

# IN THE SUPREME COURT OF THE STATE OF NEVADA

SAMMIE NUNN,  
Appellant(s),

vs.

THE STATE OF NEVADA,  
Respondent(s),

Electronically Filed  
Nov 15 2021 02:38 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

Case No: C-18-336184-1  
*Related Case A-21-835110-W*  
Docket No: 83660

# RECORD ON APPEAL VOLUME 2

**ATTORNEY FOR APPELLANT**  
SAMMIE NUNN # 1226304,  
PROPER PERSON  
P.O. BOX 509  
PIOCHE, NV 89043

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

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1 On November 14, 2019, the Court conducted a hearing regarding the revocation of  
2 Petitioner's probation. Following arguments by the parties, the Court found that Petitioner  
3 violated his probation and revoked the same. The Court modified Petitioner's sentence of  
4 imprisonment to thirty-six (36) to one hundred twenty (120) months in NDoC. The Court gave  
5 Petitioner five hundred ten (510) days credit for time served.

6 On January 24, 2020, Petitioner filed a Post-Conviction Petition for Writ of Habeas  
7 Corpus. On February 25, 2020, the State filed its Response and Motion to Dismiss Petition for  
8 Writ of Habeas Corpus. On March 5, 2020, the Court filed an Order Granting and Denying  
9 Defendant's Motion to Appoint Appellate Counsel and Defendant's Motion for Production of  
10 Transcript.

11 On March 10, 2020, Petitioner filed the instant Supplementary Motion for Evidentiary  
12 Hearing for *Pro Per* Petition for Sammie Nunn for Habeas Corpus Relief (the "instant  
13 Supplement").

#### 14 STATEMENT OF FACTS

15 On May 27, 2018, Prince Alidu (the "Victim") was at Your Stop Liquor, a convenience  
16 store, when he was approached by Petitioner, who asked Victim for fifty (50) cents. Grand  
17 Jury Transcript, Tuesday, November 6, 2018 ("GJT") at 16. Victim told Petitioner he did not  
18 have the money, after which Petitioner's female friend angrily approached Victim. Id.  
19 Petitioner then came back to Petitioner and called him names. Id. at 17. Victim asked Petitioner  
20 to leave him alone, and Petitioner left to the nearby apartment complex. Id. A few minutes  
21 later, however, Petitioner came back with a tool in his hand. Id. Victim described the tool as  
22 being approximately one foot long. Id. at 17-18. Petitioner hit Victim in the face with the tool,  
23 resulting in significant bleeding and an eventual scar. Id.

24 Officer Vesperas was in the area of Your Stop Liquor on May 27, 2018, when he was  
25 flagged down by a pedestrian. GJT at 6-7. That pedestrian directed Vesperas's attention to  
26 another individual down the street. Id. at 7. The individual to which Vesperas was directed had  
27 a foot-long wrench in his hand. Id. Vesperas identified that individual as Petitioner. Id. at 8.

28 //

Petitioner told Vesperas that he had been attacked and had hit an attacker with the wrench. GJT at 8. However, Vesperas did not notice any injuries that would require medical attention, and Petitioner did not complain of any such injuries. *Id.* at 9.

Officer Hawkins also responded to the area of Your Stop Liquor on May 27, 2018. GJT at 11. Hawkins came into contact with Victim, who was bleeding from his head. Id. at 12. Victim identified Petitioner to Hawkins at the scene of the interaction. Id.

On June 3, 2018, Victim was again outside Your Stop Liquor when he was approached by Petitioner. GJT at 20. At this encounter, Petitioner pulled out a handgun and again hit the Victim over the head. Id. at 21.

## ARGUMENT

NRS 34.750(3) states,

After appointment by the court, counsel for the petitioner may file and serve supplemental pleadings, exhibits, transcripts and documents within 30 days after:

...

(b) The date of counsel's appointment.

Therefore, to the extent Petitioner seeks to file a supplement, through counsel, he is entitled to do that pursuant to statute.

However, Petitioner's instant Supplement fails to make any substantive additional argument in support of an evidentiary hearing. A review of the instant Supplement demonstrates that Petitioner merely argues that the Petition itself "alleges sufficient material facts that an evidentiary hearing is required because there are material facts in dispute." Instant Supplement at 1:22-24. The State would note that such is *not* the standard by which a reviewing court determines whether or not an evidentiary hearing is necessary. See, State v. Eighth Judicial Dist. Court (Riker), 121 Nev. 225, 234, 112 P.3d 1070, 1076 (2005) (holding that it is improper to hold an evidentiary hearing merely to "complete the record"). In the interest of judicial economy, and because Petitioner fails to raise any new substantive argument in support of an evidentiary hearing, the State hereby incorporates its Argument in

11

1 its Response and Motion to Dismiss Petition for Writ of Habeas Corpus (the "State's  
2 Response"), filed on February 25, 2020.

3 Insofar as Petitioner includes additional case law in the instant Supplement, the State  
4 responds that Petitioner's cited-to cases are inapplicable regarding the instant habeas corpus  
5 proceeding because Petitioner previously acknowledged that his Petition is his second attempt  
6 to receive habeas corpus relief. Petitioner does not allege good cause or prejudice to overcome  
7 his procedural default. See, NRS 34.810(3). Petitioner's failure to demonstrate good cause and  
8 prejudice to overcome his procedural default constitutes an abuse of the writ. Therefore,  
9 because the Petition is barred for the reasons as contained in the State's Response, there is no  
10 reason for the Court to conduct an evidentiary hearing.

11 **CONCLUSION**

12 For the forgoing reasons, the State respectfully renews its request that the Petition for  
13 Writ of Habeas Corpus be DISMISSED as procedurally barred, and Petitioner's Request for  
14 Evidentiary Hearing be DENIED.

15 DATED this 31st day of March, 2020.

16 Respectfully submitted,

17 STEVEN B. WOLFSON  
18 Clark County District Attorney  
19 Nevada Bar #1565

20 BY

21 JOHN NIMAN  
22 Deputy District Attorney  
23 Nevada Bar #014408

24 **CERTIFICATE OF SERVICE**

25 I hereby certify that service of the above and foregoing was made this 31st day of  
26 March, 2020, by email to:

27 TERRENCE M. JACKSON, ESQ.  
28 Email: terry.jackson.esq@gmail.com

BY:

18F09747X/JN/eg/L4

Secretary for the District Attorney's Office



1 **REQT**

2 TERRENCE M. JACKSON, ESQ.  
3 Nevada Bar No.: 00854  
4 Law Office of Terrence M. Jackson  
5 624 South Ninth Street  
6 Las Vegas, NV 89101  
7 T: 702-386-0001 / F: 702-386-0085  
8 terry.jackson.esq@gmail.com  
9 *Counsel for Sammie Nunn*

6 EIGHTH JUDICIAL DISTRICT COURT  
7 CLARK COUNTY, NEVADA

8 STATE OF NEVADA, )

9 Plaintiff, )

10 v. )

11 SAMMIE NUNN,  
12 #1226304,  
13 Defendant. )

Case No.: C-18-336184-1

Dept. No.: XVIII

**HEARING REQUESTED**

13 **DEFENSE REQUEST FOR APPOINTMENT OF INVESTIGATOR**

14  
15 COMES NOW the Defendant, SAMMIE NUNN, by and through counsel, TERRENCE M.  
16 JACKSON, ESQ., and moves this Court to enter an Order appointing an investigator to assist  
17 counsel to aid Defendant in his *pro per* Petition for Writ of Habeas Corpus filed on January 24,  
18 2020, set for hearing on June 16, 2020.

19 This Motion is further based upon the accompanying Points and Authorities incorporated  
20 herein and such further facts as will come before the Court on a hearing of this Motion.

21 Respectfully submitted this 17th day of April, 2020.

22 /s/ Terrence M. Jackson

23 TERRENCE M. JACKSON, ESQ.

24 Nevada Bar No.: 00854

25 Law Office of Terrence M. Jackson

26 624 South Ninth Street

27 Las Vegas, NV 89101

28 T: 702.386.0001 / F: 702.386.0085

terry.jackson.esq@gmail.com

*Counsel for Sammie Nunn*

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An investigator is needed to subpoena this eyewitness to testify at the evidentiary hearing set for June 16, 2020 at 9:00 a.m. *Ake v. Oklahoma*, 470 U.S. 68 (1985) and *Widdis v. State*, 968 P.2d 1165 (1998), provides an indigent should have necessary expert services. Wherefore, Defendant respectfully requests he be granted an investigator to interview and subpoena the witness necessary for the evidentiary hearing on June 16, 2020.

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1 EIGHTH JUDICIAL DISTRICT COURT

2 CLARK COUNTY, NEVADA

3 STATE OF NEVADA, )

Case No.: C-18-336184-1

4 Plaintiff, )

Dept. No.: XVIII

5 v. )

6 SAMMIE NUNN, )  
7 #1226304 )

8 Defendant. )  
\_\_\_\_\_ )

9 NOTICE OF HEARING

10 Please be advised that the Defendant's Request for Appointment of Investigator in the above-  
11 entitled matter is set for hearing as follows:

12 **Date:**

13 **Time:**

14 **Location:** RJC Courtroom 3F  
15 Regional Justice Center  
200 Lewis Avenue  
16 Las Vegas, NV 89101

17 **Note:** Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial  
18 District Court Electronic Filing System, the movant requesting a hearing must serve this notice on  
19 the party by traditional means.

20 By: /s/ Ila C. Wills

21 Assistant to T. M. Jackson, Esq.

22  
23 CERTIFICATE OF SERVICE

24 I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion  
25 Rules, a copy of this Notice of Hearing was electronically served to all registered users on this case  
26 in the Eighth Judicial District Court Electronic Filing System.

27 By: /s/ Ila C. Wills

28 Assistant to T. M. Jackson, Esq.

1 **CERTIFICATE OF SERVICE**

2  
3 I hereby certify that I am an assistant to Terrence M. Jackson, Esq., I am a person competent  
4 to serve papers and not a party to the above-entitled action and on the 17th of April, 2020, I served  
5 a copy of the foregoing Defendant/Petitioner, SAMMIE NUNN'S, DEFENSE REQUEST FOR  
6 APPOINTMENT OF INVESTIGATOR as follows:

7  
8 [X] Via Electronic Service (CM/ECF) to the Eighth Judicial District Court and by United States  
9 first class mail to the Nevada Attorney General and Petitioner/Appellant as follows:

10  
11 STEVEN B. WOLFSON  
12 Clark County District Attorney  
13 steven.wolfson@clarkcountyda.com

JOHN T. NIMAN  
Clark County Deputy D.A. - Criminal  
john.niman@clarkcountyda.com

14  
15 SAMMIE NUNN  
16 ID# 1226304  
17 High Desert State Prison  
18 Post Office Box 650  
19 Indian Springs, NV 89070-0650

AARON D. FORD  
Nevada Attorney General  
100 North Carson Street  
Carson City, Nevada 89701

20  
21  
22  
23  
24 By: /s/ Ila C. Wills  
25 Assistant to T. M. Jackson, Esq.

DISTRICT COURT  
CLARK COUNTY, NEVADA  
\*\*\*\*



State of Nevada  
vs  
Sammie Nunn

Case No.: C-18-336184-1  
Department 18

**NOTICE OF HEARING**

Please be advised that the Defense Request for Appointment of Investigator in the above-entitled matter is set for hearing as follows:

**Date:** May 05, 2020  
**Time:** 9:00 AM  
**Location:** RJC Courtroom 03F  
Regional Justice Center  
200 Lewis Ave.  
Las Vegas, NV 89101

**NOTE: Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.**

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Imelda Murrieta  
Deputy Clerk of the Court

**CERTIFICATE OF SERVICE**

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Imelda Murrieta  
Deputy Clerk of the Court



1 **RTRAN**

2  
3  
4  
5 **DISTRICT COURT**  
6 **CLARK COUNTY, NEVADA**

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

**CASE#: C-18-336184-1**  
**DEPT. XVIII**

10 **vs.**

11 **SAMMIE NUNN,**  
12 **Defendant.**

13  
14 **BEFORE THE HONORABLE MARY KAY HOLTHUS,**  
15 **DISTRICT COURT JUDGE**  
16 **TUESDAY, APRIL 16, 2019**

17 ***RECORDER'S TRANSCRIPT OF HEARING:***  
18 ***FURTHER PROCEEDINGS: RETURN FROM COMPETENCY COURT***

19  
20 **APPEARANCES:**

21 **For the State:** **ASHLEY LACHER, ESQ.**  
**Deputy District Attorney**

22  
23 **For the Defendant:** **ANTHONY GOLDSTEIN, ESQ.**

24  
25 **RECORDED BY: YVETTE SISON, COURT RECORDER**

1 Las Vegas, Nevada, Tuesday, April 16, 2019

2

3 [Hearing began at 9:00 a.m.]

4 THE COURT CLERK: State of Nevada versus Sammie  
5 Nunn, C336184.

6 MR. GOLDSTEIN: Your Honor, Anthony Goldstein for the  
7 Defendant. He's here in custody.

8 THE COURT: All right. This is a return from competency?

9 MR. GOLDSTEIN: That's correct.

10 THE COURT: Where were we before we went there?

11 MR. GOLDSTEIN: Just need a trial date at this point, Your  
12 Honor.

13 THE COURT: Okay, has he been arraigned?

14 MR. GOLDSTEIN: Yes.

15 THE COURT: Post-comp determination?

16 MR. GOLDSTEIN: No, we just were in Competency Court  
17 this past Friday, so. I mean returned from Competency this past  
18 Friday.

19 THE COURT: So should we go ahead and arraign him?

20 MR. GOLDSTEIN: Sure.

21 THE COURT: No harm right?

22 MR. GOLDSTEIN: Right. So this will be a not guilty plea  
23 Your Honor. Starting from scratch, so we'll waive the formal  
24 reading and invoke his right to a speedy trial.

25 THE COURT: Okay. Mr. Nunn, what's your full name?

1 THE DEFENDANT: Sammie Nunn.  
2 THE COURT: How old are you?  
3 THE DEFENDANT: I'm 29.  
4 THE COURT: How far did you go in school?  
5 THE DEFENDANT: Some college.  
6 THE COURT: Do you read, write, and understand the  
7 English language?  
8 THE DEFENDANT: Yes ma'am.  
9 THE COURT: Are you under the influence of any drug  
10 medication or alcoholic beverage right now?  
11 THE DEFENDANT: No ma'am.  
12 THE COURT: Do you understand the proceedings that are  
13 happening here today?  
14 THE DEFENDANT: Yes ma'am.  
15 THE COURT: Have you received a copy of the indictment  
16 charging you with battery with use of a deadly weapon resulting in  
17 substantial bodily harm and battery with use of a deadly weapon?  
18 THE DEFENDANT: Yes ma'am.  
19 THE COURT: Do you understand the charges contained in  
20 the indictment?  
21 THE DEFENDANT: Yes ma'am.  
22 THE COURT: Have you discussed the case with your  
23 attorney?  
24 THE DEFENDANT: Yes ma'am.  
25 THE COURT: As to the charges set forth in the indictment,

1 how do you plead, guilty or not guilty?

2 THE DEFENDANT: Not guilty.

3 THE COURT: You have the right to a jury trial within 60  
4 days, would you like to invoke or waive that right?

5 THE DEFENDANT: Invoke.

6 THE COURT: Okay. Calendar call and trial.

7 THE COURT CLERK: Calendar call June 11<sup>th</sup>, 9 a.m. Jury  
8 trial June 17<sup>th</sup>, 1 p.m.

9 THE COURT: That works?

10 MR. GOLDSTEIN: Yes, thank you Your Honor.

11 THE COURT: Thanks.

12 THE DEFENDANT: What was that again?

13 THE COURT: Trial date is –

14 THE COURT CLERK: June 17<sup>th</sup>, 1 p.m.

15 THE COURT: -- June 17<sup>th</sup>. Okay.

16 [Hearing concluded at 9:02 a.m.]

17 \* \* \* \* \*

18

19

20


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

22

23

24

25

  
\_\_\_\_\_  
Yvette G. Sison  
Court Recorder



1 **RTRAN**

2  
3 **DISTRICT COURT**  
4 **CLARK COUNTY, NEVADA**

5 **THE STATE OF NEVADA,**

6 **Plaintiff,**

7 **vs.**

8 **SAMMIE NUNN,**

9 **Defendant.**

CASE NO. C-18-336184-1

DEPT. NO. XVIII

10  
11 **BEFORE THE HONORABLE MARY KAY HOLTHUS, DISTRICT COURT JUDGE**

12  
13 **TUESDAY, MAY 14, 2019**

14  
15 **RECORDER'S TRANSCRIPT OF PROCEEDINGS:**  
16 **MOTION TO DISMISS COUNSEL**

17  
18 **APPEARANCES:**

19 **For the Plaintiff:**

**ALICIA A. ALBRITTON**  
**Chief Deputy District Attorney**

20  
21  
22 **For the Defendant:**

**ANTHONY M. GOLDSTEIN, ESQ.**

23  
24  
25 **RECORDED BY: YVETTE SISON, COURT RECORDER**



1 LAS VEGAS, NEVADA, TUESDAY, MAY 14, 2019, 9:08 A.M.

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3 THE CLERK: Page 8, State of Nevada versus Sammie Nunn,  
4 C336184.

5 MR. GOLDSTEIN: Your Honor, Anthony Goldstein for the defendant.  
6 He's here in custody.

7 THE COURT: Hello, what's going on?

8 MR. GOLDSTEIN: Your Honor, this is the defendant's second motion  
9 of this nature. He was found incompetent, came back competent, filed this shortly  
10 thereafter. I can address the matter set forth in the motion if you'd like.

11 THE COURT: Okay.

12 MR. GOLDSTEIN: I mean, I've visited him, I don't know how many  
13 times, many times. I've personally visited the alleged crime scene and spoke with  
14 the manager, tried to get a copy of the video tape, tried to interview employees. I've  
15 talked about plea bargains with him many, many times, including with Ms. Thomson,  
16 who's not here. She's out – not coming today, but it's her case.

17 I'm not really sure about some of the other claims he's making. I don't  
18 understand a good portion of the motion, Your Honor, but I've done what I can. I'm  
19 the second attorney on the case. He had Ms. Waldo prior to me. I'm sure the file  
20 indicates what happened with his previous attorney, but everything's moving  
21 forward, Your Honor, from my end anyway.

22 THE COURT: Mr. Nunn, here's the reality; you have an excellent  
23 attorney assigned to you. I don't see anything in your motion. I'm not – I'm not sure  
24 – I'm not even sure really what you're complaining about, frankly.

25 THE DEFENDANT: Okay, what I'm complaining about is there's

1 evidence that, basically, I didn't do the crime. He said that it doesn't exist. My mom  
2 came down and got the transcripts from the Court. I gave him the transcripts, then  
3 he told me he hasn't looked at them. Then after he told me he had looked at them,  
4 he said that he don't know about them, and then he pulled it up on his phone. I  
5 mean, we're having a failure to communicate.

6 MR. GOLDSTEIN: Yeah, that's true.

7 THE DEFENDANT: We haven't –

8 MR. GOLDSTEIN: I actually emailed it to Ms. Thomson last week  
9 because she asked me for it, so I had it. There was a miscommunication. I agree  
10 about that, but there is a transcript, yeah.

11 THE DEFENDANT: We haven't – we haven't brought that transcript  
12 into evidence. On top of that, we haven't gone over the Grand Jury –

13 THE COURT: The transcript is already in the record. So it's not trial  
14 time –

15 THE DEFENDANT: It's not –

16 THE COURT: – there's no evidence in right now.

17 THE DEFENDANT: It's not – it's not in the record as far as this case.  
18 It's a TPO hearing that was done outside of this case. So he –

19 THE COURT: Well, it's not time to bring in evidence here. It's – the  
20 trial isn't until June.

21 THE DEFENDANT: Yeah, that's fine. He also – we haven't gone over  
22 any other evidence or talked about any of the other transcripts or the Grand Jury  
23 indictment transcripts. I don't think that we should be able to just wait 'til trial and  
24 then start going over everything.

25 THE COURT: Okay, well –

1 THE DEFENDANT: I think I have – I need a fair chance at trial. On top  
2 of that, he haven't – he hasn't given – or called back my mom. She calls him all the  
3 time.

4 THE COURT: He is not required to call back your mom.

5 THE DEFENDANT: That's fine, but I –

6 MR. GOLDSTEIN: And I've spoke with his mom.

7 THE DEFENDANT: – but I – but I granted her to be able to get  
8 information from him.

9 MR. GOLDSTEIN: Your mom in Oakland, right?

10 THE DEFENDANT: He doesn't – he doesn't answer the phone for me  
11 at all, so I stopped trying to call. We haven't – we haven't – we also haven't had any  
12 contact visits. I mean, there's a lot, there's a lot. We're not getting anywhere.

13 MR. GOLDSTEIN: If you want me to respond to it. I spoke with his  
14 mom.

15 THE COURT: Please, I do.

16 MR. GOLDSTEIN: She's in Oakland, California, right, Sammie?

17 THE DEFENDANT: And also –

18 MR. GOLDSTEIN: Prior to recommending him for – or request to he be  
19 evaluated for competency, I spoke with his mom. She doesn't have any information  
20 about the case. She wasn't involved in any way, but I spoke with her about him a  
21 while back. There hasn't been any reason to talk to his mom recently, so I haven't.

22 THE DEFENDANT: Also, we called the store that he claimed that he  
23 went to go talk to the employees and all that stuff; nobody's seen him, heard of him,  
24 or anything. The owner at the store doesn't know what he's talking about. The  
25 witness, Brook, he actually works there. I had a witness on my side of somebody

1 that works there, and Brook hasn't talked to him, been interviewed by anybody, he's  
2 waiting. He's like, if somebody was going to interview me, I'm sitting here, I work  
3 here every night, you know what I'm saying, I'm sitting here, it's a 24-hour store,  
4 you could come anytime and interview me. He hasn't been to the store. I mean – I  
5 mean, I know you might buying a little of his crap that he's trying to give you, but he  
6 hasn't done anything.

7 MR. GOLDSTEIN: Your Honor, November 13<sup>th</sup>, 2018, I went to 820  
8 East Twain, which is the Your Stop store. I spoke with a manager by the name of  
9 A.J. and asked if there's any video.

10 THE DEFENDANT: A.J., what's –

11 MR. GOLDSTEIN: I gave –

12 THE DEFENDANT: – his real name?

13 MR. GOLDSTEIN: He gave me the name of A.J. I didn't –

14 THE DEFENDANT: That doesn't make any sense.

15 MR. GOLDSTEIN: I didn't check his birth certificate, but –

16 THE DEFENDANT: You haven't been down there. That's not –

17 THE COURT: Excuse me.

18 THE DEFENDANT: – his real name.

19 THE COURT: Somebody's speaking, you don't speak over them,  
20 okay?

21 THE DEFENDANT: He just spoke over me.

22 THE COURT: He did not. I asked him to answer the question.

23 MR. GOLDSTEIN: And I gave my card to Fidel, the manager, on  
24 November 13<sup>th</sup>, in case anything popped up. So I went to the store, not that that  
25 was in doubt, but –

1 THE DEFENDANT: You're –

2 MR. GOLDSTEIN: Whether he believes me – or whether the defendant  
3 believes me or not is a different issue, Your Honor, but I'm doing my job. And,  
4 again, I'm –

5 THE DEFENDANT: We called down –

6 MR. GOLDSTEIN: – just not sure what his – all of his complaints are all  
7 about. I've done all this work personally.

8 THE COURT: And I appreciate it. I don't see any grounds here to  
9 dismiss counsel.

10 Here are your options, Mr. Nunn: You may – are free to retain your  
11 own counsel, hopefully by the trial date – the trial date is June 17<sup>th</sup> – or if you  
12 choose, you can proceed on your own, but you'd be required to undergo a Faretta  
13 canvass, and I will tell you, you don't want to represent yourself. It's not a good  
14 idea. You have a right to.

15 THE DEFENDANT: If you're giving me the option to represent myself  
16 or have this guy represent me –

17 THE COURT: Or retain another attorney.

18 THE DEFENDANT: – I will represent myself.

19 THE COURT: Okay, we will – you need to think about it and do a little  
20 research.

21 THE DEFENDANT: I don't wanna think. I've been thinking for –

22 THE COURT: Well, I don't have –

23 THE DEFENDANT: I've been here over a year.

24 MR. GOLDSTEIN: Sammie, don't interrupt the Judge.

25 THE COURT: What part of stop don't you get, okay?

1 THE DEFENDANT: I've been a whole year. You don't think I've  
2 thought about this?

3 THE COURT: I'm just going to give you a – I want you to ask around  
4 and consider whether you're certain you want to have a Faretta canvass and  
5 represent yourself, okay. I don't have time to do it today and I don't want to do it  
6 without you having done some research and thought about it. Representing yourself  
7 is huge, so we're going to put it –

8 THE DEFENDANT: Getting time in the penitentiary for something you  
9 haven't done is huge.

10 THE COURT: Okay. I'm going to pass this for – what's our next  
11 available that's good?

12 THE DEFENDANT: This guy sucks, man. That's on the record.

13 MR. GOLDSTEIN: Knock it off.

14 THE COURT: You know what, perhaps if you would show a little more  
15 respect.

16 THE DEFENDANT: Respect.

17 THE CLERK: May 23<sup>rd</sup>.

18 THE COURT: Okay, May 23<sup>rd</sup>.

19 MR. GOLDSTEIN: Your Honor, I'll go visit him prior to that and go over  
20 Nevada Supreme Court Rule 253 with him, which goes over self-representation,  
21 okay.

22 THE COURT: I appreciate that. Thank you.

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THE DEFENDANT: I don't know why you didn't just grant my motion. I  
don't get along with him.

PROCEEDING CONCLUDED AT 9:15 A.M.

\* \* \* \* \*

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio-  
video recording of this proceeding in the above-entitled case.

  
LARA CORCORAN  
Court Recorder/Transcriber



1 **RTRAN**

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5 **DISTRICT COURT**  
6 **CLARK COUNTY, NEVADA**

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

**CASE#: C-18-336184-1**  
**DEPT. XVIII**

10 **vs.**

11 **SAMMIE NUNN,**  
12 **Defendant.**

13  
14 **BEFORE THE HONORABLE MARY KAY HOLTHUS,**  
15 **DISTRICT COURT JUDGE**  
16 **THURSDAY, JUNE 6, 2019**

17 ***RECORDER'S TRANSCRIPT OF HEARING:***  
18 ***STATUS CHECK: POSSIBLE NEGOTIATIONS OR SENTENCING***

19  
20 **APPEARANCES:**

21 **For the State:** **MEGAN THOMSON, ESQ.**  
22 **Deputy District Attorney**

23 **For the Defendant:** **ANTHONY GOLDSTEIN, ESQ.**

24  
25 **RECORDED BY: YVETTE SISON, COURT RECORDER**



1 Las Vegas, Nevada, Thursday, June 6, 2019

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3 [Hearing began at 9:53 a.m.]

4 THE COURT CLERK: State of Nevada versus Sammie  
5 Nunn, C336184.

6 MR. GOLDSTEIN: Your Honor, Anthony Goldstein for the  
7 Defendant; he's present in custody. I just submitted a GPA that the  
8 Defendant has already signed.

9 THE COURT: What are the negotiations?

10 MR. GOLDSTEIN: Your Honor, today, the Defendant will  
11 plead guilty to battery with use of a deadly weapon; that's a  
12 Category B Felony. The State will not oppose probation. The GPA  
13 also states that the State will not oppose the Defendant's release on  
14 house arrest after entry of plea; however, we have a PSI from a  
15 related case that we're asking the Court to use today, so if you'd  
16 like, we can go forward with sentencing the Defendant today.

17 In addition, Your Honor, we're stipulating to an underlying  
18 sentence of 2 to 5, which we interlineated; and both Ms. Thomson  
19 and I initialed that change in Court today.

20 MS. THOMSON: That's correct.

21 MR. GOLDSTEIN: So, on lines 21 and 22, when it first OR  
22 after – OR with house arrest after entry of plea, that's moot,  
23 assuming the Court is going to sentence the Defendant today.

24 THE COURT: You know, here's my issue with that; I – I  
25 don't – especially on violent PSI –

1 MR. GOLDSTEIN: Can we approach?  
2 THE COURT: Yes.  
3 [Bench Conference]  
4 THE COURT: Oh, oh, oh is the PSI the same offense?  
5 MS. THOMSON: Yes, it is.  
6 MR. GOLDSTEIN: It's the same case.  
7 THE COURT: Okay.  
8 MS. THOMSON: Yes, he waived up, and then I indicted  
9 and added another case to this but –  
10 THE COURT: It's all good then.  
11 MR. GOLDSTEIN: And he entered a plea and  
12 subsequently Judge Togliatti –  
13 MS. THOMSON: Yeah.  
14 THE COURT: Okay. That's fine. I just wanted – if he ends  
15 up in prison, I want to make sure they have the underlying.  
16 MS. THOMSON: It's a different case number because I  
17 indicted in between –  
18 THE COURT: All good.  
19 MS. THOMSON: -- but it's not a different case.  
20 THE COURT: All good. We're good. Thank you.  
21 [Bench Conference Concluded]  
22 THE COURT: Okay. Mr. Nunn, is that your understanding  
23 of the negotiations?  
24 THE DEFENDANT: Yes ma'am.  
25 THE COURT: What's your full name?

1 THE DEFENDANT: Sammie Nunn [unintelligible] –  
2 THE COURT: How old are you?  
3 THE DEFENDANT: I'm 29.  
4 THE COURT: How far did you go in school?  
5 THE DEFENDANT: Vocational.  
6 THE COURT: Do you read, write, and understand the  
7 English language?  
8 THE DEFENDANT: Yes ma'am.  
9 THE COURT: Are you currently under the influence of any  
10 drug, medication, or alcoholic beverage right now?  
11 THE DEFENDANT: No ma'am.  
12 THE COURT: Do you understand the proceedings that are  
13 happening here today?  
14 THE DEFENDANT: Yes ma'am.  
15 THE COURT: Have you received a copy of the  
16 information charging you with battery with use of a deadly  
17 weapon?  
18 THE DEFENDANT: Yes ma'am.  
19 THE COURT: Do you understand the charges contained in  
20 the information?  
21 THE DEFENDANT: Yes ma'am.  
22 THE COURT: Have you discussed this case with your  
23 attorney?  
24 THE DEFENDANT: Yes ma'am.  
25 THE COURT: As to the charge set forth in the information

1 how do you plead, guilty or not guilty?  
2 THE DEFENDANT: Guilty.  
3 THE COURT: Are you making this plea freely and  
4 voluntarily?  
5 THE DEFENDANT: Yes ma'am.  
6 THE COURT: Has anyone forced or threatened you or  
7 anyone close to you to get you to enter this plea?  
8 THE DEFENDANT: No ma'am.  
9 THE COURT: Has anyone made you promises other than  
10 what is contained in the guilty plea agreement to get you to enter  
11 this plea?  
12 THE DEFENDANT: No ma'am.  
13 THE COURT: I have before me a written plea agreement.  
14 Have you signed this plea agreement?  
15 THE DEFENDANT: Yes ma'am.  
16 THE COURT: Is that your signature on page 5?  
17 THE DEFENDANT: Yes ma'am.  
18 THE COURT: Before you signed it, did you read it and  
19 discuss it with your attorney?  
20 THE DEFENDANT: Yes ma'am.  
21 THE COURT: Do you understand everything contained in  
22 this agreement?  
23 THE DEFENDANT: Yes ma'am.  
24 THE COURT: Do you understand the constitutional rights  
25 you're giving up by entering this plea of guilty?

1 THE DEFENDANT: Yes ma'am.

2 THE COURT: Do you understand the appellate rights that  
3 you are giving up by entering this plea of guilty?

4 THE DEFENDANT: Yes ma'am.

5 THE COURT: Do you understand if you are not a United  
6 States Citizen, that entering a plea of guilty may have immigration  
7 consequences including deportation?

8 THE DEFENDANT: Yes ma'am.

9 THE COURT: Do you understand the range of punishment  
10 is from 2 to 10 years in the Nevada Department of Corrections and  
11 you may also be fined up to \$10,000?

12 THE DEFENDANT: Yes ma'am.

13 THE COURT: Do you understand that whether or not you  
14 receive probation is strictly up to me?

15 THE DEFENDANT: Yes ma'am.

16 THE COURT: And that sentencing is up to me including  
17 whether the counts will run consecutive or concurrent?

18 THE DEFENDANT: Yes ma'am.

19 THE COURT: And no one can promise you probation,  
20 leniency, or any special treatment?

21 THE DEFENDANT: Yes ma'am.

22 THE COURT: Are you pleading guilty in truth and in fact  
23 because you did – between May 27, 2018 and June 3, 2018 here in  
24 Clark County, Nevada, willfully, unlawfully, and feloniously use  
25 force or violence upon Prince Alidu with use of a deadly weapon,

1 that being a firearm and/or 12-inch pair of pliers, by hitting Prince  
2 Alidu in the head with a firearm or striking him with the pliers?

3 THE DEFENDANT: Yes ma'am.

4 THE COURT: Is that sufficient for the State?

5 MS. THOMSON: Yes, Your Honor.

6 MR. GOLDSTEIN: Your Honor, before you accept the plea,  
7 you asked the question about is he under the influence of any  
8 drugs. He is definitely taking prescribed medications from the  
9 Detention Center Medical Staff. He's very lucid today. I have no – I  
10 visited him twice since the last hearing, Your Honor. He  
11 understands the terms of the deal, and I just want to clarify for the  
12 record that he is taking prescribed medications from the Detention  
13 Center Staff.

14 THE COURT: Do they help you understand things better?

15 THE DEFENDANT: Yes ma'am.

16 THE COURT: Okay. Do you have any questions you  
17 would like to ask me or your attorney before I accept your plea? Do  
18 you have any question for anybody?

19 THE DEFENDANT: No ma'am.

20 THE COURT: Okay. The Court finds the Defendant's plea  
21 of guilty is freely and voluntarily made and that the Defendant  
22 understands the nature of his offense and the consequences of his  
23 plea and, therefore, accepts his plea of guilty.

24 This matter is referred to the Department of Parole and  
25 Probation –

1 MS. THOMSON: It doesn't need to be.

2 THE COURT: -- no it's not, it's undone. Okay. That's  
3 accepted. Thank you. This is a right to argue?

4 MR. GOLDSTEIN: No op *[sic]* probation.

5 MS. THOMSON: It is the no op *[sic]* probation. It had  
6 been a right to argue, I believe, on the original negotiation that he  
7 was permitted to withdraw his plea, and that is the PSI from the fact  
8 pattern. The only difference now is the no op *[sic]* probation from  
9 the State's perspective.

10 THE COURT: All right. Counsel approach.

11 [Bench Conference]

12 THE COURT: I'm going to make a record of the no op *[sic]*  
13 probation before I move to go along with it. I'm not inclined to go  
14 along with no op *[sic]* probation.

15 MR. GOLDSTEIN: In the GPA, he accepted it.

16 MS. THOMSON: So, what happened is I obtained –

17 THE COURT: No, they're not opposing it but that doesn't  
18 mean I'm giving it –

19 MR. GOLDSTEIN: Oh I know.

20 THE COURT: -- so I wanted to give you the heads up  
21 before we do the sentencing, that when I've got P&P  
22 recommending a 3 to 10 and when I look at it, it appears to be – my  
23 recollection is that it was an unprovoked pretty vicious attack.

24 MR. GOLDSTEIN: I think we can –

25 MS. THOMSON: That's obviously our perspective. But

1 your perspective is different – well his perspective, I don't know  
2 about yours. His perspective is certainly different. We can address  
3 them or given if the Court wants –

4 MR. GOLDSTEIN: You want it right now or on the record?

5 THE COURT: This is on the record.

6 MR. GOLDSTEIN: Okay –

7 THE COURT: But you could – I mean we can do it anyway;  
8 I'm just telling you right now that I'm going to need something else  
9 before you going to convince me that probation is appropriate.

10 MR. GOLDSTEIN: Okay, I can have that. The main reason  
11 is there was a restraining order hearing between this defendant and  
12 the named victim, Prince Alidu. Judge Bennett-Heron presided  
13 over it. The victim, Prince Alidu – I mean I emailed you the –

14 MS. THOMSON: Yeah.

15 MR. GOLDSTEIN: -- his statements were very  
16 inconsistent. Judge Bennett – and I can show it to you if you want,  
17 didn't believe anything Prince was saying. So I think that was part  
18 of the reason the State decided to lower its offer, because Prince  
19 came into court, gave conflicting factual accounts of the encounters  
20 and then also the Judge was saying things like – I don't know  
21 verbatim but –

22 MS. THOMSON: -- I –

23 MR. GOLDSTEIN: -- how can I believe he did this? Why is  
24 – how is the Court going to believe sir that did this and this?

25 MS. THOMSON: -- my –



1 MR. GOLDSTEIN: This was on the record during a –

2 MS. THOMSON: -- my modification of the offer, I want to  
3 be very clear, had nothing to do with Judge Bennett's perspective  
4 because that frankly was irrelevant to me.

5 The – when I indicted the case, there had been a second  
6 case that was outstanding, so our case here is the one with the  
7 wrench – what – this packet that you have. There was another case  
8 that's out in the system, but where he -- the victim indicated that he  
9 had been at a convenient store, the same Your Stop Liquor, with a  
10 friend of his, who throughout was uncooperative; would not talk to  
11 us, would not do anything, like literally hung up on our investigator,  
12 kind of like not talk to us.

13 The victim told police that he was there with a friend, that  
14 the friend knew the Defendant, but that he didn't know the  
15 defendant; however, I think that was a secondary incident – my  
16 recollection is the date was later –

17 MR. GOLDSTEIN: [unintelligible] –

18 MS. THOMSON: -- then he realized who it was, that the  
19 Defendant without reason came up, pulled a gun, made some  
20 statement to his friend that was threatening and then pistol  
21 whipped him, and that he was bleeding, knocked unconscious, then  
22 he was able to get up and called the police.

23 In the TPO hearing, he said that he never lost  
24 consciousness. When the Defendant pulled the gun, that he  
25 immediately called police. He doesn't make any reference to being

1 pistol whipped at all. Obviously, that gave me concern because  
2 when you have such very inconsistent statements as to one  
3 incident, then that creates a problem when we're setting a trial on --

4 THE COURT: Well isn't that this incident?

5 MS. THOMSON: I think that's the right incident isn't it?

6 THE COURT: The pistol whipping is this one.

7 MR. GOLDSTEIN: They're like three days apart in the  
8 same location. I didn't represent him for that initial --

9 THE COURT: No but, I mean this offense is -- this is the --

10 MS. THOMSON: Oh, you're right it is.

11 THE COURT: -- he pulled a gun, threatened him, pistol  
12 whipped him --

13 MS. THOMSON: You're right.

14 THE COURT: -- on top of the head; \$22,000 in  
15 medications.

16 MS. THOMSON: So, the other incident was the victim,  
17 from his perspective, the allegations is he's walking down the  
18 street, minding his own business, defendant comes up to him and  
19 hits him with a wrench. When the police arrived, the Defendant is  
20 still in the area, and he does in fact have a wrench. Defendant tells  
21 police upon the scene and has been consistent throughout in his  
22 rendition that he was with -- he was by himself. The victim was  
23 with friends. They came up and jumped him because at some  
24 point, the Defendant's mother said -- basically told the community  
25 the victim is gay; correct me if anything is wrong generally about

1 that.

2 MR. GOLDSTEIN: -- there's more of it -- yeah that's  
3 probably about right.

4 MS. THOMSON: That's -- that's basically -- and then there  
5 was some interaction between some girl; but the short version  
6 being, the Defendant has always said it's self-defense. The victim  
7 has always said it was completely a random attack, but when I have  
8 the problem of two very inconsistent versions of events with the  
9 Your Stop Liquor firearm incident, it created a position where if I'm  
10 standing in front a jury, I'm having to say completely believe him  
11 on this one but, you know, that one you make your decision, and  
12 that's certainly worth probation.

13 MR. GOLDSTEIN: And I can tell the Court that I spoke with  
14 Kerick Hines about a week ago. He's the main victim on one of the  
15 counts --

16 MS. THOMSON: Oh, he would talk to you?

17 MR. GOLDSTEIN: -- he called me about a week ago.

18 MS. THOMSON: Congratulations.

19 MR. GOLDSTEIN: He says the victim was -- I don't  
20 remember which incident that Kerick Hines was at; he literally didn't  
21 show up for Grand Jury. [unintelligible] inquiry.

22 MS. THOMSON: He was the one who was at the firearm  
23 one.

24 MR. GOLDSTEIN: He says Prince was drunk and started  
25 popping flash to Sammie, that would've been his testimony had

1 this case gone to trial. This is the named victim on – I don't  
2 remember which case, but –

3 MS. THOMSON: It's the firearm one.

4 MR. GOLDSTEIN: -- the firearm one. So, it's –

5 THE COURT: What's his mental health issue? He appears  
6 to have one.

7 MR. GOLDSTEIN: It's terrible. His – I'm in good contact  
8 with his mother who lives in Oakland. If he gets probation, he's  
9 going to go live with his mother in Oakland. I spoke with her as  
10 recently as last week. He [unintelligible] mental health. I don't  
11 know – was from an acute injury, TDI.

12 THE COURT: All right. Can you give me something that I  
13 can order as a special condition? Can you look into something –  
14 can you do mental health court or something that makes me feel  
15 more protected.

16 MR. GOLDSTEIN: He's really trying to go to Oakland – I  
17 mean as soon as possible to go live with his mom. I mean  
18 interstate compact, so when – right away.

19 THE COURT: Well does she have a program there that I  
20 can agree that he can go to?

21 MR. GOLDSTEIN: I don't know when the last time he went  
22 there was, but his mom has lived forever I know. His mom has  
23 lived there forever, and I can only assume there's some kind of – he  
24 has doctors out there because he used to live there; but I can ask if  
25 there's any kind of program.

1 THE COURT: Well I'm just – I don't – I'm not going to just  
2 release him to the streets. I need something in place.

3 MS. THOMSON: Can mom –

4 THE COURT: Honestly, I didn't look at this for anything  
5 but prison.

6 MR. GOLDSTEIN: Okay.

7 THE COURT: I gotta be – you know, I didn't realize it was  
8 a – it was a no op *[sic]* probation. My notes indicate it was a right to  
9 argue. P&P is recommending 3 to 10. I really wasn't –

10 MR. GOLDSTEIN: Yeah well –

11 THE COURT: -- fashioning anything.

12 MR. GOLDSTEIN: -- everything – the game changed  
13 recently, so I guess that's why.

14 THE COURT: Well, and that's all fine, I'll go along with it,  
15 if you give me something other than releasing him to the streets  
16 and hoping he goes –

17 MR. GOLDSTEIN: Can you give me a minute –

18 THE COURT: -- I need something –

19 MR. GOLDSTEIN: -- give me a minute to see what he has –  
20 what we can set up in Oakland, and I'll – what he – if he has a  
21 doctor in Oakland or hospital or whatever he's been going to;  
22 because I don't know what his status is. I didn't –

23 THE COURT: -- I was thinking giving – well that's why I  
24 was going to give you a week to prepare for this.

25 MR. GOLDSTEIN: -- can I talk to him right now?

1 THE COURT: You can.

2 MR. GOLDSTEIN: -- I can get ahold of the mom probably  
3 just to -- a list -- I'm not getting ready to -- I'm not going to argue. I  
4 just want to see if we can get it resolved this morning somehow  
5 with him because he really wants to go, and his mom wants him to  
6 come soon and I --

7 MS. THOMSON: Can mom --

8 THE COURT: I know but --

9 MR. GOLDSTEIN: -- didn't promise anything, but I made it  
10 clear that I thought he was going to get out on the street today.

11 THE COURT: -- he can't go because he's going to have to  
12 go to P&P. He's going to have to do interstate compact.

13 MR. GOLDSTEIN: A few days here, and then I told him he  
14 was going to be here a week -- and he had people in Court. They're  
15 not here today, but they were here last week; his friends or family  
16 he was going to stay with for the few days until he gets transferred.

17 THE COURT: Well then you bring somebody in here that I  
18 can house arrest him to -- I mean I don't know -- I gotta -- I'm not  
19 going to put him in the streets.

20 MR. GOLDSTEIN: Okay.

21 THE COURT: And I don't care what he says this morning.

22 MR. GOLDSTEIN: Fair enough. I'll talk to him.

23 THE COURT: I don't mean to be --

24 MR. GOLDSTEIN: You're doing your job, it's fine. I'll just  
25 -- let me -- just give me a second before we continue it. Let me just

1 talk to him and see what I can come up with.

2 THE COURT: Okay.

3 MS. THOMSON: Thank you.

4 [Bench Conference Concluded]

5 THE COURT: You want to trail this a little bit?

6 MR. GOLDSTEIN: I appreciate that.

7 THE COURT: Okay.

8 [Case trailed at 10:07 a.m.]

9 [Case recalled at 10:26 a.m.]

10 THE COURT CLERK: State of Nevada versus Sammie

11 Nunn, C336184.

12 MR. GOLDSTEIN: Thank you for recalling the case. Can

13 we approach?

14 THE COURT: Yes.

15 [Bench Conference]

16 MR. GOLDSTEIN: I talked to the mom. She's in Oakland.

17 The Defendant left Oakland to move here last Summer, right before

18 – in May or June of last year. He has treatment with Dr. Stanburg

19 [phonetics] at Kaiser Permanente Hospital in Oakland, not far from

20 the house. He has a set doctor –

21 THE COURT: But you haven't told me how you're getting

22 him there –

23 MR. GOLDSTEIN: I asked mom –

24 THE COURT: -- and where he is here.

25 MR. GOLDSTEIN: -- he gets there. I asked mom – she can

1 wire him money to get him from here to there after he's approved,  
2 assuming he's approved for interstate compact.

3 In the meantime, there are -- there have been people in his  
4 previous hearings. They're not here today, local friends of his --

5 THE COURT: Bring the people here that will stand up and  
6 I can release him to them kind of thing, and house arrest --

7 MR. GOLDSTEIN: Okay.

8 THE COURT: -- whatever.

9 MR. GOLDSTEIN: Totally fair. Can we do Tuesday?

10 THE COURT: Yes.

11 MR. GOLDSTEIN: Yeah Tuesday.

12 THE COURT: Okay.

13 MS. THOMSON: I don't want to be difficult. Is this some --  
14 that sentencing something where the Court feels like it would be  
15 best if I'm him here or are we all comfortable --

16 MR. GOLDSTEIN: Say that again?

17 MS. THOMSON: -- is it something where it's best if I'm  
18 him here or are we all comfortable with just the calendar deputy?

19 THE COURT: I prefer you be here but --

20 MS. THOMSON: Okay.

21 THE COURT: -- if you can't be --

22 MS. THOMSON: Okay.

23 THE COURT: -- I mean as long as I -- I mean I have the  
24 reasons on the record so that --

25 MS. THOMSON: Yeah.



1 THE COURT: -- if it goes badly it's --  
2 MS. THOMSON: It's my fault.  
3 MR. GOLDSTEIN: But you accepted his plea where that's  
4 --  
5 THE COURT: -- I've accepted his plea --  
6 MR. GOLDSTEIN: -- we moved on to sentencing -- the  
7 thing --  
8 THE COURT: -- I've accepted his plea, yes. We're just --  
9 MR. GOLDSTEIN: Okay.  
10 THE COURT: -- continuing the sentencing.  
11 MR. GOLDSTEIN: That's fine. I just want to make sure.  
12 THE COURT: Yes.  
13 MR. GOLDSTEIN: You were going to ask that, so I helped  
14 you.  
15 MS. THOMSON: Yes and -- based upon that --  
16 THE COURT: And it wasn't a stipulated negotiation. It  
17 was just a no op *[sic]* so --  
18 MS. THOMSON: -- and --  
19 MR. GOLDSTEIN: -- well it wasn't a conditioned -- it was  
20 stipulated but unconditioned.  
21 THE COURT: -- well --  
22 MS. THOMSON: -- here's the one thing I'm going to kind  
23 of throw out there, is based upon that guilty plea, he should be  
24 OR'd with house arrest today.  
25 MR. GOLDSTEIN: He's not going to get approved for

1 house arrest anyway –  
2 MS. THOMSON: Oh okay.  
3 MR. GOLDSTEIN: So, you're right but –  
4 MS. THOMSON: Okay.  
5 THE COURT: -- and again that's your deal –  
6 MS. THOMSON: I know.  
7 THE COURT: -- between the two of you.  
8 MR. GOLDSTEIN: -- understood Judge, understood. Okay  
9 –  
10 THE COURT: Tuesday?  
11 MR. GOLDSTEIN: -- if we can put it on Tuesday. Tuesday  
12 is on for calendar call, I'm not sure if we vacated it when you first  
13 called it.  
14 THE COURT: Yes, we're going to – we'll vacate the trial  
15 date.  
16 MS. THOMSON: Thank you.  
17 MR. GOLDSTEIN: And calendar call, and we'll just make it  
18 a status check, and I'll get people her.  
19 THE COURT: Get me something.  
20 MR. GOLDSTEIN: I will. Understood.  
21 MS. THOMSON: Okay.  
22 THE COURT: All right. Thank you.  
23 MS. THOMSON: Thank you.  
24 [Bench Conference Concluded]  
25 THE COURT: All right. We're going to continue this until

1 Tuesday for sentencing, and trial date vacated.

2 THE COURT CLERK: June 11<sup>th</sup>, 9 a.m.

3 THE COURT: Thank you.

4 [Hearing concluded at 10:28 a.m.]

5 \* \* \* \* \*

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

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Yvette G. Sison  
Court Recorder/Transcriber

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1 **RTRAN**

2  
3 **DISTRICT COURT**  
4 **CLARK COUNTY, NEVADA**

5 **THE STATE OF NEVADA,**

6 **Plaintiff,**

7 **vs.**

8 **SAMMIE NUNN,**

9 **Defendant.**

CASE NO. C-18-336184-1

DEPT. NO. XVIII

10  
11 **BEFORE THE HONORABLE MARY KAY HOLTHUS, DISTRICT COURT JUDGE**

12  
13 **TUESDAY, MAY 14, 2019**

14  
15 **RECORDER'S TRANSCRIPT OF PROCEEDINGS:**  
16 **MOTION TO DISMISS COUNSEL**

17  
18 **APPEARANCES:**

19 **For the Plaintiff:**

**ALICIA A. ALBRITTON**  
**Chief Deputy District Attorney**

20  
21  
22 **For the Defendant:**

**ANTHONY M. GOLDSTEIN, ESQ.**

23  
24  
25 **RECORDED BY: YVETTE SISON, COURT RECORDER**

1 LAS VEGAS, NEVADA, TUESDAY, MAY 14, 2019, 9:08 A.M.

2 \* \* \* \* \*

3 THE CLERK: Page 8, State of Nevada versus Sammie Nunn,  
4 C336184.

5 MR. GOLDSTEIN: Your Honor, Anthony Goldstein for the defendant.  
6 He's here in custody.

7 THE COURT: Hello, what's going on?

8 MR. GOLDSTEIN: Your Honor, this is the defendant's second motion  
9 of this nature. He was found incompetent, came back competent, filed this shortly  
10 thereafter. I can address the matter set forth in the motion if you'd like.

11 THE COURT: Okay.

12 MR. GOLDSTEIN: I mean, I've visited him, I don't know how many  
13 times, many times. I've personally visited the alleged crime scene and spoke with  
14 the manager, tried to get a copy of the video tape, tried to interview employees. I've  
15 talked about plea bargains with him many, many times, including with Ms. Thomson,  
16 who's not here. She's out – not coming today, but it's her case.

17 I'm not really sure about some of the other claims he's making. I don't  
18 understand a good portion of the motion, Your Honor, but I've done what I can. I'm  
19 the second attorney on the case. He had Ms. Waldo prior to me. I'm sure the file  
20 indicates what happened with his previous attorney, but everything's moving  
21 forward, Your Honor, from my end anyway.

22 THE COURT: Mr. Nunn, here's the reality; you have an excellent  
23 attorney assigned to you. I don't see anything in your motion. I'm not – I'm not sure  
24 – I'm not even sure really what you're complaining about, frankly.

25 THE DEFENDANT: Okay, what I'm complaining about is there's

1 evidence that, basically, I didn't do the crime. He said that it doesn't exist. My mom  
2 came down and got the transcripts from the Court. I gave him the transcripts, then  
3 he told me he hasn't looked at them. Then after he told me he had looked at them,  
4 he said that he don't know about them, and then he pulled it up on his phone. I  
5 mean, we're having a failure to communicate.

6 MR. GOLDSTEIN: Yeah, that's true.

7 THE DEFENDANT: We haven't –

8 MR. GOLDSTEIN: I actually emailed it to Ms. Thomson last week  
9 because she asked me for it, so I had it. There was a miscommunication. I agree  
10 about that, but there is a transcript, yeah.

11 THE DEFENDANT: We haven't – we haven't brought that transcript  
12 into evidence. On top of that, we haven't gone over the Grand Jury –

13 THE COURT: The transcript is already in the record. So it's not trial  
14 time –

15 THE DEFENDANT: It's not –

16 THE COURT: – there's no evidence in right now.

17 THE DEFENDANT: It's not – it's not in the record as far as this case.  
18 It's a TPO hearing that was done outside of this case. So he –

19 THE COURT: Well, it's not time to bring in evidence here. It's – the  
20 trial isn't until June.

21 THE DEFENDANT: Yeah, that's fine. He also – we haven't gone over  
22 any other evidence or talked about any of the other transcripts or the Grand Jury  
23 indictment transcripts. I don't think that we should be able to just wait 'til trial and  
24 then start going over everything.

25 THE COURT: Okay, well –

1 THE DEFENDANT: I think I have – I need a fair chance at trial. On top  
2 of that, he haven't – he hasn't given – or called back my mom. She calls him all the  
3 time.

4 THE COURT: He is not required to call back your mom.

5 THE DEFENDANT: That's fine, but I –

6 MR. GOLDSTEIN: And I've spoke with his mom.

7 THE DEFENDANT: – but I – but I granted her to be able to get  
8 information from him.

9 MR. GOLDSTEIN: Your mom in Oakland, right?

10 THE DEFENDANT: He doesn't – he doesn't answer the phone for me  
11 at all, so I stopped trying to call. We haven't – we haven't – we also haven't had any  
12 contact visits. I mean, there's a lot, there's a lot. We're not getting anywhere.

13 MR. GOLDSTEIN: If you want me to respond to it. I spoke with his  
14 mom.

15 THE COURT: Please, I do.

16 MR. GOLDSTEIN: She's in Oakland, California, right, Sammie?

17 THE DEFENDANT: And also –

18 MR. GOLDSTEIN: Prior to recommending him for – or request to he be  
19 evaluated for competency, I spoke with his mom. She doesn't have any information  
20 about the case. She wasn't involved in any way, but I spoke with her about him a  
21 while back. There hasn't been any reason to talk to his mom recently, so I haven't.

22 THE DEFENDANT: Also, we called the store that he claimed that he  
23 went to go talk to the employees and all that stuff; nobody's seen him, heard of him,  
24 or anything. The owner at the store doesn't know what he's talking about. The  
25 witness, Brook, he actually works there. I had a witness on my side of somebody

1 that works there, and Brook hasn't talked to him, been interviewed by anybody, he's  
2 waiting. He's like, if somebody was going to interview me, I'm sitting here, I work  
3 here every night, you know what I'm saying, I'm sitting here, it's a 24-hour store,  
4 you could come anytime and interview me. He hasn't been to the store. I mean – I  
5 mean, I know you might buying a little of his crap that he's trying to give you, but he  
6 hasn't done anything.

7 MR. GOLDSTEIN: Your Honor, November 13<sup>th</sup>, 2018, I went to 820  
8 East Twain, which is the Your Stop store. I spoke with a manager by the name of  
9 A.J. and asked if there's any video.

10 THE DEFENDANT: A.J., what's –

11 MR. GOLDSTEIN: I gave –

12 THE DEFENDANT: – his real name?

13 MR. GOLDSTEIN: He gave me the name of A.J. I didn't –

14 THE DEFENDANT: That doesn't make any sense.

15 MR. GOLDSTEIN: I didn't check his birth certificate, but –

16 THE DEFENDANT: You haven't been down there. That's not –

17 THE COURT: Excuse me.

18 THE DEFENDANT: – his real name.

19 THE COURT: Somebody's speaking, you don't speak over them,  
20 okay?

21 THE DEFENDANT: He just spoke over me.

22 THE COURT: He did not. I asked him to answer the question.

23 MR. GOLDSTEIN: And I gave my card to Fidel, the manager, on  
24 November 13<sup>th</sup>, in case anything popped up. So I went to the store, not that that  
25 was in doubt, but –



1 THE DEFENDANT: You're –

2 MR. GOLDSTEIN: Whether he believes me – or whether the defendant  
3 believes me or not is a different issue, Your Honor, but I'm doing my job. And,  
4 again, I'm –

5 THE DEFENDANT: We called down –

6 MR. GOLDSTEIN: – just not sure what his – all of his complaints are all  
7 about. I've done all this work personally.

8 THE COURT: And I appreciate it. I don't see any grounds here to  
9 dismiss counsel.

10 Here are your options, Mr. Nunn: You may – are free to retain your  
11 own counsel, hopefully by the trial date – the trial date is June 17<sup>th</sup> – or if you  
12 choose, you can proceed on your own, but you'd be required to undergo a Faretta  
13 canvass, and I will tell you, you don't want to represent yourself. It's not a good  
14 idea. You have a right to.

15 THE DEFENDANT: If you're giving me the option to represent myself  
16 or have this guy represent me –

17 THE COURT: Or retain another attorney.

18 THE DEFENDANT: – I will represent myself.

19 THE COURT: Okay, we will – you need to think about it and do a little  
20 research.

21 THE DEFENDANT: I don't wanna think. I've been thinking for –

22 THE COURT: Well, I don't have –

23 THE DEFENDANT: I've been here over a year.

24 MR. GOLDSTEIN: Sammie, don't interrupt the Judge.

25 THE COURT: What part of stop don't you get, okay?

1 THE DEFENDANT: I've been a whole year. You don't think I've  
2 thought about this?

3 THE COURT: I'm just going to give you a – I want you to ask around  
4 and consider whether you're certain you want to have a Faretta canvass and  
5 represent yourself, okay. I don't have time to do it today and I don't want to do it  
6 without you having done some research and thought about it. Representing yourself  
7 is huge, so we're going to put it –

8 THE DEFENDANT: Getting time in the penitentiary for something you  
9 haven't done is huge.

10 THE COURT: Okay. I'm going to pass this for – what's our next  
11 available that's good?

12 THE DEFENDANT: This guy sucks, man. That's on the record.

13 MR. GOLDSTEIN: Knock it off.

14 THE COURT: You know what, perhaps if you would show a little more  
15 respect.

16 THE DEFENDANT: Respect.

17 THE CLERK: May 23<sup>rd</sup>.

18 THE COURT: Okay, May 23<sup>rd</sup>.

19 MR. GOLDSTEIN: Your Honor, I'll go visit him prior to that and go over  
20 Nevada Supreme Court Rule 253 with him, which goes over self-representation,  
21 okay.

22 THE COURT: I appreciate that. Thank you.

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THE DEFENDANT: I don't know why you didn't just grant my motion. I don't get along with him.

PROCEEDING CONCLUDED AT 9:15 A.M.

\*\*\*\*\*

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio-video recording of this proceeding in the above-entitled case.

  
LARA CORCORAN  
Court Recorder/Transcriber



1 **RTRAN**

2  
3 **DISTRICT COURT**  
4 **CLARK COUNTY, NEVADA**

5 **THE STATE OF NEVADA,**

6 **Plaintiff,**

7 **vs.**

8 **SAMMIE NUNN,**

9 **Defendant.**

CASE NO. C-18-336184-1

DEPT. NO. XVIII

10  
11 **BEFORE THE HONORABLE MARY KAY HOLTHUS, DISTRICT COURT JUDGE**

12  
13 **THURSDAY, MAY 23, 2019**

14  
15 **RECORDER'S TRANSCRIPT OF PROCEEDINGS:**  
16 **MOTION TO DISMISS COUNSEL**

17  
18 **APPEARANCES:**

19 **For the Plaintiff:**

**MEGAN THOMSON**  
**Chief Deputy District Attorney**

20  
21  
22 **For the Defendant:**

**ANTHONY M. GOLDSTEIN, ESQ.**

23  
24  
25 **RECORDED BY: YVETTE SISON, COURT RECORDER**

1 LAS VEGAS, NEVADA, THURSDAY, MAY 23, 2019, 10:31 A.M.

2 \* \* \* \* \*

3 THE CLERK: State of Nevada versus Sammie Nunn, C336184.

4 MR. GOLDSTEIN: Good morning, Your Honor.

5 THE COURT: Good morning.

6 MR. GOLDSTEIN: Anthony Goldstein for the defendant. He's here in  
7 custody. Your Honor, just briefly, we're on for a Faretta canvass. The State gave  
8 me a new and improved offer yesterday afternoon, which I consider very fair. I  
9 conveyed it to the defendant today. He rejected that offer, specifically, battery with  
10 use of a deadly weapon. The State would not oppose probation. It would also  
11 agree to an OR with house arrest after entry of plea.

12 I guess the issue is he doesn't have a house right now, so he might not  
13 be able to get released anyway, so he rejected that offer and he wants to go forward  
14 with the Faretta canvass this morning. Last week I visited him after our hearing,  
15 went over Nevada Supreme Court Rule 253 with him and went over Faretta and all  
16 matters relating to self-representation, so he should be ready to go forward with the  
17 canvass today, Your Honor.

18 THE COURT: That's what you want to do?

19 THE DEFENDANT: That's what I'm being forced to do here.

20 THE COURT: You're not being forced to do anything. You have an  
21 excellent attorney that the State is providing you free of charge. If – I can't make  
22 you, although I can tell you that – I guess there's one of – Mr. Hudson will tell you,  
23 he went to trial on his own the first time and was convicted of everything, and the –  
24 he went with counsel the next time and they were able to get it down to one charge,  
25 but you can do what you want to do. So what do you want to do?

1 THE DEFENDANT: I would like to get alternate counsel?

2 THE COURT: You're free to hire counsel.

3 THE DEFENDANT: I'm indigent.

4 THE COURT: There – you have a – like I said, you have a good  
5 counsel there. There's nothing in your motion that warrants alternate counsel. So  
6 do you want to – you want to consider the offer?

7 THE DEFENDANT: Do I – do I have a right to have my evidence? I  
8 mean, because there was video tapes in the beginning, there was witnesses.

9 THE COURT: I'm certain that Mr. Goldstein will get all of the discovery  
10 if it gets – is it –

11 THE DEFENDANT: I don't even have the discovery. I've had him for  
12 eight months. I don't have discovery in either case. All I have is the Grand Jury  
13 indictment transcript.

14 THE COURT: Okay, well, your trial is still almost a month away. I'm  
15 assuming you – do you have everything you need, Mr. Goldstein?

16 MR. GOLDSTEIN: I've sent it to him. I mean, it's possible when he  
17 went up to – when he was found incompetent, it's possible that some of the items  
18 got misplaced somewhere in transport, but he has everything for sure. I mean, I've  
19 given it to him. Whether it's been misplaced by him or in transport, I don't know, but  
20 he has everything, or at least at one point he's –

21 THE COURT: Can you –

22 MR. GOLDSTEIN: – had everything.

23 THE COURT: Can you re-give it to him?

24 MR. GOLDSTEIN: Sure.

25 THE COURT: All right, let's put this on next week, status check the

1 discovery, and then we'll do your Faretta then, okay. And you can think about it as  
2 well, in the meantime, make sure.

3 THE DEFENDANT: Okay. Oh, for the record, I know – I came out here  
4 to Nevada as an electrician. I'm a journeyman. I came out here just to work at  
5 Tesla. I worked at Tesla for a year, did a great job at doing commission and selling  
6 parts and then making sure that things went right. And when I – when they  
7 transferred me back to Las Vegas I rented an apartment for a year, which the lease  
8 was just up while I've been incarcerated. I paid the money upfront. So I don't have a  
9 place to live, so I can't – I don't know about taking house arrest. I don't have  
10 anybody out here. I'm just out here for work.

11 THE COURT: All right. Well, why don't you talk with Mr. Goldstein and  
12 have Mr. Goldstein talk with the State and see if – what they could work out, if  
13 anything, okay?

14 THE DEFENDANT: Okay.

15 THE COURT: Mr. Goldstein, stay on another week and just see if –  
16 see if there's anything you can do with the kinks of that deal maybe.

17 MR. GOLDSTEIN: It's Megan –

18 MS. THOMSON: It was already a modified down from the prior offer.  
19 I'm not going anymore off of that.

20 MR. GOLDSTEIN: It's Megan's case. I –

21 THE COURT: Well, or maybe you can find him a house.

22 THE DEFENDANT: Well, I gotta go back to work.

23 MR. GOLDSTEIN: Find him a house. Okay.

24 THE COURT: I'll allow – Ms. – I'm going to give him a little –

25 MR. GOLDSTEIN: Spanish Trail or where – anywhere specific?

1 THE COURT: I'm just going to give him – I'm going to just give him a  
2 little time just to – will you guys approach?

3 (Conference at the Bench)

4 MR. GOLDSTEIN: Sorry about that.

5 THE COURT: That's all right. I just – I mean if that's the sticking point  
6 if he wants the deal, but it's an –

7 MS. THOMSON: I – here's –

8 THE COURT: – impossibility, then it seems silly not to do it, right?

9 MS. THOMSON: My offer from pretty much go has been like right to  
10 argue. Mr. Goldstein gave me some stuff. I'm willing to let him out with house  
11 arrest, but he's attacked this man twice. He sent people to tell him that he'll be killed  
12 if he comes to court. I'm not releasing him without house arrest. I don't –

13 THE COURT: Oh, no, I get it.

14 MS. THOMSON: That's unfortunate for him, but that's, frankly, not my  
15 problem.

16 THE COURT: But –

17 MR. GOLDSTEIN: He's not a great candidate for like one of those  
18 temporary housings because of his general attitude, but I can try and get him into –  
19 like I don't think he's going to stay a like a mission-type place, like a, you know,  
20 rescue-mission-type place. He's –

21 THE COURT: Yeah.

22 MR. GOLDSTEIN: I can try. And he doesn't have a drug problem  
23 either that I'm aware of, so this isn't a drug case, it's a –

24 MS. THOMSON: It's just an attitude problem.

25 MR. GOLDSTEIN: – mental-health-issue case. I mean, some of it's his



1 fault, some of it's mental health issues.

2 MS. THOMSON: Right.

3 MR. GOLDSTEIN: But it's not a drug case, so I can't – he won't be  
4 accepted into any kind of like, you know, Salvation-Army-type place because he  
5 doesn't have a drug problem. So he's –

6 MS. THOMSON: I'm not trying to be a dick, I just –

7 THE COURT: No, I totally get it. I'm – I was just – if that was what was  
8 holding it up, I was trying to think of how we can structure house arrest without a  
9 house.

10 MR. GOLDSTEIN: It's – and it's also no opp probation, so he'll try and  
11 leave the State as soon as possible, once – if he gets probation because the deal is  
12 no opp now. Megan was very flexible when it come – when it came to that, but it's  
13 the house arrest thing, which I asked yesterday and she said no about the regular,  
14 so fair enough. It was – she came down fairly. I say it was fair.

15 MS. THOMSON: Thanks, I think so too.

16 THE COURT: Well, I guess technically I'm not supposed to get  
17 involved in this. I'm like, all right –

18 MR. GOLDSTEIN: That's okay.

19 THE COURT: – already have, so. But I mean, I – we could maybe  
20 facilitate a faster sentencing date for him if – you know, if you do – if you did the deal  
21 – he took the deal but couldn't get out, but maybe we could –

22 MS. THOMSON: Do we have a PSI?

23 MR. GOLDSTEIN: No.

24 MS. THOMSON: Okay. I didn't remember how early he –

25 MR. GOLDSTEIN: No.

1 MS. THOMSON: – moved to a trial. Are you sure? Let me go get my  
2 file. You stay here.

3 MR. GOLDSTEIN: Because he got – if you read the file, I only got on  
4 this because he had some very serious issues with Ms. Waldo. Did you read that?

5 THE COURT: No.

6 MR. GOLDSTEIN: Judge Togliatti was aware of it.

7 MS. THOMSON: Oh, maybe we don't. Maybe we have one in the –  
8 what case –

9 MR. GOLDSTEIN: He told psychologists that he had ideations of killing  
10 his attorney, which was at the time, Ms. Waldo.

11 THE COURT: Oh my God.

12 MR. GOLDSTEIN: So she withdrew, obviously –

13 MS. THOMSON: One time.

14 MR. GOLDSTEIN: – and I got appointed, and he's just very up and  
15 down. I mean, but that's not confidential, that's – that was all on the record and  
16 that's why I was appointed to begin with. It wasn't a serious threat, but it's still – you  
17 know, it –

18 MS. THOMSON: Bam.

19 MR. GOLDSTEIN: Oh, we do have a PSI. So for other reasons, I got  
20 appointed and then withdrew his guilty plea, which –

21 MS. THOMSON: Now we have to see if it's his.

22 MR. GOLDSTEIN: – Judge Togliatti granted, so that's why we kind of  
23 went back to square one. But Megan is smarter than me, she noticed there was a  
24 PSI made after his first plea.

25 MS. THOMSON: So the only thing is we'd have to kind of waive

1 defects because it's the PSI from the information, not including both for when it was  
2 indicted.

3 MR. GOLDSTEIN: Yeah, but that's easy.

4 MS. THOMSON: But that –

5 MR. GOLDSTEIN: There's a PSI from six months ago.

6 MS. THOMSON: Yeah.

7 THE COURT: Well, let's put it on for next week. Let me know what's  
8 going on. At least I'm going to have to give victims the opportunity to speak and  
9 stuff.

10 MR. GOLDSTEIN: Yeah.

11 THE COURT: So we wouldn't –

12 MR. GOLDSTEIN: He's around too.

13 THE COURT: – be able to something sooner, like that day, unless we  
14 call and the victim says she doesn't – they don't want to come, because we're not  
15 going to do the plea, obviously, now.

16 MR. GOLDSTEIN: We couldn't – well, I have the GPA, but we couldn't  
17 do it now. Well, I'll talk to him.

18 THE COURT: I don't see – well –

19 MR. GOLDSTEIN: This is all new, so.

20 MS. THOMSON: Yeah, I didn't think about the fact that this existed –

21 MR. GOLDSTEIN: Okay.

22 MS. THOMSON: – until –

23 MR. GOLDSTEIN: Yeah, we can come back in a week or whatever,  
24 that's fine.

25 THE COURT: You want to do that?

1 MR. GOLDSTEIN: You got a lot going on to hear anyway today.

2 THE COURT: I do.

3 MR. GOLDSTEIN: When Rabb comes up you'll have more going on.

4 THE COURT: I don't know what's going on over there, but –

5 MR. GOLDSTEIN: It's a rough group today.

6 THE COURT: All right.

7 MR. GOLDSTEIN: Thank you.

8 (Conference at the Bench concluded)

9 MR. GOLDSTEIN: Based on our conversation at the bench, Your  
10 Honor, I'll talk to Mr. Nunn for a few moments. You can trail this if you need.

11 THE COURT: Okay.

12 (Matter recalled at 11:16 a.m.)

13 THE CLERK: State of Nevada versus Sammie Nunn, C336184.

14 THE COURT: Have you talked to him?

15 MR. GOLDSTEIN: Yes, and I gave him a copy of the PSI that he  
16 requested. If we could come back in a week? I want to go over to visit him again.  
17 I'll go over the GPA. I don't know where he's at in accepting the deal, but I just – if  
18 we come back in a week, hopefully we can get him potentially pled and sentenced  
19 next week.

20 THE COURT: Okay.

21 MR. GOLDSTEIN: I'll speak with Ms. Thomson as well.

22 THE COURT: All right. If you guys are going to want to go forward with  
23 sentencing next week, get me what I need and –

24 MR. GOLDSTEIN: We'll keep your staff looped in.

25 THE COURT: – make sure you come in with the victim understanding

1 that that could be happening.

2 MS. THOMSON: Yes.

3 THE COURT: Please. Okay.

4 THE CLERK: May 30<sup>th</sup>, 9 a.m.

5 THE COURT: It's for possible negotiations and possible sentencing.

6 PROCEEDING CONCLUDED AT 11:17 A.M.

7 \* \* \* \* \*

8 ATTEST: I do hereby certify that I have truly and correctly transcribed the audio-  
9 video recording of this proceeding in the above-entitled case.

10   
11 LARA CORCORAN  
12 Court Recorder/Transcriber  
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1 **RTRAN**

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4  
5 **DISTRICT COURT**  
6 **CLARK COUNTY, NEVADA**

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

**CASE#: C-18-336184-1**  
**DEPT. XVIII**

10 **vs.**

11 **SAMMIE NUNN,**  
12 **Defendant.**

13  
14 **BEFORE THE HONORABLE MARY KAY HOLTHUS,**  
15 **DISTRICT COURT JUDGE**  
16 **THURSDAY, JUNE 6, 2019**

17 ***RECORDER'S TRANSCRIPT OF HEARING:***  
18 ***STATUS CHECK: POSSIBLE NEGOTIATIONS OR SENTENCING***

19  
20 **APPEARANCES:**

21 **For the State: MEGAN THOMSON, ESQ.**  
22 **Deputy District Attorney**

23 **For the Defendant: ANTHONY GOLDSTEIN, ESQ.**

24  
25 **RECORDED BY: YVETTE SISON, COURT RECORDER**

1 Las Vegas, Nevada, Thursday, June 6, 2019

2

3 [Hearing began at 9:53 a.m.]

4 THE COURT CLERK: State of Nevada versus Sammie  
5 Nunn, C336184.

6 MR. GOLDSTEIN: Your Honor, Anthony Goldstein for the  
7 Defendant; he's present in custody. I just submitted a GPA that the  
8 Defendant has already signed.

9 THE COURT: What are the negotiations?

10 MR. GOLDSTEIN: Your Honor, today, the Defendant will  
11 plead guilty to battery with use of a deadly weapon; that's a  
12 Category B Felony. The State will not oppose probation. The GPA  
13 also states that the State will not oppose the Defendant's release on  
14 house arrest after entry of plea; however, we have a PSI from a  
15 related case that we're asking the Court to use today, so if you'd  
16 like, we can go forward with sentencing the Defendant today.

17 In addition, Your Honor, we're stipulating to an underlying  
18 sentence of 2 to 5, which we interlineated; and both Ms. Thomson  
19 and I initialed that change in Court today.

20 MS. THOMSON: That's correct.

21 MR. GOLDSTEIN: So, on lines 21 and 22, when it first OR  
22 after – OR with house arrest after entry of plea, that's moot,  
23 assuming the Court is going to sentence the Defendant today.

24 THE COURT: You know, here's my issue with that; I – I  
25 don't – especially on violent PSI –

1 MR. GOLDSTEIN: Can we approach?  
2 THE COURT: Yes.  
3 [Bench Conference]  
4 THE COURT: Oh, oh, oh is the PSI the same offense?  
5 MS. THOMSON: Yes, it is.  
6 MR. GOLDSTEIN: It's the same case.  
7 THE COURT: Okay.  
8 MS. THOMSON: Yes, he waived up, and then I indicted  
9 and added another case to this but –  
10 THE COURT: It's all good then.  
11 MR. GOLDSTEIN: And he entered a plea and  
12 subsequently Judge Togliatti –  
13 MS. THOMSON: Yeah.  
14 THE COURT: Okay. That's fine. I just wanted – if he ends  
15 up in prison, I want to make sure they have the underlying.  
16 MS. THOMSON: It's a different case number because I  
17 indicted in between –  
18 THE COURT: All good.  
19 MS. THOMSON: -- but it's not a different case.  
20 THE COURT: All good. We're good. Thank you.  
21 [Bench Conference Concluded]  
22 THE COURT: Okay. Mr. Nunn, is that your understanding  
23 of the negotiations?  
24 THE DEFENDANT: Yes ma'am.  
25 THE COURT: What's your full name?



1 THE DEFENDANT: Sammie Nunn [unintelligible] –  
2 THE COURT: How old are you?  
3 THE DEFENDANT: I'm 29.  
4 THE COURT: How far did you go in school?  
5 THE DEFENDANT: Vocational.  
6 THE COURT: Do you read, write, and understand the  
7 English language?  
8 THE DEFENDANT: Yes ma'am.  
9 THE COURT: Are you currently under the influence of any  
10 drug, medication, or alcoholic beverage right now?  
11 THE DEFENDANT: No ma'am.  
12 THE COURT: Do you understand the proceedings that are  
13 happening here today?  
14 THE DEFENDANT: Yes ma'am.  
15 THE COURT: Have you received a copy of the  
16 information charging you with battery with use of a deadly  
17 weapon?  
18 THE DEFENDANT: Yes ma'am.  
19 THE COURT: Do you understand the charges contained in  
20 the information?  
21 THE DEFENDANT: Yes ma'am.  
22 THE COURT: Have you discussed this case with your  
23 attorney?  
24 THE DEFENDANT: Yes ma'am.  
25 THE COURT: As to the charge set forth in the information

1 how do you plead, guilty or not guilty?  
2 THE DEFENDANT: Guilty.  
3 THE COURT: Are you making this plea freely and  
4 voluntarily?  
5 THE DEFENDANT: Yes ma'am.  
6 THE COURT: Has anyone forced or threatened you or  
7 anyone close to you to get you to enter this plea?  
8 THE DEFENDANT: No ma'am.  
9 THE COURT: Has anyone made you promises other than  
10 what is contained in the guilty plea agreement to get you to enter  
11 this plea?  
12 THE DEFENDANT: No ma'am.  
13 THE COURT: I have before me a written plea agreement.  
14 Have you signed this plea agreement?  
15 THE DEFENDANT: Yes ma'am.  
16 THE COURT: Is that your signature on page 5?  
17 THE DEFENDANT: Yes ma'am.  
18 THE COURT: Before you signed it, did you read it and  
19 discuss it with your attorney?  
20 THE DEFENDANT: Yes ma'am.  
21 THE COURT: Do you understand everything contained in  
22 this agreement?  
23 THE DEFENDANT: Yes ma'am.  
24 THE COURT: Do you understand the constitutional rights  
25 you're giving up by entering this plea of guilty?

1 THE DEFENDANT: Yes ma'am.

2 THE COURT: Do you understand the appellate rights that  
3 you are giving up by entering this plea of guilty?

4 THE DEFENDANT: Yes ma'am.

5 THE COURT: Do you understand if you are not a United  
6 States Citizen, that entering a plea of guilty may have immigration  
7 consequences including deportation?

8 THE DEFENDANT: Yes ma'am.

9 THE COURT: Do you understand the range of punishment  
10 is from 2 to 10 years in the Nevada Department of Corrections and  
11 you may also be fined up to \$10,000?

12 THE DEFENDANT: Yes ma'am.

13 THE COURT: Do you understand that whether or not you  
14 receive probation is strictly up to me?

15 THE DEFENDANT: Yes ma'am.

16 THE COURT: And that sentencing is up to me including  
17 whether the counts will run consecutive or concurrent?

18 THE DEFENDANT: Yes ma'am.

19 THE COURT: And no one can promise you probation,  
20 leniency, or any special treatment?

21 THE DEFENDANT: Yes ma'am.

22 THE COURT: Are you pleading guilty in truth and in fact  
23 because you did – between May 27, 2018 and June 3, 2018 here in  
24 Clark County, Nevada, willfully, unlawfully, and feloniously use  
25 force or violence upon Prince Alidu with use of a deadly weapon,

1 that being a firearm and/or 12-inch pair of pliers, by hitting Prince  
2 Alidu in the head with a firearm or striking him with the pliers?

3 THE DEFENDANT: Yes ma'am.

4 THE COURT: Is that sufficient for the State?

5 MS. THOMSON: Yes, Your Honor.

6 MR. GOLDSTEIN: Your Honor, before you accept the plea,  
7 you asked the question about is he under the influence of any  
8 drugs. He is definitely taking prescribed medications from the  
9 Detention Center Medical Staff. He's very lucid today. I have no – I  
10 visited him twice since the last hearing, Your Honor. He  
11 understands the terms of the deal, and I just want to clarify for the  
12 record that he is taking prescribed medications from the Detention  
13 Center Staff.

14 THE COURT: Do they help you understand things better?

15 THE DEFENDANT: Yes ma'am.

16 THE COURT: Okay. Do you have any questions you  
17 would like to ask me or your attorney before I accept your plea? Do  
18 you have any question for anybody?

19 THE DEFENDANT: No ma'am.

20 THE COURT: Okay. The Court finds the Defendant's plea  
21 of guilty is freely and voluntarily made and that the Defendant  
22 understands the nature of his offense and the consequences of his  
23 plea and, therefore, accepts his plea of guilty.

24 This matter is referred to the Department of Parole and  
25 Probation –

1 MS. THOMSON: It doesn't need to be.

2 THE COURT: -- no it's not, it's undone. Okay. That's  
3 accepted. Thank you. This is a right to argue?

4 MR. GOLDSTEIN: No op *[sic]* probation.

5 MS. THOMSON: It is the no op *[sic]* probation. It had  
6 been a right to argue, I believe, on the original negotiation that he  
7 was permitted to withdraw his plea, and that is the PSI from the fact  
8 pattern. The only difference now is the no op *[sic]* probation from  
9 the State's perspective.

10 THE COURT: All right. Counsel approach.

11 [Bench Conference]

12 THE COURT: I'm going to make a record of the no op *[sic]*  
13 probation before I move to go along with it. I'm not inclined to go  
14 along with no op *[sic]* probation.

15 MR. GOLDSTEIN: In the GPA, he accepted it.

16 MS. THOMSON: So, what happened is I obtained –

17 THE COURT: No, they're not opposing it but that doesn't  
18 mean I'm giving it –

19 MR. GOLDSTEIN: Oh I know.

20 THE COURT: -- so I wanted to give you the heads up  
21 before we do the sentencing, that when I've got P&P  
22 recommending a 3 to 10 and when I look at it, it appears to be – my  
23 recollection is that it was an unprovoked pretty vicious attack.

24 MR. GOLDSTEIN: I think we can –

25 MS. THOMSON: That's obviously our perspective. But

1 your perspective is different – well his perspective, I don't know  
2 about yours. His perspective is certainly different. We can address  
3 them or given if the Court wants –

4 MR. GOLDSTEIN: You want it right now or on the record?

5 THE COURT: This is on the record.

6 MR. GOLDSTEIN: Okay –

7 THE COURT: But you could – I mean we can do it anyway;  
8 I'm just telling you right now that I'm going to need something else  
9 before you going to convince me that probation is appropriate.

10 MR. GOLDSTEIN: Okay, I can have that. The main reason  
11 is there was a restraining order hearing between this defendant and  
12 the named victim, Prince Alidu. Judge Bennett-Heron presided  
13 over it. The victim, Prince Alidu – I mean I emailed you the –

14 MS. THOMSON: Yeah.

15 MR. GOLDSTEIN: -- his statements were very  
16 inconsistent. Judge Bennett – and I can show it to you if you want,  
17 didn't believe anything Prince was saying. So I think that was part  
18 of the reason the State decided to lower its offer, because Prince  
19 came into court, gave conflicting factual accounts of the encounters  
20 and then also the Judge was saying things like – I don't know  
21 verbatim but –

22 MS. THOMSON: -- I –

23 MR. GOLDSTEIN: -- how can I believe he did this? Why is  
24 – how is the Court going to believe sir that did this and this?

25 MS. THOMSON: -- my –

1 MR. GOLDSTEIN: This was on the record during a –

2 MS. THOMSON: -- my modification of the offer, I want to  
3 be very clear, had nothing to do with Judge Bennett's perspective  
4 because that frankly was irrelevant to me.

5 The – when I indicted the case, there had been a second  
6 case that was outstanding, so our case here is the one with the  
7 wrench – what – this packet that you have. There was another case  
8 that's out in the system, but where he -- the victim indicated that he  
9 had been at a convenient store, the same Your Stop Liquor, with a  
10 friend of his, who throughout was uncooperative; would not talk to  
11 us, would not do anything, like literally hung up on our investigator,  
12 kind of like not talk to us.

13 The victim told police that he was there with a friend, that  
14 the friend knew the Defendant, but that he didn't know the  
15 defendant; however, I think that was a secondary incident – my  
16 recollection is the date was later –

17 MR. GOLDSTEIN: [unintelligible] –

18 MS. THOMSON: -- then he realized who it was, that the  
19 Defendant without reason came up, pulled a gun, made some  
20 statement to his friend that was threatening and then pistol  
21 whipped him, and that he was bleeding, knocked unconscious, then  
22 he was able to get up and called the police.

23 In the TPO hearing, he said that he never lost  
24 consciousness. When the Defendant pulled the gun, that he  
25 immediately called police. He doesn't make any reference to being

1 pistol whipped at all. Obviously, that gave me concern because  
2 when you have such very inconsistent statements as to one  
3 incident, then that creates a problem when we're setting a trial on --

4 THE COURT: Well isn't that this incident?

5 MS. THOMSON: I think that's the right incident isn't it?

6 THE COURT: The pistol whipping is this one.

7 MR. GOLDSTEIN: They're like three days apart in the  
8 same location. I didn't represent him for that initial --

9 THE COURT: No but, I mean this offense is -- this is the --

10 MS. THOMSON: Oh, you're right it is.

11 THE COURT: -- he pulled a gun, threatened him, pistol  
12 whipped him --

13 MS. THOMSON: You're right.

14 THE COURT: -- on top of the head; \$22,000 in  
15 medications.

16 MS. THOMSON: So, the other incident was the victim,  
17 from his perspective, the allegations is he's walking down the  
18 street, minding his own business, defendant comes up to him and  
19 hits him with a wrench. When the police arrived, the Defendant is  
20 still in the area, and he does in fact have a wrench. Defendant tells  
21 police upon the scene and has been consistent throughout in his  
22 rendition that he was with -- he was by himself. The victim was  
23 with friends. They came up and jumped him because at some  
24 point, the Defendant's mother said -- basically told the community  
25 the victim is gay; correct me if anything is wrong generally about



1 that.

2 MR. GOLDSTEIN: -- there's more of it -- yeah that's  
3 probably about right.

4 MS. THOMSON: That's -- that's basically -- and then there  
5 was some interaction between some girl; but the short version  
6 being, the Defendant has always said it's self-defense. The victim  
7 has always said it was completely a random attack, but when I have  
8 the problem of two very inconsistent versions of events with the  
9 Your Stop Liquor firearm incident, it created a position where if I'm  
10 standing in front a jury, I'm having to say completely believe him  
11 on this one but, you know, that one you make your decision, and  
12 that's certainly worth probation.

13 MR. GOLDSTEIN: And I can tell the Court that I spoke with  
14 Kerick Hines about a week ago. He's the main victim on one of the  
15 counts --

16 MS. THOMSON: Oh, he would talk to you?

17 MR. GOLDSTEIN: -- he called me about a week ago.

18 MS. THOMSON: Congratulations.

19 MR. GOLDSTEIN: He says the victim was -- I don't  
20 remember which incident that Kerick Hines was at; he literally didn't  
21 show up for Grand Jury. [unintelligible] inquiry.

22 MS. THOMSON: He was the one who was at the firearm  
23 one.

24 MR. GOLDSTEIN: He says Prince was drunk and started  
25 popping flash to Sammie, that would've been his testimony had

1 this case gone to trial. This is the named victim on – I don't  
2 remember which case, but –

3 MS. THOMSON: It's the firearm one.

4 MR. GOLDSTEIN: -- the firearm one. So, it's –

5 THE COURT: What's his mental health issue? He appears  
6 to have one.

7 MR. GOLDSTEIN: It's terrible. His – I'm in good contact  
8 with his mother who lives in Oakland. If he gets probation, he's  
9 going to go live with his mother in Oakland. I spoke with her as  
10 recently as last week. He [unintelligible] mental health. I don't  
11 know – was from an acute injury, TDI.

12 THE COURT: All right. Can you give me something that I  
13 can order as a special condition? Can you look into something –  
14 can you do mental health court or something that makes me feel  
15 more protected.

16 MR. GOLDSTEIN: He's really trying to go to Oakland – I  
17 mean as soon as possible to go live with his mom. I mean  
18 interstate compact, so when – right away.

19 THE COURT: Well does she have a program there that I  
20 can agree that he can go to?

21 MR. GOLDSTEIN: I don't know when the last time he went  
22 there was, but his mom has lived forever I know. His mom has  
23 lived there forever, and I can only assume there's some kind of – he  
24 has doctors out there because he used to live there; but I can ask if  
25 there's any kind of program.

1 THE COURT: Well I'm just – I don't – I'm not going to just  
2 release him to the streets. I need something in place.

3 MS. THOMSON: Can mom –

4 THE COURT: Honestly, I didn't look at this for anything  
5 but prison.

6 MR. GOLDSTEIN: Okay.

7 THE COURT: I gotta be – you know, I didn't realize it was  
8 a – it was a no op *[sic]* probation. My notes indicate it was a right to  
9 argue. P&P is recommending 3 to 10. I really wasn't –

10 MR. GOLDSTEIN: Yeah well –

11 THE COURT: -- fashioning anything.

12 MR. GOLDSTEIN: -- everything – the game changed  
13 recently, so I guess that's why.

14 THE COURT: Well, and that's all fine, I'll go along with it,  
15 if you give me something other than releasing him to the streets  
16 and hoping he goes –

17 MR. GOLDSTEIN: Can you give me a minute –

18 THE COURT: -- I need something –

19 MR. GOLDSTEIN: -- give me a minute to see what he has –  
20 what we can set up in Oakland, and I'll – what he – if he has a  
21 doctor in Oakland or hospital or whatever he's been going to;  
22 because I don't know what his status is. I didn't –

23 THE COURT: -- I was thinking giving – well that's why I  
24 was going to give you a week to prepare for this.

25 MR. GOLDSTEIN: -- can I talk to him right now?

1 THE COURT: You can.

2 MR. GOLDSTEIN: -- I can get ahold of the mom probably  
3 just to -- a list -- I'm not getting ready to -- I'm not going to argue. I  
4 just want to see if we can get it resolved this morning somehow  
5 with him because he really wants to go, and his mom wants him to  
6 come soon and I --

7 MS. THOMSON: Can mom --

8 THE COURT: I know but --

9 MR. GOLDSTEIN: -- didn't promise anything, but I made it  
10 clear that I thought he was going to get out on the street today.

11 THE COURT: -- he can't go because he's going to have to  
12 go to P&P. He's going to have to do interstate compact.

13 MR. GOLDSTEIN: A few days here, and then I told him he  
14 was going to be here a week -- and he had people in Court. They're  
15 not here today, but they were here last week; his friends or family  
16 he was going to stay with for the few days until he gets transferred.

17 THE COURT: Well then you bring somebody in here that I  
18 can house arrest him to -- I mean I don't know -- I gotta -- I'm not  
19 going to put him in the streets.

20 MR. GOLDSTEIN: Okay.

21 THE COURT: And I don't care what he says this morning.

22 MR. GOLDSTEIN: Fair enough. I'll talk to him.

23 THE COURT: I don't mean to be --

24 MR. GOLDSTEIN: You're doing your job, it's fine. I'll just  
25 -- let me -- just give me a second before we continue it. Let me just

1 talk to him and see what I can come up with.

2 THE COURT: Okay.

3 MS. THOMSON: Thank you.

4 [Bench Conference Concluded]

5 THE COURT: You want to trail this a little bit?

6 MR. GOLDSTEIN: I appreciate that.

7 THE COURT: Okay.

8 [Case trailed at 10:07 a.m.]

9 [Case recalled at 10:26 a.m.]

10 THE COURT CLERK: State of Nevada versus Sammie

11 Nunn, C336184.

12 MR. GOLDSTEIN: Thank you for recalling the case. Can

13 we approach?

14 THE COURT: Yes.

15 [Bench Conference]

16 MR. GOLDSTEIN: I talked to the mom. She's in Oakland.

17 The Defendant left Oakland to move here last Summer, right before

18 – in May or June of last year. He has treatment with Dr. Stanburg

19 [phonetics] at Kaiser Permanente Hospital in Oakland, not far from

20 the house. He has a set doctor –

21 THE COURT: But you haven't told me how you're getting

22 him there –

23 MR. GOLDSTEIN: I asked mom –

24 THE COURT: -- and where he is here.

25 MR. GOLDSTEIN: -- he gets there. I asked mom – she can

1 wire him money to get him from here to there after he's approved,  
2 assuming he's approved for interstate compact.

3 In the meantime, there are -- there have been people in his  
4 previous hearings. They're not here today, local friends of his --

5 THE COURT: Bring the people here that will stand up and  
6 I can release him to them kind of thing, and house arrest --

7 MR. GOLDSTEIN: Okay.

8 THE COURT: -- whatever.

9 MR. GOLDSTEIN: Totally fair. Can we do Tuesday?

10 THE COURT: Yes.

11 MR. GOLDSTEIN: Yeah Tuesday.

12 THE COURT: Okay.

13 MS. THOMSON: I don't want to be difficult. Is this some --  
14 that sentencing something where the Court feels like it would be  
15 best if I'm him here or are we all comfortable --

16 MR. GOLDSTEIN: Say that again?

17 MS. THOMSON: -- is it something where it's best if I'm  
18 him here or are we all comfortable with just the calendar deputy?

19 THE COURT: I prefer you be here but --

20 MS. THOMSON: Okay.

21 THE COURT: -- if you can't be --

22 MS. THOMSON: Okay.

23 THE COURT: -- I mean as long as I -- I mean I have the  
24 reasons on the record so that --

25 MS. THOMSON: Yeah.

1 THE COURT: -- if it goes badly it's --  
2 MS. THOMSON: It's my fault.  
3 MR. GOLDSTEIN: But you accepted his plea where that's  
4 --  
5 THE COURT: -- I've accepted his plea --  
6 MR. GOLDSTEIN: -- we moved on to sentencing -- the  
7 thing --  
8 THE COURT: -- I've accepted his plea, yes. We're just --  
9 MR. GOLDSTEIN: Okay.  
10 THE COURT: -- continuing the sentencing.  
11 MR. GOLDSTEIN: That's fine. I just want to make sure.  
12 THE COURT: Yes.  
13 MR. GOLDSTEIN: You were going to ask that, so I helped  
14 you.  
15 MS. THOMSON: Yes and -- based upon that --  
16 THE COURT: And it wasn't a stipulated negotiation. It  
17 was just a no op *[sic]* so --  
18 MS. THOMSON: -- and --  
19 MR. GOLDSTEIN: -- well it wasn't a conditioned -- it was  
20 stipulated but unconditioned.  
21 THE COURT: -- well --  
22 MS. THOMSON: -- here's the one thing I'm going to kind  
23 of throw out there, is based upon that guilty plea, he should be  
24 OR'd with house arrest today.  
25 MR. GOLDSTEIN: He's not going to get approved for

1 house arrest anyway –  
2 MS. THOMSON: Oh okay.  
3 MR. GOLDSTEIN: So, you're right but –  
4 MS. THOMSON: Okay.  
5 THE COURT: -- and again that's your deal –  
6 MS. THOMSON: I know.  
7 THE COURT: -- between the two of you.  
8 MR. GOLDSTEIN: -- understood Judge, understood. Okay  
9 –  
10 THE COURT: Tuesday?  
11 MR. GOLDSTEIN: -- if we can put it on Tuesday. Tuesday  
12 is on for calendar call, I'm not sure if we vacated it when you first  
13 called it.  
14 THE COURT: Yes, we're going to – we'll vacate the trial  
15 date.  
16 MS. THOMSON: Thank you.  
17 MR. GOLDSTEIN: And calendar call, and we'll just make it  
18 a status check, and I'll get people her.  
19 THE COURT: Get me something.  
20 MR. GOLDSTEIN: I will. Understood.  
21 MS. THOMSON: Okay.  
22 THE COURT: All right. Thank you.  
23 MS. THOMSON: Thank you.  
24 [Bench Conference Concluded]  
25 THE COURT: All right. We're going to continue this until



1 Tuesday for sentencing, and trial date vacated.

2 THE COURT CLERK: June 11<sup>th</sup>, 9 a.m.

3 THE COURT: Thank you.

4 [Hearing concluded at 10:28 a.m.]

5 \* \* \* \* \*

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

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Yvette G. Sison  
Court Recorder/Transcriber

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TRAN

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,	)	
	)	CASE NO. C-18-336184-1
Plaintiff,	)	
vs.	)	DEPT. XVIII
SAMMIE NUNN,	)	
	)	<b>Transcript of Proceedings</b>
Defendant.	)	
	)	
	)	

BEFORE THE HONORABLE MARY KAY HOLTHUS, DISTRICT COURT JUDGE

**SENTENCING**

TUESDAY, JUNE 11, 2019

APPEARANCES:

FOR THE STATE:	LAURA J. GOODMAN Deputy District Attorney
FOR DEFENDANT:	ANTHONY M. GOLDSTEIN, ESQ.

RECORDED BY: YVETTE SISON, COURT RECORDER

1 LAS VEGAS, NEVADA, TUESDAY, JUNE 11, 2019, 9:12 A.M.

2

3 THE CLERK: State of Nevada versus Sammie Nunn,  
4 C336184.

5 MR. GOLDSTEIN: Judge, Anthony Goldstein for the  
6 defendant. He's here in custody.

7 THE COURT: What'd we come up with?

8 MR. GOLDSTEIN: Your Honor, we have -- your concern  
9 which we talked about both on the record and the bench last week  
10 was if Your Honor sees fit to grant the defendant probation,  
11 basically follow the deal and give him probation, looking for a  
12 residence for him to stay at. I've been in contact with his  
13 mother a million times in Oakland. She made an arrangement with  
14 One Day at a Time, it's a local we'll call it a halfway house.  
15 Ashley Dickson, she's here in court today, she provided me with  
16 the information from this facility. It's a local -- she's  
17 placed defendants at this facility from this courthouse, as well  
18 as North Las Vegas, in the past. She could provide whatever  
19 details the Court needs. It's just basically a local residence,  
20 sober, and designed for inmates in Mr. Nunn's situation with  
21 these types of issues. And she's prepared to answer any  
22 questions.

23 THE COURT: Can we house arrest him there?

24 MR. GOLDSTEIN: What's that?

25 THE COURT: Can we put him on house arrest there?

1 MR. GOLDSTEIN: You can ask Ms. Dickson. I just met  
2 Ms. Dickson this morning. We have communicated via text and  
3 email, but this is the first time I've met her, Your Honor,  
4 moments ago. If you have any questions, ask -- I think she's  
5 prepared to answer any questions you might have.

6 THE COURT: Is he able to be on house arrest at your  
7 program?

8 MS. DICKSON: To be honest, we've never had anyone on  
9 house arrest there. We do groups each day. So if he would  
10 -- you want him to come to those, he can, he cannot, it's up to  
11 you. If he can't leave the house and he has on a bracelet,  
12 then, I mean, he'll know the rules, and we'll help him follow  
13 them.

14 THE COURT: What's the name of the program?

15 MS. DICKSON: One Day at a Time.

16 THE COURT: And how long is the program?

17 MS. DICKSON: We recently opened in October.

18 THE COURT: And so how long would he be there?

19 MS. DICKSON: He can be there as long as he chooses  
20 to.

21 THE COURT: Well, I thought the plan was to get him to  
22 his family.

23 MR. GOLDSTEIN: This is the local residence here  
24 that's transitioning him from in custody at the Clark County  
25 Detention Center to moving with his mother in Oakland. There's

1 going to be a --

2 THE COURT: Pending the --

3 MR. GOLDSTEIN: Interstate compact.

4 THE COURT: -- interstate compact.

5 MR. GOLDSTEIN: Yeah. This is -- I don't know how  
6 long the interstate compact is going to take with California. It  
7 could be a couple days or a couple weeks. We don't know yet.  
8 But --

9 THE COURT: What if they don't take him?

10 MR. GOLDSTEIN: It would be -- in a case like this,  
11 Your Honor, it would be unlikely they wouldn't take him.

12 THE COURT: Okay.

13 MR. GOLDSTEIN: Is it possible? Yeah. But I've never  
14 seen a situation like that where especially California denies  
15 interstate compact. But this provides him with sort of  
16 transitional housing until the paperwork's clear for him to go  
17 with his mother in California and resume his -- I mentioned his  
18 doctor's name from Kaiser in Oakland last week when we were in  
19 court.

20 THE COURT: So does he -- does he have doctors here,  
21 as well?

22 MR. GOLDSTEIN: Sammie -- he went to Stein when he was  
23 found incompetent for this case. So the doctors here were at  
24 Stein.

25 Did you go to Stein, or Lakes Crossing?

1 THE DEFENDANT: Stein.

2 MR. GOLDSTEIN: It was Stein. So he doesn't have  
3 doctors here, but, again, it's doctor Stanberg [phonetic], I  
4 think his name was or her name was, in Oakland who's his primary  
5 mental health care physician at Kaiser in Oakland.

6 THE COURT: So what other -- what do you offer at the  
7 program, or is it just monitoring basically?

8 MS. DICKSON: It's a transitional living home, but  
9 also he can receive therapy services there. We do that twice a  
10 week, and also group three times a week, and biofeedback also  
11 twice a week. But he can come and get all of those services as  
12 he chooses to.

13 THE COURT: And is somebody paying for that? How does  
14 that get --

15 MS. DICKSON: His insurance pays for it.

16 THE COURT: It does. Okay.

17 And I believe we put the reasons for the negotiation  
18 on the record last time. Did we not?

19 MR. GOLDSTEIN: At the bench, which was on the record.  
20 So, yes.

21 THE COURT: And we still have no contact with the  
22 victim; correct? Is that your understanding?

23 MR. GOLDSTEIN: No. The victim -- are you talking  
24 about for victim speaker purposes, or for --

25 MS. GOODMAN: For victim speaker, that's correct, Your

1 Honor.

2 MR. GOLDSTEIN: I think he was -- he's been  
3 cooperating. He's testified a couple of times in the case, but  
4 I don't -- I can't speak to the victim whether Megan talked to  
5 him about speaking today.

6 MS. GOODMAN: With regards to speaking at sentencing,  
7 yes, we haven't talked to him. We haven't had any contact with  
8 the victim for that purpose.

9 THE COURT: What is the restitution of this?

10 MR. GOLDSTEIN: Medical bills for the victim.

11 THE COURT: 22,042. Is that right?

12 MS. GOODMAN: That is correct. And I should note --  
13 and, Judge, in all candor, the Victims of Crime did agree to pay  
14 the 5,000. There just haven't been any payments from the victim  
15 -- to the victim yet of that 5,000.

16 THE COURT: All right. Mr. Nunn, you want to -- we  
17 haven't done anything yet, have we?

18 MR. GOLDSTEIN: I'm sorry?

19 THE COURT: We haven't done anything, have we, because  
20 I wasn't --

21 MR. GOLDSTEIN: You accepted his plea last Thursday.  
22 And you were going to -- it was possible for you to sentence him  
23 that same day because you had the PSI, but you wanted to address  
24 the residency issue.

25 THE COURT: All right. Anything else from the State?

1 MS. GOODMAN: No, Your Honor. I'll submit it on the  
2 negotiations.

3 THE COURT: Okay. Mr. Nunn, is there anything else  
4 you want to tell me before I pronounce sentence or your attorney  
5 speaks?

6 THE DEFENDANT: No.

7 MR. GOLDSTEIN: Your Honor, I'm just going to ask the  
8 Court to follow the negotiation. I know there's some hesitancy  
9 on behalf of the Court, but I think when Mr. Nunn is properly  
10 medicated and getting his -- following his doctors' advice, he  
11 gets along in society just fine. Hopefully his paperwork with  
12 the interstate compact will clear quickly, and he'll be under  
13 the watchful eye of his mother in Oakland, who I'm in very good  
14 contact with. We've exchanged -- we've spoken several times  
15 since this past Thursday, Your Honor. I know she's planning on  
16 keeping an eye on Sammie like she has in the past, and hopefully  
17 he'll start to conform better once his medication and his mental  
18 health treatment gets back on track.

19 THE COURT: Can you all approach.

20 (Bench conference)

21 THE COURT: Not only I don't [unintelligible] the  
22 probation part, but I don't really love the suspended sentence  
23 part, either. Is there a reason that it was so low?

24 MR. GOLDSTEIN: No. Well, yes.

25 THE COURT: I mean, I'm giving him a chance to do



1 better, but if he doesn't do better, then maybe he can't do  
2 better. Do you know what I'm saying? Historically he's got  
3 issues.

4 MR. GOLDSTEIN: We worked out the suspended sentence  
5 in court on Thursday, you see we interlineated it to 2 to 5. I  
6 would be ecstatic if you gave him probation. And if you want to  
7 raise the underlying, that's your call, but -- I mean  
8 everything's your call, but, you know, I wouldn't --

9 THE COURT: I get it. I'm going to raise it to 48 to  
10 120. So -- okay.

11 MR. GOLDSTEIN: Thanks for the heads up.

12 THE COURT: Yep.

13 MR. GOLDSTEIN: Thank you.

14 (End of bench conference)

15 THE COURT: Anything else?

16 According to the laws of the State of Nevada this  
17 Court does now sentence you to confinement in the Nevada  
18 Department of Prisons for a maximum term of 120 months, with a  
19 minimum parole eligibility of 48 months.

20 I am going to -- that's in addition to the \$25  
21 administrative assessment, \$150 DNA fee, and a DNA  
22 administrative assessment.

23 I am pursuant to negotiations going to suspend that  
24 sentence for a period of probation not to exceed 5 years with  
25 the standard conditions.

1           Additionally, you are to have no alcohol whatsoever,  
2 you're also going to be subject to special conditions that you  
3 are to remain on house -- you're to be released only to the One  
4 Day program.

5           Can I do that? Do they have somebody to come get him?  
6 Or P&P for transport to. How about that? That's what I'm going  
7 to do.

8           MR. GOLDSTEIN: Ms. Dickson's not here anymore, Your  
9 Honor, so I can't ask her about the --

10          THE COURT: All right. He's to be released only to  
11 P&P for transportation to the One Day at a Time program, where  
12 he's to remain on house arrest until he can be interstate  
13 compacted to California, where his mom is.

14          Also, to complete a mental health evaluation or just  
15 to stay being treated on the evaluation that he currently has.

16          Taking any medications that's required.

17          Curfew's probably not necessary, but I'll give them  
18 the power to do that if they need it.

19          Mr. Nunn, do you work?

20          THE DEFENDANT: Yeah. I'm an electrician.

21          THE COURT: Okay.

22          THE DEFENDANT: I kind of need to go to work.

23          THE COURT: Okay. Well, to the extent that it all  
24 works, full-time employment, 16 hours of community service or  
25 school.

1 THE DEFENDANT: So the house arrest --

2 MR. GOLDSTEIN: I'll answer your question.

3 THE COURT: Anything else we can -- that I need?

4 MS. GOODMAN: Not from the State, Your Honor.

5 THE COURT: No contact with the victim.

6 MR. GOLDSTEIN: And just if I could just clarify your  
7 sentence for the defendant's benefit. There was an agreement  
8 between us, the defense and the State, for an underlying  
9 sentence of 2 to 5, with an [unintelligible] to probation. You  
10 chose to give him probation, but she exercised her discretion to  
11 raise the underlying sentence; instead of a 2 to 5, it's a 4 to  
12 10.

13 So we agreed to it, but that's not binding on the  
14 Judge, and the Judge --

15 THE DEFENDANT: And I have to do house arrest on top  
16 of me doing the 4 to 10?

17 THE COURT: You're not doing the 4 to 10 as long as  
18 you get out and stay out of trouble. If you stay in your  
19 counseling and stay on your meds and don't hurt anybody or break  
20 any laws, then you won't have to do the 4 to 10. You're just  
21 going to be on house arrest until we can get you to your mom  
22 where you can get back with your doctor in California and get  
23 the treatment.

24 If you get in trouble, though, you're going to go to  
25 prison for 10 years.

1           THE DEFENDANT: But I'm not going to be able to do the  
2 groups or anything?

3           THE COURT: You're going to be at the house. I'm  
4 ordering you to the treatment program there. Okay?

5           THE DEFENDANT: But the deal I signed was a 2 to 5,  
6 and an OR upon sentencing.

7           THE COURT: You did.

8           THE DEFENDANT: Those are the reasons I took the deal.

9           THE COURT: Well, I understand that, but you also -- I  
10 didn't make any promises. I'm giving you probation. My  
11 inclination was actually to put you in prison for 3 to 10 like  
12 P&P was recommending. Okay? So I'm going along with the deal  
13 to try and help you get your act together better for the long  
14 run, but that's the trade off. If you want to just do the 3 to  
15 10 right now, I'll give it to you.

16          THE DEFENDANT: Can I take the deal back?

17          MR. GOLDSTEIN: For a second time? No, Your Honor. I  
18 mean, I'll talk to him about it, but --

19          THE COURT: Okay. That'll be the order.

20          MR. GOLDSTEIN: Thank you.

21          THE CLERK: Judge, does he [inaudible] restitution?

22          THE COURT: Oh, yeah. I'm so sorry. Restitution in  
23 the amount of \$22,042 payable to -- huh?

24          THE CLERK: I'm sorry.

25          THE COURT: What do you need?

1 THE CLERK: I was going to ask who it's payable to.

2 THE COURT: Prince Alidu.

3 MR. GOLDSTEIN: His name is Prince Alidu, A-L-I-D-U.

4 (Court recessed at 9:24 a.m., until 9:55 a.m.)

5 THE CLERK: State of Nevada versus Sammie Nunn,  
6 C336184.

7 THE COURT: Sorry to call you back here, but I have  
8 some real concerns. Your client has not been able to control  
9 himself in a courtroom filled with marshals and where I've just  
10 given him probation. I'm wondering how I'm supposed to feel  
11 comfortable sending him out in the community on a probation  
12 grant.

13 And I'm wondering if maybe he doesn't want that and  
14 maybe he'd prefer just to go to prison, because that would make  
15 me feel more comfortable at this moment.

16 MR. GOLDSTEIN: Your Honor, I understand your  
17 concerns. I just spoke with him. I mean, his -- he doesn't  
18 understand that probation is a privilege and he's fortunate to  
19 get it in this case based on Your Honor's comments when we were  
20 at the bench last week basically saying you're planning to send  
21 him to prison and probably would be doing so if it weren't all  
22 the efforts --

23 THE COURT: For the maximum period of time, by the  
24 way.

25 MR. GOLDSTEIN: Right. On behalf of his mom, Ashley

1 Dickson, and all these other people who are out there trying to  
2 work for him, me, but that's my job. All these other people are  
3 trying to work for him and a lot of people -- there was a lot of  
4 parts in motion to get him that place to stay. And he  
5 apparently doesn't appreciate it, but I hope that he gets that  
6 probation's a privilege and he could very well be going to High  
7 Desert instead of his mother's house in Oakland over the next  
8 few days.

9           So I spoke with him. He talked about withdrawing his  
10 plea because you didn't follow the negotiation to the letter.  
11 My opinion that's not a valid legal basis to withdraw his plea.  
12 If that were the case 99 --

13           THE COURT: It's not even an opinion, it's actually  
14 the law, but, okay.

15           MR. GOLDSTEIN: It is. And 99 percent of people  
16 sitting in the box would want to withdraw their plea if the  
17 judge didn't follow exactly the negotiations. So it's not in  
18 any way, shape, or form a legal basis. If he wants to ask the  
19 Court to appoint a lawyer to look in to see whether that  
20 constitute legal grounds, you could appoint him, just like I was  
21 appointed to withdraw his previous plea when there was the issue  
22 with his previous lawyer, but I hope he gets -- kind of gets  
23 with the program at this point, and realizes if he steps out of  
24 line to his probation officer, he's just going to prison.  
25 There's no other option. If he's disrespectful to anybody in

1 the system, whether it's here or in California, he's going to do  
2 a 4 to 10. That's where he's sitting right now.

3 THE COURT: Do you want probation or not?

4 THE DEFENDANT: Yeah.

5 THE COURT: Are you going to control yourself and be  
6 respectful and do what you're supposed to do?

7 THE DEFENDANT: Yes, ma'am.

8 THE COURT: All right. Thank you for coming back, Mr.  
9 Goldstein.

10 MR. GOLDSTEIN: Of course, Your Honor.

11 THE COURT: Good luck, Mr. Nunn.

12 THE PROCEEDINGS CONCLUDED AT 9:57 A.M.

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

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JILL HAWKINS, Court Recorder



1 **RTRAN**

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5 **DISTRICT COURT**  
6 **CLARK COUNTY, NEVADA**

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

**CASE#: C-18-336184-1**  
**DEPT. XVIII**

10 **vs.**

11 **SAMMIE NUNN,**  
12 **Defendant.**

13  
14 **BEFORE THE HONORABLE MARY KAY HOLTHUS,**  
15 **DISTRICT COURT JUDGE**  
16 **TUESDAY, JULY 23, 2019**

17 ***RECORDER'S TRANSCRIPT OF HEARING:***  
18 ***REVOCATION OF PROBATION***

19 **APPEARANCES:**

20 **For the State:** **MEGAN THOMSON, ESQ.**  
**Deputy District Attorney**

21 **For the Defendant:** **ANTHONY GOLDSTEIN, ESQ.**

22  
23 **Also Present:** **OFFICER A. MARQUEZ**  
24 **PAROLE AND PROBATION**

25 **RECORDED BY: YVETTE SISON, COURT RECORDER**



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Las Vegas, Nevada, Tuesday, July 23, 2019

[Hearing began at 10:49 a.m.]

THE COURT CLERK: State of Nevada versus Sammie Nunn, C336184.

MR. GOLDSTEIN: Your Honor, Anthony Goldstein for the Defendant. He's present in custody. There was no offer made, so it'll be a stip and argue.

THE COURT: Okay. I'm going to take two seconds, be right back. All right. So this is stip and argue?

MR. GOLDSTEIN: It is Your Honor, and there's a couple other matters as well.

First, on the violation report itself, July 10<sup>th</sup> of this year, they list the sentence, the underlying sentence as a 12 to 48, you actually sentenced him to a 48 to 120, so instead of a 1 to 40 – you sentenced him to a 4 to 10, just so we all are aware of what the potential is today.

Also, Your Honor, as a housekeeping matter, the defendant filed a motion to dismiss me. It's scheduled to be heard on August 6<sup>th</sup>. He also filed a notice of appeal of your decision denying his prior motion to dismiss me as his attorney, so that decision, not the conviction, but that decision to deny his previous motion to dismiss me, he filed a notice of appeal on; so that's somewhere in the appellate process, that's relatively recent.

THE COURT: Okay.

1 MR. GOLDSTEIN: Just so you're aware of what's going  
2 on. I'm sure you already knew that, but that's what's going on.

3 THE COURT: I did not actually. So, I appreciate it. Does  
4 anyone have a copy of the PSI in this case?

5 MS. THOMSON: I do. May I approach?

6 THE COURT: Is it this case?

7 MS. THOMSON: This is the one we –

8 THE COURT: We couldn't find one on Odyssey.

9 MS. THOMSON: -- where we had the PSI created and  
10 then ultimately, I went to the Grand Jury and included another  
11 charge, and then we negotiated but because the same underlying  
12 facts were associated, we used the PSI from the previous –

13 THE COURT: That's why we couldn't find it.

14 MS. THOMSON: So, it's the same case but different case  
15 number.

16 MR. GOLDSTEIN: Judge Togliatti granted my motion to  
17 withdraw his plea prior to sentencing, so there's already in a PSI in  
18 the file, and then we re-dealt the case, so to speak. He had Ms.  
19 Waldo prior to me.

20 THE DEFENDANT: The PSI isn't current.

21 THE COURT: Okay, so now where are we today? We're  
22 stippling?

23 MS. THOMSON: I think that we should probably even  
24 though it's not on calendar that they address the basis for the  
25 defendant seeking it too, have a different attorney so that we don't

1 end up with any issues on that.

2 THE COURT: Haven't we addressed that already?

3 MR. GOLDSTEIN: There's a new one. He filed a new  
4 motion to dismiss for Your Honor that's set in this court on August  
5 6<sup>th</sup>.

6 THE COURT: So, you're not prepared to stip?

7 MR. GOLDSTEIN: Well, I'm prepared to go forward today,  
8 Your Honor. The State made the request that I guess to address  
9 that motion first, but I can go forward I think – I mean –

10 THE COURT: Well I mean I hate to make P&P come back  
11 but –

12 MS. THOMSON: Well my thought is just to ask the  
13 defendant if he's –

14 THE COURT: Are you still – you still want to proceed with  
15 trying to get Mr. Goldstein off?

16 THE DEFENDANT: Yes ma'am, definitely.

17 THE COURT: All right. Pull the motion. We'll trail this,  
18 sorry.

19 MS. THOMSON: Thank you.

20 THE COURT: You need to be somewhere?

21 MR. GOLDSTEIN: Can we approach real quick?

22 THE COURT: Yeah.

23 MR. GOLDSTEIN: Scheduling.

24 THE COURT: For sure.

25 [Bench Conference]

1 MR. GOLDSTEIN: I have to leave to pick up kids at  
2 summer camp at 11:30. I have to be somewhere at noon to pick up  
3 kids from half day summer camp, so – I can come back.

4 THE COURT: Why don't we just put it over to August 6.  
5 He's not –

6 MS. THOMSON: That's fine.

7 MR. GOLDSTEIN: He's definitely not going anywhere.

8 MS. THOMSON: My thought is that his reason to kick you  
9 off is all bullshit, sorry – pooppy and we would just –

10 MR. GOLDSTEIN: Right.

11 MS. THOMSON: Get rid of it. Are you good with the 6<sup>th</sup>?

12 PAROLE AND PROBATION: Sure.

13 THE COURT: If you want something –

14 MR. GOLDSTEIN: Do you remember this one, Your  
15 Honor? This is a lengthy plea – he came back from Stein. It's a  
16 whole – he's going to –

17 THE COURT: Did I give him the 4 to 10 like on my own?

18 MS. THOMSON: You did.

19 MR. GOLDSTEIN: It was a 2 to – it was a stip 2 to 5, you  
20 gave him the 4 to 10, fair enough; and then it was – he's supposed  
21 to go interstate compact to his mom in Oakland, who I've spoken to  
22 many times; instead he goes to that little goal place, transition until  
23 he got approved for interstate.

24 MS. THOMSON: This was the one where I had agreed to  
25 the release, and you were like, I'm not letting him out. You didn't

1 want to give him the probation, and we essentially talked you into it  
2 because it was the negotiation.

3 MR. GOLDSTEIN: Right.

4 THE COURT: I've been doing a lot of that lately. I feel bad  
5 but –

6 MR. GOLDSTEIN: Don't – I mean not in confined to this  
7 case, but in general.

8 MS. THOMSON: Right.

9 MR. GOLDSTEIN: You can do what you like, Your Honor.

10 MS. THOMSON: It's true. Plus we're soft on crime, so we  
11 need stuff like that.

12 MR. GOLDSTEIN: So, if you want to pass it to the 6<sup>th</sup>, he's  
13 not going anywhere. He has nowhere to go anyway so.

14 MS. THOMSON: Are you okay for the 6<sup>th</sup>?

15 PAROLE AND PROBATION: The 6<sup>th</sup> is fine.

16 MS. THOMSON: Okay.

17 MR. GOLDSTEIN: If it's okay with the officer.

18 THE COURT: And your position is still revocation I  
19 presume. Everybody is on board with that? On the 4 to 10?

20 MS. THOMSON: So, it's short.

21 THE COURT: Yeah, but I want to go back and re-read  
22 everything and – sorry.

23 PAROLE AND PROBATION: No, it's fine.

24 THE COURT: Do a clean –

25 MS. THOMSON: Just because you're going to because it

1 has the weird background, the fact pattern in the PSI is not the  
2 totality of the fact pattern that came up through the indictment.

3 THE COURT: Do you have something to supplement to  
4 give me or –

5 MS. THOMSON: Let me give you a copy of each report  
6 because I can't remember –

7 THE COURT: Okay.

8 MS. THOMSON: -- which set of facts –

9 THE COURT: Perfect.

10 MS. THOMSON: -- okay.

11 THE COURT: Perfect.

12 MR. GOLDSTEIN: It was two fights with the same victim –

13 MS. THOMSON: Yeah.

14 MR. GOLDSTEIN: -- same neighborhood. Three days  
15 later – hey I – two guys were –

16 MS. THOMSON: Yep.

17 MR. GOLDSTEIN: -- he and the victim were going back  
18 and forth.

19 MS. THOMSON: I'm confident that once you get into it,  
20 you'll like oh –

21 THE COURT: The name is familiar, and he's looking at me  
22 like he's familiar, but I mean for me to up to a 4 to 10, they already  
23 recommended 36 to 120, with time. Okay. Come back.

24 [Bench Conference Concluded]

25 All right, we pulled – I have now a copy of the PSI, and I

1 want to look that over, and we also need to address the defendant's  
2 motion to dismiss which is set for August 6<sup>th</sup>. So, we'll go ahead  
3 and do that, assuming the motion to dismiss counsel is denied. Do  
4 you want to be ready to go forward or do you want to get the ruling  
5 on that and then set it for the revo, so if it's granted P&P doesn't  
6 have to be here. State, preference?

7 MS. THOMSON: I will submit it to the Court and Defense  
8 Counsel.

9 THE COURT: Mr. Goldstein what do you want to do?

10 MR. GOLDSTEIN: Your Honor, I'm fine with the 6<sup>th</sup>. I think  
11 if -- you asked him. He said he wants his motion to be heard. I  
12 think he has that right so I think we'll just come back on the 6<sup>th</sup>, and  
13 we can probably handle both matters, just depending on how you  
14 rule on the motion to dismiss.

15 THE COURT: Well the problem is, if I'm going to give him  
16 a new attorney, I don't necessarily want P&P to have to come down  
17 here again, since he's here ready to go today, so we'll set it on for  
18 the 6<sup>th</sup> for the motion, and then P&P won't have to be there on the  
19 6<sup>th</sup>. If -- assuming you stay on it Mr. Goldstein or --

20 MR. GOLDSTEIN: I see.

21 THE COURT: -- or new counsel.

22 MR. GOLDSTEIN: I misunderstood you. That makes more  
23 sense. I misunderstood what you said.

24 THE COURT: So then whoever -- whoever is going to  
25 represent you can --

1 MR. GOLDSTEIN: So, the 6<sup>th</sup> will be the motion to dismiss

2 -- THE COURT: Just the motion to dismiss --

3 MR. GOLDSTEIN: -- meaning a status check to reset the  
4 motion -- to reset the revo.

5 THE COURT: -- and status check reset -- perfect.

6 [Hearing concluded at 10:59 a.m.]

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

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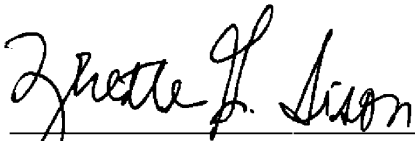
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Yvette G. Sison  
Court Recorder/Transcriber





1 **RTRAN**

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5 **DISTRICT COURT**  
6 **CLARK COUNTY, NEVADA**

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

**CASE#: C-18-336184-1**  
**DEPT. XVIII**

10 **vs.**

11 **SAMMIE NUNN,**  
12 **Defendant.**

13  
14 **BEFORE THE HONORABLE MARY KAY HOLTHUS,**  
15 **DISTRICT COURT JUDGE**  
16 **TUESDAY, AUGUST 6, 2019**

17 ***RECORDER'S TRANSCRIPT OF HEARING:***  
18 ***MOTION TO DISMISS COUNSEL AND APPOINT ALTERNATE***  
19 ***COUNSEL/STATUS CHECK: RESET REVOCATION OF PROBATION***

20 **APPEARANCES:**

21 **For the State:** **CHAD LEXIS, ESQ.**  
22 **Deputy District Attorney**

23  
24 **For the Defendant:** **ANTHONY GOLDSTEIN, ESQ.**

25 **RECORDED BY: YVETTE SISON, COURT RECORDER**

1 Las Vegas, Nevada, Tuesday, August 6, 2019

2

3 [Hearing began at 9:02 a.m.]

4 THE COURT CLERK: State of Nevada versus Sammie

5 Nunn, C336184.

6 MR. GOLDSTEIN: Anthony Goldstein for the Defendant;

7 he is present in custody, Your Honor.

8 THE COURT: Can I have counsel approach?

9 [Bench Conference]

10 THE COURT: What are we doing with this? Is he

11 competent?

12 MR. GOLDSTEIN: Hard to tell because he goes in and out

13 of competency in my opinion. It depends on the condition,

14 depends on his mood. I can't – I don't know if the letter is

15 malingering effort to look more, to go back into competency or not.

16 I really don't know.

17 I thought about re-evaluating him for competency, but I

18 don't know – it's a permanent – he's not – I don't think he's ever

19 going to get normal, unfortunately.

20 THE COURT: Are you all going to file any opposition to

21 any of this?

22 MR. LEXIS: No.

23 THE COURT: Megan doesn't care?

24 MR. LEXIS: Megan doesn't care.

25 THE COURT: Initially, on basis, he got – is there any –

1 anything to any of this that these – included in the letter. Are there  
2 witnesses? Are there people that –

3 MR. GOLDSTEIN: Judge, I've talked to people – I did a lot  
4 on this case. I talked to people --

5 THE COURT: Okay, this is all recorded, let's make a –

6 MR. GOLDSTEIN: -- I'm trying to – I spoke with several  
7 witnesses, they were at the mini mart to where in that area he gave  
8 me the names for.

9 THE COURT: Some names and numbers?

10 MR. GOLDSTEIN: Yes. Somewhere in that letter, it said  
11 something about – I submit this is not believable. Yeah, I talked to a  
12 person, I'm not going to say his name, but I talked to a person, and  
13 there's no way that person is credible. I interviewed that person  
14 myself over the phone. They said they were there and it was very  
15 clear that that person wasn't credible, wouldn't be a valuable  
16 witness in any way, shape, or form. Seemed to be a friend of  
17 Sammie's who may or may have not actually been there, but the  
18 testimony would have been worthless at the trial; probably worked  
19 against Sammie in trial.

20 I talked to the people who worked at the mini mart store.  
21 Sammie says; oh, they're going to stand up for me. They're going  
22 to stand with the guy, so it doesn't matter what they're going to do.  
23 They weren't witnesses to this, and I went to the store personally to  
24 talk to the manager in some other – it's a mini mart on Twain and  
25 Swenson. I went there and talked to these people. They're not,

1 they weren't there. They didn't see it. They didn't have the  
2 videotape anymore. By the time I got on the case, they didn't have  
3 any --

4 THE COURT: Does he have the video? Have you checked  
5 his phone? Didn't he say something about he downloaded a video  
6 on his phone and it's in his property?

7 MR. GOLDSTEIN: He's never mentioned that to me.

8 THE COURT: Maybe then --

9 MR. GOLDSTEIN: -- I wasn't his first lawyer on the case.  
10 Jen Waldo had him first, but I -- he's never mentioned it to me.

11 THE COURT: -- the only information is they don't really  
12 think there's a basis to dismiss you, it's not going to have the same  
13 with every attorney, but I'm going to ask him, you know, about --  
14 and if there's a video on his phone, can you access that in his  
15 property and look at it?

16 MR. GOLDSTEIN: It might not be in his property. Metro  
17 might have confiscated it, but either way it's out there. If there's a  
18 phone --

19 THE COURT: Can we follow-up with it?

20 MR. GOLDSTEIN: -- out there, you can sign an order --

21 THE COURT: Okay.

22 MR. GOLDSTEIN: -- but I doubt that exists. Seems like  
23 that's something he would've mentioned to me.

24 THE COURT: But that's -- you know, that's why it's an  
25 easy --

1 MR. GOLDSTEIN: Correct.

2 THE COURT: -- easy follow-up; and then we'll go ahead  
3 and reset that other one? Yeah?

4 MR. LEXIS: Sounds good, Judge.

5 THE COURT: Thank you for all your assistance Mr. Lexis.  
6 I appreciate it.

7 MR. LEXIS: Hope I get a response to this.

8 THE COURT: I know. Okay.

9 [Bench Conference Concluded]

10 THE COURT: Okay, this is Mr. Nunn's motion to dismiss  
11 counsel and appoint counsel. I think we've kind of addressed this  
12 previously.

13 THE DEFENDANT: We -- when we addressed it, Your  
14 Honor, we never counting back -- to fully air out the inquiry.

15 So, there were some things that Mr. Goldstein was  
16 supposed to do, and you gave him about a month to do the things,  
17 and he didn't fulfill any of the things that he needed to do.

18 THE COURT: What was he supposed to do?

19 THE DEFENDANT: He's was supposed to interview  
20 witnesses.

21 THE COURT: Okay, Mr. Goldstein, have you interviewed  
22 the witnesses?

23 MR. GOLDSTEIN: Several, Your Honor; two that worked  
24 at the mini mart outside of which this took place, and one witness  
25 whose name is escaping me right now. He put me in contact with,

1 who is allegedly an eyewitness, and I spoke – personally spoke with  
2 that person. I didn't find that person – my opinion was that person  
3 would not have been a beneficial witness for the Defense in the  
4 trial, Your Honor.

5 THE COURT: Okay, so he did that.

6 MR. GOLDSTEIN: And I told Sammie that already, that I  
7 had spoken to that person too.

8 THE DEFENDANT: He did not, Your Honor, and he doesn't  
9 have any record from a prior investigator who has done that.

10 MR. GOLDSTEIN: I went there myself personally, Your  
11 Honor.

12 THE DEFENDANT: I don't know if he's supposed to go  
13 personally and talk to witnesses without anything that's on the  
14 record. These things that he hasn't done, pushing me – push me  
15 into a corner to take the deal instead of not being prepared for trial  
16 because practically – personally I'm innocent, and I didn't need – I  
17 didn't want to take that deal, but he kind of forced me into a corner  
18 by telling me he's not going to use eyewitnesses; by telling me he's  
19 not going to use the victim that wanted to come forward and  
20 express exactly what happened.

21 I actually have new evidence of a statement that a victim  
22 made because they seen me when I was out. I didn't want to be a  
23 part of anything, so I whipped out a phone and started recording  
24 right then; and these things need to be addressed. I think we need  
25 to air this out and have an evidentiary hearing.

1           There's more things he didn't do. For the record, he did  
2 talk to Kirra Tyme [phonetics] you said?

3           MR. GOLDSTEIN: I'm sorry.

4           THE DEFENDANT: You said you talked to Kirra Tyme  
5 [phonetics]?

6           MR. GOLDSTEIN: I don't recall the name, that was the  
7 second named victim.

8           THE DEFENDANT: Second name victim, they're victims  
9 right? He didn't tell me the details of the conversation, of him  
10 talking to Kirra Tyme [phonetics]. He said he talk to them,  
11 something, something.

12           But I asked him; well, what was the conversation about,  
13 and he said we're not going to get into this right now. These are  
14 things that I needed to know before trial in order to be prepared to  
15 see exactly what my outcome would be, for the simple fact, that I  
16 know I'm – I know I'm innocent because I didn't do anything. The  
17 first incident when I protected myself, I gave him a –

18           MR. GOLDSTEIN: And I'd advise the Defendant not to talk  
19 about the facts of the case right now, in case, for future purposes  
20 this could come back to haunt him.

21           THE COURT: Here's where we are Mr. Nunn, the only  
22 thing that's in front of me is the motion to dismiss counsel –

23           THE DEFENDANT: Yes ma'am.

24           THE COURT: -- all of this other stuff –

25           THE DEFENDANT: Yes.

1           THE COURT: -- may be the subject of something else, but  
2 it's not on for today. Today all I can do is address your counsel,  
3 and I'm not finding any basis to appoint alternative counsel. You  
4 are free to represent yourself --

5           THE DEFENDANT: I can't -- if I can represent myself I'd  
6 rather do that than deal with the consequences that has already  
7 come behind having him as my counsel.

8           MR. GOLDSTEIN: Your Honor, we should keep in mind  
9 that that was -- mine was the second deal that he took. His previous  
10 attorney, he pled and was pending sentencing when Judge Togliatti  
11 appointed me, I filed a motion to withdraw his plea, which Judge  
12 Togliatti granted, and then this is the second time -- mine was  
13 affected with the second guilty plea agreement he went through.  
14 Mine was a much better offer than the first one because it was -- on  
15 paper it was for probation, Your Honor, so -- to say that I forced  
16 him, I mean he had already taken an arguably worst deal months  
17 prior to that before I even was involved with the case so, this  
18 doesn't really comport with the facts, Your Honor.

19           THE DEFENDANT: And that -- that issue was because I  
20 was -- I was coerced. The DA thought that I had 11 felonies, so she  
21 said either you take this deal or I'm going to file a habitual criminal  
22 on you, and so I said, I don't have another felonies, I actually have  
23 zero felonies, and I've never been a felon in my entire life, so the  
24 reason --

25           MR. GOLDSTEIN: That was basis for the motion to



1 withdraw plea, but that was again in the past.

2 THE DEFENDANT: Yeah, yeah, and so we went forward  
3 because they didn't want to pull my real record up until the PSI  
4 came back, and the PSI came back before sentencing and it proved  
5 that I have zero felonies.

6 THE COURT: Okay so what's the issue with it? I mean yes  
7 it's zero felonies, you've entered your plea. You were given  
8 probation, and now you're on for revocation of probation so, that's  
9 all in the past.

10 THE DEFENDANT: Yeah, and I want to withdraw the plea,  
11 he's telling me no.

12 THE COURT: Okay, well you don't have a motion  
13 pending to do that, so if –

14 THE DEFENDANT: I'm asking my attorney to put in the  
15 motion because you guys aren't going to put in a motion unless my  
16 attorney puts in; this is going to be a copy that goes to my attorney  
17 because I've tried this before, so –

18 MR. GOLDSTEIN: Your Honor, I visited him a couple  
19 times, many times. Most –

20 THE DEFENDANT: And I've asked you to withdraw the  
21 plea.

22 MR. GOLDSTEIN: -- right, and I don't believe – I pled him,  
23 so I know that there's no legal grounds. I'm very confident that he  
24 was aware of all –

25 THE DEFENDANT: Newly discovered evidence is legal

1 grounds.

2 MR. GOLDSTEIN: I'm very confident he was aware of  
3 everything he was signing, and he was very –

4 THE DEFENDANT: There's a brand new statement from  
5 the victim. There's new grounds.

6 MR. GOLDSTEIN: -- I'm just trying to talk.

7 THE COURT: Can you let Mr. Goldstein please?

8 THE DEFENDANT: Sure.

9 MR. GOLDSTEIN: I specifically addressed his points about  
10 withdrawing his plea. I can only file motions that I believe there's a  
11 legal basis for. I pled him. I visited him many times before he pled.  
12 I talked to him after he pled. There's the whole issue of his getting  
13 into that transitional housing that I worked on for a long long time,  
14 with a lot of different people. I know, Your Honor, that – I'm  
15 confident that it was a clean plea. I don't find any legal basis. I'm  
16 not going to file a motion when I don't think there's any merit, so  
17 that's – he and I fully discussed this. I visited him multiple times.

18 THE DEFENDANT: So what happens with conflict of  
19 interest when it comes to that issues? And on top of that, I wasn't –  
20 I wasn't disclosed on my appeal rights. There was one –

21 THE COURT: Okay this is way –this is way outside of  
22 where we are –

23 THE DEFENDANT: Okay that's fine –

24 THE COURT: - we're strictly here to reset the revocation.

25 THE DEFENDANT: -- I'm saying that I'm having ineffective

1 assistance of counsel, and the things that I want to move forward  
2 on with my case, my attorney is not moving on with it, and he's  
3 telling me no. I'm not doing this, I'm not doing that. I have no time  
4 to do that, I have no time to do –

5 THE COURT: That's not what he's saying. He said he  
6 doesn't see a legal basis, and he's – he's

7 THE DEFENDANT: -- okay we can try. We can at least try,  
8 and there is a legal basis.

9 THE COURT: No that's not – that's not how this works.  
10 That's not how – let's just throw stuff up and stick it out there –

11 THE DEFENDANT: I didn't say throw stuff up –

12 THE COURT: -- and stick up there whether we believe in it  
13 or not.

14 THE DEFENDANT: -- but, but how about this, how about  
15 an evidentiary hearing to see if the new evidence is –

16 THE COURT: No. There's no basis.

17 THE DEFENDANT: -- there's no basis? New evidence isn't  
18 a basis?

19 THE COURT: What's the new evidence?

20 THE DEFENDANT: The new evidence is a video of the  
21 victim confessing.

22 THE COURT: Where's that?

23 MR. GOLDSTEIN: Judge, I've never heart of it until very  
24 recently.

25 THE DEFENDANT: It's on my property on my phone. It's

1 also on Facebook, all over Facebook, it's brand new --

2 THE COURT: Okay, well I'm not going on Facebook.

3 THE DEFENDANT: -- okay, it's on my phone, in my  
4 property.

5 THE COURT: Is it somewhere Mr. Goldstein can access?

6 THE DEFENDANT: Oh he can go get my phone off my  
7 property as soon as he wants to. It's --

8 MR. GOLDSTEIN: This is the first I've heard of his phone  
9 with exculpatory evidence --

10 THE DEFENDANT: -- actually --

11 MR. GOLDSTEIN: -- after however long I mentioned it so.

12 THE DEFENDANT: -- it's not, because --

13 MR. GOLDSTEIN: Perhaps in the letter.

14 THE DEFENDANT: -- it's actually -- it's in the motion to  
15 dismiss counsel. I wrote it in the motion.

16 THE COURT: Correct, and that's what he's saying. It's the  
17 first he's heard of it.

18 THE DEFENDANT: He visited me when the motion was  
19 already in, so it's not the first time he's heard of it, and we've had  
20 time to talk about it, but he just got up and left the visiting room.

21 THE COURT: I'm going to -- how long do you need to take  
22 a look at this? I'll sign an order to release the phone to you for the  
23 purpose of viewing the phone to follow-up on the new evidence.

24 MR. GOLDSTEIN: Exculpatory video on his phone that  
25 someone else took? It's that what I'm hearing?

1 THE DEFENDANT: I know you want to --

2 MR. GOLDSTEIN: I just want to make sure I get the right  
3 phone from the right person.

4 THE DEFENDANT: -- I know we're going through a issue,  
5 but these are legal things, and we're in court.

6 MR. GOLDSTEIN: Okay. What type of phone is it? I'll talk  
7 to him about what type of phone it is before I send the order, Your  
8 Honor.

9 THE COURT: Mr. Goldstein is trying to help you, so  
10 disrespecting isn't working for me okay.

11 THE DEFENDANT: I'm just trying to get through the deal --

12 THE COURT: If that's how you're dealing with him.

13 THE DEFENDANT: -- I'm trying to get through the legal  
14 parts ma'am.

15 THE COURT: Well you're not being super successful. I  
16 would suggest that you be respectful to the person whose trying to  
17 help you out here.

18 THE DEFENDANT: Yes ma'am.

19 THE COURT: He's going to go over to your property, get  
20 your phone out, and take a look and see if there's something there.  
21 If there's something there, we'll come back and talk about it. If  
22 there's not, we're going to go ahead and set the revocation hearing.

23 If you'd like to represent yourself at that point, I'll do a  
24 Faretta Canvass and you can do that. For now though, he's going  
25 to go ahead and take a look at that.

1 THE DEFENDANT: That's awesome. Thank you. Should I  
2 sit down now or –

3 THE COURT: You can sit, yes.

4 THE DEFENDANT: Thank you.

5 THE COURT: Logistically, I don't – not sure how this is  
6 going to work.

7 MR. GOLDSTEIN: I'll visit the Defendant ASAP. I'll give  
8 you the order once I find out –

9 THE COURT: Okay.

10 MR. GOLDSTEIN: -- once I find out details about the  
11 phone. I'll try and get the phone from property. It's different from  
12 getting it from CCDC versus from the evidence vault. Usually it's a  
13 little bit smoother through CCDC if I have your order so --

14 THE COURT: Okay.

15 MR. GOLDSTEIN: It would also be quicker if the DA signs  
16 off on the order. So I'll submit it to Ms. Thomson, it's her case.  
17 Usually that makes things smoother, because they like to call  
18 somebody from the DA's Office just to verify everything –

19 THE COURT: Okay.

20 MR. GOLDSTEIN: -- so I'll do all that to find this video.

21 THE COURT: And then you'll just look at it.

22 THE DEFENDANT: And I would also like the DA to look at  
23 it, everybody to have it. I want the –

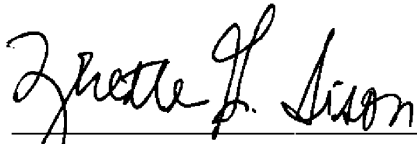
24 THE COURT: I am positive, beyond positive, if there is  
25 exculpatory evidence on your phone –

1 THE DEFENDANT: Yes ma'am.  
2 THE COURT: -- Mr. Goldstein will go run it to Mr.  
3 Thomson, I promise.  
4 THE DEFENDANT: Thank you, Judge, thank you.  
5 MR. GOLDSTEIN: I'll sprint.  
6 THE COURT: Right. I know you will.  
7 MR. GOLDSTEIN: Could we do two weeks please, Your  
8 Honor?  
9 THE COURT: Sure.  
10 THE COURT CLERK: August 20<sup>th</sup> at 9 a.m.  
11 MR. GOLDSTEIN: Thank you.  
12 THE COURT: Thank you.  
13 THE DEFENDANT: Thank you, Your Honor.  
14 THE COURT: You're welcome.

15 [Hearing concluded at 9:16 a.m.]

16 \* \* \* \* \*

17  
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19  
20 ATTEST: I do hereby certify that I have truly and correctly transcribed the  
audio/video proceedings in the above-entitled case to the best of my ability.

21   
22 \_\_\_\_\_  
23 Yvette G. Sison  
24 Court Recorder/Transcriber  
25



TRAN

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

SAMMIE NUNN,

Defendant.

CASE NO. C-336184-1

DEPT. XVIII

BEFORE THE HONORABLE MARY KAY HOLTHUS, DISTRICT COURT JUDGE

**AUGUST 20, 2019**

**RECORDER'S TRANSCRIPT OF HEARING RE**

***MOTION TO DISMISS COUNSEL AND APPOINT ALTERNATIVE COUNSEL /  
STATUS CHECK***

**APPEARANCES:**

For the Plaintiff:

MEGAN S. THOMSON, ESQ.  
Deputy District Attorney

For the Defendant:

ANTHONY GOLDSTEIN, ESQ.  
Deputy Public Defender

For the Defendant: [appointed counsel]

MARISA BORDER, ESQ.

RECORDED BY: YVETTE SISON, COURT RECORDER



1 TUESDAY, AUGUST 20, 2019 AT 9:37 A.M.

2  
3 THE COURT CLERK: Page 17, State of Nevada versus Sammie Nunn, C-  
4 336184.

5 MR. GOLDSTEIN: Anthony Goldstein for the Defendant, Your Honor. He's  
6 here in custody.

7 THE COURT: Okay. This was – we're gonna –

8 MR. GOLDSTEIN: You signed an order –

9 THE COURT: Did you get a chance to look at the phone?

10 MR. GOLDSTEIN: I have the phone. I've reviewed the evidence that the  
11 Defendant wanted me to. I – the individual depicted on the phone I had spoke –  
12 personally spoken with a couple of months ago, I don't know the exact date but I  
13 received a call from this individual a couple of months ago telling me very – I mean,  
14 basically the same information. There's a couple of videos on here. But I was  
15 aware of – this person, he's a – there are two originally named victims, this was  
16 Cara Kines, the other one was named Prince Alidu. This was Cara who I spoke with  
17 a couple of months ago long before the Defendant entered his plea in this case. He  
18 contacted my office then I mentioned that in court at a previous hearing as well. So,  
19 I was able to watch this since the last hearing. It doesn't change my opinion; it  
20 doesn't change the state of evidence at all because again I spoke with this person  
21 personally –

22 THE DEFENDANT: Your Honor –

23 MR. GOLDSTEIN: -- sometime before that. So, I –

24 THE DEFENDANT: It changes the evidence because – I mean, Cara Kines  
25 [phonetics] has admitted that I didn't do the crime and that they actually chased me

1 down. The evidence is on the phone and he's not willing to bring the evidence  
2 forward. Also, Prince Alidu had -- had filed a temporary protective order on me and  
3 Judge [indecipherable].

4 MR. GOLDSTEIN: We addressed this in depth previously, Your Honor.

5 THE DEFENDANT: Yeah. And he also admitted that I didn't do the crime  
6 and his story actually corroborates -- but he added something about a pistol which  
7 Cara Kines faithfully states I didn't -- I had no physical -- this evidence needs to  
8 come to light, all these things need to come forward.

9 THE COURT: Okay. Well, it sounds to me like Mr. Goldstein was already  
10 aware of it and --

11 THE DEFENDANT: He wasn't aware of it.

12 THE COURT: -- and the reality is we're at revocation, you've already pled  
13 guilty. So, if there are other vehicles to file this you're gonna have to look at those.

14 THE DEFENDANT: What are the --

15 THE COURT: We're just here to -- I'm not here to advice you, I'm just here to  
16 set a revocation. So, we're gonna go ahead and re-set the revocation --

17 THE DEFENDANT: So -- so, me and --

18 THE COURT: As a favor --

19 THE DEFENDANT: -- me and my attorney are having a conflict of interest in  
20 bringing this evidence forward. If he was already aware of the evidence why didn't it  
21 come forward --

22 THE COURT: He just explained that it didn't change anything.

23 THE DEFENDANT: It does change --

24 THE COURT: He was aware of it, he spoke to those people. He spoke to --

25 THE DEFENDANT: He did --

1 THE COURT: You –  
2 THE DEFENDANT: -- not – he did not –  
3 THE COURT: -- you can't talk –  
4 THE DEFENDANT: -- set a meeting.  
5 THE COURT: -- over me. You can't talk –  
6 THE DEFENDANT: He didn't set a meeting.  
7 THE COURT: He talked to those people, he's represented he's talked –  
8 THE DEFENDANT: He didn't –  
9 THE COURT: -- to these people –  
10 THE DEFENDANT: -- talk to them.  
11 THE COURT: You took a plea so – I mean –  
12 THE DEFENDANT: What –  
13 THE COURT: -- that's kind of where we are.  
14 THE DEFENDANT: -- what – what is the evidence that he talked to them?  
15 Can you show me some evidence –  
16 THE COURT: I'm not showing you –  
17 THE DEFENDANT: -- where Anthony –  
18 THE COURT: -- anything.  
19 THE DEFENDANT: -- Goldstein talked to – talked to –  
20 THE COURT: I'm not gonna –  
21 THE DEFENDANT: -- talked to –  
22 THE COURT: -- show you anything.  
23 THE DEFENDANT: -- talked to –  
24 THE COURT: We're gonna go ahead and re-set the revocation. We're  
25 gonna re-set it for a revocation hearing. If you want to hire your own counsel –

1 THE DEFENDANT: There's also –

2 THE COURT: -- you may do that.

3 THE DEFENDANT: -- there's also a new witness his name is Andolfachu  
4 Nikonen [phonetics], he works at the Your Stop Liquor store.

5 THE COURT: Mr. Nunn –

6 THE DEFENDANT: His number is 702 881-92 –

7 MR. GOLDSTEIN: I haven't heard –

8 THE DEFENDANT: -- 93.

9 MR. GOLDSTEIN: -- this name before, Your Honor, but –

10 THE DEFENDANT: He hasn't talked to Andolfachu Nikonen [phonetics]  
11 neither. This is – Mr. Goldstein –

12 MR. GOLDSTEIN: I would remember –

13 THE DEFENDANT: -- isn't doing –

14 MR. GOLDSTEIN: -- speaking to somebody –

15 THE DEFENDANT: -- his job.

16 MR. GOLSTEIN: -- named -- whatever the name was. This is the first of even  
17 hearing of the name –

18 THE DEFENDANT: His name is –

19 MR. GOLDSTEIN: -- standing here in court today.

20 THE DEFENDANT: -- Andolfochu [phonetics], I have his number, he works at  
21 Your Stop Liquor store at night. This is – this is readily accessible information for  
22 Mr. Goldstein.

23 MR. GOLDSTEIN: And as I told the Court, I personally went to Your Stop,  
24 spoke with the manager. The employee –

25 THE DEFENDANT: [indecipherable] hasn't worked there in over a year. You

1 got that from the police report.

2 MR. GOLDSTEIN: I spoke with [indecipherable]. We've gone over this, Your  
3 Honor. I personally went there and spoke –

4 THE COURT: Will you guys approach?

5 MR. GOLDSTEIN: -- with the manager of the store.

6 THE DEFENDANT: You haven't talked to [indecipherable]. I'm giving you  
7 evidence.

8 [Bench conference]

9 THE COURT: All right. Mr. Nunn, I am going to have counsel appointed to  
10 you for the limited purpose to see if you have any grounds upon which you could file  
11 a motion to withdraw your guilty plea. That's what you're telling me you want to do,  
12 correct?

13 THE DEFENDANT: Yes, ma'am.

14 THE COURT: All right. Mr. Goldstein, if – he'll be back on later after this is  
15 done but for the moment you're gonna get a attorney to look into it.

16 THE DEFENDANT: I appreciate it.

17 THE COURT: Who's next? Continued for Ms. Border to be appointed.

18 MS. BORDER: I'm here – I'm here, Your Honor.

19 THE COURT: Oh. I didn't see you.

20 MR. GOLDSTEIN: And I have the phone, Your Honor. Since Ms. Border is  
21 here now I'll just give it to her and I'll give her the rest of discovery later.

22 THE COURT: We're actually at a revo stage, but he had filed a motion – Mr.  
23 Nunn had filed a motion to discharge his attorney. And so there's all this new  
24 evidence and has been sending numerous letters and motions. One of the things  
25 he had said was that he had a phone in property that had exculpatory video on it. I

1 asked Mr. Goldstein to take a look at it, he's done that. He's made his record that  
2 he didn't see anything, but in any event I suppose you can all talk about it.

3           You are appointed pre-revocation hearing to look into whether he has  
4 any legal basis upon which to withdraw his guilty plea before we proceed to  
5 revocation.

6           MS. BORDER: And just for the record, I do have the phone in my  
7 possession. Okay.

8           THE COURT: So, how long do you need, Ms. Border, to –

9           MS. BORDER: Are we able to pass this until September 5<sup>th</sup>?

10          THE COURT: We are.

11          MS. BORDER: Okay. That's two weeks, a little over two weeks.

12          THE COURT: Sure. And that'll just be the status check. And if you find  
13 grounds then we can set a briefing schedule if you –

14          MS. BORDER: Yeah. That's fine.

15          THE COURT: Or you file or whatever. Okay.

16          MS. BORDER: Okay.

17          THE COURT: All right. Mr. Nunn, Ms. Border will be over to see you.

18          THE DEFENDANT: Thank you.

19          \* \* \* \* \*

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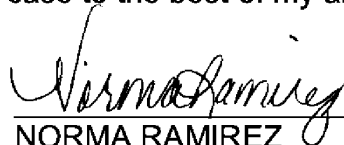
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THE COURT CLERK: September 5<sup>th</sup> at 9:00 a.m.

[Proceedings concluded at 9:49 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 **RTRAN**

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5 **DISTRICT COURT**  
6 **CLARK COUNTY, NEVADA**

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

**CASE#: C-18-336184-1**  
**DEPT. XVIII**

10 **vs.**

11 **SAMMIE NUNN,**  
12 **Defendant.**

13  
14 **BEFORE THE HONORABLE MARY KAY HOLTHUS,**  
15 **DISTRICT COURT JUDGE**  
16 **THURSDAY, SEPTEMBER 5, 2019**

17 ***RECORDER'S TRANSCRIPT OF HEARING:***  
18 ***STATUS CHECK: MOTION TO WITHDRAW GUILTY PLEA***  
19 ***AGREEMENT***

20 **APPEARANCES:**

21 **For the State:** **ASHLEY LACHER, ESQ.**  
22 **Deputy District Attorney**

23  
24 **For the Defendant:** **MARISA BORDER, ESQ.**

25 **RECORDED BY: YVETTE SISON, COURT RECORDER**



1 Las Vegas, Nevada, Thursday, September 5, 2019

2

3 [Hearing began at 9:08 a.m.]

4 THE COURT CLERK: State of Nevada versus Sammie  
5 Nunn, C336184.

6 THE COURT: Ms. Border did you get a chance to look at  
7 the phone and –

8 MS. BORDER: Your Honor, I've reviewed the mass  
9 amounts of underlying discovery, spoken to Mr. Goldstein  
10 regarding his defenses and his conversations with Mr. Nunn. I do  
11 have the phone in possession now. I just need an additional week  
12 to go through some things with Mr. Nunn himself. There was  
13 another witness that I'd like to try and make contact with.

14 So this was a status check just to see if there was a basis  
15 to file a motion. Are we able to –

16 THE COURT: Are you still not sure if there's a basis or are  
17 we continuing it to see if there's a basis and then going to set a  
18 briefing schedule? If so, what are we doing?

19 MS. BORDER: -- yes.

20 THE COURT: You want just a week.

21 MS. BORDER: I would rather do the week –

22 THE COURT: Right.

23 MS. BORDER: -- because if there's not a basis then –

24 THE COURT: Okay.

25 MS. BORDER: Thank you.

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THE COURT CLERK: September 12<sup>th</sup> at 9 a.m.

MS. BORDER: Thank you.

[Hearing concluded at 9:09 a.m.]

\* \* \* \* \*

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

  
\_\_\_\_\_  
Yvette G. Sison  
Court Recorder/Transcriber



1 **RTRAN**

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5 **DISTRICT COURT**  
6 **CLARK COUNTY, NEVADA**

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8 **THE STATE OF NEVADA,**  
9 **Plaintiff,**

**CASE#: C-18-336184-1**  
**DEPT. XVIII**

10 **vs.**

11 **SAMMIE NUNN,**  
12 **Defendant.**

13  
14 **BEFORE THE HONORABLE MARY KAY HOLTHUS,**  
15 **DISTRICT COURT JUDGE**  
16 **THURSDAY, SEPTEMBER 12, 2019**

17 ***RECORDER'S TRANSCRIPT OF HEARING:***  
18 ***STATUS CHECK: MOTION TO WITHDRAW GUILTY PLEA***  
19 ***AGREEMENT***

20 **APPEARANCES:**

21 **For the State:** **HETTY WONG, ESQ.**  
22 **Deputy District Attorney**

23  
24 **For the Defendant:** **DANIEL GILLIAM, ESQ.**

25 **RECORDED BY: YVETTE SISON, COURT RECORDER**

1 Las Vegas, Nevada, Thursday, September 12, 2019

2

3 [Hearing began at 10:46 a.m.]

4 THE COURT CLERK: State of Nevada versus Sammie  
5 Nunn, C336184.

6 THE COURT: Where are we on this? Do you know? Did  
7 she say?

8 MR. GILLIAM: Good Morning, Judge, Dan Gilliam, #92 67  
9 on behalf of Ms. Border for Mr. Nunn. Judge, my understanding is,  
10 according – from Ms. Border, a briefing schedule needs to be made.

11 THE COURT: Okay. You talk to Ms. Border, and she's  
12 going to go ahead and put together a motion for you right?

13 THE DEFENDANT: I haven't talked to her about it, but can  
14 you explain to me what that means?

15 THE COURT: That means – remember that you wanted to  
16 withdraw your guilty plea?

17 THE DEFENDANT: Yes ma'am.

18 THE COURT: And I appointed Ms. Border to look into – if  
19 you have a basis –

20 THE DEFENDANT: Yes ma'am.

21 THE COURT: She must think that there's something  
22 worth filing at least, so she's going to do it – prepare a motion to  
23 withdraw guilty plea, then the State will respond, and then she'll  
24 reply, then we'll set it for argument.

25 THE DEFENDANT: Oh.

1 THE COURT: Okay?

2 THE DEFENDANT: Thank you.

3 THE COURT: Yes. She say how long she wants? I'm going  
4 to keep the original letter in the file, left side, and then – you all  
5 want copies?

6 THE MARSHAL: We need to recall page 20.

7 THE COURT: Wait, we need a briefing schedule. How long  
8 does she want to file? Do you know?

9 MR. GILLIAM: Can we have 30 days please?

10 THE COURT: So, 30 days for opening.

11 THE COURT CLERK: That'll be October 10<sup>th</sup>.

12 THE COURT: State, you want two weeks to respond?

13 MS. WONG: Please.

14 THE COURT CLERK: October 24<sup>th</sup>.

15 MR. GILLIAM: Judge, she probably will not want to reply,  
16 but if the Court wants to give her time to do one, she can.

17 THE COURT: All right. We'll give her a week to reply.

18 THE COURT CLERK: October 31<sup>st</sup>.

19 THE COURT: And then the next date for hearing.

20 THE COURT CLERK: November 5<sup>th</sup> at 9 a.m.

21 THE COURT: And that will be just for the hearing and the  
22 motion to withdraw guilty plea. If it's denied, we'll set a sentencing  
23 date after that so that the State can let the victims know if they want  
24 to appear, okay; but I'm not going to plan to go forward in  
25 sentencing unless somebody calls me ahead of time. Is that it?

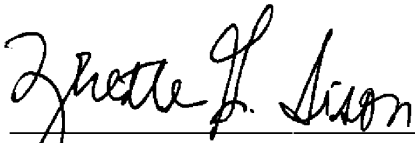
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MR. GILLIAM: Judge, thank you.

[Hearing concluded at 10:49 a.m.]

\* \* \* \* \*

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

  
\_\_\_\_\_  
Yvette G. Sison  
Court Recorder/Transcriber



1 **RTRAN**

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5 **DISTRICT COURT**  
6 **CLARK COUNTY, NEVADA**

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8 **THE STATE OF NEVADA,**  
9 **Plaintiff,**

**CASE#: C-18-336184-1**  
**DEPT. XVIII**

10 **vs.**

11 **SAMMIE NUNN,**  
12 **Defendant.**

13  
14 **BEFORE THE HONORABLE MARY KAY HOLTHUS,**  
15 **DISTRICT COURT JUDGE**  
16 **TUESDAY, NOVEMBER 5, 2019**

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

19  
20 **APPEARANCES:**

21 **For the State: JOHN JONES, ESQ.**  
22 **Deputy District Attorney**

23 **For the Defendant: MARISA BORDER, ESQ.**

24  
25 **RECORDED BY: YVETTE SISON, COURT RECORDER**

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Las Vegas, Nevada, Tuesday November 5, 2019

[Hearing began at 11:15 a.m.]

THE COURT CLERK: State of Nevada versus Sammie Nunn, C336184.

MS. BORDER: Good Morning present with Ms. Nunn, who is in custody – Mr. Nunn, who is in custody.

MR. JONES: And John Jones on behalf of the State; and Your Honor, I did reach out to your law clerk –

THE COURT: I'm sorry, what page?

MS. BORDER: It's 21, Your Honor.

MR. JONES: It's 21, Sammie Nunn.

THE COURT: Yes.

MR. JONES: And Your Honor, I reached out to your law clerk because originally, the Defense in this case was talking about filing a motion to withdraw a guilty plea, and I think they realized procedurally, a writ of habeas corpus was probably best avenue in which to challenge what their challenging. So, they did file a writ.

We filed a response. Today is the status check on the motion to withdraw guilty plea, in which the Defendant did not file; 11/26 is when the writ is scheduled.

So, I emailed just to see what was happening today, and I didn't know if Your Honor is ready to decide the writ today, I think we're ready to at least argue. I think we're both are just going to



1 submit; but if you want to pass it to 11/26, that's fine with us as  
2 well.

3 THE COURT: I'm ready. Mr. Nunn, you ready to go  
4 forward?

5 THE DEFENDANT: I'm ready.

6 THE COURT: All right.

7 MS. BORDER: And yes, Your Honor, Mr. Jones was  
8 correct in that I – upon further reflection realized that because of it  
9 was post-sentencing that it probably was required to be called a  
10 writ, so with that information in hand, I did file the writ.

11 I think that everything including the facts learned from the  
12 investigator, the potential new witness that would come forward at  
13 a jury trial, if granted, the relief requested, that this does rise to the  
14 level required for the writ hearing, and we would be submitting on  
15 the writ, asking for him to be able to withdraw the guilty plea.

16 MR. JONES: And Your Honor, the question is – just  
17 briefly, manifest injustice; and according to the Defendant's  
18 arguments, Your Honor, they're asserting a factual, excuse me, self-  
19 defense, which is not a factual deficiency, thus we don't have a  
20 legal insufficiency here, Judge, and you should deny the  
21 Defendant's petition for a writ of habeas corpus.

22 THE COURT: I am going to deny the petition. I don't see  
23 that the plea was not freely and voluntarily entered. This wasn't a  
24 jury trial, this was actually a guilty plea, with a self-defense issue –  
25 actually in a sense, I'm not even sure we get there, but in any event,

1 I do not find manifest injustice, and I'm going to deny it based on  
2 the State's opposition. If you guys would prepare the findings and  
3 order, I'd appreciate it.

4 MS. BORDER: So, Your Honor, this was kind of an odd  
5 juncture in that he was back on a probation revocation. Did we –

6 THE COURT: Okay – right, right. We need to reset the  
7 revocation.

8 MS. BORDER: And does that go back to the original  
9 attorney?

10 THE COURT: Yes.

11 MS. BORDER: Okay.

12 THE COURT: It should.

13 MS. BORDER: I don't recall who that was, if it was the  
14 Public Defender's Office or if it was Mr. Goldstein.

15 MR. JONES: It was Mr. Goldstein.

16 THE DEFENDANT: It was Goldstein. Because he didn't –  
17 he didn't talk to the new witness. There was a – there's a new  
18 witness – I don't know –

19 MS. BORDER: And the new witness was the one that was  
20 the basis for the writ that we had filed.

21 THE DEFENDANT: Right and the new witness submitted  
22 an affidavit stating what's happening, and that's what we were  
23 supposed to be here for today.

24 THE COURT: And that's – that's what I just ruled on. I  
25 don't find that there's sufficient information there for me to make a

1 finding of manifest injustice, which is what I would have to find in  
2 order to allow you to withdraw your plea at this point, so.

3 THE DEFENDANT: Did you read over the affidavit?

4 THE COURT: I did. I read everything. I did.

5 THE DEFENDANT: So –

6 THE COURT: So, my question is we need to set this back  
7 for revocation, probation hearing, and I think we put Mr. Goldstein  
8 back on it because you were just on for a limited purpose, correct?

9 MS. BORDER: That was my understanding, Your Honor.

10 THE DEFENDANT: -- so Your Honor, even though I was  
11 being attacked, that's not manifest injustice?

12 THE COURT: Even though what?

13 THE DEFENDANT: Even though – if I was being attacked,  
14 and I had to defend myself, that's not manifest injustice?

15 THE COURT: That's – you mixed up the standards, but  
16 I've already ruled on that, so let's just set the revocation hearing.  
17 Do we need to bring Mr. Goldstein back in before we set it?

18 MR. JONES: If you want to set it, and as long as you  
19 notify Mr. Goldstein, if the Court will, I'll notify the officer to be  
20 present on the date that you set.

21 THE COURT: Okay.

22 THE DEFENDANT: Do I – what's the next process in this?  
23 Do I go to a higher court or what happens after you dismiss it?

24

25

1 THE COURT: Talk to Mr. Goldstein about it. Right now,  
2 you're going to come back here on a revocation to see if we're  
3 going to revoke your probation.

4 MS. BORDER: And Your Honor, for Mr. Nunn, I will  
5 provide him the writ, the response, and the order with the Court's  
6 ruling, so it's crafted a little more clear when you go through it with  
7 Mr. Goldstein.

8 THE DEFENDANT: Yeah, I still don't understand what's –  
9 why. If somebody provoked me and chased me down and put their  
10 hands on me –

11 THE COURT: You pled guilty. You pled guilty, Mr. Nunn –

12 THE DEFENDANT: -- but that was –

13 THE COURT: -- and once you plead guilty, there are  
14 certain things the law says –

15 THE DEFENDANT: -- what about factual --

16 THE COURT: -- you have to show certain things which I  
17 found you have not shown under the law.

18 THE DEFENDANT: -- I showed factual innocence.

19 THE COURT: Well, I disagree, but you could – you can  
20 appeal that.

21 THE DEFENDANT: I showed factual innocence.

22 THE COURT: Like I said, I disagree, but you can appeal  
23 that.

24 THE DEFENDANT: Can we argue the facts?

25 THE COURT: No.

1 THE DEFENDANT: I mean, ain't this what the hearing is  
2 for?

3 THE COURT: We're done.

4 MS. BORDER: And just to be clear Mr. Nunn, the facts  
5 that would be argued are in the writ –

6 THE COURT: Right.

7 MS. BORDER: -- that the Court has viewed, so –

8 THE DEFENDANT: Do you mind if I get a copy?

9 THE COURT: She's going to give you a copy of  
10 everything; that's what she just said.

11 MS. BORDER: Everything.

12 THE DEFENDANT: Okay.

13 THE COURT: I know all the facts. I know what you're  
14 alleging, I'm simply saying –

15 THE DEFENDANT: It's not what I'm alleging. It's what the  
16 witness is alleging.

17 THE COURT: I understand you have a witness, and like I  
18 said, that doesn't make a finding of factual innocence, especially  
19 when you got a self-defense so; and you pled guilty.

20 THE DEFENDANT: I pled guilty without having the  
21 opportunity to have all the witnesses available.

22 THE COURT: Well, you didn't say I'm pleading guilty  
23 because I don't have all the witnesses. You pled guilty, and so that  
24 kicks in a certain standard.

25

1           THE DEFENDANT: And I also pled guilty to a 2 to 5 and  
2 you gave me a 4 to 10; and I have no criminal history. I only got  
3 misdemeanors .

4           THE COURT: There must have been a reason, I don't  
5 know what it was.

6           THE DEFENDANT: I don't know what the reason was.

7           THE COURT: Well we –

8           THE DEFENDANT: It was you going off the old witness –  
9 the witness statements, that's why this was so big because you  
10 read the witness' statement, and you gave me a 4 to 10, and these  
11 are – this is what actually happened.

12          THE COURT: All right, well I suspect that we'll revisit that  
13 at the time of your revocation hearing, and then I'll have more  
14 information on that part of it. Right now, I've just got the writ in  
15 front of me.

16          THE DEFENDANT: So, the reason I'm going to prison or  
17 getting house arrest or whatever – if that – if the reason that that  
18 happened changed, you're still just going to go like it never like –

19          THE COURT: I don't –

20          THE DEFENDANT: -- like you never heard the true story  
21 behind what happened?

22          THE COURT: -- I'm not understanding what you're saying  
23 but –

24          THE DEFENDANT: Something separate happened than  
25 what I pled guilty to.

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THE COURT: -- I can only change sentencing if there's a problem. Talk to Mr. Goldstein. If he thinks that there's a motion to be filed, he'll file it. Okay, revocation hearing --

THE COURT CLERK: I need to set a revocation hearing date, so when would you like that?

MR. JONES: Court's pleasure. At this point, I don't have the officer here, so I'll email him. If there's an issue, I'll bring it to the Court's and Mr. Goldstein's attention.

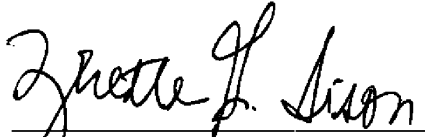
THE COURT CLERK: November 14<sup>th</sup>, 9 a.m., for revocation.

THE COURT: Okay. We'll be back here next Thursday.

[Hearing concluded at 11:24 a.m.]

\* \* \* \* \*

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

  
\_\_\_\_\_  
Yvette G. Sison  
Court Recorder/Transcriber



1 TRAN

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

8 Plaintiff,

9 vs.

10 SAMMIE NUNN,

11 Defendant.

CASE NO. C-18-336184-1

DEPT. XVIII

12  
13 BEFORE THE HONORABLE MARY KAY HOLTHUS, DISTRICT COURT JUDGE  
14 NOVEMBER 14, 2019

15 **RECORDER'S TRANSCRIPT OF HEARING RE**

16 ***REVOCATION OF PROBATION***  
17

18 **APPEARANCES:**  
19

20 For the Plaintiff:

MEGAN THOMSON, ESQ.  
Deputy District Attorney

21  
22 For the Defendant:

ANTHONY GOLDSTEIN, ESQ.  
Deputy Public Defender

23 P&P Officer:  
24

A. MARQUEZ

25 RECORDED BY: YVETTE SISON, COURT RECORDER



1 THURSDAY, NOVEMBER 14, 2019 AT 10:09 A.M.

2  
3 THE COURT CLERK: State of Nevada versus Sammie Nunn, C-336184.

4 THE COURT: Good morning.

5 MR. GOLDSTEIN: Your Honor, Anthony Goldstein for Mr. Nunn. He is  
6 present in custody.

7 THE COURT: Has this resolved?

8 MR. GOLDSTEIN: There's no offer, Your Honor.

9 MS. THOMSON: That's correct.

10 MR. GOLSTEIN: We're gonna stip and argue that.

11 THE COURT: Just fyi, we've double checked the -- the violation reports  
12 indicates a 12 to 48 month suspended.

13 MR. GOLDSTEIN: Yeah.

14 THE COURT: The negotiation and my minutes reflect 24 to 60.

15 MS. THOMSON: I agree with that.

16 THE COURT: It was negotiated. The parties stipulated to a 2 to 5 underlying  
17 the probation.

18 MR. GOLDSTEIN: Your Honor, that's correct. You're right and wrong. You --  
19 we -- the stipulated agreement was a 2 to 5, you exercised your discretion and gave  
20 him a 4 to 10 underlying. So --

21 THE COURT: Okay. Well --

22 MR. GOLSTEIN: The --

23 THE COURT: -- he --

24 MR. GOLDSTEIN: -- agreement was 2 to 5 but you ended up giving him -- 2  
25 to 5 underlying. It was probation with an underlying 2 to 5.

1 THE COURT: Got it.

2 MR. GOLDSTEIN: You chose to give him a 4 to 10 with probation underlying.

3 MS. THOMSON: That is –

4 MR. GOLSTEIN: So –

5 MS. THOMSON: -- correct.

6 THE COURT: Okay. Well, the PSI indicates 12 to 48.

7 MR. GOLSTEIN: That's wrong either way.

8 THE COURT: So – so a 48 to 120?

9 MS. THOMSON: Yes.

10 MR. GOLDSTEIN: Correct. And it's gonna be a stipulated agreement, Your

11 Honor.

12 THE COURT: Would you guys approach?

13 MR. GOLDSTEIN: Yes.

14 [Bench conference]

15 THE COURT: Okay. Mr. Nunn, it's my understanding that you are – the

16 State has filed a motion to revoke your probation, it is my understanding you're

17 going to agree the State can prove all the facts set forth in the probation violation

18 report dated – anybody?

19 MS. THOMSON: July 10<sup>th</sup>.

20 THE COURT: July 10, 2019. Do you agree the State can prove those facts?

21 THE DEFENDANT: Yes, ma'am.

22 THE COURT: Okay. State or P and P, or both?

23 MS. THOMSON: And, Your Honor, at this point it's the State's position that

24 the original underlying sentence of 4 to 10 should be imposed. The Court knows

25 this has a extensively tortured history. At the time of sentencing we had agreed to a

1 2 to 5. And the guilty plea agreement through interlineation – and the Court had  
2 indicated that you were inclined to send him to prison but with the agreement of  
3 probation you would be willing to give him probation with that increased underlying  
4 sentence given the violence in this case. His behaviors throughout this case then  
5 reflected in his behavior with P and P where he's going to do what he wants when  
6 he wants. In an attempt to circumvent the system it's the State's position that he's  
7 done nothing to earn any kind of benefit from this Court that he knew what the  
8 consequences were for his actions when he took those actions and that he should  
9 not receive any leniency because he didn't want to do what he needed to do. I don't  
10 know if the officer has anything to add.

11 MR. MARQUEZ: I don't.

12 MS. THOMSON: I submit it.

13 THE COURT: Mr. Nunn, is there anything you want to say or –

14 THE DEFENDANT: I just want to apologize to the Court and to the victim. I  
15 didn't mean for this to spiral out of control the way that it do and I'd like to just say  
16 I'm sorry.

17 THE COURT: Mr. Goldstein.

18 MR. GOLSTEIN: Your Honor, we had a fairly detailed discussion the bench.  
19 I won't repeat everything that was – that was said up there, but, Your Honor, this is a  
20 – Mr. Nunn – as you know I've been in contact with his mother for – throughout this  
21 whole case, he's a guy who's got a lifetime of mental health issues, serious ones,  
22 and unfortunately he just can't get a hold of his treatment, he can't get a hold of the  
23 idea he's not like everybody else. He can't go out and party on the fourth of July  
24 and do things like other people can because it messes with his head.

25 He's – was given a break on probation. I – you know, the intention was

1 for him – we all worked on this together, it was for him to go to – resume his  
2 treatment in Oakland, California, go and live with his mom, he gets out of custody,  
3 he's supposed to go right to Oakland – that never happened. He kind of lost – lost  
4 control of his medication and started spiraling as he mentioned and here we are.  
5 And I don't disagree with anything that Ms. Thomson said, though I don't think it's all  
6 under his control. I don't think he – all the time just intentionally disrespects the  
7 Court or probation or court proceeds. I don't think he can control it.

8           That being said, Your Honor, you did order an underlying sentence of 4  
9 to 10. I'm gonna ask the Court to modify that to a 2 to 5 at this point. I understand  
10 why the Court wouldn't think he's supervisable anymore so I'm not gonna argue for  
11 reinstatement. I just request a modification, Your Honor.

12           THE COURT: The motion to revoke the Defendant's probation is granted. I  
13 will modify the original sentence. I'll give you a year credit because you didn't pick  
14 up new charges at least.

15           THE DEFENDANT: I didn't.

16           THE COURT: No, you did not. So, I'll modify it to 48 to 120 to a 36 to 120  
17 because I still want him on parole for a period of time after. You're gonna have  
18 some time to try and get your medication and everything under control before you  
19 get out, okay? Credit.

20           MS. THOMSON: We show 378 days.

21           THE COURT: 378 days credit.

22           THE DEFENDANT: I have 17 months credit.

23           THE COURT: That sounds – is that --

24           THE DEFENDANT: I've been arrested since July 11, [indecipherable].

25           MS. THOMSON: He was arrested on June 2<sup>nd</sup>. It looks as though he was

1 released from custody after the arrest and then –

2 THE COURT: How many days is 17 months? You're saying 17 months?

3 THE DEFENDANT: Yes, ma'am.

4 MR. GOLDSTEIN: I think the issue, Your Honor, he was in – found  
5 incompetent on this case so I don't think the officer's calculations included time he  
6 spent the competency program.

7 THE DEFENDANT: I was only in the competency program for one month.

8 THE COURT: Okay.

9 MR. GOLSTEIN: 17 months is 510 days, just 17 times 30.

10 THE COURT: Right.

11 THE DEFENDANT: It was July 11<sup>th</sup>. I just added it up.

12 THE COURT: Just in your head sitting there you did that?

13 THE DEFENDANT: Yeah.

14 THE COURT: July 11<sup>th</sup>. He's saying July – what's July 11<sup>th</sup> – of 2018?

15 THE DEFENDANT: Yes, ma'am.

16 THE COURT: Doesn't somebody have one of those little apps on their  
17 phone?

18 MS. THOMSON: He was remanded for competency November of 2018; he  
19 came back in April of 2018 so that would explain the five months.

20 THE COURT: Okay. So – or – it was 510 days, 17 months and if somebody  
21 figures out it's more or less.

22 MS. THOMSON: That's fine.

23 MR. GOLDSTEIN: Agreed, Your Honor.

24 THE COURT: Okay. 17 months – 510 days credit time served.

25 MR. GOLDSTEIN: Thank you, Your Honor.


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THE COURT: Good luck.

[Proceedings concluded at 10:22 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  
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1 RTRAN

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5 DISTRICT COURT  
6 CLARK COUNTY, NEVADA

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8 THE STATE OF NEVADA,  
9 Plaintiff,

CASE#: C-18-336184-1  
DEPT. XVIII

10 vs.

11 SAMMIE NUNN,  
12 Defendant.

13  
14 BEFORE THE HONORABLE MARY KAY HOLTHUS,  
15 DISTRICT COURT JUDGE  
16 TUESDAY, NOVEMBER 26, 2019

17 **RECORDER'S TRANSCRIPT OF HEARING:**  
18 **DEFENDANT'S POST-CONVICTION PETITION FOR WRIT OF**  
19 **HABEAS CORPUS**

20 APPEARANCES:

21 For the State: MEGAN THOMSON, ESQ.  
22 Deputy District Attorney

23 For the Defendant: ANTHONY GOLDSTEIN, ESQ.  
24

25 RECORDED BY: YVETTE SISON, COURT RECORDER

1 Las Vegas, Nevada, Tuesday, November 26, 2019

2

3 [Hearing began at 9:05 a.m.]

4 THE COURT CLERK: State of Nevada versus Sammie Nunn,  
5 C336184.

6 MR. GOLDSTEIN: Your Honor, Anthony Goldstein for the  
7 Defendant. He's in custody, but he was a refusal today.

8 THE COURT: Okay.

9 MR. GOLDSTEIN: My suggestion is he has a – he filed a  
10 motion to dismiss me. He's already been sentenced; you've already  
11 revoked him.

12 THE COURT: Correct.

13 MR. GOLDSTEIN: He filed a notice of appeal on his own, I  
14 believe last week, and he also filed on his own a motion to dismiss me  
15 and appoint alternate appellate counsel. I think that's on in about two  
16 weeks. Maybe we could set the hearing on that same date – this  
17 hearing, continued to that same date or advance the other motion  
18 forward, it's up to you. I just thought to throw them on the same date.

19 THE COURT: Yes, we'll put it to that date. Is that good?

20 THE COURT CLERK: Yes.

21 THE COURT: Perfect. Thank you.

22 THE COURT CLERK: December 17<sup>th</sup> at 9 a.m.

23 THE COURT: Thanks.

24

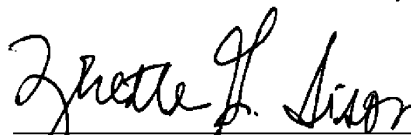
25 [Hearing concluded at 9:06 a.m.]



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\* \* \* \* \*

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



Yvette G. Sison  
Court Recorder/Transcriber



1 **RTRAN**

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5 **DISTRICT COURT**  
6 **CLARK COUNTY, NEVADA**

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

**CASE#: C-18-336184-1**  
**DEPT. XVIII**

10 **vs.**

11 **SAMMIE NUNN,**  
12 **Defendant.**

13  
14 **BEFORE THE HONORABLE MARY KAY HOLTHUS,**  
15 **DISTRICT COURT JUDGE**  
16 **TUESDAY, DECEMBER 17, 2019**

17 ***RECORDER'S TRANSCRIPT OF HEARING:***  
18 ***DEFENDANT'S POST-CONVICTION PETITION FOR WRIT OF***  
19 ***HABEAS CORPUS/MOTION TO WITHDRAW COUNSEL AND***  
20 ***MOTION TO APPOINT APPELLATE COUNSEL***

21 **APPEARANCES:**

22 **For the State: JOHN JONES, ESQ.**  
**Deputy District Attorney**

23 **For the Defendant: ANTHONY GOLDSTEIN, ESQ.**

24  
25 **RECORDED BY: YVETTE SISON, COURT RECORDER**

1 Las Vegas, Nevada, Tuesday, December 17, 2019

2

3 [Hearing began at 9:27 a.m.]

4 THE COURT CLERK: State of Nevada versus Sammie  
5 Nunn, C336184.

6 MR. GOLDSTEIN: Your Honor –

7 MR. JONES: John Jones on behalf of the State.

8 MR. GOLDSTEIN: -- the Defendant is not here. He's in the  
9 Nevada Department of Corrections. I think there was an order to  
10 transport. I saw one on Odyssey, but he was supposed to be here  
11 and that's why we passed it to today, but for whatever reason he's  
12 not here. He's got a pro se petition – post-conviction petition on;  
13 also, a motion to appoint appellate counsel for the appeal that he  
14 filed on his own.

15 THE COURT: When were we last here?

16 MR. JONES: Your Honor, we were last here on 11/26, but  
17 I'll note –

18 THE COURT: I know that he refused to be transported that  
19 day.

20 MR. GOLDSTEIN: He was also found incompetent for a  
21 while and this case has kind of a – I want to say tortured history, but  
22 it's been around a bit. You appointed --

23 THE COURT: Oh, I know.

24 MR. GOLDSTEIN: -- he's had multiple attorneys on the  
25 case, Your Honor. He tried to withdraw his plea. You appointed

1 Ms. Border for that. I came back on eventually, but that's -- and he  
2 filed everything, all his post-conviction matters on his own.

3 MR. JONES: And Your Honor, I'll note that the calendar  
4 does say it's on for post-conviction writ of habeas corpus. But if  
5 you recall, this was set on 11/5. Ms. Border was here. We argued  
6 on the writ, and it was decided on that day. I show it was denied,  
7 and we went ahead and set the revo for 11/14.

8 On 11/14, you modified and revoked the Defendant,  
9 modified to a 36 to 120, and the case was closed. For some reason,  
10 it was still on 11/26. I don't know why; but that was the original writ  
11 date that we moved forward to 11/5, and for some reason my  
12 procedural history is wrong, please correct me, but I show the writ  
13 has already been denied. In fact, that's why we went ahead and  
14 proceeded with the revocation.

15 THE COURT: That -- I do recall that all now, actually. I  
16 mean I remember doing something and then proceeding and  
17 setting the revo.

18 MR. JONES: In fact, it's on 11/5 that Mr. Goldstein was re-  
19 appointed for purposes of the revo. Ms. Border withdrew because  
20 you had decided the writ.

21 [Colloquy -- The Court and the clerk]

22 THE COURT: She says it was the motion to withdraw  
23 guilty plea that was denied.

24 MR. JONES: Well, it was originally supposed to be a  
25 motion to withdraw guilty plea, but remember Ms. Border, after

1 thinking about what is the most appropriate vehicle decided to file a  
2 writ of habeas corpus instead. So, she never filed a motion to  
3 withdraw – I don't believe she filed a motion to withdraw, I believe  
4 she just filed a post-conviction writ. She filed that on October 10<sup>th</sup>.

5 THE COURT: You're right, yes. You did have that the writ  
6 was denied, correct? She shows it got continued.

7 MR. JONES: The writ?

8 THE COURT: The writ because he wasn't – are you  
9 looking at the 11/5?

10 [Colloquy – The Court and the clerk]

11 THE COURT: Okay, it's effectively – it's really not – we  
12 didn't hear a motion to withdraw guilty plea.

13 MR. JONES: Because I don't believe a motion to  
14 withdraw guilty plea was ever filed in this case. It was actually a  
15 writ that was filed.

16 THE COURT: It was a writ to withdraw guilty plea. I  
17 mean, I think that's what you probably heard. Do you see a motion  
18 to withdraw guilty plea filed?

19 [Colloquy - The Court and the clerk]

20 THE COURT: Okay, we're going to just – we'll have to go  
21 ahead and correct whatever it is we corrected. It doesn't appear  
22 that there's ever been a motion to withdraw a guilty plea filed. The  
23 only thing that we have filed and the thing that was argued was the  
24 Defendant's post-conviction petition, which was heard and denied  
25 on the 5<sup>th</sup>. Has an order already been done as well?

1           MR. JONES: I referred it to Appeals, Your Honor, for an  
2 order to be done. I don't know if they had done it yet, but I will  
3 make a note that they need to get the order to you ASAP.

4           THE COURT: Okay, that was on today, but we're just  
5 going to correct the record. It had been previously ruled on. So,  
6 that's that.

7           With respect to the motion to withdraw counsel, I don't  
8 see any reason we can't let you off right? Is there a reason Mr.  
9 Jones?

10          MR. JONES: We're taking no position on his motion to  
11 withdraw counsel.

12          MR. GOLDSTEIN: Can we approach on this one?

13          THE COURT: Yes, please.

14                               [Bench Conference]

15          THE COURT CLERK: It just says; Court ordered motion  
16 denied based on his opposition, and the minute order that he  
17 [unintelligible] –

18          THE COURT: Okay, so we're clarifying – I don't know that  
19 matters.

20          MR. JONES: Because I think it was on calendar call for a  
21 motion to withdraw, but instead – because that's what Marisa said  
22 she was going to file –

23          THE COURT: Right.

24          MR. JONES: -- but she ended up filing a writ, and I think  
25 that's where the confusion is.

1 THE COURT CLERK: Yeah, I think that hearing was for a  
2 motion –

3 MR. JONES: Yeah but we actually argued the writ  
4 instead, and I think that's why.

5 THE COURT: Do you need anything else to fix that?

6 THE COURT CLERK: No, I'll just do [unintelligible] –

7 THE COURT: See Dara wasn't here, otherwise that  
8 wouldn't have happened.

9 THE COURT CLERK: -- [unintelligible] exactly what motion  
10 it was – [unintelligible] --

11 MR. JONES: Should we pull the minutes just to see – I  
12 mean pull the transcript just to be safe.

13 THE COURT: I feel – I feel confident. You feel confident?

14 MR. GOLDSTEIN: I wasn't here for that, so I don't really  
15 know. It was Marisa's thing.

16 THE COURT: Oh.

17 MR. JONES: I have – there was like 10-foot halo around  
18 me.

19 MR. GOLDSTEIN: Here's why the motion to dismiss is  
20 tricky; because he – as trial counsel, I have an obligation to pursue  
21 even pointless, meritless appeals –

22 THE COURT: Correct.

23 MR. GOLDSTEIN: -- the problem is he filed a federal civil  
24 lawsuit naming me and other people as the Defendant. So he's –  
25 which I haven't been served with and people do that sometimes.

1 So, there's a conflict – there might be a conflict. I am his trial  
2 counsel, and you do not have a duty to appoint a separate appellate  
3 counsel. He doesn't have the right to choose his own appellate  
4 counsel, but at the same time there is a Federal lawsuit pending, so  
5 it's possible that he is going to claim that I have a conflict because  
6 he has sued me civilly.

7 THE COURT: Let me ask you this, if I don't grant your  
8 motion to withdraw --

9 MR. GOLDSTEIN: Well it's his – it's his motion to dismiss,  
10 not my motion – just to –

11 THE COURT: -- that's what I meant, if I don't grant his  
12 motion to –

13 MR. GOLDSTEIN: -- I could file a motion –

14 THE COURT: -- then what do you do?

15 MR. GOLDSTEIN: -- I could file a motion to withdraw  
16 based on the civil lawsuit. I was hoping he would be here in court  
17 today so I could speak with him.

18 THE COURT: Want me to put – let's just not do anything  
19 and we'll bring him back.

20 MR. JONES: Can we do it after New Year?

21 MR. GOLDSTEIN: Yeah.

22 MR. JONES: When is your appellate deadline?

23 MR. GOLDSTEIN: I need to look that up. I was going to –

24 THE COURT: Are you going to go ahead and file it  
25 anyway?



1 MR. GOLDSTEIN: I'm going to have to – until I'm  
2 withdrawn from the case; I mean I have to get permission from the  
3 Supreme Court to withdraw from that now. So, it's all – it gets all  
4 crazy –

5 THE COURT: Have you filed it?

6 MR. GOLDSTEIN: -- I haven't filed anything yet.

7 THE COURT: Okay.

8 MR. GOLDSTEIN: Because I'm still looking at deadlines,  
9 and also that he'd be here so that we can kind of work things out to  
10 see what his plan was. I don't even know what the basis of it is.

11 THE COURT: Do you want to go ahead and file it? Do you  
12 want – do want to check and see the deadlines so that we know  
13 when we have to bring him down by. Are you just going to go  
14 ahead and file it anyway –

15 MR. GOLDSTEIN: I would –

16 THE COURT: -- and we just set it in 30, what do you want  
17 to do?

18 MR. GOLDSTEIN: My suggestion would be setting it in 30  
19 days or three weeks or whatever, some time after the New Years,  
20 and I'll check deadlines between now and then. I can get extensions  
21 if necessary, under these circumstances from the Supreme Court.

22 THE COURT: Okay.

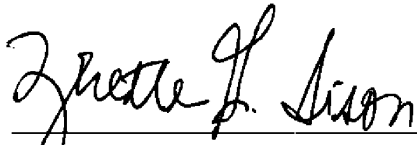
23 MR. GOLDSTEIN: It's just kind of a mess because  
24 [unintelligible] –

25 THE COURT: All right. Let's get him here.

1 MR. GOLDSTEIN: Yeah that's –  
2 THE COURT: He likes to be here.  
3 [Bench Conference Concluded]  
4 THE COURT: All right. We're going to continue this. We  
5 did a – the State did an order to transport. Mr. Nunn, I think needs  
6 to shed some light on some of this stuff. I'm not sure why he wasn't  
7 brought, so we'll pass it 30 and ask the State to do another order  
8 and maybe see what – if they could figure out what happened  
9 today. I suppose he could've refused right? He did last time.  
10 MR. JONES: Do you want to put by any means necessary,  
11 because it sounds like we need to address this.  
12 THE COURT: We do need to. Let's give him one more  
13 time.  
14 MR. JONES: Okay.  
15 THE COURT: I don't – I mean – we don't know that to be  
16 true, so if you – next time if he doesn't come, and he's refused, and  
17 you find out that he's refused this time, then we'll do that; 30 days.  
18 THE COURT CLERK: January 14<sup>th</sup> at 9 a.m.  
19 MR. GOLDSTEIN: Thank you, Your Honor.  
20 THE COURT CLERK: And that's the motion to withdraw  
21 counsel?  
22 THE COURT: That is the motion to withdraw counsel; and  
23 actually, it's to a point – he wants to appoint appellate counsel.  
24 [Hearing concluded at 9:36 a.m.]  
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ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.

  
\_\_\_\_\_  
Yvette G. Sison  
Court Recorder/Transcriber



1 **RTRAN**

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5 **DISTRICT COURT**  
6 **CLARK COUNTY, NEVADA**

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8 **THE STATE OF NEVADA,**  
9 **Plaintiff,**

**CASE#: C-18-336184-1**  
**DEPT. XVIII**

10 **vs.**

11 **SAMMIE NUNN,**  
12 **Defendant.**

13  
14 **BEFORE THE HONORABLE MARY KAY HOLTHUS,**  
15 **DISTRICT COURT JUDGE**  
16 **TUESDAY, JANUARY 14, 2020**

17 ***RECORDER'S TRANSCRIPT OF HEARING:***  
18 ***MOTION TO WITHDRAW COUNSEL AND MOTIOM TO APPOINT***  
19 ***APPELLANT COUNSEL***

20 **APPEARANCES:**

21 **For the State:** **LAURA GOODMAN, ESQ.**  
22 **Deputy District Attorney**

23  
24 **For the Defendant:** **ANTHONY GOLDSTEIN, ESQ.**

25 **RECORDED BY: YVETTE SISON, COURT RECORDER**

1 Las Vegas, Nevada, Tuesday, January 14, 2020

2

3 [Hearing began at 9:03 a.m.]

4 THE COURT CLERK: State of Nevada versus Sammie  
5 Nunn, C336184.

6 MR. GOLDSTEIN: Your Honor, the Defendant is present in  
7 custody.

8 THE COURT: Good Morning.

9 THE DEFENDANT: Good Morning, Your Honor.

10 THE COURT: This is –

11 MR. GOLDSTEIN: Your Honor, the situation is you  
12 sentenced the Defendant, revoked his probation. You appointed  
13 Ms. Border to see whether there were grounds to withdraw his  
14 plea, and I think she filed a post-conviction petition for writ of  
15 habeas corpus, which you denied. Now Mr. Nunn filed a motion to  
16 dismiss – I think to appoint alternate counsel to pursue the appeal  
17 that he filed on his own.

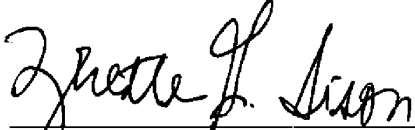
18 I sent the Defendant a letter about a month ago, which he  
19 didn't reply to, but in speaking with him this morning, he's going to  
20 ask you – it's his call, but my understanding is he's going to ask you  
21 to appoint alternate counsel to appoint – to represent him on the  
22 appeal, and whether or not you – if you give him new counsel, you  
23 can; if you don't, he's choosing to represent himself instead of  
24 having me represent him on the appeal.

25 THE COURT: Haven't you filed the appeal already?

1 MR. GOLDSTEIN: Yes.  
2 THE DEFENDANT: Yes.  
3 THE COURT: So, what are we doing?  
4 MS. GOODMAN: And Your Honor, it's the State's position  
5 that the petition was – apparently the petition was already filed.  
6 There's no right to cancel for an appeal from a appeal. So, I'll  
7 submit it on that.  
8 THE COURT: I'll grant your motion to withdraw Mr.  
9 Goldstein, and you can do what you can do on your own, but I don't  
10 see any basis to appoint new counsel at this point. You've already  
11 filed the appeal. So, that motion is denied. Okay, so you represent  
12 yourself now.  
13 THE DEFENDANT: Thank you.  
14 THE COURT: You did want Mr. Goldstein off right?  
15 THE DEFENDANT: That's all I wanted, yes ma'am.  
16 THE COURT: All right, you got that.  
17 THE DEFENDANT: Thank you.  
18 MR. GOLDSTEIN: Thank you, Your Honor.  
19 THE COURT: Thank you.  
20 [Hearing concluded at 9:05 a.m.]  
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ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.

  
\_\_\_\_\_  
Yvette G. Sison  
Court Recorder/Transcriber

**Terrence M. Jackson, Esquire**  
*Attorney at Law*

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[terry.jackson.esq@gmail.com](mailto:terry.jackson.esq@gmail.com)

October 6, 2020

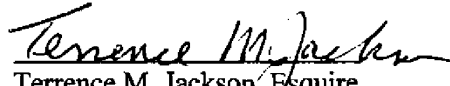
Drew Christensen, Esquire  
Office of the County Manager  
500 S. Grand Central Pkwy. - Sixth Floor  
Las Vegas, NV 89155-1712

Re: Voucher - Sammie Nunn  
D.C. case: C-18-336184-1  
NSC case: 80121

Dear Drew Christensen:

Enclosed is the Supplemental Voucher for Defendant Sammie Nunn. I have just completed his Reply Brief to the Nevada Supreme Court. As always, I appreciate your referrals and if you have any questions, please direct them to me.

Sincerely,

  
Terrence M. Jackson, Esquire

Enc.: Voucher Sheets for above Defendant (4 pgs.);  
Order for Excess Fees (1 pg.)  
cc: file



1 **ORDR**

2 **TERRENCE M. JACKSON, ESQ.**

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6 Las Vegas, NV 89101

7 T: 702-386-0001 / F: 702-386-0085

8 Terry.jackson.esq@gmail.com

9 *Counsel for Defendant, SAMMIE NUNN*

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IN THE EIGHTH JUDICIAL DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

v.

SAMMIE NUNN,  
#1226304,

Defendant.

NSC Case No.: **80121**

District Case No.: C-18-336184-1

Dept. No.: XVIII

**ORDER FOR EXCESS ATTORNEY'S FEES**

IT IS HEREBY ORDERED that the attorney's fees submitted by **TERRENCE M. JACKSON, ESQ.**, are both reasonable and necessary and payment of same in the amount of One Thousand Two Hundred Twenty Dollars and Zero Cents (\$1,200.00) for out-of-court time attorney's fees, and Eighteen Dollars and Ninety-Five Cents (\$18.95) for expenses, for a total of One Thousand Two Hundred Eighteen Dollars and Ninety-Five Cents (\$1,218.95) for Terrence M. Jackson, Esquire, the court appointed attorney, be allowed in excess of the statutory minimum.


Dated this 18th day of November, 2020

**DATED** this \_\_\_\_ day of \_\_\_\_\_, 2020.

  
DISTRICT COURT JUDGE

Respectfully Submitted on  
this 6th day of October, 2020.

**B38 1C2 AD2D 7548**  
**Mary Kay Holthus**  
District Court Judge

  
Terrence M. Jackson, Esq.

(SEE INSTRUCTIONS ON REVERSE SIDE)  
COURT APPOINTED ATTORNEY - VOUCHER

State of Nevada  
-vs-

*Supplemental Voucher*

2020 OCT 13 12:40 PM

1. Samuel Nuan

MUST SHOW PRESENT, AS WELL AS ALL PREVIOUS CASE NUMBERS, ATTORNEYS & FEES ALLOWED

	<u>CASE NO.</u>	<u>ATTORNEY</u>	<u>FEE ALLOWED</u>
2. Justice Court			
District Court	<u>18-C-3361841</u>	<u>T. Jackson</u>	
Supreme Court	<u>84121</u>	<u>T. Jackson</u>	
3. Reason Public Defender disqualified as set forth in record of case:		<u>conflict</u>	

N.R.S.

Most Serious Criminal Charge on Information or Indictment

4. NRS 200.451 Buttery Deadly Weapon / subst Horn

<input type="checkbox"/> Death	<input type="checkbox"/> Life Imprisonment	<input checked="" type="checkbox"/> One Year or Less Imprisonment	<input type="checkbox"/> Misdemeanor
--------------------------------	--------------------------------------------	-------------------------------------------------------------------	--------------------------------------

Attorney's Time & Expenses  
(ATTORNEY MUST ATTACH ITEMIZED TIME SHEET)

5. Court Time	Hours @ \$125 per hour for capital cases NRS 7.125	\$
Court Time	Hours @ \$100 per hour for non-capital cases NRS 7.125	\$
6. Out of Court Time	Hours @ \$125 per hour for capital cases NRS 7.125	\$
Out of Court Time	Hours @ \$100 per hour for non-capital cases NRS 7.125	\$ <u>1,200.00</u>
7. Expenses (MUST Be Itemized)	<u>\$16.00 copier</u> <u>\$2.95 postage</u>	\$ <u>18.95</u>
<b>TOTAL FEES &amp; EXPENSES REQUESTED</b>		<b>\$ <u>1,218.95</u></b>

8. On 10/2/20 Case was: ☐ Substitution of Attorney ☐ Stopped Because of Mistrial ☐ Concluded in District Court  
Reply Brief completed ☐ Supreme Court Remittitur Filed with District Court ☐ Post-Conviction Relief Concluded  
☐ Supreme Court Remittitur Filed with District Court re: Post-Conviction Relief

STATEMENT MADE UNDER OATH

9. I hereby represent to this Court, under the pains and penalty of perjury, that all foregoing information is true and correct to the best of my knowledge and belief. I further represent that I have not received, nor do I expect to receive, any compensation or reimbursement from any source, other than those disclosed below, for the defense of this indigent.

FEES RECEIVED FROM: Clark County \$4470.00

State of Nevada

Other

Approved by Court in which representation was rendered

10. Attorney Terrence M Jackson

Address 624 S. 9TH ST

Las Vegas NV 891

Date

11. District Court Judge

12. Chief Judge or Presiding District Court Judge



**VENDOR CLAIM VOUCHER  
WITH  
CLARK COUNTY, NEVADA**

Date	October 5, 2020
Vendor No.	
Fund	
Dept./Div.	
Project No.	
Department	

Pay to	Terrance M. Jackson
Address	1024 S. 9th St. Las Vegas, NV 8910

Line No.	Items	Expense Class	Amount	Invoice #
1				
2				
3				
4				
5				
6	out of court time			
7	expenses re: copying (16.95)		11/1200.00	
8	(for postage 2.95)		18.95	
9				
TOTAL			1218.95	

I hereby certify that the above and foregoing claim against Clark County, State of Nevada, is just and reasonable, and that said claim is now due, owing and unpaid. This certificate need not be signed if a proper invoice is attached.

*Terrance M. Jackson*  
CLAIMANT

I certify that the foregoing claim is correct and just; that the articles specified have been received by the proper officials of the County, or the services stated have been performed; that they were necessary for and have been or will be applied to county purposes, and that to the best of my knowledge and belief the prices charged are reasonable and just.

By \_\_\_\_\_

ALLOWED BY COMPTROLLER	
FINANCE	
BUDGET	
AUDITING	
PAID BY CHECK NO.	
BATCH NO.	

# OUT OF COURT HOURLY WORKSHEET

CASE# 50121

VOUCHER # 7

DATE	Brief Description of Services	Interviews and conferences	Detailing and reviewing records	Legal research and brief writing	Travel time	Investigative and other work
7/7	Review Motie to Strike Parts Opinions		.4h			
7/7	Prepare Response Motion to Civil		.1h	1.0h		
7/7	Review S.Ct. order. Prepare					
7/7	Review letter Defendant's					.3h
7/7	Reply to Defendant's letter					.2h
7/7	File Response Mot Strike			.1h		
7/7	Edt Response Mot Strike			.7h		
7/7	Edt Response Motion			.2h		
7/7	Letter to Defendant					.1h
7/7	Review State Reply			.4h		
7/7	Review Defendant's letter					.3h
7/7	P/C Defendant's motion	.2h				
7/7	P/C Deft 14 30A	.2h				
7/7	Encl law clerk re state defendant					.2h
7/7						
7/7						
7/7	Review S. & Orda		.2h			
7/7	Review S.C. order		.3h			
7/7	Legal Research & writing			1.0h		
PAGE TOTAL		.4h	1.0h	3.4h		1.1h
GRAND TOTAL						

VOUCHER # 2

Samir Karm

[illegible]

10th / A+ in my T-mo 12.04.

1 CSERV

2 DISTRICT COURT  
3 CLARK COUNTY, NEVADA  
4

5  
6 State of Nevada

CASE NO: C-18-336184-1

7 vs

DEPT. NO. Department 18

8 Sammie Nunn  
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 11/18/2020

15 Anthony Goldstein

amg@amglegal.com

16 Steven Wolfson

motions@clarkcountyda.com

17 Carolina Cintola

carolina.cintola@clarkcountyda.com

18 Marisa Border

mborderlaw@gmail.com

19 Cynthia Bush

cynthia.bush@clarkcountyda.com

20 Department XVIII

Dept18LC@ClarkCountyCourts.us

21 Terry Jackson

terry.jackson.esq@gmail.com

22 Eileen Davis

Eileen.Davis@clarkcountyda.com

23 Carrie Connolly

connolcm@clarkcountynv.gov

24 Yvette Sison

sisony@clarkcountycourts.us  
25  
26  
27  
28



DISTRICT COURT  
CLARK COUNTY, NEVADA

\*\*\*\*

State of Nevada  
vs  
Sammie Nunn

Case No.: C-18-336184-1

Department 21

**NOTICE OF DEPARTMENT REASSIGNMENT**

NOTICE IS HEREBY GIVEN that the above-entitled action has been reassigned to Judge Tara Clark Newberry.

☒ This reassignment is due to: Per AO 20-25.

ANY TRIAL DATE AND ASSOCIATED TRIAL HEARINGS STAND BUT MAY BE RESET BY THE NEW DEPARTMENT.

Any motions or hearings presently scheduled in the FORMER department will be heard by the NEW department as set forth below.

**Status Check, on 02/16/2021, at 1:30 PM**

PLEASE INCLUDE THE NEW DEPARTMENT NUMBER ON ALL FUTURE FILINGS.

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Heather Kordenbrock  
Heather Kordenbrock, Deputy Clerk of the Court

**CERTIFICATE OF SERVICE**

I hereby certify that this 21st day of January, 2021

☒ The foregoing Notice of Department Reassignment was electronically served to all registered parties for case number C-18-336184-1.

/s/ Heather Kordenbrock  
Heather Kordenbrock, Deputy Clerk of the Court

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

SAMMIE NUNN,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

Supreme Court No. 80121  
District Court Case No. C336184

**FILED**

MAR 31 2021

*Elizabeth A. Brown*  
CLERK OF COURT

**CLERK'S CERTIFICATE**

STATE OF NEVADA, ss.

I, Elizabeth A. Brown, the duly appointed and qualified Clerk of the Supreme Court of the State of Nevada, do hereby certify that the following is a full, true and correct copy of the Judgment in this matter.

**JUDGMENT**

The court being fully advised in the premises and the law, it is now ordered, adjudged and decreed, as follows:

"ORDER the order for revocation of probation and amended judgement of conviction AFFIRMED."

Judgment, as quoted above, entered this 5th day of March, 2021.

IN WITNESS WHEREOF, I have subscribed  
my name and affixed the seal of the Supreme  
Court at my Office in Carson City, Nevada this  
March 30, 2021.

Elizabeth A. Brown, Supreme Court Clerk

By: Rory Wunsch  
Deputy Clerk

C-18-336184-1  
CCJA  
NV Supreme Court Clerks Certificate/Judgm  
4949688





IN THE COURT OF APPEALS OF THE STATE OF NEVADA

SAMMIE NUNN,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 80121-COA

**FILED**

MAR 05 2021

ELIZABETH A. GROWN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

**ORDER OF AFFIRMANCE**

Sammie Nunn appeals from an order for revocation of probation and amended judgment of conviction, entered pursuant to a guilty plea, of battery with use of a deadly weapon. Eighth Judicial District Court, Clark County; Mary Kay Holthus, Judge.

Nunn contends the district court abused its discretion by revoking his probation without considering mitigating evidence. The decision to revoke probation is within the broad discretion of the district court, and will not be disturbed absent a clear showing of abuse. *Lewis v. State*, 90 Nev. 436, 438, 529 P.2d 796, 797 (1974). At the time Nunn's probation was revoked, evidence supporting a decision to revoke probation had to be merely sufficient to reasonably satisfy the district court that the conduct of the probationer was not as good as required by the conditions of probation. *Id.* Because Nunn stipulated to the revocation of his probation, admitted he violated the terms of his probation, and chose not to present any mitigating evidence at his hearing, we conclude the district court did not abuse its discretion by revoking his probation.


Nunn also claims the district court erred by denying his claims of ineffective assistance of counsel that were raised in his postconviction

petition for a writ of habeas corpus. However, because this is an appeal from the judgment of conviction and not an appeal from the order resolving the postconviction petition, we lack jurisdiction to consider these claims, and we take no action on them.<sup>1</sup> See *Abdullah v. State*, 129 Nev. 86, 91, 294 P.3d 419, 422 (2013) (“[An] order that is not designated in the notice [of appeal] cannot be considered on appeal.”).

Finally, Nunn argues the cumulative effect of the errors in this case warrants reversal. As Nunn has identified no errors, we conclude there are no errors to cumulate. See *Morgan v. State*, 134 Nev. 200, 201 n.1, 416 P.3d 212, 217 n.1 (2018). Accordingly, we

ORDER the order for revocation of probation and amended judgment of conviction AFFIRMED.

  
\_\_\_\_\_. C.J.  
Gibbons

  
\_\_\_\_\_. J.  
Tao

  
\_\_\_\_\_. J.  
Bulla

---

<sup>1</sup>Nunn contends a reference to his postconviction pleadings in his docketing statement put the State on notice that he would be challenging the denial of those pleadings. However, it is the notice of appeal that vests appellate courts with jurisdiction over an appeal. See *Lozada v. State*, 110 Nev. 349, 352, 871 P.2d 944, 946 (1994), *overruled on other grounds by Ripppo v. State*, 134 Nev. 411, 426, 423 P.3d 1084, 1100 (2018).

cc: Hon. Mary Kay Holthus, District Judge  
Terrence M. Jackson  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

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

SAMMIE NUNN,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

**Supreme Court No. 80121**  
**District Court Case No. C336184**

**REMITTITUR**

TO: Steven D. Grierson, Eighth District Court Clerk

Pursuant to the rules of this court, enclosed are the following:

Certified copy of Judgment and Opinion/Order.  
Receipt for Remittitur.

DATE: March 30, 2021

Elizabeth A. Brown, Clerk of Court

By: Rory Wunsch  
Deputy Clerk

cc (without enclosures):  
Hon. Mary Kay Holthus, District Judge  
Clark County District Attorney  
Terrence M. Jackson

**RECEIPT FOR REMITTITUR**

Received of Elizabeth A. Brown, Clerk of the Supreme Court of the State of Nevada, the  
REMITTITUR issued in the above-entitled cause, on MAR 31 2021.

HEATHER UNGERMANN  
Deputy District Court Clerk

RECEIVED  
APPEALS

MAR 31 2021

CLERK OF THE COURT

*Steven D. Grierson*

Sammie Lee Nunn III  
#1226304  
TLVCC  
P.O. Box 208  
Indian Springs, NV  
89070

District Court  
STATE OF Nevada  
Clark County

STATE OF NEVADA  
Plaintiff

v

Sammie Nunn III  
Defendant

Dept: XVIII

CASE NO: C-18-336184-1

NOTICE OF APPEAL

Notice is Hereby Given That I, Sammie Lee Nunn III, Appellant, Hereby Appeal To the Supreme Court of Nevada from the Eighth Judicial District Courts Judgment on Writ of Habeas Corpus on November 5, 2019. Said Declarant Subject to the Penalty of Perjury. After receiving Remittiter April 15, 2021 and being denied on November 5, 2019 issues.

Respectfully Submitted

CLERK OF THE COURT

APR 26 2021

RECEIVED

April 19th 2021

*[Signature]*  
Defendant

Sammie Nunn  
Printed Name

IN THE SUPREME COURT OF THE STATE OF NEVADA

SAMMIE NUNN,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

Supreme Court No. 80121  
District Court Case No. C338184

REMITTITUR

TO: Steven D. Grierson, Eighth District Court Clerk

Pursuant to the rules of this court, enclosed are the following:

Certified copy of Judgment and Opinion/Order.  
Receipt for Remittitur.

DATE: March 30, 2021

Elizabeth A. Brown, Clerk of Court

By: Rory Wunsch  
Deputy Clerk

cc (without enclosures):

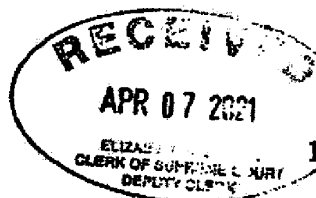
Hon. Mary Kay Holthus, District Judge  
Clark County District Attorney  
Terrence M. Jackson

**RECEIPT FOR REMITTITUR**

Received of Elizabeth A. Brown, Clerk of the Supreme Court of the State of Nevada, the  
REMITTITUR issued in the above-entitled cause, on MAR 31 2021

  
Deputy District Court Clerk

RECEIVED  
APPEALS  
MAR 31 2021  
CLERK OF THE COURT



21-09070

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

SAMMIE NUNN,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

**Supreme Court No. 80121**  
**District Court Case No. C336184**

**CLERK'S CERTIFICATE**

STATE OF NEVADA, ss.

I, Elizabeth A. Brown, the duly appointed and qualified Clerk of the Supreme Court of the State of Nevada, do hereby certify that the following is a full, true and correct copy of the Judgment in this matter.

**JUDGMENT**

The court being fully advised in the premises and the law, it is now ordered, adjudged and decreed, as follows:

"ORDER the order for revocation of probation and amended judgement of conviction AFFIRMED."

Judgment, as quoted above, entered this 5th day of March, 2021.

IN WITNESS WHEREOF, I have subscribed  
my name and affixed the seal of the Supreme  
Court at my Office in Carson City, Nevada this  
March 30, 2021.

Elizabeth A. Brown, Supreme Court Clerk

By: Rory Wunsch  
Deputy Clerk

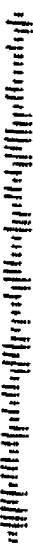
Sammy Lee Nunn III  
1226304  
TLVCC  
P.O. Box 208  
Indian Springs, NV 89070

LAS VEGAS NV 890  
20 APR 2021 PM 4 L



**EAGLE**  
April 2021  
FOREVER / USA

89101-630000



STEVEN GRIERSON  
200 LEWIS AVE  
LAS VEGAS, NV 89155





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**IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE  
STATE OF NEVADA IN AND FOR  
THE COUNTY OF CLARK**

STATE OF NEVADA,

Plaintiff(s),

vs.

SAMMIE NUNN,

Defendant(s),

Case No: C-18-336184-1

Dept No: XXI

**CASE APPEAL STATEMENT**

1. Appellant(s): Sammie Nunn

2. Judge: Mary Kay Holthus

3. Appellant(s): Sammie Nunn

Counsel:

Sammie Nunn #1226304  
P.O. Box 208  
Indian Springs, NV 89070

4. Respondent: The State of Nevada

Counsel:

Steven B. Wolfson, District Attorney  
200 Lewis Ave.  
Las Vegas, NV 89101

(702) 671-2700

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

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

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

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

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

9. Date Commenced in District Court: November 14, 2018

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

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

11. Previous Appeal: Yes

Supreme Court Docket Number(s): 79219, 79264, 80121

12. Child Custody or Visitation: N/A

Dated This 30 day of April 2021.

Steven D. Grierson, Clerk of the Court

/s/ Amanda Hampton

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

cc: Sammie Nunn

1 COSCC  
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5 DISTRICT COURT  
6 CLARK COUNTY, NEVADA

7 \* \* \* \*

8 STATE OF NEVADA

CASE NO.: C-18-336184-1

9 VS

DEPARTMENT 21

10 SAMMIE NUNN

11 CRIMINAL ORDER TO STATISTICALLY CLOSE CASE

12 Upon review of this matter and good cause appearing,

13 IT IS HEREBY ORDERED that the Clerk of the Court is hereby directed to  
14 statistically close this case for the following reason:

15 **DISPOSITIONS:**

- 16 ☐ Nolle Prosequi (before trial)  
17 ☐ Dismissed (after diversion)  
18 ☐ Dismissed (before trial)  
19 ☐ Guilty Plea with Sentence (before trial)  
20 ☐ Transferred (before/during trial)  
21 ☐ Bench (Non-Jury) Trial  
22 ☐ Dismissed (during trial)  
23 ☐ Acquittal  
24 ☐ Guilty Plea with Sentence (during trial)  
25 ☐ Conviction  
26 ☐ Jury Trial  
27 ☐ Dismissed (during trial)  
28 ☐ Acquittal  
☐ Guilty Plea with Sentence (during trial)  
☐ Conviction  
☒ Other Manner of Disposition

Dated this 3rd day of May, 2021

*Tara Clark Newberry*

D39 3E5 0155 21E2  
Tara Clark Newberry  
District Court Judge

1 CSERV

2 DISTRICT COURT  
3 CLARK COUNTY, NEVADA

4  
5  
6 State of Nevada

CASE NO: C-18-336184-1

7 vs

DEPT. NO. Department 21

8 Sammie Nunn  
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

Service Date: 5/3/2021

15 Anthony Goldstein

amg@amglegal.com

16 Steven Wolfson

motions@clarkcountyda.com

17 Carolina Cintola

carolina.cintola@clarkcountyda.com

18 Marisa Border

mborderlaw@gmail.com

19 Cynthia Bush

cynthia.bush@clarkcountyda.com

20 Department XVIII

Dept18LC@ClarkCountyCourts.us

21 Terry Jackson

terry.jackson.esq@gmail.com

22 Eileen Davis

Eileen.Davis@clarkcountyda.com

23 Carrie Connolly

connolcm@clarkcountynv.gov

24 Yvette Sison

sisony@clarkcountycourts.us

APR 27 2021

Sammie Nunn III #1226304  
SDCC  
P.O. Box 208  
Indian Springs, NV  
89070

District Court  
State of Nevada  
Clark County

Sammie Nunn III  
Appellant  
V.  
The STATE OF NEVADA  
Respondant

Case No. C-18-336184-1  
Dept No. XVIII

### Emergency Notice of Appeal

Notice is Hereby Given That I Sammie Nunn III, Appellant, Herby Appeal To The Supreme Court of Nevada from the Eighth Judicial District Courts Violation of Contractual Plea Agreement on June 6, 2019, I, Sammie Nunn III have expired the entirety of the Stipulated Sentence agreed upon by the state and have done so without the opportunity for parole. I repeat the Maximum term of the prison Sentence stipulated in the agreement from June 6, 2019 has expired and I do not owe Nevada anymore time. I am asking for an immediate release. If the Court doesnt accept this negotiation as valid, I, Petitioner, asks this court to vacate the agreement and remand this case back to trial Court. Said Declarant subject to the Penalty of Perjury.

Respectfully Submitted,

Sammie Nunn III

Case Number: C-18-336184-1

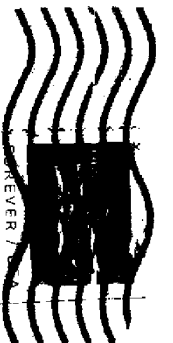
CLERK OF THE COURT

MAY 10 2021

RECEIVED

Samme Nunn #1226304  
SDCC  
P.O. Box 650  
Indian Springs, NV 89070

LAS VEGAS NV 890  
5 MAY 2021 PM 5 L



Steven D. Emerson  
Clerk of the Court  
200 Lewis Avenue  
3RD Floor  
Las Vegas NV 89155-1160

89101-630000

2. JUN 1997



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**IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE  
STATE OF NEVADA IN AND FOR  
THE COUNTY OF CLARK**

STATE OF NEVADA,

Plaintiff(s),

vs.

SAMMIE NUNN,

Defendant(s),

Case No: C-18-336184-1

Dept No: XXI

**CASE APPEAL STATEMENT**

1. Appellant(s): Sammie Nunn

2. Judge: Tara Clark Newberry

3. Appellant(s): Sammie Nunn

Counsel:

Sammie Nunn #1226304  
P.O. Box 208  
Indian Springs, NV 89070

4. Respondent: The State of Nevada

Counsel:

Steven B. Wolfson, District Attorney  
200 Lewis Ave.  
Las Vegas, NV 89101

(702) 671-2700

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

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

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

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

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

9. Date Commenced in District Court: November 14, 2018

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

Type of Judgment or Order Being Appealed: Unknown

11. Previous Appeal: Yes

Supreme Court Docket Number(s): 79219, 79264, 80061, 80121, 82859

12. Child Custody or Visitation: N/A

Dated This 10 day of May 2021.

Steven D. Grierson, Clerk of the Court

/s/ Amanda Hampton

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

cc: Sammie Nunn



IN THE SUPREME COURT OF THE STATE OF NEVADA

SAMMIE NUNN,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

Supreme Court No. 82859  
District Court Case No. C336184

**FILED**

JUN 17 2021

*Elizabeth A. Brown*  
CLERK OF COURT

**CLERK'S CERTIFICATE**

STATE OF NEVADA, ss.

I, Elizabeth A. Brown, the duly appointed and qualified Clerk of the Supreme Court of the State of Nevada, do hereby certify that the following is a full, true and correct copy of the Judgment in this matter.

**JUDGMENT**

The court being fully advised in the premises and the law, it is now ordered, adjudged and decreed, as follows:

"ORDERS this appeal DISMISSED."

Judgment, as quoted above, entered this 21 day of May, 2021.

IN WITNESS WHEREOF, I have subscribed my name and affixed the seal of the Supreme Court at my Office in Carson City, Nevada this June 15, 2021.

Elizabeth A. Brown, Supreme Court Clerk

By: Kaitlin Meetze  
Administrative Assistant

C-18-336184-1  
CCJD  
NV Supreme Court Clerks Certificate/Judgm  
4957941



IN THE SUPREME COURT OF THE STATE OF NEVADA

SAMMIE NUNN,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

No. 82859

FILED

MAY 21 2021

ELIZABETH A. BROWN  
CLERK OF THE SUPREME COURT  
BY   
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a pro se appeal from a district court "judgement [sic] on writ of habeas corpus on November 5, 2019." Eighth Judicial District Court, Clark County; Mary Kay Holthus, Judge.

This court's review of this appeal reveals a jurisdictional defect. Specifically, the district court entered its order denying appellant's petition on November 20, 2019. The district court served notice of entry of that order on appellant on November 21, 2019. Appellant did not file the notice of appeal, however, until April 29, 2021, well after the expiration of the 30-day appeal period prescribed by NRS 34.575. "[A]n untimely notice of appeal fails to vest jurisdiction in this court." *Lozada v. State*, 110 Nev. 349, 352, 871 P.2d 944, 946 (1994). Accordingly, this court

ORDERS this appeal DISMISSED.<sup>1</sup>

 J.  
Parraguirre

 J.  
Stiglich

 J.  
Silver

<sup>1</sup>Given this order, this court takes no action on the motion to stay filed on May 17, 2021.

SUPREME COURT  
OF  
NEVADA

CS 1547A

21-14645

cc: Hon. Mary Kay Holthus, District Judge  
Sammie Nunn  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

SUPREME COURT  
OF  
NEVADA

(H) 1947A 

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

SAMMIE NUNN,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

**Supreme Court No. 82859**  
District Court Case No. C336184

**REMITTITUR**

TO: Steven D. Grierson, Eighth District Court Clerk

Pursuant to the rules of this court, enclosed are the following:

Certified copy of Judgment and Opinion/Order.  
Receipt for Remittitur.

DATE: June 15, 2021

Elizabeth A. Brown, Clerk of Court

By: Kaitlin Meetze  
Administrative Assistant

cc (without enclosures):

Hon. Mary Kay Holthus, District Judge  
Sammie Nunn  
Clark County District Attorney \ Alexander G. Chen, Chief Deputy District  
Attorney

**RECEIPT FOR REMITTITUR**

Received of Elizabeth A. Brown, Clerk of the Supreme Court of the State of Nevada, the  
REMITTITUR issued in the above-entitled cause, on JUN 17 2021.

HEATHER UNGERMANN

Deputy District Court Clerk

RECEIVED  
APPEALS

JUN 16 2021

CLERK OF THE COURT

IN THE SUPREME COURT OF THE STATE OF NEVADA

SAMMIE NUNN,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

Supreme Court No. 82901  
District Court Case No. C336184

**FILED**

JUN 22 2021

*Elizabeth A. Brown*  
CLERK OF COURT

CLERK'S CERTIFICATE

STATE OF NEVADA, ss.

I, Elizabeth A. Brown, the duly appointed and qualified Clerk of the Supreme Court of the State of Nevada, do hereby certify that the following is a full, true and correct copy of the Judgment in this matter.

JUDGMENT

The court being fully advised in the premises and the law, it is now ordered, adjudged and decreed, as follows:

"ORDER this appeal DISMISSED."

Judgment, as quoted above, entered this 26 day of May, 2021.

IN WITNESS WHEREOF, I have subscribed  
my name and affixed the seal of the Supreme  
Court at my Office in Carson City, Nevada this  
June 21, 2021.

Elizabeth A. Brown, Supreme Court Clerk

By: Kaitlin Meetze  
Administrative Assistant

C-18-336184-1  
CCJD  
NV Supreme Court Clerks Certificate/Judgm  
4956431



IN THE SUPREME COURT OF THE STATE OF NEVADA

SAMMIE NUNN,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

No. 82901

FILED

MAY 26 2021

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

ORDER DISMISSING APPEAL

This appeal was initiated by the filing of a pro se notice of appeal. Eighth Judicial District Court, Clark County; Tara D. Clark Newberry, Judge.

Appellant filed a notice of appeal on May 10, 2021. The notice of appeal fails to identify any judgments of the district court. Further, it does not appear from the district court docket and minute entries that the district court entered any appealable order. Accordingly, we conclude that we lack jurisdiction to consider this appeal, and we

ORDER this appeal DISMISSED.

*[Signature]*, J.  
Parraguirre

*[Signature]*, J.  
Stiglich

*[Signature]*, J.  
Silver

SUPREME COURT  
OF  
NEVADA

101 1432A

21-15046

cc: Hon. Tara D. Clark Newberry, District Judge  
Sammie Nunn  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

SUPREME COURT  
OF  
NEVADA

© 1997

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

SAMMIE NUNN,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

**Supreme Court No. 82901**  
District Court Case No. C336184

**REMITTITUR**

TO: Steven D. Grierson, Eighth District Court Clerk

Pursuant to the rules of this court, enclosed are the following:

Certified copy of Judgment and Opinion/Order.  
Receipt for Remittitur.

DATE: June 21, 2021

Elizabeth A. Brown, Clerk of Court

By: Kaitlin Meetze  
Administrative Assistant

cc (without enclosures):

Hon. Tara D. Clark Newberry, District Judge  
Sammie Nunn  
Clark County District Attorney \ Alexander G. Chen, Chief Deputy District  
Attorney

**RECEIPT FOR REMITTITUR**

Received of Elizabeth A. Brown, Clerk of the Supreme Court of the State of Nevada, the  
REMITTITUR issued in the above-entitled cause, on JUN 22 2021.

HEATHER UNGERMANN

**Deputy** District Court Clerk

**RECEIVED  
APPEALS**

**JUN 22 2021**

**CLERK OF THE COURT**



# DOCUMENTARY EXHIBITS

Grand Jury Case # 18AGJ145X  
Exhibit # 1  
Date 11-6-2018

1 IND  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 MEGAN THOMSON  
6 Chief Deputy District Attorney  
7 Nevada Bar #011002  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

SAMMIE NUNN,  
#2751864

Defendant.

CASE NO:

DEPT NO:

INDICTMENT

STATE OF NEVADA }  
COUNTY OF CLARK } ss.

The Defendant above named, SAMMIE NUNN, accused by the Clark County Grand Jury of the crime(s) of BATTERY WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.481 - NOC 50223), committed at and within the County of Clark, State of Nevada, on or about the 27th day of May, 2018, as follows: did willfully, unlawfully, and

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1 feloniously use force or violence upon the person of another, to wit: PRINCE ALIDU, with  
2 use of a deadly weapon, to wit: a 12 inch pair of pliers, by striking the said PRINCE ALIDU  
3 on or about the face with said pliers.

4 DATED this \_\_\_\_\_ day of November, 2018.

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

8 BY

9 MEGAN THOMSON  
10 Chief Deputy District Attorney  
11 Nevada Bar #011002

12  
13 ENDORSEMENT: A True Bill  
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15 \_\_\_\_\_  
16 Foreperson, Clark County Grand Jury  
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1 Names of Witnesses and testifying before the Grand Jury:

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

4 CUSTODIAN OF RECORDS - CCDC

5 CUSTODIAN OF RECORDS - LVMPD COMMUNICATIONS

6 CUSTODIAN OF RECORDS - LVMPD RECORDS

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27 18AGJ145X/18F09747X/ed-GJ  
28 LVMPD EV# 1805270823  
(TK2)

Grand Jury Case # 18 AGJ145X  
Exhibit # 1a  
Date 11-13-18

1 **IND**  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 MEGAN THOMSON  
6 Chief Deputy District Attorney  
7 Nevada Bar #011002  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

CASE NO:

-vs-

DEPT NO:

SAMMIE NUNN,  
#2751864

Defendant.

INDICTMENT

STATE OF NEVADA }  
COUNTY OF CLARK } ss.

The Defendant above named, SAMMIE NUNN, accused by the Clark County Grand Jury of the crime(s) of BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM (Category B Felony - NRS 200.481 - NOC 50226) AND ASSAULT WITH A DEADLY WEAPON (Category B Felony - NRS 200.471 - NOC 50201), committed at and within the County of Clark, State of Nevada, on or about the 27th day of May, 2018, as follows:

COUNT 1 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM

did willfully, unlawfully, and feloniously use force or violence upon the person of another, to wit: PRINCE ALIDU, with use of a deadly weapon, to wit: a 12 inc pair of pliers, by striking the said PRINCE ALIDU, resulting in substantial bodily harm to PRINCE ALIDU.

//

*battery with the use of*

COUNT 2 - ASSAULT WITH A DEADLY WEAPON

did willfully, unlawfully, feloniously and intentionally place another person in reasonable apprehension of immediate bodily harm and/or did willfully and unlawfully attempt to use physical force against another person, to wit: PRINCE ALIDU, with use of a deadly weapon, to wit: a handgun, by pointing said handgun at the said PRINCE ALIDU and threatening to kill him. *June 3rd*

COUNT 3 - ASSAULT WITH A DEADLY WEAPON

~~did willfully, unlawfully, feloniously and intentionally place another person in reasonable apprehension of immediate bodily harm and/or did willfully and unlawfully attempt to use physical force against another person, to wit: KERICK HINES, with use of a deadly weapon, to wit: a handgun, by pointing said handgun at the said KERICK HINES and threatening to kill him.~~

DATED this \_\_\_\_\_ day of November, 2018.

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

BY

\_\_\_\_\_  
MEGAN THOMSON  
Chief Deputy District Attorney  
Nevada Bar #011002

ENDORSEMENT: A True Bill

\_\_\_\_\_  
Foreperson, Clark County Grand Jury



1 Names of Witnesses and testifying before the Grand Jury:

2

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

4 CUSTODIAN OF RECORDS - CCDC

5 CUSTODIAN OF RECORDS - LVMPD COMMUNICATIONS

6 CUSTODIAN OF RECORDS - LVMPD RECORDS

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27 18AGJ145X/18F09747X/ed-GJ

28 LVMPD EV# 1805270823

(TK2)

Grand Jury Case # 18AGJ14X

Exhibit # 2

Date 11.06.18

INSTRUCTION NO. \_\_\_\_\_

Battery means any willful and unlawful use of force or violence upon the person of another.

INSTRUCTION NO. \_\_\_\_\_

If substantial bodily harm results to the victim of a battery, the crime committed is Battery Resulting in Substantial Bodily Harm.

INSTRUCTION NO. \_\_\_\_\_

Battery With a Deadly Weapon means any willful and unlawful use of force or violence upon the person of another with the use of a deadly weapon. Any harmful or offensive unconsented touching with the deadly weapon, however slight, constitutes sufficient force or violence upon the person of another.

INSTRUCTION NO. \_\_\_\_\_

A battery with a deadly weapon resulting in substantial bodily harm occurs when there is an unlawful touching committed with a deadly weapon that results in injury lasting longer than the immediate touching.

INSTRUCTION NO. \_\_\_\_\_

As used in these instructions, "substantial bodily harm" means:

1. Bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ; or
2. Prolonged physical pain, which is pain that lasts longer than the offensive touching.

INSTRUCTION NO. \_\_\_\_\_

"Deadly weapon" means any instrument which, if used in the ordinary manner contemplated by its design and construction, will or is likely to cause substantial bodily harm or death; any weapon, device, instrument, material or substance which, under the circumstances in which it is used, attempted to be used or threatened to be used, is readily capable of causing substantial bodily harm or death;

INSTRUCTION NO. \_\_\_\_\_

A person unlawfully attempts to use physical force against the person of another or intentionally places another person in reasonable apprehension of immediate bodily harm by or through the use of a deadly weapon is guilty of Assault With a Deadly Weapon.

To constitute an assault, it is not necessary that any actual injury be inflicted.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**November 14, 2018**

---

C-18-336184-1      State of Nevada  
                                 vs  
                                 Sammie Nunn

---

**November 14, 2018    11:00 AM      Grand Jury Indictment**

**HEARD BY:**    Togliatti, Jennifer

**COURTROOM:**    RJC Courtroom 17A

**COURT CLERK:**    Kimberly Estala

**RECORDER:**    Renee Vincent

**REPORTER:**

**PARTIES**

**PRESENT:**      State of Nevada                      Plaintiff  
                         Thomson, Megan                      Attorney

**JOURNAL ENTRIES**

- Russell Walker, Grand Jury Foreperson, stated to the Court that at least twelve members had concurred in the return of the true bill during deliberation, but had been excused for presentation to the Court. State presented Grand Jury Case Number 18AGJ145X to the Court. COURT ORDERED, the Indictment may be filed and is assigned Case Number C-18-336184-1, Department XXX.

Based on representations made by Ms. Thompson regarding a companion case for Deft. COURT ORDERED, matter TRANSFERRED to Department IX. State requested a warrant, argued bail, and advised Deft is in custody. COURT ORDERED, NO BAIL INDICTMENT WARRANT ISSUED, and matter SET for Arraignment.

COURT FURTHER ORDERED, Exhibits 1, 1a, 2 and 3 to be lodged with the Clerk of the Court.

I.W. (CUSTODY (COC))

11/20/18 9:00 A.M. INITIAL ARRAIGNMENT (DEPT IX)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**November 20, 2018**

---

C-18-336184-1      State of Nevada  
                                 vs  
                                 Sammie Nunn

---

**November 20, 2018      9:00 AM      All Pending Motions**

**HEARD BY:**    Togliatti, Jennifer

**COURTROOM:**    RJC Courtroom 10C

**COURT CLERK:**    Athena Trujillo

**RECORDER:**    Yvette G. Sison

**REPORTER:**

**PARTIES**

**PRESENT:**      Goldstein, Anthony    M.      Attorney  
                                 State of Nevada      Plaintiff  
                                 Thomson, Megan      Attorney

**JOURNAL ENTRIES**

- INDICTMENT WARRANT RETURN ... INITIAL ARRAIGNMENT

Defendant not present.

State noted the Defendant refused transport and the case is actually Mr. Goldstein's. COURT ORDERED, matter CONTINUED.

CUSTODY

CONTINUED TO: 11/29/18 9:00 AM

CLERK'S NOTE: Mr. Goldstein notified of continuance date via e-mail 11/20/18. - amt

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**November 29, 2018**

---

C-18-336184-1      State of Nevada  
                                 vs  
                                 Sammie Nunn

---

**November 29, 2018      9:00 AM      All Pending Motions**

**HEARD BY:** Togliatti, Jennifer

**COURTROOM:** RJC Courtroom 10C

**COURT CLERK:** Athena Trujillo

**RECORDER:** Yvette G. Sison

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Albritton, Alicia A.	Attorney
	Goldstein, Anthony M.	Attorney
	Nunn, Sammie	Defendant
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Mr. Goldstein advised this case included the event in C334308 and advised that case will be dismissed. Further, Mr. Goldstein requested arraignment be continued so that he may address competency concerns before the Defendant is arraigned. COURT ORDERED, C336184 CONTINUED and C334308 DISMISSED.

CUSTODY

CONTINUED TO: 12/13/18 9:00 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**December 13, 2018**

---

C-18-336184-1      State of Nevada  
                                 vs  
                                 Sammie Nunn

---

**December 13, 2018      9:00 AM      All Pending Motions**

**HEARD BY:**    Togliatti, Jennifer

**COURTROOM:**    RJC Courtroom 10C

**COURT CLERK:**    Athena Trujillo

**RECORDER:**    Yvette G. Sison

**REPORTER:**

**PARTIES**

**PRESENT:**      Goldstein, Anthony    M.      Attorney  
                                 Nunn, Sammie                      Defendant  
                                 Rose, Laura Jean                  Attorney  
                                 State of Nevada                  Plaintiff

**JOURNAL ENTRIES**

- INDICTMENT WARRANT RETURN ... INITIAL ARRAIGNMENT

COURT ORDERED, matter REFERRED to Competency Court.

CUSTODY (COC)

1/4/19 9:00 AM FURTHER PROCEEDINGS: COMPETENCY



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**January 18, 2019**

---

C-18-336184-1      State of Nevada  
                                 vs  
                                 Sammie Nunn

---

**January 18, 2019      10:00 AM      Further Proceedings:  
Competency**

**HEARD BY:** Bell, Linda Marie

**COURTROOM:** RJC Courtroom 10C

**COURT CLERK:** Kimberly Estala

**RECORDER:** Renee Vincent

**REPORTER:**

**PARTIES**

**PRESENT:**      Goldstein, Anthony M.      Attorney  
                                 Nunn, Sammie      Defendant  
                                 O'Brien, Glen      Attorney  
                                 State of Nevada      Plaintiff

**JOURNAL ENTRIES**

- Appearances Continued: Denise Baker of the Specialty Courts also present.

Court NOTED Drs. Colosimo and Krelstein indicate not competent; therefore, pursuant to the doctors' reports and the Dusky Standard, FINDS Defendant NOT COMPETENT as he is not capable of understanding the charges against his and is unable to assist counsel in his defense. Pursuant to NRS 178.425, COURT ORDERED, Defendant is REMANDED to the custody of the Administrator of the Division of Mental Health Development Services for the Department of Human Resources for detention and treatment at a secure facility operated by that Division. Once competency has been established, Defendant will be returned to this court for findings and referred back to the originating department for further proceedings.

CUSTODY (L.C.)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**March 22, 2019**

---

C-18-336184-1      State of Nevada  
                                 vs  
                                 Sammie Nunn

---

**March 22, 2019      10:00 AM      Further Proceedings:  
Competency-Return From  
Stein**

**HEARD BY:** Leavitt, Michelle

**COURTROOM:** RJC Courtroom 10C

**COURT CLERK:** Kimberly Estala

**RECORDER:** Renee Vincent

**REPORTER:**

**PARTIES**

**PRESENT:**      Goldstein, Anthony M.      Attorney  
                         O'Brien, Glen      Attorney  
                         State of Nevada      Plaintiff

**JOURNAL ENTRIES**

- Also present: Denise Baker of the Specialty Courts. Defendant not present.

Ms. Romney requested a CONTINUANCE. COURT SO ORDERED.

CUSTODY (R.N.)

CONTINUED TO: 04/12/19 10:00 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**April 12, 2019**

---

C-18-336184-1      State of Nevada  
                                 vs  
                                 Sammie Nunn

---

**April 12, 2019      10:00 AM      Further Proceedings:  
Competency**

**HEARD BY:** Bell, Linda Marie

**COURTROOM:** RJC Courtroom 10C

**COURT CLERK:** Kimberly Estala

**RECORDER:** Renee Vincent

**REPORTER:**

**PARTIES**

**PRESENT:**      Goldstein, Anthony M.      Attorney  
                                 Nunn, Sammie      Defendant  
                                 O'Brien, Glen      Attorney  
                                 State of Nevada      Plaintiff

**JOURNAL ENTRIES**

- APPEARANCES CONTINUED: Denise Baker of the Specialty Courts also present.

There being no challenge by Defense Counsel, COURT FINDS Defendant COMPETENT pursuant to the Dusky Standard as Defendant is capable of understanding the nature of the charges against him and is able to assist counsel in his defense and ORDERED, pursuant to 178.420, matter TRANSFERRED back to the originating court for further proceedings. .

CUSTODY

04/16/19 9:00 AM FURTHER PROCEEDINGS: RETURN FROM COMPETENCY COURT (DEPT XVIII)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**April 16, 2019**

---

C-18-336184-1      State of Nevada  
                                 vs  
                                 Sammie Nunn

---

**April 16, 2019      9:00 AM      Further Proceedings:  
Return from Competency  
Court**

**HEARD BY:**    Holthus, Mary Kay

**COURTROOM:**    RJC Courtroom 03F

**COURT CLERK:**  
                          Dara Yorke

**RECORDER:**    Yvette G. Sison

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Goldstein, Anthony M.	Attorney
	Lacher, Ashley A.	Attorney
	Nunn, Sammie	Defendant
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Statements by Mr. Goldstein. DEFENDANT ARRAIGNED, PLED NOT GUILTY AND INVOKED the SIXTY (60) DAY RULE. COURT ORDERED, trial date SET.

CUSTODY

6/11/19 9:00 AM CALENDAR CALL

6/17/19 1:00 PM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**May 14, 2019**

---

C-18-336184-1      State of Nevada  
                                 vs  
                                 Sammie Nunn

---

**May 14, 2019                      9:00 AM                      Motion**

**HEARD BY:**   Holthus, Mary Kay

**COURTROOM:**   RJC Courtroom 03F

**COURT CLERK:**   Dara Yorke

**RECORDER:**   Yvette G. Sison

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Albritton, Alicia A.	Attorney
	Goldstein, Anthony M.	Attorney
	Nunn, Sammie	Defendant
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Upon Court's inquiry, Mr. Goldstein noted this was Deft.'s second Motion in the instant matter. Mr. Goldstein further noted he visited with Deft. many times as well as visited alleged crime scene; therefore, he doesn't understand the reason for the Motion. Further statements by Mr. Goldstein. Court advised the Deft. he had an excellent attorney assigned to him and Court didn't see anything in Motion indicating otherwise; additionally, it didn't see where the complaints were coming from. Deft. indicated there was evidence that he didn't do the crime; however, Mr. Goldstein stated it didn't exist. Statements by Mr. Goldstein indicating there was a transcript. Deft. noted Mr. Goldstein didn't bring transcript into evidence. Court informed Deft. it was not the time to bring in evidence until trial. Following colloquy, Court advised it didn't see grounds to dismiss counsel; therefore, Deft. could retain his own counsel or Deft. proceed on his own. Deft. noted he would represent himself. COURT DIRECTED Deft. to think about it, and ask around; further, Deft. needed to be certain before Faretta Canvass. COURT ORDERED, matter CONTINUED.

**CUSTODY**

PRINT DATE:    11/15/2021

Page 9 of 40

Minutes Date:    November 14, 2018

**C-18-336184-1**

5/23/19 9:00 AM CONTINUED: MOTION TO DISMISS

PRINT DATE: 11/15/2021

Page 10 of 40

Minutes Date: November 14, 2018

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**May 23, 2019**

---

C-18-336184-1      State of Nevada  
                                 vs  
                                 Sammie Nunn

---

**May 23, 2019                      9:00 AM                      Motion**

**HEARD BY:**   Holthus, Mary Kay

**COURTROOM:**   RJC Courtroom 03F

**COURT CLERK:**   Dara Yorke

**RECORDER:**   Michelle Ramsey  
                         Yvette G. Sison

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Goldstein, Anthony M.	Attorney
	Nunn, Sammie	Defendant
	State of Nevada	Plaintiff
	Thomson, Megan	Attorney

**JOURNAL ENTRIES**

- Mr. Goldstein indicated matter was on for faretti canvass and the State has given an offer which the Deft. rejected that offer and wants to go through with Faretta Canvass. Court noted if that is what Deft. wants to do. Deft. noted that was what he was being forced to do. Court advised Deft. that he had good counsel. Deft. inquired if had right to receive evidence; indicating he didn't have discovery and had counsel for eight months. Mr. Goldstein indicated he sent discovery to Deft. Court noted Deft.'s Motion didn't indicate a reason to dismiss counsel; advised counsel that matter would be set for status check discovery. Statements by Deft. Colloquy between parties regarding Ms. Thomson already modifying deal. CONFERENCE AT BENCH. Court advised Mr. Goldstein to find housing for Deft. MATTER TRAILED.

MATTER RECALLED. Upon Court's inquiry, Mr. Goldstein noted he would go over the Pre-Sentence Investigation (PSI) report with Deft. and see if he would accept deal. COURT ORDERED, Motion to Dismiss Counsel was hereby DENIED, and matter SET for status check for possible negotiations or possible sentencing.

PRINT DATE:    11/15/2021

Page 11 of 40

Minutes Date:    November 14, 2018

**C-18-336184-1**

6/6/19 9:00 AM STATUS CHECK: NEGOTIATIONS/ SENTENCING

PRINT DATE: 11/15/2021

Page 12 of 40

Minutes Date: November 14, 2018



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

<b>Felony/Gross Misdemeanor</b>	<b>COURT MINUTES</b>	<b>June 06, 2019</b>
---------------------------------	----------------------	----------------------

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C-18-336184-1	State of Nevada vs Sammie Nunn
---------------	--------------------------------------

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June 06, 2019	9:00 AM	Status Check
---------------	---------	--------------

HEARD BY: Holthus, Mary Kay	COURTROOM: RJC Courtroom 03F
-----------------------------	------------------------------

COURT CLERK: Dara Yorke

RECORDER: Yvette G. Sison

REPORTER:

**PARTIES**

PRESENT: Goldstein, Anthony M.	Attorney
Nunn, Sammie	Defendant
State of Nevada	Plaintiff
Thomson, Megan	Attorney

**JOURNAL ENTRIES**

- NEGOTIATIONS are as contained in the Guilty Plea Agreement FILED IN OPEN COURT. DEFENDANT NUNN ARRAIGNED AND PLED GUILTY to BATTERY WITH USE OF A DEADLY WEAPON (F). Court ACCEPTED plea, and Court agreed to use the Pre-sentence Investigation (PSI) Report from C334308. Mr. Goldstein requested Deft. be sentenced at the current hearing. CONFERENCE AT BENCH. Ms. Thomson advised she had no opposition to probation. CONFERENCE AT BENCH. MATTER TRAILED.

MATTER RECALLED. CONFERENCE AT BENCH. Following colloquy, COURT ORDERED, trial VACATED and sentencing be CONTINUED.

CUSTODY

6/11/19 9:00 AM CONTINUED: SENTENCING

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****June 11, 2019**

C-18-336184-1      State of Nevada  
                                 vs  
                                 Sammie Nunn

**June 11, 2019                      9:00 AM                      Sentencing**

**HEARD BY:** Holthus, Mary Kay**COURTROOM:** RJC Courtroom 03F**COURT CLERK:** Dara Yorke**RECORDER:** Yvette G. Sison**REPORTER:****PARTIES**

<b>PRESENT:</b>	Goldstein, Anthony M.	Attorney
	Nunn, Sammie	Defendant
	Rose, Laura Jean	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Upon Court's inquiry, Mr. Goldstein requested that the Court grant probation; additionally, Mr. Goldstein had been in contact with Deft.'s mom and she stated she made accommodations at a halfway house. Colloquy between parties and a representative from the One Day at a Time program halfway house. By virtue of Defendant's plea of guilty and by Order of the Court, DEFT NUNN ADJUDGED GUILTY of BATTERY WITH USE OF A DEADLY WEAPON (F). Statements by Ms. Rose and Mr. Goldstein. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, \$3.00 DNA Collection fee, the \$150.00 DNA Analysis Fee, including testing to determine genetic markers, and to pay RESTITUTION, Deft. SENTENCED to a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS and a MINIMUM of FORTY-EIGHT (48) MONTHS in the Nevada Department of Corrections (NDC); SUSPENDED; placed on PROBATION for an indeterminate period not to exceed FIVE (5) YEARS. COURT FURTHER ORDERED, Deft. to be placed on House arrest.

**STANDARD CONDITIONS:**

1. Reporting: You are to report in person to the Division of Parole and Probation (P&P) as instructed

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Minutes Date: November 14, 2018

by the Division or its agent. You are required to submit a written report each month on forms supplied by the Division. This report shall be true and correct in all respects.

2. Residence: You shall not change your place of residence without first obtaining permission from P&P, in each instance.

3. Intoxicants: You shall not consume any alcoholic beverages whatsoever. Upon order of P&P or its agent, you shall submit to a medically recognized test for blood/breath alcohol content. Test results of .08 blood alcohol content or higher shall be sufficient proof of excess.

4. Controlled Substances: You shall not use, purchase or possess any illegal drugs, or any prescription drugs, unless first prescribed by a licensed medical professional. You shall immediately notify P&P of any prescription received. You shall submit to drug testing as required by the Division or its agent.

5. Weapons: You shall not possess, have access to, or have under your control, any type of weapon.

6. Search: You shall submit your person, property (including cellular phones and / or computers), place of residence, vehicle or areas under your control to search at any time, with or without a search warrant or warrant of arrest, for evidence of a crime or violation of probation by P&P or its agent.

7. Associates: You must have prior approval by P&P to associate with any person convicted of a felony, or any person on probation or parole supervision. You shall not have any contact with persons confined in a correctional institution unless specific written permission has been granted by the Division and the correctional institution.

8. Directives and Conduct: You shall follow the directives of P&P and your conduct shall justify the opportunity granted to you by this community supervision.

9. Laws: You shall comply with all municipal, county, state, and federal laws and ordinances.

10. Out-of-State Travel: You shall not leave the state without first obtaining written permission from P&P.

11. Employment/Program: You shall seek and maintain legal employment, or maintain a program approved by P&P and not change such employment or program without first obtaining permission. All terminations of employment or program shall be immediately reported to the Division.

12. Financial Obligation: You shall pay fees, fines, and restitution on a schedule approved by P&P. Any excess monies paid will be applied to any other outstanding fees, fines, and/or restitution, even if it is discovered after your discharge.

#### SPECIAL CONDITIONS:

1. Deft. shall submit digital storage media or any digital storage media that you have access or use, including computers, handheld communication devices and any network applications associated with those devices, including social media and remote storage services to a search and shall provide all passwords, unlock codes and account information associated with those items, with or without a search warrant, by the Division of Parole and Probation or its agent.

2. Deft. to only be released to Parole and Probation and transported to One Day at a Time Program.

3. Deft. to remain on House Arrest until interstate compact to California to live with his mother.

4. Complete mental health evaluation.

5. Consume any medication required.

6. Abide by any curfew imposed.

7. Maintain full-time employment, schooling or 16 hours community service a month.

8. No contact with victim.

9. Deft. to pay RESTITUTION in the amount of \$22,042.00 to Prince Alidu.

MATTER RECALLED. Colloquy between parties regarding Deft. behavior post sentencing in the Courtroom. Mr. Goldstein informed the Court he explained to the Deft. that probation was a privilege.

BOND, if any, EXONERATED.

O.R./H.A.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**July 23, 2019**

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C-18-336184-1      State of Nevada  
                                 vs  
                                 Sammie Nunn

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**July 23, 2019                      9:00 AM                      Revocation of Probation**

**HEARD BY:**   Holthus, Mary Kay

**COURTROOM:**   RJC Courtroom 03F

**COURT CLERK:**   Dara Yorke

**RECORDER:**   Yvette G. Sison

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Goldstein, Anthony M.	Attorney
	Nunn, Sammie	Defendant
	State of Nevada	Plaintiff
	Thomson, Megan	Attorney

**JOURNAL ENTRIES**

- Officer A. Marquez present on behalf of Parole and Probation (P&P).

Upon Court's inquiry, Mr. Goldstein indicated no offer had been made; therefore, they would be stipulating and arguing for reinstatement. Further, Mr. Goldstein advised the Court, Deft. filed a Motion to Dismiss counsel and Motion to Dismiss Previous Decision to Dismiss Attorney, and filed Motion to Appeal. Arguments by Ms. Thomson regarding Deft.'s pre-sentence investigation (PSI) report. Ms. Thomson advised the Court they should address Deft.'s basis for another attorney. Mr. Goldstein indicated he was prepared to go forward; however, the State wanted to address counsel. Court inquired if Deft. still wanted to proceed with removing Mr. Goldstein from the case; which, Deft. concurred. Court noted it would need a copy of the PSI and to look over it; therefore, COURT ORDERED, matter CONTINUED.

CUSTODY

8/6/19 9:00 AM CONTINUED: REVOCATION OF PROBATION

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**August 06, 2019**

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C-18-336184-1      State of Nevada  
                                 vs  
                                 Sammie Nunn

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**August 06, 2019      9:00 AM      All Pending Motions**

**HEARD BY:** Holthus, Mary Kay

**COURTROOM:** RJC Courtroom 03F

**COURT CLERK:** Dara Yorke

**RECORDER:** Yvette G. Sison

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Goldstein, Anthony M.	Attorney
	Lexis, Chad N.	Attorney
	Nunn, Sammie	Defendant
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- MOTION TO DISMISS COUNSEL AND APPOINT ALTERNATE COUNSEL...STATUS CHECK:  
RESET REVOCATION OF PROBATION

CONFERENCE AT BENCH. Upon Court's inquiry, Deft. indicated there were things Mr. Goldstein was supposed to do which he didn't fulfil. Statements by Mr. Goldstein advising he spoke with witness. Deft. indicated he didn't want to take the deal and Mr. Goldstein told Deft. he wasn't going to use witness; therefore, Deft. was requesting an evidentiary hearing. Following colloquy, Court noted the only thing in front of the Court was Motion to Dismiss Counsel, which there was no basis to appoint alternative counsel; however, Deft. was free to represent himself. Deft. noted he would represent himself. Mr. Goldstein reminded the Court he was appointed with the Second Guilty Plea Agreement the Deft. pled guilty to. Statements by Deft. informing the Court he was coerced. Court noted there weren't any pending Motions. Following colloquy, Mr. Goldstein indicated there wasn't any legal grounds to file a Motion to Withdraw Plea, Deft. was aware of what he was signing. Deft. states there was conflict of interest. Court noted Mr. Goldstein stated he doesn't find a legal basis for Motion. Deft. noted there was new evidence of the victim confessing which was in his phone and on

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Facebook. Mr. Goldstein noted that was the first he had heard of it. Court noted it would sign Order to release phone to Mr. Goldstein. Court advised after Mr. Goldstein gets phone and reviews to see if there was anything on the phone it would be brought back to Court, if there isn't anything, the Revocation Hearing would be set. Further, if Deft. wanted to still represent himself the Court would do a Faretta Canvass. Mr. Goldstein advised he would go and visit Deft. and get Order signed. COURT ORDERED, matter CONTINUED.

CUSTODY

8/20/19 9:00 AM CONTINUED: MOTION TO DISMISS COUNSEL AND APPOINT ALTERNATE COUNSEL...STATUS CHECK: RESET REVOCATION OF PROBATION



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**August 20, 2019**

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C-18-336184-1      State of Nevada  
                                 vs  
                                 Sammie Nunn

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**August 20, 2019      9:00 AM      All Pending Motions**

**HEARD BY:** Holthus, Mary Kay

**COURTROOM:** RJC Courtroom 03F

**COURT CLERK:** Dara Yorke

**RECORDER:** Yvette G. Sison

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Goldstein, Anthony M.	Attorney
	Nunn, Sammie	Defendant
	State of Nevada	Plaintiff
	Thomson, Megan	Attorney

**JOURNAL ENTRIES**

- MOTION TO DISMISS COUNSEL AND APPOINT ALTERNATIVE COUNSEL...STATUS CHECK:  
RESET REVOCATION OF PROBATION

Upon Court's inquiry, Mr. Goldstein indicated he did look at Deft.'s phone and reviewed evidence on there as well. Statements by Deft. Court noted Mr. Goldstein was already aware of information given and advised Deft. he had already pled guilty; therefore, revocation would be reset. Deft. advised he and his attorney were having a conflict of interest and indicated he wanted to withdraw his guilty plea. Colloquy between parties. CONFERENCE AT BENCH. COURT ORDERED, Motion to Dismiss Counsel and Appoint Alternative Counsel was hereby GRANTED, with the understanding that Ms. Border was APPOINTED as counsel for the limited purpose to see if there were grounds for Deft. to withdraw his Guilty Plea Agreement. Additionally, Mr. Goldstein would be back on the instant case following that. Mr. Goldstein indicated he would give Deft.'s phone to Ms. Border along with discovery. COURT FURTHER ORDERED, matter CONTINUED for appointment of counsel.

CUSTODY

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**C-18-336184-1**

9/5/19 9:00 AM STATUS CHECK: MOTION TO WITHDRAW GUILTY PLEA AGREEMENT

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**September 05, 2019**

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C-18-336184-1      State of Nevada  
                                 vs  
                                 Sammie Nunn

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**September 05, 2019    9:00 AM      Status Check**

**HEARD BY:**   Holthus, Mary Kay

**COURTROOM:**   RJC Courtroom 03F

**COURT CLERK:**   Dara Yorke

**RECORDER:**    Yvette G. Sison

**REPORTER:**

**PARTIES**

**PRESENT:**

Border, Marisa  
Lacher, Ashley A.  
Nunn, Sammie  
State of Nevada

Attorney  
Attorney  
Defendant  
Plaintiff

**JOURNAL ENTRIES**

- Upon Court's inquiry, Ms. Border indicated she reviewed discovery and spoke with Mr. Goldstein; additionally, she noted she had the phone in possession, but needed to go through it. Further, Ms. Border advised there was another witness to speak with. Following colloquy, Ms. Border requested matter be continued for a week to check on basis to withdraw guilty plea agreement. COURT ORDERED, matter CONTINUED.

**CUSTODY**

9/12/19 9:00 AM CONTINUED: STATUS CHECK: MOTION TO WITHDRAW GUILTY PLEA AGREEMENT

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**September 12, 2019**

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C-18-336184-1      State of Nevada  
                                         vs  
                                         Sammie Nunn

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**September 12, 2019    9:00 AM      Status Check**

**HEARD BY:**   Holthus, Mary Kay

**COURTROOM:**   RJC Courtroom 03F

**COURT CLERK:**   Dara Yorke

**RECORDER:**    Yvette G. Sison

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Nunn, Sammie	Defendant
	State of Nevada	Plaintiff
	Wong, Hetty O.	Attorney

**JOURNAL ENTRIES**

- Daniel Gilliam, Esq. present on behalf of Marisa Border, Esq. for Deft.

Mr. Gilliam indicated a briefing schedule needed to be set. Court explained to Deft. what the briefing schedule entailed, noting Ms. Border must see some type of grounds to withdraw the guilty plea. COURT ORDERED, the following Briefing Schedule: Ms. Border to file Motion by October 10, 2019, State to file Response by October 24, 2019, Ms. Border to file Reply by October 31, 2019, and matter CONTINUED for Hearing. Court noted if Motion was denied at that time, a sentencing date would be set.

CUSTODY

11/5/19 9:00 AM HEARING- MOTION TO WITHDRAW GUILTY PLEA

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**November 05, 2019**

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C-18-336184-1      State of Nevada  
                                 vs  
                                 Sammie Nunn

---

**November 05, 2019      9:00 AM      Hearing**

**HEARD BY:**   Holthus, Mary Kay

**COURTROOM:**   RJC Courtroom 03F

**COURT CLERK:**   Dara Yorke

**RECORDER:**   Yvette G. Sison

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Border, Marisa	Attorney
	Jones, Jr., John T.	Attorney
	Nunn, Sammie	Defendant
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Arguments by counsel regarding the merits of the motion. COURT ORDERED, motion DENIED based on the State's opposition; Plaintiff to prepare the Order. COURT FURTHER ORDERED, Revocation of Probation SET.

CUSTODY

11/14/19 9:00 AM REVOCATION OF PROBATION

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**November 14, 2019**

---

C-18-336184-1      State of Nevada  
                                         vs  
                                         Sammie Nunn

---

**November 14, 2019      9:00 AM      Revocation of Probation**

**HEARD BY:**   Holthus, Mary Kay

**COURTROOM:**   RJC Courtroom 03F

**COURT CLERK:**   Dara Yorke

**RECORDER:**   Yvette G. Sison

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Goldstein, Anthony M.	Attorney
	Nunn, Sammie	Defendant
	State of Nevada	Plaintiff
	Thomson, Megan	Attorney

**JOURNAL ENTRIES**

- Officer A. Martinez present on behalf of Parole and Probation (P&P).

Upon Court's inquiry, Mr. Goldstein indicated there was no offer; therefore, they would be stipulating to the violation and arguing. Colloquy between parties regarding underlying sentence. CONFERENCE AT BENCH. DEFT. STIPULATED to being in violation of probation; Court ACCEPTED stipulation. Ms. Thomson agreed that the underlying sentence of four to ten years should be imposed. Arguments by Ms. Thomson. Statements by Deft. Mr. Goldstein requested that the underlying sentence be modified to a two to five year sentence. Following colloquy, Court FINDS that Deft. was in violation of probation and ORDERED, Deft. Nunn s PROBATION is REVOKED and a MODIFIED underlying sentence of a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS and a MINIMUM of THIRTY-SIX (36) MONTHS in the Nevada Department of Corrections (NDC) would be IMPOSED, with FIVE HUNDRED TEN (510) DAYS credit for time served.

NDC

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**November 26, 2019**

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C-18-336184-1      State of Nevada  
                                 vs  
                                 Sammie Nunn

---

**November 26, 2019      9:00 AM      Petition for Writ of Habeas  
Corpus**

**HEARD BY:**   Holthus, Mary Kay

**COURTROOM:**   RJC Courtroom 03F

**COURT CLERK:**   Dara Yorke

**RECORDER:**   Yvette G. Sison

**REPORTER:**

**PARTIES**

**PRESENT:**      Goldstein, Anthony   M.      Attorney  
                                 State of Nevada                      Plaintiff  
                                 Thomson, Megan                      Attorney

**JOURNAL ENTRIES**

- Deft. not present. Mr. Goldstein informed the Court Deft. refused to be transported. Further, Mr. Goldstein indicated Deft. filed Notice of Appeal on his own and Motion to Dismiss Counsel as well. Mr. Goldstein requested matter be continued to be heard on December 17, 2019 with Deft.'s other Motion. COURT SO ORDERED.

NDC

12/17/19 9:00 AM CONTINUED: DEFENDANT'S POST CONVICTION PETITION FOR WRIT OF HABEAS CORPUS

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**December 17, 2019**

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C-18-336184-1      State of Nevada  
                                         vs  
                                         Sammie Nunn

---

**December 17, 2019      9:00 AM      All Pending Motions**

**HEARD BY:**   Holthus, Mary Kay

**COURTROOM:**   RJC Courtroom 03F

**COURT CLERK:**   Dara Yorke

**RECORDER:**   Yvette G. Sison

**REPORTER:**

**PARTIES**

**PRESENT:**      Goldstein, Anthony   M.      Attorney  
                                 Jones, Jr., John   T.      Attorney  
                                 State of Nevada      Plaintiff

**JOURNAL ENTRIES**

- DEFENDANT'S POST CONVICTION PETITION FOR WRIT OF HABEAS CORPUS...MOTION TO WITHDRAW COUNSEL AND MOTION TO APPOINT APPELLANT COUNSEL

Deft. not present. Mr. Goldstein indicated there was an Order to Transport and Deft. should have been present. Mr. Jones noted the instant matter was on for post conviction; however, that Petition was argued at a previous hearing and set for revocation on November 14, 2019; COURT ORDERED, Defendant's Post Conviction Petition for Writ of Habeas Corpus was previously ruled on, and DENIED on November 5, 2019. CONFERENCE AT BENCH. Following colloquy, COURT FURTHER ORDERED, Motion to Withdraw Counsel and Motion to Appoint Appellant Counsel be CONTINUED for 30 days. COURT DIRECTED, the State to prepare a Transport Order. Colloquy between parties. Court noted it would give Deft. one more chance to be present; however, if Deft. was not present at the next hearing, Court would request that transport be, by any means necessary.

NDC

1/14/20 9:00 AM CONTINUED: MOTION TO WITHDRAW COUNSEL AND MOTION TO

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**C-18-336184-1**

APPOINT APPELLANT COUNSEL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**January 14, 2020**

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C-18-336184-1      State of Nevada  
                                 vs  
                                 Sammie Nunn

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**January 14, 2020      9:00 AM      Motion**

**HEARD BY:** Holthus, Mary Kay

**COURTROOM:** RJC Courtroom 03F

**COURT CLERK:** Dara Yorke

**RECORDER:** Yvette G. Sison

**REPORTER:**

**PARTIES**

**PRESENT:**      Goldstein, Anthony M.      Attorney  
                         Goodman, Laura      Attorney  
                         Nunn, Sammie      Defendant  
                         State of Nevada      Plaintiff

**JOURNAL ENTRIES**

- Statements by Mr. Goldstein. Mr. Goldstein stated Deft. would be requesting for alternate counsel to be appointed, if not, he would like to represent himself for appeal. Upon Court's inquiry, Ms. Goodman indicated the State's position was that appeal had already been filed. COURT ORDERED, Motion to Withdraw Counsel and Motion to Appoint Appellant Counsel was hereby GRANTED IN PART/ DENIED IN PART. Court noted Motion was granted to the extent of withdrawing Mr. Goldstein; however, denied as to appointing new appellant counsel due to appeal already being filed.

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**February 18, 2020**

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C-18-336184-1      State of Nevada  
                                         vs  
                                         Sammie Nunn

---

**February 18, 2020      9:00 AM      All Pending Motions**

**HEARD BY:**   Holthus, Mary Kay

**COURTROOM:**   RJC Courtroom 03F

**COURT CLERK:**   Dara Yorke

**RECORDER:**   Yvette G. Sison

**REPORTER:**

**PARTIES**

**PRESENT:**      Jackson, Terrence   Michael      Attorney  
                                 Jones, Jr., John T.      Attorney  
                                 State of Nevada      Plaintiff

**JOURNAL ENTRIES**

- Anthony Goldstein, Esq. present as previous counsel.

Order Appointing Counsel FILED IN OPEN COURT.

Deft. not present. Court noted Drew Christensen sent Mr. Jackson over to be appointed. Mr. Jackson concurred, indicating he was willing to accept the appellant appointment. Colloquy between parties requesting transcripts. Statements by Mr. Goldstein. Upon Court's inquiry, Mr. Jackson noted he was only appointed to handle the appeal. Following colloquy, COURT ORDERED, Motion to Appoint Appellant Counsel was hereby GRANTED and Motion for Production of Transcript was hereby DENIED, due to Deft. now having counsel. Mr. Jones to prepare the Orders.

NDC

3/12/20 9:00 AM PETITION FOR WRIT OF HABEAS CORPUS

**PLEADING  
CONTINUES  
IN NEXT  
VOLUME**