

IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed
Nov 15 2021 03:42 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

DENZEL DORSEY,
Appellant(s),

vs.

THE STATE OF NEVADA,
Respondent(s),

Case No: C-17-323324-1
Related Case A-21-839313-W
Docket No: 83644

RECORD ON APPEAL VOLUME 1

ATTORNEY FOR APPELLANT
DENZEL DORSEY # 1099468,
PROPER PERSON
P.O. BOX 650
INDIAN SPRINGS, NV 89070

ATTORNEY FOR RESPONDENT
STEVEN B. WOLFSON,
DISTRICT ATTORNEY
200 LEWIS AVE.
LAS VEGAS, NV 89155-2212

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C-17-323324-1

State of Nevada
vs
Denzel Dorsey

I N D E X

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THIS SEALED
DOCUMENT,
NUMBERED PAGE(S)
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WILL FOLLOW VIA
U.S. MAIL

JUSTICE COURT, HENDERSON TOWNSHIP

CLARK COUNTY, NEVADA

Electronically Filed
05/05/2017

Heather S. Gemin
CLERK OF THE COURT

STATE OF NEVADA,

Plaintiff

-VS-

DENZEL DORSEY,
ID #: 2845569

Defendant(s)

C-17-323324-1

Dept: XXII

CASE NO. 16CRH001973-0000
16FH2022X

I hereby certify the above and foregoing to be a full, true and correct copy of the
proceedings as the same appear in the above entitled matter.

WITNESS MY HAND this date: May 3, 2017.

S. Bateman

**S. BATEMAN
JUSTICE OF THE PEACE
HENDERSON TOWNSHIP**

JUSTICE COURT, HENDERSON TOWNSHIP

CLARK COUNTY, NEVADA

CASE NO. 16CRH001973-0000
16FH2022X

STATE OF NEVADA,

Plaintiff

-vs-

DENZEL DORSEY,
ID #: 2845569

Defendant(s)

COMMITMENT

and

ORDER TO APPEAR

An Order having been made this day by me, that DENZEL DORSEY be held to answer upon the charge(s) of:

INVASION OF THE HOME
MALICIOUS DESTRUCTION OF PROPERTY

committed in said County, on or about the 28th day of November, 2016.

IT IS FURTHER ORDERED that unless the Defendant(s) have/has been previously released on bail or by order of the Court, that the Sheriff of the County of Clark receive the above named Defendant(s) into custody, and detain such Defendant(s) until such Defendant(s) be legally discharged, and that such Defendant(s) be admitted to bail in the sum of \$N/A Cash or Surety Bond; and

IT IS FURTHER ORDERED that said Defendant(s) is/are commanded to appear in the Eighth Judicial District Court, Clark County Courthouse, Las Vegas, Nevada at 10:00 am on the 15th day of May, 2017 for arraignment and further proceedings on the within charge.

Dated: May 3, 2017



S. BATEMAN
JUSTICE OF THE PEACE FOR HENDERSON TOWNSHIP

JUSTICE COURT, HENDERSON TOWNSHIP
CLARK COUNTY, NEVADA
DOCKET SHEET...CRIMINAL

CASE #	16CRH001973-0000	16FH2022X	SAM BATEMAN - DEPT # 1
State	DORSEY, DENZEL		2845569 (SCOPE)
Charge(s)	HOME INVASION, 1ST BOUND OVER		
	DESTROY OR INJURE REAL/PERS PROPERTY OF ANOTHER, \$250 BOUND OVER		
	- \$5000		

LINKED CASES FOR: 16CRH001973-0000

CASE #	STATUS	EVENT DATE	EVENT DESCRIPTION
16CRH001666-0000	OPEN	NO FUTURE EVENTS	COURT APPEARANCE HND
16CRH001666-0000	OPEN	NO FUTURE EVENTS	FELONY ARRAIGNMENT HND
16CRH001666-0000	OPEN	NO FUTURE EVENTS	PRELIMINARY HEARING HND
16CRH001666-0000	OPEN	NO FUTURE EVENTS	STATUS CHECK HND
16CRH001666-0000	OPEN	7/18/2017	STATUS CHECK HND
16CRH001666-0000	OPEN	NO FUTURE EVENTS	STATUS CHECK HND

DATE, JUDGE, OFFICERS
OF COURT PRESENT

PROCEEDINGS
APPEARANCES - HEARING

EVENTS

JUSTICE COURT, HENDERSON TOWNSHIP
CLARK COUNTY, NEVADA
DOCKET SHEET...CRIMINAL

CASE # 16CRH001973-0000 16FH2022X SAM BATEMAN - DEPT # 1
 State DORSEY, DENZEL 2845569 (SCOPE)

DATE, JUDGE, OFFICERS OF COURT PRESENT	PROCEEDINGS APPEARANCES - HEARING	EVENTS
May 02, 2017 S. BATEMAN, JP S. DIGIACOMO, DDA K. BROWER, ESQ H. GARCIA, CLK L. BRENSKE, CR	<p>SET FOR COURT APPEARANCE Event: DISTRICT COURT ARRAIGNMENT HND Date: 05/15/2017 Time: 10:00 am Judge: Location: LOWER LEVEL DISTRICT COURT ARRAIGNMENT</p> <p>The following event: PRELIMINARY HEARING HND scheduled for 05/02/2017 at 9:30 am has been resulted as follows:</p> <p>Result: PRELIMINARY HEARING HELD Judge: BATEMAN, SAM Location: DEPARTMENT 1</p> <p>PRELIMINARY HEARING: DEFENDANT PRESENT STATE READY. DEFENSE READY. KEVIN NAZARENO CALLED AS WITNESS BY STATE. SWORN IN BY CLERK. DIRECT. WITNESS I.D.'d DEFENDANT. CROSS. WITNESS EXCUSED. NORMA NAZARENO CALLED AS WITNESS BY STATE. SWORN IN BY CLERK. DIRECT. CROSS. WITNESS EXCUSED. JAMES MCGEAHY CALLED AS WITNESS BY STATE. SWORN IN BY CLERK. DIRECT. WITNESS I.D.'d DEFENDANT. CROSS. WITNESS EXCUSED. MOTION BY STATE TO AMEND CRIMINAL COMPLAINT BY INTERLINEATION PAGE 1, LINES 17 AND 22. STATE RESTS. MAGISTRATE ADVISED DEFENDANT OF HIS STATUTORY RIGHT TO MAKE A SWORN OR UNSWORN STATEMENT, TO WAIVE MAKING A STATEMENT, AND/OR OF HIS RIGHT TO CALL WITNESSES. DEFENDANT WAIVES HIS RIGHT TO MAKE STATEMENT. DEFENSE RESTS. SUBMITTED WITHOUT ARGUMENT. Thereupon Court ORDERED defendant held to answer to said charge in the Eighth Judicial District Court. SURETY BOND CONTINUES</p>	<p>DISTRICT COURT ARRAIGNMENT HND Date: May 15, 2017 Time: 10:00 am Location: DISTRICT COURT ARRAIGNMENT</p>

JUSTICE COURT. HENDERSON TOWNSHIP
CLARK COUNTY, NEVADA
DOCKET SHEET...CRIMINAL

CASE # 16CRH001973-0000 16FH2022X SAM BATEMAN - DEPT # 1
State DORSEY, DENZEL 2845569 (SCOPE)

DATE, JUDGE, OFFICERS OF COURT PRESENT	PROCEEDINGS APPEARANCES - HEARING	EVENTS
March 30, 2017 S. BATEMAN, JP S. DIGIACOMO, DDA K. BROWER, ESQ H. GARCIA, CLK D. TAVAGLIONE, CR	SET FOR COURT APPEARANCE Event: PRELIMINARY HEARING HND Date: 05/02/2017 Time: 9:30 am Judge: BATEMAN, SAM Location: DEPARTMENT 1 PRELIMINARY HEARING CONTINUED - OTHER The following event: PRELIMINARY HEARING HND scheduled for 03/30/2017 at 9:30 am has been resulted as follows: Result: PRELIMINARY HEARING CONTINUED - OTHER Judge: BATEMAN, SAM Location: DEPARTMENT 1 PRELIMINARY HEARING: DEFENDANT PRESENT PRELIMINARY HEARING DATE RESET TIME CERTAIN SURETY BOND CONTINUES	
February 22, 2017 S. BATEMAN, JP V. VILLEGAS, DDA K. BROWER, ESQ H. GARCIA, CLK L. BRENSKE, CR	MOTION GRANTED The following event: MOTIONS HND scheduled for 02/22/2017 at 9:00 am has been resulted as follows: Result: MOTION GRANTED Judge: BATEMAN, SAM Location: DEPARTMENT 1 MOTION: DEFENDANT NOT PRESENT MOTION BY STATE TO FILE AMENDED CRIMINAL COMPLAINT. MOTION GRANTED. AMENDED CRIMINAL COMPLAINT FILED IN OPEN COURT PRELIMINARY HEARING DATE FOR 03/30/17 STANDS SURETY BOND CONTINUES	
February 21, 2017	STATE'S MOTION TO PLACE ON CALENDAR TO FILE AMENDED COMPLAINT SET FOR COURT APPEARANCE Event: MOTIONS HND Date: 02/22/2017 Time: 9:00 am Judge: BATEMAN, SAM Location: DEPARTMENT 1 Result: MOTION GRANTED	

JUSTICE COURT. HENDERSON TOWNSHIP
CLARK COUNTY, NEVADA
DOCKET SHEET...CRIMINAL

CASE # 16CRH001973-0000 16FH2022X SAM BATEMAN - DEPT # 1
State DORSEY, DENZEL 2845569 (SCOPE)

DATE, JUDGE, OFFICERS OF COURT PRESENT	PROCEEDINGS APPEARANCES - HEARING	EVENTS
February 15, 2017 S. BATEMAN, JP S. DIGIACOMO, DDA J. MURPHY, DPD H. GARCIA, CLK L. BRENSKE, CR	<p>SET FOR COURT APPEARANCE Event: PRELIMINARY HEARING HND Date: 03/30/2017 Time: 9:30 am Judge: BATEMAN, SAM Location: DEPARTMENT 1</p> <hr/> <p>PRELIMINARY HEARING CONTINUED - OTHER The following event: PRELIMINARY HEARING HND scheduled for 02/15/2017 at 9:30 am has been resulted as follows:</p> <p>Result: PRELIMINARY HEARING CONTINUED - OTHER Judge: BATEMAN, SAM Location: DEPARTMENT 1</p> <hr/> <p>PRELIMINARY HEARING: DEFENDANT PRESENT MOTION BY PUBLIC DEFENDER TO WITHDRAW DUE TO CONFLICT. MOTION GRANTED. K. BROWER, ESQ. COUNSEL COURT APPOINTED- NOTIFIED BY CLERK PRELIMINARY HEARING DATE CONTINUED AND RE-SET SURETY BONT CONTINUES</p>	
February 09, 2017	MOTION BY PUBLIC DEFENDER TO WITHDRAW DUE TO CONFLICT- FILED	

JUSTICE COURT. HENDERSON TOWNSHIP
CLARK COUNTY, NEVADA
DOCKET SHEET...CRIMINAL

CASE # 16CRH001973-0000 16FH2022X SAM BATEMAN - DEPT # 1
State DORSEY, DENZEL 2845569 (SCOPE)

DATE, JUDGE, OFFICERS OF COURT PRESENT	PROCEEDINGS APPEARANCES - HEARING	EVENTS
December 19, 2016 D. S. GIBSON SR, JP FOR S. BATEMAN, JP M. LAVELL, DDA M. YOHAY, DPD E. VANOSTRAND, CLK L. BRENSKE, CR	SET FOR COURT APPEARANCE Event: PRELIMINARY HEARING HND Date: 02/15/2017 Time: 9:30 am Judge: BATEMAN, SAM Location: DEPARTMENT 1 ARRAIGNMENT HEARING HELD The following event: FELONY ARRAIGNMENT HND scheduled for 12/19/2016 at 9:00 am has been resulted as follows: Result: ARRAIGNMENT HEARING HELD Judge: GIBSON SR, DAVID S Location: DEPARTMENT 3 INITIAL ARRAIGNMENT: DEFENDANT PRESENT ADVISED. REQUESTS PUBLIC DEFENDER, DEFENSE COUNSEL APPOINTED & ACKNOWLEDGES WAIVED READING OF COMPLAINT BY AND THROUGH HIS ATTORNEY, DEFENDANT ASKED FOR DATE CERTAIN FOR HEARING WAIVED 15 DAY RULE PRELIMINARY HEARING DATE SET SURETY BOND CONTINUES	
December 05, 2016	SET FOR COURT APPEARANCE Event: FELONY ARRAIGNMENT HND Date: 12/19/2016 Time: 9:00 am Judge: GIBSON SR, DAVID S Location: DEPARTMENT 3 Result: ARRAIGNMENT HEARING HELD CRIMINAL COMPLAINT FILED CONTINUED FOR BAIL RETURN DATE \$6,000 SURETY BOND POSTED Charge #1: HOME INVASION, 2ND+	
November 29, 2016	PROBABLE CAUSE DETERMINATION FIRST APPEARANCE HELD BAIL SET: \$6,000 CASH OR SURETY BOND The following event: 72 HOUR HEARING (VIDEO) HND scheduled for 11/29/2016 at 8:30 am has been resulted as follows: Result: FIRST APPEARANCE HELD Judge: BATEMAN, SAM Location: DEPARTMENT 1	

JUSTICE COURT. HENDERSON TOWNSHIP
CLARK COUNTY, NEVADA
DOCKET SHEET...CRIMINAL

CASE # 16CRH001973-0000 16FH2022X SAM BATEMAN - DEPT # 1
State DORSEY, DENZEL 2845569 (SCOPE)

DATE, JUDGE, OFFICERS OF COURT PRESENT	PROCEEDINGS APPEARANCES - HEARING	EVENTS
November 28, 2016	SET FOR FIRST APPEARANCE Event: 72 HOUR HEARING (VIDEO) HND Date: 11/29/2016 Time: 8:30 am Judge: BATEMAN, SAM Location: DEPARTMENT 1 Result: FIRST APPEARANCE HELD	

1 JUSTICE COURT, HENDERSON TOWNSHIP
2 CLARK COUNTY, NEVADA

HENDERSON JUSTICE COURT
FILED IN OPEN COURT

3 THE STATE OF NEVADA,

4 Plaintiff,

5 -VS-

6 DENZEL DORSEY #2845569,

7 Defendant.

11/16/2022 11:13:00 AM

CASE NO: 16FH2022X

DEPT NO: 1

AMENDED

CRIMINAL COMPLAINT

9 The Defendant above named having committed the crimes of INVASION OF THE
10 HOME (Category B Felony - NRS 205.067 - NOC 50435) and MALICIOUS
11 DESTRUCTION OF PROPERTY (Gross Misdemeanor - NRS 206.310, 193.155 - NOC
12 50905), in the manner following, to-wit: That the said Defendant, on or about the 28th day of
13 November, 2016, at and within the County of Clark, State of Nevada,

14 COUNT 1 - INVASION OF THE HOME

15 did willfully, unlawfully, feloniously, and forcibly enter an inhabited dwelling, to wit:
16 2731 Warm Rays, Henderson, Clark County, Nevada, without permission of the owner,
17 resident, or lawful occupant, to wit: NORMA NAZARENO, by breaking a glass door
18 window, putting his arm through the window and unlocking the deadbolt, in an attempt to gain
19 entry.

20 COUNT 2 - MALICIOUS DESTRUCTION OF PROPERTY

21 did willfully, unlawfully, or maliciously destroy and/or injure the real and/or personal
22 property of another, to-wit: a glass door window, owned by NORMA NAZARENO, located
23 at 2731 Warm Rays, Henderson, Clark County, Nevada, by breaking said glass door window
24 at said residence, the value of said damage being \$250.00 or more and less than \$5,000.00.

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1 All of which is contrary to the form, force and effect of Statutes in such cases made and
2 provided and against the peace and dignity of the State of Nevada. Said Complainant makes
3 this declaration subject to the penalty of perjury.

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6 02/16/2017
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16FH2022X/erg/L-5
HPD EV# 1621448
(TK)

JUSTICE COURT HENDERSON TOWNSHIP
CLARK COUNTY, NEVADA

THE STATE OF NEVADA, 2016 DEC - 5 A 11: 58

Plaintiff,

-vs-

DENZEL DORSEY #2845569,

Defendant.

FILED

16CRH001973-0000

CASE NO: 16FH2022X

DEPT NO: 1

CRIMINAL COMPLAINT

The Defendant above named having committed the crimes of ATTEMPT INVASION OF THE HOME (Category C Felony - NRS 205.067, 193.330 - NOC 50446) and MALICIOUS DESTRUCTION OF PROPERTY (Gross Misdemeanor - NRS 206.310, 193.155 - NOC 50905), in the manner following, to-wit: That the said Defendant, on or about the 28th day of November, 2016, at and within the County of Clark, State of Nevada,

COUNT 1 - ATTEMPT INVASION OF THE HOME

did willfully, unlawfully, and feloniously attempt to forcibly enter an inhabited dwelling, to-wit: 2731 Warm Rays, Henderson, Clark County, Nevada, without permission of the owner, resident, or lawful occupant, to-wit: NORMA NAZARENO, by breaking a glass door window in an attempt to gain entry.

COUNT 2 - MALICIOUS DESTRUCTION OF PROPERTY

did willfully, unlawfully, or maliciously destroy and/or injure the real and/or personal property of another, to-wit: a glass door window, owned by NORMA NAZARENO, located at 2731 Warm Rays, Henderson, Clark County, Nevada, by breaking said glass door window at said residence, the value of said damage being \$250.00 or more and less than \$5,000.00.

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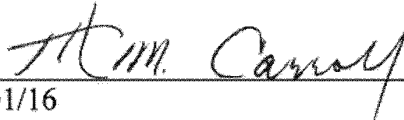
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1 All of which is contrary to the form, force and effect of Statutes in such cases made and
2 provided and against the peace and dignity of the State of Nevada. Said Complainant makes
3 this declaration subject to the penalty of perjury.

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(TK)

Henderson Police Department

223 Lead St. Henderson, NV 89015

Page 1 of 4

Declaration of Arrest

DR# 1621448

FH# 16

Arrestee's Name: DORSEY, DENZEL

Date of Arrest: 11/28/2016

Time of Arrest: 1404

Charge	Degree	NRS/HMC
HOME INVASION, (2+)	Felony	205.067.2
DESTROY PROP OF ANOTHER, \$250 - \$5K	Gross Misdemeanor	206.310

THE UNDERSIGNED MAKE THE FOLLOWING DECLARATIONS SUBJECT TO THE PENALTY FOR PERJURY AND SAYS: That I, James McGeahy am a peace officer with the Henderson PD, Clark County, Nevada, being so employed since 08/28/2006. That I learned the following facts and circumstances which led me to believe that the above named subject committed (or was committing) the above offense/offenses at the location of 2731 Warm Rays Avenue Henderson Nevada 89052, and that the offense occurred at approximately hours on .

Details of Probable Cause

On 11/28/16, PSU Detectives were notified of a home invasion that had occurred at 2731 Warm Rays Avenue at approximately 1155 hours. Officer T. Roundy was the responding officer who contacted the victim Kevin M. Nazareno (06/14/95). Kevin resides at the address with his parents. Kevin's mother is Norma Nazareno (09/25/1960). Norma was later contacted and advised that she wanted to press charges if a suspect is caught.

Kevin advised the following to Officer Roundy:

Kevin stated he was upstairs in his bedroom when he heard his doorbell ringing at approximately 1155 hours.

Kevin stated the doorbell was continuously ringing, until he came downstairs and saw a black male standing beyond the front door, through the large glass window. Kevin stated he then saw the black male punch his fist through glass door window, making a fist size hole.

Kevin stated the black male reached his arm (possibly left arm) through the hole and unlock the front door dead bolt from the inside.

Kevin stated he immediately ran to the front door and locked the dead bolt, at which time the black male realized someone was home, and fled to the street.

Kevin then unlocked the dead bolt, ran out to the front of his house, and watched the black male get into a blue Suzuki sedan, which was parked in front of the house, facing southbound. Kevin stood behind the vehicle, and read the Nevada license plate of, "953LGM."

Kevin stated the black male sped away, southbound, then made a U-turn, and sped back down Warm Rays Avenue, northbound, past Kevin who was still standing on the curb.

Kevin stated he could see into the vehicle, and the black male appeared to be the only occupant.

Detective Gutierrez responded to 2731 Warm Rays Avenue where he spoke with Kevin. Kevin was not able to give a very good description other than the suspect was a black male with short hair. Kevin stated that he was able to look at the suspect directly in the eye through the broken glass, which lead Detective Gutierrez to determine that the suspect was approximately 5'6" to 5'9" tall. Kevin could not recall if the suspect was wearing gloves or his clothing.

James McGeahy

Declarant's Name

Henderson Police Department

223 Lead St. Henderson, NV 89015

Page 2 of 4

Declaration of Arrest Continuation Page

DR# 1621448

FH# 16

Arrestee's Name: DORSEY, DENZEL

Details of Probable Cause (Continued)

I conducted a records check of NV 953LGM and it showed it was a 2010 Suzuki 4 door sedan registered to Global Auto car rental in Las Vegas (1525 E Sunset Road). I contacted Global Auto and spoke with Manager Ghassan Hayek (12/18/70) who advised the vehicle was rented on 11/21/16 to Marquisha Powell (03/02/1993). An address of 5101 E Twain was provided and a phone number of 702-902-9931. While speaking with Hayek, he advised the vehicle had a GPS Tracker on the vehicle and would provide me with the information.

I asked if they were able to provide information from a previous time/location, specifically where the vehicle was located at approximately 1200 hours.

Detectives responded to Global Autos and met with Hayek. The following information was provided:

At 1138 hours, the vehicle was located at the 2577-2699 block of W. Horizon Ridge Pkwy

At 1148 hours, the vehicle was located at the 2700 block of Thomasville Ave and driving approximately 15 mph (2 blocks away from where the incident occurred)

at 1152 hours, the vehicle stopped at the 2727 Warm Rays Ave (next to the victims house)

At 1156 hours, the vehicle started again at the same location

At 1201 hours the vehicle was traveling 30 mph at the 10300 block of Eastern (north of victims residence, intersection of Coronado Center and Eastern)

At 1206 hours the vehicle was traveling 67 mph on westbound I-215.

At 1216 hours the vehicle was traveling 54 mph on northbound Decatur.

The vehicle made a stop in a neighborhood near Decatur and Flamingo (Spitz Drive) for 3 minutes. Another Stop near the 3800 block of Lindell for 3 minutes.

The entire travel history of the Suzuki sedan for the date of 11/28 was provided and is attached to this report.

While at Global Autos, Detective Chen was advised by Hayek that the vehicle was supposed to be turned in by noon on 11/28/16. They contacted Marquisha who advised that she was at work and would return it by 3 PM. Detectives were given a rental contract showing the vehicle was rented on 11/21 and due back by noon on 11/28/16. The cost was \$600.00 and paid with cash. Global Autos requested that if the subjects were contacted, the vehicle be towed back to their location.

PSU Detectives were able to locate the vehicle as it entered the rear parking lot of the Fashion Show Mall. While there, the vehicle was observed with a single occupant who matched the description of the suspect that was given by the victim. The vehicle parked and the suspect exited the vehicle where he met another male. They both re-entered the vehicle and drove to the back side of Dillards where they parked. Upon exiting the vehicle, both subjects were contacted by HPD Detectives and LVMPD Officers.

James McGeahy

Declarant's Name

Henderson Police Department

223 Lead St. Henderson, NV 89015

Page 3 of 4

Declaration of Arrest Continuation Page

DR# 1621448

FH# 16

Arrestee's Name: DORSEY, DENZEL

Details of Probable Cause (Continued)

They were identified as driver Denzel Dorsey (09/24/1993) and passenger Joel Velasco (09/20/87). Both were extremely uncooperative and denied being in the car although detectives observed them exit the vehicle. Both gave bogus names before being identified. Velasco had warrants out of LVMPD Jurisdiction and was ultimately arrested by LVMPD.

Detectives attempted to talk with Dorsey, but again was uncooperative. At 1404 hours, Det. Pilz advised Dorsey of his Miranda Rights of which he stated he understood. After being asked a couple of questions, Dorsey requested a lawyer and the interview was over.

I arrived on scene and advised Dorsey that I was going to charge him with Home Invasion and Damage to Property at which time Dorsey asked how. I explained to Dorsey that amongst the evidence, we had GPS locations of the vehicle placing him at the location of the crime. Dorsey simply looked down and stated "Ah shit".

Dorsey was wearing a dress coat that had fresh tears on the left sleeve. Dorsey's hands were dirty and had fresh cuts on his right hand. Dorsey did not have an explanation for the tears or cuts only stating that they were old.

During search incident to arrest, I located the key to the Suzuki in his right pocket. Also in the right pocket was a gray and white striped glove that had blood on the knuckle. The blood was fresh and was for the right hand. I retained the glove as evidence and it was later booked under this DR#.

I also retained Dorsey's jacket and booked it under this DR#.

Photographs were taken of Dorsey and his injuries and booked under this DR#.

A records check of Dorsey revealed an extensive criminal history including burglary, home invasion, narcotic arrests, traffic, larceny, burglary tools and obstruct. In 2012, Dorsey was convicted of Home Invasion (Case #12FN0210A).

A tow truck was requested prior to being towed back to Global Auto (per their request). An inventory of the vehicle was conducted by myself and the following was located and retained as evidence:

1. Three (3) loose white pills with 114 and H imprinted on them; later identified as methocarbamol 500mg (prescription only) muscle relaxer.
2. Package of unused ziplock baggies commonly used for illegal drug sales
3. Prescription bottle for Oxycodone made out to Kyle Rossell
4. Several pieces of antique jewelry including a mismatched earrings, necklace pendants and a silver ring with clear stone.
5. Gray glove with white stripes (match to glove found on Dorsey's person).

The prescription bottle was filled on 11/23/16 for 8 pills. The bottle contained 1/4 pill.

Contact was made with Kyle Rossell's mother who lives near Las Palmas Entrada and Gibson, in the City of Henderson. As of this report, it has not been determined how Dorsey came into possession of the prescription bottle.

James McGeahy

Declarant's Name

Henderson Police Department

223 Lead St. Henderson, NV 89015

Page 4 of 4

Declaration of Arrest Continuation Page

DR# 1621448

FH# 16

Arrestee's Name: DORSEY, DENZEL

Details of Probable Cause (Continued)

All the aforementioned items were retained and booked as evidence under this DR#.

Based on the aforementioned investigation, I determined the following facts:

1. That on 11/28/16 at approximately 1155 hours, a black male punched a hole through the window of a front double door at 2731 Warm Rays Avenue.
2. That the same male placed his left arm through the fist sized hole, into the residence and unlocked the double door in an attempt to get inside.
3. That the occupant/victim ran and locked the door again after the suspect unlocked it causing the suspect to pull his arm from inside the house and run back to his vehicle, a dark blue Suzuki sedan (NV 953LGM).
4. That Upon a records check, I learned that the vehicle was registered to Global Autos and after contact with Global Auto, learned it had a GPS tracker on it placed by the rental company.
5. That the GPS tracker history of the vehicle showed that it was parked next door to 2731 Warm Rays Avenue for approximately 4 minutes between the times of 1152 and 1156 hours on 11/28/16.
6. That detectives were able to track the vehicle to the Fashion Show Mall after making 2 stops in separate neighborhoods in Las Vegas for approximately 3 minutes each.
7. That upon contact, the subject driving the vehicle was denitrified as Denzel Dorsey and that prior to picking up a second subject in the parking garage at the Fashion Show Mall, was the only occupant of the vehicle.
8. That upon a records check, I learned that Dorsey has an extensive criminal history including a prior conviction from 2012 for Home Invasion (Case #12FN0210A).
9. That Dorsey was wearing a jacket that had fresh tears on the left sleeve that was consistent with what the victim described occurred.
10. That Dorsey had fresh cuts on his right knuckle which was consistent with punching a hard object such as glass.
12. That Dorsey had a glove in his right pocket with fresh blood on the knuckle.
11. That Dorsey had a short haircut and is 5'9" tall, fitting the description given by the victim.

That based on the aforementioned facts, I determined that probable cause existed to charge Dorsey with Home Invasion 2+ F (NRS 205.067.2) and Destroy Property of Another GM (NRS 206.310).

Wherefore, Declarant prays that a finding be made by a magistrate that probable cause exists to hold said person for preliminary hearing (if charges are a felony or gross misdemeanor) or for trial (if charges are a misdemeanor).

James McGeahy

Declarant's Name

116P4-001760-0000

Henderson Police Department

223 Lead St. Henderson, NV 89015

Booking Custody Record

1519

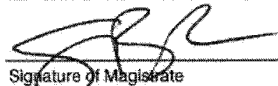
DR NUMBER 1621448	FH NUMBER 16	MNI NUMBER	SUBJECT NAME DORSEY, DENZEL	ARREST DATE 11/28/2016	ARREST TIME 1404
LOCATION OF CRIME 2731 Warm Rays Avenue Henderson Nevada 89052			INTERSECTION <input type="checkbox"/> AT LOCATION		
LOCATION OF ARREST 3200 South Las Vegas Boulevard Las Vegas Nevada 89109			INTERSECTION <input type="checkbox"/> AT LOCATION		
<input type="checkbox"/> INTERPRETOR NEEDED		<input type="checkbox"/> SUBJECT COMBATIVE	<input type="checkbox"/> SUBJECT SUICIDAL	<input type="checkbox"/> ASK SUBJECT IF INJURED	INTAKE OFC INITIAL/P#
<input checked="" type="checkbox"/> MIRANDA GIVEN		<input type="checkbox"/> MIRANDA WAIVED	<input checked="" type="checkbox"/> MIRANDA INVOKED		
MIRANDA	DATE 11/28/2016	TIME 1404	GIVEN BY M. Pitz		
PERSON 1	PERSON NAME (LAST, FIRST, MID., SUFFIX) DORSEY, DENZEL			SSN [REDACTED]	D.O.B. [REDACTED]
PERSON ADDRESS 5101 East Twain Boulevard Las Vegas Nevada			HGT 5'9"	WGT 165	HAIR Black
HOME PHONE			CELL PHONE	BUSINESS PHONE	OTHER PHONE
			PLACE OF BIRTH Las Vegas, Californi		
ALIAS	ALIAS (LASTNAME/MONIKER, FIRST, MIDDLE)				
VIOLATION 1	STATUTE 205.067.2	CLASS Felony	NOC CODE 50436	COUNTS 1	
DESCRIPTION HOME INVASION, (2+)					
PCN NUMBER		WARRANT NUMBER			
VIOLATION 2	STATUTE 206.310	CLASS Gross Misdemeanor	NOC CODE 50905	COUNTS 1	
DESCRIPTION DESTROY PROP OF ANOTHER, \$250 - \$5K					
PCN NUMBER		WARRANT NUMBER			
P AND P	<input type="checkbox"/> DRINKING VIOLATION <input type="checkbox"/> CONTACT WITH VICTIM <input type="checkbox"/> IN GAMING ESTABLISHMENT <input type="checkbox"/> CONTACT WITH GANG MEMBER <input type="checkbox"/> CONTACT WITH CHILDREN <input type="checkbox"/> DRIVING VIOLATION <input type="checkbox"/> CONTACT WITH CO-OFFENDER				

ARRESTING OFFICER McGeahy, James	P NUMBER HP1411	TRANSPORTING OFFICER Ashcroft, Jonathan	P NUMBER HP1551
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Henderson Police Department

223 Lead St. Henderson, NV 89015

Booking Custody Record

DR NUMBER 1621448	FH NUMBER 16	MNI NUMBER	SUBJECT NAME DORSEY, DENZEL	ARREST DATE 11/28/2016	ARREST TIME 1404
PROBABLE CAUSE REVIEW					
The undersigned Magistrate has reviewed the Affidavit and Declaration of Probable Cause for the arrest of the above-named defendant without warrant for the charge(s) shown.					
TIME STAMP AT BOOKING	Finding <input checked="" type="checkbox"/> I find there is sufficient probable cause, for the purpose of continued incarceration, to believe that charged crime(s) have been committed and that said defendant has committed such crime(s). THEREFORE, IT IS ORDERED that the defendant may be held in custody until bail is posted.				
	BAIL: STANDARD <input checked="" type="checkbox"/> OTHER <input type="checkbox"/> \$ _____				
	<input type="checkbox"/> I find there is NOT sufficient probable cause shown to allow the defendant to be held in custody. THEREFORE, IT IS ORDERED that the defendant be immediately release from custody as to the charge(s). This order is without prejudice to the City or State to proceed with the charge(s) based upon additional evidence sufficient to establish probable cause.				
	DPCH <input type="checkbox"/> OR RELEASE <input type="checkbox"/> COR RELEASE <input type="checkbox"/> IAD RELEASE <input type="checkbox"/>				
	COMMENT: _____				
RETURN DATE: NORMAL SCHEDULE <input type="checkbox"/> FIRST AVAILABLE <input checked="" type="checkbox"/> OTHER DATE _____					
Signature of Magistrate 			JUSTICE COURT <input checked="" type="checkbox"/> MUNICIPAL COURT <input type="checkbox"/>	Date: <u>11-29-16</u> Time: <u>8:00 A.M.</u>	

ARRESTING OFFICER McGeahy, James	P NUMBER HP1411	TRANSPORTING OFFICER Ashcroft, Jonathan	P NUMBER HP1551
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1 JUSTICE COURT, HENDERSON TOWNSHIP HENDERSON JUSTICE
2 CLARK COUNTY, NEVADA COURT GUE

3 THE STATE OF NEVADA,
4 Plaintiff,

5 -vs-

6 DENZEL DORSEY,
7 #2845569

8 Defendant.

2017 FEB 21 A 7 25

16CRH001975 FILED
CASE NO: 16FH2022X

DEPT NO: 1

9 NOTICE TO PLACE ON CALENDAR

10 Upon the application of STEVEN B. WOLFSON, Clark County District Attorney, it is
11 hereby requested that the above entitled matter be placed on the arraignment calendar on the
12 22nd day of February, 2017, at 09:00 o'clock A.M. for the purpose of Filing of the amended
13 complaint.

14 DATED this 17th day of February, 2017.

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

18 BY Sandra Digiacomo BY
19 SANDRA DIGIACOMO
20 Chief Deputy District Attorney
21 Nevada Bar #6204

CLERK OF THE COURT

22 CERTIFICATE OF FACSIMILE TRANSMISSION

23 I hereby certify that service of Notice To Place On Calendar, was made this 17th day
24 of February, 2017, by facsimile transmission to:

25 PUBLIC DEFENDER
26 (702) 455-5112

27 BY: P [Signature]
28 ADMINISTRATOR
TEAM CLERK for the District Attorney's Office

DOCUMENT2

1 0042

2 PHILIP J. KOHN, PUBLIC DEFENDER
3 NEVADA BAR NO. 0556
4 JESSICA W. MURPHY, DEPUTY PUBLIC DEFENDER
5 NEVADA BAR NO. 8587
6 PUBLIC DEFENDERS OFFICE
309 South Third Street, Suite 226
Las Vegas, Nevada 89155
Telephone: (702) 455-4685
Facsimile: (702) 455-5112
Attorneys for Defendant

HENDERSON JUSTICE
COURT
80
2017 FEB -9 P 4: 45
FILED

7 JUSTICE COURT, HENDERSON
8 CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,)

10 Plaintiff,)

11 v.)

12 DENZEL DORSEY,)

13 Defendant,)

16CRH001973-0000
CASE NO. 16FH2022X

DEPT. NO. 1

DATE: February 15, 2017
TIME: 9:30 a.m.

14
15 MOTION TO WITHDRAW DUE TO CONFLICT

16 COMES NOW, the Defendant, DENZEL DORSEY, by and through JESSICA W.
17 MURPHY, Deputy Public Defender and respectfully moves this Honorable Court to allow the
18 Public Defender to withdraw and to appoint independent counsel due to a conflict of interest.

19 This Motion is made and based upon all the papers and pleadings on file herein,
20 the attached Declaration of Counsel, and oral argument at the time set for hearing this Motion.

21 DATED this 9th day of February, 2017.

22 PHILIP J. KOHN
23 CLARK COUNTY PUBLIC DEFENDER

24 By: /s/ JESSICA W. MURPHY
25 JESSICA W. MURPHY, #8587
26 Deputy Public Defender
27
28

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NOTICE OF MOTION

TO: CLARK COUNTY DISTRICT ATTORNEY, Attorney for Plaintiff:

YOU WILL PLEASE TAKE NOTICE that the foregoing MOTION TO WITHDRAW
DUE TO CONFLICT will be heard on 15th day of February, 2017, at 9:30 a.m., Justice Court,
Department 1.

DATED this 9th day of February, 2017.

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

By: /s/ JESSICA W. MURPHY
JESSICA W. MURPHY, #8587
Deputy Public Defender

CERTIFICATE OF ELECTRONIC SERVICE

A COPY of the above and foregoing was sent via electronic to the District
Attorney's Office at Motions@clarkcountyda.com on this 9th day of February, 2017.

By: /s/ KONIE BALDWIN
An employee of Clark County Public
Defender's Office

CRTR7236

OFFICIAL RECEIPT
JUSTICE COURT, HENDERSON TOWNSHIP
243 WATER ST
HENDERSON, NV 89015

12

PHONE # (702)455-7951 - FAX # (702)455-7977 WEBSITE: <http://cvpublicaccess.co.clark.nv.us/pa/>

Date: 12/05/2016 Citation: Case Number: 16PCH001760-0000 Receipt: 6250329
DEFENDANT DORSEY, DENZEL ID Number:

RECEIVED FROM:
ESCAPE BAIL BONDS, LLC
2019 WEBSTER STREET STE A

NORTH LAS VEGAS NV 89030
ON BEHALF OF: DORSEY, DENZEL

PAYMENT FOR: HOME INVASION, 2ND+ AMOUNT 50.00

PAYMENT TYPE:	REFERENCE NUMBER	AMOUNT PAID
COMPANY CHECK	9200	50.00
RECEIPT TOTAL:		50.00
CHANGE:		0.00
BALANCE DUE		0.00

COMMENTS:

NEXT PAYMENT DATE: NEXT PAYMENT AMOUNT:
COURT RETURN DATE: 12/19/2016

NEXT APPEARANCE DATE: OPERATOR: GARCH
JUDGE: DEPT: RECEIPT LOCATION: BACK OFFICE
LOCATION:



Justice Court, Henderson Township
243 WATER ST
HENDERSON NV 89105
(702) 455-7929

DATE ISSUED: 12316
TIME ISSUED: 0148 NO 12366

BAIL POSTED FOR: Dorsey, Denzel Ronald
AMOUNT POSTED: Six thousand fifty \$ 6050
TYPE: ☐ CASH ☒ CHECK ☐ M.O. ☐ CHECK/M.O. #: 9200
☒ BOND 126K-872246 (Number)

POSTED BY: Escape Bail Bonds
ADDRESS: 2019 Webster St Ste A NV 89030
RECEIVED BY: (Signature and I.D.) ATT491
RETURN COURT DATE & TIME: 12-19-16 890 AM DEPT. #:

REV. 12/14 DISTRIBUTION: WHITE — Customer Copy CANARY — Court Copy PINK —

This transaction is subject to final audit.

PAGE: 1

BAIL BOND

In the Henderson Justice Court, County of Clark, State of Nevada.

STATE OF NEVADA

Bail Bond No. IS6K-882246

(Power of attorney with this number must be attached.)

vs.

Defendant: Dorsey, Denzel Ronald Case No. 16PC0001760

Know all men by these presents:

That we, Escape Bail Bonds, LLC. as principal and International Fidelity Ins. Co. as the surety, heretofore authorized to transact Bail bonds in the State of Nevada, are held and bound, to the above court, for payment in the sum of: Six thousand Dollars, whereof, we bind ourselves, our heirs, executors, administrators, and successors, and assigns, jointly, severally, and firmly, by these presents. The condition of this obligation is such that the said defendant shall appear from day to day and term to term of said court to answer the charge(s) of Home invasion, (2+), Destroy prop of another, \$250-\$5K

and not depart the same without leave, then this obligation to be void, else to remain in full force and effect.

This bond shall be in full force and effect until any of the following events:

1) Exoneration by court order, 2) Termination of this case by dismissal or conviction

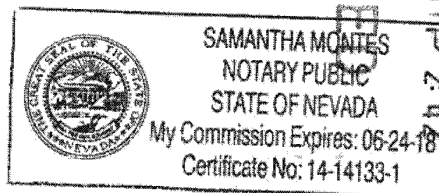
Signed and sealed this 3 day of December, 2016

Attorney in fact (signature)

Subscribed and sworn before me, a notary for the State of Nevada,
This 3 day of December, 2016

Place Notary Seal here

Samantha Montes



Approved this _____ day of _____, 20____

By

Bonding Company Stamp

Escape Bail Bonds
2019 Webster St. Suite A
North Las Vegas NV 89030
Tel: 437-5245 Fax: 649-5137

Insurance Agency Stamp

INTERNATIONAL FIDELITY INS. CO. INC.
ONE NEWARK CENTER 20TH FLOOR
NEWARK, NEW JERSEY 07102

VERIFY FIRST - THIS DOCUMENT IS PRINTED IN BLUE, RED & BLACK INKS.

Only the original Power of Attorney
will bind this Surety.

POWER OF ATTORNEY

INTERNATIONAL FIDELITY INSURANCE COMPANY
P.O. BOX 9810, CALABASAS, CA 91372-9810 (800) 935-2245

POWER
NUMBER IS6K-882246

THIS POWER VOID IF NOT USED BY: February 28, 2017

POWER AMOUNT \$ 5,000

KNOW ALL MEN BY THESE PRESENTS, that INTERNATIONAL FIDELITY INSURANCE COMPANY, a corporation duly organized and existing under the laws of the State of New Jersey, has constituted and appointed, and does hereby constitute and appoint, its true and lawful Attorney-in-Fact, with full power and authority to sign the company's presents and affix its corporate seal to, and deliver on its behalf as surety, any and all obligations as herein provided, and the execution of such obligations in pursuance of these presents shall be as binding upon the company as fully and to all intents and purposes as if done by the regularly elected officers of said company at its home office in their own proper person; and the said company hereby ratifies and confirms all and whatsoever its said Attorney-in-Fact may lawfully do and perform in the premises by virtue of these presents.

THIS POWER OF ATTORNEY IS VOID IF ALTERED OR ERASED. THE OBLIGATION OF THE COMPANY SHALL NOT EXCEED THE SUM OF

SIX THOUSAND DOLLARS *****

AND MAY BE EXECUTED FOR RECOGNIZANCE ON CRIMINAL BAIL BONDS ONLY.

Authority of such Attorney-in-Fact is limited to the execution of appearance bonds and cannot be construed to guarantee defendant's future lawful conduct, adherence to travel limitation, fines, restitution, payments or penalties, or any other condition imposed by a court not specifically related to court appearances. A separate Power of Attorney must be attached to each bond executed. Powers of Attorney must not be returned to Attorney-in-Fact, but should remain a permanent part of the court records.

Bond Amt \$ 6,000 Date Executed 12-3-10

Defendant Dorsey, Denzel Ronald DOB. _____

Case # 10PC0007100 Appearance Date _____

Offense Home invasion, (2+), Destroy prop of another, \$250-\$5K

Court County Clark

Court City Henderson Court State NY Div./Dept. JUSTICE

If rewrite, give orig. power # _____ ☐ Increase ☐ Decrease

Executing Agent Iris I. Gorlick Signature (if applicable, add your COURT assigned Agent # _____)

Form # IFI 0100 (9/06) ORIGINAL

NOTICE: Stacking of Powers is strictly prohibited. No more than one power from this Surety may be used to post any one bail amount.

IN WITNESS WHEREOF, said INTERNATIONAL FIDELITY INSURANCE COMPANY, by virtue of authority conferred by its Board of Directors, has caused these presents to be sealed with its corporate seal, signed by its Chairman of the Board and attested by its Secretary, this 23rd day of March, 1998.



Francis M. Hoffer, Chairman of the Board

Norman Kornick, Secretary

NOT VALID FOR
IMMIGRATION



02317249

Only the original Power of Attorney
will bind this Surety.

POWER VOID DATE: February 28, 2017

CERTIFICATE OF DISCHARGE
INTERNATIONAL FIDELITY INSURANCE COMPANY
P.O. BOX 9810, CALABASAS, CA 91372-9810 (800) 935-2245

POWER
NUMBER IS6K-882245

POWER AMOUNT \$ 6,000

SIX THOUSAND DOLLARS*****
ORIGINAL POWER OF ATTORNEY DID NOT EXCEED THE SUM OF

Bond Amt \$ 6000 Date Executed 12-3-16
Defendant DANIEL B. BOND DOB
Case # 16PC001760 Appearance Date
Offense UNLAWFUL POSSESSION OF A FIREARM
Court County CLARK
Court City IRVINGTON Court State NY Div/Dept. 131NY

If rewrite, give orig. power #

☐ Increase ☐ Decrease

Executing Agent Tim J. Gullik

Signature if applicable, and your COURT assigned Agent #

Form# IF10100 (9/06)

DISCHARGE COPY

COURT USE ONLY

Discharge Date: _____

Clerk Signature: _____



02317249

☐ Courtesy Copy

**JUSTICE COURT, HENDERSON TOWNSHIP
CLARK COUNTY, NEVADA**


Clerk's Initials

DATE: November 29, 2016 DEPT #: 1 JUDGE: SAM BATEMAN

CUSTODY STATUS

NAME: DORSEY, DENZEL

CASE #: 16PCH001760-0000/ 16-21448 DEFENDANT'S ID#: _____

<u>Cnt #</u>	<u>Charge</u>	<u>Bail</u>	<u>Amended To</u>
	50436 HOME INVASION, 2ND+	5,000.00	
2	50905 DESTROY OR INJURE REAL/PERS PROPERTY OF ANOTHER, \$250 - \$5000	1,000.00	

Other: _____

☐ Remand on all Counts ☐ Remand on Counts _____

☐ Remand (NLVDC/HDC Billing Purposes) _____

☐ SENTENCE TO CCDC _____ MONTHS _____ DAYS ☐ Flat Time ☐ No House Arrest

☐ Contempt of Court
____ Days with ____ Days CTS
☐ Concurrent ☐ Consecutive
To Case # _____

☐ Concurrent ☐ Consecutive Case # _____
☐ Specific CTS _____ Days
☐ (1) CTS, this case, this lodging ☐ (2) Total CTS, this case, all lodgings
☐ (3) Any CTS, all cases, this lodging
☐ (4) Maximum CTS, this case – all lodgings; and all cases – this lodging

☐ If no complaint filed, defendant to be released on: _____

☐ FUGITIVES - Court orders Defendant to be released 30 days from this date (IF THERE ARE NO LOCAL CHARGES) OR released 30 days after all local charges have been resolved.

☐ House Arrest (if qualifies) ☐ House Arrest _____ Days ☐ PreTrial to Interview

NEXT COURT DATE: 12/06/16 TIME: 9 AM DEPT #: TBD

CHANGE OF CUSTODY STATUS

☐ CTS ☐ Dismissed ☐ Sentenced and/or Fine \$ _____ ☐ Found Not Guilty ☐ No Probable Cause Found ☐ PAD
☐ Court Ordered Release ☐ O/R ☐ O/R with Intensive Supervision ☐ Deft. Released from Intensive Supervision
☐ Deft. Released from House Arrest ☐ No Contact with Victim ☐ Released due to DA Delayed Filing

NEXT COURT DATE: _____ TIME: _____ DEPT #: _____

This form is not to be altered without consent of Clark County Justice Courts and Detention Center's Administrations

JC-20 (Criminal)
Rev. 1/09

JUSTICE COURT, HENDERSON TOWNSHIP

CLARK COUNTY, NEVADA

2645569

CASE 16PCH001760-0000 / 16-21448

NAME DORSEY, DENZEL

DATE November 29, 2016

LOCATION [X] HJC [] OTHER

CHARGE(S):

50436 HOME INVASION, 2ND+
50905 DESTROY OR INJURE REAL/PERS PROPERTY OF
ANOTHER, \$250 - \$5000

BAIL
\$ 5,000.00
\$ 1,000.00

DATE OF ARREST 11/28/2016

TOTAL BAIL AMOUNT \$6,000

PC REVIEW _____

THE COURT INFORMS YOU:

1. You have the right to have an attorney present during any questioning and to represent you concerning these charges;
2. That if you cannot afford to hire an attorney, one will be appointed to you free of charge (unless you are being held as a fugitive from justice);
3. That you have the right to remain silent and that any statement you may make may be used against you;
4. That you have the right to a Preliminary Hearing and one will be ordered for you when you appear in Court on 12/06/2016 at 9:00 a.m. The Court is located at 243 WATER ST HENDERSON, NV 89015.

OR

5. If you are being held as a fugitive from a justice a return date will be set for you when you appear in Court on _____ at 9:00 a.m. The Court is located at 243 WATER ST HENDERSON, NV 89015.



JUSTICE OF THE PEACE, HENDERSON TOWNSHIP

DEPUTY DISTRICT ATTORNEY

Initial: CC

Days Requested 7



1 **INFM**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 SANDRA K. DIGIACOMO
6 Chief Deputy District Attorney
7 Nevada Bar #006204
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

7 I.A. 5/15/17
10:00 A.M.
8 K. BROWER, ESQ.

9 THE STATE OF NEVADA,
10
11 Plaintiff,

CASE NO: C-17-323324-1

11 -vs-

DEPT NO: XXII

12 DENZEL DORSEY,
13 #2845569

INFORMATION

14 Defendant.

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

17 STEVEN B. WOLFSON, Clark County District Attorney within and for the County of
18 Clark, State of Nevada, in the name and by the authority of the State of Nevada, informs the
19 Court:

20 That DENZEL DORSEY, the Defendant(s) above named, having committed the crimes
21 of **INVASION OF THE HOME (Category B Felony - NRS 205.067 - NOC 50435)** and
22 **MALICIOUS DESTRUCTION OF PROPERTY (Gross Misdemeanor - NRS 206.310,**
23 **193.155 - NOC 50905)**, on or about the 28th day of November, 2016, within the County of
24 Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made
25 and provided, and against the peace and dignity of the State of Nevada,

26 ///

27 ///

28 ///

1 COUNT 1 - INVASION OF THE HOME

2 did willfully, unlawfully, feloniously, and forcibly enter an inhabited dwelling, to wit:
3 2731 Warm Rays, Henderson, Clark County, Nevada, without permission of the owner,
4 resident, or lawful occupant, to wit: FLORENTINO and/or NORMA NAZARENO, by
5 breaking a glass door window, putting his arm through the window and unlocking the deadbolt,
6 in an attempt to gain entry.

7 COUNT 2 - MALICIOUS DESTRUCTION OF PROPERTY

8 did willfully, unlawfully, or maliciously destroy and/or injure the real and/or personal
9 property of another, to wit: a glass door window, owned by FLORENTINO and/or NORMA
10 NAZARENO, located at 2731 Warm Rays, Henderson, Clark County, Nevada, by breaking
11 said glass door window at said residence, the value of said damage being \$250.00 or more and
12 less than \$5,000.00.

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

15 BY

16 SANDRA K. DIGIACOMO
17 Chief Deputy District Attorney
Nevada Bar #006204

18 Names of witnesses known to the District Attorney's Office at the time of filing this
19 information are as follows:

20 <u>NAME</u>	<u>ADDRESS</u>
21 CUSTODIAN OF RECORDS	Henderson Detention Center Communications
22 CUSTODIAN OF RECORDS	Henderson Detention Center Records
23 CUSTODIAN OF RECORDS	HPD COMMUNICATIONS
24 CUSTODIAN OF RECORDS	HPD RECORDS
25 GROSS, K.	C/O CCDA'S OFFICE
26 GUTIERREZ, C.	HPD P# 1695
27 HAYEK, GHASSAN	Global Auto, 1525 E. Sunset Rd., LV, NV
28 ///	

1 MCGEAHY, J.

HPD P# 1411

2 NAZARENO, KEVIN

2731 Warm Rays Ave., Henderson, NV

3 NAZARENO, NORMA

2731 Warm Rays Ave., Henderson, NV

4 WARD, R.

HPD P# 1701

5 **DO NOT READ TO THE JURY**

6 **UNDER NO CIRCUMSTANCES IS THE LANGUAGE CONTAINED**
7 **HEREINAFTER TO BE READ TO A JURY HEARING THE PRIMARY OFFENSE**
8 **FOR WHICH THE DEFENDANT IS PRESENTLY CHARGED.**

8 **NOTICE OF PRIOR BURGLARY AND/OR HOME INVASION CONVICTIONS**

9 The State of Nevada hereby places Defendant DENZEL DORSEY on notice that in the
10 event of a Burglary conviction pursuant to NRS 205.060 and/or a Home Invasion conviction
11 pursuant to NRS 205.067 in the above-entitled action, he/she will not be eligible for probation
12 as Defendant DENZEL DORSEY has already suffered one (1) prior Burglary and/or Home
13 Invasion conviction(s), as set forth in the "Notice of Intent to Seek Punishment as a Habitual
14 Criminal," said notice being incorporated by this reference as though fully set forth herein.

15 **UNDER NO CIRCUMSTANCES IS THE LANGUAGE CONTAINED**
16 **HEREINAFTER TO BE READ TO A JURY HEARING THE PRIMARY OFFENSE**
17 **FOR WHICH THE DEFENDANT IS PRESENTLY CHARGED.**

17 **NOTICE OF INTENT TO SEEK PUNISHMENT AS A HABITUAL**
18 **CRIMINAL**

19 The State of Nevada hereby places Defendant DENZEL DORSEY on notice of the
20 State's intent to seek punishment of Defendant DENZEL DORSEY pursuant to the provisions
21 of NRS 207.010 as a habitual criminal in the event of a felony conviction in the above-entitled
22 action.

23 The State will seek punishment as a habitual criminal based upon the following felony
24 convictions, to wit:

25 ///

26 ///

27 ///

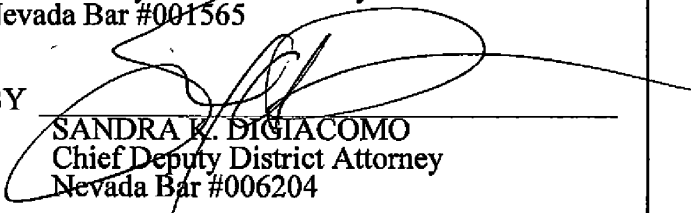
28 ///

1 1. That in 2012, the Defendant was convicted in the Eighth Judicial District
2 Court, County of Clark, State of Nevada, for the crime of Invasion of Home, in Case No.
3 C-12-284308-1.

4 2. That in 2012, the Defendant was convicted in the Eighth Judicial District
5 Court, County of Clark, State of Nevada, for the crime of Attempt Burglary, in Case No.
6 C-12-279732-1.

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

10 BY

11 
12 SANDRA E. DIGIACOMO
13 Chief Deputy District Attorney
14 Nevada Bar #006204

15 **DO NOT READ TO THE JURY**

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27 DA#16FH2022X/erg/L-5
28 HPD EV#1621448
 (TK)



12:00AM

1

TRAN

2

CASE NO. C323324

3

4

IN THE JUSTICE'S COURT OF HENDERSON TOWNSHIP

12:00AM

5

COUNTY OF CLARK, STATE OF NEVADA

6

7

STATE OF NEVADA,)

8

Plaintiff,)

vs.)

9

CASE NO. 16FH2022X

12:00AM

10

DENZEL DORSEY,)

11

Defendant.)

12

13

REPORTER'S TRANSCRIPT

14

OF

12:00AM

15

PRELIMINARY HEARING

16

BEFORE THE HONORABLE SAMUEL G. BATEMAN

17

JUSTICE OF THE PEACE

18

TUESDAY, MAY 2, 2017

19

APPEARANCES:

12:00AM

20

21

For the State: SANDRA DIGIACOMO
Chief Deputy District Attorney

22

23

For the Defendant: KEITH BROWER, ESQ.

24

12:00AM

25

Reported by: Lisa Brenske, CCR #186

12:00AM

1

W I T N E S S E S

2

KEVIN NAZARENO

3

Direct Examination by Ms. DiGiacomo

4

Cross-Examination by Mr. Brower

14

4

NORMA CORDERO NAZARENO

12:00AM

5

Direct Examination by Ms. DiGiacomo

20

Cross-Examination by Mr. Brower

26

6

JAMES MCGEAHY

7

Direct Examination by Ms. DiGiacomo

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Cross-Examination by Mr. Brower

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12:00AM 1 HENDERSON, NEVADA, MAY 2, 2017

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3 * * * * *

4

12:12PM 5 THE COURT: Denzel Dorsey, 16FH2022X.

6 Is the prelim going forward?

7 MR. BROWER: It is, Judge.

8 THE COURT: Any motion on witnesses?

9 MR. BROWER: I'd ask to invoke the

12:12PM 10 exclusionary rule at this point in time.

11 THE COURT: Do we have anybody here that's

12 a witness, Sandy?

13 MS. DIGIACOMO: Yes. I have four.

14 THE COURT: Are we good? We got those

12:12PM 15 guys out?

16 Call your first witness.

17 MS. DIGIACOMO: State calls Kevin

18 Nazareno.

19 THE COURT: Sir, come up here to the

12:14PM 20 podium and remain standing and raise your right hand

21 for me.

22 THE CLERK: Do you solemnly swear that the

23 testimony that you are about to give will be the truth,

24 the whole truth and nothing but the truth, so help you

12:14PM 25 God?

12:14PM 1 THE WITNESS: I solemnly swear.
2 THE CLERK: Please be seated.
3 Please state your first and last name and
4 spell each for the record.

12:15PM 5 THE WITNESS: My name is Kevin Nazareno.
6 K-E-V-I-N. N-A-Z-A-R-E-N-O.
7 THE COURT: All right. Go ahead, State.
8 MS. DIGIACOMO: Thank you.
9

12:15PM 10 **KEVIN NAZARENO,**
11 having been first duly sworn, did testify as follows:
12
13 DIRECT EXAMINATION
14 BY MS. DIGIACOMO:
15 Q. Sir, how old are you?
16 A. Twenty-one years old.
17 Q. And do you live or did you last November
18 live at 2731 Warm Rays in Henderson, Clark County,
19 Nevada?
20 A. Yes. I still currently live there to this
21 day.
22 Q. Who do you live there with?
23 A. I live with my mom, my dad and a couple
24 of -- no. One cousin and his girlfriend who are
25 staying in a room at my house.
26 Q. Now, who owns the house?

12:15PM 1 A. My father.
2 Q. And who is your father?
3 A. Florentino Nazareno.
4 Q. And does his wife also own the residence,
12:16PM 5 your mom?
6 A. I think, yes.
7 Q. And her name is Norma?
8 A. Yes.
9 Q. So on November 28, 2016 were you home at
12:16PM 10 approximately noon?
11 A. Yes. I had been there the whole day.
12 Q. What were you doing at about a little bit
13 before noon on that date?
14 A. I was still in bed asleep.
12:16PM 15 Q. Did something wake you up?
16 A. Yes. The doorbells. Constant ringing of
17 the doorbells. Multiple doorbell ringings.
18 Q. Was that the front doorbell that was
19 ringing?
12:16PM 20 A. Yes.
21 Q. And you said it would ring multiple times?
22 A. Yeah. Multiple times.
23 Q. So would it be that somebody would ring it
24 multiple --
12:16PM 25 A. Yeah, yeah, yeah.

12:16PM 1 Q. Let me finish because she's taking
2 everything down.
3 A. Okay.
4 Q. So they would ring it a bunch of times
12:16PM 5 like keep pushing the button?
6 A. Yes, that is correct.
7 Q. And then would it stop and then the
8 doorbell ringing would start occurring again?
9 A. Yes. I heard that at least multiple
12:17PM 10 times. Multiple ringings, stopping and then multiple
11 ringings again.
12 Q. And what did you do when you heard this?
13 A. I was still in bed. I was getting kind of
14 annoyed that someone would ring that much.
12:17PM 15 Q. Did you eventually get up from your bed
16 and go to the front door?
17 A. Yes.
18 Q. Now, was your bedroom upstairs or
19 downstairs?
12:17PM 20 A. It was upstairs.
21 Q. So you came down the stairs?
22 A. Yes.
23 Q. The front doors, can you describe what
24 they looked like on that date?
12:17PM 25 A. They were glass doors that I could see

12:17PM 1 clearly through.

2 Q. And when you come down the stairs, can you
3 see the front doors from the staircase?

4 A. Yes, I can. Since there's this -- the
12:17PM 5 stairways lead downwards and when I peek over the
6 railings, I can look straight into the doorway and see
7 whoever is there.

8 Q. So on this date back in November when you
9 looked over the railing, did you see anybody standing
12:18PM 10 outside the front door?

11 A. Yes.

12 Q. And who did you see?

13 A. I saw a black male and I saw them punching
14 and I heard banging on the door itself.

12:18PM 15 Q. Let me stop you. Did you see more than
16 one black male?

17 A. No. Just one.

18 Q. Just one black male?

19 A. Yes.

12:18PM 20 Q. And when you said you heard banging, did
21 it sound like somebody was trying to break the glass?

22 A. Yes. Correct.

23 Q. So when you got down to the bottom of the
24 stairs, could you still hear this banging on the glass?

12:18PM 25 A. Yes. And then --

12:18PM 1 Q. What did you see then?

2 A. I saw the glass break and there was just a
3 hole in the glass now and then I saw the male trying to
4 reach through the door and unlock the deadbolt.

12:19PM 5 Q. Let's back up a little bit. You kept
6 making a motion as you were talking about the banging
7 on the glass of the front door. You had your right
8 hand balled like a fist and you were punching your left
9 hand. Is that what you were just doing?

12:19PM 10 A. What do you mean by that?

11 THE COURT: For the record that's what he
12 was doing.

13 BY MS. DIGIACOMO:

14 Q. When you heard the glass being hit, could
12:19PM 15 you see what the black male was trying to hit the glass
16 with? Was it his fist?

17 A. Yes.

18 Q. Was he able to break through the glass
19 with his fist?

12:19PM 20 A. Yes.

21 Q. And then did it leave a round sized hole?

22 A. Yes. Correct.

23 Q. And was the glass kind of jagged, the hole
24 that he broke?

12:19PM 25 A. I'd say so. It was, yeah, like that.

12:19PM 1 Q. So it wasn't a perfectly smooth hole?
2 A. No.
3 Q. And then you said that you saw this black
4 male stick his hand through the glass?
12:20PM 5 A. Yes.
6 Q. Into your house?
7 A. Yes.
8 Q. And what was he trying to do?
9 A. He was trying to unlock the deadbolt that
12:20PM 10 was there.
11 Q. So when you see his hand through the door
12 and he's unlocking the deadbolt, what do you do?
13 A. I rushed forward towards the door and I
14 blocked him and kept it locked.
12:20PM 15 Q. And when you blocked him, how did you do
16 that?
17 A. I just --
18 Q. So you grabbed the deadbolt?
19 A. Yeah, and I kept it there.
12:20PM 20 Q. Did you do anything to try and hit his
21 hand away from the deadbolt?
22 A. I don't recall.
23 Q. And what did he do when you protected the
24 deadbolt?
12:20PM 25 A. He ran away.

12:20PM 1 Q. Did he take his arm out of the glass?
2 A. Yes.
3 Q. And he takes off?
4 A. Yes.
12:20PM 5 Q. What did you do when you saw him leave?
6 A. I chased after him of course.
7 Q. So you chased after him. Where did you
8 see him go?
9 A. To his car parked right in front of my
12:21PM 10 house.
11 Q. Did you see what kind of car it was?
12 A. Yes. It was a blue Suzuki.
13 Q. And were you able to get the license
14 plate?
12:21PM 15 A. Yes. I did.
16 Q. Do you remember the license plate as you
17 sit here today?
18 A. Yes.
19 Q. What was the license plate?
12:21PM 20 A. 953LGM.
21 Q. Did you tell the police that information?
22 A. Yes. I told the dispatcher the license
23 plate as soon as I called them.
24 Q. And did you call the police right away?
12:21PM 25 A. Yes. Yes, I did.

12:21PM 1 Q. Did the police respond?

2 A. Yes.

3 Q. Now, the person that you saw that was at

4 your front door, you said you saw him run and get into

12:21PM 5 this car, the Suzuki right in front of your house?

6 A. Yes.

7 Q. Did you see which door he got into?

8 A. The driver's side.

9 Q. Could you see anybody else in the car?

12:21PM 10 A. No.

11 Q. Just him?

12 A. Yes.

13 Q. Now, can you describe what he looked like

14 for the Court?

12:21PM 15 A. He was a tall black male, bigger than me

16 at least.

17 Q. How tall are you?

18 A. 5-foot-6 and with shoes 5-foot-7.

19 Q. You held your hand about an inch or so

12:22PM 20 above your head. Was he a little taller than you?

21 A. Yeah. I'd say around 5-foot-10 to 6 feet.

22 Q. Do you remember what he was wearing?

23 A. No.

24 Q. But you know it was a black male?

12:22PM 25 A. Yes.

12:22PM 1 Q. Do you remember if he was heavy-set,
2 skinny?
3 A. It's hard to remember.
4 Q. Do you think you'd recognize him if you
12:22PM 5 saw him again?
6 A. Yes.
7 Q. Now, you've been sitting in court all
8 morning. Have you seen the same person that you saw
9 try and break into your house on November 28th, 2016
12:22PM 10 here in court?
11 A. I think.
12 Q. You think. Is that person still here in
13 court?
14 A. I don't know actually.
12:22PM 15 Q. Well, let me ask you. The person that you
16 thought you saw that kind of looked familiar, do you
17 see him in the courtroom as you sit here right now?
18 A. No, I don't think so.
19 Q. So I am going to point to a person. This
12:23PM 20 gentleman that's seated at counsel table wearing
21 glasses, you don't recognize him?
22 A. Could he take his glasses off?
23 MS. DIGIACOMO: For the record the
24 defendant just took his glasses off.
12:23PM 25 MR. BROWER: So did I since we are both

12:23PM 1 sitting at the table wearing glasses.

2 MS. DIGIACOMO: I'm sorry. I'm standing

3 behind Mr. Brower.

4 THE COURT: I don't think you match the

12:23PM 5 description, Mr. Brower.

6 BY MS. DIGIACOMO:

7 Q. Does he look familiar to you?

8 A. Yes, I think so.

9 Q. Without the glasses?

12:23PM 10 A. Yes. Without the glasses.

11 Q. So he appears to look like the person that

12 was at your house that day in November?

13 A. Yeah.

14 Q. Can you say with like a percentage of

12:23PM 15 certainty like 10 percent, 50 percent?

16 A. 85 percent sure.

17 MS. DIGIACOMO: Now, this person that I

18 just pointed to for the record was the defendant, your

19 Honor.

12:24PM 20 THE COURT: Record will reflect

21 identification that you're talking about the defendant.

22 BY MS. DIGIACOMO:

23 Q. Did you know him before November 28th?

24 A. No, I have no idea who they are.

12:24PM 25 Q. So you did not give him permission to come

12:24PM 1 into your house on November 28th, 2016?

2 A. No.

3 MS. DIGIACOMO: I have nothing further.

4 THE COURT: Mr. Brower.

5

6 CROSS-EXAMINATION

7 BY MR. BROWER:

8 Q. Kevin, when you looked around the
9 courtroom a moment ago and you didn't identify my
10 client, did you see any other black people in the
11 courtroom?

12 A. No.

13 Q. But there's a couple black females,
14 correct?

12:24PM 15 A. Yes.

16 Q. But no other black males, correct?

17 A. Yes.

18 Q. And only after the prosecutor pointed to
19 the sole black male in the courtroom were you able to
12:24PM 20 say possibly it was him, correct?

21 A. Yes.

22 Q. So, Kevin, I am going to go back and ask
23 you a couple other questions.

24 A. Okay.

12:24PM 25 Q. You were talking about somebody trying to

12:24PM 1 punch through the glass on your door of your house. Is
2 your glass frosted?

3 A. What do you mean by that?

4 Q. Well, is it clear glass on the front door
12:25PM 5 or is it frosted glass?

6 A. What do you mean by that?

7 Q. Are the panels totally clear or do they
8 have lines or etchings or snowflakes or anything in
9 them? Is it like a clear glass that you can see
12:25PM 10 through like glasses or is it --

11 A. It was clear enough that I could see him
12 through the glass.

13 Q. So there's nothing to distort your vision
14 through there?

12:25PM 15 A. No.

16 Q. What color jacket was the person wearing?

17 A. I couldn't remember.

18 Q. Was the person wearing gloves?

19 A. I do not remember.

12:25PM 20 Q. So when you saw a hand come through the
21 window, can you describe were their rings on it?

22 A. I don't remember.

23 Q. Can you describe whether the fingernails
24 had nail polish or anything else?

12:26PM 25 A. No.

12:26PM 1 Q. Because you don't remember or because you
2 didn't see?

3 A. Because I don't remember.

4 Q. And you don't remember if there was a
12:26PM 5 glove?

6 A. No.

7 Q. Do you remember the color -- was the arm
8 that came through the window -- was the arm bare?

9 A. No.

12:26PM 10 Q. So it had clothing on it?

11 A. Yes.

12 Q. But you don't know if it was a jacket
13 or --

14 A. No.

12:26PM 15 Q. Do you know if it was leather or if it was
16 cloth?

17 A. Probably leather.

18 Q. Probably leather but you're not sure?

19 A. Not sure.

12:26PM 20 Q. But you don't remember if the arm had a
21 glove on it?

22 A. No.

23 Q. How about a watch, did you see a watch?

24 A. No.

12:26PM 25 Q. And you ran outside afterwards and saw the

12:26PM 1 person get into the driver's side of a car?

2 A. Yes.

3 Q. Were they wearing a hat?

4 A. No, I don't think so.

12:27PM 5 Q. Can you describe their hair to me?

6 A. Very short hair.

7 Q. Were they wearing glasses?

8 A. No, I don't think so.

9 Q. Not even sunglasses?

12:27PM 10 A. No.

11 Q. Describe the vehicle to me.

12 A. It was a blue Suzuki.

13 Q. Two door or four door?

14 A. Four door.

12:27PM 15 Q. Do you know what kind of wheels it had?

16 A. Probably the stock wheels.

17 Q. You don't remember?

18 A. The stock wheels.

19 Q. Can you describe the weight of the person?

12:27PM 20 A. Average to slim.

21 Q. So you are going to have to help me out,

22 Kevin. I don't know what average to slim means to you.

23 A. I'd say around 180 pounds to 200.

24 Q. 180 to 200 and you described him as

12:28PM 25 between 5-foot-10 and 6 feet?

12:28PM 1 A. Yes. Or a bit taller than 6 feet.

2 Q. Were you wearing shoes when you ran

3 outside?

4 A. No. I went in barefoot.

12:28PM 5 Q. How far did you chase the person?

6 A. I chased him to the sidewalk at which I

7 looked at his license plate because his car was right

8 there.

9 Q. Well, the car you saw the person get into

12:28PM 10 was right there, right?

11 A. Yes.

12 Q. Do you know if it was their car?

13 A. Yes.

14 Q. How do you know it was their car?

12:28PM 15 A. Because they had the keys and started the

16 ignition to start the car.

17 Q. So if you drive your parents' car with

18 their keys, is it your car or your parents' car?

19 A. It's my parents' car obviously.

12:28PM 20 Q. But if I saw you get in it, wouldn't I be

21 inaccurate to say it was your car?

22 A. No.

23 Q. I wouldn't?

24 A. I mean, if you saw me with my car, then

12:29PM 25 obviously it's my car. But if you see me with my

12:29PM 1 parents' car, then it's my parents' car.

2 Q. That you're driving?

3 A. Yes.

4 Q. Kevin, was it the right hand or left hand

12:29PM 5 that came into the door?

6 A. I'm pretty sure it was the left hand I
7 think.

8 Q. And you didn't see any watches?

9 A. No.

12:29PM 10 Q. Was it sunny out that day?

11 A. Yes. It was in broad daylight.

12 Q. So it wasn't raining or anything?

13 A. No.

14 Q. It wasn't overcast?

12:29PM 15 A. No.

16 MR. BROWER: I'll pass the witness, Judge.

17 THE COURT: Anything else?

18 MS. DIGIACOMO: No.

19 THE COURT: Thank you, sir.

12:30PM 20 Is he free to go?

21 MS. DIGIACOMO: Yes.

22 THE COURT: You can jump down. You're
23 free to leave. Thank you for your testimony.

24 THE WITNESS: Thank you, your Honor.

12:30PM 25 THE COURT: Next witness.

12:30PM 1 MS. DIGIACOMO: Norma Nazareno.

2 THE COURT: Good morning, ma'am. Remain

3 standing and raise your right hand for me.

4 THE CLERK: Do you solemnly swear that the

12:30PM 5 testimony that you are about to give will be the truth,

6 the whole truth and nothing but the truth, so help you

7 God?

8 THE WITNESS: Yes, I do.

9 THE CLERK: Please be seated.

12:30PM 10 Please state your first and last name and

11 spell each for the record.

12 THE WITNESS: Norma Cordero Nazareno.

13 THE COURT: Can you spell that for us.

14 THE WITNESS: N-O-R-M-A. Last name

12:31PM 15 N-A-Z-A-R-E-N-O.

16 THE COURT: Thank you. Grab a seat.

17 Go ahead, State.

18 MS. DIGIACOMO: Thank you.

19

12:31PM 20 **NORMA CORDERO NAZARENO,**

21 having been first duly sworn, did testify as follows:

22 DIRECT EXAMINATION

23 BY MS. DIGIACOMO:

24 Q. Ma'am, do you live or own 2731 Warm Rays?

12:31PM 25 A. Yes, I do. For the last 16 years.

12:31PM 1 Q. And do you own that with your husband
2 Florentino?
3 A. Yes, I do.
4 Q. Do you know the person who just left the
12:31PM 5 courtroom, Kevin?
6 A. That's my son.
7 Q. And he lives there as well?
8 A. Yes.
9 Q. And all of you lived there last
12:31PM 10 November 28th of 2016?
11 A. Yes, ma'am. Me and my husband and my son.
12 Q. Did anything happen that day that caused
13 you to go home?
14 A. Well, I was at work right around 12,
12:31PM 15 that's when he called me at work and I had to rush home
16 to see what happened.
17 Q. Who called you?
18 A. My son.
19 Q. Kevin?
12:32PM 20 A. As soon as he called 9-1-1 he called me
21 right away. Actually he find out -- my husband found
22 out so my husband called me to go home. So I went home
23 right away.
24 Q. And when you got home, did your house look
12:32PM 25 different than it had when you left for work?

12:32PM 1 A. It's just the door that's broken, the
2 glass was broke.

3 Q. What time did you leave for work that day?

4 A. As soon as I could. Like around 12:15.

12:32PM 5 Q. No. What time did you --

6 A. 12:30.

7 THE COURT: Okay. Just let her finish the
8 question and then you answer because this lady down
9 here is typing everything down. So if you guys talk
10 over each other, it doesn't get down very well.

11 So go ahead.

12 BY MS. DIGIACOMO:

13 Q. I meant what time did you leave the house
14 that day to go to work?

12:32PM 15 A. That was a Monday. Normally I leave like
16 around between six to 6:15 because I start seven
17 o'clock on a Monday.

18 Q. So you had been at work for awhile before
19 you got the call?

12:32PM 20 A. Yes, ma'am.

21 Q. And you got home at 12:30?

22 A. I left work around 12:30 maybe.

23 Q. How long did it take you to get home?

24 A. Normally about 30 minutes.

12:33PM 25 Q. When you got home, you said something was

12:33PM 1 wrong with the front door?

2 A. Yeah. Well, that's exactly what's already
3 given to me, the description of what was wrong and why
4 I had to go home.

12:33PM 5 Q. Tell me what you saw when you got home.

6 A. I saw -- because I have two sides of the
7 door. One side was broken like there's a big hole in
8 there and the hole kind of shattered but not completely
9 down but there was a big hole right there by the
10 doorknobs.

11 Q. And when you said there was two sides, do
12 you have two front doors?

13 A. Yeah. There's a left and a right-hand
14 side.

12:33PM 15 Q. And they're both glass?

16 A. Yes.

17 Q. And do they also have another design in
18 the glass?

19 A. Yes, there is. Like a metal in between so
12:33PM 20 they're like different design on it.

21 Q. But on one side of the glass there was a
22 hole in it?

23 A. Yes. So there's no metal so that's why
24 there was -- that's where the broken glass was.

12:33PM 25 Q. And you didn't give anyone permission to

12:34PM 1 break your door that day?

2 A. No, ma'am. We just left it the way it is
3 until later on then we needed a replacement door. So
4 they just took that door and took it to the shop and
12:34PM 5 replaced the glass.

6 Q. How much did it cost to repair the glass
7 door?

8 A. Well, first of all the first day that it
9 was broken we needed to be safe that day so I called
12:34PM 10 the insurance and they referred me to a construction
11 which is the Hopster --

12 THE COURT: I'm sorry. They referred you
13 to what?

14 THE WITNESS: To a construction company.

12:34PM 15 THE COURT: Okay.

16 THE WITNESS: So they replaced the wood
17 for the whole glass door and got the whole frame.

18 BY MS. DIGIACOMO:

19 Q. So what you mean is they put wood up until
12:34PM 20 you could get the glass fixed?

21 A. Yes.

22 Q. So nobody else could break in?

23 A. Exactly.

24 Q. How much did that cost?

12:34PM 25 A. That was about 400-something-dollars. I

12:34PM 1 have it on here.

2 Q. For the record you're referring to your
3 receipts?

4 A. Yes. I have the receipts. That cost me
12:35PM 5 \$474.41.

6 Q. And then how much did it cost to repair
7 the glass?

8 A. \$723.72. And I have the receipt.

9 Q. How long did it take to repair that glass?

12:35PM 10 A. Well, we had to order the door so we
11 waited like almost two weeks to have it replaced.

12 Q. And did your insurance cover the repair?

13 A. No, it did not because the temporary door
14 wasn't a thousand dollars. It was only 700. So they

12:35PM 15 couldn't -- because we had to pay deductible and we
16 haven't done that yet.

17 Q. So your deductible is a thousand dollars?

18 A. Yes.

19 Q. So you had to pay the \$723.72 yourself?

12:35PM 20 A. Yes.

21 Q. As well as the \$474.41 to put up the wood
22 door?

23 A. Yes, ma'am.

24 MS. DIGIACOMO: I don't have anything

12:36PM 25 further.

12:36PM 1 THE COURT: Anything, Mr. Brower?

2

3

CROSS-EXAMINATION

4

BY MR. BROWER:

12:36PM

5

Q. Ma'am, the glass on your door -- can you describe the glass that was on your door? Is it see-through, is it frosted?

8

A. It's kind of frosted but there's some area where just like a clear one with like a diamond shape, that's a clear, and the rest are all frosty. Like in between has frost and then clear.

12:36PM

10

11

12

Q. So when you look out your door, can you visibly see what's on the other side?

13

14

A. Absolutely.

12:36PM

15

Q. And the door that was broke, are they two doors side by side or just one door?

16

17

A. It's two door side by side.

18

Q. Which door was broke, the right or left door?

19

12:36PM

20

A. If I was facing the front door from the outside, it'll be on the left-hand side with the doorknob is.

21

22

23

Q. And where would your deadbolt be?

24

A. On the left-hand side. It's on the same side where the latch is.

12:36PM

25

12:36PM 1 Q. So the latch isn't in the center of the
2 two doors, it's actually on the side?
3 A. Well, actually it's on that one door on
4 the left-hand side.

12:37PM 5 Q. But there's two doors. Do they open --
6 A. Yeah. The other one is just -- there's
7 this latch up on the top and the bottom --
8 Q. And the doors --
9 A. -- to keep it staying --

12:37PM 10 THE COURT: Ma'am, let him finish because
11 we're talking over each other.
12 BY MR. BROWER:
13 Q. So the right-hand door, if I'm standing at
14 the front door, the right-hand door has a latch that's
15 at the top and bottom --
16 A. Yes.
17 Q. -- so it doesn't open with a knob?
18 A. No.
19 Q. It opens with the two latches?
12:37PM 20 A. Right.
21 Q. When the door is closed, does each door
22 hook to each other?
23 A. It's just the doorknob that has the lock.
24 That's the only thing that's there.
12:37PM 25 Q. Hooks to the other door, correct?

12:37PM 1 A. Yes.

2 Q. So from where the hole in the window was,

3 if I stick my hand through that hole --

4 A. Yeah, it's about this much --

12:38PM 5 THE COURT: Hang on. Hang on. Hang on.

6 Finish your question, Mr. Brower.

7 THE WITNESS: Go ahead.

8 BY MR. BROWER:

9 Q. So when I stick my hand through that hole,

12:38PM 10 do I reach my hand to the right or to the left to

11 unlock the door if I'm standing in front?

12 A. You would go going -- so the door is right

13 here so you would be going this way.

14 THE COURT: For the record she's using her

12:38PM 15 left arm and turning it to her right.

16 BY MR. BROWER:

17 Q. So I would reach in and go to my right?

18 A. Yeah.

19 MR. BROWER: Thank you, Judge.

12:38PM 20 THE COURT: Is that it?

21 MR. BROWER: That's it with me, Judge.

22 THE COURT: Okay. Anything else, State?

23 MS. DIGIACOMO: No.

24 THE COURT: Ma'am, you're excused.

12:38PM 25 Is this witness free to go?

12:38PM 1 MS. DIGIACOMO: Yes.

2 THE COURT: Thank you for your testimony.

3 You're free to go today.

4 Does anybody want copies of her receipts?

12:38PM 5 MS. DIGIACOMO: I have them and I made

6 copies and I'll get them to Mr. Brower.

7 THE COURT: Next witness, State.

8 MS. DIGIACOMO: State calls Officer

9 McGeahy.

12:39PM 10 THE COURT: Is it officer?

11 THE WITNESS: Sure.

12 THE COURT: What is your assignment?

13 THE WITNESS: I'm with PSU.

14 THE COURT: Come on up, remain standing

12:39PM 15 and raise your right hand.

16 THE CLERK: Do you solemnly swear that the

17 testimony that you are about to give will be the truth,

18 the whole truth and nothing but the truth, so help you

19 God?

12:39PM 20 THE WITNESS: I do.

21 THE CLERK: Please be seated.

22 Please state your first and last name and

23 spell each for the record.

24 THE WITNESS: My name is James McGeahy.

12:39PM 25 J-A-M-E-S. M-C-G-E-A-H-Y.

12:39PM 1 THE COURT: Thank you, sir.

2 Go ahead.

3

4 **JAMES MCGEAHY,**
12:39PM 5 having been first duly sworn, did testify as follows:

6 DIRECT EXAMINATION

7 BY MS. DIGIACOMO:

8 Q. How are you employed?

9 A. I'm a police officer with the Henderson

12:39PM 10 Police Department.

11 Q. How long have you been so employed?

12 A. Ten years and about eight months now.

13 Q. Directing your attention to November 28,

14 2016 at approximately noon were you so employed and

12:40PM 15 working?

16 A. Yes.

17 Q. What was your assignment on that date?

18 A. I'm assigned to PSU, Problem Solving Unit.

19 Q. Now, did a report come in about a home

12:40PM 20 invasion at 2731 Warm Rays Avenue in which a license

21 plate was obtained?

22 A. Yes.

23 Q. And did you get assigned that case?

24 A. Yes.

12:40PM 25 Q. What happened when you got the assignment?

12:40PM 1 A. As a squad we started immediately
2 investigating. Took our initial information which was
3 the license plate and ran that through our NCIC data
4 base, got back a hit that it was a rental car,
12:40PM 5 contacted the rental company.
6 Q. And when you contacted the rental company,
7 what information were they able to provide you?
8 A. They were able to provide us with who the
9 renter was, the type of vehicle it was and that it had
12:40PM 10 GPS.
11 Q. Now, was it rented to a Marquisha Powell?
12 A. I believe that was the name, yes.
13 Q. So it was rented to a female?
14 A. Yes.
12:41PM 15 Q. And you said that it was equipped with
16 GPS?
17 A. Yes.
18 Q. Was anybody at the car rental place able
19 to get you the location of that car right then?
12:41PM 20 A. Yes.
21 Q. Based upon giving the GPS what did you and
22 your other officers do?
23 A. At that point we had two other officers
24 head down to the Global Autos and that way they had
12:41PM 25 direct contact with the management there who was

12:41PM 1 looking at the screen and actively following the GPS.
2 And then we relayed that information over to the other
3 officers who were out in the field attempting to locate
4 the vehicle.

12:41PM 5 Q. Okay. Did you ever see the GPS or was
6 there other officers that were there seeing the
7 location of the car?

8 A. I was just being told the GPS locations
9 and then I was emailed the paperwork of the actual
12:42PM 10 locations.

11 Q. The GPS for this car, did it show it was
12 present on Warm Rays?

13 A. Yes, it did.

14 Q. And so that's why you followed this car?

12:42PM 15 A. Yes.

16 Q. So when you are able to find the vehicle,
17 where was it?

18 A. Once we caught up with the vehicle it was
19 at the Fashion Show Mall on Las Vegas Boulevard.

12:42PM 20 Q. And do you know approximately what time
21 that was?

22 A. It was around noon. I don't remember the
23 exact time.

24 Q. So it's within a very short time period
12:42PM 25 from the call coming in about the home invasion and

12:42PM 1 finding the car?

2 A. Correct.

3 Q. When you get to the Fashion Show, do you

4 ever actually see this vehicle?

12:42PM 5 A. I did not. The detectives on scene did.

6 Q. Who were the detectives on scene?

7 A. I believe it was Max Pilz was there and

8 actually he's the one that located it. I don't

9 remember who else was with him. But I know he's the

12:42PM 10 one that actually located the vehicle.

11 Q. And that's P-I-L-Z for the record?

12 A. Yes. P-I-L-Z.

13 Q. When the vehicle was located, was it the

14 same vehicle with the license plate number that had

12:43PM 15 been reported by the victim?

16 A. Yes.

17 Q. What happened at that point?

18 A. I believe that they observed the vehicle

19 in the parking garage and then pick up another person

12:43PM 20 and then they drove to the exit of the parking garage

21 and parked on the exterior near Dillard's. Which is

22 where they were contacted.

23 Q. And so it was Detective Pilz that stopped

24 the car?

12:43PM 25 A. Yes. It was actually Jonathan Ashcroft

12:43PM 1 that was with him. I'm sorry.

2 Q. Ashcroft?

3 A. Yes.

4 Q. So the car was stopped and then you

12:43PM 5 arrived on scene?

6 A. Yes.

7 Q. And when you arrived, had you been
8 informed whether or not the individuals had been
9 Mirandized?

12:44PM 10 A. I believe so, yes, they were Mirandized.

11 Q. So when you come on scene, what do you do?

12 A. I didn't do anything because I was advised
13 that they were not talking. So I didn't speak to any
14 of them, although I did speak to this gentleman here
15 and advised him what he was under arrest for.

12:44PM

16 Q. You said this gentleman here. Can you
17 point to the person you're referring to and describe
18 what he's wearing right now.

19 A. Denzel Dorsey wearing a black shirt and
12:44PM 20 glasses.

21 MS. DIGIACOMO: Your Honor, would the
22 record reflect identification of the defendant?

23 THE COURT: Record will reflect
24 identification.

25

12:44PM 1 BY MS. DIGIACOMO:

2 Q. All right. So Mr. Dorsey was in the car
3 that was stopped?

4 A. Yes.

12:44PM 5 MR. BROWER: Judge, calls for speculation.
6 I don't think he was there.

7 MS. DIGIACOMO: I can rephrase.

8 THE COURT: Why don't you rephrase. I
9 don't know if he's speculating, it's personal

12:44PM 10 knowledge. If he saw it, was he --

11 BY MS. DIGIACOMO:

12 Q. When you got to the scene of the car that
13 was involved in the home invasion where it was stopped,
14 were there other officers present?

12:44PM 15 A. Yes. Metro was there as well as other
16 detectives working the case.

17 Q. Were there any individuals there that were
18 not officers?

19 A. There was him and then there was another
12:45PM 20 subject that was with him. I don't recall his name.

21 Q. So when you say him, you're talking about
22 Mr. Dorsey?

23 A. Yes.

24 Q. So he was there with all these officers by
12:45PM 25 the car?

12:45PM 1 A. Yes.

2 Q. And you didn't see --

3 A. When I got there, the other subject

4 actually was under arrest and was being at that point

12:45PM 5 transported and leaving to go to jail at CCDC. He had

6 several warrants for his arrest. I don't recall.

7 Q. So the second passenger of this car is

8 gone?

9 A. Yes.

12:45PM 10 Q. And it's just Mr. Dorsey with the vehicle

11 and all the officers?

12 A. He's sitting down actually over by one of

13 our cars.

14 Q. Correct. But he's in the vicinity of this

12:45PM 15 car?

16 A. Yes.

17 Q. And everyone else there is officers

18 investigating?

19 A. Yes.

12:45PM 20 Q. So based upon what you had said earlier

21 you went over and contacted Mr. Dorsey to let him know

22 he was under arrest?

23 A. And I advised him what the charges were

24 for.

12:46PM 25 Q. What did you tell him he was under arrest

12:46PM 1 for?

2 A. Home invasion and damage to the property.

3 Q. And that was the home invasion that
4 occurred at 2731 Warm Rays?

12:46PM 5 A. Correct.

6 Q. Now, when you contacted Mr. Dorsey, did
7 you notice anything about his appearance?

8 A. Yes. He was wearing a suit jacket that on
9 his left arm had several tears in it that were pretty

12:46PM 10 fresh. And also --

11 Q. Wait. So you're pointing to the left arm,
12 your left arm, and you started kind of at the wrist and
13 went up to the elbow?

14 A. Yeah, I believe there was a few tears, one
12:46PM 15 was down here and I think there was a couple up in here
16 that were torn and they were frayed so you could tell
17 they were fresh, they weren't something that was old.
18 And the jacket was fairly new, it looked like a new
19 suit jacket.

12:46PM 20 Q. And there was only these tears and fraying
21 on the left arm?

22 A. On the left arm, correct.

23 Q. Did you notice anything else about his
24 physical appearance?

12:46PM 25 A. He had like some injuries on his right

12:46PM 1 hand. I don't recall exactly what they were, but they
2 were on his knuckle. Some dry blood.

3 Q. So on his right hand his knuckles had dry
4 blood?

12:47PM 5 A. Yes.

6 Q. But did those appear to be fresh injuries
7 or was it scabbed?

8 A. Yes. They appeared to be fresh.

9 Q. Anything else about his appearance?

12:47PM 10 A. No.

11 Q. Now, did you do a search incident to
12 arrest of him?

13 A. Yes.

14 Q. And anything found during the search?

12:47PM 15 A. The key to the vehicle.

16 Q. What vehicle are you referring to?

17 A. The vehicle that he was driving. It was a
18 Suzuki rental car.

19 MR. BROWER: Judge, this calls for
12:47PM 20 speculation. We don't know that he was driving the
21 vehicle.

22 THE COURT: Well, hang on. His testimony
23 was that he was driving it. If he can't testify that
24 he was driving it --

12:47PM 25 MS. DIGIACOMO: He testified he had the

12:47PM 1 key.

2 THE COURT: Your testimony is that he had
3 the key to the vehicle?

4 THE WITNESS: Yes. I apologize. Yes, he
12:47PM 5 had the key to the vehicle in his pocket.

6 BY MS. DIGIACOMO:

7 Q. And you said it was a Suzuki?

8 A. Yeah, I believe it was a Suzuki.

9 And he also had a glove in his pocket that
12:48PM 10 had some blood on it and then -- that was it.

11 Q. So he had one glove in his pocket?

12 A. One glove in his pocket and the car key.

13 Q. And did you ever find the other glove?

14 A. Yeah. We found the other glove in the
12:48PM 15 vehicle.

16 Q. And in the vehicle you're talking about is
17 the Suzuki?

18 A. Yes.

19 Q. And that's the one with the license plate
12:48PM 20 953LGM that was reported we've been talking about the
21 whole time?

22 A. Correct.

23 MS. DIGIACOMO: I have nothing further.

24 THE COURT: Mr. Brower.

12:48PM 25

CROSS-EXAMINATION

BY MR. BROWER:

Q. Officer, did you impound the jacket that you just talked about?

A. Yes, we did.

Q. And you have that in evidence?

A. Yes.

Q. Okay. And did you impound the gloves?

A. Yes.

Q. What kind of gloves were they?

A. They looked almost like mittens. They were cotton gloves.

Q. So were they gloves or mittens?

A. I don't know. Is there a difference?

Q. One has fingers and one has --

A. It had fingers, so sure. They were like cotton gloves.

Q. Sorry. I run a ski team. Big difference.

But you didn't see Mr. Dorsey driving the vehicle?

A. No, I did not.

Q. What race was the other person in the vehicle?

A. African American as well.

Q. Do you know how tall they were?

12:49PM 1 A. If I remember I want to say he was like
2 6-foot.
3 Q. Do you remember his weight?
4 A. He was thin.
12:49PM 5 Q. Thin like Mr. Dorsey or thinner?
6 A. I want to say thinner. But my interaction
7 with him was limited so I don't recall too much.
8 Q. Did you do any showups or lineups with
9 Kevin Nazareno?
12:50PM 10 A. No.
11 Q. You've never shown personally Kevin any
12 pictures of the other individual?
13 A. I don't understand your question.
14 Q. You singled out Mr. Dorsey as the person
12:50PM 15 you believe committed this crime. I'm trying to figure
16 out what you did with the other individual to show that
17 they didn't commit this crime?
18 A. We didn't do anything with him because we
19 saw him get picked up at the mall.
12:50PM 20 Q. But that was after the fact, correct?
21 A. Yes.
22 THE COURT: I'm confused. Picked up by
23 officers or picked up --
24 THE WITNESS: No. He was picked up by
12:50PM 25 Denzel in the parking garage.

12:50PM 1 MS. DIGIACOMO: And by Denzel you mean the
2 defendant?

3 THE WITNESS: Yes.

4 BY MR. BROWER:

12:50PM 5 Q. So you say that you saw the car pull into
6 the parking lot, never stop or do anything else and go
7 pick up the other individual?

8 A. The other detective did, Max Pilz. He saw
9 him pick up -- I believe pick him up inside the parking
10 garage.

11 Q. Did you guys call out any forensic
12 examination to the Warm Rays house?

13 A. Yes.

14 MR. BROWER: Judge, I'll pass the witness.

12:51PM 15 THE COURT: Anything else, Miss DiGiacomo?

16 MS. DIGIACOMO: No, Your Honor.

17 THE COURT: All right. Is this witness
18 free to go?

19 MS. DIGIACOMO: Yes.

12:51PM 20 THE COURT: Thank you so much, officer.

21 THE WITNESS: Thank you.

22 MS. DIGIACOMO: With that the State rests.

23 THE COURT: Any motion on anything
24 regarding the complaint?

12:52PM 25 MS. DIGIACOMO: Oh, yeah, I'm sorry.

12:52PM 1 Thank you. I need to move to amend lines 17 and 22 to
2 reflect Florentino and/or Norma Nazareno as the owners.

3 MR. BROWER: Submit it, Judge.

4 THE COURT: Is that it?

12:52PM 5 Mr. Brower.

6 MR. BROWER: Judge, my client is aware of
7 his right to testify at a preliminary hearing. I
8 believe he is going to follow my advice and not testify
9 before your Honor, but I know you have to canvas him.

12:52PM 10 THE COURT: Is that correct, Mr. Denzel
11 Dorsey? You have the right to testify at your own
12 preliminary hearing. However, it can't be held against
13 you if you don't testify. Are you taking your
14 attorney's advice and not testifying at this time?

12:52PM 15 THE DEFENDANT: Yes, your Honor.

16 THE COURT: Do you have any witnesses
17 otherwise you'd like to call?

18 MR. BROWER: We don't, Judge.

19 THE COURT: Waive and reserve, State?

12:52PM 20 MS. DIGIACOMO: Yes.

21 THE COURT: Mr. Brower.

22 MR. BROWER: Judge, I am going to submit
23 it on what you've already heard.

24 THE COURT: All right. The testimony was
12:53PM 25 that the arm went through the door, broke through the

12:53PM 1 door, attempted to open the door and that Kevin saw an
 2 African American male, watched him go out to the car
 3 with that particular license plate. That license plate
 4 was on the vehicle ultimately a short time later found

12:53PM 5 by the officers. And while we didn't have direct
 6 testimony, the key was in Mr. Dorsey's pocket a short
 7 time later. So to the extent there's any issues with
 8 the identification, the circumstantial evidence
 9 suggests that probable cause was met and that Denzel

12:53PM 10 Dorsey committed the crimes of attempt invasion of the
 11 home and malicious destruction of private property. I
 12 think the testimony on the malicious destruction of
 13 property was 1097.

14 So, Mr. Dorsey, I find probable cause has
 12:53PM 15 been met at this time on Count 1 and Count 2 so I am
 16 going to bind you over to District Court to answer
 17 those two charges.

18 I granted the motion to add Florentino to
 19 line 17 and line 21 to include an and/or with Norma
 12:54PM 20 Nazareno.

21 So do we have a date for District Court.

22 MR. BROWER: Judge, I know that she's
 23 going to give me the 11th but I am asking for the
 24 15th.

12:54PM 25 THE CLERK: I remember. May 15,

12:54PM 1 10:00 a.m. lower level.

2 THE COURT: We were operating off of an
3 amended. Are you aware of that?

4 MR. BROWER: I am, Judge.

12:55PM 5 THE COURT: I just wanted to make sure
6 that we were clear that we were binding him over on the
7 Amended Criminal Complaint of invasion of the home, not
8 attempt invasion of the home. Thank you.

9

12:55PM 10 (The proceedings concluded.)

11

12 * * * * *

13

14 ATTEST: Full, true and accurate

12:55PM 15 transcript of proceedings.

16

17 /S/Lisa Brenske

18 LISA BRENSKE, CSR No. 186

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DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-vs-

DENZEL DORSEY,
#2845569

Defendant.

CASE NO: C-17-323324-1

DEPT NO: XXII

STATE'S NOTICE OF WITNESSES AND/OR EXPERT WITNESSES
[NRS 174.234]

TO: DENZEL DORSEY, Defendant; and

TO: KEITH BROWER, ESQ., Counsel of Record:

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF
NEVADA intends to call the following witnesses and/or expert witnesses in its case in chief:

<u>NAME</u>	<u>ADDRESS</u>
ASHCROFT, J.	HPD P# 1551
BEZRUTCZYK, J.	HPD P# 1698
CHEN, R.	HPD P# 1292
CUSTODIAN OF RECORDS	Global Auto, 1525 E. Sunset Rd., LV, NV
CUSTODIAN OF RECORDS	Henderson Detention Center Communications
CUSTODIAN OF RECORDS	Henderson Detention Center Records
CUSTODIAN OF RECORDS	HPD COMMUNICATIONS

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1	CUSTODIAN OF RECORDS	HPD RECORDS
2	GROSS, K.	C/O CCDA'S OFFICE
3	GUTIERREZ, C.	HPD P# 1695
4	HAYEK, GHASSAN	Global Auto, 1525 E. Sunset Rd., LV, NV
5	LABINSKY, S.	HPD P# 1109
6	MCGEAHY, J.	HPD P# 1411
7	NAZARENO, FLORENTINO	2731 Warm Rays Ave., Henderson, NV
8	NAZARENO, KEVIN	2731 Warm Rays Ave., Henderson, NV
9	NAZARENO, NORMA	2731 Warm Rays Ave., Henderson, NV
10	PILZ, M.	HPD P# 1736
11	POWELL, MARQUISHA	5101 E. Twain Ave., LV, NV
12	ROUNDY, T.	HPD P# 714
13	SIMONEAU, S.	HPD P# 919
14	WARD, R.	HPD P# 1701
15	WATTS, J.	C/O CCDA'S OFFICE
16	EXPERTS:	
17	MARIAM, NICOLE, P# 2312, Crime Scene Analyst, Henderson Police Department	
18	NEWBOLD, RANDI, P# 1951, Crime Scene Analyst, Henderson Police Department	
19	ROSS-LYNCH, MEGAN, P# 1678, Crime Scene Analyst, Henderson Police Department	
20	SELF, JOY, P# 1370, Crime Scene Analyst, Henderson Police Department	
21	All are Crime Scene Analysts with the Henderson Police Department. All are experts	
22	in the area of the identification, documentation, collection and preservation of evidence and	
23	will give opinions related thereto. All are expected to testify regarding the identification,	
24	documentation, collection and preservation of evidence in this case.	
25	These witnesses are in addition to those witnesses endorsed on the Information or	
26	Indictment and any other witness for which a separate Notice of Witnesses and/or Expert	
27	Witnesses has been filed.	
28	///	

1 The substance of each expert witness' testimony and copy of all reports made by or at
2 the direction of the expert witness has been provided in discovery.

3 A copy of each expert witness' curriculum vitae, if available, is attached hereto.

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

7 BY


8 SANDRA K. DIGIACOMO
9 Chief Deputy District Attorney
10 Nevada Bar #006204

11 **CERTIFICATE OF ELECTRONIC FILING**

12 I hereby certify that service of the above and foregoing was made this 21st day of
13 August, 2017, by Electronic Filing to:

14 KEITH BROWER, ESQ.
15 browerlawoffice@aol.com

16 BY /s/ E. Goddard
17 E. Goddard
18 Secretary for the District Attorney's Office
19
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21
22
23
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Henderson Police Department
223 Lead Street
Henderson, NV 89015
702-267-5000

Curriculum Vitae of
Randi Newbold
Crime Scene Analyst II

Revised 07-18-16
Randi Newbold
Crime Scene Analyst II, Henderson Police Department
223 Lead Street
Henderson, NV 89015

INTRODUCTION

For the last three years I have been working as a Crime Scene Analyst for the Henderson Police Department. Prior to my employment here, I was a student at Weber State University studying Forensic Science Investigation and an intern at Weber Metro CSI.

CRIME SCENE EXPERIENCE

Crime Scene Analyst II
Henderson Police Department – February 2012 to Present

I started my employment at the Henderson Police Department as a Crime Scene Technician. After completing a Crime Scene Academy in July of 2012, I immediately began 21 weeks of field training, responding primarily on property calls. After completing field training I began transitioning into handling more serious calls – or crimes against people. I was promoted to a Crime Scene Analyst I on January 20, 2014 and then promoted to Crime Scene Analyst II on July 4, 2016. My job responsibilities include responding to a wide variety of calls ranging from burglaries to homicides and officer-involved shootings.

EDUCATION

International Association of Coroners & Medical Examiners 26 hours of instruction	July 2015
7 th Tri-Division Educational Conference 28 hours of instruction	November 2012
American Institute of Applied Science Forensic Science 101 Diploma	June 2012
Weber State University, Utah Bachelors of Science – Criminal Justice (Emphasis Forensic Science Investigation)	April 2011
Utah I.A.I. Spring Conference	May 2011

8 hours of instruction

Basic Crime Scene Photography
40 hours of instruction

April 2010

5th Tri-Division Educational Conference
28 hours of instruction

October 2010

SPECIALIZED TRAINING

Bloodstain Pattern Analysis:
Documenting, Report Writing, and Presenting
40 hours of instruction

August 2015

Basic Bloodstain Pattern Recognition
40 hours of instruction

September 2014

Forensic Pathology for Investigators
16 hours of instruction

February 2014

Fire Scene Evidence Collection and Packaging
6 hours of instruction

June 2013

Law 101: Legal Guide for the Forensic Expert
2 hours of instruction

August 2012

Forensic Entomology Refresher
8 hours of instruction

June 2012

Civilian Driver Awareness
8 hours of instruction

June 2012

Crime Scene Analyst Academy
367 hours of instruction

June 2012

Accident Scene Photography
2 hours of instruction

May 2012

Basic Shooting Reconstruction
24 hours of instruction

March 2012

FEMA (100, 200, 700, 800)
12 hours of instruction

February 2012

ASSIGNMENTS

Henderson Police Department
Crime Scene Analyst

February 2012-Present

PROFESSIONAL ORGANIZATIONS

International Association for Identification
Certified Crime Scene Investigator

July 2013

Curriculum Vitae

**Las Vegas Criminalistics Bureau
Statement of Qualifications**

Name: ROSS-LYNCH, Megan

P# 9976

Date: 04-01-13

CURRENT CLASSIFICATION		
	<i>Classification</i>	<i>Minimum Qualifications</i>
	Crime Scene Analyst I	AA Degree with major course work in Criminal Justice, Forensic Science, Physical Science or related field, including specialized training in Crime Scene Investigation.
	Crime Scene Analyst II	18 months - 2 years continuous service with LVMPD as a Crime Scene Analyst I.
X	Senior Crime Scene Analyst	Two (2) years as a Crime Scene Analyst II to qualify for the promotional test for Senior Crime Scene Analyst.
	Crime Scene Analyst Supervisor	Four (4) years continuous service with LVMPD and completion of probation as a Senior Crime Scene Analyst. Must have the equivalent of a Bachelor's Degree from an accredited college or university with major course work in Criminal Justice, Forensic Science, Physical Science or related field.
FORMAL EDUCATION		
	<i>Institution</i>	<i>Major</i>
	UNLV	Biology w/minor in Criminal Justice
TESTIMONY		
<i>Yes</i>	<i>No</i>	
X		District Court, Justice Court
X		U.S. District Court
EMPLOYMENT HISTORY		
	<i>Employer</i>	<i>Title</i>
	LVMPD	SENIOR CSA
	LVMPD	CSA II
	LVMPD	CSAI

Joy A. Self
Henderson Police Department
223 Lead St., Henderson, NV 89009
Joy.Self@cityofhenderson.com
702-267-4834

EDUCATION:

California State University, Fresno: Bachelor of Science, Criminology, 1990

EMPLOYMENT:

Henderson Police Department, Crime Scene Analyst II, 05/06 – present

Modesto Police Department, Identification Technician II, 12/01 – 05/06

Ventura County Sheriff's Department, Sheriff's Service Technician, 05/91 – 12/01

PROFESSIONAL ORGANIZATIONS:

International Association for Identification

Nevada State Division of the International Association for Identification

International Association of Bloodstain Pattern Analysts

COURT TESTIMONY:

State of Nevada, Henderson Justice Court

State of California, Superior Court, Stanislaus County

State of California, Superior Court, Ventura County

PROFESSIONAL TRAINING COURSES:

California State University, Long Beach Center for Criminal Justice Research and Training, Field Evidence Technician Training Course – 1993, 120 hrs.

California Department of Justice (DOJ), Fingerprint Pattern Recognition – 1993, 24 hrs.

Omnichrome Corporation: Evidence Detection Using Forensic Light Source Techniques 1994, 16 hrs.

DOJ – California Criminalistics Institute, Firearms Safety Course – 1995, 40 hrs.

National Police Forensic Video Workshops: Crime Scene Video – 1995, 24 hrs.

Advanced Palm Print Identification, instructed by Ron Smith – 1996, 24 hrs.

Federal Bureau of Investigation, Latent Print Identification – 1996, 24 hrs.

California Department of Justice, Latent Print Tracing Techniques – 1997, 24 hrs.

DOJ - California Criminalistics Institute, Latent Print Techniques – 1997, 40 hrs.

DOJ - California Criminalistics Institute, Latent Print Comparisons – 1997, 40 hrs. International

Association for Identification - Administrative Advanced Latent Fingerprint Procedures – 1997, 40 hrs.

National Crime Investigation and Training (NCIT), Crime Scene Investigation and

Reconstruction (Joe Rynearson) – 1997, 60 hrs.

Forensic Identification Training Seminars Ltd., Advanced Ridgeology Techniques 1998, 40 hrs.

Ventura County Criminal Justice Training Center, Basic Traffic Collision Investigation – 2001, 40 hrs.

TBI, LLC (Tom Bevel), Basic Bloodstain Pattern Analysis – 2002, 40 hrs.

International Association for Identification: 87th International Educational Conference – 2002, 40 hrs.

University of Tennessee, National Forensic Academy, Session V – 2003, 400 hrs. National Crime

Investigation and Training (NCIT), Advanced Crime Scene Investigation (Joe Rynearson) – 2004, 50 hrs.

Forensic Training & Consulting, LLC (Ed Hueske), Shooting Incident Analysis and

Reconstruction – 2004, 40 hrs.

Intergraph Solutions: Video Analyst System Training – 2004, 24 hrs.

TBI, LLC (Tom Bevel), Crime Scene Reconstruction I – 2005, 40 hrs.

TBI, LLC (Tom Bevel), Crime Scene Reconstruction II – 2005, 40 hrs.

Forensic Medical Investigation (Dr. Mary Dudley – 2006, 24 hrs.

Tri-Division Educational Conference (NSDIAI) – 2006, 24 hrs.

International Association of Arson Investigators: Advanced Fire Investigation Seminar – 2006, 32 hrs.

Armed Forces Institute of Pathology: Basic Forensic Pathology – 2006, 40 hrs.

Public Agency Training Council: Leadership Skills for Challenging Times – 2006, 24 hrs.

Las Vegas Metropolitan Police Department: Crime Scene Analyst Academy – 2006, 160 hrs.

Craig C. Moore: Bloodstain Pattern Analysis Review – 2007, 10 hrs.

Vernon Geberth: Practical Homicide Investigation – 2007, 24 hrs.

National Forensic Academy (Jeff Gurvis): Bloodstain Pattern Interpretation – 2007, 40 hrs.

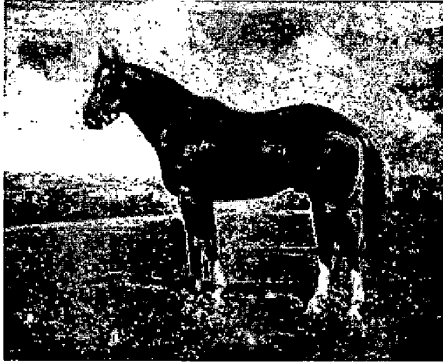
Armed Forces Institute of Pathology: Forensic Anthropology – 2007, 40 hrs.
Vernon Geberth: Advanced Practical Homicide Investigation – 2007, 40 hrs.
Ron Smith and Associates: Finding Latent Evidence with Chemistry and Light – 2007, 32 hrs.
Public Agency Training Council: Medical Death Investigation – 2008, 16 hrs.
Kaminsky & Associates: Field Training Officer Seminar – 2008, 40 hrs.
Laboratory of Forensic Science: Institute on the Physical Significance of Bloodstain
Evidence – 2008, 40 hrs.
International Association of Coroners and Medical Examiners Annual Conference – 2009, 38 hrs

Evelyn Goddard

From: Evelyn Goddard
Sent: Monday, August 21, 2017 12:28 PM
To: 'browerlawoffice@aol.com'
Subject: C323324 - DORSEY
Attachments: SCAN_3931.pdf

Please find attached a courtesy copy of State's Notice of Witnesses and/or Expert Witnesses.

*Evelyn R. Goddard – Legal Secretary
Clark County District Attorney's Office
Team L-5
Ph. (702) 671-2818
Fax (702) 382-7632
E-Mail – evelyn.goddard@clarkcountydade.com*





1 **ORDR**

2 **DISTRICT COURT**

3 **CLARK COUNTY, NEVADA**

4 **THE STATE OF NEVADA,**

Case No. C-17-323324-1

Dept. No. XXII

5 **Plaintiff,**

6 **Vs.**

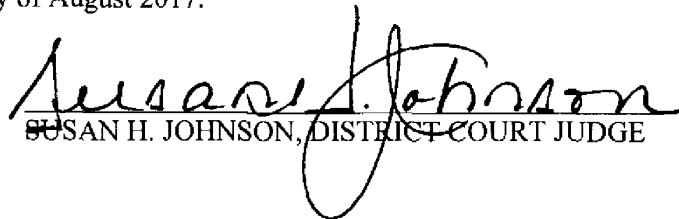
7 **DENZEL DORSEY, #2845569,**

8 **Defendant.**

9 **ORDER RE: DISCOVERY**

10 **IT IS ORDERED, ADJUDGED AND DECREED** Plaintiff THE STATE OF NEVADA
11 shall provide to the defense all evidentiary material as required pursuant to both federal and state
12 law, including, but not limited to that mandated by Brady v. Maryland, 373 U.S. 83, 83
13 S.Ct. 1194, 10 L.Ed.2d 215 (1963), Giglio v. United States, 405 U.S. 150, 92 S.Ct. 763, 31 L.Ed.2d
14 104 (1972) and NRS 174.235.
15

16 DATED this 31st day of August 2017.

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18 SUSAN H. JOHNSON, DISTRICT COURT JUDGE

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SUSAN H. JOHNSON
DISTRICT JUDGE
DEPARTMENT XXII

CERTIFICATE OF SERVICE

I hereby certify, on the 31st day of August 2017, I electronically served (E-served), placed within the attorneys' folders located on the first floor of the Regional Justice Center and/or mailed a true and correct copy of the foregoing ORDER RE: DISCOVERY to the following counsel of record, and that first-class postage was fully prepaid thereon:

STEVEN B. WOLFSON, ESQ., Clark County District Attorney
SANDRA K. DIGIACOMO, ESQ., Chief Deputy District Attorney
CLARK COUNTY DISTRICT ATTORNEY'S OFFICE
200 Lewis Avenue, Third Floor
Las Vegas, Nevada 89155-2212

KEITH BROWER, ESQ
8275 South Eastern Avenue, Suite 200
Las Vegas, Nevada 89123

Laura Banks
Laura Banks, Judicial Executive Assistant

SUSAN H. JOHNSON
DISTRICT JUDGE
DEPARTMENT XXII



1 Keith C. Brower, Esq.
2 Nevada Bar #007288
3 The Law Offices Of Keith C. Brower, LLC
4 8275 South Eastern Suite 200
5 Las Vegas, NV 89123
6 (702) 451-4921
7 Attorney For The Defendant

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

9 STATE OF NEVADA,)	Case No.: C-17-323324-1
10 Plaintiff,)	Dept. No.: XXII
11 vs.)	
12 DENZEL DORSEY,)	
13 ID# 2845569)	
14 Defendant)	

15 **MOTION TO WITHDRAW DUE TO CONFLICT**

16 Defendant Denzel Dorsey, by and through his attorney Keith C. Brower, Esq.,
17 respectfully requests that this Court allow Keith C. Brower, Esq. to withdraw as attorney of
18 record for Mr. Dorsey and that this Court appoint independent counsel for Mr. Dorsey due to
19 a conflict of interest.

20 This Motion is made based upon the papers and pleadings on file, the attached
21 Declaration Of Counsel, as well as any oral argument this Court may entertain at the hearing
22 on this Motion.

23 DATED this 29th day of November 2017.

24 /s/ Keith C. Brower
25 Keith C. Brower, Esq.
26 Nevada Bar#7288
27 8275 South Eastern #200
28 Las Vegas, Nevada 89123

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1. I am an attorney duly licensed to practice law in the State of Nevada.
2. That a conflict regarding my representation of Mr. Dorsey has arisen in this case.
3. That this conflict stems from my appointment in November to Dajae Germany's Henderson Justice Court Case Number 17FH1906B.
4. That pursuant to confidential communications with Mr. Germany and the discovery tendered following my appointment to Mr. Germany's case I learned that I would have a conflict continuing to represent Mr. Dorsey in this case.
5. This conflict also necessitated the withdrawal of my continued representation of Mr. Germany and my withdrawal in his case was granted on November 15, 2017.
6. That this conflict involving Mr. Dorsey cannot be resolved.
7. That the effective representation of Mr. Dorsey requires that I step down from this case.
8. Therefore, I request that this Court allow me to withdraw as the attorney of record in this case and that this Court appoint independent counsel to represent Mr. Dorsey from this point forward.

/s/ Keith C. Brower
Keith C. Brower, Esq.

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DATED this 29h day of November 2017.

Certificate Of Service

Clark County District Attorney's Office Keith Brower

By */s/ Keith C. Brower*
Keith C. Brower, Esq.
Nevada Bar# 7288 - Attorney For Defendant
The Law Offices Of Keith, C Brower, LLC
8275 South Eastern #200
Las Vegas, NV 89123

Steven D. Grierson

1 **EXPR**
2 CAITLYN MCAMIS, ESQ.
3 Nevada Bar No. 012616
4 THE LAW OFFICES OF KRISTINA WILDEVELD
5 550 E. Charleston Blvd., Suite A
6 Las Vegas, NV 89104
7 Phone (702) 222-0007
8 Fax (702) 222-0001
9 Attorney for Defendant, DENZEL DORSEY

7 **DISTRICT COURT**
8 **CLARK COUNTY, NEVADA**
9 *****

10 THE STATE OF NEVADA,

11 Plaintiff,

12 vs.

13 DENZEL DORSEY,

14 Defendant.

CASE NO.: C-17-323324-1
DEPT. NO.: XXII

15 **EX-PARTE ORDER TO APPOINT COUNSEL AND**
16 **TO WAIVE COURT FILING FEES**

17 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that CAITLYN
18 MCAMIS, ESQ., of The Law Offices of Kristina Wildeveld, is appointed to represent Defendant,
19 DENZEL DORSEY, from the commencement of the appointment on January 16, 2018, through
20 the conclusion of the trial proceedings in the above-entitled matter.

21 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that all filing fees shall
22 be waived.

23 DATED and DONE this 17th day of January, 2018.

24 *Susan Johnson*
25 HONORABLE JUDGE SUSAN JOHNSON
26 EIGHTH JUDICIAL DISTRICT COURT

27 Respectfully Submitted by:

28 *CMC*
CAITLYN MCAMIS, ESQ.
Nevada Bar No. 012616
Attorney for Defendant, DENZEL DORSEY

ORIGINAL

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

MAR 09 2018

BY: Keri Cromer
KERI CROMER, DEPUTY

GPA
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
SANDRA K. DIGIACOMO
Chief Deputy District Attorney
Nevada Bar #006204
200 Lewis Avenue
Las Vegas, NV 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-vs-

DENZEL DORSEY,
#2845569

Defendant.

CASE NO: C-17-323324-1

DEPT NO: XXII

GUILTY PLEA AGREEMENT

I hereby agree to plead guilty to: **COUNT 1 - INVASION OF THE HOME**
(Category B Felony - NRS 205.067 - NOC 50435), as more fully alleged in the charging
document attached hereto as Exhibit "1".

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

The State will retain the right to argue. Additionally, the State agrees not to seek
habitual criminal treatment. Further, the State will not oppose dismissal of Count 2 and Case
No. 17F21598X after rendition of sentence. The State will not oppose standard bail after entry
of plea. However, if I fail to go to the Division of Parole & Probation, fail to appear at any
future court date or am arrested for any new offenses, I will stipulate to habitual criminal
treatment, to the fact that I have the requisite priors and to a sentence of sixty (60) to one
hundred twenty (120) months in the Nevada Department of Corrections. Additionally I agree
to pay full restitution including for cases and counts dismissed.

C-17-323324-1
GPA
Guilty Plea Agreement
4728986



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

4 I understand and agree that, if I fail to interview with the Department of Parole and
5 Probation, fail to appear at any subsequent hearings in this case, or an independent magistrate,
6 by affidavit review, confirms probable cause against me for new criminal charges including
7 reckless driving or DUI, but excluding minor traffic violations, the State will have the
8 unqualified right to argue for any legal sentence and term of confinement allowable for the
9 crime(s) to which I am pleading guilty, including the use of any prior convictions I may have
10 to increase my sentence as an habitual criminal to five (5) to twenty (20) years, life without
11 the possibility of parole, life with the possibility of parole after ten (10) years, or a definite
12 twenty-five (25) year term with the possibility of parole after ten (10) years.

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

15 CONSEQUENCES OF THE PLEA

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

18 **As to Count 1**, I understand that as a consequence of my plea of guilty the Court must
19 sentence me to imprisonment in the Nevada Department of Corrections for a minimum term
20 of not less than ONE (1) year and a maximum term of not more than TEN (10) years. The
21 minimum term of imprisonment may not exceed forty percent (40%) of the maximum term of
22 imprisonment. I understand that I may also be fined up to \$10,000.00. I understand that the
23 law requires me to pay an Administrative Assessment Fee.

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

28 ///

1 **As to Count 1**, I understand that I am not eligible for probation for the offense to which
2 I am pleading guilty.

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

5 I understand that if I am pleading guilty to charges of Burglary, Invasion of the Home,
6 Possession of a Controlled Substance with Intent to Sell, Sale of a Controlled Substance, or
7 Gaming Crimes, for which I have prior felony conviction(s), I will not be eligible for probation
8 and may receive a higher sentencing range.

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

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

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

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

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

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

- 23 1. The removal from the United States through deportation;
- 24 2. An inability to reenter the United States;
- 25 3. The inability to gain United States citizenship or legal residency;
- 26 4. An inability to renew and/or retain any legal residency status; and/or
- 27 5. An indeterminate term of confinement, with the United States Federal
28 Government based on my conviction and immigration status.

///

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

4 I understand that the Division of Parole and Probation will prepare a report for the
5 sentencing judge prior to sentencing. This report will include matters relevant to the issue of
6 sentencing, including my criminal history. This report may contain hearsay information
7 regarding my background and criminal history. My attorney and I will each have the
8 opportunity to comment on the information contained in the report at the time of sentencing.
9 Unless the District Attorney has specifically agreed otherwise, the District Attorney may also
10 comment on this report.

11 WAIVER OF RIGHTS

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

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

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1 VOLUNTARINESS OF PLEA

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

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

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

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

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

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

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


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

20 DATED this 13th day of March, 2018.

21 

22 DENZEL DORSEY
23 Defendant

24 AGREED TO BY:

25 
26 SANDRA E. DIGIACOMO
27 Chief Deputy District Attorney
28 Nevada Bar #006204

1 CERTIFICATE OF COUNSEL:

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

- 4 1. I have fully explained to the Defendant the allegations contained in the
5 charge(s) to which guilty pleas are being entered.
- 6 2. I have advised the Defendant of the penalties for each charge and the restitution
7 that the Defendant may be ordered to pay.
- 8 3. I have inquired of Defendant facts concerning Defendant's immigration status
9 and explained to Defendant that if Defendant is not a United States citizen any
10 criminal conviction will most likely result in serious negative immigration
11 consequences including but not limited to:
 - 12 a. The removal from the United States through deportation;
 - 13 b. An inability to reenter the United States;
 - 14 c. The inability to gain United States citizenship or legal residency;
 - 15 d. An inability to renew and/or retain any legal residency status; and/or
 - 16 e. An indeterminate term of confinement, by with United States Federal
17 Government based on the conviction and immigration status.
- 18 Moreover, I have explained that regardless of what Defendant may have been
19 told by any attorney, no one can promise Defendant that this conviction will not
20 result in negative immigration consequences and/or impact Defendant's ability
21 to become a United States citizen and/or legal resident.
- 22 4. All pleas of guilty offered by the Defendant pursuant to this agreement are
23 consistent with the facts known to me and are made with my advice to the
24 Defendant.
- 25 5. To the best of my knowledge and belief, the Defendant:
 - 26 a. Is competent and understands the charges and the consequences of
27 pleading guilty as provided in this agreement,
 - 28 b. Executed this agreement and will enter all guilty pleas pursuant hereto
voluntarily, and
 - c. Was not under the influence of intoxicating liquor, a controlled
substance or other drug at the time I consulted with the Defendant as
certified in paragraphs 1 and 2 above.

29 Dated: This 13th day of March, 2018.



ATTORNEY FOR DEFENDANT

30 erg/L-5

Steven D. Grierson

1 INFM
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 SANDRA K. DIGIACOMO
6 Chief Deputy District Attorney
7 Nevada Bar #006204
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

7 I.A. 5/15/17
10:00 A.M.
8 K. BROWER, ESQ.

9 THE STATE OF NEVADA,

10 Plaintiff,

11 -vs-

12 DENZEL DORSEY,
13 #2845569

14 Defendant.

CASE NO: C-17-323324-1

DEPT NO: XXII

INFORMATION

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

17 STEVEN B. WOLFSON, Clark County District Attorney within and for the County of
18 Clark, State of Nevada, in the name and by the authority of the State of Nevada, informs the
19 Court:

20 That DENZEL DORSEY, the Defendant(s) above named, having committed the crimes
21 of **INVASION OF THE HOME (Category B Felony - NRS 205.067 - NOC 50435)** and
22 **MALICIOUS DESTRUCTION OF PROPERTY (Gross Misdemeanor - NRS 206.310,**
23 **193.155 - NOC 50905)**, on or about the 28th day of November, 2016, within the County of
24 Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made
25 and provided, and against the peace and dignity of the State of Nevada,

26 ///

27 ///

28 ///

1 COUNT 1 - INVASION OF THE HOME

2 did willfully, unlawfully, feloniously, and forcibly enter an inhabited dwelling, to wit:
3 2731 Warm Rays, Henderson, Clark County, Nevada, without permission of the owner,
4 resident, or lawful occupant, to wit: FLORENTINO and/or NORMA NAZARENO, by
5 breaking a glass door window, putting his arm through the window and unlocking the deadbolt,
6 in an attempt to gain entry.

7 COUNT 2 - MALICIOUS DESTRUCTION OF PROPERTY

8 did willfully, unlawfully, or maliciously destroy and/or injure the real and/or personal
9 property of another, to wit: a glass door window, owned by FLORENTINO and/or NORMA
10 NAZARENO, located at 2731 Warm Rays, Henderson, Clark County, Nevada, by breaking
11 said glass door window at said residence, the value of said damage being \$250.00 or more and
12 less than \$5,000.00.

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

15 BY

16 SANDRA K. DIGIACOMO
17 Chief Deputy District Attorney
Nevada Bar #006204

18 Names of witnesses known to the District Attorney's Office at the time of filing this
19 information are as follows:

20 <u>NAME</u>	<u>ADDRESS</u>
21 CUSTODIAN OF RECORDS	Henderson Detention Center Communications
22 CUSTODIAN OF RECORDS	Henderson Detention Center Records
23 CUSTODIAN OF RECORDS	HPD COMMUNICATIONS
24 CUSTODIAN OF RECORDS	HPD RECORDS
25 GROSS, K.	C/O CCDA'S OFFICE
26 GUTIERREZ, C.	HPD P# 1695
27 HAYEK, GHASSAN	Global Auto, 1525 E. Sunset Rd., LV, NV
28 ///	

1 MCGEAHY, J. HPD P# 1411
2 NAZARENO, KEVIN 2731 Warm Rays Ave., Henderson, NV
3 NAZARENO, NORMA 2731 Warm Rays Ave., Henderson, NV
4 WARD, R. HPD P# 1701

5 **DO NOT READ TO THE JURY**

6 **UNDER NO CIRCUMSTANCES IS THE LANGUAGE CONTAINED**
7 **HEREINAFTER TO BE READ TO A JURY HEARING THE PRIMARY OFFENSE**
8 **FOR WHICH THE DEFENDANT IS PRESENTLY CHARGED.**

8 **NOTICE OF PRIOR BURGLARY AND/OR HOME INVASION CONVICTIONS**

9 The State of Nevada hereby places Defendant DENZEL DORSEY on notice that in the
10 event of a Burglary conviction pursuant to NRS 205.060 and/or a Home Invasion conviction
11 pursuant to NRS 205.067 in the above-entitled action, he/she will not be eligible for probation
12 as Defendant DENZEL DORSEY has already suffered one (1) prior Burglary and/or Home
13 Invasion conviction(s), as set forth in the "Notice of Intent to Seek Punishment as a Habitual
14 Criminal," said notice being incorporated by this reference as though fully set forth herein.

15 **UNDER NO CIRCUMSTANCES IS THE LANGUAGE CONTAINED**
16 **HEREINAFTER TO BE READ TO A JURY HEARING THE PRIMARY OFFENSE**
17 **FOR WHICH THE DEFENDANT IS PRESENTLY CHARGED.**

17 **NOTICE OF INTENT TO SEEK PUNISHMENT AS A HABITUAL**
18 **CRIMINAL**

19 The State of Nevada hereby places Defendant DENZEL DORSEY on notice of the
20 State's intent to seek punishment of Defendant DENZEL DORSEY pursuant to the provisions
21 of NRS 207.010 as a habitual criminal in the event of a felony conviction in the above-entitled
22 action.

23 The State will seek punishment as a habitual criminal based upon the following felony
24 convictions, to wit:

25 ///

26 ///

27 ///

28 ///

1. That in 2012, the Defendant was convicted in the Eighth Judicial District Court, County of Clark, State of Nevada, for the crime of Invasion of Home, in Case No. C-12-284308-1.

2. That in 2012, the Defendant was convicted in the Eighth Judicial District Court, County of Clark, State of Nevada, for the crime of Attempt Burglary, in Case No. C-12-279732-1.

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

BY

SANDRA K. DIGIACOMO
Chief Deputy District Attorney
Nevada Bar #006204

DO NOT READ TO THE JURY

DA#16FH2022X/erg/L-5
HPD EV#1621448
(TK)

THIS SEALED
DOCUMENT,
NUMBERED PAGE(S)
133 - 144
WILL FOLLOW VIA
U.S. MAIL



MOT
CAITLYN MCAMIS, ESQ.
Nevada Bar No. 012616
THE LAW OFFICES OF KRISTINA WILDEVELD
550 E. Charleston Blvd., Suite A
Las Vegas, NV 89104
Phone (702) 222-0007
Fax (702) 222-0001
Attorney for Defendant, DENZEL DORSEY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,)	
)	CASE NO. C-17-323324-1
Plaintiff,)	DEPT. NO. XXII
)	
vs.)	
)	
DENZEL DORSEY,)	
)	
Defendant.)	

MOTION TO PLACE ON CALENDAR TO ADDRESS CUSTODY STATUS AND HOLD

COMES NOW the Defendant, DENZEL DORSEY, by and through his attorney, CAITLYN MCAMIS, ESQ., and respectfully moves to place this matter on calendar to address Mr. Dorsey's custody status in this case while he is subject to an out-of-state hold.

This motion is made and based upon all of the papers and pleadings on file herein, the attached Declaration in support hereof, as well as oral argument at the time of hearing.

DATED this 25th day of April, 2018.

Respectfully Submitted by:

/s/: Caitlyn McAmis
CAITLYN MCAMIS, ESQ.
Nevada Bar No. 012616
Attorney for Defendant, DENZEL DORSEY

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NOTICE OF MOTION

TO: STATE OF NEVADA, Plaintiff; and,
TO: CLARK COUNTY DISTRICT ATTORNEY, Attorney for Plaintiff;
TO: SANDRA DIGIACOMO, Chief Deputy District Attorney;

YOU AND EACH OF YOU WILL PLEASE TAKE NOTICE that the Defendant will bring the foregoing **MOTION TO PLACE ON CALENDAR TO ADDRESS CUSTODY STATUS AND HOLD** on for hearing on the __ day of May 8, 2018 at the hour of 8:30 am .m., in Department 22 of the Eighth Judicial District Court, or as soon thereafter as the matter can be heard before the Court.

DATED this 25th day of April, 2018.

Respectfully submitted by:

/s/: Caitlyn McAmis
CAITLYN MCAMIS, ESQ.
Nevada Bar No. 012616
550 E. Charleston Blvd., Suite A
Las Vegas, NV 89104
(702) 222-0007
Attorney for Defendant, DENZEL DORSEY

1 **DECLARATION OF CAITLYN MCAMIS, ESQ.**

2 I, Caitlyn McAmis, Esq., declare that I have personal knowledge of the facts set forth
3 below, except for those statements expressly made upon information and belief, and as to those
4 facts, I believe them to be true and I am competent to testify:

5 1. That I am an attorney duly licensed to practice law in the State of Nevada and I have been
6 appointed to represent Defendant, Denzel Dorsey, in this instant matter.

7 2. That Mr. Dorsey entered a guilty plea in this case and was released from this case
8 pending Sentencing.

9 3. That Mr. Dorsey has remained in the Clark County Detention Center on a hold related to
10 a California case.

11 4. That Mr. Dorsey remains subject to that hold and has not been released, and that release
12 will not occur until his Nevada matter(s) are resolved.

13 5. That Counsel respectfully asks this matter to be placed back on calendar to address Mr.
14 Dorsey's custody status, that he be remanded on this case, accruing credit, and that an in-custody
15 sentencing date be scheduled with the matter referred to P&P for an in-custody PSI interview.

16 6. That Declarant has read the contents of the Defendant's Motion herein, and that, based
17 upon information and belief, all of the factual allegations contained therein are true and correct.

18 I make this declaration upon information and belief under penalty of perjury under the
19 laws of the State of Nevada this 25th day of April, 2018.

20 /s/: Caitlyn McAmis
21 CAITLYN MCAMIS, ESQ.
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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on April 26, 2018, a true copy of **MOTION TO PLACE ON CALENDAR TO ADDRESS CUSTODY STATUS AND HOLD** was served upon interested parties by way of electronic mail (e-mail) through the Court’s electronic filing system, Odyssey File & Serve, to counsel’s corresponding e-mail address as follows:

SANDRA DIGIACOMO, ESQ.
E-mail: *sandra.digiacom@clarkcountyda.com*
E-mail: *Motions@clarkcountyda.com*

/s/: Caitlyn McAmis
CAITLYN MCAMIS, ESQ.

191

Steven D. Grierson

MC
DA
PP
AOR-
Caitlyn
McAmis

DENZEL DORSEY
#2845569, CCDC, NVC
330 S. Casino Center Blvd.
LAS Vegas, Nevada 89101

District Court
Clark County, Nevada

The State of Nevada
Plaintiff

-VS-

#2845569

Case No. # C-¹⁷323324-1

Dept. No. # 22 ~~XXII~~

Denzel Dorsey
Defendant

Date: 06/28/18 Time: 9:00 AM

Motion To Dismiss Counsel

Comes now, defendant, Denzel Dorsey, in Pro Se, moves
this Honorable Court for a Motion To Dismiss Counsel.
This motion is made and based upon all papers, pleadings, and
documents on file with the clerk of the Court. The Points and
Authorities, and the argument contained therein.

Dated this 27 day of MAY 2018

Respectfully Submitted

Denzel Dorsey #2845569

DD

In Pro Se, CCDC NVC

330 S Casino Center Blvd
LAS Vegas, Nevada 89101

CLERK OF THE COURT

RECEIVED
JUN 06 2018

CLERK OF THE COURT

RECEIVED
MAY 31 2018

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Points AND Authorities Argument

Nev. Rev. Stat. 7.055 provides that:

An Attorney who has been discharged by his client,
shall, upon demand... immediately deliver to the client
all papers, documents, pleadings and items of tangible personal
property which belong to or were prepared for that client

In this case, defendant was appointed counsel, and
counsel simply not filing the requested Pre Sentence motion
to withdraw guilty plea, addressing Nev. Rev. Stat. 176.165
to where the defendant can move to withdraw his plea.
and also wherein counsel has failed to comply with Rule 401-4
under the Nevada Rules of professional conduct, by failing to
carry out defendants interest in his court proceedings whereas
counsel (1) not reasonably informing defendant about the status
of his case matters (2) failing to communicate with the
defendant as oathed by counsel (3) mis informing defendant
of various court proceedings on counsels behalf (4) by not
filing various motions that defendant has requested

wherefore, defendant has filed this motion to
Dismiss Counsel to be heard, and formally requested
that Counsel be Dismissed,

1 Certificate of Service by Mailing
2

3 I, Denzel Dorsey, do declare pursuant to N.R.C.P 5(b)
4 that on this day 27 of May 2018 I sent a
5 copy of Motion To Dismiss Counsel, and notice of
6 Motion to;
7

8 The Clerk of the Court
9 Regional Justice Center
10 200 Lewis Avenue
11 Las Vegas, Nevada 89101
12

Steven Wolfson
District Attorney
200 Lewis Avenue
Las Vegas, Nevada 89101

13 Kristina Wildeveld, Esq.
14 Attorney at Law [Court appointed]
15 550 E. Charleston Blvd Suite A
16 Las Vegas, NV 89104

17 Dated this 27 day of May 2018
18

19 Respectfully Submitted

20 Denzel Dorsey

21 

22 In Pro Se, CCDC NVC
23 330 S. Casino Center Blvd
24 Las Vegas, Nevada 89101
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26
27
28

Denzel Dorsey #2845569
CCDC, NV
330 S. Casino Center Blvd
Las Vegas, NV 89101

LAS VEGAS NV 890

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Barn Swallow

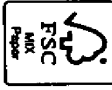
CCDC #2845569

Attn: Clerk of the Court
Dept. ~~XVII~~ (22)
Regional Justice Center
200 Lewis Avenue
Las Vegas, NV 89101

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29

Steven D. Grierson

1 Denzel Dorsey
2 #2845569, CCDC, NVC
3 330 S. Casino Center Blvd
4 Las Vegas, Nevada 89101

District Court
Clark County, Nevada

5
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9 The State of Nevada
10 Plaintiff, -

11 -VS-

Case NO. # C-17-323324-1

12 Denzel Dorsey #2845569
13 Defendant,

Dept. NO # 22 XXII

Date: 06/28/18 Time: 9:00 AM

14
15 Motion TO WITHDRAW PLEA

16
17 Comes now, defendant, Denzel Dorsey, in Pro Se,
18 moves this Honorable Court for a Motion TO WITHDRAW PLEA.
19 This motion is made and based upon all papers,
20 pleadings and documents on file with the Clerk of the Court,
21 the points and authorities, and the argument contained
22 therein.

23 Dated this 27 day of May 2018

24 Respectfully Submitted
25 Denzel Dorsey #2845569

DD
26 IN Pro Se, CCDC, NVC
27 330 S. CASINO Center Blvd
28 Las Vegas, Nevada 89101

(1)

MC
DA
PP
Ad-
Caitlyn
mcAmis

CLERK OF THE COURT

JUN 06 2018

RECEIVED

CLERK OF THE COURT

MAY 3 2018

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Points and Authorities ^{Argument}

In this case, defendant, was appointed counsel and counsel ignored defendant's request to reasonably investigate, and now defendant asserts that his guilty plea was not knowingly, voluntarily, and intelligently entered because counsel led him to believe his case was indefensible **Strickland v. Washington**.

Defendant has explained his favorable facts in which counsel ignored the defendant request to investigate, wherein counsel told the defendant that because of his extensive criminal history and since there was drugs in the vehicle, the jury would shame upon him, that the defendant was to lose his trial and become convicted under the habitual criminal act. regardless of the defendant's favorable facts that now I submit to rise. The defendant was advised by counsel to take the states plea offer or there would be no other deal but to become habitualize under a 5-20 year sentence. **Cripps v. State**.

The defendant was also expecting his first child to be born at the time he had entered the guilty plea, wherein counsel has told the defendant that the only way to get rid of this to move on with life and to see his first child be born, was to sign the plea agreement with the stipulation that the defendant was to remain out of custody, that his bail was to be re-instated in this case and get an OR in case NO. 17F21598X for dismissal after rendition of sentence. The defendant

1 ask his counsel to had put a motion to adjust his custody
2 status wherein counsel said that the defendant wouldn't
3 get a bail and the only way was to sign the plea agree-
4 ment. The defendant told counsel that he may have a flight
5 debitor in the state of California, wherein counsel stated
6 that he would be released within 30 days from the state
7 of Nevada's custody upon entering the plea agreement. The
8 defendant has not seen his relief in being released from
9 Nevada's custody, wherein now the state has placed a
10 informal hold on the defendant until the full resolution of
11 local charges, which the defendant has entered the plea
12 with the knowledge of promise that he was to remain
13 out of custody until sentencing as told by counsel.

14 Crawford v. State

15 Therefore, counsel was ineffective for failing to reason-
16 ably investigate, failing to explain the strength and weak-
17 nesses of the evidence, failing to inform him of the con-
18 sequences of the plea, failing to provide an adequate
19 defense and failing to ensure defendant understood
20 the sentencing scheme.

21 wherefore with the defendant's belief that he had no
22 viable defense and therefore no choice than to accept
23 the state's plea bargain, and that there is new evidence
24 that could relieve the defendant of guilt and persecution,
25 the defendant moves to submit his declarations and
26 withdraw his plea addressing NRS 176.165.
27
28

Declarations by:
Denzel Dorsey

I, Denzel Dorsey, Herby State:

1) THAT the true suspect Davey Dorsey has given his confession through an affidavit which relieves defendant of guilt and persecution in this case

2) THAT I am A 5'9 165 LB Black male which the true suspect is about 6'1 195 LB and is also a Black male which positively identifies him as the true suspect given by victim in this case.

3) That the victim never positively identifies the defendant within his Court proceedings.

4) That after the occurrence of incident the vehicle (953L BM) made two separate stops (1) S. LindellSt, which where the defendant were present, and (2) VikingSt, which the defendant dropped true suspect off without knowledge of the incident that occurred previously.

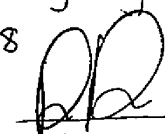
5) Defendant were present on the block of Rochelle/S. Lindell AT the time of the incident

6.) I AM A Layman Not trained in Law.

7) MY Full Name IS Denzel Dorsey; Date of Birth 09/24/93; SOCIAL SECURITY # 620 685408

I, Denzel Dorsey state that the fore mentioned declarations is true to be factual to the best of my knowledge under the penalty of perjury

Dated this 27 day of May 2018

 #2845569
DENZEL DORSEY

(4)

Certificate Of service By mailing

I, Denzel Dorsey, do declare pursuant to N.R.C.P.
5 (b) that on the 27 day of May 2014 I
Sent 2 copy of Motion To WITHDRAW PLEA, AND NOTICE
of motion to;

The Clerk of the Court
Regional Justice Center
200 Lewis Avenue
LAS Vegas, Nev 200 89101

Steven Wolfson
District Attorney
200 Lewis Avenue
LAS Vegas, Nevada 89101

Kristina WILDEVELD, Esq. [Cathlyn McAMIS]
Attorney AT LAW [Court appointed]
550 E. ~~CHARLES~~ Blvd suite A
LAS Vegas, Nevada 89104

Dated this 27 day of May 2014

Respectfully Submitted

Denzel Dorsey

RR #2845569

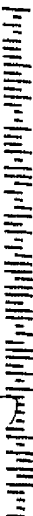
In PRO SE, CCDC, NVC
330 S. CASINO Center Blvd
LAS Vegas, Nevada 89101

Daniel Darsey #12845562
CCDC, NV
330 S. Casino Center Blvd
Las Vegas, NV 89101

LAS VEGAS
NV 890
29 MAY '18
PM 3:11



Attn: Clerk of the Court
Dept. XXII (22)
Regional Justice Center
200 Lewis Avenue
Las Vegas, NV 89101



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SENT FROM CCDC



1 TRAN

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA
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6
7 STATE OF NEVADA,

8 Plaintiff,

9 vs.

10 DENZEL DORSEY,

11 Defendant.

CASE NO. C323324-1

DEPT. XXII

12
13 BEFORE THE HONORABLE SUSAN JOHNSON, DISTRICT COURT JUDGE

14 MARCH 13, 2018

15 RECORDER'S TRANSCRIPT OF HEARING RE

16 STATE'S REQUEST FOR ENTRY OF PLEA
17
18
19

20 APPEARANCES:

21 For the Plaintiff:

VICTORIA VILLEGAS, ESQ.
Deputy District Attorney

22
23 For the Defendant:

CAITLYN L. MCAMIS, ESQ.

24
25 RECORDED BY: NORMA RAMIREZ, COURT RECORDER

1 TUESDAY, MARCH 13, 2018 AT 8:53:16 A.M.

2
3 THE COURT: Okay. State of Nevada versus Denzel Dorsey, case number
4 C323324-1. Would you announce your appearances for the record, please?

5 MS. MCAMIS: Good morning, Your Honor. Caitlyn McAmis, bar number
6 12616 on behalf of Denzel Dorsey who is present in custody.

7 MS. VILLEGAS: Victoria Villegas on behalf of the State.

8 THE COURT: And this is State's Request for Entry of Plea.

9 MS. MCAMIS: That's correct. Your Honor, I do have the signed guilty plea
10 agreement. I apologize that I didn't have time to file it before court. I'm asking for
11 permission to file it in open court. This matter is resolved.

12 THE COURT: Okay. Go ahead.

13 MS. MCAMIS: If I may approach.

14 THE COURT: You may approach.

15 MS. MCAMIS: Thank you. All right. Your Honor, I believe you now have the
16 filed guilty plea agreement in front of you. Today Mr. Dorsey is prepared to admit
17 and plead guilty to Count 1, Invasion of the Home, a Category B Felony which is
18 based on the plea agreement as follows. The State will retain the right to argue.
19 Additionally, the State agrees not to seek habitual criminal treatment. Further, the
20 State will not oppose dismissal of Count 2 in this case and dismissal of the Las
21 Vegas Justice Court case number 17F21598X after rendition of sentence. The
22 State will also not oppose standard bail after entry of plea, however if he fails to
23 interview with the department – or excuse me, Division of Parole and Probation or if
24 he fails to appear at any future court date or is arrested for any new offense he will
25 be stipulating to small habitual criminal treatment. That would be a stipulated

1 sentence of 60 months to 120 months in the Nevada Department of Corrections.

2 And finally, he agrees to pay full restitution for this case and counts dismissed. And
3 there's a forfeiture agreement as well to the extent there was anything seized.

4 THE COURT: Okay.

5 MS. VILLEGAS: That is correct, Your Honor.

6 THE COURT: Okay. Mr. Dorsey, I need you in front of the microphone. You
7 might need a little help from your neighbor there, all right? Okay. I need to be able
8 to hear you so please project for me, all right?

9 THE DEFENDANT: Yes.

10 THE COURT: Okay. I do have a guilty plea agreement which was filed in
11 open court just a few seconds ago indicating that you had agreed to plead guilty to
12 committing the crime of Count 1, Invasion of the Home, a Category B Felony in
13 violation of NRS 205.061. Sir, did you sign this agreement?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: Prior to signing the agreement, did you have an opportunity to
16 review the agreement? Did you review it and understand the terms?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: Is anyone forcing you to plead guilty?

19 THE DEFENDANT: No, Your Honor.

20 THE COURT: You're pleading guilty of your own free will?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: Is Denzel Dorsey your true name?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: Okay. By the way, are you able to hear him?

25 THE COURT RECORDER: No.

1 THE COURT: Okay. Did you ever have a coach in high school?
2 THE DEFENDANT: I used to box so, yes.
3 THE COURT: Okay. Project like your coach voice, all right? Okay.
4 THE DEFENDANT: Yes, Your Honor.
5 THE COURT: Okay. Say it again.
6 THE DEFENDANT: Yes, Your Honor.
7 THE COURT: All right. Say it just like that, all right? All right. Is Denzel
8 Dorsey your true name, sir?
9 THE DEFENDANT: Yes, Your Honor.
10 THE COURT: All right. How old are you?
11 THE DEFENDANT: 24.
12 THE COURT: All right. How far did you go in school?
13 THE DEFENDANT: I graduated high school.
14 THE COURT: What high school?
15 THE DEFENDANT: In the Department of Corrections.
16 THE COURT: I'm sorry?
17 THE DEFENDANT: In the Department of Corrections.
18 THE COURT: Did you get a GED or did you actually go to high school there?
19 THE DEFENDANT: No, I just completed it High Desert.
20 THE COURT: At High Desert. Okay. Well, you speak very well. Do you
21 read, write and under the English language?
22 THE DEFENDANT: Yes, Your Honor.
23 THE COURT: All right. Are you a United States Citizen?
24 THE DEFENDANT: Yes, Your Honor.
25 THE COURT: Okay. And just so that I am clear because we couldn't hear

1 that well, sir, did you have an opportunity to review the guilty plea agreement? Did
2 you review it and understand the terms?

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: All right. Is anyone forcing you to plead guilty?

5 THE DEFENDANT: No, Your Honor.

6 THE COURT: You're pleading guilty of your own free will?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: Okay. Sir, just so that I am clear. Do you understand the
9 penalty range for this crime?

10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: All right. You understand that as a consequence of your guilty
12 plea the Court must sentence you to imprisonment in the Nevada Department of
13 Corrections for a minimum term of not less than one year and a maximum term of
14 not more than ten years?

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: Do you also understand that you could be fined up to \$10,000?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: Do you also understand that sentencing is strictly up to the
19 Court, that one can promise you probation, leniency or other special treatment?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: Do you also understand that no one could promise you a
22 particular sentence even though this guilty plea agreement says agreement and
23 stipulations and all that stuff that I as the Judge do not necessarily have to follow
24 this deal?

25 THE DEFENDANT: Yes, Your Honor.

1 THE COURT: Do you also understand that you are giving up certain
2 constitutional rights which are listed in the guilty plea agreement?

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: I take it that you did discuss your case and your rights with your
5 lawyer?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: Do you have any questions regarding your rights or the
8 negotiations?

9 THE DEFENDANT: No, Your Honor.

10 THE COURT: Okay. So – just so that I am clear – let me get there. You are
11 pleading guilty because in truth and in fact on or about the 28th day of November
12 2016 within the County of Clark, state of Nevada, contrary to the form, force and
13 effect of statutes in such cases made and provided and against the peace and
14 dignity of the state of Nevada that you willfully, unlawfully, feloniously and forcibly
15 entered an inhabited dwelling to wit: 2731 Warm Rays, Henderson, Clark County,
16 Nevada without permission of the owner, resident or lawful occupant to wit:
17 Florentino and/or Norma Nazareno by breaking a glass window, putting your arm
18 through the window and unlocking the deadbolt in an attempt to gain entry.

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: All right. Is the State satisfied with that canvass?

21 MS. VILLEGAS: Yes, Your Honor.

22 THE COURT: Okay. Okay. The Court conditionally accepts your plea as
23 being freely and voluntarily given. And we need to give this gentleman a sentencing
24 date.

25 MS. MCAMIS: Your Honor, I would point out that pursuant to the negotiations

1 the State does not oppose standard bail after entry of plea. He has entered his bail
2 and I would like to direct the Court's attention. He actually posted a \$7,000 bail in
3 this case. He was out on bail and then was picked up after a new case. So, we are
4 asking for the Court to – and I believe the \$7,000 bond bail was not exonerated, I
5 believe it's still in place. So, we are asking for him to actually be released pending
6 sentencing.

7 MS. VILLEGAS: That's fine, Your Honor.

8 THE COURT: Okay. I will go ahead and allow him to be released on this bail.
9 But, sir, I just want to caution you. Part of the deal is the State does not oppose
10 standard bail after entry of plea which I guess the standard bail is \$7,000, however,
11 if you fail to go to the Division of Parole and Probation, if you fail to appear at any
12 future court date or are arrested on any new offenses, that you have stipulated that
13 you would serve habitual criminal treatment, meaning that you are stipulating to a
14 sentence of a minimum of 60 month to a maximum of 120 months to be served in
15 the Nevada Department of Corrections. Do you understand that?

16 THE DEFENDANT: Yes, Your Honor.

17 THE COURT: That's quite a hammer. So, (1) you gotta stay out of trouble
18 and you gotta cooperate with the division, you understand?

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: Okay. All right. I will go ahead and allow him to be released.
21 And let's get him a date.

22 THE COURT CLERK: July 17th, 8:30 a.m.

23 THE COURT: July 17th at 8:30 a.m. You understand?

24 [No audible response from the defendant]

25 MS. MCAMIS: Your Honor, would it be possible to go just 30 days beyond

1 that?

2 THE COURT: Why?

3 MS. MCAMIS: He actually has a new born child. He's trying to prepare
4 himself and get everything in order and take of a death in the family and then be
5 able to come back and be subject to his remand and serve his prison sentence. So,
6 he's just asking for an additional 30 days.

7 THE COURT: Any objection to that?

8 MS. VILLEGAS: Well, Your Honor, it's already like four months away so –

9 THE COURT: When is the baby due?

10 MS. MCAMIS: The baby was actually already due. The baby is already born.
11 Excuse me.

12 THE COURT: Okay.

13 MS. MCAMIS: The baby's been born so it's a brand new baby.

14 THE COURT: Okay. So, why can't we sentence in July?

15 MS. MCCAMISH: I was just asking for an additional date because for the
16 additional time to be able to prepare and go serve his prison sentence, but we would
17 submit it to the Court.

18 THE COURT: Well, additional time to serve. I'm not understand – to prepare.

19 MS. MCAMIS: Right. He has a number of things that he needs to get in order
20 including taking care of his fiancé, taking care of his baby and then taken care of the
21 recent death in the family.

22 THE DEFENDANT: I have estate issues with my family so I have to go
23 [indecipherable]

24 THE COURT: Okay. I'm having really – I'm having a tough time hearing you,
25 sir. Could you project, please?

1 THE DEFENDANT: I have estate issues, you know, that I have to go and
2 settle with my family. Property –
3 THE COURT: Who passed away?
4 THE DEFENDANT: My grandfather.
5 THE COURT: Okay. And you have to take care of this?
6 THE DEFENDANT: Well, he left me some property and some other things
7 that I'm entitled to that I have to take care of.
8 THE COURT: I see no reason why you can't get it done in four months, okay?
9 So, July 17th at 8:30.
10 MS. MCAMIS: Thank you, Your Honor.
11 THE COURT: Okay. Thank you.
12 MS. MCAMIS: Oh, and just to confirm the calendar call and jury trial dates will
13 be vacated, correct?
14 THE COURT: Thank you for reminding me.
15 MS. MCAMIS: Thank you –
16 THE COURT: The calendar –
17 MS. MCAMIS: -- so much.
18 THE COURT: -- call of April 17 will be vacated as well as the jury trial of April
19 23rd of 2018.
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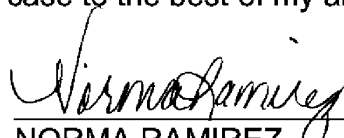
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MS. MCAMIS: Thank you.

[Proceedings concluded at 9:03:37 a.m.]

* * * * *

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



NORMA RAMIREZ
Court Recorder
District Court Dept. XXII
702 671-0572



1 **OPPS**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 JOHN T. NIMAN
6 Deputy District Attorney
7 Nevada Bar #014408
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,
10 Plaintiff,

11 -vs-

CASE NO: C-17-323324-1

12 DENZEL DORSEY,
13 #2845569

DEPT NO: XV

14 Defendant.

15 **STATE'S OPPOSITION TO DEFENDANT'S**
16 **PRO PER MOTION TO WITHDRAW PLEA**

17 DATE OF HEARING: JULY 17, 2018
18 TIME OF HEARING: 8:30 A.M.

18 COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County
19 District Attorney, through JOHN T. NIMAN, Deputy District Attorney, and hereby submits
20 the attached Points and Authorities in Opposition to Defendant's Pro Per Motion to Withdraw
21 Plea.

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

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1 **POINTS AND AUTHORITIES**

2 **PROCEDURAL HISTORY**

3 Denzel Dorsey ("Defendant") was charged, by way of Information, with one count of
4 Invasion of the Home, and one count of Malicious Destruction of Property. Information,
5 May 9, 2017. Defendant was arraigned and pleaded not guilty on May 15, 2017. After several
6 trial settings, Defendant entered into a Guilty Plea Agreement wherein he agreed to plead
7 guilty to one count of Invasion of the Home. Guilty Plea Agreement, March 9, 2018. Pursuant
8 to the Guilty Plea Agreement, the State retained the right to argue, but agreed not to seek
9 habitual criminal treatment, agreed to dismiss the Malicious Destruction of Property charge,
10 and agreed to dismiss case 17F21598X after rendition of sentence. Id. at 1. Additionally, the
11 State agreed not to oppose standard bail after entry of plea. Id. Defendant agreed that if he
12 failed to report to the Division of Parole and Probation, failed to appear for any future Court
13 dates, or was arrested on any new charges, he would be adjudicated as a habitual criminal with
14 a stipulated sentence of 60-120 months in the Nevada Department of Corrections. Id.
15 Defendant additionally agreed to pay restitution, including in cases and counts dismissed. Id.

16 On March 13, 2018, this Court canvassed Defendant, and Defendant entered his guilty
17 plea. Recorder's Transcript of Hearing Re State's Request for Entry of Plea March 13, 2018
18 ("Transcript"). Defendant was to be sentenced on June 5, 2018. Minutes, June 5, 2018.
19 However, Defendant's counsel informed the Court that Defendant had filed Motions to
20 withdraw counsel and to withdraw his guilty plea, though they had not yet been received by
21 the Court. Id. These Motions were received on June 6, 2018. On June 12, 2018, this Court
22 granted Defendant's Motion to Withdraw Counsel and appointed Ed Hughes as Defendant's
23 counsel, but continued the sentencing and set a status check for confirmation of counsel on
24 June 28, 2018. Minutes, June 12, 2018. On June 28, 2018, the Court continued the Sentencing
25 until July 17, 2018, so Mr. Hughes could be present, and for the State to file an Opposition to
26 Defendant's Motion to Withdraw Guilty Plea. The State's Opposition follows.

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1 **POINTS AND AUTHORITIES**

2 A Defendant may move to withdraw a guilty plea before sentencing, NRS 176.165, and
3 "a District Court may grant a Defendant's Motion to withdraw his guilty plea before sentencing
4 for any reason where permitting withdrawal would be fair and just," Stevenson v. State, 131
5 Nev. , , 354 P.3d 1277, 1281 (2015). To this end, the Nevada Supreme Court has
6 disavowed the standard previously announced in Crawford v. State, 117 Nev. 718, 30 P.3d
7 1123 (2001), which focused exclusively on whether the plea was knowingly, voluntarily, and
8 intelligently made, and affirmed that "the District Court must consider the totality of the
9 circumstances to determine whether permitting withdrawal of a guilty plea before sentencing
10 would be fair and just." Stevenson, 131 Nev. at , 354 P.3d at 1281. However, Nevada law
11 clearly establishes that a plea of guilty is presumptively valid and the burden is on the defense
12 to show that the plea was not voluntarily entered. Bryant v. State, 102 Nev. 268, 272, 721
13 P.2d 364, 367 (1986); Wingfield v. State, 91 Nev. 336, 337, 535 P.2d 1295, 1295 (1975).

14 The Sixth Amendment to the United States Constitution provides that, "[i]n all criminal
15 prosecutions, the accused shall enjoy the right . . . to have the Assistance of Counsel for his
16 defense." The United States Supreme Court has long recognized that "the right to counsel is
17 the right to the effective assistance of counsel." Strickland v. Washington, 466 U.S. 668, 686,
18 104 S. Ct. 2052, 2063 (1984); see also State v. Love, 109 Nev. 1136, 1138, 865 P.2d 322, 323
19 (1993).

20 To prevail on a claim of ineffective assistance of trial counsel, a Defendant must prove
21 he was denied "reasonably effective assistance" of counsel by satisfying the two-prong test of
22 Strickland, 466 U.S. at 686-87, 104 S. Ct. at 2063-64. See also Love, 109 Nev. at 1138, 865
23 P.2d at 323. Under the Strickland test, a Defendant must show first that his counsel's
24 representation fell below an objective standard of reasonableness, and second, that but for
25 counsel's errors, there is a reasonable probability that the result of the proceedings would have
26 been different. 466 U.S. at 687-88, 694, 104 S. Ct. at 2065, 2068; Warden, Nevada State
27 Prison v. Lyons, 100 Nev. 430, 432, 683 P.2d 504, 505 (1984) (adopting the Strickland two-
28 part test). "[T]here is no reason for a Court deciding an ineffective assistance claim to

1 approach the inquiry in the same order or even to address both components of the inquiry if
2 the Defendant makes an insufficient showing on one.” Strickland, 466 U.S. at 697, 104 S. Ct.
3 at 2069.

4 The Court begins with the presumption of effectiveness and then must determine
5 whether the Defendant has demonstrated by a preponderance of the evidence that counsel was
6 ineffective. Means v. State, 120 Nev. 1001, 1011, 103 P.3d 25, 32 (2004). “Effective counsel
7 does not mean errorless counsel, but rather counsel whose assistance is ‘[w]ithin the range of
8 competence demanded of attorneys in criminal cases.’” Jackson v. Warden, 91 Nev. 430, 432,
9 537 P.2d 473, 474 (1975).

10 Counsel cannot be ineffective for failing to make futile objections or arguments. See
11 Ennis v. State, 122 Nev. 694, 706, 137 P.3d 1095, 1103 (2006). Trial counsel has the
12 “immediate and ultimate responsibility of deciding if and when to object, which witnesses, if
13 any, to call, and what defenses to develop.” Rhyne v. State, 118 Nev. 1, 8, 38 P.3d 163, 167
14 (2002).

15 Based on the above law, the role of a Court in considering allegations of ineffective
16 assistance of counsel is “not to pass upon the merits of the action not taken but to determine
17 whether, under the particular facts and circumstances of the case, trial counsel failed to render
18 reasonably effective assistance.” Donovan v. State, 94 Nev. 671, 675, 584 P.2d 708, 711
19 (1978). This analysis does not mean that the Court should “second guess reasoned choices
20 between trial tactics nor does it mean that defense counsel, to protect himself against
21 allegations of inadequacy, must make every conceivable Motion no matter how remote the
22 possibilities are of success.” Id. To be effective, the constitution “does not require that counsel
23 do what is impossible or unethical. If there is no bona fide defense to the charge, counsel
24 cannot create one and may disserve the interests of his client by attempting a useless charade.”
25 United States v. Cronin, 466 U.S. 648, 657 n.19, 104 S. Ct. 2039, 2046 n.19 (1984).

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1 "There are countless ways to provide effective assistance in any given case. Even the
2 best criminal defense attorneys would not defend a particular client in the same way."
3 Strickland, 466 U.S. at 689, 104 S. Ct. at 689. "Strategic choices made by counsel after
4 thoroughly investigating the plausible options are almost unchallengeable." Dawson v. State,
5 108 Nev. 112, 117, 825 P.2d 593, 596 (1992); see also Ford v. State, 105 Nev. 850, 853, 784
6 P.2d 951, 953 (1989). In essence, the Court must "judge the reasonableness of counsel's
7 challenged conduct on the facts of the particular case, viewed as of the time of counsel's
8 conduct." Strickland, 466 U.S. at 690, 104 S. Ct. at 2066.

9 Even if a Defendant can demonstrate that his counsel's representation fell below an
10 objective standard of reasonableness, he must still demonstrate prejudice and show a
11 reasonable probability that, but for counsel's errors, the result of the trial would have been
12 different. McNelson v. State, 115 Nev. 396, 403, 990 P.2d 1263, 1268 (1999) (citing
13 Strickland, 466 U.S. at 687, 104 S. Ct. at 2064). "A reasonable probability is a probability
14 sufficient to undermine confidence in the outcome." Id. (citing Strickland, 466 U.S. at 687-
15 89, 694, 104 S. Ct. at 2064-65, 2068).

16 A Defendant must prove the disputed factual allegations underlying his ineffective-
17 assistance claim by a preponderance of the evidence. Means v. State, 120 Nev. 1001, 1012,
18 103 P.3d 25, 33 (2004). Furthermore, claims of ineffective assistance of counsel must be
19 supported with specific factual allegations, which if true, would entitle the petitioner to relief.
20 Hargrove v. State, 100 Nev. 498, 502, 686 P.2d 222, 225 (1984). "Bare" and "naked"
21 allegations are not sufficient, nor are those belied and repelled by the record. Id.

22 A Defendant who contends his attorney was ineffective because he did not adequately
23 investigate must show how a better investigation would have rendered a more favorable
24 outcome probable. Molina v. State, 120 Nev. 185, 192, 87 P.3d 533, 538 (2004).

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1 Here, Defendant's Motion to Withdraw Guilty Plea ("Motion") raises four issues. First,
2 Defendant states that counsel failed to perform an adequate investigation. Motion at 2-3.
3 However, Defendant fails to state what counsel should have investigated, what a better
4 investigation would have found, and how that better investigation would have rendered a more
5 favorable outcome probable. Indeed, the claim that counsel failed to adequately investigate his
6 case is merely a "bare" and "naked" allegation which cannot provide a "fair" or "just" reason
7 for which he should be allowed to withdraw his guilty plea. Hargrove, 100 Nev. at 502, 686
8 P.2d at 225. Accordingly, Defendant's claim should be denied.

9 Second, Defendant states that Counsel represented that "the only way to get rid of [this
10 case] to move on with life and to see his first child be born, was to sign the plea agreement
11 with the stipulation that the Defendant was to remain out of custody, that his bail was to be
12 reinstated in this case and get an OR in case No. 17F214598X after rendition of sentence."
13 Motion at 2. As to the initial point, Defendant's child was already born by the time he entered
14 his plea when this Court canvassed him. Transcript at 8. Second, this Court in fact reinstated
15 bail at \$7,000, which the State did not oppose, and, as bail had been previously posted, the
16 Defendant was released in this case. Id. at 6-8. Therefore, Defendant received the benefit for
17 which he bargained, and this does not constitute a reason to permit him to withdraw his plea.

18 Third, Defendant claims that counsel failed "to inform him of the consequences of the
19 plea," and failed "to ensure [he] understood the sentencing scheme." Once again, these are
20 "bare" and "naked" allegations insufficient to permit him to withdraw his guilty plea.
21 Hargrove, 100 Nev. at 502, 686 P.2d at 225. Further, these claims are belied by the record. In
22 fact, both this Court and Defendant's counsel explained both the consequences of his plea and
23 the potential sentence which he was facing:

24 THE COURT: Okay. And just so that I am clear because we couldn't hear that
25 well, sir, did you have an opportunity to review the guilty plea agreement? Did
you review it and understand the terms?

26 THE DEFENDANT: Yes, Your Honor.

27 THE COURT: All right. Is anyone forcing you to plead guilty?

28 THE DEFENDANT: No, Your Honor.

1 THE COURT: You're pleading guilty of your own free will?
2 THE DEFENDANT: Yes, Your Honor.
3 THE COURT: Okay. Sir, just so that I am clear. Do you understand the penalty
4 range for this crime?
5 THE DEFENDANT: Yes, Your Honor.
6 THE COURT: All right. You understand that as a consequence of your guilty
7 plea the Court must sentence you to imprisonment in the Nevada Department of
8 Corrections for a minimum term of not less than one year and a maximum term
9 of not more than ten years?
10 THE DEFENDANT: Yes, Your Honor.
11 THE COURT: Do you also understand that you could be fined up to \$10,000?
12 THE DEFENDANT: Yes, Your Honor.
13 THE COURT: Do you also understand that sentencing is strictly up to the Court,
14 that one can promise you probation, leniency or other special treatment?
15 THE DEFENDANT: Yes, Your Honor.
16 THE COURT: Do you also understand that no one could promise you a
17 particular sentence even though this Guilty Plea Agreement says agreement and
18 stipulations and all that stuff that I as the Judge do not necessarily have to follow
19 this deal?
20 THE DEFENDANT: Yes, Your Honor.
21 THE COURT: Do you also understand that you are giving up certain
22 constitutional rights which are listed in the Guilty Plea Agreement?
23 THE DEFENDANT: Yes, Your Honor.
24 THE COURT: Do you have any questions regarding your rights or the negotiations?
25 THE DEFENDANT: No, Your Honor.
26 Transcript at 4-6.
27 ///
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1 As demonstrated by the canvass and his own representations, Defendant both
2 understood the consequences of his plea and the potential sentence which he faced. Therefore,
3 Defendant's third claim is belied by the record and does not constitute a "fair" or "just" reason
4 for which he should be permitted to withdraw his guilty plea. Additionally, Defendant has
5 failed to demonstrate either that counsel was ineffective, or that even if counsel was ineffective
6 that he was in any way prejudiced by that ineffectiveness.

7 Finally, Defendant's "Declaration" appears to argue that he is actually innocent. Motion
8 at 4. However, this claim, too, is belied by the record. When canvassed by this Court,
9 Defendant admitted that he was pleading guilty because he is, in truth and in fact, guilty.

10 THE COURT: Okay. So – just so that I am clear – let me get there. You are
11 pleading guilty because in truth and in fact on or about the 28th day of November
12 2016 within the County of Clark, state of Nevada, contrary to the form, force
13 and effect of statutes in such cases made and provided and against the peace and
14 dignity of the state of Nevada that you willfully, unlawfully, feloniously and
15 forcibly entered an inhabited dwelling to wit: 2731 Warm Rays, Henderson,
16 Clark County, Nevada without permission of the owner, resident or lawful
17 occupant to wit: Florentino and/or Norma Nazareno by breaking a glass window,
18 putting your arm through the window and unlocking the deadbolt in an attempt
19 to gain entry.

20 THE DEFENDANT: Yes, Your Honor.

21 Transcript at 6.

22 Defendant has failed to show that counsel was in any way ineffective, or that he was
23 prejudiced by any ineffectiveness. Defendant fails to demonstrate that counsel did not conduct
24 an adequate investigation, or to demonstrate what additional investigation would have
25 uncovered that may have been beneficial or rendered a more favorable outcome probable.
26 Defendant received the release for which he negotiated by agreeing to plead guilty. Defendant
27 was informed, both by counsel and by this Court, of the consequences and potential sentence
28 he faced by entering into this plea. Defendant's claim of innocence is belied by his earlier
representation that he is guilty. As such, under the totality of the circumstances, Defendant has
failed to provide any "fair" or "just" reason why he should be permitted to withdraw his guilty
plea, and his Motion should, therefore, be denied.

///

1 **CONCLUSION**

2 For the foregoing reasons, the State respectfully requests that Defendant's Motion To
3 Withdraw Guilty Plea be DENIED.

4 DATED this 3rd day of July, 2018.

5 Respectfully submitted,

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

9 BY John T. Niman
10 JOHN T. NIMAN
11 Deputy District Attorney
12 Nevada Bar #014408

13 **CERTIFICATE OF FACSIMILE TRANSMISSION**

14 I hereby certify that service of the above and foregoing was made this 3rd day of July,
15 2018 by facsimile transmission to:

16 EDWARD B. HUGHES, ESQ.
17 (702) 565-7121

18 BY /s/ E. Goddard
19 E. Goddard
20 Secretary for the District Attorney's Office

21 **CERTIFICATE OF MAILING**

22 I hereby certify that service of the above and foregoing was made this 3rd day of July,
23 2018 by depositing a copy in the U.S. Mail, postage pre-paid, addressed to:

24 DENZEL DORSEY, ID# 2845569
25 CLARK COUNTY DETENTION CENTER
26 330 S. CASINO CENTER BLVD.
27 LAS VEGAS, NV 89101

28 BY /s/ E. Goddard
E. Goddard
Secretary for the District Attorney's Office

16FH2022X/erg/L-5

Sent Successfully To: EDWARD B. HUGHES, ESQ. at 702-565-7121
User ID: GODDARE

07/03/2018 08:28AM * Pg 1/1

=====

TO: Name: EDWARD B. HUGHES, ESQ.

Company:

Fax Phone Number: 702-565-7121

Contact Phone Number:

Info Code 1: C323324

Info Code 2: DENZEL DORSEY

Sent to remote ID:

Sent at: Tue Jul 03 08:28:54 2018

Sent on channel 8

Elapsed Time: 5 minutes, 26 seconds

Transmission Status (0/339;0/0): Successful Send

Page Record: 1 - 9.



MOT

CARL E.G. ARNOLD, ESQ.
Nevada Bar No. 8358
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1428 South Jones Boulevard
Las Vegas, NV 89146
LVCEGA1@yahoo.com
P : (702) 358-1138
F: (702) 253-6997
Attorney for Defendant

**DISTRICT COURT
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,

Plaintiff,

vs.

DENZEL DORSEY,

Defendant.

Case No.: C-17-323324-1

DEPT.: 15

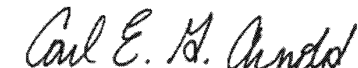
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TIME: _____

MOTION TO QUASH BENCH WARRANT

COMES NOW, Defendant, DENZEL DORSEY, by and through the undersigned attorney and hereby moves this honorable Court to quash the bench warrant and requests this Court to schedule a new calendar call and trial date for Defendant to voluntarily appear.

DATED this 23rd day of July, 2018.



CARL E.G. ARNOLD, ESQ.
Nevada Bar No. 8358
1428 South Jones Boulevard
Las Vegas, NV 89146
Attorney for Defendant

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NOTICE OF HEARING

PLEASE TAKE NOTICE that the undersigned will bring the above and foregoing
Motion to Quash Bench Warrant for Denzel Dorsey for hearing before the Court at the
courtroom of the above-entitled Court on the 31 day of Jul., 2018, at
8:30 a.m. in Department 15.

DATED this 23rd day of July, 2018.


CARL E.G. ARNOLD, ESQ.
Nevada Bar No. 8358
1428 South Jones Boulevard
Las Vegas, NV 89146
(702) 358-1138

1 **DECLARATION OF CARL E.G. ARNOLD, ESQ.**

3 I, CARL E.G. ARNOLD, ESQ., do hereby swear under penalty of perjury that the following
5 assertions are true to the best of my knowledge and belief:

- 7 1. I am an attorney licensed to practice law in the State of Nevada. I represent Denzel Dorsey
9 in the above matter. I have personal knowledge of the following matters and believe the
11 following assertions are true to the best of my knowledge and belief.
- 13 2. My client is presently incarcerated and was unable to attend the court dates.
- 15 3. My client will present at all future court dates.

17

19 *Carl E.G. Arnold*
21 _____
 CARL E.G. ARNOLD, ESQ.

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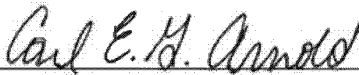
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CERTIFICATE OF SERVICE

This certifies that this office has forwarded electronically a copy of **Motion to Quash Bench Warrant** on July 23, 2018, by sending the attached to pdmotions@clarkcountyda.com.


Employee

BNCH

DISTRICT COURT
CLARK COUNTY, NEVADA

Electronically Filed
7/25/2018 7:21 AM
Steven D. Grierson
CLERK OF THE COURT

Steven D. Grierson

THE STATE OF NEVADA

Plaintiff,

-vs-

DENZEL DORSEY,
ID# 2845569

Defendant.

CASE NO: C-17-323324-1

DEPT NO: XV

BENCH WARRANT

THE STATE OF NEVADA,

TO: Any Sheriff, Constable, Marshal, Policeman, or Peace Officer in this State:

IT APPEARING to the Court that DENZEL DORSEY was heretofore ordered to appear before the above entitled Court on the 17th day of July, 2018, on the charge of INVASION OF THE HOME (Category B Felony - NRS 205.067 - NOC 50435), and having failed to appear at said time, NOW, THEREFORE, YOU ARE COMMANDED to arrest and bring the said person before the Court, or, if the Court has adjourned, to deliver said person into the custody of the Sheriff of Clark County. The Warrant may be served at any hour day or night.

GIVEN under my hand this 19th day of July, 2018.

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

BY

Christopher P. Pandelis
CHRISTOPHER P. PANDELIS
Chief Deputy District Attorney
Nevada Bar #009143

Joseph Hardy
DISTRICT JUDGE JOSEPH HARDY
NO BAIL

DA#16FH2022X/erg/L-5
HPD EV#1621448/J. MCGEAHY #1411
09241993; BMA; 620-68-5408
(TK)

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BNCH

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
CHRISTOPHER P. PANDELIS
Chief Deputy District Attorney
Nevada Bar #009143
200 Lewis Avenue
Las Vegas, NV 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

DENZEL DORSEY,
ID#2845569

Defendant.

CASE NO: C-17-323324-1

DEPT NO: XV

BENCH WARRANT RETURN

DENZEL DORSEY, the Defendant above named, was heretofore ordered to appear before the above entitled Court on the 17th day of July, 2018, on the charge of INVASION OF THE HOME (Category B Felony - NRS 205.067 - NOC 50435), and having failed to appear at said time the Court issued a Bench Warrant for the arrest of said Defendant.

I hereby certify that I received a certified copy of the Bench Warrant and served the same by arresting the within Defendant on the ____ day of _____, 2018.

JOSEPH LOMBARDO
Sheriff, Clark County, Nevada

BY: _____

Deputy



MOT
GARY A. MODAFFERI, ESQ.
Nevada Bar No. 12450
815 S. Casino Center Blvd.
Las Vegas, Nevada 89101-6718
702-474-4222
Attorney for Defendant

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

DENZEL DORSEY,

Defendant.

CASE NO: C-17-323324-1
DEPT. NO.: ~~XXII~~

XV

MOTION FOR EXPERT SERVICES (INVESTIGATOR) PURSUANT TO WIDDIS

COMES NOW, DENZEL DORSEY, Defendant herein, by and through his counsel,
GARY A. MODAFFERI, ESQ., of the Law Offices of Gary A. Modafferi, LLC, and respectfully
moves this Honorable Court for an order granting payment for an expert (investigator) at public
expense.

This Motion is based upon the need to investigate this matter before sentencing, the
attached financial affidavit¹, Brown v. District Court², and any evidence and/or argument
adduced at a hearing on this matter.

DATED this 5th day of December, 2018.

/s/ Gary A. Modafferi

GARY A. MODAFFERI, ESQ. (12450)
Attorney for Defendant

¹ Attached as Exhibit A.

² Attached as Exhibit B for court's convenience.

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DATED this 5th day of December, 2018.

GARY A. MODAFFERI, ESQ.
Nevada Bar No. 12450
Attorney for Defendant

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In Brown, the Nevada Supreme Court clarified the definition of an indigent person as well as the demonstration of need for the requested services. The Defendant is unemployed and without a reserve of assets of any kind. He has no assets He is currently incarcerated. He is unable to afford an investigator. The need for an investigator arises out of the need to investigate

1 the circumstances of his plea and the circumstances which give rise to his alleged violation of the
2 plea agreement.
3

4
5 **CONCLUSION**

6 It is respectfully requested that the Motion be granted.

7 DATED this 5th day of December, 2018.

8 /s/ Gary A. Modafferi

9
10 _____
11 GARY A. MODAFFERI, ESQ.
12 Nevada Bar No. 6275
13 Attorney for Defendant
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EXHIBIT “A”

DISTRICT COURT

APPLICATION FOR COURT-APPOINTED COUNSEL OR WIDDIS FEES

Name: Denzel Dorsey Case No: 17-323324-1
Address: CC PC Charges: Invasion of the Home
NRS 205.067
Phone: _____ I am in Jail: ☒ Yes No

☒ Defendant-Adult Defendant-Juvenile Material Witness Other _____

How long have you lived in Clark County? _____

I, Denzel Dorsey, state under oath that I am financially unable to employ an attorney. I understand that if I am charged with a felony and/or a gross misdemeanor and I am eligible, a court must appoint ~~counsel~~

investigator

aw. investigator

SECTION 1: PERSONAL

Date of Birth: 09-24-1993 Married ☒ Single Separated
Employed by: NO Spouse employed by: _____

If not employed, month of last employment: NEVER

Children living with you: 1 daughter (Nayla Dorsey)

Other household members and relationship: Girlfriend 9 months

SECTION 2: PLEASE CHECK ALL THAT APPLY:

- ☐ I am currently receiving food stamps;
- ☐ I am currently receiving welfare benefits (TANF);
- ☐ I am currently receiving assistance from Medicaid;
- ☐ I am currently receiving disability insurance;
- ☐ I am currently residing in public housing (Section 8);
- ☐ I am currently receiving public assistance from _____;
- ☐ I am currently serving a sentence in a correctional institution;
- ☐ I am currently housed in a mental facility;
- ☒ I am currently unemployed with no source of income.

↓ TAKIYA
CLEMONS

SECTION 3

A: INCOME (Note: you may be required to provide proof of income including pay stubs or tax returns)

I and/or my family are currently receiving the following funds:

TANF \$ N/A Food Stamps \$ N/A Medicaid \$ N/A SSI (Supplemental Security Income) \$ 0/A
 Gross monthly wage (self) \$ N/A Unemployment \$ N/A Veteran's Benefits \$ N/A
 Gross monthly wage (spouse) \$ N/A Worker's Comp \$ N/A Child Support \$ N/A
 Gross monthly wage (others) \$ N/A Pension/Retirement \$ N/A General Assistance \$ N/A
 (include all other household members) Social Security \$ N/A Other Income \$ N/A

Total All Income \$ 0

B: ASSETS (list total values)

Cash on hand in bank \$ 000 Savings accounts \$ 0 Sporting Equipment \$ 0
 Wages not received \$ 0 Stocks/bonds/securities \$ 0 (guns, boats, motorcycles etc.)
 Money owed to me \$ 0 Interest in real estate \$ 0
 Personal Property \$ 0 Motor vehicles \$ 0
 (furniture, appliances, etc.)

Total All Assets \$ 0

C: MONTHLY DEBTS

Rent Mortgage \$ 0 Gas (vehicles) \$ 0 Credit Cards \$ 0
 Alimony \$ 0 Utilities \$ 0 Groceries \$ 0
 Collections \$ 0 Courts \$ 0 Telephone \$ 0
 Cable/Sat TV \$ 0 Dependent Care \$ 0 Attorneys \$ 0
 (adult or child)
 Car Payment \$ 0 Doctor/Hospital \$ 0 Child Support \$ 0

Total All Monthly Debts \$ 0

I hereby authorize Clark County to investigate my assets, liabilities, employment, and income references. I further authorize Clark County to receive this information from any persons, organizations, agencies, institutions, and companies which have such information.

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

SIGNATURE OF APPLICANT

Witnessed By

12450

APPROVED ☐ DENIED ☐

Date

Judge

EXHIBIT “B”

133 Nev., Advance Opinion 113
IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLIS T. BROWN,
Petitioner,
vs.
**THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
WILLIAM D. KEPHART, DISTRICT
JUDGE,**
Respondents,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 72950

FILED

DEC 28 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

Original petition for a writ of mandamus challenging the district court's denial of a motion for expert services at public expense.

Petition granted in part.

Law Office of Gary A. Modafferi and Gary A. Modafferi, Las Vegas,
for Petitioner.

Adam Paul Laxalt, Attorney General, Carson City; Steven B. Wolfson,
District Attorney, and Charles Thoman, Deputy District Attorney, Clark
County,
for Real Party in Interest.

BEFORE HARDESTY, PARRAGUIRRE and STIGLICH, JJ.

OPINION

By the Court, STIGLICH, J.:

In *Widdis v. Second Judicial District Court*, 114 Nev. 1224, 968 P.2d 1165 (1998), this court held that, notwithstanding the ability to retain counsel, a defendant is entitled to reasonable and necessary defense services at public expense if the defendant demonstrates both indigency and a need for the requested services. We take this opportunity to clarify the definition of an indigent person as well as the demonstration of need sufficient for a request for defense services. Additionally, we make clear that *Widdis* does not require an indigent defendant to request a sum certain before a motion for defense services at public expense can be considered or granted. Based on the district court's application of *Widdis*, we grant the petition in part.¹

FACTS AND PROCEDURAL HISTORY

Petitioner Willis Brown faces multiple counts of lewdness with a child. Before the preliminary hearing, Brown moved for expert services at public expense pursuant to *Widdis v. Second Judicial District Court*, 114 Nev. 1224, 968 P.2d 1165 (1998), submitting an application containing financial information along with his motion. The justice court found Brown indigent and granted the motion, but limited the funds for the services to a stated amount.

After Brown was bound over to the district court, he again moved for expert services at public expense, submitting an updated

¹We previously granted the petition in part in an unpublished order. Cause appearing, we grant the motion to reissue that decision as an opinion, NRAP 36(f), and issue this opinion in place of our prior unpublished order.

application that showed he had gained employment and reduced his monthly liabilities since his previous motion. The motion acknowledged that Brown's extended family had paid for his legal fees but asked the district court to declare him indigent and permit him to retain an investigator and expert (Dr. Mark Chambers) at State expense to assist his defense. Brown claimed he needed to retain Dr. Chambers "to fully understand and convey to both the court and/or the jury the influences upon a child's accusation in a sexual prosecution" and averred that Dr. Chambers would "testify to psychological issues involving child testimony, parental influence on that testimony, and children's motivation regarding false allegations." Additionally, Brown claimed an investigator was necessary to serve subpoenas on and obtain statements from witnesses and to generally investigate the circumstances of the allegations.

At the hearing on the motion, the district court stated its belief that Brown was not indigent:

I don't reach that based on—I mean he's employed. He—it appears that he has to probably adjust his expenses. But for the State to be paying for his investigator fees under these circumstances, I don't think *Widdis* truly could—is saying that that's a mandatory requirement. And so I'm just making a finding based on his affidavit that he's not indigent in order to fit that.

The district court opined that the previous indigency determination might have been appropriate based on the initial application but concluded that Brown no longer qualified as an indigent based on the updated information.

After this court ordered an answer to Brown's petition, the district court held another hearing in which it expounded upon its reasons for denying Brown's motion. The district court referenced the two requirements in *Widdis*, indigency and necessity of the services, and

gleaned a third requirement from the *Widdis* dissent, a request for a sum certain. The district court referenced Brown's exhaustion of family resources to retain counsel and deduced from that fact that Brown had resources. Additionally, the district court noted that Brown's debt-to-income ratio had appreciably decreased between his submissions of the two applications. The district court went on to say that Brown "failed to show how an investigator needed for assisting his counsel . . . wouldn't have been included within his legal fees, or if it was even discussed when securing counsel." The district court concluded that its findings were that Brown was not indigent and had not met a showing of need, specifically stating it "was a cursory attempt to show need." Counsel argued that, while Brown was currently employed, there was a significant decrease in income between Brown's previous job and current job, which was a minimum-wage-plus-tips position. The district court replied:

But it's not a question of indigency then. Just because he's paying less. And the thing is too I made the statement in the previous argument is that he may need to adjust his expenses. At the time that I received an application his debts were way lower than the initial debt. And—but he hadn't changed his so to speak lifestyle. He was still living in a pretty expensive place where he could change that. You know, it doesn't—because he's living at, you know, X amount a month doesn't mean he needs to continue living that way because obviously his incomes went down.

The district court denied Brown's motion for expert services at public expense. Brown now seeks a writ of mandamus directing the district court to grant his motion.

DISCUSSION

The decision to consider a writ of mandamus² is within this court's complete discretion, and generally such a writ will not issue if the petitioner has a plain, speedy, and adequate remedy at law. NRS 34.170; *Cote H. v. Eighth Judicial Dist. Court*, 124 Nev. 36, 39, 175 P.3d 906, 908 (2008). Despite the availability of a remedy at law by way of an appeal should Brown be convicted, see NRS 177.045, we elect to exercise our discretion and consider the petition for a writ of mandamus in the interest of judicial economy and in order to control a manifest abuse or capricious exercise of discretion. See *State v. Eighth Judicial Dist. Court (Armstrong)*, 127 Nev. 927, 931-32, 267 P.3d 777, 779-80 (2011). "A manifest abuse of discretion is [a] clearly erroneous interpretation of the law or a clearly erroneous application of a law or rule." *Id.* at 932, 267 P.3d at 780 (quoting *Steward v. McDonald*, 958 S.W.2d 297, 300 (Ark. 1997)). A "capricious exercise of discretion" involves a decision that is "contrary to the evidence or established rules of law." *Id.* at 932-33, 267 P.3d at 780 (quoting *Capricious*, *Black's Law Dictionary* (9th ed. 2009)).

²While the petition is titled a petition for a writ of certiorari, mandamus, and/or, in the alternative, writ of prohibition, it discusses only mandamus. See *Maresca v. State*, 103 Nev. 669, 673, 748 P.2d 3, 6 (1987) ("It is appellant's responsibility to present relevant authority and cogent argument; issues not so presented need not be addressed by this court."). Prohibition is unavailable because Brown does not argue that the district court was without jurisdiction to hear and determine his motion, see NRS 34.320; *Goicoechea v. Fourth Judicial Dist. Court*, 96 Nev. 287, 289, 607 P.2d 1140, 1141 (1980) (holding that a writ of prohibition "will not issue if the court sought to be restrained had jurisdiction to hear and determine the matter under consideration"), and certiorari is unavailable because Brown does not argue that the district court exceeded its jurisdiction or ruled on the constitutionality or validity of a statute, see NRS 34.020(2), (3).

Widdis holds “that the State has a duty to provide reasonable and necessary defense services at public expense to indigent criminal defendants who have nonetheless retained private counsel,” and the case requires that a defendant make a “showing of indigency and need for the services.” 114 Nev. at 1228-29, 968 P.2d at 1167-68. In so holding, the *Widdis* court adopted the analytical framework of an out-of-state case that held “[i]rrespective of the absence of any express statutory authorization . . . the Sixth Amendment right to effective assistance of counsel provided authority for the payment requested by the defendant.” *Id.* at 1228, 968 P.2d at 1168. Therefore, this court held that the right to receive funds for defense services at public expense was entwined with the right to effective assistance of counsel. *Id.* Numerous other courts have come to a similar conclusion that an indigent criminal defendant may receive defense services at public expense even if the defendant does not have appointed counsel. *E.g.*, *Dubos v. State*, 662 So. 2d 1189, 1192 (Ala. 1995) (“The simple fact that the defendant’s family, with no legal duty to do so, retained counsel for the defendant, does not bar the defendant from obtaining funds for expert assistance when the defendant shows that the expert assistance is necessary.”); *Jacobson v. Anderson*, 57 P.3d 733, 734-35 (Ariz. Ct. App. 2002) (concluding a defendant whose parents had retained counsel on her behalf was entitled to the opportunity to demonstrate need for requested defense services at the government’s expense based on her status as an indigent); *Tran v. Superior Court*, 112 Cal. Rptr. 2d 506, 509-10, 512 (Ct. App. 2001) (considering a defendant whose counsel was retained via family funding and ordering the defendant’s application for ancillary services funds be granted based on his indigency); *Arnold v. Higa*, 600 P.2d 1383, 1385 (Haw. 1979) (interpreting statutory language as not limiting

"the court's authority to approve funds for investigatory services for a defendant with private counsel"); *English v. Missildine*, 311 N.W.2d 292, 293-94 (Iowa 1981) ("For indigents the right to effective counsel includes the right to public payment for reasonably necessary investigative services. The Constitution does not limit this right to defendants represented by appointed or assigned counsel." (internal citations omitted)); *State v. Jones*, 707 So. 2d 975, 977-78 (La. 1998) ("[T]he defendant here, having private counsel provided from a collateral source, may still be entitled to State funding for auxiliary services."); *State v. Huchting*, 927 S.W.2d 411, 419 (Mo. Ct. App. 1996) (deciding that a defendant's retention of private counsel did not preclude the defendant from seeking state assistance for hiring an expert witness); *State v. Boyd*, 418 S.E.2d 471, 475-76 (N.C. 1992) ("That defendant had sufficient resources to hire counsel does not in itself foreclose defendant's access to state funds for other necessary expenses of representation—including expert witnesses—if, in fact, defendant does not have sufficient funds to defray these expenses when the need for them arises."); *State v. Wool*, 648 A.2d 655, 660 (Vt. 1994) (holding that a defendant who qualifies as a needy person has a right to necessary services at public expense that cannot be conditioned on the defendant being represented by an appointed attorney); *State ex rel. Rojas v. Wilkes*, 455 S.E.2d 575, 578 (W. Va. 1995) ("We conclude that financial assistance provided by a third party which enables an indigent criminal defendant to have the benefit of private counsel is not relevant to the defendant's right to have expert assistance provided at public expense.").

Widdis provides that a defendant must make a showing of indigency, but it does not define or set forth a test for determining indigency. However, this court has stated that the standard for determining indigency

for the appointment of counsel is whether a person “is unable, without substantial hardship to himself or his dependents, to obtain competent, qualified legal counsel on his or her own.” In the Matter of the Review of Issues Concerning Representation of Indigent Defendants in Criminal and Juvenile Delinquency Cases, ADKT No. 411 (Order, January 4, 2008). That standard further provides that those defendants who do not fall within a presumptive threshold of substantial hardship “will be subjected to a more rigorous screening process to determine if their particular circumstances, including seriousness of charges being faced, monthly expenses, and local private counsel rates, would result in a substantial hardship.” *Id.* Based on *Widdis*’s logic that the right to defense services at public expense is connected to the right to effective assistance of counsel, we conclude the standard for determining indigency for the appointment of counsel in ADKT No. 411 should also be used when determining indigency for purposes of *Widdis*.

With regard to the first prong of *Widdis*, a demonstration of indigency, the district court concluded that Brown was not indigent because his financial situation had improved since being found indigent in the justice court—he had reduced his monthly debts; he had procured a job, and he was able to retain the services of counsel through financial assistance from family. The district court’s logic, however, works to disincentivize a defendant’s efforts to better his or her financial situation by reducing liability and obtaining income, and it contradicts the logic we employed in *Widdis*. 114 Nev. at 1229, 968 P.2d at 1168 (“Although the use of public funds in this manner may appear to be a misuse of such funds, we feel that a contrary rule would have a greater negative impact on scarce public resources by creating disincentives for defendants to seek private

representation at their own expense.”). Additionally, we have held that a determination of indigency does not require a demonstration that the person “is entirely destitute and without funds.” *Rodriguez v. Eighth Judicial Dist. Court*, 120 Nev. 798, 805-06, 102 P.3d 41, 46 (2004); *see also Lander Cty. v. Bd. of Trs. of Elko Gen. Hosp.*, 81 Nev. 354, 360-61, 403 P.2d 659, 662 (1965) (recognizing that “a person does not have to be completely destitute and helpless to be considered a destitute or indigent person, but can have some income or own some property”). Further, despite Brown’s financial improvement, he represented he had minimal assets that were insufficient to satisfy his basic necessities and a negatively disproportionate debt-to-income ratio, all while facing serious charges with possible sentences of life imprisonment. Given Brown’s circumstances, we conclude the district court capriciously exercised its discretion by finding that Brown was not indigent, or put another way, was able to afford an investigator and/or an expert without substantial hardship.

As for the second prong of *Widdis*, a demonstration of need, the district court concluded that Brown made a cursory showing at best. Given Brown’s proffer regarding the necessity of Dr. Chambers—to testify regarding psychological issues involving child testimony, parental influence on that testimony, children’s motivations regarding false allegations, and the influences upon a child’s accusations in a sexual prosecution—in a trial involving allegations of lewdness with a child, we conclude Brown demonstrated such an expert was reasonably necessary. In the same vein, Brown alleged he required the services of an investigator to serve subpoenas on and obtain statements from witnesses and to investigate the circumstances of the allegations. While less specific than Brown’s proffer regarding the need for Dr. Chambers, we conclude that Brown

demonstrated both an investigator and Dr. Chambers were reasonably necessary to his defense and that the district court manifestly abused its discretion by concluding otherwise.

Lastly, the district court implied a third prong could be gleaned from the dissent in *Widdis*, requiring a sum certain be requested before a motion for expert services is granted. To the extent a dissent may be read to impose an additional requirement on a test adopted by the majority, we disagree with the notion that the failure to request a sum certain is fatal to a motion for expert services. Thus, the district court's reliance on Brown's failure to request a sum certain was an inappropriate reason to deny the motion. Rather, if the district court was concerned with the cost of the services, it could have inquired into the expected cost for the services, limited the amount granted to a sum certain with leave to ask for additional funds if necessary, and/or taken any other measures it deemed prudent in reasonably limiting the expenditure.

As we have concluded that the district court capriciously exercised and manifestly abused its discretion when it denied Brown's motion for expert services at public expense, we therefore grant the petition in part.³ We direct the clerk of this court to issue a writ of mandamus

³Brown also challenges the denial of his pretrial petition for a writ of habeas corpus in which he challenged the probable cause determination at the preliminary hearing. This court generally does not exercise its discretion to entertain a pretrial challenge to a probable cause determination, see *Kussman v. Eighth Judicial Dist. Court*, 96 Nev. 544, 546, 612 P.2d 679, 680 (1980), and Brown does not demonstrate his challenge fits within the exception this court has made for a purely legal issue, see *Ostman v. Eighth Judicial Dist. Court*, 107 Nev. 563, 565, 816 P.2d 458, 459-60 (1991); *State v. Babayan*, 106 Nev. 155, 174-76, 787 P.2d 805, 819-

instructing the district court to vacate its order denying Brown's motion for expert services at public expense and to reconsider the motion consistent with this opinion.⁴

Stiglich, J.
Stiglich

We concur:

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

20 (1990). To the extent Brown's claim may be construed as one that his charges should have been severed, he did not make this argument before the justice court, and the authority he relies upon does not address proceedings at a preliminary examination. Accordingly, we deny the petition in part as it relates to this claim.

⁴The clerk of this court issued the writ on October 24, 2017, pursuant to our earlier unpublished order.

Original

Electronically Filed
1/9/2019 10:26 AM
Steven D. Grierson
CLERK OF THE COURT

Steven D. Grierson

1 **ORDR**
2 **GARY A. MODAFFERI, ESQ.**
3 Nevada Bar No.: 12450
4 815 S. Casino Center Drive
5 Las Vegas, Nevada 89101
6 Telephone 702.474.4442
7 Facsimile 702.474.1320
8 *Attorney for Defendant*

**DISTRICT COURT
CLARK COUNTY, NEVADA**

9 THE STATE OF NEVADA,)

10 Plaintiff,)

11 v.)

12 DENZEL DORSEY,)

13 Defendant.)

CASE NO.: C-17-323324-1

DEPT. NO.: ~~XXH~~ 15

PLEASE NOTE
DEPARTMENT CHANGE

ORDER GRANTING MOTION FOR EXPERT SERVICES (INVESTIGATOR)
PURSUANT TO WIDDIS

16 This matter having come on for hearing on January 3, 2019, the State having no position,
17 the Court being fully advised in the premises, grants Defendant's Motion for Expert Services
18 (Investigator) Pursuant to *Widdis*. The Defendant demonstrated both indigency and a need for the
19 requested services.

21 Accordingly, the Motion is *Granted. A status check regarding*
22 *the retention of the investigator, and the scope of the*
23 *investigation was set for January 17, 2019. Further, the*
24 *DATED this 7th day of January, 2019. Sentencing date would stand.*

Joe Hardy
DISTRICT COURT JUDGE BM

26 Respectfully Submitted by:

27 *[Signature]*
28 GARY A. MODAFFERI, ESQ. (12450)
Attorney for Defendant

JAN 07 2019



MOT
GARY A. MODAFFERI, ESQ. (12450)
LAW OFFICE OF GARY A. MODAFFERI, LLC
815 S. Casino Center Boulevard
Las Vegas, NV 89101
Telephone: (702) 474-4222
Fax: (702) 474-1320

Attorney for Defendant Denzel Dorsey

**DISTRICT COURT
CLARK COUNTY, STATE OF NEVADA**

THE STATE OF NEVADA

Plaintiff

vs

DENZEL DORSEY

Defendant

Case No. C-17-323324-1
Dept No. XV

Hearing Date:
Hearing Time:

DEFENDANT DENZEL DORSEY'S MOTION TO WITHDRAW GUILTY PLEA

COMES NOW the Defendant DENZEL DORSEY by and through his counsel, GARY A. MODAFFERI, ESQ. of THE LAW OFFICE OF GARY A. MODAFFERI, LLC, and submits the following Points and Authorities in Support of Defendant's Motion to Withdraw Guilty Plea "Motion".

DATED this 15th day of February, 2019.

By: /s/ Gary A. Modafferi Esq.
GARY A. MODAFFERI, ESQ.
Nevada Bar No. 12450
815 S. Casino Center Boulevard
Las Vegas, NV 89101
Counsel for Defendant
Denzel Dorsey

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NOTICE OF MOTION

PLEASE TAKE NOTICE that the undersigned will bring the foregoing motion on for
hearing before this Court on the **26th** day of **February**, 2019, at **8:30** a.m., or
as soon thereafter as counsel may be heard.

DATED this 15th day of February, 2019.

GARY A. MODAFFERI, ESQ.
Nevada Bar No. 12450
Attorney for Defendant

1 **POINTS AND AUTHORITIES**

2 **I. FACTUAL BASIS**

3 The Defendant respectfully requests permission to withdraw his guilty plea. The
4 Defendant's argument is that he is factually innocent of the charges he pled guilty to and that his
5 reason for entering his plea was to protect his minor brother. Investigation conducted after the
6 plea was entered has produced statements from two witnesses; Defendant's brother Davey
7 Dorsey, and Takiya Clemons.
8

9 Davey Dorsey is the younger brother of Denzel Dorsey.¹ On the night of the offense, Davey
10 Dorsey asked the Defendant if he could borrow his rental car. Defendant allowed his younger
11 brother to use the car without any knowledge that he was going to use the car to commit a crime.
12 It was Davey Dorsey who broke the window and tried to open the front door of the house. This
13 house was located at 2731 Warm Springs Avenue, Henderson, Nevada. Davey Dorsey is willing
14 to accept responsibility for this attempted home invasion. Davey Dorsey will testify under oath at
15 a hearing on this matter that Defendant Denzel Dorsey had nothing to do with this crime. Davey
16 Dorsey had attempted to explain his involvement in this crime to Defendant's previous attorney
17 but he was not heard on this matter.²
18

19 Takiya Clemons provided a written declaration in support of Defendant's Motion to
20 Withdraw his Guilty Plea.³ Ms. Clemons is willing to testify under oath to the facts detailed
21 below. Ms. Clemons stated that on November 28, 2016, the date of the offense alleged, she was
22 with Defendant at her apartment. At some point on November 27, 2016, Davey Dorsey came by
23 to borrow his brother's rental car. Ms. Clemons physically observed the Defendant hand over his
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25
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27 _____
28 ¹ Statements of Davey Dorsey are attached in Exhibit A.

² Exhibit A at p.2-3.

³ Attached as Exhibit B.

1 keys to his younger brother.⁴ Denzel Dorsey stayed with her at her apartment until 1:00 p.m.⁵

2 The witness is willing to testify under oath that she was with the Defendant the entire evening on
3 November 27, 2016 up to and including the time of the alleged crime the next day at 1:00p.m.⁶

4 At the preliminary hearing in this matter, the eyewitness equivocated about identifying the
5 Defendant as the person who committed this offense. When initially asked if the witness saw the
6 only black male in court as the perpetrator, he responded, "No, I don't think so."⁷

8 **II. Procedural History**

9 Initial arraignment was held on May 5, 2017. A preliminary hearing was held on May 2,
10 2017. On November 29, 2017 the Office of the Public Defender moved to withdraw because of a
11 conflict with a witness in this matter. On January 16, 2018, Ms. McAmis confirmed as counsel.
12 On March 9, 2018, a guilty plea agreement was filed with the Court. On March 13, 2018, a plea
13 canvass was conducted, a guilty plea entered, and the Defendant was released on his own
14 recognizance. Sentencing was initially set for June 5, 2018, but that was continued and on June
15 6, 2018 the Defendant filed a *pro se* motion to withdraw his guilty plea.⁸ The Defendant was
16 remanded into custody. On November 27, 2018, this counsel confirmed and on December 13,
17 2018 the defense argued and was subsequently granted its Widdis application.

18 **III. LEGAL STANDARD/ARGUMENT**

19 **A. Rule and Legal Standard.**

20 NRS 176.165 provides that:

21 Except as otherwise provided in this section, a motion to withdraw a plea of
22 guilty, guilty but mentally ill or nolo contendere may be made only before
23

24 ⁴ Exhibit B at p.2.

25 ⁵ Id.

26 ⁶ See Exhibit C, Preliminary Hearing Transcript of Proceedings held on May 2, 2017 at p.5/11.8-9. (offense
27 occurred at noon on November 28, 2016).

28 ⁷ Id. at pp. 12-14.

⁸ Attached as Exhibit D.

1 sentence is imposed or imposition of sentence is suspended. To correct
2 manifest injustice, the court after sentence may set aside the judgment of
conviction and permit the defendant to withdraw the plea.⁹

3 The Nevada Supreme Court held in *Bryant v. State*, that it is “the duty of the trial court to
4 review the entire record to determine whether the plea was valid, either by reason of the plea
5 canvas itself or **under the totality of the circumstances approach**.”¹⁰ A guilty plea cannot
6 stand if the record, taken as a whole, does not specifically show that Defendant possessed an
7 actual understanding of the charges against him at the time when Defendant entered his guilty
8 plea or that the plea was entered to take the blame for someone else.¹¹ Under the totality of the
9 circumstances test, Defendant need only provide the court with a credible story explaining his
10 actions.¹² The fact that Defendant brings this Motion to Court before sentencing is evidence of a
11 “lack of prejudice to the State.”¹³ Further, “[a] district court may not simply review the plea
12 canvass in a vacuum, conclude that it indicates that the defendant understood what [he] was
13 doing, and use that conclusion as the sole basis for denying a motion to withdraw a guilty
14 plea.”¹⁴

15 NRS 176.165 empowers this Court to grant Defendant’s Motion to Withdraw Guilty Plea.
16 The Nevada Supreme Court held in *Bryant v. State*, that the trial court must consider the entire
17 record using the under the totality of the circumstances test.”¹⁵ Defendant’s guilty plea cannot
18 stand if the record, taken as a whole, does not specifically show that Defendant possessed an
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25 ⁹ NRS 176.165; *See also, State v. Second Judicial Dist. Court*, 85 Nev. 381, 384, 455 P.2d 923, 925-26 (1969);
26 Here Defendant brings this motion **before** sentencing has commenced.

27 ¹⁰ 102 Nev. 268 (1986) (emphasis added); *See, Mitchel v. State*. 109 Nev. 137, 140-41. (emphasis added)

28 ¹¹ *Ibid.* 102 Nev. 268 at 276

¹² *Ibid. Mitchel v. State*, at 141

¹³ *Ibid.*

¹⁴ *Ibid.*

¹⁵ 102 Nev. 268 (1986) (emphasis added); *See, Mitchell v. State*. 109 Nev. 137, 140-41.

1 actual understanding of the charges against him at the time Defendant pled guilty.¹⁶ In *Mitchell*
2 *v. State*, the defendant originally entered a plea of guilty.¹⁷ She requested to withdraw her guilty
3 plea because she did not understand it due to a language barrier.¹⁸ The court denied the
4 withdrawal of guilty plea.¹⁹ The Nevada Supreme Court held the denial to an abuse of discretion
5 because, under the totality of the circumstances test, the defendant had a credible story
6 explaining her actions and there was no prejudice to the state because the Motion to Withdraw
7 Guilty Plea was made before sentencing.²⁰

9
10 In *Stevenson v. State*, the Nevada Supreme Court held that a district court may grant a
11 motion to withdraw a guilty plea before sentencing 'where for any substantial reason the granting
12 of the privilege seems 'fair and just.'²¹ Given the tendered proof that the defendant was factually
13 innocent and only entered into the plea to protect his minor brother, the defense has presented a
14 substantial reason that is fair and just. The substantial reason test, as previously argued, is much
15 less stringent than the manifest injustice standard which is applicable after sentence has been
16 imposed. Here the Defendant's brother is willing to testify under oath that he committed the
17 crime alone. Ms. Clemons is willing to testify that the defendant was with her at 11:55 a.m. on
18 November 28, 2016. This is the date and time of the offense.
19
20
21
22
23
24
25

26 ¹⁶ Ibid. 102 Nev. 268 at 276

27 ¹⁷ Ibid. *Mitchell v. State*. 109 Nev. at 139

28 ¹⁸ Ibid at 140

¹⁹ Ibid.

²⁰ Ibid. at 140-41.

²¹ Ibid. *Stevenson v. State*, 354 P.3d at 1279 (internal quotations omitted).

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CONCLUSION

The Defendant respectfully submits that a substantial fair and just reason has been presented in this motion to warrant granting an evidentiary hearing on this matter and granting the motion itself.

DATED this 15th day of February, 2019.

By: /s/ Gary A. Modafferi Esq.

GARY A. MODAFFERI, ESQ. (12450)
LAW OFFICE OF GARY A. MODAFFERI,
LLC
815 S. Casino Center Boulevard
Las Vegas, NV 89101
Counsel for Defendant
Denzel Dorsey

1 **CERT**

2 GARY A. MODAFFERI, ESQ. (12450)
3 LAW OFFICE OF GARY A. MODAFFERI, LLC
4 815 S. Casino Center Boulevard
5 Las Vegas, NV 89101
6 Telephone: (702) 474-4222
7 Fax: (702) 474-1320

8 *Attorney for Defendant Denzel Dorsey*

9 **DISTRICT COURT**
10 **CLARK COUNTY, STATE OF NEVADA**

11 **THE STATE OF NEVADA**

12 **Plaintiff**

13 **vs**

14 **DENZEL DORSEY**

15 **Defendant**

Case No. C-17-323324-1
Dept No. XV

16 **CERTIFICATE OF SERVICE**

17 I, the undersigned, hereby certify that on the 15th day of February, 2019, I served a true
18 copy of **MOTION TO WITHDRAW GUILTY PLEA** upon the following:
19

20
21 Sandra Digiacomo, Esq.
22 Chief Deputy District Attorney
23 sandra.digiacomo@clarkcountyda.com

24 /s/ Erika W. Magana

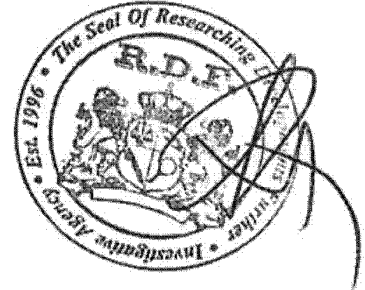
25 Erika W. Magana, An Employee of
26 Gary A. Modafferi, LLC
27
28

EXHIBIT “A”

HIGHLY CONFIDENTIAL COMMUNICATION PROTECTED BY
ATTORNEY - CLIENT AND WORK-PRODUCT PRIVILEGES

MEMORANDUM

To : Gary Modafferi, Esq.
From : **Richard Franky, L.P.I.**
RDF INVESTIGATIVE AGENCY
5258 S. Eastern Ave., Suite #102,
Las Vegas, Nevada 89119
(702) 696-9701 // RDFINVESTIGATIVE@AOL.COM
Date : February 14th, 2019
Re : State of Nevada vs. DENZEL DORSEY
District Court Case No. C-17-323324-1
ATTN : Gary Modafferi



Page 1 of 3

**RE: DAVEY DORSEY, BIOLOGICAL BROTHER OF
OF DENZEL DORSEY**

Per your request, this is to inform you that this investigator interviewed Mr. Davey Dorsey. Mr. Davey Dorsey stated the following:

DAVEY DORSEY
DOB: 06/27/1999
2137 East St. Louis
Las Vegas, Nevada 89104
(323) 915-3638

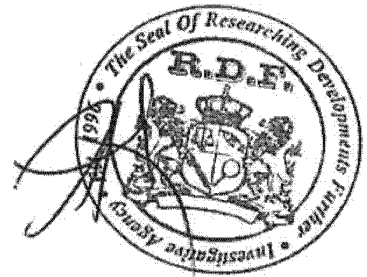
That he will make himself available to the lawyer of Denzel Dorsey
and the prosecutor.

That, on or about 11/28/2016, he was 17 years old.

That he is the younger biological brother of Denzel Dorsey.

That, on or about 11/27/2016, he asked Denzel Dorsey if he could
please borrow Denzel Dorsey's car rental.

That he received the keys to the car rental on 11/27/2016 in the



afternoon hours.

That he was supposed to have the vehicle to go hangout with a female friend.

That his brother, Denzel Dorsey, had no knowledge about him planning to rob a house.

That, on 11/28/2016, he (Davey Dorsey) did drive to the 2731 Warm Rays Ave. and tried to break into the house.

That he was the one who broke the window and tried to OPEN the front door of the house.

That, after the incident, he ended up driving to where his brother, Denzel Dorsey, was at.

That he never told his brother, Denzel Dorsey, that he had just tried to rob a house.

That, after he picked up Denzel Dorsey, Denzel Dorsey and himself drove to Lindell Street.

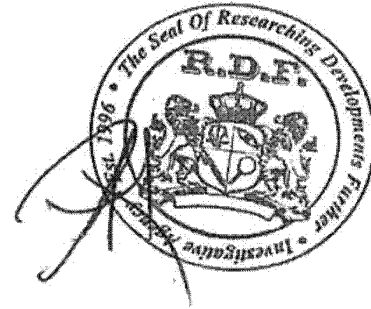
That he (Davey Dorsey) got out of the car at his sister's house.

That he is referring to Ramika's house.

That Ramika's house was somewhere on Teneya.

That he (Davey Dorsey) is more than willing to take responsibility

RDF Investigative Agency
RE: NV vs. DENZEL DORSEY
Memo Con.- 02/14/2019
Page 3 of 3
/////



for this attempt home invasion.

That he (Davey Dorsey) is more than willing to sign an affidavit
or a sworn declaration.

That Denzel Dorsey had NOTHING to do with both the
preplanning and the actual attempted home invasion.

That he is specifically talking about the house located at 2731
Warm Rays Ave., Henderson, Nevada 89052.

That he is very sorry for what he did.

That he is coming forward to report the truth regarding 11/28/2016
under HNPd Police Event #16-21448-001.

That Denzel Dorsey is innocent of these criminal charges.

That he (Davey Dorsey) tried to reach out to Denzel Dorsey's
female attorney.

That he actually went to the courthouse.

That Denzel Dorsey's female attorney was very rude to him (Davey
Dorsey) and she kept telling him that she did not have time for him.

That he wanted to inform the female lawyer that it was him (Davey
Dorsey) the one that committed the attempt home invasion on 11/28/2016.

That the female attorney of Denzel Dorsey would not give him 2
minutes of her time.

/////

If you have any questions, please call this investigator at (702) 696-9701 and/or
e-mail me at RDFINVESTIGATIVE@AOL.COM. Thank you.

EXHIBIT “B”

1 **GARY MODAFFERI, ESQ.**
2 Nevada Bar No. 012450
3 **LAW OFFICE OF GARY MODAFFERI**
4 815 S. Casino Center Blvd.,
5 Las Vegas, Nevada 89101
6 (702) 474-4222
7 **Attorney for Defendant**
8 **DENZEL DORSEY**

7 **DISTRICT COURT**
8 **CLARK COUNTY, NEVADA**

9 THE STATE OF NEVADA,)
10 Plaintiff,)
11 -vs-)
12 DENZEL DORSEY,)
13 ID# 02845569)
Defendant.)

CASE NO.: C-17-323324-1

DEPT. NO.: 22

14 **DECLARATION**

15 **TAKIYA KEYSHA CLEMONS** makes the following declaration:

- 17 1. That I have full knowledge of all matters contained
18 herein and am competent to testify thereto.
19
20 2. That my date of birth is: 2/25/1995
21
22 3. That my current address is 2645 Donna Street, Apt. D
23 North Las Vegas, Nevada 89030
24
25 4. That, on or about 11/27/2016, I was living with a female friend by the
26 name of Aisha Jones.
27
28 5. That Aisha Jones used to live on Viking Street, Las Vegas, Nevada.
6. That Aisha Jones lived in an apartment complex on Viking Street.

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7. That, on 11/27/2016, I was at Aisha Jones's apartment.

8. That, on or about both 11/27/2016 and 11/28/2016, I was dating Denzel Dorsey.

9. That I had been dating Denzel Dorsey for four (4) years prior to 11/27/2016.

10. That, on 11/27/2016, I was OFF from work.

11. That, due to the fact that I was OFF from work, Denzel Dorsey drove to my apartment and decided to stay the night to be with me.

12. That, at some point during the evening PM hours on 11/27/2016, Davey Dorsey came over to my apartment to borrow the car rental.

13. That, on 11/27/2016, I physically saw and witnessed Denzel Dorsey hand over the keys to his car rental to his younger brother, Davey Dorsey.

14. That Denzel Dorsey stayed the night at my apartment.

15. That Denzel and I, hung out, watched Netflix, and had some drinks.

16. That Denzel Dorsey fell asleep with me in the living room on a sofa.

17. That Denzel Dorsey was with me the entire night.

18. That, on 11/28/2016, Denzel and I woke up late.

19. That Denzel Dorsey and I were looking for an apartment to rent on my iPhone.

20. That sometime between 1:00 PM and 2:00 PM, Davey Dorsey came back to my apartment.

21. That Denzel Dorsey left with Davey Dorsey.

-2-
T.C

1 22. That Denzel Dorsey was with me all night long on 11/27/2016 through
2 11/28/2016 at 1:00 PM.
3

4 23. That, at some point after 1:00 PM on 11/28/2016, Denzel Dorsey left with
5 Davey Dorsey.

6 24. That I fully understand what an alibi witness is.

7 25. That Denzel Dorsey was with me on 11/28/2016 at 11:55 AM.

8 26. That the above is the honest-to-God truth.

9 27. That I have no problem testifying to the above information before a
10 Judge and jury.
11

12 **I DECLARE UNDER PENALTY OF PERJURY THAT THE**
13 **FOREGOING IS TRUE AND CORRECT. (NRS 53.045).**
14

15
16 EXECUTED this 12 day of FEBRUARY, 2019.
17

18
19
20 
21 **TAKIYA KEYSHA CLEMONS**
22 2645 Donna Street, Apartment #D
23 North Las Vegas, Nevada 89030
24 (702) 684-3063
25 Takiya225clemons@gmail.com
26

EXHIBIT “C”



12:00AM

1

TRAN

2

CASE NO. C323324

3

4

IN THE JUSTICE'S COURT OF HENDERSON TOWNSHIP

12:00AM

5

COUNTY OF CLARK, STATE OF NEVADA

6

7

STATE OF NEVADA,

)

8

Plaintiff,

)

vs.

)

9

CASE NO. 16FH2022X

12:00AM

10

DENZEL DORSEY,

)

11

Defendant.

)

12

13

REPORTER'S TRANSCRIPT

14

OF

12:00AM

15

PRELIMINARY HEARING

16

BEFORE THE HONORABLE SAMUEL G. BATEMAN

17

JUSTICE OF THE PEACE

18

TUESDAY, MAY 2, 2017

19

APPEARANCES:

12:00AM

20

21

For the State:

SANDRA DIGIACOMO

Chief Deputy District Attorney

22

23

For the Defendant:

KEITH BROWER, ESQ.

24

12:00AM

25

Reported by: Lisa Brenske, CCR #186

12:00AM

1

W I T N E S S E S

2

KEVIN NAZARENO

3

Direct Examination by Ms. DiGiacomo

4

Cross-Examination by Mr. Brower

14

4

NORMA CORDERO NAZARENO

12:00AM

5

Direct Examination by Ms. DiGiacomo

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Cross-Examination by Mr. Brower

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JAMES MCGEAHY

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Direct Examination by Ms. DiGiacomo

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Cross-Examination by Mr. Brower

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12:00AM

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HENDERSON, NEVADA, MAY 2, 2017

2

3

* * * * *

4

12:12PM

5

THE COURT: Denzel Dorsey, 16FH2022X.

6

Is the prelim going forward?

7

MR. BROWER: It is, Judge.

8

THE COURT: Any motion on witnesses?

9

MR. BROWER: I'd ask to invoke the

12:12PM

10

exclusionary rule at this point in time.

11

THE COURT: Do we have anybody here that's

12

a witness, Sandy?

13

MS. DIGIACOMO: Yes. I have four.

14

THE COURT: Are we good? We got those

12:12PM

15

guys out?

16

Call your first witness.

17

MS. DIGIACOMO: State calls Kevin

18

Nazareno.

19

THE COURT: Sir, come up here to the

12:14PM

20

podium and remain standing and raise your right hand

21

for me.

22

THE CLERK: Do you solemnly swear that the

23

testimony that you are about to give will be the truth,

24

the whole truth and nothing but the truth, so help you

12:14PM

25

God?

12:14PM 1 THE WITNESS: I solemnly swear.
2 THE CLERK: Please be seated.
3 Please state your first and last name and
4 spell each for the record.

12:15PM 5 THE WITNESS: My name is Kevin Nazareno.
6 K-E-V-I-N. N-A-Z-A-R-E-N-O.
7 THE COURT: All right. Go ahead, State.
8 MS. DIGIACOMO: Thank you.
9

12:15PM 10 **KEVIN NAZARENO,**
11 having been first duly sworn, did testify as follows:
12
13 DIRECT EXAMINATION
14 BY MS. DIGIACOMO:
15 Q. Sir, how old are you?
16 A. Twenty-one years old.
17 Q. And do you live or did you last November
18 live at 2731 Warm Rays in Henderson, Clark County,
19 Nevada?
20 A. Yes. I still currently live there to this
21 day.
22 Q. Who do you live there with?
23 A. I live with my mom, my dad and a couple
24 of -- no. One cousin and his girlfriend who are
25 staying in a room at my house.
26 Q. Now, who owns the house?

12:15PM 1 A. My father.

2 Q. And who is your father?

3 A. Florentino Nazareno.

4 Q. And does his wife also own the residence,

12:16PM 5 your mom?

6 A. I think, yes.

7 Q. And her name is Norma?

8 A. Yes.

9 Q. So on November 28, 2016 were you home at

12:16PM 10 approximately noon?

11 A. Yes. I had been there the whole day.

12 Q. What were you doing at about a little bit

13 before noon on that date?

14 A. I was still in bed asleep.

12:16PM 15 Q. Did something wake you up?

16 A. Yes. The doorbells. Constant ringing of

17 the doorbells. Multiple doorbell ringings.

18 Q. Was that the front doorbell that was

19 ringing?

12:16PM 20 A. Yes.

21 Q. And you said it would ring multiple times?

22 A. Yeah. Multiple times.

23 Q. So would it be that somebody would ring it

24 multiple --

12:16PM 25 A. Yeah, yeah, yeah.

12:16PM 1 Q. Let me finish because she's taking
2 everything down.
3 A. Okay.
4 Q. So they would ring it a bunch of times
12:16PM 5 like keep pushing the button?
6 A. Yes, that is correct.
7 Q. And then would it stop and then the
8 doorbell ringing would start occurring again?
9 A. Yes. I heard that at least multiple
12:17PM 10 times. Multiple ringings, stopping and then multiple
11 ringings again.
12 Q. And what did you do when you heard this?
13 A. I was still in bed. I was getting kind of
14 annoyed that someone would ring that much.
12:17PM 15 Q. Did you eventually get up from your bed
16 and go to the front door?
17 A. Yes.
18 Q. Now, was your bedroom upstairs or
19 downstairs?
12:17PM 20 A. It was upstairs.
21 Q. So you came down the stairs?
22 A. Yes.
23 Q. The front doors, can you describe what
24 they looked like on that date?
12:17PM 25 A. They were glass doors that I could see

12:17PM 1 clearly through.

2 Q. And when you come down the stairs, can you
3 see the front doors from the staircase?

4 A. Yes, I can. Since there's this -- the
12:17PM 5 stairways lead downwards and when I peek over the
6 railings, I can look straight into the doorway and see
7 whoever is there.

8 Q. So on this date back in November when you
9 looked over the railing, did you see anybody standing
12:18PM 10 outside the front door?

11 A. Yes.

12 Q. And who did you see?

13 A. I saw a black male and I saw them punching
14 and I heard banging on the door itself.

12:18PM 15 Q. Let me stop you. Did you see more than
16 one black male?

17 A. No. Just one.

18 Q. Just one black male?

19 A. Yes.

12:18PM 20 Q. And when you said you heard banging, did
21 it sound like somebody was trying to break the glass?

22 A. Yes. Correct.

23 Q. So when you got down to the bottom of the
24 stairs, could you still hear this banging on the glass?

12:18PM 25 A. Yes. And then --

12:18PM 1 Q. What did you see then?

2 A. I saw the glass break and there was just a
3 hole in the glass now and then I saw the male trying to
4 reach through the door and unlock the deadbolt.

12:19PM 5 Q. Let's back up a little bit. You kept
6 making a motion as you were talking about the banging
7 on the glass of the front door. You had your right
8 hand balled like a fist and you were punching your left
9 hand. Is that what you were just doing?

12:19PM 10 A. What do you mean by that?

11 THE COURT: For the record that's what he
12 was doing.

13 BY MS. DIGIACOMO:

14 Q. When you heard the glass being hit, could
12:19PM 15 you see what the black male was trying to hit the glass
16 with? Was it his fist?

17 A. Yes.

18 Q. Was he able to break through the glass
19 with his fist?

12:19PM 20 A. Yes.

21 Q. And then did it leave a round sized hole?

22 A. Yes. Correct.

23 Q. And was the glass kind of jagged, the hole
24 that he broke?

12:19PM 25 A. I'd say so. It was, yeah, like that.

12:19PM 1 Q. So it wasn't a perfectly smooth hole?
2 A. No.
3 Q. And then you said that you saw this black
4 male stick his hand through the glass?
12:20PM 5 A. Yes.
6 Q. Into your house?
7 A. Yes.
8 Q. And what was he trying to do?
9 A. He was trying to unlock the deadbolt that
12:20PM 10 was there.
11 Q. So when you see his hand through the door
12 and he's unlocking the deadbolt, what do you do?
13 A. I rushed forward towards the door and I
14 blocked him and kept it locked.
12:20PM 15 Q. And when you blocked him, how did you do
16 that?
17 A. I just --
18 Q. So you grabbed the deadbolt?
19 A. Yeah, and I kept it there.
12:20PM 20 Q. Did you do anything to try and hit his
21 hand away from the deadbolt?
22 A. I don't recall.
23 Q. And what did he do when you protected the
24 deadbolt?
12:20PM 25 A. He ran away.

12:20PM 1 Q. Did he take his arm out of the glass?
2 A. Yes.
3 Q. And he takes off?
4 A. Yes.
12:20PM 5 Q. What did you do when you saw him leave?
6 A. I chased after him of course.
7 Q. So you chased after him. Where did you
8 see him go?
9 A. To his car parked right in front of my
12:21PM 10 house.
11 Q. Did you see what kind of car it was?
12 A. Yes. It was a blue Suzuki.
13 Q. And were you able to get the license
14 plate?
12:21PM 15 A. Yes. I did.
16 Q. Do you remember the license plate as you
17 sit here today?
18 A. Yes.
19 Q. What was the license plate?
12:21PM 20 A. 953LGM.
21 Q. Did you tell the police that information?
22 A. Yes. I told the dispatcher the license
23 plate as soon as I called them.
24 Q. And did you call the police right away?
12:21PM 25 A. Yes. Yes, I did.

12:21PM 1 Q. Did the police respond?

2 A. Yes.

3 Q. Now, the person that you saw that was at

4 your front door, you said you saw him run and get into

12:21PM 5 this car, the Suzuki right in front of your house?

6 A. Yes.

7 Q. Did you see which door he got into?

8 A. The driver's side.

9 Q. Could you see anybody else in the car?

12:21PM 10 A. No.

11 Q. Just him?

12 A. Yes.

13 Q. Now, can you describe what he looked like

14 for the Court?

12:21PM 15 A. He was a tall black male, bigger than me

16 at least.

17 Q. How tall are you?

18 A. 5-foot-6 and with shoes 5-foot-7.

19 Q. You held your hand about an inch or so

12:22PM 20 above your head. Was he a little taller than you?

21 A. Yeah. I'd say around 5-foot-10 to 6 feet.

22 Q. Do you remember what he was wearing?

23 A. No.

24 Q. But you know it was a black male?

12:22PM 25 A. Yes.

12:22PM 1 Q. Do you remember if he was heavy-set,
2 skinny?
3 A. It's hard to remember.
4 Q. Do you think you'd recognize him if you
12:22PM 5 saw him again?
6 A. Yes.
7 Q. Now, you've been sitting in court all
8 morning. Have you seen the same person that you saw
9 try and break into your house on November 28th, 2016
12:22PM 10 here in court?
11 A. I think.
12 Q. You think. Is that person still here in
13 court?
14 A. I don't know actually.
12:22PM 15 Q. Well, let me ask you. The person that you
16 thought you saw that kind of looked familiar, do you
17 see him in the courtroom as you sit here right now?
18 A. No, I don't think so.
19 Q. So I am going to point to a person. This
12:23PM 20 gentleman that's seated at counsel table wearing
21 glasses, you don't recognize him?
22 A. Could he take his glasses off?
23 MS. DIGIACOMO: For the record the
24 defendant just took his glasses off.
12:23PM 25 MR. BROWER: So did I since we are both

12:23PM 1 sitting at the table wearing glasses.

2 MS. DIGIACOMO: I'm sorry. I'm standing

3 behind Mr. Brower.

4 THE COURT: I don't think you match the

12:23PM 5 description, Mr. Brower.

6 BY MS. DIGIACOMO:

7 Q. Does he look familiar to you?

8 A. Yes, I think so.

9 Q. Without the glasses?

12:23PM 10 A. Yes. Without the glasses.

11 Q. So he appears to look like the person that

12 was at your house that day in November?

13 A. Yeah.

14 Q. Can you say with like a percentage of

12:23PM 15 certainty like 10 percent, 50 percent?

16 A. 85 percent sure.

17 MS. DIGIACOMO: Now, this person that I

18 just pointed to for the record was the defendant, your

19 Honor.

12:24PM 20 THE COURT: Record will reflect

21 identification that you're talking about the defendant.

22 BY MS. DIGIACOMO:

23 Q. Did you know him before November 28th?

24 A. No, I have no idea who they are.

12:24PM 25 Q. So you did not give him permission to come

12:24PM 1 into your house on November 28th, 2016?

2 A. No.

3 MS. DIGIACOMO: I have nothing further.

4 THE COURT: Mr. Brower.

5

6 CROSS-EXAMINATION

7 BY MR. BROWER:

8 Q. Kevin, when you looked around the
9 courtroom a moment ago and you didn't identify my
10 client, did you see any other black people in the
11 courtroom?

12 A. No.

13 Q. But there's a couple black females,
14 correct?

12:24PM 15 A. Yes.

16 Q. But no other black males, correct?

17 A. Yes.

18 Q. And only after the prosecutor pointed to
19 the sole black male in the courtroom were you able to
12:24PM 20 say possibly it was him, correct?

21 A. Yes.

22 Q. So, Kevin, I am going to go back and ask
23 you a couple other questions.

24 A. Okay.

12:24PM 25 Q. You were talking about somebody trying to

12:24PM 1 punch through the glass on your door of your house. Is
2 your glass frosted?

3 A. What do you mean by that?

4 Q. Well, is it clear glass on the front door
12:25PM 5 or is it frosted glass?

6 A. What do you mean by that?

7 Q. Are the panels totally clear or do they
8 have lines or etchings or snowflakes or anything in
9 them? Is it like a clear glass that you can see
12:25PM 10 through like glasses or is it --

11 A. It was clear enough that I could see him
12 through the glass.

13 Q. So there's nothing to distort your vision
14 through there?

12:25PM 15 A. No.

16 Q. What color jacket was the person wearing?

17 A. I couldn't remember.

18 Q. Was the person wearing gloves?

19 A. I do not remember.

12:25PM 20 Q. So when you saw a hand come through the
21 window, can you describe were their rings on it?

22 A. I don't remember.

23 Q. Can you describe whether the fingernails
24 had nail polish or anything else?

12:26PM 25 A. No.

12:26PM 1 Q. Because you don't remember or because you
2 didn't see?

3 A. Because I don't remember.

4 Q. And you don't remember if there was a
12:26PM 5 glove?

6 A. No.

7 Q. Do you remember the color -- was the arm
8 that came through the window -- was the arm bare?

9 A. No.

12:26PM 10 Q. So it had clothing on it?

11 A. Yes.

12 Q. But you don't know if it was a jacket
13 or --

14 A. No.

12:26PM 15 Q. Do you know if it was leather or if it was
16 cloth?

17 A. Probably leather.

18 Q. Probably leather but you're not sure?

19 A. Not sure.

12:26PM 20 Q. But you don't remember if the arm had a
21 glove on it?

22 A. No.

23 Q. How about a watch, did you see a watch?

24 A. No.

12:26PM 25 Q. And you ran outside afterwards and saw the

12:26PM 1 person get into the driver's side of a car?

2 A. Yes.

3 Q. Were they wearing a hat?

4 A. No, I don't think so.

12:27PM 5 Q. Can you describe their hair to me?

6 A. Very short hair.

7 Q. Were they wearing glasses?

8 A. No, I don't think so.

9 Q. Not even sunglasses?

12:27PM 10 A. No.

11 Q. Describe the vehicle to me.

12 A. It was a blue Suzuki.

13 Q. Two door or four door?

14 A. Four door.

12:27PM 15 Q. Do you know what kind of wheels it had?

16 A. Probably the stock wheels.

17 Q. You don't remember?

18 A. The stock wheels.

19 Q. Can you describe the weight of the person?

12:27PM 20 A. Average to slim.

21 Q. So you are going to have to help me out,

22 Kevin. I don't know what average to slim means to you.

23 A. I'd say around 180 pounds to 200.

24 Q. 180 to 200 and you described him as

12:28PM 25 between 5-foot-10 and 6 feet?

12:28PM 1 A. Yes. Or a bit taller than 6 feet.

2 Q. Were you wearing shoes when you ran

3 outside?

4 A. No. I went in barefoot.

12:28PM 5 Q. How far did you chase the person?

6 A. I chased him to the sidewalk at which I

7 looked at his license plate because his car was right

8 there.

9 Q. Well, the car you saw the person get into

12:28PM 10 was right there, right?

11 A. Yes.

12 Q. Do you know if it was their car?

13 A. Yes.

14 Q. How do you know it was their car?

12:28PM 15 A. Because they had the keys and started the

16 ignition to start the car.

17 Q. So if you drive your parents' car with

18 their keys, is it your car or your parents' car?

19 A. It's my parents' car obviously.

12:28PM 20 Q. But if I saw you get in it, wouldn't I be

21 inaccurate to say it was your car?

22 A. No.

23 Q. I wouldn't?

24 A. I mean, if you saw me with my car, then

12:29PM 25 obviously it's my car. But if you see me with my

12:29PM 1 parents' car, then it's my parents' car.

2 Q. That you're driving?

3 A. Yes.

4 Q. Kevin, was it the right hand or left hand

12:29PM 5 that came into the door?

6 A. I'm pretty sure it was the left hand I

7 think.

8 Q. And you didn't see any watches?

9 A. No.

12:29PM 10 Q. Was it sunny out that day?

11 A. Yes. It was in broad daylight.

12 Q. So it wasn't raining or anything?

13 A. No.

14 Q. It wasn't overcast?

12:29PM 15 A. No.

16 MR. BROWER: I'll pass the witness, Judge.

17 THE COURT: Anything else?

18 MS. DIGIACOMO: No.

19 THE COURT: Thank you, sir.

12:30PM 20 Is he free to go?

21 MS. DIGIACOMO: Yes.

22 THE COURT: You can jump down. You're

23 free to leave. Thank you for your testimony.

24 THE WITNESS: Thank you, your Honor.

12:30PM 25 THE COURT: Next witness.

**PLEADING
CONTINUES
IN NEXT
VOLUME**