO HAVE ALL AUDIO INTERVIEWS PLAYED AND USED IN TRIAL OF WITNESSES

Court asked Deft. what this Motion means; and stated this is not done, as there is no rule or mechanism that allows him to play a bunch of audio interviews, and this is why there are trials. Court asked Deft. what he is trying to do. Upon inquiry by Deft, Court confirmed audio interviews can be used for impeachment purposes. Court told Deft. his Motion appears to be asking Court to bring a jury in Court, press play, and have the Jury listen to audio interviews; and this is not going to be done, however, if at any time Deft. wants to use the audio for impeachment purposes, he may use it for impeachment purposes. Court advised Deft. he has the transcripts and audio recordings, however, Court will not listen to all audio recordings during trial from start to finish. COURT

ORDERED, Motion DENIED.

DEFT'S MOTION FOR BAIL REDUCTION OR RELEASE

Deft. requested standard bail. Discussions as to bail having been raised while the case was in Justice Court. Mr. Balal opposed bail reduction; and argued as the crime being violent, and Deft's prior felony record. COURT ORDERED, Motion DENIED as to release or bail reduction.

CALENDAR CALL

Discussion as to Motions scheduled for August 1, 2017. Mr. Frizzell advised he provided a copy of proposed Guilty Plea Agreement to Deft. for review, which State gave him earlier, further noting arguing the Motions may be moot, if Deft. is considering the plea agreement. Mr. Palal provided the offer on the record, being one count of battery with use of deadly weapon, and State retaining right to argue, and not seeking habitual treatment. Upon Court's inquiry, Deft. confirmed he is not accepting the offer. Mr. Palal confirmed State will revoke the offer right now. SO NOTED. Court advised Deft. it does not appear State will make the offer again, as State is ready to go to trial. Court advised parties it will not be able to try the case next week, as it has two cases set to go, and it will reset the trial to be heard as early as it can. Court further stated it will not send the case to Overflow, as Court does not think it is fair to send a case with a pro per defendant to Overflow. Mr. Palal estimated 10-12 witnesses, and 3-4 days for trial. Mr. Frizzell stated he is scheduled to start trial in front of Judge Smith on August 29, 2017, with a defendant in custody, and it is a waived case. Court advised counsel Deft. has been in custody for a long time. COURT ORDERED, trial date VACATED AND RESET. Thereafter, Court advised Mr. Frizzell to come back in front of the Court, if he is not able to be here for trial.

Court stated there are motions set for August 1, 2017. Court advised Deft. a lot of those motions appear to be the same motions this Court has heard either once or twice, and it hopes this is not the third time this Court is hearing them. Deft. stated he has not received pictures of the Camaro or crime scene photos. Mr. Palal provided black and white copies of photos to Mr. Frizzell, which were provided to Deft. by Mr. Frizzell in open Court. Deft. stated he wants colored copies of the photo line-up. Mr. Palal stated he will get colored copies of the line ups to Mr. Frizzell for Deft. Court advised Deft. Mr. Frizzell can inspect the items in State's file. Upon Court's inquiry, Mr. Frizzell confirmed that has been done at least one other time, in other prior trial settings, and if there is anything new, he will contact the State. Mr. Palal stated he will provide anything new to Mr. Frizzell, upon review of the file and detective's file again. Court advised Deft. Mr. Frizzell will make sure to provide anything new to him. Deft. talked about wanting notice of custodian of records, dispatch and jail records. Mr. Palal stated he will make sure information is provided to Mr. Frizzell.

After Mr. Palal and Mr. Frizzell left the Courtroom, and during Court's calendar, Deft. submitted additional Motions to the Court.

Deft's Pro Per Notice Of Motion And Motion To Change Judge FILED IN OPEN COURT.

Deft's Pro Per Notice Of Motion And Motion To Remand Back To Justice Court NRS 171.206 Probable Cause Not Met FILED IN OPEN COURT.

Deft's Pro Per Notice To Subpoena Witnesses FILED IN OPEN COURT.

Court reminded Deft. he knows Mr. Frizzell can have witnesses subpoenaed for him. Deft. stated he knows, however, nobody from Mr. Frizzell's office has called him back, and his office will not take his calls.

CUSTODY

8/01/17 8:30 A.M. DEFT'S MOTION TO SUPPRESS ALL CONTENTS FOUND IN CAMERA AND EVERYTHING ASSOCIATED WITH EVENT NUMBER 160823-3561...DEFT'S MOTION TO INSPECT ALL EVIDENCE IN DISCOVERY...DEFT'S MOTION TO DISMISS ARREST...DEFT'S MOTION FOR COURT TO APPOINT PRIVATE INVESTIGATOR AND PAY FOR IT

8/22/17 8:30 A.M. CALENDAR CALL

8/29/17 1:30 P.M. TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 08, 2017

C-16-319021-1 State of Nevada
 vs
 Arnold Anderson

August 08, 2017 9:03 AM Motion to Disqualify Judge

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** No Location

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Motion advanced from the August 11, 2017 chambers calendar. See Order Denying Motion to Disqualify filed on August 8, 2017.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 22, 2017

C-16-319021-1 State of Nevada
 vs
 Arnold Anderson

August 22, 2017 8:30 AM Calendar Call

HEARD BY: Leavitt, Michelle **COURTROOM:** RJC Courtroom 14D

COURT CLERK: Susan Botzenhart

RECORDER: Kristine Santi

REPORTER:

PARTIES

PRESENT:	Anderson, Arnold K	Defendant
	Frizzell III, Kenneth G.	Attorney
	Palal, Binu G.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Prior to Court taking the Bench, Deft. and Mr. Frizzell were conversing in the Courtroom, and Deft. yelled at Mr. Frizzell.

Deft. is present in proper person. Mr. Frizzell is present as stand-by counsel for Deft.

State's Notice Of Intent To Seek Punishment As A Habitual Criminal / Felon FILED IN OPEN COURT.

Mr. Palal addressed the notice; and requested Court to re-canvass Deft. Thereafter, Court canvassed Deft. about the notice having been filed. During canvass, Deft. objected; and stated he disputes the charges. Court advised Deft. if State was to seek habitual treatment, State would be required to prove up all the prior felonies. Upon Court's inquiry, Deft. stated he objects to the notice. Upon Court's inquiry, Mr. Palal advised State's intention is to seek a life sentence. Court canvassed Deft. further about the notice and all the ranges of punishment he is facing if convicted. Court told Deft. this is significant and has become more serious; and asked Deft. if he still wants to proceed on his own.

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Deft. stated yes. Upon Court's inquiry, Deft. stated he is ready to go to trial. Mr. Palal informed Court State is ready; and estimated 4 days for trial, with 8-10 witnesses. COURT ORDERED, trial date SET.

Mr. Frizzell advised Mr. Palal had told him yesterday that the offer, previously revoked, was back on the table, for him to let Deft. know about it, which was battery with use with substantial bodily harm; and State would not seek habitual treatment, and would retain right to argue. Mr. Frizzell added this was presented to Deft, and Deft. turned it down. Upon Court's inquiry, Deft. stated the offer was not conveyed to him. At request of Court, State provided the offer again on the Record; and noted the State would not oppose 2 to 15 years in Nevada Department of Corrections (NDC). Upon Court's inquiry, Deft. confirmed he is rejecting the offer, and wants to proceed to trial. SO NOTED.

Deft. stated there were motions he filed set for August 1, 2017, and they have not been addressed. COURT ORDERED, Motions RESET to be heard on date of trial.

Court reminded Deft. it heard several discovery motions, and if there is something he is lacking for discovery, ask for it now.

Deft. requested the auto repair receipt; and stated Mr. Frizzell has this. Court told Deft. this is not a discovery motion; and he can ask Mr. Frizzell to give it to him. Deft. stated Mr. Frizzell's office will not accept his calls from the jail. Court asked Mr. Frizzell to make sure Deft. gets a copy of this receipt. Mr. Frizzell stated he will provide it. Deft. objected. Court told Deft. Mr. Frizzell is going to do what Court asked; and reminded Deft. he is going to treat everyone in the Courtroom with respect, whether he likes it or not, and Court is going to demand it. Court further reminded Deft. everyone is going to treat him with respect, and Court expects the same in return from him, he is not going to yell at anybody or tell anybody to get away from him, and none of this is going to be tolerated, whether this Court is in the Courtroom or not. Deft. acknowledged.

Upon Court's inquiry about whether there is anything else as to discovery, Deft. requested the victim's medical file; and stated he wants to see them, the medical injuries sustained, and review the battery charges. Deft. further stated he does not know if there is evidence to support the substantial bodily harm, and does not know how he can defend himself against the charge, if he does not know what is in the medical file. Mr. Palal advised records were received, State was not required to get them, and it was up to State to turn them over to Court.

Deft. stated he asked for the plea agreement for the other person who was convicted in the separate case, State is choosing not to turn it over, and his opinion is this is exculpatory evidence. Court told Deft. multiple people can be convicted of crimes resulting from same set of facts. Upon inquiry by Deft, Court told Deft. that case does not have to be in the same courtroom, and he does not seem to understand this. Upon Court's inquiry, Mr. Palal stated he is sure he can get the plea agreement from Juvenile Court. Court noted that document is not a public record. COURT ORDERED, State to provide the plea agreement from juvenile case to this Court, and Court will allow Deft. to review the document, however, it will not allow Deft. to possess it.

Deft. stated he does not know what custodian of records from Metro or custodian of records from the jail means, on the witness list, and he needs to know what they are, for his defense. Mr. Palal advised State listed custodian of records for both entities on the witness list, and does not anticipate calling those particular witnesses, further noting State turned over all jail calls to Mr. Frizzell. Mr. Frizzell stated he cannot give Deft. the disc, and thinks his investigator went over to the jail about this. COURT ORDERED, the investigator will go over to see Deft, and make sure Deft. listens to the jail calls.

Deft. talked about crime scene photos; and stated they were not provided. Court noted the photos have been turned over. Mr. Palal also confirmed these photos were turned over to Mr. Frizzell. Court stated it is trying to be patient, however, it cannot talk about the same things every single time; and it knows this has been represented to Court that these photos were turned over to Deft. Mr. Frizzell confirmed photos have been turned over to Deft. Deft. stated he would not be asking for them, if he had received them. Mr. Palal offered to provide the same discovery that was provided to Mr. Frizzell, to this Court. Court stated the solution is to make sure Deft. has them. Mr. Frizzell stated Deft. should have them. Court stated it needs to know unequivocally. Mr. Frizzell stated photos were turned over to Deft. two times, and when Deft. says he does not have anything again, he will give them to him again. Further discussions were made about State providing discovery to Mr. Frizzell, to give to Deft.

Mr. Frizzell stated he went through the file, he found the requested repair receipt, and he provided a copy to State. Thereafter, Deft. was provided the copy of the receipt by Mr. Frizzell in open Court. Deft. stated the problem is Mr. Palal is saying he is giving items to Mr. Frizzell, Mr. Frizzell is saying he gave items to investigator to give to him, and Mr. Frizzell cannot confirm what somebody else is bringing over.

Court asked if there was anything else. Deft. stated on the report, the victim got text messages from the suspect in this case, State said there are text messages, and he would like to review them. Mr. Palal confirmed State turned those over to Mr. Frizzell. Mr. Frizzell stated he will go back and double check, further noting his investigator is good about having defendants sign a receipt, every time he takes stuff over to them at the jail. Court asked Mr. Frizzell to provide a copy of signed receipts, to make the record clear. Deft. stated the investigator gave him a phone bill and not text messages. Upon Court's inquiry, Mr. Palal advised State turned over text messages, and there is a thick record of phone records he did not go through, however, all have been scanned and turned over to Mr. Frizzell. COURT ORDERED, Mr. Frizzell to provide text messages to Deft; and for purposes of the record, Mr. Frizzell is also to provide copies of the signed receipts to the Court.

Deft. stated he wants the ballistic reports. Mr. Palal confirmed all forensic reports were turned over to Mr. Frizzell. Mr. Frizzell stated he will double check this.

When Court adjourned, Deft. apologized to Court for his behavior in the Courtroom earlier.

CUSTODY

8/28/17 10:30 A.M. DEFT'S MOTION TO DISMISS FOR UNNECESSARY DELAYS FOR TRIAL...DEFT'S MOTION TO SUPPRESS ALL CONTENTS FOUND IN CAMARO AND EVERYTHING ASSOCIATED WITH EVENT NUMBER 160823-3561...DEFT'S MOTION TO INSPECT ALL EVIDENCE IN DISCOVERY...DEFT'S MOTION TO DISMISS ARREST...DEFT'S MOTION FOR COURT TO APPOINT PRIVATE INVESTIGATOR AND PAY FOR IT...TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 28, 2017

C-16-319021-1 State of Nevada
 vs
 Arnold Anderson

August 28, 2017 10:30 AM All Pending Motions

HEARD BY: Leavitt, Michelle **COURTROOM:** RJC Courtroom 14D

COURT CLERK: Susan Botzenhart

RECORDER: Kristine Santi

REPORTER:

PARTIES

PRESENT:	Anderson, Arnold K	Defendant
	Frizzell III, Kenneth G.	Attorney
	Palal, Binu G.	Attorney
	Schwartz, Bryan A.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Deft. present in proper person. Mr. Frizzell is present as stand-by counsel for Deft.

TRIAL BY JURY

OUTSIDE PRESENCE OF PROSPECTIVE JURY PANEL: Court stated today is the date and time set for trial, and Court will rule on the motions today that are before the Court.

DEFT'S MOTION TO DISMISS FOR UNNECESSARY DELAYS FOR TRIAL

Deft. made statements to Court, and talked about NRS 171.124. Court stated it had denied the Motion several times, and the issue is properly preserved. **COURT ORDERED, Motion DENIED.**

DEFT'S MOTION TO SUPPRESS ALL CONTENTS FOUND IN CAMARO AND EVERYTHING ASSOCIATED WITH EVENT NUMBER 160823-3561

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Deft. stated the cell phone search was illegal and there was no proof of ownership. Mr. Palal argued Deft. is not in position to say the police had violated of Fourth Amendment. Deft. stated the cell phone is not his. Court advised Deft. he has no standing to say the police had violated, as to the car and the phone. Deft. stated he was driving the vehicle. Upon Court's inquiry, Deft. stated he had access to the vehicle, and it was not registered to him. Upon Court's same inquiry, Deft. stated the car was a friend's car. Court asked Deft. what he was trying to exclude. Deft. stated whatever is being used against him for trial, that was found in the car. Arguments by State. COURT ORDERED, Motion DENIED.

DEFT'S MOTION TO INSPECT ALL EVIDENCE IN DISCOVERY

Court noted Mr. Frizzell had provided the receipt of copy (ROC) to the Court regarding the discovery that was provided to Deft. Court's Exhibit ADMITTED (See Worksheets.). Court advised Deft. there was a document presented to the Court saying he got discovery. Deft. asked if colored copies of photos were provided to him. Court told Deft. he received the copies. Mr. Palal stated he has the colored photos with him. Court stated it will allow State to show Deft. the colored copies, and for Deft. to look at them in Court. Deft. stated that is fine, and he had thought he needed those copies.

Deft. asked for documents from the juvenile matter. Following discussions regarding the document and juvenile proceedings, which have been ORDERED, SEALED by Court, COURT ORDERED, it will allow Mr. Frizzell to review the non-public document with Deft. during Court, however, the Deft. cannot possess the document. COURT EXHIBIT 2 WAS ADMITTED and ORDERED SEALED (See Worksheets.).

Mr. Palal informed Court a subpoena was issued for the juvenile to testify.

Mr. Frizzell addressed the jail calls provided to State recently; and informed Court the investigator went over to the jail, and reviewed the pertinent jail calls with Deft, further noting there were approximately 300 plus calls, not all calls were relevant, and the investigator went over what would be relevant. Upon Court's inquiry, Mr. Frizzell confirmed the investigator told Deft. which calls were going to be used by State for trial. Deft. disagreed. Mr. Balal clarified he told the investigator he did not listen to all the jail calls, however, he did listen to the ones State is going to use for this trial, not new calls. Court reminded State to make it known to the Court about publishing or admitting jail calls, as the Court will allow Deft. to hear the calls beforehand, so Deft. can make any objections or any requests to the Court to not allow State to use them. Deft. stated that is fair.

Upon Court's inquiry, Mr. Palal advised Mr. Frizzell had asked about an offer, and there was an offer made by Deft. however, State declined Deft's offer, State's offer was a Battery offense, with a sentence of two (2) to fifteen (15) years, and full right to argue, with State agreeing not to seek habitual treatment; and Deft. has declined this offer. Deft. stated this is the same offer. Court advised Deft. it is telling him, to make sure he had time to make a decision about the offer, and Court knows he rejected the same offer last week. Deft. stated he understands. Upon Court's inquiry, Deft. confirmed

he does not want the offer, and is rejecting it. SO NOTED. Court reminded Deft. the State is not going to offer this again. Mr. Palal concurred. Deft. requested the offer be stated on the record again. COURT SO ORDERED. After the offer was conveyed to Deft. in open Court, Deft. requested to talk to Mr. Frizzell further. COURT SO ORDERED. MATTER TRAILED.

CASE RECALLED. Mr. Frizzell informed Court Deft. wants him to ask State about the offer, both Deft. and himself are okay with each other, and Deft. had asked for standard bail be considered by State. Court advised Deft. the State cannot offer that. Mr. Frizzell advised State had offered \$100,000.00 bail, and Deft. had said he does not want this. Court confirmed that is not on the table, as the presumption of innocence would be gone, upon entry of plea; State cannot negotiate bail setting, and Court would not be inclined to grant reduction of bail. Upon Court's inquiry, Deft. declined State's offer.

Court addressed Deft's Pro Per Motion to remand case to Justice Court; and Deft. argued no evidence was produced to support charges. Deft. added even the statement from witness says no expert was there to testify. Court advised Deft. no expert is required, the named victim can testify about the substantial bodily harm, and the Court has no jurisdiction to entertain this Motion. COURT ORDERED, Motion DENIED.

DEFT'S MOTION TO DISMISS ARREST

Court NOTED this Motion was previously DENIED, and it is DENIED.

Court addressed Deft's Pro Per Motion to inspect evidence in discovery; and clarified this Motion has been resolved. Court reminded Deft. if there is something he wants to look at, let Mr. Frizzell know, and Mr. Frizzell will let Court know, Court will take a recess to allow him to look at what he wants to view, and this Court is ready to go to trial. Deft. stated he did not know trial is starting today. Court advised Deft. it is not sure how much clearer it could have made it. Court reminded Deft. he always pushed the Court to have the trial go, and Court had told him trial was going forward this week. Deft. stated he understands.

Court addressed Deft's Pro Per Motion to suppress; and noted this was all resolved.

DEFT'S MOTION FOR COURT TO APPOINT PRIVATE INVESTIGATOR AND PAY FOR IT

Court noted there is already an investigator, being Mr. Frizzell's investigator, on this case. Court advised Deft. to let Mr. Frizzell know, if there is somebody he needs to be subpoenaed.

Discussion as to State's witness line up for trial. Court reminded Deft. his witnesses have to be ready. Deft. stated Mr. Frizzell's office will not answer or return his phone calls. Court reminded Deft. to let Mr. Frizzell know what he wants done, and the Court can clear the Courtroom, if he wants to talk to Mr. Frizzell about his case, however, he needs to have his trial witnesses here by Thursday, August 31, 2017 or Friday, September 1, 2017; and if the witnesses are not here, Court will move forward.

Deft. stated he has questions about the videos and body cams, and he wants something used for trial for the Jury to see. Court asked Deft. if he wanted body cam footage. Discussions regarding the event numbers on the recordings Deft. is seeking to use. Mr. Frizzell confirmed State has the body cam footage, and Deft. can review them here during trial, further noting he had told Deft. State would likely have them here in Court. Court asked State to submit the recordings to Clerk for marking. Deft. stated he has no idea what they are, he knows what videos he wants to play, and he only wants a portion played out of the 40 minutes of footage. Court advised Deft. to let Mr. Frizzell know what he wants heard, and to let the Clerk and State know. Court also reminded Deft. to let State and Court know what time he wants the footage queued up to, and Mr. Frizzell can help narrow it down for him. Deft. stated the investigator has to see the footage again.

Deft. requested 911 call as to witness Cobbs. Upon Court's inquiry, Mr. Palal confirmed State has this call, however, State will not be publishing this. Deft. stated he wants it in. Court advised Deft. he has to be able to lay foundation, and calls are not just shown to the jury. Court further advised Deft. if there is a witness and if the witness testifies about the call, he can cross examine the witness; and if proper foundation is laid, the Court will allow the call in, however, he has to give a reason how it is relevant to come in. Court suggested Deft. to ask State if they are willing to stipulate to the call coming in, which is another option, however, State does not have to agree to let it in.

Deft. asked about pictures of the Camaro, and stated he needs to find out what CSA took. Court advised Deft. he needs to know which witness he wants to question the photos on, usually the person is a Crime Scene Analyst (CSA), who takes the photos, and the CSA's have certain duties, as some CSA's might do DNA, some do fingerprints, and if there are four CSA's, the duties are divided. Deft. asked how he can ask for the item to be admitted. Court advised Deft. he has to ask the Court to move to admit, or he can ask Mr. Frizzell or the State about admitting the item by stipulation, and he can ask Court to have Clerk mark the evidence as proposed exhibits. Court reminded Deft. any exhibits he seeks to mark will be letters, and State's exhibits will be numbers.

Deft. was provided courtroom rules by the Marshal, pursuant to order of the Court. And Deft. was provided rules regarding self-representation by Court. Deft. requested a note pad and laptop for trial; and thereafter, stated he was kidding about the laptop. Deft. was provided a notepad and writing utensil by order of the Court. Court reminded Deft. he is entitled to presumption of innocence, and exhibits, and he is permitted to cross examine witnesses, however, the cross examination has to be appropriate. Court also reminded Deft. there are only certain types of reasons the attorneys approach the Bench to speak to the Court, and he can ask any questions to Mr. Frizzell, and he will remain at his table at all times, during trial and Bench conferences.

STATE'S NOTICE OF MOTION AND MOTION IN LIMINE TO STRIKE THE DATE FROM DEFT'S EXHIBIT, OR IN THE ALTERNATIVE, ORDERING DEFT. TO PROVIDE THE ORIGINAL PHOTOGRAPH

Mr. Schwartz addressed the photos admitted at Preliminary hearing; and informed Court the auto receipt was provided to State, further noting State is challenging authenticity of specific photos

provided by Deft, and State will be disputing the photo from the camera phone showing a date stamp. Additionally, State had requested verification of the photos with the date stamp listed on the bottom. Mr. Schwartz added the photos in dispute were e-mailed to State by Mr. Frizzell. Mr. Frizzell stated he has black and white copies. Court advised Deft. he has to lay foundation, before the photos can be admitted into evidence. Deft. stated his sister can verify the photos, and she can bring the phone. Thereafter, Deft. objected to State not serving him this Motion. Mr. Frizzell provided black and white photographs to Court. Mr. Schwartz advised the photos do not have a time of when they were taken. Deft. objected. Court asked Deft. to provide a proffer. Deft. stated he provided an affidavit to Mr. Frizzell and to Court, about the photos. Court reviewed the Affidavits and photos. Court advised Deft. his sister can testify, however, he cannot have a date stamp on the photos. Deft. argued it is not hearsay. Court clarified his sister can testify about the personal knowledge of photos, but that does not mean the date on the photo was the date the photo was taken. Discussions. Deft. stated his sister took the photos herself, and she has a date on the memory card. Arguments by Mr. Palal. COURT ORDERED, RULING DEFERRED to time of trial and testimony. COURT FURTHER ORDERED, it will not allow the date on the photo. Court advised Deft. his sister can bring the memory card.

Mr. Palal provided the auto receipt to Court; and stated objections. Court stated it is not sure how foundation can be laid on this. Deft. stated he will see if a witness can appear for the receipt. Discussion as to document being a business record. Court advised Deft. this document is hearsay and he has a foundation issue, therefore, the auto receipt cannot come in, however, that does not mean the testimony cannot come in. Deft. stated he can ask his sister about it. Court advised Deft. that is fine, however, it will not allow the date on the photo to come in. Discussions as to the affidavits provided to Court by State. Deft. objected to State not providing a written motion to him on this issue. Court advised Deft. State does not have to make a written Motion, as State is asking for an evidentiary ruling to be made by the Court. Upon Court's inquiry, Deft. stated his sister has personal knowledge about the photographs in dispute.

Court provided Deft. rules of Voir Dire, including number of how many jurors will be qualified for Voir Dire. Court reminded Deft. it will allow him and State to make a statement about the case to the Jury panel, when the panel arrives.

PROSPECTIVE JURY PANEL PRESENT: Introductory statements by Court and by State. Deft. made statement to Jury. Clerk called roll. PROSPECTIVE JURY PANEL SWORN. Voir Dire commenced.

OUTSIDE PRESENCE OF PROSPECTIVE JURY PANEL: Court advised Deft. it notices he is not taking notes. Mr. Frizzell advised Deft. wants him to ask questions to State about a possible resolution. Court provided the names of the qualified jurors, including the names of the jurors that may be excused by Court later; and clarified none of the jurors have been excused yet. Deft. objected to Juror with Badge No. 0498; and stated the juror s spouse is a police officer, and he does not think this juror will be fair. Court clarified this juror had said she would be fair; and advised Deft. he can examine her on Voir Dire, and if he wants to make a challenge for cause, he may let the Court know, and the Court will clear the courtroom and allow him to make his record; however, he cannot say the

challenge out loud in front of the jury. Deft. acknowledged.

PROSPECTIVE JURY PANEL PRESENT: Voir Dire commenced further.

OUTSIDE PRESENCE OF PROSPECTIVE JURY PANEL: State made a challenge for cause as to Juror with Badge No. 0584. Court ORDERED the juror excused. Court reminded Deft. he cannot question each juror in the panel of 24, and he needs to question the panel of 24 as a whole. Deft. made a challenge for cause as to Juror with Badge No. 0481; and argued he does not believe this juror would be fair. Court OVERRULED the objection; and DENIED the challenge for cause. Court advised Deft. it will not prevent him from asking further questions to that juror. Discussions as to excusal and replacement of juror that was done earlier.

PROSPECTIVE JURY PANEL PRESENT: Voir Dire commenced further. State passed panel for cause. Deft. asked questions, which were deemed inappropriate by Court. Thereafter, Deft. questioned the jury panel as a whole with a question deemed appropriate by Court. After Voir Dire commenced further, Deft. asked another question to the panel. Court admonished and excused the prospective jury panel for a break, until further instructions were given by Marshal.

OUTSIDE PRESENCE OF PROSPECTIVE JURY PANEL: Court admonished Deft. he does not have to tell the jury panel about any prior accusations made against him, or about any prior bad acts, as this would not come in as evidence, and now he has opened the door to the jury panel about his questions about all this, that are prejudicial. Court further advised Deft. he cannot get a mistrial for contaminating the panel, and if he wants to get into this information in front of the Jury, do it at his own risk. Court further admonished Deft. he does not get to try the case in front of the panel. Discussions between Deft. and Court. Court advised Deft. the issue is whether the jury panel can be fair, and not about what the jury can do about a witness that may be against him in another case. Court further advised Deft. the Jury will be instructed by Court on what to do, if State believes a witness is untruthful. Deft. stated his opinion was it was harassment as to this witness. Court advised Deft. he cannot do this during Voir Dire, and he cannot try a case during Voir Dire. Court asked Deft. what it is, that he wants to ask the jury panel. Deft. stated his concern is how a jury would view when another officer from another case comes in this case for testimony. Deft. further stated he thought the questions he had were appropriate. Court asked Deft. what the questions were that he wanted to ask the jury panel. Deft. refused to provide the questions, and stated the Court is making it harder for him. Court stated it will bring the jury in for peremptory challenges to be done. Court reminded Deft. this is harder than it looks, and the Court cannot teach him or tell him how to ask the questions. Following further discussions, Deft. stated he may have taken this the wrong way. Discussion as to Deft's questions for the jury. Deft. stated he passes on this. Court advised Deft. if he wants the Court to shut him down in front the jury for an inappropriate question he makes, that is his choice.

PROSPECTIVE JURY PANEL PRESENT: Voir Dire commenced further. State and Deft. exercised peremptory challenges. JURY SELECTED. Court thanked and excused the remaining jury panel members. Court instructed and excused the Jury for the evening, to return tomorrow morning at

10:30 A.M.

OUTSIDE PRESENCE OF JURY: Mr. Frizzell informed Court on the last break, State had said they would leave a prior offer open, until the end of the day today, to which this was explained to Deft, further noting Deft. had wanted to talk about it, and he is putting this on the record. Court stated it is the end of the day. Deft. stated he would let State know in the morning about the offer. Mr. Palal advised the offer was around all day, and if was not for Mr. Frizzell, the State would not have extended the offer, as this is something he himself never does, and the offer was extended out of courtesy. Mr. Palal added after trial concludes for the day and when the State is leaving the Courtroom, the offer is gone; and he had extended every opportunity to resolve the case. Upon Court's inquiry, Deft. stated he did not know, and thought offer would be open until tomorrow and he would let State know. Court asked Deft. if he needed a few minutes. Mr. Frizzell stated he let Deft. know they would not talk about the offer anymore, at the end of the day.

Court recessed.

TRIAL CONTINUES.

CUSTODY

8/29/17 10:30 A.M. TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 29, 2017

C-16-319021-1 State of Nevada
 vs
 Arnold Anderson

August 29, 2017 10:30 AM Jury Trial

HEARD BY: Leavitt, Michelle

COURTROOM: RJC Courtroom 14D

COURT CLERK: Susan Botzenhart

RECORDER: Kristine Santi
Patti Slattery

REPORTER:

PARTIES

PRESENT:	Anderson, Arnold K	Defendant
	Frizzell III, Kenneth G.	Attorney
	Palal, Binu G.	Attorney
	Schwartz, Bryan A.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Deft. is present in proper person. Mr. Frizzell is present as stand-by counsel for Deft.

Court Recorder Patti Slattery, is present.

OUTSIDE PRESENCE OF JURY: Mr. Palal advised State received a recorded phone call Deft. had made to his daughter, and State may call his daughter as a rebuttal witness, further noting Deft. had told his daughter in the recording to go somewhere without a phone, so State could not track her. Additionally, the interview was made nine months ago, and normally, the State would need her, however, Deft. forfeits the right to confront witness about the statement. Mr. Palal made arguments in support of the call being admissible; and further argued as to statement and interviews having been given and being admissible for trial. Further arguments as to Washington and Giles case law, and forfeiture rule. Mr. Palal added State cannot find the witness, and there is a warrant for her arrest. State played the recorded jail call in open Court; and provided written memorandum to

Court for review. Deft. objected; and argued he never said the caller's name, State does not know who he was talking to in the recording, there is no merit, and he has a sixth amendment right to cross examine. Court asked Deft. who the person in the recording was. Deft. stated it was a friend from a different matter. Deft. had remained seated in the Courtroom, and was told to stand by the Marshal. Deft. stated he is done addressing the Court; and remained seated. Court asked if State gets the daughter in custody, where will State take her. Mr. Palal advised the daughter is 18, and further stated Deft. had called her on her birthday. Mr. Palal moved to admit the jail call into evidence; and requested the witness be interviewed on the statement that was given by her. Deft. objected. Arguments by State. Upon Court's inquiry, Mr. Palal advised the warrant is in scope, the CATS team was not called yet, as State wants to avoid having force used on her, and State is making calls trying to find her. Court stated it would be nice to have the daughter brought to Court on her own free will. Mr. Palal advised the probation officer in her other case is looking for her. Court noted if this witness appears, the issue becomes moot. Mr. Palal indicated State is trying to serve her. Court stated the issue does not rise, until State calls her as a witness; and it will defer ruling until State can get her here. Deft. stated she was not coming to Court anyway, because of the warrant; and asked how he is preventing her. Thereafter, Deft. argued regarding federal rules of evidence. Court advised Deft. the State has acknowledged they would be prevented from bringing the jail call in, and State believes he caused this issue. Court reminded Deft. it will defer the ruling for State to find this witness, and if she does not come in or get called by State, the Court will revisit and review the issue further. Court NOTED Deft's objections. Court told Deft. the State is not permitted to discuss the call during opening statements.

Mr. Palal informed Court the State's offer was revoked yesterday, and he has a proposed Guilty Plea Agreement for Attempt Murder. Upon Court's inquiry, Mr. Frizzell confirmed Deft. and himself have it, and Deft. has not decided. Deft. stated he was going to think about it. Mr. Palal advised the offer will be open until parties break for lunch.

Deft's Pro Per Notice Of Motion And Motion To Strike And Oppose State's Motion To Seek Punishment As A Habitual Criminal If A Felony Conviction Occurs FILED IN OPEN COURT.

COURT ORDERED, State's Proposed Exhibit No. 2, being the jail call, was MARKED by Clerk.

Court Recorder Kristine Santi, is present.

JURY PRESENT AND SWORN BY CLERK. Court instructed Jury. Clerk read Information. Further instructions were given by Court. State made opening statements. Deft. objected during opening statements, which were OVERRULED by Court. Court told Deft. it can hear him speaking to Mr. Frizzell during opening statements; and asked Deft. not to talk loud to Mr. Frizzell as this is disruptive. Deft. made opening statements to Jury. Testimony and Exhibits presented (See Worksheets.). During testimony by victim's spouse, Deft. argued with the witness during cross examination; and Deft. was admonished by Court numerous times not to argue with the witness. Deft. was reminded by Court that this cross examination, and not a conversation. Further testimony and Exhibits presented (See Worksheets.).

OUTSIDE PRESENCE OF JURY: Court strongly cautioned Deft. not to get combative with the witness during cross examination, and further stated it does not want a conversation to go on. Court reminded Deft. he is not testifying. Deft. moved for a mistrial; and argued the jury had to see the witness argue with him. Court advised Deft. he does not get to create problems, and he does not get a mistrial. Deft. interrupted Court; and stated it is all his fault then. Court admonished Deft. not to misbehave towards the Court; and reminded Deft. he does not get to argue with the Court or with witnesses. Deft. stated he is not mentally fit to continue with trial, he is not being treated fairly, and Mr. Frizzell is not helping him out. Discussions as to Deft. seeking a witness to testify. Mr. Frizzell advised there was a proposed Guilty Plea Agreement the State was going to provide before lunch, further noting he went over this same agreement with Deft, Deft. had said okay, thereafter had said no, and now Deft. is telling him he is stressed out, and both Deft. and himself are not getting along. Deft. stated he wanted Paul Cobb subpoenaed. Upon Court's inquiry, Deft. stated this person is not on the witness list. Mr. Palal advised this person was on State's list; however, the State does not have a good address for him. Deft. stated he has an investigator who can look. Discussions. Mr. Frizzell stated his investigator does not work with Deft. solely, or drop everything he is doing. Court advised Deft. if and after Mr. Solario comes and testifies, let the Court know and it will have the witness come back to testify, further noting it does not know what else to do. Deft. stated he is stressed out; and requested another attorney who knows what is going on with the case. Court DENIED the request.

Upon Court's inquiry, Mr. Palal advised State is done with offers. SO NOTED.

JURY PRESENT: Further testimony and Exhibits presented (See Worksheets.).

OUTSIDE PRESENCE OF JURY: Court cautioned Deft. this is his final warning not to argue with the witness; and reminded Deft. he gets to ask the witness questions, and if he continues to make comments or have conversations with witness, the Court will shut it down, and he will not be permitted to ask any more questions to the current witness. Court asked Deft. if he understood; and Deft. stated no. Court advised Deft. it made itself clear.

Mr. Palal provided NRS 51.069; and argued as to impeachment of testimony. Further arguments as to testimony and statements made by Deft. Court stated it had told the Jury to disregard the statements that were made by Deft. after the witness answered the questions. Court reminded Deft. the Jury is going to be told by Court to disregard any statements and comments he makes, after the witness answers questions.

JURY PRESENT: Further testimony and Exhibits presented (See Worksheets.). Deft. made numerous statements during cross examination, which were objected to by State; and Court had instructed the jury numerous times to disregard comments Deft. had made during cross examination. Deft. told Court to take him back to jail. Court advised Deft. it suggests that he stop talking. Juror No. 12 provided two notes to Court.

OUTSIDE PRESENCE OF JURY: Court reviewed the notes from juror with State and Deft. in the

courtroom. Court's Exhibits ADMITTED (See Worksheets.). Court stated it will not ask questions in Court's Exhibit No. 5. Deft. made objections. Further discussions. State and Deft. made no objections to Court asking questions from Court's Exhibit No. 4.

JURY PRESENT: Further testimony and Exhibits presented (See Worksheets.). Deft. made comments to witness on the stand, being named victim, during cross examination. Court admonished and excused the Jury for a break, until further instructions were given.

OUTSIDE PRESENCE OF JURY: Deft. told the witness he has been sitting in jail because the witness had lied. Court reminded Deft. the Jury was instructed to disregard his comments. Deft. interrupted Court; and Court told Deft. to stop talking. Court reminded Deft. this is not a circus. Deft. objected to the witness showing scars to the Jury, which were NOTED by Court. State informed Court they ran out of witnesses for today. Court directed Marshal to have the Jury excused to return tomorrow morning at 11:00 A.M.

Court noted during testimony, Deft. repeatedly made statements about his custodial status, and he had requested to be taken back to jail in front of the jury. Court further stated there were spontaneous outbursts made by Deft, and now the Jury knows Deft's custodial status.

Mr. Palal requested Court to rule on State's Motion; and further noted the investigator will not be available until sometime later tomorrow, due to current FMLA leave, and State anticipates closing their evidence tomorrow. Additionally, State had contacted the probation officer to try to find Deft's daughter. Court stated it reviewed the case law from Nevada Supreme Court. Court asked about the phone number Deft. had made the call to. Mr. Palal advised Deft. made a previous call to his daughter at the same phone number in the jail call at issue, and in another jail call on date of his daughter's birthday, and the scope record shows her date of birth being the same date the other call took place. Thereafter, Mr. Palal argued in support of bringing the jail call in; and further argued regarding consciousness of guilt. Deft. objected; and argued State cannot prove he called his daughter, there has been prejudice, this is an unfair trial, and due process rights were violated. Court stated findings; including that due to Deft. having deterred the witness from coming to Court in the jail call, COURT ORDERED, it will allow the statement, however, the phone call causes one concern as State runs into some prejudice to Deft. that outweighs probative value, and State may renew the motion as to the jail call, when appropriate.

Mr. Palal advised he will have witnesses lined up for tomorrow.

Evening recess. TRIAL CONTINUES.

CUSTODY

8/30/17 11:00 A.M. TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 30, 2017

C-16-319021-1 State of Nevada
 vs
 Arnold Anderson

August 30, 2017 11:00 AM Jury Trial

HEARD BY: Leavitt, Michelle **COURTROOM:** RJC Courtroom 14D

COURT CLERK: Susan Botzenhart

RECORDER: Kristine Santi

REPORTER:

PARTIES

PRESENT:	Anderson, Arnold K	Defendant
	Frizzell III, Kenneth G.	Attorney
	Palal, Binu G.	Attorney
	Schwartz, Bryan A.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- State's Memorandum Regarding Admission Of Deft's Jail Call FILED IN OPEN COURT.

Deft. is present in proper person. Mr. Frizzell is present as stand-by counsel.

OUTSIDE PRESENCE OF JURY: Deft. is present in Court in a restraint chair.

Court asked Deft. what is going on. Deft. stated he tried to jump from the high tier railing at the jail, his medication is not working, he put in medical kites, he has not seen anyone, and he has not seen his psychiatrist. Court asked Deft. what he wants to do. Deft. stated he is not competent to finish trial, representing himself is not easy, researching is not fast, it takes 12-15 days to get a response, the kiosk machine takes time, and he got stressed out. Court stated this is exactly what Court told him about representing himself, and it sounds like he does not want to continue. Deft. stated he is on medication, he tried to kill himself before, and it is not a delay for trial. Deft. further stated it told Mr.

Frizzell he needs a mental health evaluation, and he tried to talk to psychiatrist. Court advised Deft. he waived his right to be represented by counsel, the case is in middle of trial, jeopardy is attached, and Court will continue trial until tomorrow, and give him time to decide what to do. Court further advised Deft. trial will be going forward, and he is invited to come and be here for trial.

Court noted for record it received a call in Chambers earlier about Deft. refusing to come to Court. Deft. stated he asked to see psychiatrist. Court stated all it was told was Deft. refused to appear, and the Court had no idea he was on suicide watch. Deft. stated the officers stuck him in the chair. Court advised Deft. he had raised concerns, and nobody wanted him to jump off the railing. Deft. asked how Court can proceed without him. Court stated trial will keep going. Deft. asked how Court can proceed without him. Court stated it is not in the business of answering hypothetical questions, and it answers questions about things that happen. Court advised Deft. he had asked Court for a mistrial yesterday, trial is stressful and hard, and it sounds like he is figuring it out. Court told Deft. it hopes he feels better; and reminded Deft. what he did at the jail was not appropriate, and regardless of what is going on, he still has a daughter. Mr. Palal advised if Deft. chooses not to participate, State will finish its case, remedy is not a mistrial, and the remedy is to proceed without Deft. Court advised Deft. Mr. Frizzell is not permitted to take over his defense. Deft. stated he did not know this. Court reminded Deft. it told him the Court does not require stand-by counsel to prepare for trial, he is invited to appear for his trial, and Court hopes it sees him tomorrow.

COURT ORDERED, trial CONTINUED.

CUSTODY

8/31/17 10:30 A.M. TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****August 31, 2017**

C-16-319021-1 State of Nevada
 vs
 Arnold Anderson

August 31, 2017 10:30 AM Jury Trial

HEARD BY: Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Susan Botzenhart**RECORDER:** Kristine Santi**REPORTER:****PARTIES**

PRESENT:	Anderson, Arnold K	Defendant
	Frizzell III, Kenneth G.	Attorney
	Palal, Binu G.	Attorney
	Schwartz, Bryan A.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Deft. present in proper person. Mr. Frizzell is present as stand-by counsel for Deft.

OUTSIDE PRESENCE OF JURY: Upon Court's inquiry, Deft. stated he is not ready to go, due to his state of mind and being on suicide watch, he had no access to legal work, and he cannot prepare for adequate defense. Court advised Deft. trial is in its third day, and preparation should have been done. Deft. stated he did not know. State provided witness line up. Deft. stated the jail did not give him all material, and he cannot call people on the phone. Court advised Deft. that is what Mr. Frizzell is for. Mr. Frizzell advised one of Deft's witnesses is his sister and photographer who was spoken about, and his investigator is looking for her. Deft. asked for a Court order to make calls at the jail, and stated he cannot rely on the investigator. Court stated it is giving Mr. Frizzell a directive to contact witnesses to make arrangements for witnesses to be here, Mr. Frizzell knows what his obligations are, and he needs to make sure to provide phone numbers to Mr. Frizzell. Deft. stated the phone numbers are in his property, and when a person is on suicide watch, they do not get all

property. Court asked where the phone numbers were. Deft. stated the numbers are on a piece of paper. Court told Deft. he has to be specific. COURT ORDERED, Deft. may get access to his paperwork at the jail.

Court noted it appears Deft. has a lot of paperwork at his table, in front of him in Court this morning. Mr. Palal advised Mr. Frizzell has some information on his laptop, and State has copies. Mr. Palal provided copies to Mr. Frizzell in open Court. Deft. stated he is looking for notes. Mr. Palal objected; and argued there are some disadvantages of self-representation, if a person does not have an attorney, they cannot get witnesses on the subpoenas, trial is taking longer, and Deft's witnesses needed to be here. Deft. stated one witness is in California, the incident at the jail happened Tuesday night, and the jail was on lockdown the day before. Court advised Deft. he should have had witnesses contacted the day before trial, however, Mr. Frizzell will do whatever he can to reach witnesses. Mr. Frizzell provided name of Deft's sister on the record.

Court noted Deft. has more paperwork with him today, than he did the previous days during trial. Court advised Deft. it just wants him to get what he needs for this morning. Deft. asked how long trial is going until today. Court advised Deft. not to worry about that, and to keep looking for his notes. Mr. Frizzell advised he texted the investigator. Court asked Deft. if there is anything Court can help with. Deft. stated no. Mr. Frizzell advised he got a response from the investigator, who received a response from Deft's sister, further noting Deft's sister indicated she had asked to take the day off from work, and she will call back and let the investigator know.

Court noted Deft. touched every single piece of paper at his table. Court also noted the Deft. was given 25 minutes in the courtroom this morning, to get ready for trial.

JURY PRESENT: Court thanked and Jury for their patience. Testimony and Exhibits presented (See Worksheets.).

Lunch recess.

OUTSIDE PRESENCE OF JURY: Court advised Deft. he did good during trial today.

JURY PRESENT: Further testimony and Exhibits presented (See Worksheets.).

OUTSIDE PRESENCE OF JURY: State renewed their Motion to admit the recorded jail call; and argued as to questions asked by Deft. to the detective earlier during testimony. Deft. objected; and argued he was not trying to bash or mock the detective, and he was asking questions the best he could to try to understand him. Deft. further objected to receiving short notice, and not getting access to the law library or kiosk machine to research. Court advised Deft. he opened the door on the questions about his daughter not being here. Deft. stated he was trying to get a general idea on the witness. Court read its notes from cross examination. Based on the record having been made, COURT ORDERED, State's Motion GRANTED, and State is permitted to have the jail call admitted. Mr. Palal advised State has custodial records from CCDC, including the detective present, to provide

testimony about the call Deft. made on his daughter's birthday, and the State will not publish the call, prior to its admission.

Deft. objected to proposed jury instructions on the attempt murder charge. Mr. Frizzell advised he spoke with State about the instruction, and State has agreed to submit a different version. Court stated it will have to put together a complete set of instructions, and both sides will get copies. Discussions as to jury instructions to be finalized and settled tomorrow.

JURY PRESENT: Further testimony and Exhibit presented (See Worksheets.). Mr. Palal noted State will move the file of call into evidence for authenticity, however, State will move to play the jail call while on another witness. Deft. objected; and argued nobody mentions the name in the call. COURT ORDERED, State's Exhibit No. 2 will be ADMITTED. Further testimony and Exhibits presented (See Worksheets.). Court admonished and excused the Jury to return tomorrow morning at 8:30 A.M.

OUTSIDE PRESENCE OF JURY: Court provided proposed jury instructions to State and to Deft. Discussions as to State's witness line up for tomorrow. Court reminded Deft. to have his witnesses available tomorrow by 9:00 A.M. Deft. requested a Court order to use the phone at the jail. Further discussions. Court Services indicated the message will be passed on to the jail staff, that Court is allowing Deft. to use the phone at the jail. Mr. Frizzell advised he got a text message from Deft's sister, and she had said she is embarrassed to come to Court, and would rather appear by video. Deft. stated he will call his sister to see if she can come to Court. COURT ORDERED, Deft's witness needs to be present in Court, and any appearance by video is DENIED. Court stated Deft. needs to sit in the courtroom and review instructions. Deft. stated the jail will take instructions away from him. Discussions as to Deft. being transported tomorrow morning at 8:00 a.m., to review jury instructions with Mr. Frizzell in the courtroom.

Evening recess. TRIAL CONTINUES.

CUSTODY

9/01/17 8:00 A.M. TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****September 01, 2017**

C-16-319021-1 State of Nevada
 vs
 Arnold Anderson

September 01, 2017 8:00 AM Jury Trial

HEARD BY: Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Susan Botzenhart**RECORDER:** Kristine Santi**REPORTER:****PARTIES**

PRESENT:	Anderson, Arnold K	Defendant
	Frizzell III, Kenneth G.	Attorney
	Palal, Binu G.	Attorney
	Schwartz, Bryan A.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Deft. is present in proper person. Mr. Frizzell is present as stand-by counsel for Deft.

OUTSIDE PRESENCE OF JURY: Mr. Frizzell advised his investigator was able to make contact again with Deft's sister, and Deft. was also able to get in contact with his sister by phone at the jail, pursuant to Court's order, and Deft's sister is not coming to Court. Deft. stated it was last minute notice, and his sister has transportation problems. Deft. further stated due to him being on suicide watch, he did not have access to a phone. Court reminded Deft. he did have access to the phone before trial, and he has Mr. Frizzell who is clearly doing what he can to get witnesses here for him. Deft. stated the jail was on lockdown Monday, and he was placed on suicide watch on Tuesday. Court reminded Deft. he was given everything he had asked for, to get witnesses here. Deft. stated his sister is not coming. Court stated Juror No. 6 was late this morning, and she is on her way, the Court had the juror notified, and the juror responded and had said she thought she was ordered to be here at 10:30 A.M., and not 8:30 A.M. Court stated it will provide breakfast to the Jury panel upon

their arrival.

Court went over every instruction with the State and Deft. in the courtroom. Upon Court's inquiry, Deft. stated he had an opportunity to over the instructions in the courtroom earlier. Discussions as to Carter instruction not being included.

JURY INSTRUCTIONS SETTLED. VERDICT FORM APPROVED. Deft. made objections to Court. Deft. was admonished of his rights to testify and not testify. Mr. Palal provided Deft's criminal history information to Court. Deft. made objections; and stated the criminal history is not accurate. Further discussions. Court advised Deft. State can ask him about the prior felony conviction from 2004, but no details would be gone into. Deft. stated he is scared and will think about whether he will testify. SO NOTED.

JURY PRESENT: Court thanked the Jury for being here. Testimony and Exhibits presented (See Worksheets.). State rested.

OUTSIDE PRESENCE OF JURY: Mr. Palal advised he had his investigator pull information about when Deft. was in custody, including release date on the prior felony conviction. Court's Exhibits presented (See Worksheets.). COURT ORDERED, Deft's prior criminal case from 2004 is admissible upon Deft. testifying.

Lunch break.

OUTSIDE PRESENCE OF JURY: Upon Court's inquiry, Deft. stated he will not be testifying. SO NOTED. Upon Court's inquiry, Deft. requested the Carter instruction be included in the Jury Instructions. COURT SO ORDERED.

COURT TRAILED AND RECALLED matter. The Carter instruction was included in the final jury instructions by Court. JURY INSTRUCTIONS SETTLED. Mr. Frizzell requested a copy of the Verdict form be provided to Deft, and COURT SO ORDERED. Clerk provided a copy of Verdict form to Mr. Frizzell.

JURY PRESENT: Deft. rested. Court instructed Jury on the law. Closing arguments by State. Deft. made closing arguments to Jury. Marshal and Matron SWORN by Clerk to take charge of the Jury. Alternate Jurors were identified and instructed by Court. At the hour of 1:18 P.M., the Jury retired to deliberate.

Jury deliberating.

5:41 P.M.-- OUTSIDE PRESENCE OF JURY: Court reconvened with all parties present from before. Deft. stated he noticed one of the jurors, being an older gentleman, had shrugged his shoulders, when he was stating his closing arguments, and he believes that juror may be prejudicial to him. Discussions. Court noted the objections.

JURY PRESENT, AND RETURNED VERDICTS AS FOLLOWS: COUNT 1 - GUILTY OF ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (F); COUNT 2 - NOT GUILTY OF ROBBERY WITH USE OF A DEADLY WEAPON (F); and COUNT 3 - GUILTY OF BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM (F). Jury was polled. Court thanked and discharged the Jury from trial proceedings.

OUTSIDE PRESENCE OF JURY: COURT ORDERED, matter REFERRED to Parole and Probation (P&P), and SET for sentencing. Court asked if parties wanted to address custody status. Mr. Palal requested Deft. to remain in custody; and noted the current bail setting is adequate. Deft. requested reduction of bail. COURT ORDERED, Deft's request for bail reduction DENIED. Deft. will remain in custody pending sentencing.

Court adjourned. TRIAL ENDS.

CUSTODY

10/24/17 8:30 A.M. SENTENCING (JURY VERDICT) / DISMISSAL OF COUNT 2

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 24, 2017

C-16-319021-1 State of Nevada
 vs
 Arnold Anderson

October 24, 2017 8:30 AM Sentencing

HEARD BY: Leavitt, Michelle

COURTROOM: RJC Courtroom 14D

COURT CLERK: Elizabeth Vargas

RECORDER: Kristine Santi

REPORTER:

PARTIES

PRESENT:	Anderson, Arnold K	Defendant
	Frizzell III, Kenneth G.	Attorney
	Palal, Binu G.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Defendant indicated there were mistakes in his Presentence Investigation Report. State had no objection to the proposed changes. COURT ORDERED, referred back to Parole and Probation for correction of the Presentence Investigation Report.

CUSTODY

CONTINUED TO: 11/14/17 8:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 31, 2017

C-16-319021-1 State of Nevada
 vs
 Arnold Anderson

October 31, 2017 8:30 AM Motion

HEARD BY: Leavitt, Michelle

COURTROOM: RJC Courtroom 14D

COURT CLERK: Kory Schlitz

RECORDER: Kristine Santi

REPORTER:

PARTIES

PRESENT:	Anderson, Arnold K	Defendant
	Palal, Binu G.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Defendant argued in support of his Motion stating the witnesses testimony at trial could not be considered creditable since there were inconsistencies. Mr. Palal argued against the Motions stating credibility of witnesses are for the triars of fact, and the Jury heard the evidence and came to their own conclusion. COURT ORDERED, Motion DENIED; Court directed State to prepare an Order. Defendant stated issues with the PSI that Mr. Frizzell gave him the week prior and listed them for the record. Upon Court's inquiry, Mr. Palal indicated the matter has been referred back to P&P, and stated he will contact the writer of the PSI to look into the issues. COURT SO NOTED.

CUSTODY

11/4/17 8:30 A.M. SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****November 14, 2017**

C-16-319021-1 State of Nevada
 vs
 Arnold Anderson

November 14, 2017 8:30 AM Sentencing

HEARD BY: Leavitt, Michelle **COURTROOM:** RJC Courtroom 14D

COURT CLERK: Susan Botzenhart

RECORDER: Patti Slattery

REPORTER:

PARTIES

PRESENT:	Anderson, Arnold K	Defendant
	Frizzell III, Kenneth G.	Attorney
	Palal, Binu G.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Deft. is present in proper person. Mr. Frizzell is present as stand-by counsel.

Court asked Deft. if there is any legal cause or reason why judgment should not be pronounced against him at this time. Deft. stated yes, and it is the same situation today as it was three weeks ago, due to the PSI Report having same errors that were not fixed, and he believes there is a great possibility the score point system would change if the Report gets corrected and if the recommendation would change. Court stated sometimes if P&P does not change the information, P&P may believe the information is accurate. Mr. Palal advised he spoke with the PSI writer last week, and she wanted to know what specific items needed to be changed. Mr. Palal added some of the things previously discussed, were the social security numbers and aliases, and P&P had said the information cannot be removed from the PSI without a specific order, because the information is generated from source documents. Court stated there was no objection to striking the information; however, if P&P wants to submit to Court what was relied upon, the Court will leave the information there. Mr. Palal stated the other issues were the time of paroling and convictions on various felony counts, P&P checked this and the information accurately reflects P&P's understanding of Deft's

records and it matches the federal database; and P&P cannot put in a fictional date that is not accurate. Mr. Palal added there was an objection as to synopsis; however, State believes that is discretionary. Mr. Frizzell stated there is an error on page 5 that was talked about, in the arrest / detained / cited paragraph, further noting Deft. has never been arrested or convicted of a sex offense; and he understands the charge was ultimately not pursued. Deft. confirmed he was never arrested, cited or convicted of a sex offense. Mr. Palal stated there is no allegation of points for arrests not resulting in charges, there is no category for arrests not leading to charges on the score sheet, including no points for aliases. Mr. Palal explained the point system score sheet attached to Deft's Report; and stated Deft's total score is not based on any of the issues Deft. has. Upon Court's inquiry, Deft. stated he understands. Court stated the remaining issues are the aliases, which the Court had indicated it would not consider them, including the sex offender failure to register; and Court agrees Deft. has never been convicted of offense that would require him to register like this.

Deft. talked about the behavior pattern, priors and assault charge information in the Report; and stated the priors listed are not true on page 5 and on page 3, the Report says he went to prison 26 times, which is not true. Court stated it understands what that information means. Upon Court's inquiry, Deft. stated he went to prison three times. Mr. Palal clarified that 26 figure means prison sentences of 26 felonies, to which most of those ran concurrently.

COURT ORDERED, MATTER REFERRED BACK TO P&P, for P&P to provide Court the information of what was relied upon in drafting paragraph 2 on page 5 of the PSI Report.

Court NOTED it would strike the aliases, and the Court already knows the Deft. did not go to prison 24 separate times. Court advised Deft. if P&P cannot provide information that was relied upon, the Court will strike the information.

Deft. stated he received an honorable discharge in February, 2016, the information says zero on page 3 of the PSI Report, and it also says his probation had expired, in Case C199059. Court stated there was a dishonorable discharge. Discussions as to verification. Court advised Deft. sentencing will proceed at the next hearing, all the information will be provided to Court, and Court will determine whether to strike the information from the Report, or leave the information the same. Court reminded Deft. it has stricken almost everything he had asked.

Deft. stated on page 7 of the Report, it says mandatory prison, and he believes according to NRS 193.165, the offense is probationable. Mr. Palal advised he does not believe the listed offense attempt murder with use of a deadly weapon is probationable.

Upon inquiry by Deft, Court advised Deft. the synopsis is discretionary.

COURT ORDERED, sentencing CONTINUED.

CASE RECALLED. Mr. Palal not present. Deft. stated there is an incorrect date in the PSI Report on page 1, and the arrest date should be September 5, 2016, not August 23, 2016. SO NOTED.

CUSTODY

11/28/17 8:30 A.M. SENTENCING (JURY VERDICT) / DISMISSAL OF COUNT 2

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 28, 2017

C-16-319021-1 State of Nevada
 vs
 Arnold Anderson

November 28, 2017 8:30 AM Sentencing

HEARD BY: Leavitt, Michelle **COURTROOM:** RJC Courtroom 14D

COURT CLERK: Phyllis Irby

RECORDER: Kristine Santi

REPORTER:

PARTIES

PRESENT:	Anderson, Arnold K	Defendant
	Frizzell III, Kenneth G.	Attorney
	State of Nevada	Plaintiff
	Zadrowski, Bernard B.	Attorney

JOURNAL ENTRIES

- Mr. Frizzell requested a continuance; advised Mr. Schwartz for the State, is covering for Mr. Palal for the State, is out of the jurisdiction. Mr. Schwartz is presently in Justice Court covering a preliminary hearing and doesn't anticipate being able to come up to cover this matter for another hour. COURT ORDERED, MATTER CONTINUED.

CUSTODY

11-30-17 8:30 AM SENTENCING: DISMISSAL OF COUNT 2 (DEPT. XII)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****November 30, 2017**

C-16-319021-1 State of Nevada
vs
Arnold Anderson

November 30, 2017 8:30 AM Sentencing

HEARD BY: Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Haly Pannullo**RECORDER:** Kristine Santi**REPORTER:****PARTIES**

PRESENT:	Anderson, Arnold K	Defendant
	Frizzell III, Kenneth G.	Attorney
	Schwartz, Bryan A.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Motion to Vacate Sentencing FILED IN OPEN COURT. Motion for Judgment of Acquittal FILED IN OPEN COURT.

DEFT. ANDERSON ADJUDGED GUILTY of COUNT 1- ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (F) and COUNT 3 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM (F). Argument by Mr. Schwartz and Defendant. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, \$150.00 DNA Analysis fee including testing to determine genetic markers and \$3.00 DNA Collection fee, Deft. SENTENCED on COUNT 1 - to a MINIMUM of EIGHT (8) YEARS and a MAXIMUM of TWENTY (20) YEARS in the Nevada Department of Corrections (NDC) and on COUNT 3 - to a MINIMUM of FOUR (4) YEARS and a MAXIMUM of TEN (10) YEARS in the NDC, CONSECUTIVE TO COUNT 1; plus a CONSECUTIVE term of a MINIMUM of EIGHT (8) YEARS and a MAXIMUM of TWENTY (20) YEARS for use of a deadly weapon in the NDC, for an AGGREGATE SENTENCE of a MINIMUM of TWENTY(20) YEARS and a MAXIMUM of FIFTY (50) YEARS with FOUR HUNDRED FIFTY-TWO (452) DAYS credit for time served.

COURT FURTHER ORDERED, COUNT 2 DISMISSED pursuant to the verdict. At the request of the Defendant, COURT ORDERED, matter SET for Status Check regarding appointment of counsel. BOND, if any, EXONERATED.

NDC

12/07/17 8:30 AM STATUS CHECK: APPOINTMENT OF COUNSEL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 07, 2017

C-16-319021-1 State of Nevada
 vs
 Arnold Anderson

December 07, 2017 8:30 AM Status Check

HEARD BY: Leavitt, Michelle **COURTROOM:** RJC Courtroom 14D

COURT CLERK: Susan Botzenhart

RECORDER: Kristine Santi

REPORTER:

PARTIES

PRESENT:	Anderson, Arnold K	Defendant
	State of Nevada	Plaintiff
	Stewart, Sandra L.	Attorney
	Zadrowski, Bernard B.	Attorney

JOURNAL ENTRIES

- Ms. Stewart confirmed as appointed counsel for Deft. for the appeal. COURT SO ORDERED.
Order SIGNED IN OPEN COURT. Ms. Stewart provided a copy of the signed order to Deft. in open
Court. Discussions as to date the Judgment of Conviction was filed in the case, being December 5,
2017.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 11, 2018

C-16-319021-1 State of Nevada
 vs
 Arnold Anderson

January 11, 2018 8:30 AM Motion

HEARD BY: Leavitt, Michelle

COURTROOM: RJC Courtroom 14D

COURT CLERK: Susan Botzenhart

RECORDER: Kristine Santi

REPORTER:

PARTIES

PRESENT: Demonte, Noreen C. Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Deft. not present; incarcerated in Nevada Department of Corrections (NDC). Ms. Stewart is not present. COURT ORDERED, matter OFF CALENDAR.

NDC

CLERK'S NOTE: A copy of the above minute order has been forwarded to Deft's Attorney of record for post-conviction proceedings Sandra Stewart, Esq. /// sb

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 09, 2021

C-16-319021-1 State of Nevada
 vs
 Arnold Anderson

**March 09, 2021 11:00 AM Motion Motion for
Telephonic Hearing**

HEARD BY: Leavitt, Michelle **COURTROOM:** RJC Courtroom 14D

COURT CLERK: Haly Pannullo

RECORDER: Sara Richardson

REPORTER:

PARTIES

PRESENT: Marland, Melanie H. Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Defendant not present. COURT ORDERED, Motion DENIED; State to prepare the Order.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 23, 2021

C-16-319021-1 State of Nevada
 vs
 Arnold Anderson

March 23, 2021 12:30 AM All Pending Motions

HEARD BY: Leavitt, Michelle **COURTROOM:** RJC Courtroom 14D

COURT CLERK: Haly Pannullo

RECORDER: Sara Richardson

REPORTER:

PARTIES

PRESENT: Iscan, Ercan E Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- MOTION FOR TELEPHONIC HEARING ... MOTION TO ADD PAGE 124 OF 132 TO WRIT OF HABEAS CORPUS

Defendant not present. COURT ORDERED, Motion for Telephonic Hearing DENIED; Motion to Add Pages GRANTED and the Court will consider those pages in the Defendant's Writ.

NDC

EXHIBIT(S) LIST

Case No.:	<u>C-16-319021-1</u>	Hearing Date:	<u>calendar call</u> <u>8-22-17</u>
Dept. No.:	<u>XII</u>	Judge:	<u>Michelle Leavitt</u>
Plaintiff:	<u>State of Nevada</u>	Court Clerk:	<u>Susan Jovanovich</u>
	<u>vs.</u>	Recorder:	<u>Kristine Santi</u>
Defendant:	<u>Arnold Anderson</u>	Counsel for Plaintiff:	<u>Binu Palal</u>
		Counsel for Defendant:	<u>Pro Se</u> <u>Kenneth Frizzell - Stand by</u> <u>Counsel</u>

Calendar call BEFORE THE COURT

Cocart's EXHIBITS

[illegible]

EXHIBIT(S) LIST

page 1

Case No: C-16-319021-1

State of Nevada vs. Arnold Anderson

State's

EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted
1.	CD-911 call	8-29-17	no	8-29-17
2.	CD-Tail call	8-31-17	yes	8-31-17
3.	photo-crime scene	8-31-17	no	8-31-17
4.	photo-crime scene	8-29-17	no	8-29-17
5.	photo-crime scene	8-29-17	no	8-29-17
6.	photo-crime scene	8-29-17	no	8-29-17
7.	photo-crime scene	8-29-17	no	8-29-17
8.	photo-crime scene	8-29-17	no	8-29-17
9.	photo-vehicle	8-31-17	no	8-31-17
10.	photo-vehicle	8-29-17	no	8-29-17
11.	photo-blood on vehicle	8-31-17	no	8-31-17
12.	photo-stairs	8-31-17	no	8-31-17
13.	photo-stairs	8-31-17	no	8-31-17
14.	photo-blood stain	8-31-17	no	8-31-17
15.	photo-blood stain	8-31-17	no	8-31-17
16.	photo-blood trail	8-31-17	no	8-31-17
17.	photo-apartment	8-29-17	no	8-29-17
18.	photo-clothing	8-29-17	no	8-29-17
19.	photo-wallet and contents	8-29-17	no	8-29-17
20.	photo-crime scene	8-31-17	no	8-31-17
21.	photo-crime scene	8-31-17	no	8-31-17
22.	photo-blood drops	8-31-17	no	8-31-17
23.	photo-bullet casing	8-31-17	no	8-31-17
24.	photo-bullet shell casing	8-31-17	no	8-31-17
25.	photo-shell casing	8-31-17	no	8-31-17

EXHIBIT(S) LIST

page 2

Case No: C-16-319021-1

State of Nevada vs. Arnold Anderson
State's EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted
26.	photo - vehicles	8-31-17	no	8-31-17
27.	photo - Knife on ground	8-31-17	no	8-31-17
28.	photo - crime scene	8-31-17	no	8-31-17
29.	photo - Camaro	8-29-17	no	8-29-17
30.	photo - camaro	8-29-17	no	8-29-17
31.	photo - camaro	8-29-17	no	8-29-17
32.	photo - inside camaro	8-31-17	yes	8-31-17
33.	photo - cloth inside camaro	8-31-17	yes	8-31-17
34.	photo - License plate (Nevada)	8-31-17	yes	8-31-17
35.	photo - contents on seat	8-31-17	yes	8-31-17
36.	photo - california license plate	8-31-17	yes	8-31-17
37.	photo - license plate on seat	8-31-17	yes	8-31-17
38.	photo - Driver's side	8-31-17	yes	8-31-17
39.	photo - U-haul Receipt	8-31-17	yes	8-31-17
40.	photo - victim	8-31-17	yes	8-31-17
41.	photo - victim's injury	8-31-17	yes	8-31-17
42.	photo - victim's injury	8-31-17	yes	8-31-17
43.	photo - victim's injury	8-31-17	yes	8-31-17
44.	photo - victim's injury	8-31-17	yes	8-31-17
45.	photo - victim's injury	8-31-17	yes	8-31-17
46.	photo - shirt	8-29-17	yes	8-29-17
47.	photo - shirt	8-31-17	yes	8-31-17
48.	photo - hole in shirt	8-31-17	yes	8-31-17
49.	photo - pants	8-29-17	yes	8-29-17
50.	photo - pants	8-31-17	yes	8-31-17

EXHIBIT(S) LIST

page 3

Case No: C-16-319021-1

State of Nevada
State's

vs. Arnold Anderson

EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted
51.	photo - hole in clothing	8-31-17	yes	8-31-17
52.	photo - pants	8-31-17	yes	8-31-17
53.	photo - hole in clothing	8-31-17	yes	8-31-17
54.	photo - shorts	8-29-17	yes	8-29-17
55.	photo - hole in shorts	8-31-17	yes	8-31-17
56.	photo - hole in shorts	8-31-17	yes	8-31-17
57.	photo - hole in shorts	8-31-17	yes	8-31-17
58.	photo - bullet cup	8-29-17	no	8-29-17
59.	photo - bullet in cup	8-29-17	no	8-29-17
60.	photo - bullet	8-29-17	no	8-29-17
61.	photo - Deft. and Daughter	8-29-17	no	8-29-17
62.	photo - street view	8-29-17	yes	8-29-17
63.	General Affidavit			
64.	General Affidavit			
65.	Signed Statement			
66.	Signed Statement			
67.	Photo Line up	8-29-17	yes	8-29-17
68.	photo Line up	8-29-17	yes	8-29-17
69.	photo - map and street view	8-31-17	yes	8-31-17

Case No: C-16-319021-1

EXHIBITS

Rev. 03/2016

EXHIBIT(S) LIST

Jury Trial

Case No.: C-16-319021-1

Hearing Date: 8-29-17

Dept. No.: XII

Judge: Michelle Leavitt

Plaintiff: State of Nevada

Court Clerk: Susan Jovanovich

Recorder: Kristine Santi

Counsel for Plaintiff: Binu Palal

vs.

Defendant: Arnold K. Anderson

Counsel for Defendant: Bryan Schwartz

pro se

Kenneth Frizzell - Stand by Counsel

Jury Trial BEFORE THE COURT

Court's EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted
1.	Court's copy of Receipt of Discovery	8-28-17	no	8-28-17
2.	Formal Probation order (sealed)	8-28-17	no	8-28-17
3.	Voir Dire Jury List	8-28-17	no	8-28-17
4.	Note from Juror #12	8-29-17	no	8-29-17
5.	Note from Juror #12	8-29-17	no	8-29-17
6.	Note from Juror #3	8-29-17	yes	8-29-17
7.	Criminal Conviction information from Case C199059	9-1-17	no	9-1-17
8.	Note from Juror foreperson	9-1-17	no	9-1-17
9.	Juror Notebook contents	9-1-17	no	9-1-17

Certification of Copy

State of Nevada }
County of Clark } SS:

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

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

STATE OF NEVADA,

Plaintiff(s),

vs.

ARNOLD K. ANDERSON
aka ARNOLD KEITH ANDERSON,

Defendant(s).

Case No: C-16-319021-1

Dept No: XII

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 17 day of June 2021.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk