

IN THE SUPREME COURT OF THE STATE OF NEVADA

TONY ANTHONY WHITE,
Appellant(s),

vs.

THE STATE OF NEVADA,
Respondent(s),

Electronically Filed
May 27 2021 04:17 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Case No: A-20-824261-W

Docket No: 82889

RECORD ON APPEAL VOLUME 2

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1 that? Is it because you have a fraud lab in your house?

2 A I was just scared.

3 Q Scared of what? They're -- they're putting you at gunpoint.

4 What --

5 A I wasn't there. I wasn't there --

6 Q Well, initially, you were there. You said they --

7 A No. But I thought -- I thought they were all bullshitting and
8 shit. I thought those people -- it was just all weird. So, I kicked everybody out
9 and then told Marlene to, like, just lock the door. You know?

10 Q All right. Okay.

11 Jason, do you have any enemies, other than these bail bondsmen
12 people?

13 A No.

14 Q Are you sure?

15 A Yes.

16 Q Okay. What about your co-defendant in your burglary case?

17 A He's okay.

18 Q He's okay?

19 A I mean, it was all him. And, like, he -- he's already almost
20 out, and everything's already almost --

21 Q Did you testify against him?

22 A No.

23 Q Okay. Did you give any information to police about him?

24 It's okay. You can tell me. You know, I'm trying to help you here. You don't have

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1 for them. They can't walk up and point guns at you and force you to go make
2 arrests for them, or aid in the arrest of an absconder. They can't do that.

3 A Well, they did.

4 Q I know they did. That's why I'm asking, are you willing to
5 press charges against that?

6 A Yeah.

7 Q Okay. Cause I would love nothing more than to -- you
8 know, if people point guns at you, I mean, that's not right. You don't have any
9 warrants right now other than the one out of California. So -- which tells me that
10 you're paid up with your bail bondsman.

11 A I'm paid off.

12 Q Okay.

13 A I paid off that right away.

14 Q What day was that, that they came over? Do you know?
15 Was it last week? Was it two weeks?

16 A It was, like, a week. It was, like, a week and -- and two
17 days, because it was, like, a Monday.

18 Q So, the 11th?

19 A Yeah.

20 Q Yeah?

21 A It was, like -- it was -- it was a Monday.

22 Q What kind of cars were they driving when they came over
23 the first time?

24 A BMWs.

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1 A I don't know. I don't know. Because I work. I don't know.
2 Like - -
3 Q You don't work right now.
4 A Yes, I do.
5 Q Where?
6 A I sell timeshares.
7 Q You do? You sure?
8 A Yes.
9 Q For who?
10 A The Grandview Las Vegas, right next to the South Point.
11 Q You didn't lose that job?
12 A I lost it and then I got it back.
13 Q Okay. So, the bail bondsmen people think that you have a lot
14 of money.
15 A I mean, because the bond was, like, very high and - - and - -
16 and we was able to - - to resource it with her parents and they - - like, they were
17 paid cash for - - not cash for the whole bond, but, you know, for whatever
18 percentage there was. And - -
19 Q How much was your bail?
20 A It was, like, \$68,000. And so, we had to come up with, like,
21 11 or something. But to them, that's, like, a high - - you know, they think that, you
22 know, I'm, like, doing real big or something. And - - they - - they - - cause they
23 come over and they - - and then they were asking - - the first time, where - - where
24 is the vault at? Where is the safe at? And - - and - - and - - and I don't have one. 139

1 Q Okay. They asked where the vault was?

2 A Well, they -- the -- the people that were there the first time
3 that they did this. I know it was them cause they came -- they acted like cops the
4 first time. And I should have reported it. But, I mean --

5 Q My only concern is usually people won't victimize you like
6 this, to the point where they're that brazen, unless they feel like they have
7 something over top of you.

8 A No.

9 Q And that's what I'm trying to get at, just so --

10 A It was because I would not cooperate. I was trying to escape,
11 and I was trying to --

12 Q Yeah, but they've come twice to try to rob you and point guns
13 at you.

14 A But the first time, I didn't -- you know, that was under them
15 being bail bondsmen. These dudes, I knew, was fraudulent, because I knew they
16 were fake. I knew it.

17 Q Yeah.

18 A I even grabbed the gun and, like, pointed it away from my
19 face. And, like, he was like, Oh, Sarg. He grabbed my gun, you know.

20 Q Who was acting as a sergeant? The tall --

21 A The tall, black guy.

22 Q The tall, black guy?

23 A And -- and then he was like, Well, let's put him in the car.

24 Oh, yeah. He's going away for a long time. Let -- let's go ahead, lock him up.

1 try to get -- get a resolution. Okay?

2 You need to do your part, though. And if there's something else, you
3 need to get a hold of me. Cause I know your wife was not truthful to me. And I --
4 I'm hoping that you're gonna take the high road and --

5 A She's scared that they're gonna come back or something.

6 Q No. She was scared that -- of your fraud lab in the house, is
7 what it was. So, she, basically, allowed you to be beaten like this and not talk to
8 the cops because she was afraid cause you got some fraudulent stuff in your
9 house.

10 Pretty bogus, if you ask me. But anyways, that's neither here nor
11 there. So, give me a call.

12 This concludes the interview. It is 0436 hours.

13

14

15

16

17

18 I certify that the foregoing is a true and accurate transcript of the
19 electronic audio recording with a length of 00:38:26 from the interview in the
20 above-entitled matter.

21

22 Tedie Jackson, CCS Reporter

10-12-2016

23

24

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1 A They just immediately started telling him to get on the
2 ground.

3 Q Okay.

4 A He didn't listen, so they forced him to the ground. They just
5 started wrestling. And then the taller black man had a baton. It was the metal
6 baton. And he kept hitting my husband. That's when my husband was -- I was
7 screaming. He was yelling. And I was telling them to stop. And they were
8 telling my husband to stop resisting and that -- he wouldn't stop. And I was
9 crying and screaming because his blood -- he was bleeding so much. I've
10 never seen so much blood. It started when he -- when they were wrestling
11 around. I saw the blood. It started to puddle. It made a little puddle on the
12 ground. And I was telling the girl, I said, They are really hurting him. You need
13 to help him. He hasn't done anything. You need to help him.

14 And she said, Medical is on the way. So I was -- she was like,
15 You just need to stay calm. Medical is on the way.

16 So, my husband said, They're not cops. Or he said, They're
17 robbing us. Something to that nature. And when --

18 Q So, your husband said, They're robbing us?

19 A He had said that in the wrestle, when they were on -- they
20 had him. But they finally handcuffed him after they kept hitting him over, and
21 over, and over. And I was yelling at that time. And I think that's when somebody
22 called the cops because --

23 Q Okay. What's your husband's name?

24 A Jason. And his last name is different than my name.

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1 Q Okay. What is it?

2 A It's Cliff, C-H-H.

3 Q What's his date of birth?

4 A It's 10-29-77.

5 Q Okay. Does he have a Nevada driver's license?

6 A Yes.

7 Q Is he from here?

8 A No. We're -- we're not from here.

9 Q Where are you guys from?

10 A Well, ha, originally, is from Louisiana. Our fathers were
11 both in the service. We both moved around a lot. We both moved here from
12 Germany together about -- a little over 13 years ago. So --

13 Q Have you lived anywhere else other than here then, since
14 you came back from Germany?

15 A No. Other than Las Vegas?

16 Q Yeah.

17 A No.

18 Q Okay.

19 A So, the last 13 --

20 Q Well, now -- he has a warrant, though, right? There's
21 non-extraditable out of another state?

22 A Who? My husband?

23 Q Yeah.

24 A Um, he has a warrant out of Ca -- out of another state.

1 Q Um-hum.

2 A He is on bail right now.

3 Q For what?

4 A My husband is.

5 Q Yeah. For what?

6 A For -- he's going to court. It's, um, for theft.

7 Q Of what?

8 A Um, well, he's a co-defendant of a case. So, um, I think

9 that's what --

10 Q For what?

11 A For theft.

12 Q Of what?

13 A Of credit cards. Um, of, uh, um -- I -- I forgot what it -- the

14 end of the charge ended up being. But he's --

15 Q Okay. Are you involved in it?

16 A No, I'm not.

17 Q Okay.

18 A And -- but he's going to court.

19 Q I don't care about that.

20 A Oh, okay.

21 Q I could care less.

22 A Okay.

23 Q I'm just trying to get a history.

24 A He has an attorney.

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1. don't have guns?

2. A. Definitely don't have guns.

3. Q. Okay. Is there anything that you could think of that your

4. husband -- cause your husband's involved in some theft-related --

5. A. Right.

6. Q. -- type stuff. Is there something you think that they would

7. be coming here to take?

8. A. There's nothing here.

9. Q. Okay.

10. A. That's why I don't understand why would they come here.

11. Q. Right. Well, that's what we're trying to figure out.

12. A. I mean, I just don't understand this.

13. Q. Right.

14. A. Or who would ever even -- I just don't understand where

15. this comes from.

16. Q. I don't understand either.

17. A. Guns?

18. Q. Well --

19. A. Oh, my god.

20. Q. We're gonna try to figure this out.

21. A. I mean, where --

22. Q. What -- what have you been arrested for?

23. A. I have been arrested for -- um, it got pushed to theft. I

24. forgot. It was called grand -- or, I don't remember what --

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1 Q Grand larceny?

2 A Um, no, no, no. It was something else. It's because I
3 rented a car and it didn't get returned. And they called it -- I forgot what it's
4 called.

5 Q Embezzlement.

6 A Yes. That's what it was. And then it got dropped to grand
7 lar -- I mean, not grand larceny, theft. That's what I've been arrested for.

8 Q That's it?

9 A That's it.

10 Q Okay.

11 A And that happened in 2013. And I --

12 Q Okay. What -- what's your husband been arrested for?

13 A My husband has been arrested for drugs, I think.

14 Q Selling or using?

15 A No, just using. Having them on him.

16 Q What kind of drugs?

17 A Um, heroin. And he's been arrested for --

18 Q Theft.

19 A -- shoplifting. Yes.

20 Q And that's it?

21 A And that's it.

22 Q And he's on bail on a credit card charge?

23 A Correct. He, I believe, the case is almost gonna be done, I

24 believe.

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1 Q Is that in Henderson, or is that in Metro?

2 A It's here in Henderson.

3 Q Okay.

4 A Yeah. He just went -- his last court date was on the 13th.

5 He's been going to court for quite some time now.

6 Q Okay.

7 A Ever since, I think, it's been April.

8 Q Is he gonna get jail time out of this?

9 A Um, no.

10 Q Okay.

11 Is there anything else that you could think that, maybe, you're
12 holding back from me that -- that would help me investigate this case? Do you
13 have -- do you have a beef with anybody?

14 A No.

15 Q Does your husband have a beef with anybody?

16 A I mean, not really. I don't know who he knows or how --
17 like, how this would ever be. That's what I just don't understand. Like I said,
18 we're not the most social people. So, we don't hang out and we don't have --

19 Q Has he mentioned that anybody wants to hurt him?
20 Anybody wants to do anything?

21 A No.

22 Q Anybody's coming after him?

23 A No.

24 Q And his illicit credit card thefts and stuff like that, has he

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1 burned somebody?

2 A No.

3 Q Has he --

4 A Not never.

5 Q Who did he defraud when he did the credit card stuff? Was
6 it a store?

7 A No. It -- yes, I think. That's who -- well, he's the
8 co-defendant. So, the person that got -- well, they got arrested together. But
9 that's what the person did. In -- in the main part of the case, he went into a
10 store. But he never did this to anyone. And anything -- my husband hasn't, like
11 that I don't know of any -- unless there's people that I don't know about. I mean,
12 honestly, I'm trying to think of -- I've been putting this in my head. Like, where is
13 this -- why is this happening? Where is this coming from? Oh, my god.

14 I don't know what my husband -- I have no idea if he thinks, in his
15 head, he has enemies. But I know for a fact, me, personally, and our friends,
16 and people that we are friendly with, or --

17 Q His last name is Cliff?

18 A C-l-i-f-f, yes.

19 Q What's his first name again?

20 A Jason.

21 Q So, he's got an address of 7230 Las Vegas?

22 A Yes. We have insure addresses. I know we were
23 supposed to do it, but now you can't do it online. You have to, actually, put up a
24 TMB.

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DR #16-01201, K. WONG

1 STATE OF NEVADA)

DATE: 01-27-2016

2) SS: HENDERSON

3 COUNTY OF CLARK)

TIME: 1:25 p.m.

4

5

6 This recorded interview of KEVIN WONG did hereby take place at
7 the Henderson Detention Center, 18 E. Basic Road, Henderson, Nevada,
8 reference DR #16-01201.

9

10 Person present during this interview is KEVIN WONG. Persons
11 conducting the interview and tape recording are DETECTIVE RYAN ADAMS
12 and DETECTIVE ANTHONY NISWONGER of the Henderson Police
13 Department. Transcription of taped statement by Tedie Jackson, CCS Reporter,
14 Henderson City Clerk's Office.

15

16 DET. RYAN ADAMS: So, we're speaking with David Wong. It's
17 Wednesday, January 27th, 2016, at 1020 - -

18 KEVIN WONG: Kevin Wong.

19 DET. RYAN ADAMS: Kevin Wong. I'm sorry.

20 MR. WONG: Did I tell you my name was David?

21 DET. RYAN ADAMS: No. That's my fault.

22 It's 1:25 p.m.

23 So, you remember we talked about your rights. Do you still
24 remember?

25 A Yes.

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1 Q When I read you your rights.

2 A Miranda Rights, correct?

3 Q Yes.

4 A Yes.

5 Q Yep. All right. You remember that? You understand
6 them?

7 A For the most part, yes I do, sir.

8 Q Okay. Would you like -- he's an expert at reciting.

9 DET. ANTHONY NISWONGER: An expert?

10 DET. ADAMS: Would like to listen to him again?

11 DET. NISWONGER: Do you want to hear what your rights are,
12 again?

13 MR. WONG: Yes, sir. Please.

14 DET. NISWONGER: Okay. You have the right to remain silent.

15 Anything you say can and will be used against you in a court of law. You have
16 the right to an attorney. And if you can't afford an attorney, one will be appointed
17 to you by the courts at no cost to you. You have the right not to answer any
18 questions that we ask of you. And if you decide to answer questions, you have
19 the right to stop questioning at any time and request your attorney.

20 MR. WONG: Awesome.

21 DET. NISWONGER: Do you -- you understand all that?

22 MR. WONG: Yes, I do, Officer.

23 DET. NISWONGER: Okay. Perfect.

24 MR. WONG: I was told that my attorney is here to visit. Was that --

25 DET. NISWONGER: Who's your at -- attorney?

1 MR. WONG: (Incomprehensible) to my thoughts for a little bit.

2 That's what the PO just told me.

3 DET. ADAMS: No, no, no. Not your attorney. The detectives are
4 here to talk to you.

5 MR. WONG: I was like, Wow! I didn't know I had an attorney.

6 DET. ADAMS: No. Unless you've got something that you don't
7 know about, unless your folks hired one.

8 MR. WONG: (Incomprehensible.)

9 DET. ADAMS: So, your folks live here in town?

10 MR. WONG: No. My son is here in town.

11 Am I being recorded now?

12 DET. ADAMS: Yeah.

13 MR. WONG: Okay. My son does live here in town. He's with his
14 mother. They both live with his grandmother here in Henderson. Hidden Palms
15 Parkway.

16 My mother's in prison. She's in Chochella California Valley State
17 Prison for women. She's been there since - - she's almost three, like a full 20.

18 My real father, biological father, he moved from Hawaii to
19 Washington state now. He lives in Tacoma. He's in engineer's union as a
20 heavy crane operator, shop steward. Him and my brother, who was recently
21 here, Keahi (phonetic), younger than me - - I'm the oldest of six - - he's there
22 with my father currently. So, other than my son, none of my other blood relatives
23 live here.

24 DET. ADAMS: So, who was trying to get the - - the jeep out of
25 impound?

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1 MR. WONG: Probably the owner.

2 DET. NISWONGER: No. Somebody from your family.

3 DET. ADAMS: They said it was your -- they said they were your
4 folks. They were your parents.

5 MR. WONG: My parents?

6 DET. NISWONGER: Yeah. The jail called me over the weekend
7 saying your parents wanted to get the jeep out of impound.

8 MR. WONG: Did they get pictures of it?

9 DET. NISWONGER: Of what?

10 MR. WONG: Cause that'd be, kind of, funny. My father's in
11 Washington state, and my mother's in prison.

12 DET. NISWONGER: Yeah.

13 MR. WONG: Yeah. I don't think my father would leave
14 Washington state and his house. And my mother would be granted some --

15 DET. NISWONGER: Especially when it's not even your jeep.

16 DET. ADAMS: It's not your jeep, right?

17 MR. WONG: No.

18 DET. ADAMS: Okay. Well, you said, when we were walking
19 down here, what was your drug of choice? Was it heroin?

20 MR. WONG: Meth. Meth.

21 DET. ADAMS: Meth is your drug of choice? So, you got a little
22 dope sick. When I talked to you, you were a little paranoid and you weren't
23 feeling so good cause you're trying to come off the dope --

24 MR. WONG: Very. Yes.

25 DET. ADAMS: -- when we talked the first couple times. So --

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1 and you said you were, kind of, not so truthful and lying about a lot of things
2 when I had talked to you.

3 MR. WONG: Yeah.

4 DET. ADAMS: So, why don't we start from the beginning? And
5 why don't you tell us this story one more time about what, actually, happened
6 that night.

7 MR. WONG: All right. This is embarrassing. I was trying to get
8 away from the topic of me stealing a vehicle.

9 DET. ADAMS: What? I'm sorry.

10 MR. WONG: I was trying to get away from the topic of me stealing
11 a vehicle I wanted to use to support my drug habit of meth. Coincidentally, this
12 went on while I was doing it. And that's my fault for trying to steal a vehicle and
13 trying to be in the same place, or trying to steal something to support my drug
14 habit.

15 I had to speak with this family, and they mentioned that I should try
16 to ask for something called a drug court or drug rehab.

17 DET. NISWONGER: Yeah. I think the only way that's gonna
18 work, though, is if you are 100 percent truthful with us. Okay?

19 DET. ADAMS: We're way off right now.

20 DET. NISWONGER: Yeah. Because what's gonna happen is
21 we're gonna ask you some questions. And some of the questions we're gonna
22 know the answers to. And the reason why we're gonna ask you those questions
23 that we already know the answers to is to make sure that you're being truthful
24 with us.

25 MR. WONG: Okay.

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1 DET. NISWONGER: Okay. So, if we detect any sort of deception
2 from you, then all bets are off and then we're done. Okay? So - - and then you
3 can ask the judge for drug treatment or whatever and stuff. But as far as the
4 charges that you're being held on today, there's some pretty significant charges.

5 MR. WONG: Yeah.

6 DET. NISWONGER: I'm sure you saw it.

7 MR. WONG: Holy crap.

8 DET. NISWONGER: So, we already talked to the other people
9 involved in this. They've considered them your co-conspirators, is what they're
10 called. Okay. We've already talked to them. They've already given their
11 statements. They've given their version of what - - what occurred that night. So,
12 this is your opportunity to - - for you to tell your side of the story. Okay. Your
13 involvement and stuff like that.

14 But like I mentioned earlier, we work off of truth and honesty. And
15 if we detect that you're not being truthful to us, then all bets are off and we're not
16 gonna believe anything you say. And the charges will stand.

17 MR. WONG: I gotcha. So, what - - what would warrant me,
18 charges that I didn't do. And if there were no helpers and me trying to steal this
19 vehicle, then why - - why would - -

20 DET. NISWONGER: We're not even talking about - -

21 DET. ADAMS: Let's start all over. How about this. You had told
22 me - -

23 MR. WONG: I want the questions being asked. If not, then I could
24 just turn down questions. If you guys know the answers to them, then why
25 question me?

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1 DET. NISWONGER: To make sure you're being truthful.

2 MR. WONG: But if you know the answers to it, then why make
3 sure if I'm truthful or not?

4 DET. NISWONGER: Because we need to know the whole story.
5 We don't have your version of it. Everybody - - see, there's four of you involved
6 in this. And all four of you - - well, the three that we spoke to, are pointing fingers
7 at the other person, saying this person's the ringleader. This person's the
8 ringleader. Kenkoa's the ringleader. Okay. So, everybody else is pointing
9 fingers at everybody else. So, that's how we need to get the truth, is for you to
10 tell us your side of the story. What your involvement was in this incident.

11 And it's - - we're - - stealing a vehicle is nothing in our book. Okay.
12 So, you can - - it's almost like the person that says, You know what, I didn't rob
13 the store, but I smoked marijuana last night. They're telling you they did
14 something illegal because they know it's so minimal it has nothing to do with
15 robbing the store. We could give a shit about you stealing the car.

16 MR. WONG: Well, then, why am I here?

17 DET. ADAMS: Well, let's start with this. You originally said you
18 were homeless. Where do you live at?

19 MR. WONG: I still am homeless. I still am homeless. That's why - -

20 DET. ADAMS: Okay. Where - - where are - - where are you - -
21 where are you stay at prior to being arrested?

22 MR. WONG: I was at the Salvation Army in the veteran's CIP
23 program.

24 DET. ADAMS: How about all your paperwork and belongings?
25 Where would those be at?

155

1 MR. WONG: That would be at -- I don't know. It was all stolen
2 from me.

3 DET. NISWONGER: I can tell this is gonna pretty short interview.

4 DET. ADAMS: I think so.

5 MR. WONG: Well, if you know the answers to all these questions,
6 then why ask me?

7 DET. NISWONGER: So you can give your version of events.
8 Cause we know the skeleton of the story.

9 MR. WONG: Okay.

10 DET. NISWONGER: We just don't know all the meat yet. And so,
11 we're letting you fill in the meat.

12 Okay. So, the fact of the matter is we know that you, Gil, Amanda,
13 and Tony went over to a place in Seven Hills. Okay? You were in that
14 Jeep Cherokee that you got stopped and there was two other people with you.
15 Okay. You guys went over there, you did something. And then -- and then,
16 essentially, left. And you got stopped on a traffic stop. That's the nuts and bolts
17 of it. We need you to fill in the details.

18 MR. WONG: Gil, Amanda, and Tony, you said?

19 DET. NISWONGER: Uh-huh.

20 DET. ADAMS: And they're trying to help themselves out. You've
21 seen the charges. If you want to roll with that story, that is your right.

22 MR. WONG: I'll speak to --

23 DET. ADAMS: But realize this.

24 MR. WONG: I'll speak everything you guys want me to, but it will
25 have to be off record.

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1 DET. ADAMS: What do you mean off record?

2 MR. WONG: Not recorded.

3 DET. ADAMS: You want me to turn the recording off to tell us?

4 MR. WONG: Both, or all, or any.

5 DET. NISWONGER: This is a cellphone. It's not recording.

6 DET. ADAMS: All right. We're turning it off -- the recording off.

7 It's 1:33 p.m..

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21 I certify that the foregoing is a true and accurate transcript of the

22 electronic audio recording with a length of 00:08:24 from the interview in the

23 above-entitled matter.

24

25 Tedie Jackson, CCS Reporter

5-31-2016

DR #16-01201, K. WONG 1ST INTERVIEW

1 STATE OF NEVADA)

DATE: 01-21-2016

2) SS: HENDERSON

3 COUNTY OF CLARK)

TIME: 1:19 a.m.

4

5

6 This recorded interview of KEVIN WONG did hereby take place at
7 St. Rose Parkway and Seven Hills Drive, Henderson, Nevada, 89052, reference
8 DR #16-01201.

9

10 Person present during this interview is KEVIN WONG. Person
11 conducting the interview and tape recording is DETECTIVE RYAN ADAMS of
12 the Henderson Police Department. Transcription of taped statement by
13 Tedie Jackson, CCS Reporter, Henderson City Clerk's Office.

14

15 DET. RYAN ADAMS: Okay. So, it is -- it's January 21st. It's 1:19
16 in the morning, so, 0119 hours. And I am Detective Adams, badge number
17 1198. And I'm speaking with Kevin Wong, correct?

18 MR. KEVIN WONG: Yes. Nice to meet you.

19 DET. ADAMS: Okay. Let me see here. Let me grab this.

20 Kind of like I already told you, you're not under arrest at this point
21 in time, okay?

22 MR. WONG: Um-hum.

23 DET. ADAMS: But you do have the right to remain silent. If you
24 give up that right, anything you say can and will, be used against you in a court
25 of law. You have the right to speak to an attorney before answering any

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2

1 questions, and have an attorney present with you while you answer any
2 questions. If you cannot afford an attorney, an attorney will be provided at no
3 cost to you. If you decide to answer questions now, you may stop at any time
4 and ask to speak with an attorney before questioning continues. If you decide to
5 stop answer questions once you've begun, all questioning will stop. Do you
6 understand?

7 MR. WONG: Yes, sir.

8 DET. ADAMS: Okay.

9 BY DET. ADAMS:

10 Q So, where you stand right now, it's my understanding you
11 do have a bunch of traffic war - - or, you do have a warrant for your arrest, okay,
12 out of Metro. So, I'm not sure what that's for, okay? And you do have a
13 suspended driver's license. Okay.

14 A Yeah.

15 Q So, you got some issues going there.

16 But what I'm here is not about that. Okay? There was a crime up
17 the street. Am I right?

18 A Um-hum.

19 Q So, just tell me -- can you tell me where do you -- where
20 do you live at?

21 A I'm, actually, a homeless veteran, sir.

22 Q Where are you living at right now, then?

23 A I'm -- I'm house to house, to be honest with you. I was at
24 this place called U.S. Vets and the Salvation Army.

25 Q What part of the -- what branch of the military?

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3

1 A I was in the U.S. Army Reserves.

2 Q The Reserves?

3 A Yes.

4 Q Okay. How many years?

5 A I did almost ten years, nine and a half.

6 Q When did you get out?

7 A I got - - December 7th, 2011.

8 Q So, you got out December 7th, 2011, you got out of the
9 Army as a reserve, right?

10 A Um-hum.

11 Q Okay. And then where were you living at then?

12 A I was in Washington state at the - - during that time.

13 Q Okay. And then you moved - - how long ago did you move
14 to - - to Vegas? Or, what brought you to Vegas?

15 A Well, my son is here. And I was just trying to get positive
16 control of my life as far as, like, post service, cause-I, kind of, deployed a lot.
17 Then I was going through the beginning stages of PTSD.

18 Q Um-hum.

19 A I was a - - I still am an aspiring college student. I do want to
20 become a physical therapist assistant.

21 Q Good for you.

22 A And - - and - - and as a single father, he's here in Vegas.

23 And that's the reason why I came. I just wanted to get control of my life together.

24 Q How old's your boy?

25 A He's five. He will be six - -

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1 Q He's little, then?

2 A Yes.

3 Q And does he live with his mother, then?

4 A Yes, he does.

5 Q Okay. So, how many -- how long ago did you come to
6 Vegas? How long have you been here?

7 A I've been here about three -- three or four years now.

8 Q So, you've been here for a while?

9 A A little bit, yes.

10 Q Okay. And as far as work, what are you doing now? Now
11 that you're -- I know you're -- I see you got some PTSD that you've -- that's,
12 kind of, on the onset. But what are you doing for -- for employment?

13 A For employment, I'm in between jobs. I was, actually, like I
14 was saying, an aspiring college student. I wanted to go use my VA benefits and
15 hit up CSN during this next semester or term coming up.

16 Q Okay. In the meantime, when you do work, what do you,
17 typically, do for work?

18 A I'm, actually, a diesel mechanic. When I was in
19 Washington, I was working the Operator's Union as a heavy equipment diesel
20 mechanic. I have a lot of experience in the customer service field, as well, in
21 sales. So, did some of that.

22 Q Like, you work on, like, big rigs? Or, what do you work on?

23 A Yeah. Highly equipment diesel. Like, cranes and rigs, too.
24 Generators. Just really heavy big trucks, big cranes, big diesel-powered --

25 Q And when's the last time you, actually, you were -- I know

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5

1 you're trying to go school now. But when's the last time you were -- you,
2 actually, were working?

3 A Last time I was working was -- I believe it was last year in,
4 like, March. February or March I was working at a 7-Eleven.

5 Q So about a year ago?

6 A Just about, yeah.

7 Q Which 7-Eleven were you working at?

8 A Um, off of Stewart and Las Vegas Boulevard.

9 Q And you're not -- you don't have any place that you're
10 staying full time right now?

11 A Not right now, no, sir.

12 Q Last time you were staying somewhere full time, where was
13 that at?

14 A The Salvation Army off of Owens and Main. Owens and
15 Main.

16 Q How long ago was that?

17 A That was about -- about a month ago. Or, a little bit less
18 than a month ago.

19 Q So, where have you been the last month?

20 A I've been couch to couch.

21 Q Just with who?

22 A Friends, friends of friends. I've -- I recently -- I, actually,
23 recently got out of the Salvation Army, so I've been just trying to find somewhere
24 to get stable so that I can go to school and get some income from the VA and/or
25 utilize my HUD Vash, which is veteran's housing.

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6

1 Q Okay. So, last night where'd you stay at?

2 A Last night I stayed at -- I don't know that -- what the area is
3 called. But I slept at, like, a bus stop near -- near the Henderson -- um,
4 Summerlin -- Summerlin area.

5 Q So, you slept outside?

6 A Yeah.

7 Q Okay.

8 A It was freezing.

9 Q And whose -- is that your car?

10 A No, that is not my car.

11 Q Whose car is that?

12 A That's my friend, Jared's car.

13 Q And who's Jared?

14 A Jared is a friend of mine from the military.

15 Q And where is he at?

16 A Right now he -- I don't know where he is, honestly, at right
17 now, sir.

18 Q So, how do you get his -- do you have a phone?

19 A No, I do not have a phone, sir.

20 Q So, whose phone's on the charger on that car?

21 A It's probably his.

22 Q Okay. What brings you to this area tonight?

23 A I came here to visit a cousin named Dustin. And I'm not in
24 his compass at all. It was just a coincidence that I came down. I parked. I did
25 not see any -- that car that they were talking about, that they asked me about.

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7

1 That --

2 Q So, you're parked where at? Where is -- where is -- you
3 came to visit Dustin, right, is his name?

4 A Yes. And he lives in Camden.

5 Q He lives in Camden?

6 A Yes.

7 Q Where at?

8 A I made a mistake. That's off of Maryland, Maryland
9 Parkway. I made a mistake for St. Rose Parkway.

10 Q So, he lives on Maryland?

11 A Yes, sir.

12 Q Okay. Whereabouts on Maryland?

13 A Maryland? It's called the Camden.

14 Q Maryland and what, do you know?

15 A Maryland and, like, Pebble.

16 Q Uh-huh. So, you were going to visit your cousin. What's
17 Dustin's last name?

18 ~~A~~ Honestly, I -- I can't recall right now.

19 Q But he's your cousin, right?

20 A In Hawaii, we say, like, uncle, auntie, cousin, friend. Like,
21 they don't need to be, like, our blood --

22 Q So, is he a blo -- blood relative?

23 A No, sir. He's like -- he -- I've -- I've known him and his
24 family for years, and he's -- I -- I always say that he's my cousin. But he's just a
25 very good friend of mine. I like to call him a cousin cause --

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1 Q But you don't know your very good friend's last name; is
2 that correct?

3 A Yes, sir.

4 Q Okay. You're - - you're quite a ways away from Maryland
5 and Pebble right now.

6 A It's pretty bad.

7 Q Yeah. So - - and you've been in Vegas for four years.

8 Okay? So, you go up here and you park. And then what do you do?

9 A I realize I'm in the wrong area.

10 Q When do you realize that?

11 A A few moments when I don't see that this is not a
12 residential, like a - - a gated - - with houses. So, I go back to my vehicle. And
13 then I see that someone's yelling for help. Help! Please help!

14 Q Uh-huh.

15 A And that's when I - - I was about to cross the street to ask
16 the neighbors if I could use their phone to call 911. But I presume I heard them
17 already calling. So, I was scared to go back from - - to my vehicle, to be honest
18 with you, because I heard, like, cocking of, like, weapons, or he got a gun or
19 something. So, I stayed back just observing till these guys showed up. Then I
20 felt more secure.

21 I went to walk to go make sure that this wasn't Camden, the sign.
22 And then I walked back like an idiot.

23 Q Okay. So, you heard - - tell me - - tell me, exactly, what you
24 heard, then?

25 A I heard, Help! Help! Help! Help! Help!

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1 Q Like, from a -- from -- from who? A man, a woman?

2 A It -- I heard a woman's voice. I didn't -- it was -- I was
3 outside, kind of, in the parking lot area behind my vehicle. And there was a
4 crack in that sliding door place.

5 Q Um-hum.

6 A And that's where I heard it coming from?

7 Q So, you just heard a girl? Did you hear anyone else?

8 A I heard a man's voice, too.

9 Q Was he -- what was he saying?

10 A They were both saying, Help!

11 Q So, you heard a man and woman both yelling for help?

12 Okay. Did you -- what else did you hear?

13 A Pretty much it was mostly just, Help! Help!

14 Q Okay. You said you could hear a gun cocking.

15 A I -- I --

16 Q And you know, cause you've done military time and you've
17 been to war, right?

18 A Yeah. And that -- that door was cracked open, so --

19 Q So, was it a handgun? Was it a rifle? Was it a shotgun? I
20 mean, you know guns.

21 A Cock -- cocking back, it could have -- it sounded more like
22 a -- it could have been a handgun, I believe. That -- that clicking sound could
23 have -- could have been a handgun.

24 Q Did you hear any shots?

25 A Oh, no. I would have been gone. I would have ran away.

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1 Q I would have thought you were the type of guy that might
2 have ran into help them.

3 A Well, not if I don't have -- you know, like the saying, a knife
4 to a gunfight?

5 Q Yeah.

6 A I'm totally unarmed and --

7 Q Okay. So, you hear this yelling for help and you hear guns
8 cocking. And then what?

9 A Something cocking. I -- I'm -- I'm afraid to even go near
10 my vehicle because I don't know what's going to happen. I don't know if they're
11 looking out. I don't know if someone is looking. At -- at this point, I want to call
12 911.

13 Q Okay. Then what do you do?

14 A A few moments later, I see two of these SUVs show up,
15 and I'm, whoo.

16 Q Okay. And then what?

17 A I walk over to go see if I -- this is the Camden and this is
18 wrong. Then I realize it was Maryland Parkway, not St. Rose Parkway. I walk
19 back to my vehicle to leave. Then one of the officers asked me, Hey, where are
20 you going? I'm like, I'm just going back to my cousin's place. I realize I was in
21 the wrong area. And, I don't know, I was just -- I was, pretty much, just nervous,
22 but felt good that they were here at this time. And then I proceeded to leave.

23 Q Okay. You didn't stick around to tell the cops what you'd
24 heard?

25 A Uh, they were on the scene. They didn't ask me what I've

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1 heard at that point. But I did -- I was fully cooperative and I did stay and answer
2 all their questions and let them know whatever they wanted to hear.

3 Q Well, so, did they talk to you on the scene then?

4 A No. They were pursuing the -- that apartment area still.

5 Q So, did you see anyone come in or out of that apartment?

6 A I didn't see no one come out, but I did see -- they were
7 saying a black male and a female that was around or in that area. And as I was
8 driving down, I did see that description. And that's when -- when they asked
9 me, I told them, Yes, that I did see --

10 Q Well, hold on. So, you saw a black male and a white
11 female. When did you see that?

12 A When I was driving down, they looked like they were
13 walking up behind this apartment housing complex.

14 Q Oh, yeah?

15 A I did see that.

16 Q Okay. So, what is your buddy-- and so, you see them
17 walking. And then what happens next?

18 A Not too long later, as I'm about to go, these guys pull me
19 over.

20 Q Okay. What have you been arrested for in the past?

21 A I've been arrested for a suspended license and possession.

22 Q Of?

23 A It was heroin and meth.

24 Q What's your drug of choice?

25 A My drug of choice was meth.

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1 Q Okay. When's the last time you bumped up?
2 A About right before I went to jail.
3 Q How long ago was that?
4 A That's about a month and a half ago.
5 Q And the last time you used heroin?
6 A Never. After that, I never used heroin.
7 Q Okay. You smoke it, snort it, slam it?
8 A I used to smoke it.
9 Q Okay. Anything in the car that's -- any dope in that car?
10 A Not to my knowledge, no, sir.
11 Q Okay. I gotta be completely honest with you right now,
12 okay?
13 A Um-hum.
14 Q So, last seven years, all I worked is dope. And every time
15 someone says "not to my knowledge," that means there's dope in that car. So,
16 what I want to do is be honest with one another and try to get to the bottom of
17 this.
18 A Okay.
19 Q Okay? So, where's the dope at in that car? Cause I'm
20 gonna find it. Where's it at? Let's make it easy on ourselves.
21 A Because I did borrow the car and I did not search the car
22 fully, I'm on the same page as you.
23 Q Where's your dope at in that car?
24 A I have no dope. I didn't bring any.
25 Q Pipe?

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1 A I was just driving the vehicle.

2 Q No, no, no, no. Where's your pipe at? I'm gonna find it.

3 So, you can tell me now and make it easy.

4 A I don't - - I don't smoke the - - the dope, if that, at all, sir.

5 Q Well, you said your choice - - you're - - you like to smoke it.

6 A The heroin.

7 Q What about meth?

8 A I used to shoot it up, sir.

9 Q Okay. Is there hypos in that car that's gonna stick me? I'm
10 gonna really pissed if I get stuck with a hypo. Pissed pissed.

11 A No. There should not be.

12 Q No, no, no. When they say "there should not be," there's a
13 hypo in that car. Where's the hypo at? I don't care if it's your buddy's or yours.
14 Where's the hypo in the car so I don't get stuck?

15 A He doesn't shoot up, and I haven't used since jail. So,
16 honestly - -

17 Q So, there shouldn't be one in there.

18 A There should not be.

19 Q Okay. And I'm not gonna - - I'm - - I'm gonna go through it.
20 There's not gonna be any dope, you're saying?

21 A No.

22 Q All right. You're looking at me as a man to man.

23 A Man to man.

24 Q There's no dope?

25 A There's no dope, sir.

- 1 Q Okay.
- 2 What's Dustin's phone number?
- 3 A 383 -- uh --
- 4 Q 383 --
- 5 A I would have to go back to my friend and use their phone.
- 6 Q Okay. Who drives this car? What's his name?
- 7 A Gerald.
- 8 Q Gerald?
- 9 A Gerald.
- 10 Q Is he a black guy?
- 11 A No.
- 12 Q Is he a white guy? Is he a Hawaiian guy? Is he an Asian
- 13 guy?
- 14 A He's white and Hawaiian. Gerald.
- 15 Q What's Gerald's last name?
- 16 A Like I told you, I don't really know. I -- he was just letting
- 17 me, kind of, just use his vehicle.
- 18 Q Does Gerald -- where does Gerald stay at?
- 19 A I don't know the location. I don't know the -- I don't know
- 20 his house area.
- 21 Q How are you gonna get that car back to him?
- 22 A I was gonna meet him at my cousin, Dustin's, place. Or
- 23 my friend, Dustin's place, at the Camden.
- 24 Q When?
- 25 A That's where --

1 Q When were you supposed to meet him there?

2 A It was supposed to be about - - almost two hours ago.

3 Q So, if we take a drive, can you point out Dustin's house to
4 me?

5 A Sure.

6 Q And we can go over and knock on the door and confirm that
7 Dustin, actually, lives there?

8 A Yes, sir.

9 Q Okay. So, Gerald drives this car. How do you know -- tell
10 me about Gerald. How do you know Gerald?

11 A I know Gerald briefly because I was at a Dotty's and we
12 were just talking as we were playing. And I just mentioned I was homeless and
13 he said he could - - and that I needed a ride to go and do things. And he said he
14 could offer the vehicle. So - -

15 Q How long have you known him?

16 A Like, two or three days.

17 Q And he let you take his car?

18 A He lets me use it, yeah.

19 Q What does Gerald -- so -- some -- I mean, he's a
20 stranger.

21 A He seemed pretty cool when I was talking with him.

22 Q But he's a stranger. And he let you just borrow the car, and
23 then you would bring it back to Dustin?

24 A Meet him back at Dustin's place, yes.

25 Q How does he know Dustin?

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- 1 A He does not know Dustin.
- 2 Q So, how would he know where to go?
- 3 A I told him to meet me there, at the Camden.
- 4 Q Okay. So, where -- where did you tell him to meet you?
- 5 A Meet me by -- at the Camden place. At the Camden
- 6 residence, because that's where I know Dustin at.
- 7 Q Is this apartments or a house?
- 8 A It's a house, sir.
- 9 Q So, what's the -- is it on Camden Street?
- 10 A It's -- it's called the Camden. It's on Maryland and Pebble.
- 11 Q The house is called the Camden?
- 12 A The housing complex area is called Camden.
- 13 Q Okay. And then where would he go once he got to
- 14 Camden?
- 15 A Where would I go? Try to find somewhere to sleep.
- 16 Q No, no, no. Where would he go to meet you? He gets to
- 17 some place called the Camden, and then where would he go?
- 18 A I meet him right there by the gate. Let him have his vehicle.
- 19 Q Okay. Who's purse is that in the back? Who does that
- 20 belong to?
- 21 A I don't know, sir. I did not search the vehicle.
- 22 Q Then who's phone?
- 23 A That should be his phone, sir.
- 24 Q Okay. You realize how much I don't believe you right now,
- 25 right?

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1 A Correct.

2 Q Okay. Because you're giving me a complete line of
3 bullshit. You know it and I know it. Okay? You've done military time. You've
4 served your country. And that's what I'm doing right now. Okay. You need to
5 man up and take some responsibility. Whatever you guys are doing here
6 tonight, your story -- no, no, no, no. Don't look at me like I'm crazy.

7 A I'm not, sir.

8 Q It's a complete lie. And you know that. Okay. You have
9 completely lied to me. Completely.

10 Let's start over and let's begin with the truth. Help yourself set
11 yourself free. Be a man and let's up -- own up to what's, actually, going on
12 tonight. Okay? Let's start over like -- let's start over from the beginning, cause
13 everything you're saying right now is a lie.

14 We've got a complete -- complete independent witness who was
15 there looking out their window because they heard something and saw
16 everything that happened. Okay. And you're lying to me right now.

17 A I told you everything about the truth about me being there,
18 sir.

19 Q You know you're lying. If you want to go with that story, we
20 will get to the bottom of it and you will get charged with all this stuff. Okay? Your
21 story is a complete fabricated lie. Nothing makes sense. From a random
22 stranger letting you use this car to everything else that's happened. None of it
23 makes sense. And the guy just happens to have Washington plates, the same
24 as where you're from.

25 A That's his vehicle, sir. I --

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1 Q Who did you come here tonight with?

2 A I did not come with nobody tonight, sir. And it sucks that I
3 just so have happened to have been over there. But as far as what went down,
4 I'm telling the complete truth.

5 Q I don't believe you at all. Nor do I believe you that I'm not
6 gonna find dope in that car.

7 A I stand by my word, sir.

8 Q I believe I'm gonna disprove you to be a liar. I do not think
9 you're being truthful at all. And it, actually, makes me - - the fact you would
10 throw out your military service immediately, it's, actually, discouraging for
11 someone to go serve their country and then pull this type of shenanigan and
12 pretend that you weren't involved and you have no idea. And you're so far off
13 base from everything. I mean, it's not even believable at all. Not even remotely
14 what you're telling me. You're not even close. Okay.

15 You got all this stuff in this car that's consistent with exactly what's
16 going on up here. And you're gonna play the game of you are just lost.

17 A I'm not playing no game with you, sir.

18 Q You were in an apartment complex, but you were going to a
19 house. And you were out walking around in an apartment complex.

20 A Looking for - -

21 Q The house in an apartment complex? Exactly.

22 A No, sir.

23 Q So, what were you looking for?

24 A I was looking to get to where I needed to be at, sir.

25 Q Okay. You were in an apartment complex. Why were you

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1 walking around on -- outside of the car?

2 A Because I was too afraid to go in my car, sir.

3 Q But why would you ever get out of the car in an apartment
4 complex if you were going to a house?

5 A Because I look -- because I was looking for what I thought
6 would be his place, but it wasn't.

7 Q It was apartments. Why would you get out of your car?

8 A Why would I get out of my car? To look.

9 Q It was apartments. It's not a house.

10 A Correct.

11 Q Those are apartments, not houses.

12 A Correct.

13 Q Why would you ever get out of the car? You said you were
14 going to a gated apartment -- or, gated house.

15 A I made a mistake, and it wasn't the correct place.

16 Q Impossible to do. You were in apartments. Why were you
17 out walking around? What were you doing there?

18 A I was walking -- I wasn't walking around for a long time at
19 all.

20 Q Why were you out walking around? They were houses, not
21 apartments.

22 A Like I said, sir, I walked out to try to look to see if this was
23 the correct place, but it wasn't.

24 Q But how would you even -- how would you make that
25 mistake when that's an apartment complex and you were looking for

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1 single-family homes?

2 A I made a mistake, sir.

3 Q All right. That's your story, huh? That's what you're gonna
4 stick with? I mean, it's just -- you, actually, make me sick. The fact that you're
5 gonna play that. That's what you did.

6 How long you been doing dope for?

7 A Not even a year.

8 Q You got a warrant for burglary.

9 A Who does?

10 Q You do. And passing bad checks.

11 A Yeah. How did that -- how could have that possibly have
12 ever happened? I didn't do that.

13 Q It's a warrant for your arrest.

14 A I was supposed to have contacted a co-defender cause my
15 personal items were stolen from me.

16 Q Your personal items were stolen?

17 A And I could prove that I wasn't -- I was never arrested for
18 that. And I was in a Veteran's program. A homeless program.

19 Q All right.

20 I think this will conclude. There's really nothing else to talk about,
21 because your story's unbelievable.

22 And it's 1:44 a.m.

23 //

24 //

25 //

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DR #16-01201, K. WONG 1ST INTERVIEW

21

1 I certify that the foregoing is a true and accurate transcript of the
2 electronic audio recording with a length of 00:24:09 from the interview in the
3 above-entitled matter.

4
5 Tedie Jackson, CCS Reporter

06-09-2016

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DR #16-01201, K. WONG 2nd INTERVIEW

1 STATE OF NEVADA)

DATE: 01-21-2016

2) SS: HENDERSON

3 COUNTY OF CLARK)

TIME: 1:47 a.m.

4

5

6 This recorded interview of KEVIN WONG did hereby take place at
7 St. Rose Parkway and Seven Hills Drive, Henderson, Nevada, reference
8 DR #16-01201.

9

10 Person present during this interview is KEVIN WONG. Person
11 conducting the interview and tape recording is DETECTIVE RYAN ADAMS of
12 the Henderson Police Department. Transcription of taped statement by
13 Tedie Jackson, CCS Reporter, Henderson City Clerk's Office.

14

15 DET. RYAN ADAMS: All right. The recording got messed up.
16 It's 1:47.

17 BY DET. ADAMS:

18 Q So, you're at a gam - - at a Dotty's gambling

19 A Mo - - mostly just asking for cigarettes.

20 Q So, you're trying to bum a smoke.

21 A Yeah.

22 Q Go on.

23 A And as I was talking and smoking and getting to know - -
24 getting to know one of the - - I believe she was a - - it was a white female. I
25 never met whoever her boyfriend or whatever it is.

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DR #16-01201, K. WONG 2nd INTERVIEW

2

1 Q Um-hum.

2 A She offered me a cigarette and she said -- we were talking
3 and I mentioned how I was a homeless veteran. And she feels for that. I say,
4 hey, I -- if it's okay, I know we just met. I just would like somewhere to sleep for
5 a night or two because I -- I was recently homeless from the Salvation Army.
6 So, she said, Okay. We're gonna go and visit a friend at this place. And you just
7 gotta just stay outside and we'll be right back in.

8 I -- like I said, I -- I don't know who or what or whatever, cause
9 she never mentioned any details to me. And I, kind of, feel like crap right now
10 because I -- I -- I do not agree or like the nature of what I've -- what I did here.
11 And, as far as I'm concerned, I was pacing back and forth because already I was
12 just like, crap. I -- I don't -- just drive away with her vehicle. But then again --

13 Q Okay.

14 A You know. Like, I -- so, that's why, as far as any, like,
15 drugs or -- or weapons or whatever, I -- I, honestly, don't know.

16 Q You don't know what's in the car?

17 A I -- I never searched it.

18 Q Okay. Let me -- what Dotty's did you guys meet at?

19 A It was this Dotty's across from, um -- on Las Vegas
20 Boulevard, kind of, close to the -- what is that called -- South Point. There's
21 that Dotty's there.

22 Q Las Vegas Boulevard and what? What's it -- what complex
23 is it in? Like, what's it in?

24 A It's -- it's -- it's across the street from the spa place or
25 whatever.

180

DR #16-01201, K. WONG 2nd INTERVIEW

3

1 Q Give me -- is -- is it in the same parking lot as, like,
2 Del Taco, 7-Eleven?

3 A Oh, it's across the street from -- from that area. It's the
4 same side of the street as South Point, but across the street from where there's,
5 like, the Del Taco and, like, the smoke shop.

6 Q Okay. So, you met this --

7 A I met -- that's where I met her.

8 Q So, you're in there. You're just trying to bum a cigarette?

9 A Yeah. I was outside.

10 Q What time was that?

11 A It was pretty, kind of, late.

12 Q Like, what time?

13 A I'd say, like, 9:00ish, 10:00ish.

14 Q Okay. So, you're outside bumming smokes or inside?

15 A I'm outside bumming smokes. I would have sat there and
16 grabbed candy and stuff.

17 Q You what?

18 A Go inside to eat, like, candy or different candy they got.

19 Q Okay. So, you bum a smoke from this lady. And then
20 what?

21 A And then we're just talking story about hey, where are you
22 from, blah, blah, blah. You know, thank you very much for the cigarette. And
23 then the subject came up that I was homeless.

24 Q Um-hum.

25 A And I was talking with her. I guess she felt for me because

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1 I was a veteran, and she offered me a place to sleep.

2 Q Well, now, where did she - - where does she stay at?

3 A I, honestly, do not know where these guys stay. I've never
4 been to their place.

5 Q Where did they say they stayed at?

6 A I never asked. I'm thinking somewhere around here.
7 Somewhere around the south side.

8 Q She made no mention of where she stays?

9 A I didn't really ask, cause it was - - I thought it was
10 somewhere really close to where the Dotty's was since they were there.

11 Q Why would - - did they make any mention of that they live
12 close?

13 A No. It was just my presumption.

14 Q Okay. So, you think they live close. And they say you can
15 crash at their pad. Do they say they live in a house, an apartment, a trailer, a
16 weekly?

17 A I think it's an apartment of some sort.

18 Q Okay.

19 A I, honestly - -

20 Q Why? What makes you think that?

21 A I don't know. She - - it didn't - - it didn't seem like she, like,
22 was, like, really rich or something. I don't know. By the looks of inside there, I
23 don't know. I see all kind of hookups of stuff.

24 Q Okay. So, what is - - what is - - who was she with?

25 A I - - like I said, I just met her outside.

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DR #16-01201, K. WONG 2nd INTERVIEW

5

1 Q Okay. So, you meet her outside. General conversation.
2 She feels bad for you. You get a smoke. And then - - you're talking outside.
3 And then tell me, in detail, what do you do after that?
4 A What do I do after that? I, pretty much, go inside to grab
5 some more candy and I leave in route to Summerlin. I have an Uncle Junior
6 who lives there. But I just - -
7 Q So - - so, how long is this conversation with this lady?
8 A It's, like, not even ten minutes.
9 Q Okay. And what does she tell you?
10 A As far as?
11 Q She - - you - - she let you have a smoke.
12 A Um-hum.
13 Q And then she agrees to let you stay at the house if you do
14 what?
15 A Oh, yeah. If I just stay in the vehicle and watch.
16 Q So, you're gonna drive in this car, her car, with who?
17 A I was - - I was supposed to be at that Dotty's, or
18 somewhere near there. And she came and picked me up and took me over
19 there.
20 Q So, she said how long till she'd meet you over here?
21 A Uh - -
22 Q So, you - - you met her - -
23 A At - - at around - - at around - - at around 9:30, 10:00ish - -
24 Q So, you meet her, and she says, I'll pick you up here in how
25 long?

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- 1 A Tomorrow at 9:00, 9:30, 10:00ish p.m.
- 2 Q So, did you meet her, like, five hours ago? Or, like, a day
- 3 ago?
- 4 A It was a day ago, sir.
- 5 Q So, yesterday?
- 6 A Yes. Sorry.
- 7 Q So, you met her, actually, on the 19th. Okay. So, she
- 8 says -- so, where -- where'd you sleep -- oh, so last night, you went back to
- 9 Summerlin to stay with your --
- 10 A I -- I slept -- I slept at some bus stop area.
- 11 Q Okay.
- 12 A I fell asleep.
- 13 Q Where's all your stuff?
- 14 A I lost all my stuff in the Salvation Army. I still need to pick it
- 15 up, to be honest.
- 16 Q Okay. So, you slept -- you didn't have a sleeping bag or
- 17 nothing?
- 18 A No. I, kind of, just did the newspaper thing. It worked a
- 19 little bit.
- 20 Q So, she says, meet you back at Dotty's tonight.
- 21 A Around that -- around Dotty's.
- 22 Q So, you go back to Dotty's.
- 23 A I was on the sidewalk just, kind of, looking out.
- 24 Q And she shows up in that jeep?
- 25 A Yes, sir.

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DR #16-01201, K. WONG 2nd INTERVIEW

7

1 Q Who's with her?

2 A She - - it was just her, sir.

3 Q So, just the girl?

4 A Yes.

5 Q Okay. So, she shows up and what does she say? What
6 did she tell you last night? You gotta meet her to do what?

7 A She said I have - - I have something for you to do. Be back
8 here at around 9:30, 10:00ish and just look for my car. And you can come and
9 crash at my place.

10 Q Okay. So, you - - you come back tonight. She picks you up
11 and she's alone.

12 A In here.

13 Q In that car.

14 A Yes, sir.

15 Q Okay. And then what?

16 A I stay there. There's that red car there.

17 Q Stay - - whoa. Stay where?

18 ~~A~~ Inside the car.

19 Q She - - but - - does the red car show up at Dotty's?

20 A No. She just picked me up. And when we arrived, there
21 was that red car there already.

22 Q Did you drive straight here? Did she drive, or did you drive?

23 A She's driving, sir.

24 Q Okay. Is that her phone or your phone?

25 A I - - I believe that - - that should be hers. I mean, it was

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DR #16-01201, K. WONG 2nd INTERVIEW

8

1 plugged in there.

2 Q Okay. So, you drive straight here and you go to this
3 apartment complex.

4 A I'm already, like, asking, like, what, what, what's going on?
5 What do I have to do?

6 Q What does she tell you you guys are here to do?

7 A She keeps telling me, Don't worry. Don't worry. She's, like,
8 avoiding all, like --

9 Q Okay. But what is your job to do?

10 A I just stay in the vehicle and just watch.

11 Q But you got out of the car.

12 A Yeah, cause I was -- it was taking, kind of, a while. Like,
13 what am I watching for? I wanted to know what you were doing.

14 Q Okay. So, she -- you guys drive straight here and park
15 next to the red car?

16 A Yes, sir. It was already there.

17 Q Was there anyone inside the red car?

18 A No one was inside that red vehicle at that time.

19 Q Okay. So, there's no one there. And then she gets out,
20 How is she dressed?

21 A She just has pants, like, a black shirt, a jacket.

22 Q Um-hum.

23 A And, like, papers.

24 Q Tell me about the papers.

25 A She wouldn't tell me nothing about it. She got there right

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DR #16-01201, K. WONG 2nd INTERVIEW

9

1 before she left the vehicle, sir.

2 Q Okay.

3 A And she -- she kept avoiding the subject after I kept asking,

4 What's going on? What are you gonna do? Like, what -- why do I have to?

5 Where are we going? You know, like, just all of that.

6 Q Um-hum.

7 A I think to prevent (incomprehensible.)

8 Q So, she grabbed some papers and she says what?

9 A Stay right here. I'll be right back.

10 Q And what is your job?

11 A I just stay and watch.

12 Q And you're supposed to drive away?

13 A Stay in the vehicle. No, not even drive away. Just stay in
14 the vehicle and watch.

15 Q But she left the keys for you.

16 A Not for me, But she left it in the vehicle. She left it in the
17 ignition.

18 Q And you're supposed to stay and watch. And what are you
19 watching for?

20 A She just said stay and watch. I'm presuming --

21 Q Come on.

22 A Now -- now that I --

23 Q She had to have implied, you need to watch for something.

24 Am I right?

25 A Watch to see if anyone comes home to the -- to the house.

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DR #16-01201, K. WONG 2nd INTERVIEW

10

1 Q Okay. And so, she pointed out the apartment they were
2 going to, because you knew which one. She said look - -

3 A Well, she - - when we got there, she - - the one she walked
4 to, that had to have been it.

5 Q But she told you - - she had to, obviously, said I'm going to
6 that apartment. Tell me if someone comes home. How would you convey it if
7 someone comes home?

8 A I probably would beep the horn, or yell, or knock on the
9 door.

10 Q Okay. So, you're supposed to honk the horn if someone
11 showed up?

12 A I would - - I would probably just do that, or just knock on the
13 door.

14 Q So, who does she go inside with? Cause you can see the
15 door cause you're watching it. Who does she go inside with?

16 A She went inside by herself, sir.

17 Q There had to have been someone else.

18 A That - - I believe those guys were in there.

19 Q Did she knock or just walk in?

20 A She knocked and then the door opened, and she went in.

21 Q Okay. Who else was with her?

22 A I - - I did not see however many or whoever was there. I
23 don't - -

24 Q So, you're sitting in the car and you see her go in. And how
25 long - - how long is she inside before you get out of the car?

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DR #16-01201, K. WONG 2nd INTERVIEW

11

1 A Psh, about five, ten minutes. And I was just getting antsy. I
2 wanted to smoke a cigarette. And then when I get outside, I just hear what I
3 heard. And then I just -- I'm like, this is stupid. I'm gonna call the effing cops.

4 Q But you had no phone.

5 A That phone wouldn't unlock, so -- when I seen the
6 neighbors across the street and then --

7 Q So, what's going -- no, no, no. Let's -- you're skipping all
8 the important stuff. And you're doing it because -- I get it, you don't want to get
9 in trouble. But you're skipping all the important stuff.

10 A I'm telling you everything (incomprehensible.)

11 Q What happens? You get out of the car and what do you
12 see and hear?

13 A I can't see anything, as far as what's going on, cause the
14 blinds are closed. But because the sliding door was open, I could hear.

15 Q What's going on?

16 A I just hear, Help! Help! Help! And I hear, like, a
17 commotion. And then --

18 Q And you said you saw -- you said you could see them
19 slamming someone against the wall.

20 A I -- I briefly saw -- like, I heard it and then I briefly seen,
21 kind of, the blinds go against. Then that's when I got really, like, scared and,
22 like, very -- like, damn, I -- it's not even worth it to sleep if I don't know what
23 they're doing. I, honestly, really wanted to call the cops.

24 Q Okay.

25 A And -- and I'm nervous. I don't -- I don't -- because I

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1 heard what I heard, I'm not trying to get shot over just trying to sleep on
2 someone's couch.

3 Q Um-hum.

4 A I did he - - overhear the neighbors behind calling, or trying
5 to call. You know, I - - I feel safe. Honestly, I don't even know how far away I
6 am. I was gonna drive to Dustin's house. Let him know what I heard. Let - - I
7 don't know. I didn't even want to drive this. I should have - -

8 Q So, at what point in time do you decide you're gonna get
9 back in the car and leave?

10 A Well, when the police showed up I feel a lot safer.

11 Q Okay. But when did you see them run out?

12 A Who run out? I never saw them run out. I seen them
13 walking up the street, and I just kept going.

14 Q Who was she with?

15 A It was hard to tell cause it was dark. I - -

16 Q How many?

17 A I know - - I know it was a female. I know it was a male.

18 There was just one.

19 Q Okay.

20 A But I - - I was scared. I - - I thought I was gonna get shot or
21 something.

22 Q So, you just decided to leave once the cops got there?

23 A No. Well, I - - I seen them go there. I came back to the
24 vehicle. And he did ask me where I was going. And I told him what I told him.
25 And then once he twisted away and went back to there, then I just - -

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DR #16-01201, K. WONG 2nd INTERVIEW

13

1 Q And you didn't offer up, hey, man, someone's in there.

2 Something crazy's happening.

3 A Well, they were, kind of, already in there. When I was
4 pacing back and forth, I had walked down a little.

5 Q Um-hum.

6 A And I was, like, thank god. When I came back, I know one
7 of them was already inside. So, I'm like --

8 Q So, did you see anything inside the red car?

9 A I -- I didn't even check, or get out, or even look at that red
10 car.

11 Q What did the guy that was walking with her look like?

12 A It was -- it was dark like this as I was driving. He looked
13 like he was a black male, sir.

14 Q How come you didn't pick them up?

15 A I didn't want to get shot. I drove away as they were -- they
16 probably thought I called the cops.

17 Q Okay. So, you've done military time.

18 A Yes, sir.

19 Q You were the lookout. You were, basically --

20 A That's -- that's what it had to be, sir.

21 Q You were hired as the lookout for a free place to stay.

22 A That's -- yes. That's --

23 Q Where do they stay at?

24 A I, honestly, do not know where they stay. I've never been
25 to their place. I -- I think they live around this area.

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DR #16-01201, K. WONG 2nd INTERVIEW

14

1 Q Okay.

2 A I was just picked up. And the -- she would not --

3 Q But you know what she looks like.

4 A Yes, I do.

5 Q So, if I show you a picture of her, you'll be able to tell me if
6 that's her or not.

7 A Oh, yeah.

8 Q Cause there was a girl's purse in that car.

9 A Yeah.

10 Q Okay. All right. What else can you tell me about this thing?

11 A I tell you that it was awful, it was ugly. I -- I really, really
12 wish I wasn't put in a predicament like that. I really, honestly, thought they were
13 going to visit a friend or something.

14 Q Why would they have you as a lookout if they were going to
15 visit a friend?

16 A Well, she just said just -- just look to see if anyone is
17 coming home.

18 Q Okay. What did you think? If you -- if your job is to look
19 out and make sure no one comes home, don't you think something bad's gonna
20 happen?

21 A Well, she said look to see if anybody comes home.

22 Q Right. So, you had to have thought they were gonna --

23 A And she knocked before she went in. Like --

24 Q I thought you said she just went in?

25 A She -- she knocked. No. You can --

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1 Q You had to -- you had to assume something. They were
2 gonna do something. If you were there as a lookout, whether they were gonna
3 break into the house, whether they were gonna --

4 A Well, she didn't break in and she had paperwork with her.

5 Q Okay. Why would someone want you to look as a lookout
6 then? Wouldn't a reasonable person think that something probably illegal was
7 about to happen?

8 A I -- I, honestly, did not know because she would not tell me
9 nothing. But because she was well dressed and she went in with paperwork,
10 and she knocked when she went in. And then --

11 Q But you were supposed to be a lookout.

12 A That -- that was never implied or said. She just said look to
13 see if anybody comes home. That's what I was told. She would not tell me
14 anything. I was asking -- that was 411. I was like --

15 Q Well, that doesn't make sense. You're -- she's gonna let
16 you stay for free at her house, and you're supposed to look if anyone comes
17 home. But you don't even know what to do? That makes no sense because
18 you've -- I mean, you've lied to me from the beginning.

19 A How would that not make sense? I was told --

20 Q Well, you insist -- there's got to be some way to alert her or
21 some plan. Because you -- you've lied to me from the beginning, and I'm slowly
22 getting more and more.

23 A I did, but I'm -- I'm telling you the complete truth now, sir.

24 Q Okay. It's just making it hard to believe that this is the
25 whole truth when, you know, it's taken an hour now to get to this point.

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DR #16-01201, K. WONG 2nd INTERVIEW

16

1 A I'm -- I'm -- I -- I -- from that point, I've been telling you
2 the complete truth.

3 Q Okay.

4 A She just would not tell me nothing. And nothing about a
5 lookout was said. And I was drilling -- drilling her the whole way here from
6 Doty's about what's going on. What -- you know. I'm not -- I'm not trying to --
7 I'm not trying to be involved in no -- especially what I heard. Like, I -- I'm trying
8 to be a dad, and I'm trying to just get some place stable to sleep cause it's cold.
9 And get on my grind with my housing and my school for myself.

10 Q All right.

11 I'm gonna hang -- it's 2:04 a.m. now. I'll have you hang tight for
12 just a minute here.

13 A Yes, sir.

14

15

16

17

18

19 I certify that the foregoing is a true and accurate transcript of the
20 electronic audio recording with a length of 00:16:44 from the interview in the
21 above-entitled matter.

22

23 Tedie Jackson, CCS Reporter

06-09-2016

24

25

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TONEY A. WHITE
NDOC NO. 1214172
HIGH DESERT STATE PRISON
POST OFFICE BOX 650
INDIAN SPRINGS, NV,
89070

FILED

NOV 05 2020

Shirley L. Williams
CLERK OF COURT

PETITIONER IN PRO SE

EIGHTH JUDICIAL DISTRICT COURT
COUNTY OF CLARK
STATE OF NEVADA

A-20-824261-W
Dept. 12

TONEY A. WHITE,

PETITIONER,

VS.

CALVIN JOHNSON, WARDEN,

RESPONDENT.

CASE NUMBER
C-16-313216-2

NEV. SUP. CRT. CASE
NO. 78483

PETITIONER'S APPENDIX
VOLUME II

PAGES 195 THRU 347

RECEIVED

OCT 22 2020

CLERK OF THE COURT

TONEY A. WHITE
NDOC NO. 1214172
HIGH DESERT STATE PRISON
POST OFFICE BOX 650
INDIAN SPRINGS, NV,
89070

PETITIONER IN PRO SE



HENDERSON POLICE DEPARTMENT
VOLUNTARY CONSENT TO SEARCH

HPD 0037

PAGE 1 OF 1

DR# 16-01201

I, ANN WHITE, understanding that I have the legal right not to have a search made of the premises, vehicle and/or other property listed hereafter without a search warrant, and understanding that I have the right to refuse to consent to a warrantless search, and understanding that officers are searching for FIREARMS, POLICE EQUIP, I hereby voluntarily and without any threats, pressures, or coercion of any kind, authorize officers of the Henderson Police Department to conduct a complete search without limitation of the following:

9457 LAS VEGAS BLVD # 145

The officers are authorized to search and/or to take from the above premises, vehicle, and/or property any documents, data (however stored), materials, and/or property, and I further authorize any subsequent search of anything taken.

SIGNATURE: Ann White

Date and Hour: 1/21/2016 8:13

Place: MY HOUSE

WITNESSES:

P. WATSON #1155

[Signature] #1198

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0037	HENDERSON POLICE DEPARTMENT	PAGE 1 of 1
	VOLUNTARY CONSENT TO SEARCH	DATE: 1/22/16
	REFER TO HPD POLICY AND PROCEDURE 0450, SEARCH AND SEIZURE, FOR INFORMATION	DR# 16-01201

I, BEN COUSEY 6/3/76, understanding that I have the legal right not to have a search made of the premises, vehicle and/or other property listed hereafter without a search warrant, and understanding that I have the right to refuse to consent to a warrantless search, and understanding that officers are searching for ITEMS RELATING TO ROBBERIES, FRAUD & IMPERSONATING POLICE OFFICER.

I hereby voluntarily and without any threats, pressures, or coercion of any kind, authorize officers of the Henderson Police Department to conduct a complete search without limitation of the following:

9457 S LV BLVD UNIT #120 LV NV 89123


The officers are authorized to search and/or to take from the above premises, vehicle, and/or property any documents, data (however stored), materials, and/or property, and I further authorize any subsequent search of anything taken.


SIGNATURE

Date and Hour: 1/22/16 1220

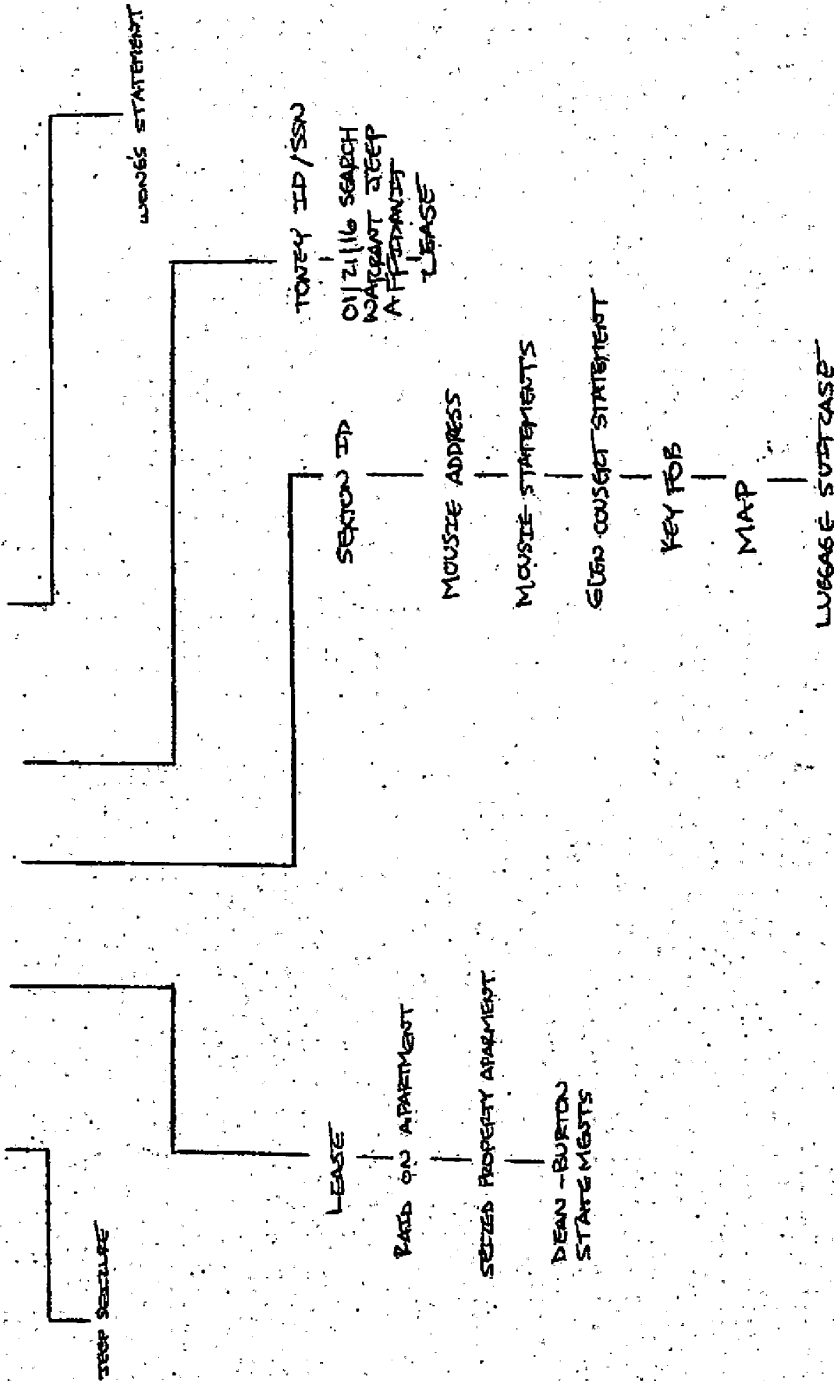
Place: LOCATION

WITNESSES:

 1003

196

TOWYH AMENDMENT VIOLATION
FRUITS OF THE POISONOUS TREE



197

CASE NO. C-16-313216-2

REV
11/22/19

Nevada Supreme Court Docket Sheet

Docket: 78483

WHITE (TONEY) VS. STATE

Page 1

TONEY ANTHONY WHITE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

Case No. 78483

Consolidated with:

Counsel

Terrence M. Jackson, Las Vegas, NV, as counsel for Appellant, Toney Anthony White
Attorney General/Carson City, Carson City, NV \ Aaron D. Ford, as counsel for Respondent, The State of Nevada
Clark County District Attorney, Las Vegas, NV \ Alexander G. Chen, Jonathan VanBoskerck, as counsel for Respondent, The State of Nevada

Case Information

Panel: Panel

Panel Members: Unassigned

Disqualifications:

Case Status: Briefing Completed/To Screening

Category: Criminal Appeal

Type: Life

Subtype: Direct

Submitted:

Date Submitted:

Oral Argument:

Sett. Notice Issued:

Sett. Judge:

Sett. Status:

Related Court Cases:

District Court Case Information

Case Number: C313216

Case Title: STATE VS. TONEY WHITE

Judicial District: Eighth

Division:

County: Clark Co.

Sitting Judge: Michelle Leavitt

Replaced By:

Notice of Appeal Filed: 03/28/19 Appeal

Judgment Appealed From Filed: 03/27/19

Docket Entries

Date	Docket Entries	
04/04/19	Appeal Filing Fee Waived. Criminal. (SC)	
04/04/19	Filed Notice of Appeal/Proper Person. Appeal docketed in the Supreme Court this day. (SC)	19-014682
04/17/19	Filed Order of Limited Remand for Designation of Counsel. District Court's Order Appointing Counsel due: 35 days. (SC).	19-016771
05/14/19	Filed District Court Order Appointing Counsel. Filed certified copy of District Court Minute Order filed in district court on May 9, 2019 appointing Terrence Michael Jackson as counsel for appellant. (SC)	19-020989
05/20/19	Filed Order Setting Briefing Schedule. Appellant's Transcript Request Form and Docketing Statement due: 21 days; Opening Brief and Appendix due: 120 days. (SC).	19-021964

Tuesday November 19 2019 03:57 PM

Nevada Supreme Court Docket Sheet

Docket: 78483

WHITE (TONEY) VS. STATE

Page 2

06/07/19	Filed Request for Transcript of Proceedings. Transcripts requested: 03/17/16, 06/09/16, 12/13/16, 12/14/17, 01/18/18, 01/30/18, 02/06/18, 02/15/18, 03/29/18, 04/05/18, 04/24/18, 05/10/18, 06/05/18, 06/28/18, 09/06/18, 12/20/18, 02/19/19, 02/20/19, 02/21/19, 03/19/19. To Court Reporter: Kristine Santi-Cornelius. (SC)	19-024784
06/07/19	Filed Docketing Statement Criminal Appeals. (SC)	19-024788
07/16/19	Filed Notice from Court Reporter. Kristine Santi stating that the requested transcripts were delivered. Dates of transcripts: 03/17/16, 06/09/16, 12/13/16, 12/14/17, 01/18/18, 01/30/18, 02/06/18, 02/15/18, 03/23/19, 04/05/18, 04/24/18, 05/10/18, 06/05/18, 06/28/18, 09/06/18, 12/20/18, 03/19/19, 02/19/19, 02/20/19 and 02/21/19. (SC)	19-030117
08/06/19	Filed Appellant's Motion to Stay Appellate Proceedings and Remand to District Court for Motion to Withdraw Guilty Plea. (SC)	19-033139
08/22/19	Filed Order Denying Motion. Appellant has filed a motion requesting this court stay this appeal and remand to the district court. The motion is denied. (SC).	19-035168
09/09/19	Filed Appellant's Motion for Enlargement of Time (Opening Brief). (SC)	19-037605
09/19/19	Filed Order Regarding Motion. Appellant's Opening Brief and Appendix due: 30 days. (SC).	19-039085
09/19/19	Filed Appellant's Opening Brief. (SC)	19-039122
09/19/19	Filed Appellant's Appendix Volume I. (SC)	19-039160
09/19/19	Filed Appellant's Appendix Volume II. (SC)	19-039161
09/19/19	Filed Appellant's Appendix Volume III. (SC)	19-039164
09/30/19	Returned Unfiled Document - "Appellant's Addendum to Opening Brief."	19-040530
10/21/19	Filed Respondent's Answering Brief. (SC)	19-043456
10/21/19	Filed Respondent's Motion to Transmit Presentence Investigation Report. (SC)	19-043457
10/29/19	Filed Order Directing Transmission of Presentence Investigation Report. Presentence Investigation Report due: 14 days. (SC).	19-044497
11/07/19	Filed Appellant's Reply to Respondent's Answering Brief. (SC)	19-045870
11/08/19	Briefing Completed/To Screening. (SC)	
11/12/19	Filed Presentence Investigation Report (SEALED). (SC)	

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Delivered 07/15/20

L. Rangel

AFFIDAVIT OF TRINA KAY PORTLOCK

1. I, TRINA KAY PORTLOCK, AM A COMPETENT ADULT, U.S. CITIZEN AND NEVADA RESIDENT OVER THE AGE OF (18) EIGHTEEN AND MAKE THIS AFFIDAVIT UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF NEVADA.

2. PRIOR TO JANUARY 20, 2016 I WAS A RESIDENT OF 2895 EAST CHARLESTON BOULEVARD, APT. 2085, LAS VEGAS, NV WHICH WAS JOINTLY OCCUPIED BY AMANDA SEXTON, TONEY WHITE WHO LEASED SAID APARTMENT AND MYSELF, KEVIN WONG, KRISTEN BURTON, AND MARLAND ("GIL") DEANN AS ROOMMATES.

3. I LIVED WITH TONEY AND AMANDA AS A ROOMMATE FROM DAY 1 OF THEIR LEASE AS A LIVE-IN CAREGIVER DUE TO TONEY AND AMANDA'S MOTORCYCLE ACCIDENT INJURIES AND TONEY'S PERIODIC PSYCHIATRIC RELAPSES. TONEY AND AMANDA ALLOWED GIL TO MOVE IN APPROXIMATELY 2 MONTHS PRIOR TO JANUARY 20, 2016. IMMEDIATELY AFTER MOVING INTO THE APARTMENT GIL BECAME EXTREMELY MANIPULATIVE, BULLYISH, TERRITORIAL AND CONTROLLING TAKING ADVANTAGE OF TONEY'S MENTAL ILLNESS AND PHYSICAL DISABILITIES.

4. DURING MY RESIDENCY AT TONEY AND AMANDA'S APARTMENT AS THEIR ROOMMATE, I WITNESSED GIL AND KRISTIN ACCUMULATE POLICE-RELATED ATTIRE INCLUDING VESTS, UTILITY BELTS, GUNS AND SEVERAL PAIRS OF SILVER HANDCOFFS. I ~~FORWARD~~ FURTHER PERSONALLY WITNESSED THEM UTILIZE THE APARTMENT COMPUTER CREATING FALSE U.S. MARSHAL FILES AND SEARCH WARRANTS AS THEY (KEVIN, GIL, AND KRISTIN) PLOTTED ROBBERIES POSING AS COPS. DURING THESE PREPARATIONS NEITHER TONEY OR AMANDA WERE PRESENT NOR DID THEY PARTICIPATE.

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5. PRIOR TO JANUARY 20, 2016 TONEY AND AMANDA RARELY EXITED THE APARTMENT DUE TO THEIR ACCIDENT-RELATED INJURIES AND TONEY'S PERIODIC PSYCHOTIC RELAPSES AND ALLOWED ME, KRISTIN AND GIL TO FREQUENTLY UTILIZE HIS JEEP AND FORD MUSTANG CONVERTIBLE. I WAS PRESENT WITH GIL AND KEVIN WHEN THEY BOUGHT RED AND BLUE LIGHTS FROM THE T.A. TRUCKSTOP NEAR THE SILVERTON CASINO ON DEAN MARTIN AND BLUE DIAMOND AND WHEN THEY BOUGHT WHITE LIGHTS FROM AUTOZONE BEFORE INSTALLING THEM IN THE JEEP MAKING TONEY'S JEEP APPEAR TO BE A COP VEHICLE AND IN PREPARATION OF ROBBERIES. TONEY WAS NEVER MADE AWARE OF SUCH.

6. AFTER EXTENSIVE DRINKING, METHAMPHETAMINE AND HEROIN USE BY MYSELF, AMANDA AND TONEY AN ARGUMENT OCCURRED BETWEEN GIL, TONEY AND AMANDA IN WHICH GIL EXPRESSED HIS DISAPPOINTMENT IN AMANDA AND TONEY'S LACK OF WILLINGNESS IN ASSISTING GIL, KEVIN AND KRISTIN WITH A "SITUATION" IN 7 HILLS. PARTICULARLY, KRISTIN WAS EXTREMELY ADDICTED TO HEROIN AND WAS HEROIN SICK AND WITHDRAWING. SHE HAD GIVEN GIL \$900.00 OF HER \$2,500.00 SOCIAL SECURITY CHECK TO COP HEROIN FROM JASON SO SHE COULD GET WELL. DURING THIS INCIDENT GIL ATTACKED TONEY AND INTIMIDATED HIM INTO COOPERATING THREATENING TO HARM HIS AND AMANDA'S KIDS WHILE PLACING A LOADED HOME SECURITY SHOTGUN TO HIS CHEST.

7. GIL INTIMIDATED TONEY AND AMANDA TO ATTIRE IN COP GEAR AND I OBSERVED KRISTIN, GIL, KEVIN, AMANDA AND TONEY LEAVE TO 7 HILLS AT APPROXIMATELY 10:00 PM ON SAID

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DATE. ONCE GIL AND THE OTHERS LEFT THE APARTMENT I CALLED LUMPD TO MAKE A ANONYMOUS REPORT AGAINST GIL DUE TO HAVING A WARRANT AT THE TIME. EARLY THE FOLLOWING MORNING KRISTIN AND GIL RETURNED TO THE APARTMENT WITHOUT TONEY, AMANDA OR KEVIN. AFTER THEIR RETURN EARLY JANUARY 21, 2016, I NOTICED THAT THEY WERE VERY NERVOUS AND WERE PLACING LUGGAGE SUIT CASES INTO TONEY AND AMANDA'S ROOM FROM THEIR ROOM. I WAS ALSO PRESENT WHEN GIL CALLED TONEY'S SISTER MOUSIE THREATENING THAT IF TONEY AND AMANDA RETURNED WITHOUT RETRIEVING HIS EQUIPMENT DISCARDED IN 7 HILLS THAT IT WOULD BE "ALL BAD".

8. ON JANUARY 21, 2016 AT APPROXIMATELY 6:30 P.M. I WAS RETURNING FROM 7-11 AND DOTY'S ON CHARLESTON WHEN I OBSERVED SEVERAL UNIFORMED OFFICERS WITH VESTS, HELMETS AND LARGE ARTILLERY WEAPONS GATHERING AROUND MY APARTMENT. I OBSERVED THEM SHOOT DOWN OUR CAMERAS BEFORE KICKING IN THE FRONT DOOR AND RAIDING OUR APARTMENT WITH SOLELY GIL AND KRISTIN PRESENT. KRISTIN AND GIL WERE REMOVED FROM THE APARTMENT CUFFED. AFTER CONDUCTING THE APARTMENT SEARCH GIL AND KRISTIN WERE RELEASED. AFTER THE OFFICERS LEFT I RETURNED TO THE APARTMENT.

9. AFTER RETURNING I QUESTIONED KRISTIN AND GIL AS TO WHAT THE HELL WAS GOING ON. AT THAT POINT GIL AND KRISTIN ADVISED ME THAT JASON HAD BURNED GIL FOR \$900.00 OF KRISTIN'S SOCIAL SECURITY CHECK BY GIVING GIL FAKE HEROIN AND THEY RETALIATED BY POSTING AS COPS, CONFRONTING JASON IN EFFORTS TO OBTAIN REAL HEROIN OR KRISTIN'S MONEY BACK

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AND BY "BEATING HIS ASS," GIL BRAGGED ABOUT ELUDING ARREST BY MISDIRECTING HENDERSON OFFICERS ARRIVING TO THE 7 HILLS LOCATION. GIL DIRECTLY THREATENED ME THAT IF I EVER DOUBLE CROSSED HIM I WOULD BE LAYING DEAD NEXT TO HIS "EX BITCH AMY" (BRASS) BECAUSE HE HAD HOMEBOYS WILLING TO "TURN UP" FOR HIM.

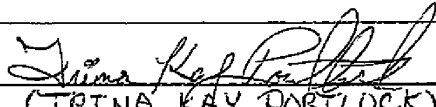
10. I HAVE SINCE DISCOVERED FROM TONEY'S SISTER MOOSIE THAT TONEY, AMANDA, GIL AND KEVIN WERE ARRESTED IN RELATION TO GIL AND KRISTIN'S SCHEME. I WAS ENCOURAGED BY MOOSIE TO COME FOWARD WITH THE INFORMATION I KNOW RELATING TO THE INCIDENT DESPITE RECEIVING THREATS FROM GIL'S WIFE KRISTIN TO SHUT UP.

11. IN EARLY FEBRUARY 2016 I CONTACTED LUMPD OFFICER YANNIS IN THE PARADISE SPAS IN EFFORTS TO GET INTO CONTACT WITH DETECTIVES WORKING THE CASE. I RELAYED ALL OF THE ABOVE AND MR. YANNIS ADVISED ME THAT HE WOULD FORWARD THE INFORMATION TO THE APPROPRIATE AGENCY RESPONSIBLE FOR THE CASE. I WAS ADVISED THAT DETECTIVES RESPONSIBLE FOR WORKING THE CASE WOULD BE CONTACTING ME. TO THE CURRENT DATE I HAVE NOT BEEN CONTACTED AND MAKE THE INSTANT AFFIDAVIT TO ENSURE THE TRUE REVELATION OF ALL FACTS.

12. I HAVE CONSISTENTLY ATTEMPTED ~~TO~~ TO CONTACT TONEY'S ATTORNEY WITH THIS CRITICAL INFORMATION SEEKING TO SPEAK WITH CASE INVESTIGATOR BUT NONE OF MY CALLS HAVE BEEN RETURNED. I AM AVAILABLE FOR INQUIRY RELATED TO THIS CASE AND CAN BE REACHED AT (562) 341-1408 AND AM WILLING TO TESTIFY IN THIS REGARD

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I DECLARE UNDER PENALTY OF PERJURY UNDER THE
LAWS OF THE STATE OF NEVADA THAT THE FOREGOING IS
TRUE AND CORRECT.


(TRINA KAY PORTLOCK)

DATE: JULY 10, 2016

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Event Number: 150903000026		STATE OF NEVADA TRAFFIC ACCIDENT REPORT SCENE INFORMATION SHEET <small>Revised 1/1/04</small>		Accident Number: LVM150903000026	
Code Revision: 01/01/2011				<input type="checkbox"/> 1) Property <input checked="" type="checkbox"/> 2) Injury <input type="checkbox"/> 3) Fatal	
<input checked="" type="checkbox"/> 1) Urban <input type="checkbox"/> 1) Emergency Use <input type="checkbox"/> 1) Preliminary Report <input type="checkbox"/> 2) Resubmission <input checked="" type="checkbox"/> 1) Hit and Run <input type="checkbox"/> 2) Rural <input type="checkbox"/> 2) Office Report <input checked="" type="checkbox"/> 2) Initial Report <input type="checkbox"/> 4) Supplement Report <input type="checkbox"/> 2) Private Property		Agency Name: LAS VEGAS METRO PD			
Collision Date 9 / 3 / 2015	Time 0007	Day THU	Beat / Sector 13	<input checked="" type="checkbox"/> 1) County <input type="checkbox"/> 2) City CLARK	
Mile Marker	# Vehicles 2	# Non Motorists 0	# Occupants 3	# Fatalities 0	# Injured 2
# Restrained 0					
Occurred On: (Highway # or Street Name) <input type="checkbox"/> 1) Parking Lot S LAS VEGAS BLVD					
<input type="checkbox"/> 1) At Intersection With: <input checked="" type="checkbox"/> 2) Or 331 <input checked="" type="checkbox"/> 3) Feet <input type="checkbox"/> 4) Miles <input type="checkbox"/> 5) Approximate NORTH OF (Cross Street) E RICHMAR AVE					
Roadway Character <input type="checkbox"/> 1) Curve & Grade <input type="checkbox"/> 2) Curve & Hillcrest <input type="checkbox"/> 3) Curve & Level <input type="checkbox"/> 4) Straight & Grade <input type="checkbox"/> 5) Straight & Hillcrest <input checked="" type="checkbox"/> 6) Straight & Level <input type="checkbox"/> 7) Unknown <input type="checkbox"/> 8) Other		Roadway Conditions <input checked="" type="checkbox"/> 1) Dry <input type="checkbox"/> 7) Slush <input type="checkbox"/> 2) Ice <input type="checkbox"/> 8) Standing Water <input type="checkbox"/> 3) Wet <input type="checkbox"/> 9) Moving Water <input type="checkbox"/> 4) Snow <input type="checkbox"/> 10) Unknown <input type="checkbox"/> 5) Sand / Mud / Oil / Dirt / Gravel <input type="checkbox"/> 6) Other		Total Thru Lanes Main Road <input type="checkbox"/> 1) One <input type="checkbox"/> 2) Two <input type="checkbox"/> 3) Three <input type="checkbox"/> 4) Four <input type="checkbox"/> 5) Five <input checked="" type="checkbox"/> 6) > 5 Total All Lanes: 6	
Average Roadway Widths Travel Lane 12 Ft Storage / Turn Lane 12 Ft Median 3 Ft Paved Shoulder Inside Outside		Roadway Grade <input type="checkbox"/> 1) Not Determined <input checked="" type="checkbox"/> 2) Relatively Level Roadway <input type="checkbox"/> 3) Up Slope (+) <input type="checkbox"/> 4) Down Slope (-) Relative To V1 Grade 0.0 %			
Pavement Markings and Type 1) Centerline, Broken Yellow 6) No Passing, Either Direction <input type="checkbox"/> 12) None 2) Centerline, Solid Yellow 7) Turn Arrow Symbols <input type="checkbox"/> 13) Unknown 3) Centerline, Double Yellow 8) Center Turn Lane Line 4) Lane Line, Broken White 9) Edge Line, Left, Yellow 5) Lane Line, Solid White 10) Edge Line, Right, White <input type="checkbox"/> 11) Other		Highway Description <input type="checkbox"/> 1) Two-Way, Not Divided <input checked="" type="checkbox"/> 2) Two-Way, Divided, Unpro. Median <input type="checkbox"/> 3) Two-Way, Divided, Median Barrier <input type="checkbox"/> 4) One-Way, Not Divided <input type="checkbox"/> 5) Unknown <input type="checkbox"/> 6) Off Road		Weather Conditions <input checked="" type="checkbox"/> 1) Clear <input type="checkbox"/> 7) Fog, Smog, Smoke, Ash <input type="checkbox"/> 2) Cloudy <input type="checkbox"/> 8) Severe Crosswinds <input type="checkbox"/> 3) Snow <input type="checkbox"/> 9) Sleet / Hail <input type="checkbox"/> 4) Rain <input type="checkbox"/> 10) Unknown <input type="checkbox"/> 5) Blowing Sand, Dirt, Soil, Snow <input type="checkbox"/> 6) Other	
Light Conditions <input type="checkbox"/> 1) Dusk <input checked="" type="checkbox"/> 6) Dark - No Roadway Lighting <input type="checkbox"/> 2) Dawn <input type="checkbox"/> 7) Dark - Spot Roadway Lighting <input type="checkbox"/> 3) Daylight <input type="checkbox"/> 8) Dark - Continuous Roadway Lighting <input type="checkbox"/> 4) Unknown <input type="checkbox"/> 9) Dark - Unknown Roadway Lighting <input type="checkbox"/> 5) Other		Vehicle Collision Type <input type="checkbox"/> 1) Head On <input type="checkbox"/> 6) Rear to Rear <input checked="" type="checkbox"/> 2) Rear End <input type="checkbox"/> 7) Sideswipe - Meeting <input type="checkbox"/> 3) Backing <input type="checkbox"/> 8) Sideswipe - Overtaking <input type="checkbox"/> 4) Angle <input type="checkbox"/> 9) Non - Collision <input type="checkbox"/> 5) Unknown		Location of First Event <input checked="" type="checkbox"/> 1) Travel Lane 3 <input type="checkbox"/> 6) Outside Shoulder <input type="checkbox"/> 11) Ramp <input type="checkbox"/> 2) Turn Lane <input type="checkbox"/> 7) Intersection <input type="checkbox"/> 12) Unknown <input type="checkbox"/> 3) Spore <input type="checkbox"/> 8) Private Property <input type="checkbox"/> 4) Median <input type="checkbox"/> 9) Roadside <input type="checkbox"/> 5) Inside Shoulder <input type="checkbox"/> 10) Other	
Highway / Environment Factors <input checked="" type="checkbox"/> 1) None <input type="checkbox"/> 7) Shoulders <input type="checkbox"/> 11) Ruts, Holes, Bumps <input type="checkbox"/> 2) Weather <input type="checkbox"/> 8) Road Obstruction <input type="checkbox"/> 12) Active Work Zone <input type="checkbox"/> 3) Debris <input type="checkbox"/> 9) Worn Traffic Surface <input type="checkbox"/> 13) Inactive Work Zone <input type="checkbox"/> 4) Store <input type="checkbox"/> 10) Wet, Ice, Snow, Slush <input type="checkbox"/> 14) Animal in Roadway <input type="checkbox"/> 5) Other Highway <input type="checkbox"/> 15) Unknown <input type="checkbox"/> 6) Other Environmental		Property Damage To Other Than Vehicle Describe Property Damage Owner's Name: Owner's Address: (Street Address, City, State) NV This information Released to: By: 54569 Date: 9/11/2015 LAS VEGAS METRO POLICE DEPT.			
First Harmful Event					
Code #: 214 265		Description: MOTOR VEHICLE IN TRANSPORT			
Description of Accident / Narrative					
V2 WAS TRAVELLING NORTHBOUND ON SOUTH LAS VEGAS BOULEVARD, IN THE RIGHT TRAVEL LANE OF 3, NORTH OF EAST RICHMAR AVENUE. V1 WAS TRAVELLING NORTHBOUND ON SOUTH LAS VEGAS BOULEVARD, IN THE RIGHT TRAVEL LANE OF 3, NORTH OF EAST RICHMAR AVENUE, APPROACHING THE REAR OF V2. AT 331 FEET NORTH OF EAST RICHMAR AVENUE, V1 FAILED TO USE TO DUE CARE UPON APPROACHING THE MUCH					
209					
<input checked="" type="checkbox"/> 1) Continued On Back of Scene Information Sheet					
Investigation Complete <input type="checkbox"/> 1) Yes <input checked="" type="checkbox"/> 2) No	Photos Taken <input checked="" type="checkbox"/> 1) Yes <input type="checkbox"/> 2) No	Scene Diagram <input checked="" type="checkbox"/> 1) Yes <input type="checkbox"/> 2) No	Statements <input checked="" type="checkbox"/> 1) Yes <input type="checkbox"/> 2) No # 3	Date Notified 9 / 3 / 2015	Time Notified 0033
Arrival Date 9 / 3 / 2015		Arrival Time 0050			
Investigator(s) Quinn		ID Number 4377	Date 9 / 3 / 2015	Reviewed By Bret Theil	Page 1 of 7
Scene Information:					

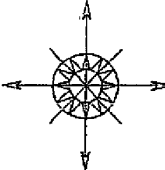
Event Number: 150903000026	STATE OF NEVADA TRAFFIC ACCIDENT REPORT SCENE INFORMATION SHEET <small>Revised 1/14/84</small>	Accident Number: LVM150903000026 Agency Name: LAS VEGAS METRO PD
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Description of Accident / Narrative Continuation

SLOWER MOVING V2, AND HIT V2 REAR WITH V1 FRONT. THAT COLLISION EJECTED BOTH OCCUPANTS OFF OF V2, AS V2 BECAME WEDGED UNDERNEATH THE FRONT OF V1. V1 FAILED TO STOP, RENDER AID, EXCHANGE INFORMATION, AND NOTIFY POLICE AS IT DROVE AWAY FROM THE SCENE, NORTHBOUND ON SOUTH LAS VEGAS BOULEVARD, DRAGGING V2 UNDERNEATH ITS FRONT END. THE DRAGGING LEFT GOUGE AND SCRATCH MARKS ON THE ROADWAY, WHICH TRAVELLED FROM THE AREA OF INITIAL CONTACT, INTO THE MIDDLE TRAVEL LANE AND BACK INTO THE RIGHT TRAVEL LANE, BEFORE EVENTUALLY TURNING RIGHT, EASTBOUND, ONTO EAST AGATE AVENUE AND FINALLY TURNING RIGHT, SOUTHBOUND, INTO THE PARK AVENUE CONDOMINIUM COMPLEX AT 83 EAST AGATE AVENUE. V1 THEN PARKED IN AN OPEN PARKING STALL, JUST TO THE SOUTHEAST OF THE FRONT ENTRANCE, FACING WEST, WITH V2 STILL STUCK UNDERNEATH THE FRONT END OF V1. THE DRIVER OF V1, THEN EXITED V1 AND FLED FROM THE SCENE. BOTH OCCUPANTS FROM V2 SUSTAINED SIGNIFICANT INJURIES AND WERE TRANSPORTED TO ST. ROSE SIENNA HOSPITAL, WHERE THEY WERE TREATED AND RELEASED. V1 APPEARED TO REMAIN DRIVABLE AND WAS SEALED AND IMPOUNDED AS EVIDENCE IN THE FELONY HIT AND RUN INCIDENT. V2 SUSTAINED SIGNIFICANT DAMAGE, WAS DISABLED, AND TOWED FOR SAFEKEEPING. THE AREA OF INITIAL CONTACT WAS 331 FEET NORTH OF THE NORTH EDGE OF RICHMAR AVENUE AND 12 FEET WEST OF THE EAST EDGE OF SOUTH LAS VEGAS BOULEVARD, AND WAS EVIDENCED BY GOUGE AND SCRATCH MARKS ON THE ROADWAY. THERE WERE NO PRE-IMPACT SKID MARKS ON THE ROADWAY.

THIS INCIDENT IS BEING FORWARDED TO THE HIT AND RUN DETAIL FOR FOLLOW-UP.

09/09/15 -- DRIVER (CLARK, RUSSELL NV/OLN#1604210571) CAME IN FOR SCHEDULED APPOINTMENT AND FILLED OUT VOLUNTARY STATEMENT. DRIVER WAS FOUND AT FAULT AND CHARGED ACCORDINGLY. CASE CLOSED. B6097T



Indicate North

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A.I.C.: 331 N/N 16 W/E

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Scene Information

Event Number: 150903000026		STATE OF NEVADA TRAFFIC ACCIDENT REPORT VEHICLE INFORMATION SHEET <small>Revised 11/4/04</small>		Accident Number: LVM150903000026	
Vehicle # V1	# Occupants 1	<input checked="" type="checkbox"/> 1) At Fault <input type="checkbox"/> 2) Non Contact Vehicle		Agency Name: LAS VEGAS METRO PD	
Direction <input checked="" type="checkbox"/> 1) North <input type="checkbox"/> 3) East <input type="checkbox"/> 5) Unknown of Travel: <input type="checkbox"/> 2) South <input type="checkbox"/> 4) West		Highway / Street Name: S. LAS VEGAS BOULEVARD			Travel Lane #: 3
Vehicle <input checked="" type="checkbox"/> 1) Straight <input type="checkbox"/> 3) Left Turn <input type="checkbox"/> 5) U-Turn <input type="checkbox"/> 7) Wrong Way <input type="checkbox"/> 9) Passing <input type="checkbox"/> 11) Leaving Parked <input type="checkbox"/> 13) Leaving Lane <input type="checkbox"/> 15) Enter Parked <input type="checkbox"/> 17) Lane Change <input type="checkbox"/> 19) Unknown Action: <input type="checkbox"/> 2) Backing <input type="checkbox"/> 4) Right Turn <input type="checkbox"/> 6) Parked <input type="checkbox"/> 8) Stopped <input type="checkbox"/> 10) Backing <input type="checkbox"/> 12) Entering Lane <input type="checkbox"/> 14) Other Turning <input type="checkbox"/> 16) Driverless Vehicle <input type="checkbox"/> 18) Other					
Driver: (Last Name, First Name, Middle Name, Suffix) CLARK, RUSSELL THOMAS			Transported By: <input checked="" type="checkbox"/> 1) Not Transported <input type="checkbox"/> 2) EMS <input type="checkbox"/> 3) Police <input type="checkbox"/> 4) Unknown <input type="checkbox"/> 5) Other		
Street Address: 2301 S VALLEY VIEW			Transported To:		
City: LAS VEGAS	State / Country <input checked="" type="checkbox"/> 1) NV	Zip Code: 89102	Person Type: 1	Seating Position: 1	Occupant Restraints: 13
<input checked="" type="checkbox"/> 1) Male <input type="checkbox"/> 3) Unknown DOB: / /	Phone Number:	Injury Severity: U	Injury Location:		
<input type="checkbox"/> 2) Female	OLN:	State: <input checked="" type="checkbox"/> 1) NV Class: <input type="checkbox"/> 1) DDL <input checked="" type="checkbox"/> 2) DL License Status: 0	Airbags: 2	Airbag Switch:	Ejected: 0 Trapped: 0
Compliance: <input type="checkbox"/> 1) Restrict <input type="checkbox"/> 2) Endorse		Endorsements:		Restrictions:	
Alcohol/Drug Involvement: <input type="checkbox"/> 1) Not Involved <input type="checkbox"/> 2) Suspected Impairment <input type="checkbox"/> 3) Alcohol <input type="checkbox"/> 4) Drugs <input checked="" type="checkbox"/> 5) Unknown		Method of Determination (check up to 2): <input type="checkbox"/> 1) Field Sobriety Test <input type="checkbox"/> 4) Urine Test <input type="checkbox"/> 2) Evidentiary Breath <input type="checkbox"/> 5) Blood Test <input type="checkbox"/> 3) Driver Admission <input type="checkbox"/> 6) Preliminary Breath Test		Test Results:	
		Driver Factors: <input type="checkbox"/> 1) Apparently Normal <input type="checkbox"/> 6) Driver Ill / Injured <input type="checkbox"/> 2) Had Been Drinking <input type="checkbox"/> 7) Other Improper Driving <input type="checkbox"/> 3) Drug Involvement <input type="checkbox"/> 8) Driver Inattention / Distracted <input type="checkbox"/> 4) Apparently Fatigued / Asleep <input type="checkbox"/> 9) Physical Impairment <input type="checkbox"/> 5) Obstructed View <input type="checkbox"/> 10) Unknown			
Vehicle Year: 2009	Vehicle Make: AUDI	Vehicle Model: A4	Vehicle Type: SEDAN 4-DOOR		
Plate / Permit No.: 524YEU	State: <input checked="" type="checkbox"/> 1) NV	Expiration Date: 7 / 5 / 2016	Vehicle Color: BLK		
Vehicle Identification Number: WAULF78K79N032886					
Registered Owner Name: <input type="checkbox"/> 1) Same As Driver CLARK, RUSSELL THOMAS					
Registered Owner Address: 2301 S VALLEY VIEW BLVD, LAS VEGAS, NV 89102					
Insurance Company Name: <input checked="" type="checkbox"/> 1) Insured INFINITY					
Policy Number: 127700038034001		Effective: 6 / 5 / 2015	To: 12 / 5 / 2015		
Insurance Company Address or Phone Number: 800-334-1661					
<input checked="" type="checkbox"/> 1) Vehicle Towed		Towed By: FAST TOW			
Removed To:					
Traffic Control: F 1) Speed Zone 11) Stop Sign 2) Signal Light 12) Yield Sign 3) Flashing Light 13) R. R. Sign 4) School Zone 14) R. R. Gates 5) Ped. Signal 15) R. R. Signal <input checked="" type="checkbox"/> 6) No Passing F 16) Marked Lanes 7) No Controls 17) Tire Chains/Snow Req. 8) Warning Sign 18) Permissive Green 9) Turn Signal <input type="checkbox"/> 19) Unknown 10) Other		Distance Traveled After Impact: MOVED	Speed Estimate: From 0 To 0 Limit 45		Extent Of Damage: <input type="checkbox"/> 1) Minor <input type="checkbox"/> 4) Total <input checked="" type="checkbox"/> 2) Moderate <input type="checkbox"/> 5) None <input type="checkbox"/> 3) Major <input type="checkbox"/> 6) Unknown
Sequence Of Events					
Code #		Description		Collision With Fixed Object	Most Harmful Event
1st 214		MOTOR VEHICLE IN TRANSPORT		<input type="checkbox"/>	<input checked="" type="checkbox"/>
2nd				<input type="checkbox"/>	<input type="checkbox"/>
3rd				<input type="checkbox"/>	<input type="checkbox"/>
4th				<input type="checkbox"/>	<input type="checkbox"/>
5th				<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> 1) NRS <input type="checkbox"/> 2) CFR <input type="checkbox"/> 3) CC / MC <input type="checkbox"/> 4) Pending (1)		Violation		NOC	Citation Number
<input type="checkbox"/> 1) NRS <input type="checkbox"/> 2) CFR <input type="checkbox"/> 3) CC / MC (2)		Violation		NOC	Citation Number
Investigator(s) Quinn		ID Number 4377	Date 9 / 3 / 2015	Reviewed By Bret Theil	Date Reviewed 9 / 9 / 2015
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Vehicle Information

Event Number: 150903000026		STATE OF NEVADA TRAFFIC ACCIDENT REPORT VEHICLE INFORMATION SHEET <small>Revised 1/14/04</small>		Accident Number: LVM150903000026	
		Agency Name: LAS VEGAS METRO PD			

Name: (Last Name, First Name, Middle Name Suffix)			Transported By: <input type="checkbox"/> 1) Not Transported <input type="checkbox"/> 2) EMS <input type="checkbox"/> 3) Police <input type="checkbox"/> 4) Unknown <input type="checkbox"/> 5) Other		
Street Address:			Transported To:		
City:	State / Country <input type="checkbox"/> 1) NV	Zip Code:	Person Type:	Seating Position:	Occupant Restraints:
<input type="checkbox"/> 1) Male <input type="checkbox"/> 3) Unknown	DOB: / /	Phone Number:	Injury Severity:	Injury Location:	
<input type="checkbox"/> 2) Female					
			Airbags:	Airbag Switch:	Ejected: Trapped:

Name: (Last Name, First Name, Middle Name Suffix)			Transported By: <input type="checkbox"/> 1) Not Transported <input type="checkbox"/> 2) EMS <input type="checkbox"/> 3) Police <input type="checkbox"/> 4) Unknown <input type="checkbox"/> 5) Other		
Street Address:			Transported To:		
City:	State / Country <input type="checkbox"/> 1) NV	Zip Code:	Person Type:	Seating Position:	Occupant Restraints:
<input type="checkbox"/> 1) Male <input type="checkbox"/> 3) Unknown	DOB: / /	Phone Number:	Injury Severity:	Injury Location:	
<input type="checkbox"/> 2) Female					
			Airbags:	Airbag Switch:	Ejected: Trapped:

Name: (Last Name, First Name, Middle Name Suffix)			Transported By: <input type="checkbox"/> 1) Not Transported <input type="checkbox"/> 2) EMS <input type="checkbox"/> 3) Police <input type="checkbox"/> 4) Unknown <input type="checkbox"/> 5) Other		
Street Address:			Transported To:		
City:	State / Country <input type="checkbox"/> 1) NV	Zip Code:	Person Type:	Seating Position:	Occupant Restraints:
<input type="checkbox"/> 1) Male <input type="checkbox"/> 3) Unknown	DOB: / /	Phone Number:	Injury Severity:	Injury Location:	
<input type="checkbox"/> 2) Female					
			Airbags:	Airbag Switch:	Ejected: Trapped:

<input type="checkbox"/> 1) Trailing Unit 1 VIN:		Plate:	State: <input type="checkbox"/> 1) NV	Type:
<input type="checkbox"/> 1) Trailing Unit 2 VIN:		Plate:	State: <input type="checkbox"/> 1) NV	Type:
<input type="checkbox"/> 1) Trailing Unit 3 VIN:		Plate:	State: <input type="checkbox"/> 1) NV	Type:

Commercial Vehicle Configuration		<input type="checkbox"/> 1) Commercial Vehicle <input type="checkbox"/> 2) School Bus	
<input type="checkbox"/> 1) Bus, 9 - 15 Occupants <input type="checkbox"/> 6) Tractor Only <input type="checkbox"/> 11) Tractor / Semi Trailer <input type="checkbox"/> 2) Bus, > 15 Occupants <input type="checkbox"/> 7) Tractor / Trailer <input type="checkbox"/> 12) Passenger Vehicle, (Haz-Mat) <input type="checkbox"/> 3) Single 2 Axle and 6 Tire <input type="checkbox"/> 8) Tractor / Doubles <input type="checkbox"/> 13) Light Truck, (Haz-Mat) <input type="checkbox"/> 4) Single > 3 Axle <input type="checkbox"/> 9) Tractor / Triples <input type="checkbox"/> 14) Other Heavy Vehicle <input type="checkbox"/> 5) Any 4 Tire Vehicle <input type="checkbox"/> 10) Truck with Trailer		Source <input type="checkbox"/> 1) Driver <input type="checkbox"/> 4) State Reg. <input type="checkbox"/> 2) Log Book <input type="checkbox"/> 6) Side Of Vehicle <input type="checkbox"/> 3) Shipping Papers / Trip Manifest <input type="checkbox"/> 8) Other	
Carrier Name:		Power Unit GVWR <input type="checkbox"/> 1) ≤ 10,000 Lbs <input type="checkbox"/> 2) 10,000 - 25,000 Lbs <input type="checkbox"/> 3) ≥ 26,000 Lbs	
Carrier Street Address:		City: State: <input type="checkbox"/> 1) NV Zip:	

Cargo Body Type <input type="checkbox"/> 1) Pole <input type="checkbox"/> 6) Van / Box <input type="checkbox"/> 11) Grain, Gravel Chpts <input type="checkbox"/> 2) Tank <input type="checkbox"/> 7) Concrete Mixer <input type="checkbox"/> 12) Bus, 9 - 15 Occupants <input type="checkbox"/> 3) Flatbed <input type="checkbox"/> 8) Auto Carrier <input type="checkbox"/> 13) Bus, > 15 Occupants <input type="checkbox"/> 4) Dump <input type="checkbox"/> 9) Garbage/Refuse <input type="checkbox"/> 14) Other <input type="checkbox"/> 5) Unknown <input type="checkbox"/> 10) Not Applicable		Haz-Mat ID #: Hazard Classification #:	Type of Carrier <input type="checkbox"/> 1) Single State <input type="checkbox"/> 2) USDOT <input type="checkbox"/> 3) Canada <input type="checkbox"/> 4) Mexico <input type="checkbox"/> 5) None	NAS Safety Report #: 208 Carrier Number: <div style="border: 1px solid black; width: 100px; height: 20px; margin: 5px;"></div>
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Vehicle Information

Event Number: 150903000026		STATE OF NEVADA TRAFFIC ACCIDENT REPORT VEHICLE INFORMATION SHEET <small>Revised 1/14/04</small>		Accident Number: LVM150903000026	
Vehicle # V2	# Occupants 2	<input type="checkbox"/> 1) At Fault <input type="checkbox"/> 2) Non Contact Vehicle		Agency Name: LAS VEGAS METRO PD	
Direction of Travel: <input checked="" type="checkbox"/> 1) North <input type="checkbox"/> 3) East <input type="checkbox"/> 5) Unknown <input type="checkbox"/> 2) South <input type="checkbox"/> 4) West		Highway / Street Name: S LAS VEGAS BLVD			Travel Lane #: 3
Vehicle <input checked="" type="checkbox"/> 1) Straight <input type="checkbox"/> 3) Left Turn <input type="checkbox"/> 5) U-Turn <input type="checkbox"/> 7) Wrong Way <input type="checkbox"/> 9) Passing <input type="checkbox"/> 11) Leaving Parked <input type="checkbox"/> 13) Leaving Lane <input type="checkbox"/> 16) Enter Parked (P) <input type="checkbox"/> 17) Lane Change <input type="checkbox"/> 19) Unknown Action: <input type="checkbox"/> 2) Backing <input type="checkbox"/> 4) Right Turn <input type="checkbox"/> 6) Parked <input type="checkbox"/> 8) Stopped (A) <input type="checkbox"/> 10) Racing <input type="checkbox"/> 12) Entering Lane <input type="checkbox"/> 14) Other Turning <input type="checkbox"/> 16) Driverless Vehicle <input type="checkbox"/> 18) Other					
Driver: (Last Name, First Name, Middle Name, Suffix) WHITE, TONEY ANTHONY III			Transported By: <input type="checkbox"/> 1) Not Transported <input checked="" type="checkbox"/> 2) EMS <input type="checkbox"/> 3) Police <input type="checkbox"/> 4) Unknown <input type="checkbox"/> 5) Other AMR		
Street Address: 9457 S LAS VEGAS BLVD Apt# 145			Transported To: SAINT ROSE DOMINICAN - SIENNA HOSPITAL		
City: LAS VEGAS		State / Country: <input checked="" type="checkbox"/> 1) NV	Zip Code: 89123	Person Type: 1	Seating Position: 1 Occupant Restraints: 1
<input checked="" type="checkbox"/> 1) Male <input type="checkbox"/> 3) Unknown <input type="checkbox"/> 2) Female		DOB: 7 / 19 / 1972	Phone Number: 5623411408	Injury Severity: A	Injury Location: 7 1
OLN:		State: <input type="checkbox"/> 1) NV WA	Class: <input type="checkbox"/> 1) CDL <input checked="" type="checkbox"/> 2) DL	License Status: 0	Airbags: 1 Airbag Switch: Ejected: 1 Trapped: 0
Compliance: <input type="checkbox"/> 1) Restrict <input type="checkbox"/> 2) Endorse		Endorsements		Restrictions	
Alcohol/Drug Involvement: <input checked="" type="checkbox"/> 1) Not Involved <input type="checkbox"/> 2) Suspected Impairment <input type="checkbox"/> 3) Alcohol <input type="checkbox"/> 4) Drugs <input type="checkbox"/> 5) Unknown		Method of Determination (check up to 2): <input type="checkbox"/> 1) Field Sobriety Test <input type="checkbox"/> 4) Urine Test <input type="checkbox"/> 2) Evidentiary Breath <input type="checkbox"/> 5) Blood Test <input type="checkbox"/> 3) Driver Admission <input type="checkbox"/> 6) Preliminary Breath Test		Test Results:	
Driver Factors: <input checked="" type="checkbox"/> 1) Apparently Normal <input type="checkbox"/> 6) Driver Ill / Injured <input type="checkbox"/> 2) Had Been Drinking <input type="checkbox"/> 7) Other Improper Driving <input type="checkbox"/> 3) Drug Involvement <input type="checkbox"/> 8) Driver Inattention / Distracted <input type="checkbox"/> 4) Apparently Fatigued / Asleep <input type="checkbox"/> 9) Physical Impairment <input type="checkbox"/> 5) Obstructed View <input type="checkbox"/> 10) Unknown					
Vehicle Year: 2014	Vehicle Make: OTHER	Vehicle Model: OTHER	Vehicle Type: MOTORSCOOTER		
Plate / Permit No.:	State: <input type="checkbox"/> 1) NV	Expiration Date:	Vehicle Color: BLK		
Vehicle Identification Number: L8YTCAFPXEY602161					
Registered Owner Name: <input type="checkbox"/> 1) Same As Driver UNKNOWN,					
Registered Owner Address: UNKNOWN, UNKNOWN, NV 0					
Insurance Company Name: <input type="checkbox"/> 1) Insured					
Policy Number:		Effective:	To:		
Insurance Company Address or Phone Number:					
<input checked="" type="checkbox"/> 1) Vehicle Towed		Towed By: FAST TOW			
Removed To: TOW YARD		<div style="display: flex; align-items: center;"> <div style="margin-right: 10px;"> <input type="checkbox"/> 1 Over Ride <input type="checkbox"/> 2 Under Ride </div> </div>			
Damaged Areas <input checked="" type="checkbox"/> 1) Front <input type="checkbox"/> 2) Right Side <input checked="" type="checkbox"/> 3) Left Side <input checked="" type="checkbox"/> 4) Rear <input type="checkbox"/> 5) Right Front <input type="checkbox"/> 6) Right Rear <input type="checkbox"/> 7) Top <input type="checkbox"/> 8) Under Carriage <input type="checkbox"/> 9) Left Front <input type="checkbox"/> 10) Left Rear <input type="checkbox"/> 11) Unknown <input type="checkbox"/> 12) Other					
Traffic Control <input type="checkbox"/> 1) Speed Zone <input type="checkbox"/> 11) Stop Sign <input type="checkbox"/> 2) Signal Light <input type="checkbox"/> 12) Yield Sign <input type="checkbox"/> 3) Flashing Light <input type="checkbox"/> 13) R. R. Sign <input type="checkbox"/> 4) School Zone <input type="checkbox"/> 14) R. R. Gates <input type="checkbox"/> 5) Ped. Signal <input type="checkbox"/> 15) R. R. Signal (R) <input type="checkbox"/> 6) No Passing <input type="checkbox"/> 16) Marked Lanes <input type="checkbox"/> 7) No Controls <input type="checkbox"/> 17) Tire Chains/Snow Req. <input type="checkbox"/> 8) Warning Sign <input type="checkbox"/> 18) Permissive Green <input type="checkbox"/> 9) Turn Signal <input type="checkbox"/> 19) Unknown <input type="checkbox"/> 10) Other		Distance Traveled After Impact MOVED		Speed Estimate From 0 To 0 Limit 45	
		Extent Of Damage <input type="checkbox"/> 1) Minor <input type="checkbox"/> 4) Total <input checked="" type="checkbox"/> 2) Moderate <input type="checkbox"/> 5) None <input type="checkbox"/> 3) Major <input type="checkbox"/> 6) Unknown			
Sequence Of Events					
Code #		Description		Collision With Fixed Object	Most Harmful Event
1st 214		MOTOR VEHICLE IN TRANSPORT		<input type="checkbox"/>	<input checked="" type="checkbox"/>
2nd				<input type="checkbox"/>	<input type="checkbox"/>
3rd				<input type="checkbox"/>	<input type="checkbox"/>
4th				<input type="checkbox"/>	<input type="checkbox"/>
5th				<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> 1) NRS <input type="checkbox"/> 2) CFR <input type="checkbox"/> 3) CC / MC <input type="checkbox"/> 4) Pending (1)		Violation		NOC	Citation Number
<input type="checkbox"/> 1) NRS <input type="checkbox"/> 2) CFR <input type="checkbox"/> 3) CC / MC (2)		Violation		NOC	Citation Number
Investigator(s) Quinn		ID Number 4377	Date 9 / 3 / 2015	Reviewed By Bret Theil	Date Reviewed 9 / 9 / 2015 Page 5 of 7

Vehicle Information

Event Number: 150903000026		STATE OF NEVADA TRAFFIC ACCIDENT REPORT VEHICLE INFORMATION SHEET <small>Revised 1/14/04</small>		Accident Number: LVM150903000026	
Name: (Last Name, First Name, Middle Name Suffix) SEXTON, AMANDA LEA		Transported By: <input type="checkbox"/> 1) Not Transported <input checked="" type="checkbox"/> 2) EMS <input type="checkbox"/> 3) Police <input type="checkbox"/> 4) Unknown <input type="checkbox"/> 5) Other _____ AMR			
Street Address: 9457 S LAS VEGAS BLVD APT# 145		Transported To: SAINT ROSE DOMINICAN - SIENNA HOSPITAL			
City: LAS VEGAS	State / Country <input checked="" type="checkbox"/> 1) NV	Zip Code: 89123	Person Type: 2	Seating Position: 4	Occupant Restraints: 1
<input type="checkbox"/> 1) Male <input type="checkbox"/> 3) Unknown DOB: <input checked="" type="checkbox"/> 2) Female 4 / 14 / 1992	Phone Number: 5623411408		Injury Severity: 8	Injury Location: 6	1
			Airbags: 1	Airbag Switch: 1	Ejected: 1 Trapped: 0
Name: (Last Name, First Name, Middle Name Suffix)		Transported By: <input type="checkbox"/> 1) Not Transported <input type="checkbox"/> 2) EMS <input type="checkbox"/> 3) Police <input type="checkbox"/> 4) Unknown <input type="checkbox"/> 5) Other _____			
Street Address:		Transported To:			
City:	State / Country <input type="checkbox"/> 1) NV	Zip Code:	Person Type:	Seating Position:	Occupant Restraints:
<input type="checkbox"/> 1) Male <input type="checkbox"/> 3) Unknown DOB: <input type="checkbox"/> 2) Female / /	Phone Number:		Injury Severity:	Injury Location:	
			Airbags:	Airbag Switch:	Ejected: Trapped:
Name: (Last Name, First Name, Middle Name Suffix)		Transported By: <input type="checkbox"/> 1) Not Transported <input type="checkbox"/> 2) EMS <input type="checkbox"/> 3) Police <input type="checkbox"/> 4) Unknown <input type="checkbox"/> 5) Other _____			
Street Address:		Transported To:			
City:	State / Country <input type="checkbox"/> 1) NV	Zip Code:	Person Type:	Seating Position:	Occupant Restraints:
<input type="checkbox"/> 1) Male <input type="checkbox"/> 3) Unknown DOB: <input type="checkbox"/> 2) Female / /	Phone Number:		Injury Severity:	Injury Location:	
			Airbags:	Airbag Switch:	Ejected: Trapped:
Name: (Last Name, First Name, Middle Name Suffix)		Transported By: <input type="checkbox"/> 1) Not Transported <input type="checkbox"/> 2) EMS <input type="checkbox"/> 3) Police <input type="checkbox"/> 4) Unknown <input type="checkbox"/> 5) Other _____			
Street Address:		Transported To:			
City:	State / Country <input type="checkbox"/> 1) NV	Zip Code:	Person Type:	Seating Position:	Occupant Restraints:
<input type="checkbox"/> 1) Male <input type="checkbox"/> 3) Unknown DOB: <input type="checkbox"/> 2) Female / /	Phone Number:		Injury Severity:	Injury Location:	
			Airbags:	Airbag Switch:	Ejected: Trapped:
<input type="checkbox"/> 1) Trailing Unit 1 VIN: _____		Plate:	State: <input type="checkbox"/> 1) NV	Type:	
<input type="checkbox"/> 1) Trailing Unit 2 VIN: _____		Plate:	State: <input type="checkbox"/> 1) NV	Type:	
<input type="checkbox"/> 1) Trailing Unit 3 VIN: _____		Plate:	State: <input type="checkbox"/> 1) NV	Type:	
Commercial Vehicle Configuration					
<input type="checkbox"/> 1) Bus, 9 - 15 Occupants <input type="checkbox"/> 6) Tractor Only <input type="checkbox"/> 11) Tractor / Semi Trailer <input type="checkbox"/> 2) Bus, > 15 Occupants <input type="checkbox"/> 7) Tractor / Trailer <input type="checkbox"/> 12) Passenger Vehicle, (Haz-Mat) <input type="checkbox"/> 3) Single 2 Axle and 6 Tire <input type="checkbox"/> 8) Tractor / Doubles <input type="checkbox"/> 13) Light Truck, (Haz-Mat) <input type="checkbox"/> 4) Single > 3 Axle <input type="checkbox"/> 9) Tractor / Triples <input type="checkbox"/> 14) Other Heavy Vehicle <input type="checkbox"/> 5) Any 4 Tire Vehicle <input type="checkbox"/> 10) Truck with Trailer.			<input type="checkbox"/> 1) Commercial Vehicle <input type="checkbox"/> 2) School Bus Source <input type="checkbox"/> 1) Driver <input type="checkbox"/> 4) State Reg. <input type="checkbox"/> 2) Log Book <input type="checkbox"/> 5) Side of Vehicle <input type="checkbox"/> 3) Shipping Papers / Trip Manifest <input type="checkbox"/> 6) Other		
Carrier Name:		Power Unit GVWR		<input type="checkbox"/> 1) Haz-Mat	
		<input type="checkbox"/> 1) ≤ 10,000 Lbs <input type="checkbox"/> 2) 10,000 - 26,000 Lbs <input type="checkbox"/> 3) ≥ 26,000 Lbs		<input type="checkbox"/> 2) Released	
Carrier Street Address:		City:	State: <input type="checkbox"/> 1) NV	Zip:	
Cargo Body Type		Haz-Mat ID #:	Type of Carrier	NAS Safety Report #: 210	
<input type="checkbox"/> 1) Pole <input type="checkbox"/> 6) Van / Box <input type="checkbox"/> 11) Grain, Gravel Chpts <input type="checkbox"/> 2) Tank <input type="checkbox"/> 7) Concrete Mixer <input type="checkbox"/> 12) Bus, 9 - 15 Occupants <input type="checkbox"/> 3) Flatbed <input type="checkbox"/> 8) Auto Carrier <input type="checkbox"/> 13) Bus, > 15 Occupants <input type="checkbox"/> 4) Dump <input type="checkbox"/> 9) Garbage/Refuse <input type="checkbox"/> 14) Other <input type="checkbox"/> 5) Unknown <input type="checkbox"/> 10) Not Applicable		Hazard Classification #:	<input type="checkbox"/> 1) Single State <input type="checkbox"/> 2) USDOT <input type="checkbox"/> 3) Canada <input type="checkbox"/> 4) Mexico <input type="checkbox"/> 5) None	Carrier Number:	
				Page 6 of 7	

Vehicle Information

Event Number: 150903000026		STATE OF NEVADA TRAFFIC ACCIDENT REPORT Occupant / Witness Supplement Revised 1/14/04		Accident Number: LVM150903000026	
Agency Name: LAS VEGAS METRO PD					

V #	Name: (Last Name, First Name, Middle Name - Suffix) THOMPSON, LUQRIS KURELOROPAI	Transported By: <input type="checkbox"/> 1) Not Transported <input type="checkbox"/> 2) EMS <input type="checkbox"/> 3) Police <input type="checkbox"/> 4) Unknown <input type="checkbox"/> 5) Other _____			
Street Address: 4677 ENGLEWOOD AVE		Transported To:			
City: LAS VEGAS	State / Country <input checked="" type="checkbox"/> 1) NV	Zip Code: 89139	Person 3 Type:	Seating Position:	Occupant Restraints:
<input checked="" type="checkbox"/> 1) Male <input type="checkbox"/> 2) Unknown <input type="checkbox"/> 3) Female	DOB: 9 / 15 / 1987	Phone Number: 7027939584	Injury Severity:	Injury Location:	
		Airbags:	Airbag Switch:	Ejected:	Trapped:

V #	Name: (Last Name, First Name, Middle Name - Suffix) HOOPER, DWAYNE CHRISTOPHER	Transported By: <input type="checkbox"/> 1) Not Transported <input type="checkbox"/> 2) EMS <input type="checkbox"/> 3) Police <input type="checkbox"/> 4) Unknown <input type="checkbox"/> 5) Other _____			
Street Address: 85 E AGATE AVE		Transported To:			
City: LAS VEGAS	State / Country <input checked="" type="checkbox"/> 1) NV	Zip Code: 89123	Person 3 Type:	Seating Position:	Occupant Restraints:
<input checked="" type="checkbox"/> 1) Male <input type="checkbox"/> 2) Unknown <input type="checkbox"/> 3) Female	DOB: 6 / 7 / 1985	Phone Number: 7025186834	Injury Severity:	Injury Location:	
		Airbags:	Airbag Switch:	Ejected:	Trapped:

V #	Name: (Last Name, First Name, Middle Name - Suffix) BAUGH, CRAIG	Transported By: <input type="checkbox"/> 1) Not Transported <input type="checkbox"/> 2) EMS <input type="checkbox"/> 3) Police <input type="checkbox"/> 4) Unknown <input type="checkbox"/> 5) Other _____			
Street Address: 83 E AGATE AVE		Transported To:			
City: LAS VEGAS	State / Country <input checked="" type="checkbox"/> 1) NV	Zip Code: 89123	Person 3 Type:	Seating Position:	Occupant Restraints:
<input checked="" type="checkbox"/> 1) Male <input type="checkbox"/> 2) Unknown <input type="checkbox"/> 3) Female	DOB: 5 / 16 / 1985	Phone Number: 7025016831	Injury Severity:	Injury Location:	
		Airbags:	Airbag Switch:	Ejected:	Trapped:

V #	Name: (Last Name, First Name, Middle Name - Suffix)	Transported By: <input type="checkbox"/> 1) Not Transported <input type="checkbox"/> 2) EMS <input type="checkbox"/> 3) Police <input type="checkbox"/> 4) Unknown <input type="checkbox"/> 5) Other _____			
Street Address:		Transported To:			
City:	State / Country <input type="checkbox"/> 1) NV	Zip Code:	Person Type:	Seating Position:	Occupant Restraints:
<input type="checkbox"/> 1) Male <input type="checkbox"/> 2) Unknown <input type="checkbox"/> 3) Female	DOB:	Phone Number:	Injury Severity:	Injury Location:	
		Airbags:	Airbag Switch:	Ejected:	Trapped:

V #	Name: (Last Name, First Name, Middle Name - Suffix)	Transported By: <input type="checkbox"/> 1) Not Transported <input type="checkbox"/> 2) EMS <input type="checkbox"/> 3) Police <input type="checkbox"/> 4) Unknown <input type="checkbox"/> 5) Other _____			
Street Address:		Transported To:			
City:	State / Country <input type="checkbox"/> 1) NV	Zip Code:	Person Type:	Seating Position:	Occupant Restraints:
<input type="checkbox"/> 1) Male <input type="checkbox"/> 2) Unknown <input type="checkbox"/> 3) Female	DOB:	Phone Number:	Injury Severity:	Injury Location:	
		Airbags:	Airbag Switch:	Ejected:	Trapped:

Investigator(s) Quinn	ID Number 4377	Date 9 / 3 / 2015	Reviewed By Bret Theil	Date Reviewed 9 / 9 / 2015	Page 7 of 7
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Occupant / Witness Supplement

Page 1 of 1

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT

Event # 1509030009260

THIS PORTION TO BE COMPLETED BY OFFICER		
Specific Crime	Date Occurred <u>8/13/15</u>	Time Occurred <u>0007</u>
Location of Occurrence <u>RICHMAN BLVD, LV, NV 89123</u>	Section/Beat <u>43</u>	<input type="checkbox"/> City <input checked="" type="checkbox"/> County

Your Name (Last / First / Middle) <u>THOMPSON LINDSEY KURELOROPAI</u>						Date of Birth	Social Security #
Race <u>BLACK</u>	Sex <u>M</u>	Height <u>6'2"</u>	Weight <u>170lbs</u>	Hair <u>BLK</u>	Eyes <u>BROWN</u>	Work Schdl. (Hours) <u>12:00AM-6AM</u>	(Days Off) <u>SUN/MON</u>
Residence Address: (Number & Street) <u>4677 EUGENIA AVE</u>						Bldg./Apt. # <u>115</u>	
City <u>LAS VEGAS</u>						State Zip Code <u>NV 89139</u>	
Bus. (Local) Address: (Number & Street)						Bldg./Apt. # City State Zip Code	
Best place to contact you during the day <u>(Cell Phone) (702) 793-9584</u>						Best time to contact you during the day	
Can You Identify the Suspect?						<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

DETAILS NOTICED A VEHICLE COMING IN GATE MAKE A LOUD NOISE. SEEN A SCOOTER ~~BEING~~ BEING RIDDEN BY THE VEHICLE FOLLOWED THE MARKS IT CREATED TO ON GROUND TO A PARKING SPACE JUST EAST OF CUBHOUSE. DIDNT SEE ANYONE IN VEHICLE AT ARRIVAL. VEHICLE IS A BLACK AUDI A4. THE SCOOTER LOOKED TO BE HIT BY VEHICLE & DRAG/PULLED ONTO PROPERTY BY IT

The use and dissemination of this record is regulated by Law. Secondary dissemination of any kind is prohibited and could subject the offender to Criminal and Civil Liability.
This Information Released To: ATTY
By: WJN Date: 8-15-15
Las Vegas Metro Police Dept.

I HAVE READ THIS STATEMENT AND I AFFIRM TO THE TRUTH AND ACCURACY OF THE FACTS CONTAINED HEREIN. THIS STATEMENT WAS COMPLETED AT (LOCATION) 85 E AGATE LV NV 89123
ON THE 3RD DAY OF SEPTEMBER AT 2205 (AM/PM), 2015.

Witness/Officer:

Witness/Officer:
LVMPD 85 (REV. 6-08)

L. HINKEL
(PRINTED)

PH 14900

SIGNATURE OF PERSON GIVING STATEMENT

Page 1 of 1

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT

Event # 1509080000260

THIS PORTION TO BE COMPLETED BY OFFICER			
Speculo Crime		Date Occurred	Time Occurred
Location of Occurrence		Sector/Beat	<input type="checkbox"/> City <input checked="" type="checkbox"/> County
<u>RICHMAR / LV BLVD, LV, NV 89123</u>		<u>09/13/15</u> <u>73</u>	<u>0010</u>

Your Name (Last / First / Middle)						Date of Birth		Social Security #	
<u>HOOPER, DWAYNE CHRISTOPHER</u>									
Race	Sex	Height	Weight	Hair	Eyes	Work Sched. (Hours)	(Days Off)	Business / School	
	<u>M</u>	<u>5'10"</u>	<u>240</u>	<u>BROWN</u>	<u>BROWN</u>	<u>11p-7a</u>	<u>TH+FR</u>	<u>TRITON SECURITY</u>	
Residence Address: (Number & Street)			Bldg./Apt.#		City	State	Zip Code	Res. Phone: <u>702-518-6834</u>	
								Bus. Phone:	
Bus. (Local) Address: (Number & Street)			Bldg./Apt.#		City	State	Zip Code	Occupation	
<u>85 E AGATE AVE</u>					<u>LAS VEGAS</u>	<u>NV</u>	<u>89123</u>	<u>SECURITY</u>	
Best place to contact you during the day						Best time to contact you during the day		Can You Identify <input type="checkbox"/> Yes the Suspect? <input checked="" type="checkbox"/> No	

DETAILS ON THURSDAY (9/3/15) AT APPROXIMATELY 1204A I WITNESSED
A BLACK AUDI DRIVE ONTO THE PROPERTY, THROUGH THE ENTRANCE
GATE RESIDENT'S LANE, WITH WHAT APPEARED TO BE A MOVED
CAUGHT UNDER THE FRONT BUMPER. I ATTEMPTED TO MAKE CONTACT
WITH THE DRIVER, TO NO AVAL. THE CAR DROVE THROUGH THE
GATE USING THEIR OWN GATE REMOTE TO OPEN IT. I COULD NOT ID
THE DRIVER AS THE WINDOWS WERE TOO DARK. I CONTACTED THE KOVER
ON SITE TO LOCATE VEHICLE. WHEN HE DID LOCATE IT, HE CALLED ME
TO SEARCH OUR DATABASE FOR THE PLACARD # N-0370, WHICH CAME
BACK AS BELONGING TO 83-201 RESIDENT CRAIG BAUGH.

This Use and Dissemination of this
Record is Regulated by Law. Secondary
Dissemination of any kind is Prohibited
and could subject the offender to Criminal
and Civil Liability.

This Information Released To 164

By: U210 Date: 9-15-15
Las Vegas Metro Police Dept.

I HAVE READ THIS STATEMENT AND I AFFIRM TO THE TRUTH AND ACCURACY OF THE FACTS CONTAINED HEREIN. THIS STATEMENT WAS
 COMPLETED AT (LOCATION) 85 E AGATE, LV, NV 89123
 ON THE 3rd DAY OF SEPTEMBER AT 0130 (AM / PM), 2015.

Witness/Officer:

(SIGNATURE)

Witness/Officer:
LVMPD 85 (REV. 8-08)

(PRINTED)

L. HINKEL PH 14900

(SIGNATURE OF PERSON GIVING STATEMENT)

I.D.#

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT

Event #

150903-00200

Date 9/13/15 Time 0123 Place PARK AVE CONDOS
 I, Craig Baxl am 30 years of age,
 and my address is 83 East Asate Ave Las Vegas NV 89123

WARNING: Before you are asked any questions, you must understand your rights.

I am OFFICER HINKEL of the Las Vegas Metropolitan Police Department and inform you that:

- (1) You have the right to remain silent.
- (2) If you give up that right to remain silent anything you say can and will be used against you.
- (3) You have the right to speak to an attorney before answering any questions, and to have an attorney present with you while you answer any questions.
- (4) If you cannot afford an attorney, an attorney will be appointed for you by the court at no cost to you, and you need not answer any questions until that attorney has been appointed for you.
- (5) If you decide to answer questions now, you may stop at any time and ask to talk to an attorney before any questioning continues.
- (6) If you decide to stop answering questions once you have begun, all questioning will stop.

WAIVER:

I have read this statement of my rights and I understand what my rights are. I am willing to make a statement and waive these rights. I do not want a lawyer present with me during the making of this statement. I know that I may revoke this waiver at any time during the questioning and ask that an attorney be present. No promises or threats have been made to me, and no pressure or coercion of any kind has been used against me.

1. I got home around 10:30pm after being
2. with my parents who were visiting from Illinois.
3. I drive a 2010 Honda Accord Black. Not sure
4. if my roommate was home.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.
- 11.
- 12.
- 13.
- 14.

The Use and Dissemination of this
 Record is Regulated by Law. Secondary
 Dissemination of any kind is Prohibited
 and could subject the offender to Criminal
 and Civil Liability.
 This Information Released To: Sarah Clark
Becker, Butler, Baker & Carter
 Date: 09-24-15
 Las Vegas Metro Police Dept

I have read this statement consisting of 1 page(s) and I affirm to the truth and accuracy of the facts contained therein.

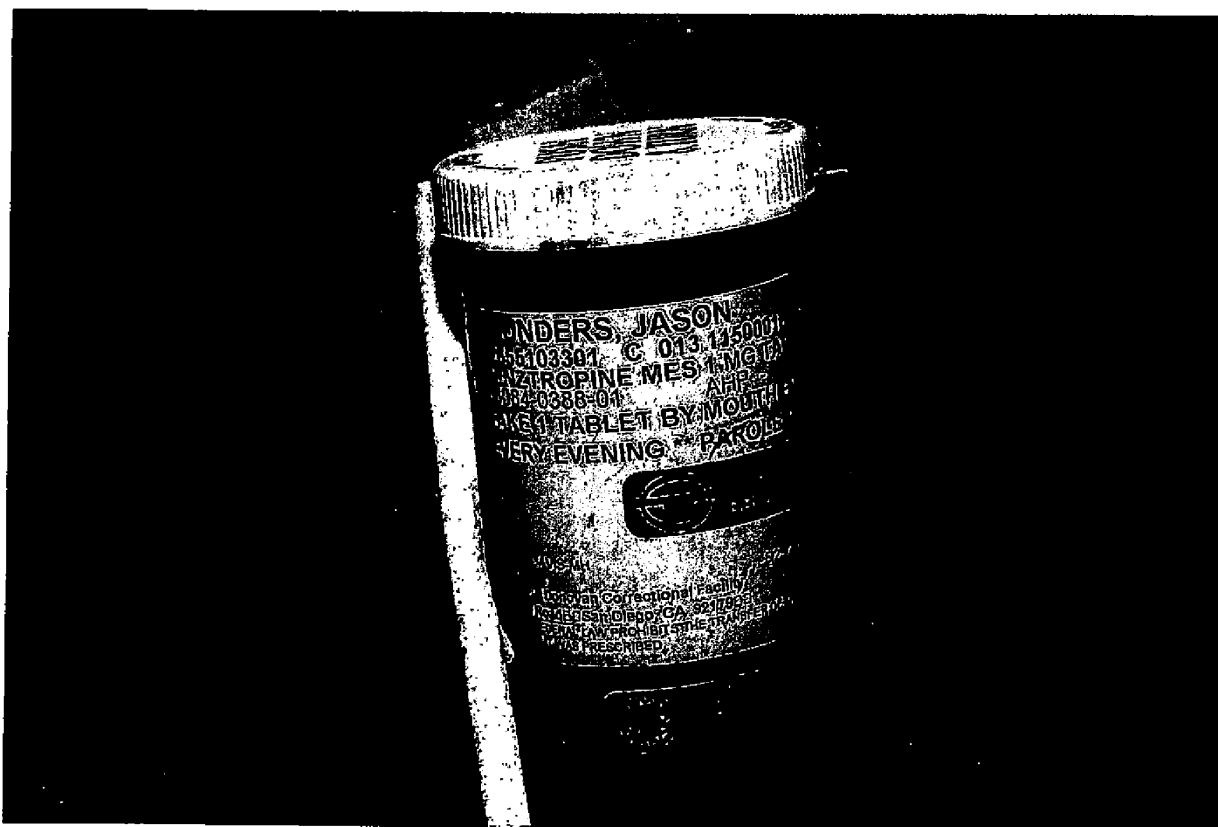
This statement was completed at 0131 A.M. on the 2nd day of SEPTEMBER, 2015

Witness:

Signature of Person Giving Voluntary Statement

Witness:

L. HINKEL #14900



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Name	Scheduled Date	Reason	Completed Date
Mental Health Provider	9/28/2018	4 week f/u: continue Haldol 10mg TID, Benzotropine 1mg BID, Zoloft 50mg QD. - Scheduled Appt with Medical to eval N/V.	9/29/2018
Chronic Care	9/4/2018	Asthma, Seizure Disorder	9/7/2018
Medical MD	9/4/2018	once the lab result returns, follow up with patient thank you! Cancelled by kyle.martineau on 9/7/2018 Reason: done at ccv.	9/7/2018
Medical MD	8/27/2018	review labs. Patient on fluconazole chronic. check AST, ALT. IM c/o N/V with Meds.	8/27/2018
Mental Health Provider	8/23/2018	month f/u: stable on haldol 10mg TID, cogentin 1mg BID, zoloft 50mg QD.	8/26/2018
Medical Nurse	6/28/2018	NEED FOR GLASSES.- advise patient to contact Bonnie Polly for reading glasses	6/29/2018
Medical Nurse	6/27/2018	Please eval for deteriorating vision, requesting for offsite eye doctor referral - complete vision test (snellen)	6/27/2018
Discharge Planner	6/11/2018	MENTAL HEALTH COURT REFFERAL : INMATE HAS SIGNED UP FOR MH COURT REFFERAL . FILED OUT ROI.	6/25/2018
Mental Health Provider	6/1/2018	AIMS	5/29/2018
Mental Health Provider	5/30/2018	2 month f/u, med review	5/29/2018
Medical Nurse	5/23/2018	Med Renewal	5/23/2018
Mental Health Provider	3/30/2018	8 week f/u: IM stable on Zoloft 50, Haldol 10 mg BID, and Cogentin 1 bid	3/30/2018
Chronic Care	3/26/2018	Asthma, Seizure Disorder	3/8/2018
Medical MD	3/8/2018	Discuss Dr. Wangsuwamma's consult: He recommended Dilantin, which is one of Mr. White's allergies, to prevent seizures. Dr. Wangsuwamma did no testing. sc 3/29 ***3/26 asthma, SZ***	3/8/2018
Medical Nurse	3/4/2018	kite	3/4/2018
HIV/Health Department	1/31/2018	requesting HIV testing	2/8/2018

WHITE, TONEY ANTHONY 08270790



**EIGHTH JUDICIAL DISTRICT COURT
SPECIALTY COURTS DIVISION**

Regional Justice Center
200 Lewis Avenue
Las Vegas, Nevada 89155
(702) 671-3291

082107910
LB
6/14/18

Specialty Court Referral Pre-Screening

Drug Court ☐ Mental Health Court ☒

Defendant Name: Anthony, Toney Case #: _____

DOB: 1/17/72 ID# 8710790 Social Security#: _____

Male ☒ Female ☐ Primary Language: Eng Interpreter Needed? Yes ☐ No ☒

Charges: _____

Attorney: _____ phone#: _____

DSD Housing Location: 23 Pregnant? Yes ☐ No ☒ Estimated due date: _____

Address at time of booking: _____

Have you ever been diagnosed with a serious mental illness? ☒ YES ☐ NO

If so, with:

- ☒ Schizophrenia
- ☐ Schizoaffective Disorder
- ☐ Bipolar Disorder
- ☐ Other: _____

Medications prescribed by NephCare:

haloperidol oral

Compliant with medical meds? ☒ YES ☐ NO Compliant with psych meds? ☒ YES ☐ NO

When was the last time that you used any of the following substances:

- ☒ Alcohol: 2/3/16 per booking
- ☒ Methamphetamine: 2/3/16 per booking
- ☐ Cocaine
- ☒ Heroin: 2/3/16 per booking
- ☐ Opiate pain medication
- ☐ Other: _____

MEAL program? ☐ YES ☐ NO Specify: _____

Please return screening form to specialtycourts@clarkcountycourts.us as soon as possible.
Include psychiatric records and any available compliance records.

WHITE, TONEY ANTHONY 08270790

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08270790

LB

6/11/18



EIGHTH JUDICIAL DISTRICT COURT
SPECIALTY COURTS APPLICATION

AUTHORIZATION FOR USE AND/OR DISCLOSURE OF CONFIDENTIAL
RECORDS AND/OR PROTECTED HEALTH INFORMATION

Name: Toney A White Case#: _____

Address: _____ Phone: _____

Social Security: _____ DOB: 7/19/1972

Toney A White hereby authorize Nadene Lene
to have unrestricted communication with a representative of the Eighth Judicial District Court Mental Health Court.

This release includes phone calls, visitations, release of confidential information and protected health information to/from the above named agencies. The purpose of this release is to allow access to information the Court will use to determine whether or not I am appropriate for Mental Health Court. I hereby release the holder of such information from liability if any, arising from the disclosure of otherwise confidential information. You are specifically authorized to photocopy the following records and to release copies to the above mentioned representative. Records may include but are not limited to:

☒ Medical History and Treatment ☐ Correctional Records
☒ Judicial Records (including juvenile)
☐ Other _____

USE AND REDISCLOSURE: I understand that I may revoke this authorization at any time, by written request, except to the extent that action has been taken in reliance to it. I understand that the information used and disclosed pursuant to this authorization may be subject to re-disclosure by the recipient and no longer protected. This consent, if not withdrawn, will automatically expire according to the following specification of date, event, or condition: one year or disposition of current case. A reproduced copy of this authorization shall be as valid as the original. This information may also be provided to any subsequent attorney who represents me for the previously outlined purposes or to facilitate an appeal.

Note: The confidentiality of psychiatric, drug and/or alcohol abuse and HIV records is required and no information from these specific records shall be transmitted to anyone else without written consent or authorization as provided under Federal Regulation 42 CFR 2. Regulations prohibit any further disclosure without specific written consent of the person to whom it pertains. A general authorization for the release of medical or other information is not sufficient for this purpose. I give consent to the release of any or all records containing the following diagnoses for the intended purposes and conditions as stated above:

☒ Psychiatric/Psychological Records
☒ Drug/Alcohol Treatment Records
☐ Other _____

Client Signature

Date

Witness

Date

Adult Drug Court • DUI Court • Mental Health Court • Veterans Treatment Court
Family Drug Court • Dependency Mother's Drug Court • Juvenile Drug Court
• Truancy Diversion Program • Competency Court

WHITE, TONEY ANTHONY 08270790

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**EIGHTH JUDICIAL DISTRICT COURT
SPECIALTY COURTS DIVISION**

Regional Justice Center
200 Lewis Avenue
Las Vegas, Nevada 89155
(702) 671-3291

08270790
LB
6/14/18

Specialty Court Referral Pre-Screening

Dings Court ☐ Mental Health Court ☒

Defendant's Name: Toney, Anthony Case #: _____

DOB: 1/19/72 ID# 8210190 Social Security#: _____

Male ☒ Female ☐ Primary Language: Eng Interpreter Needed? Yes ☐ No ☒

Charges: _____

Attorney: _____ phone#: _____

DSD Housing Location: 2J Pregnant? Yes ☐ No ☒ Estimated due date: _____

Address at time of booking: _____

Have you ever been diagnosed with a serious mental illness? ☒ YES ☐ NO

If so, which:
☒ Schizophrenia
☐ Schizoaffective Disorder
☐ Bipolar Disorder
☐ Other _____

Medications prescribed by Napier Care:
Haloperidol oral

Compliant with medical meds? ☒ YES ☐ NO Compliant with psych meds? ☒ YES ☐ NO

When was the last time that you used any of the following substances:
☒ Alcohol 2/3/16 per Booking
☒ Methamphetamine 2/3/16 per Booking
☐ Cocaine
☒ Heroin 2/3/16 per Booking
☐ Opiate pain medication
☐ Other _____

MAI program? ☐ YES ☐ NO Specify _____

Please return screening form to specialtycourts@clarkcountycourts.us as soon as possible.
Include psychiatric records and any available compliance records.

WHITE, TONEY ANTHONY 08270790

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08270790

EB

6/11/18



**EIGHTH JUDICIAL DISTRICT COURT
SPECIALTY COURTS APPLICATION**

**AUTHORIZATION FOR USE AND/OR DISCLOSURE OF CONFIDENTIAL
RECORDS AND/OR PROTECTED HEALTH INFORMATION**

Name: Toney, A. White Case#: _____

Address: _____ Phone: _____

Social Security: _____ DOB: 7/19/1972

Toney, A. White hereby authorize Representative / CACU
to have unrestricted communication with a representative of the Eighth Judicial District Court Mental Health Court

This release includes phone calls, visitations, release of confidential information and protected health information to/from the above named agencies. The purpose of this release is to allow access to information the Court will use to determine whether or not I am an appropriate for Mental Health Court. I hereby release the holder of such information from liability if any, arising from the disclosure of otherwise confidential information. You are specifically authorized to photocopy the following records and to release copies to the above mentioned representative. Records may include but are not limited to:

☒ Medical History and Treatment ☐ Correctional Records
☐ Judicial Records (including juvenile)
☐ Other _____

USE AND REDISCLOSURE: I understand that I may revoke this authorization at any time, by written request, except to the extent that action has been taken in reliance to it. I understand that the information used and disclosed pursuant to this authorization may be subject to re-disclosure by the recipient and no longer protected. This consent, if not withdrawn, will automatically expire according to the following specification of date, event, or condition: one year or disposition of current case. A reproduced copy of this authorization shall be as valid as the original. This information may also be provided to any subsequent attorney who represents me for the previously outlined purposes or to facilitate an appeal.

Note: The confidentiality of psychiatric, drug and/or alcohol abuse and HIV records is required and no information from these specific records shall be transmitted to anyone else without written consent or authorization as provided under Federal Regulation 42 CFR 2. Regulations prohibit any further disclosure without specific written consent of the person to whom it pertains. A general authorization for the release of medical or other information is not sufficient for this purpose. I give consent to the release of any or all records containing the following diagnoses for the intended purposes and conditions as stated above:

☒ Psychiatric/Psychological Records
☒ Drug/Alcohol Treatment Records
☐ Other _____

Client Signature _____

Date 6/11/18


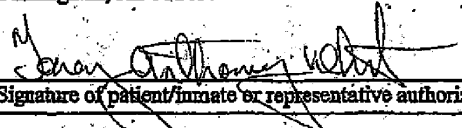
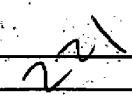
Witness _____

Date 6/11/18

Adult Drug Court • DUI Court • Mental Health Court • Veterans Treatment Court
Family Drug Court • Dependency Mother's Drug Court • Juvenile Drug Court
• Truancy Diversion Program • Competency Court

WHITE, TONEY ANTHONY 08270790

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		AUTHORIZATION FOR RELEASE OF HEALTH INFORMATION PURSUANT TO HIPAA	
Patient/Inmate Name TONEY ANTHONY WHITE		Date of Birth 07/19/72	Social Security Number on file @ CCDC 623-46-4774
Patient/Inmate ID Number 8270790			
THIS INFORMATION IS TO BE DISCLOSED TO: HARVEY GROBER, ATTORNEY AT LAW, 223 S. WATER ST. STE 'C' HENDERSON, NV, 89			
THIS INFORMATION IS TO BE DISCLOSED BY: Name of Entity: NAPHCARE Attention: MEDICAL RECORDS Address of Entity: 330 S. CASANO OFF BLVD City: LAS VEGAS State: NV Zip: 89101			
REASON FOR REQUESTED INFORMATION: Confirmation of diagnosis of any medical conditions with treatment plan & recommended follow up care prescribed for continuity of care & medication list			
TO BE READ AND SIGNED BY PATIENT/INMATE I, or my authorized representative, request that health information regarding my care and treatment be released as set forth on this form. In accordance with the Privacy Rule of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), I understand that: 1. This document authorizes physicians, administrators, records custodians, and all medical personnel to furnish full and complete medical reports and information hereby requested, to NaphCare, Inc., at the above address. 2. This authorization includes but is not limited to, all hospital and medical records, writings, charts, notes, reports of operations, admission summaries, discharge summaries, consultations, nurses notes, medications, letters, documents, reports, x-ray reports, laboratory reports or results, any tests or test results, any rehabilitation and/or physical therapy records, and/or any other written material contained in your file, in your possession or under your control which relates to the care and treatment of the patient named above. 3. This authorization may include disclosure of information relating to ALCOHOL and DRUG ABUSE, MENTAL HEALTH TREATMENT , except psychotherapy notes, and CONFIDENTIAL HIV RELATED INFORMATION only if I place my initials on the appropriate line below. In the event the health information described below includes any of these types of information, and I initial the line below, I specifically authorize release of such information to the entity indicated above. <div style="margin-left: 40px;"> <u>MW</u> Entire Medical Record, as described in No. 2 Include: (Indicate by Initialing) <u>MW</u> Alcohol/Drug Treatment <u>MW</u> Mental Health Information <u>MW</u> HIV-Related Information </div> 4. If I am authorizing the release of HIV-related, alcohol or drug treatment, or mental health treatment information, the recipient is prohibited from redisclosing such information without my authorization unless permitted or required to do so under state and/or federal law. I understand that I have the right to request a list of people who may receive or use my HIV-related information without authorization. 5. I understand that I may revoke this authorization at any time by notifying the providing organization in writing, but that if I do, it will not have any effect on any actions the organization took before receiving the revocation. 6. I understand that signing this authorization is voluntary. My treatment or payment will not be conditioned upon my authorization of this disclosure. 7. I understand that this authorization will expire upon my release from custody.			
In addition, I understand that Bradley J. Cain is the privacy officer for NaphCare, Inc. and that if I have questions regarding NaphCare's privacy policies I may direct them to him in writing at: NaphCare, Inc., Attn: Bradley J. Cain, 950 22nd Street North, Suite 825, Birmingham, AL 35203.			
Signature of patient/inmate or representative authorized by law 		Date 06/17/17	

WHITE, TONEY ANTHONY 08270790

MEDICAL RECORDS

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
INMATE REQUEST/GRIEVANCE

JUN 21 2016

JR

Name: (last) WHITE (first) TONEY (middle initial) A			Floor 5	Date JUNE 17, 2016	Housing Unit SB	Bed 12U
<input checked="" type="checkbox"/> REQUEST <input type="checkbox"/> GRIEVANCE			ID Number 8270790	Prop Number		

(All grievances must be submitted within 72 hours of incident.)

I AM REQUESTING THAT MY PREVIOUSLY REQUESTED DIGITIZED COPY OF MY MEDICAL FILE BE PROVIDED TO MY ATTORNEY OF RECORD AT THE FOLLOWING ADDRESS:

HARVEY GRUBER
ATTORNEY AT LAW
233 WATER STREET
SUITE 101
HENDERSON, NV, 89015

I FURTHER REQUEST TO BE PROVIDED WRITTEN CONFIRMATION UPON THE COMPLETION OF MATURING OF SAID MATERIALS.

THANKS.

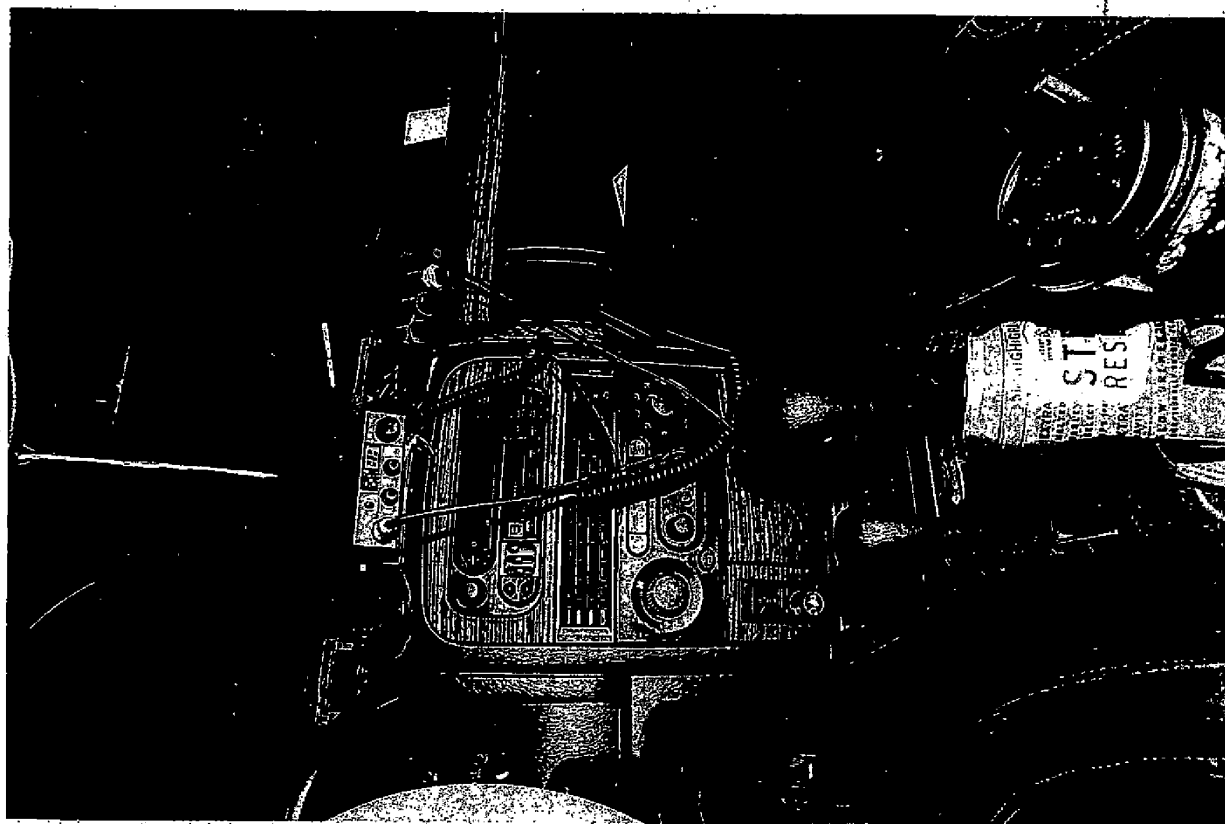
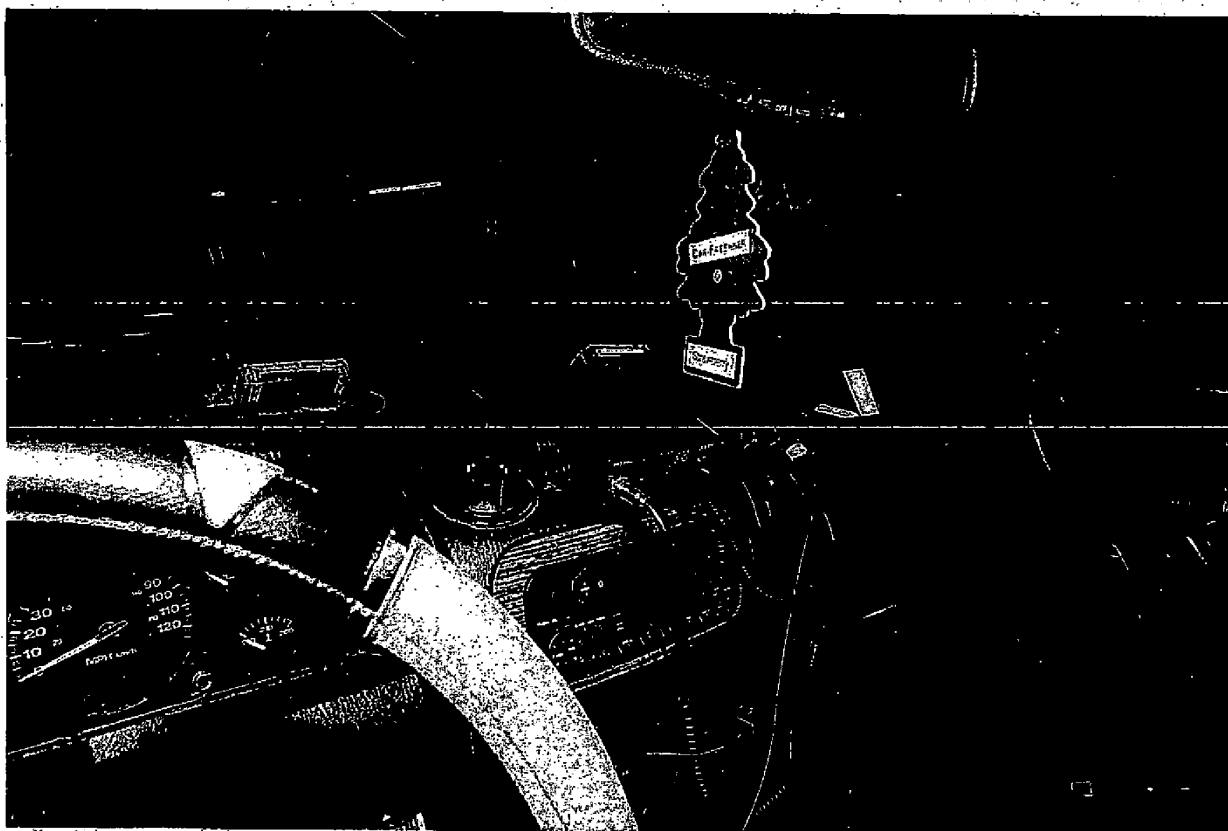
Inmate's Signature *Anthony White* Date **6/17/16** Staff Person Receiving *V. Gons* Date/Time **2300 6-18-16**

Issue has been resolved as follows: *Your attorney will know the process to obtain records*

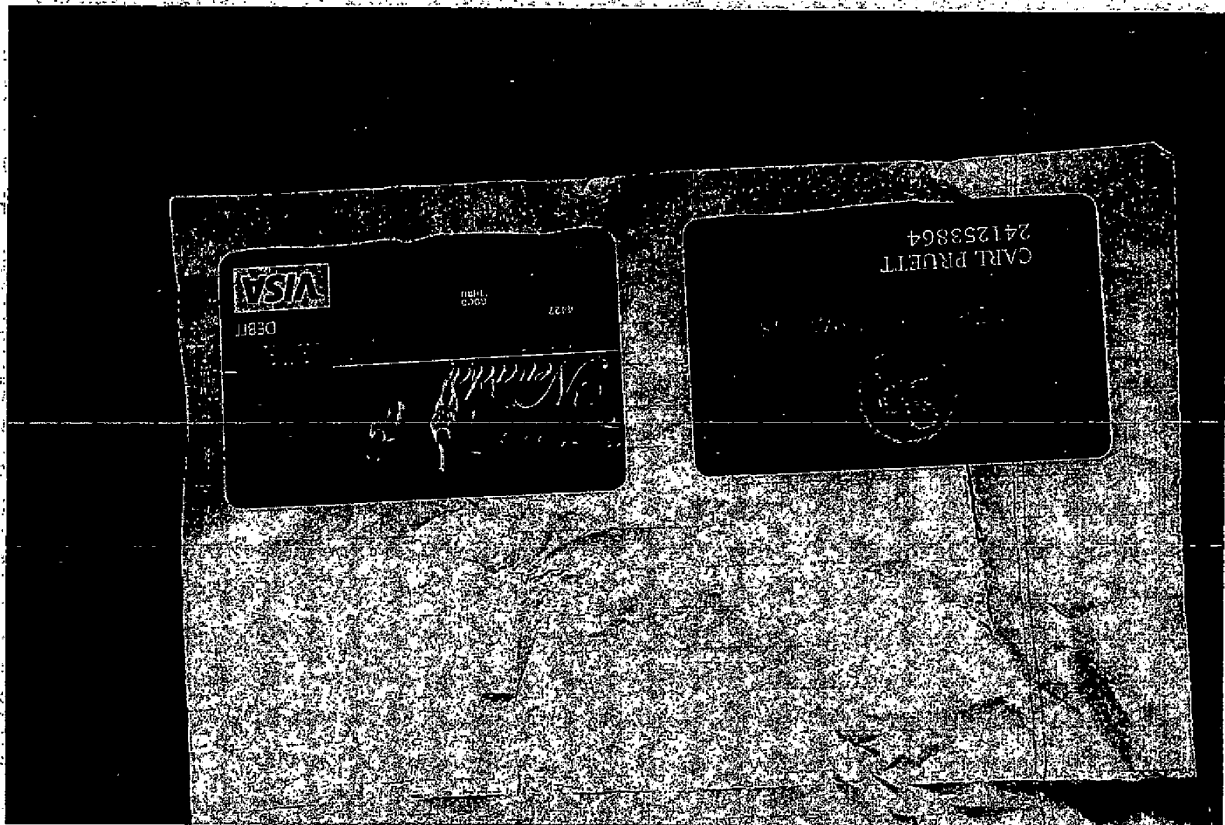
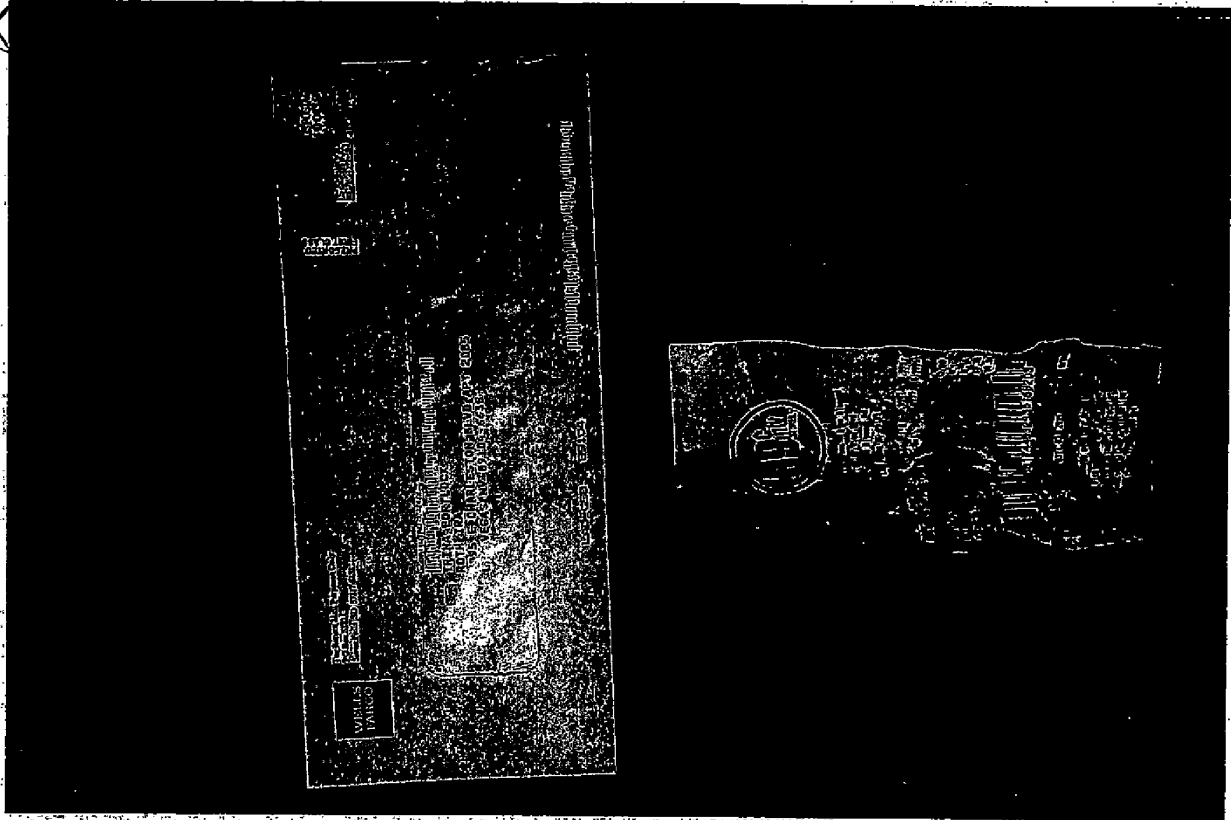
Signature of employee who resolved the Request/Grievance Problem *[Signature]* Date/Time **6/22/16 0730V 22V**

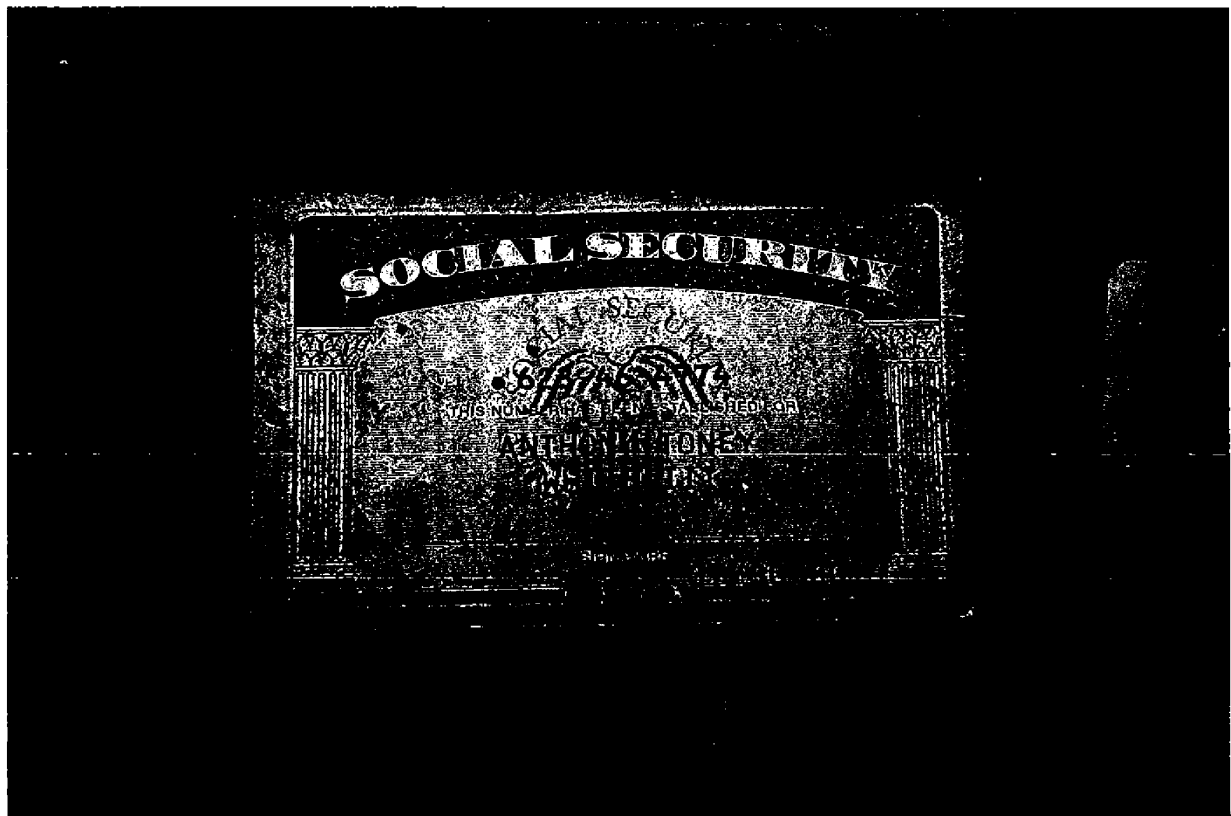
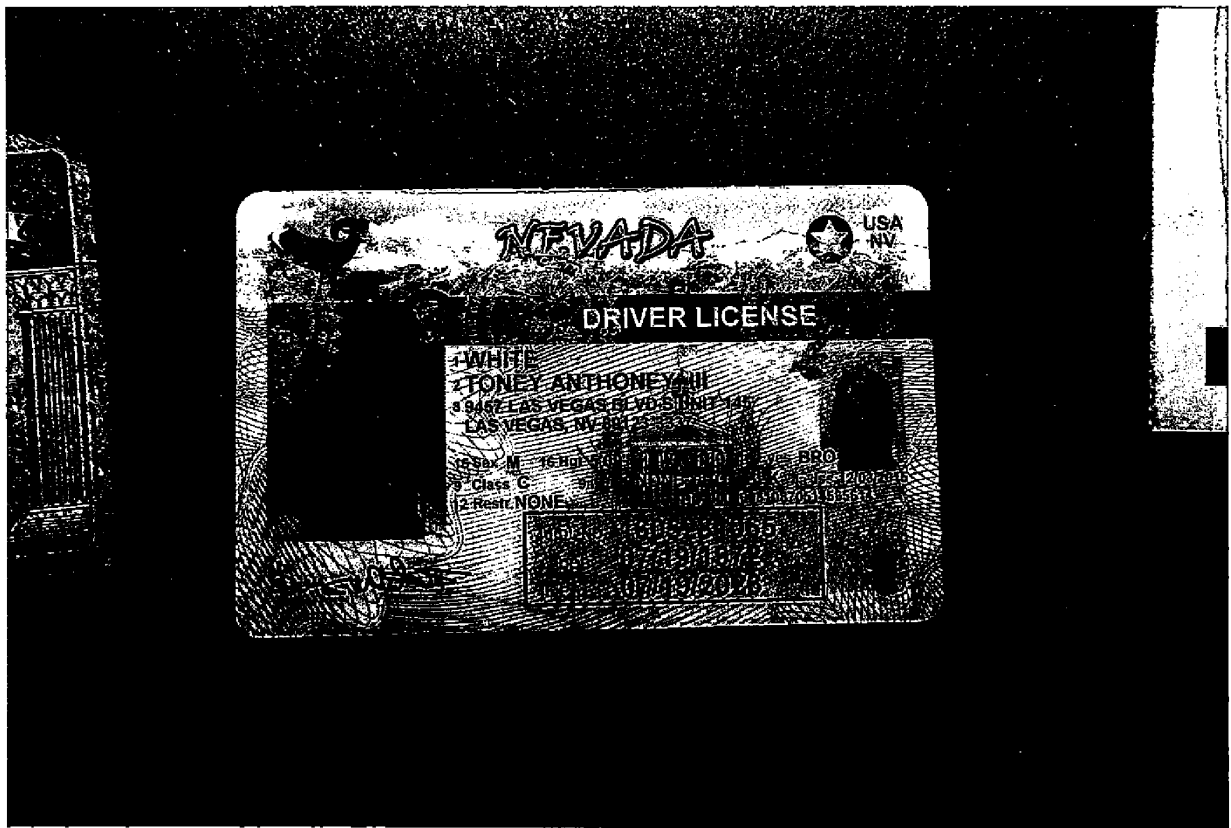
ORIGINAL--INMATE FILE YELLOW--RETURNED TO INMATE WITH RESPONSE PINK--INMATE KEEPS

WHITE, TONEY ANTHONY 08270790



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Visit History Inmate

Contact (Post May 2010)

2/3/2016 to 3/29/2019

LAST NAME	FIRST NAME	OFFENDER ID	BOOKING BEGIN DATE	START TIME	VISITOR LAST NAME	VISITOR FIRST NAME	VISITOR MIDDLE NAME	VISITOR BIRTH DATE	VISIT TYPE	REL
WHITE	TONEY	0008270790	02/03/2016	2/5/2019 13:00	MASTON	MARC		12/22/1955	LEG	INV
WHITE	TONEY	0008270790	02/03/2016	2/5/2019 13:00	SANFT	MICHAEL		11/01/1971	LEG	ATT
WHITE	TONEY	0008270790	02/03/2016	1/24/2019 13:00	SANFT	MICHAEL		11/01/1971	LEG	ATT
WHITE	TONEY	0008270790	02/03/2016	1/24/2019 13:00	MASTON	MARC		12/22/1955	LEG	INV
WHITE	TONEY	0008270790	02/03/2016	12/14/2018 9:00	MASTON	MARC		12/22/1955	LEG	INV
WHITE	TONEY	0008270790	02/03/2016	12/14/2018 9:00	SANFT	MICHAEL		11/01/1971	LEG	ATT
WHITE	TONEY	0008270790	02/03/2016	7/10/2018 9:30	MASTON	MARC		12/22/1955	LEG	INV
WHITE	TONEY	0008270790	02/03/2016	2/12/2018 9:00	MASTON	MARC		12/22/1955	LEG	INV
WHITE	TONEY	0008270790	02/03/2016	12/27/2017 14:00	GRUBER	HARVEY		11/15/1964	LEG	ATT
WHITE	TONEY	0008270790	02/03/2016	12/11/2017 8:30	GRUBER	HARVEY		11/15/1964	LEG	ATT
WHITE	TONEY	0008270790	02/03/2016	9/21/2017 14:00	RETKE	CRAIG		01/20/1959	LEG	INV
WHITE	TONEY	0008270790	02/03/2016	9/21/2017 14:00	GRUBER	HARVEY		11/15/1964	LEG	ATT
WHITE	TONEY	0008270790	02/03/2016	9/6/2017 14:30	GRUBER	HARVEY		11/15/1964	LEG	ATT
WHITE	TONEY	0008270790	02/03/2016	6/27/2017 8:30	RETKE	CRAIG		01/20/1959	LEG	INV
WHITE	TONEY	0008270790	02/03/2016	6/5/2017 14:30	RETKE	CRAIG		01/20/1959	LEG	INV
WHITE	TONEY	0008270790	02/03/2016	6/5/2017 14:30	GRUBER	HARVEY		11/15/1964	LEG	ATT
WHITE	TONEY	0008270790	02/03/2016	3/13/2017 9:00	RETKE	CRAIG		01/20/1959	LEG	INV
WHITE	TONEY	0008270790	02/03/2016	11/18/2016 8:30	GRUBER	HARVEY		11/15/1964	LEG	ATT
WHITE	TONEY	0008270790	02/03/2016	7/25/2016 8:30	GRUBER	HARVEY		11/15/1964	LEG	ATT
WHITE	TONEY	0008270790	02/03/2016	3/15/2016 8:20	GRUBER	HARVEY		11/15/1964	LEG	ATT
WHITE	TONEY	0008270790	02/03/2016	2/10/2016 9:00	GRUBER	HARVEY		11/15/1964	LEG	ATT

Video

LVMFD 002413

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LAST NAME	FIRST NAME	OFFENDER ID	BOOKING BEGIN DATE	START TIME	STATUS	VISITOR LAST NAME	VISITOR FIRST NAME	VISITOR MIDDLE NAME	VISITOR BIRTH DATE	RELATION
WHITE	TONEY	0008270790	2/3/2016	3/14/2016 21:00	COMPLETED	SLAUGHTER	MAURISA		07/06/1990	Sibling or Half Sibling:
WHITE	TONEY	0008270790	2/3/2016	3/14/2019 21:00	COMPLETED	TROTTER	PATRICIA		11/02/1953	Parent:
WHITE	TONEY	0008270790	2/3/2016	3/5/2019 13:54	COMPLETED	MASON	AMBER	ELIZABET H	02/11/1989	Probation Officer:
WHITE	TONEY	0008270790	2/3/2016	10/22/2018 21:00	COMPLETED	BENNETT	TOSSIE		05/18/1976	Step Sibling:
WHITE	TONEY	0008270790	2/3/2016	8/1/2018 14:33	COMPLETED	MASTON	MARC		12/22/1955	Professional:
WHITE	TONEY	0008270790	2/3/2016	8/1/2018 14:33	COMPLETED	SANFT	MICHAEL		11/01/1971	Attorney:
WHITE	TONEY	0008270790	2/3/2016	3/30/2018 19:00	COMPLETED	DURAN	EZEKIEL	JOSE	07/04/1962	Friend:
WHITE	TONEY	0008270790	2/3/2016	11/10/2017 10:30	COMPLETED	TROTTER	YOLANDA	ADA	05/26/1956	Aunt:
WHITE	TONEY	0008270790	2/3/2016	9/7/2017 14:31	COMPLETED	ABDUS-SALAAM	SULTAN		11/20/1945	Clergy:
WHITE	TONEY	0008270790	2/3/2016	5/8/2017 7:30	COMPLETED	BENNETT	TOSSIE		05/16/1976	Step Sibling:
WHITE	TONEY	0008270790	2/3/2016	5/8/2017 7:30	COMPLETED	HOYER	SAMANTHA	J	07/29/1985	Brother-in-Law or Sister-in-Law:
WHITE	TONEY	0008270790	2/3/2016	12/12/2016 20:30	COMPLETED	BENNETT	TOSSIE		05/16/1976	Step Sibling:
WHITE	TONEY	0008270790	2/3/2016	12/12/2016 20:30	COMPLETED	HOYER	SAMANTHA	J	07/29/1985	Brother-in-Law or Sister-in-Law:
WHITE	TONEY	0008270790	2/3/2016	10/10/2016 18:30	COMPLETED	ALLEN	CATHERINE	JOYCA	09/04/1990	Friend:
WHITE	TONEY	0008270790	2/3/2016	9/28/2016 9:30	COMPLETED	ALLEN	CATHERINE	JOYCA	09/04/1990	Friend:
WHITE	TONEY	0008270790	2/3/2016	9/20/2016 20:30	COMPLETED	ALLEN	CATHERINE	JOYCA	09/04/1990	Friend:
WHITE	TONEY	0008270790	2/3/2016	4/3/2016 20:30	COMPLETED	BENNETT	TOSSIE		05/16/1976	Step Sibling:
WHITE	TONEY	0008270790	2/3/2016	4/3/2016 20:30	COMPLETED	HOYER	SAMANTHA	J	07/29/1985	Brother-in-Law or Sister-in-Law:
WHITE	TONEY	0008270790	2/3/2016	3/27/2016 18:30	CANCELLED	BENNETT	TOSSIE		05/16/1976	Step Sibling:
WHITE	TONEY	0008270790	2/3/2016	3/22/2016 18:30	COMPLETED	BENNETT	TOSSIE		05/16/1976	Step Sibling:
WHITE	TONEY	0008270790	2/3/2016	3/22/2016 18:30	COMPLETED	HOYER	SAMANTHA	J	07/29/1985	Brother-in-Law or Sister-in-Law:

LVMPD 002414

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LAST NAME	FIRST NAME	OFFENDER ID	BOOKING BEGIN DATE	START TIME	STATUS	VISITOR LAST NAME	VISITOR FIRST NAME	VISITOR MIDDLE NAME	VISITOR BIRTH DATE	RELATION
WHITE	TONEY	0008270790	2/3/2016	3/13/2016 9:30	COMPLETED	BENNETT	TOSSIE		05/16/1976	Step Sibling:
WHITE	TONEY	0008270790	2/3/2016	3/13/2016 9:30	COMPLETED	HOYER	SAMANTHA	J	07/29/1985	Brother-in-Law or Sister-in-Law:
WHITE	TONEY	0008270790	2/3/2016	3/6/2016 8:30	COMPLETED	BENNETT	TOSSIE		05/16/1976	Step Sibling:
WHITE	TONEY	0008270790	2/3/2016	3/6/2016 8:30	COMPLETED	HOYER	SAMANTHA	J	07/29/1985	Brother-in-Law or Sister-in-Law:
WHITE	TONEY	0008270790	2/3/2016	3/3/2016 19:30	COMPLETED	BENNETT	TOSSIE		05/16/1976	Step Sibling:
WHITE	TONEY	0008270790	2/3/2016	3/3/2016 19:30	COMPLETED	HOYER	SAMANTHA	J	07/29/1985	Brother-in-Law or Sister-in-Law:
WHITE	TONEY	0008270790	2/3/2016	2/24/2016 22:30	COMPLETED	BENNETT	TOSSIE		05/16/1976	Step Sibling:
WHITE	TONEY	0008270790	2/3/2016	2/24/2016 22:30	COMPLETED	HOYER	SAMANTHA	J	07/29/1985	Brother-in-Law or Sister-in-Law:
WHITE	TONEY	0008270790	2/3/2016	2/14/2016 22:30	CANCELLED	BENNETT	TOSSIE		05/16/1976	Step Sibling:
WHITE	TONEY	0008270790	2/3/2016	2/12/2016 19:30	COMPLETED	BENNETT	TOSSIE		05/16/1976	Step Sibling:
WHITE	TONEY	0008270790	2/3/2016	2/12/2016 19:30	COMPLETED	HOYER	SAMANTHA	J	07/29/1985	Brother-in-Law or Sister-in-Law:

LVMPD 002415

MARC MASTON
PALADIN INVESTIGATIONS LLC
8022 RAINBOW BLVD, SUITE # 285
LAS VEGAS, NV 89139
NV PI LIC # 1573, PS LIC # 1573A
702-274-4487, FAX 702-876-8719
Email marc@pi-lv.com

February 12, 2018

Defendant Name:	Name	TONEY WHITE
	ID#:	8270790

SYNOPSIS:

TONEY WHITE was charged with CONSPIRACY, ATTEMPT ROBBERY WDW (3 CTS), 1ST DEG KIDNAPPING WDW (2 CTS), BATTERY WDW/WSBH, IMPERSONATING AN OFFICER. On 10/19/17 White entered a plea to Conspiracy to Commit Robbery and Attempt Robbery WDW. On 1/30/18, White entered a motion to withdraw his plea. On 2/06/18, Mr. Sanft was appointed to determine if grounds exist for White to withdraw his plea.

Interview with Toney White:

2/12/18, White was seen at CCDC. White and I reviewed the video of his plea canvas. I was obvious from the judges surprise at White's willingness to take a plea when he had sent her letters explaining how his innocence could be proven, that she needed to be convinced that his plea was willing and voluntary.

The plea canvas appeared to be thorough and complete.

We went over the constitutional issues listed on page 5 of the GPA. White agreed these issues were covered by the judge and to each question he responded in the affirmative, until we got to the area of duress or coercion. White claimed he was being threatened by his co-defendant Maryland Dean. White was asked how these threats were delivered. White said Dean was housed in the area above him and was talking to him through the AC vent.

White said Dean is the guy who forced him to participate in the crime and White planned to testify against him until Dean threatened his mother Ann White (323-638-8395) and sister Patricia Bennett.

White was asked what was the nature of the threat. White said Dean said if he didn't take the

deal he would have his people hurt Ann and Bennett. White alleged that even after he took the deal, Dean had his people burn down Bennett's house, killing Bennett's service dog (Bennett was unhurt). (I called Ann's number, it went to Vmail, a message was left).

White said the threats were witnessed by Nuoye Jordan, ID # 5988179 (who is currently in custody).

White complained that he and Dean were on Keep Away status. As a result, they should not have been allowed to be in proximity to each other. White was asked if he told the CO's, filed a grievance or a Kite asking for this situation to be corrected. White said he told a CO, but he didn't remember who.

White was asked if he had been diagnosed with any mental health issues. White said he is a paranoid schizophrenic and is on medication.

PP
DA
ADR. HARVEY GLOBER
MC

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Ann L. Quinn

CLERK OF THE COURT

TONEY ANTHONY WHITE 8270790
CCDC
330 SOUTH CASTRO CENTER BLVD.
LAS VEGAS, NV, 89101

DEFENDANT

COUNTY OF CLARK DISTRICT COURT

STATE OF NEVADA

EIGHTH JUDICIAL DISTRICT

(DCT 12)

4-18-17

PEOPLE OF THE STATE OF
NEVADA,

8:30A

PLAINTIFF,

CASE NO. C-16-313216-2

VS.

TONEY ANTHONY WHITE,
ET. AL.,

DEFENDANT WHITE'S MOTION
FOR TRIAL EXTENSION FOR
180 DAYS; MOTION TO RE-
USE COUNSEL AND APPE-
CATION TO PROCEED IN
PROPRIA PERSONAM.

DEFENDANTS.

STATEMENT OF FACTS

ON JANUARY 20, 2016, OFFICERS DISPATCHED TO 950 SEVEN HILLS
DRIVE, HENDERSON, NEVADA, OBSERVED KEVIN WONG BEHIND 2 VEHICLES
KEEPING LOOKOUT AS THEY REPORTED TO APARTMENT 2511. OFFICER M. ENGEL
TALKED TO WONG WHILE OFFICER LEINAN ENTERED APARTMENT 2511. ENGEL
RESPONDED TO A SIGHTING OF A SUSPECT AT WHICH TIME WONG ENTERED THE
JEEP AND EXITED THE COMPLEX. APPARENTLY RAISED CALLS WERE BROADCASTED
RELATING TO THE BLACK JEEP CHEROKEE LICENSE NO. WASHINGTON ASW
5060 (VIN 1J46BNXXC672487) AND ON ST. ROSE PARKWAY AND JEFFREY'S
INTERSECTION NUMEROUS MARKED PATROL VEHICLES CONVERGED ON WONG AND
THE JEEP LIGHTING HIM UP AND DEMANDING THAT HE EXIT THE VEHICLE
HANDS UP AND BACK TOWARD THE OFFICERS.

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WONG WAS INSTRUCTED TO KNEEL TO HIS KNEES, CROSS HIS LEGS, AND LIE FLAT WITH BOTH HANDS STRAIGHT OUT. HE WAS APPROACHED, HANDCUFFED AND SEARCHED BY OFFICERS BEFORE BEING PLACED IN A PATROL CAR. OFFICERS THEN ENSURED THAT NO OTHER PASSENGERS WERE IN THE VEHICLE BY VIEWING AND CLEARING IT. WONG WAS PURPORTEDLY STOPPED DUE TO "UNSPECIFIED" DRIVING INFRACTIONS. FROM AN UNKNOWN LOCATION DETECTIVE PYAN ADAMS WAS ADVISED OF THE TRAFFIC STOP WITH WONG AND WAS DIRECTED TO RESPOND TO THAT LOCATION. ADAMS RESPONDED AND ASSENT ANY MIRANDA ADMONITIONS GIVEN, WAS ALLEGEDLY THICE GRANTED PERMISSION BY WONG TO SEARCH THE VEHICLE."

DURING THE SEARCH AMANDA SEXTON AND DEFENDANT WHITE'S IDENTIFICATIONS WERE DISCOVERED LEADING TO THE SERIES OF EVENTS THAT ATTACHED TO THOSE DISCOVERIES. ACCORDING TO REPORTS, WONG CONTINUED TO DEALING WITH ADAMS FOR "SEVERAL MINUTES" BEFORE BEING PLACED INTO CUSTODY.

ON JANUARY 21, 2016, IN THE EARLY MORNING HOURS, DEFENDANT WHITE (NOT ON HIS ANTI-PSYCHOTIC MEDICATIONS AND STILL HEAVILY INTOXICATED), SEXTON AND DEAN WERE PROVIDED A RIDE TO 7-11 ON CHARLESTON BLVD BY GLEN COUSEY, NEAR SEXTON AND WHITE'S APARTMENT. DURING THIS TIME DEAN LEFT, RETRIEVED A SUIT CASE AND PLACED IT INTO COUSEY'S VEHICLE TRUNK. THE BRIEF CASE CONTAINED SEVERAL ITEMS AND WAS TAKEN TO 9457 S. LAS VEGAS BLVD, LAS VEGAS, NV, BUT NOT IN OR REMOTELY NEAR APARTMENT 145.

FOLLOWING THESE EVENTS AND DURING BUSINESS HOURS ON JANUARY 21, 2016, DETECTIVE JOSEPH EBERT SUCCESSFULLY OBTAINED SEARCH WARRANTS TO SEARCH THE BLACK JEEP CHEROKEE AND APARTMENT 2085 ON EAST CHARLESTON BELONGING TO DEFENDANTS WHITE AND SEXTON. THE SEARCH WARRANT RETURN ON THE BLACK JEEP PURPORTED TO LIST 9 ITEMS SEIZED FROM THE JEEP. THE RETURN ON APARTMENT 2085 PURPORTED TO LIST 11 ITEMS SEIZED FROM THE APARTMENT. PROBABLE CAUSE UPON WHICH THE 2 SEARCH WARRANTS WERE BASED INCLUDED INFORMATION OBTAINED IN VIOLATION OF WONG'S MIRANDA ADMONITIONS AS WELL AS FOURTH AMENDMENT PROTECTIONS OF WONG, WHITE AND SEXTON'S AGAINST UNREASONABLE AND ILLEGAL SEARCH EXECUTED ON THE BLACK JEEP AND MS. SEXTON'S PURSE. STATEMENTS OF WITNESSES BURTON, DEAN, ANN WHITE AND GLEN COUSEY AS WELL AS ANY EVIDENCE RETRIEVED AS A RESULT OF CONTACT WITH THESE WITNESSES WERE THE PRODUCT OF THE UNLAWFUL SEARCH WHICH INCLUDED, BUT IS NOT LIMITED TO WRITTEN STATEMENTS, THE RELINQUISHMENT OF A KEY FOB, THE HAND DRAWN MAP AND OTHER ITEMS.

1. IT IS QUESTIONABLE AS TO WHETHER WONG, WHO DIDN'T OWN THE VEHICLE, HAD ANY LEGAL AUTHORITY TO CONSENT TO ITS SEARCH LESS ALONE THE BELONGINGS OF AND IN MS. SEXTON'S PURSE. HPD AND AS KNOWLEDGEABLE TO ADAMS PRIOR TO THE SEARCH, RETAINED FORM HPD 0037 (REV. 01/06/04) TITLED "HPD VOLUNTARY CONSENT TO SEARCH" WHICH EXPRESSLY AUTHORIZES VOLUNTARY SEARCHES OF PREMISES, VEHICLES OR OTHER PROPERTY, THAT ADAMS FAILED TO MAKE ACCESSABLE TO WONG FOR SIGNING PRIOR TO THE VEHICLE SEARCH.

HISTORY OF THE CASE

DEFENDANT JUNEY ANTHONY WHITE WAS ARRESTED JANUARY 22, 2016 AND CHARGED JOINTLY WITH 3 CO-DEFENDANTS WITH 2 COUNTS OF ATTEMPTED ROBBERY WITH USE OF A DEADLY WEAPON, 2 COUNTS OF 1ST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON, 1 COUNT OF CONSPIRACY TO COMMIT ROBBERY, 1 COUNT OF BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM, 1 COUNT OF BURGLARY WITH A DEADLY WEAPON AND 1 COUNT OF IMPERSONATING A PEACE OFFICER BY INDICTMENT OF THE CLARK COUNTY GRAND JURY IN CASE NO. 15AG5129 A-D. THEY EACH WERE ARRAIGNED IN HENDERSON JUSTICE COURT ON OR ABOUT FEBRUARY 01, 2016.² ACKNOWLEDGING INDIGENCY OF ALL 4 DEFENDANTS, THE COURT OFFICIATED ITS APPOINTMENT OF COUNSEL. DEFENDANT WHITE WAS APPOINTED COUNSEL HARVEY GRUBER OF HENDERSON. COUNSEL HAS REMAINED UNDER APPOINTMENT THE DURATION OF THIS CASE TILL THE CURRENT DAY.

ON MARCH 09, 2016, CLARK COUNTY GRAND JURY CONVENED 2/ RESULTING IN THE ISSUANCE OF A CRIMINAL INDICTMENT WARRANT.^{3/} ON MARCH 17, 2016, DEFENDANTS WERE ARRAIGNED IN EIGHTH JUDICIAL DISTRICT COURT DEPARTMENT 12. ON ADVICE OF COUNSEL, DEFENDANTS RIGHT TO SPEEDY TRIAL WAS WAIVED 4/. PRE-TRIAL CALENDAR CALL WAS SET FOR OCTOBER 25, 2016 AND TRIAL FOR NOVEMBER 01, 2016. ON JUNE 02, 2016, DEFENDANT WHITE MOTIONED TO DISMISS AND REPLACE COUNSEL. WHEN THE INITIAL MOTION CAME FOR HEARING COUNSEL VOWED AND ASSURED DEFENDANT THAT HE WOULD COMPLETE AND FILE CERTAIN MOTIONS. SUCH REVEALED TO BE A MISREPRESENTATION INTO MANIPULATING DEFENDANT TO WITHDRAWAL THE MOTION, AFFORDING COUNSEL THE BENEFIT OF THE DOUBT.

ON OCTOBER 25, 2016, ALL DEFENDANTS APPEARED WITH COUNSEL. A CALENDAR CALL WAS SET FOR MARCH 14, 2017 AND TRIAL FOR MARCH 20, 2017. THE TRIAL DATE OF NOVEMBER 01, 2016, WAS VACATED. A CALENDAR CALL FOR SECTION WAS REQUESTED BY HER COUNSEL FOR THE END OF JANUARY 2017.

BY NOVEMBER 18, 2016, A BAR COMPLAINT WAS FILED BY WHITE IN NEVADA STATE BAR CASE NO. C313216 SEEKING DISCIPLINARY MEASURES BE TAKEN AGAINST COUNSEL. THIS WAS BASED UPON COUNSEL'S UNPROFESSIONALISM AND MISCONDUCT REPORTED BY DEFENDANT'S MOTHER, IN WHICH COUNSEL EXTREMELY RIDICULED, DISPARAGED AND DISRESPECTED WHITE'S MOTHER WHO MERELY CALLED TO INQUIRE AS TO COUNSEL'S PROGRESS IN THE CASE WHICH OBVIOUSLY WAS NONE AT THAT TIME.

2. BASED UPON INFORMATION PROVIDED TO DEFENDANT, NO MARCUM NOTICE WAS PROVIDED.
3. AS REFLECTED BY THE GRAND JURY TRANSCRIPT FILED MARCH 25, 2016, EXHIBITS SUBMITTED WERE 1 HAND DRAWN MAP AND 24 PHOTOS.
4. THE WAIVER OF SPEEDY TRIAL WAS ARBITRARY AND UNWARRANTED AS WITH THE BENEFIT OF THIS EXTRA TIME COUNSEL HAS STILL NOT PERFORMED ADVOCATION AND EFFECTIVE REPRESENTATION OF WHITE.

ON NOVEMBER 21, 2016, COUNSEL, ON NOTICE OF THE BAR COMPLAINT AGAINST HIM, FILED A MOTION TO WITHDRAWAL BASED ON A NOTARIZED NOVEMBER 21, 2016, AFFIDAVIT ATTESTING UNDER OATH THAT HE COULD NO LONGER REPRESENT DEFENDANT WHITE DUE TO CONFLICT.

GIVEN THE MARCUM VIOLATION AND COUNSEL'S FAILURE TO ADDRESS IT, DEFENDANT ON DECEMBER 06, 2016, FILED A PRE-TRIAL HABEAS CORPUS, SAID PETITION REMAINS PENDING. ON DECEMBER 28, 2016, DEFENDANT FILED A SECOND MOTION TO REUSE COUNSEL. IT WAS ON FOR HEARING JANUARY 19, 2017. THE SECOND HEARING RESULTED IN ANOTHER WITHDRAWAL BY WHITE BASED ON VERBAL REPRESENTATIONS OF COUNSEL. AGAIN, DEFENDANT GAVE COUNSEL THE BENEFIT OF ALL DOUBT. WHEN JUDICIAL INQUIRY WAS DIRECTED AT COUNSEL HIS RESPONSE WAS "IT IS WHAT IT IS JUDGE"

SINCE HIS APPOINTMENT, IN SUBSEQUENT CONTACTS WITH COUNSEL, WHITE HAS ADVISED COUNSEL OF A EXTENDED HISTORY OF MENTAL HEALTH AND LACK OF HIS STRONG ANTI-PSYCHOTIC MEDICATIONS ON JANUARY 21, 2016, COMBINED WITH A SEPTEMBER 03, 2015, SUBSTANTIAL HEAD TRAUMA INCIDENT WHICH CAUSES MENTAL BLACK OUTS, MEMORY LAPSES, SLOW THINKING AND SUSCEPTABILITY TO MANIPULATION. COUNSEL WAS FURTHER ADVISED OF DEFENDANT'S MEDICAL NEED FOR HIS PRESCRIPTION GLASSES TO PREVENT EXTREME EXCERBATING HEADACHES AND OF THE FACT OF EXCESSIVE INTOXICATION.

DEFENDANT SOUGHT THAT COUNSEL IN CONJUNCTION WITH WONG'S COUNSEL^{5/} FILE A MOTION TO SUPPRESS EVIDENCE OBTAINED IN VIOLATION OF MIRANDA AND THE FOURTH AMENDMENT TO THE U.S. CONSTITUTION. SINCE THE FULL YEAR OF APPOINTMENT, COUNSEL HAS TAKEN ABSOLUTELY NO ACTION WITH EXCEPTION TO A 4 PAGE MOTION TO WITHDRAWAL. IN ADDITION, COUNSEL HAS FAILED TO OBTAIN AND RETURN ALL DISCOVERY^{6/} IN HIS POSSESSION OR AVAILABLE ON REQUEST, HAS FAILED TO COMMUNICATE ALL ANTICIPATED TACTICS/ STRATEGIES RELATED TO THE CASE OR PURSUE DEFENDANT'S MENTAL HEALTH, HEAD TRAUMA AND INTOXICATION CLAIMS AND HAS FAILED TO OBTAIN OR APPLY FOR ANY EXPERTS TO EVALUATE DEFENDANT. NOR HAS COUNSEL MERELY EXPLORED THE POSSIBILITY OF SUGGESTIVE IDENTIFICATION OF DEFENDANT BOTH AT THE CRIME SCENE AND BEFORE THE GRAND JURY. AS OF THE CURRENT DATE, NO INVESTIGATOR HAS MET WITH DEFENDANT.

5. WONG HAS LONG ADO ENTERED A PLEA AGREEMENT AND HAS BEEN SENTENCED AND TRANSPORTED TO NDOC. THE OPPORTUNITY TO JUSTLY MOVE FOR SUPPRESSION THIS WAS TIME-SENSITIVE BUT FOR COUNSEL'S INEFFECTIVENESS AND TARDINESS. SAID TARDINESS AND INEFFECTIVENESS WAS FURTHER INSTRUMENTAL IN PROVIDING THE PROSECUTION UNFAIR ADVANTAGE TO PREVENT SUPPRESSION BY VIRTUE OF DISPOSING OF WONG AND SENSITIVE PORTIONS OF THE CASE.
6. OF DISCOVERY POSSESSED OR ACCESSIBLE TO COUNSEL NOT YET PROVIDED TO WHITE ARE THE MARCUM NOTICE, IF ANY, PHOTOGRAPHIC EVIDENCE, NARRATIVE REPORTS OF SOME 7 OFFICERS (NEELSEN, NESWONGER, NICHOLS, GREET, WAITER, LEONANICHESKUPHER), THE CRIME SCENE LOG, DNA ANALYSIS, ECT).

AS OF APPOINTMENT DATE OF FEBRUARY 02, 2016, AND IN EXCESS OF 1 YEAR LATER, COUNSEL'S PURPORTED REPRESENTATION OF DEFENDANT HAS UNDOUBTEDLY REVEALED TO BE A FARCE AND PRETENSE. SECONDLY, COUNSEL'S CONTINUED REPRESENTATION IN LIGHT OF FACTS UNDERLYING COUNSEL'S MOTION TO WITHDRAWAL OBVIOUSLY CONTINUES TO PERSEVERE AND CREATE A CONFLICT OF INTEREST. DESPITE REPEATED URGENCE OF COUNSEL TO CHALLENGE GRAND JURY PROCEDURAL VIOLATIONS, CONDUCT CAREFUL FACTUAL AND LEGAL INVESTIGATION AND INQUIRIES WITH VIEWS AS TO DEVELOPING MATTERS OF DEFENSE IN ORDER TO MAKE ESSENTIAL INFORMED DECISIONS ON DEFENDANT'S BEHALF AT BOTH THE PLEADING STAGES AND PREPARATORY TO TRIAL, COUNSEL HAS AS OF TODAY MADE NO PRE-TRIAL INVESTIGATION PREPARATORY TO THE INITIAL NOVEMBER 01, 2016, TRIAL DATE LESS ALONE THE RE-SCHEDULED TRIAL DATE OF MARCH 20, 2017 (I.E., INTERVIEW VICTIMS AND WITNESSES, OBTAINING ADDITIONAL RELEVANT EVIDENCE AND REPORTS TO HENDERSON AND THE STATE'S POSSESSION 7/ ECT.). COUNSEL HAS FURTHER FAILED TO APPRAISE DEFENDANT OF CASE PROGRESS, PROGRESS OF ANY CASE NEGOTIATIONS AND PROVIDE COMPLETE DISCOVERY HAS CREATED SUBSTANTIAL DISTRAUST AND HAS FURTHER, AMONG OTHER THINGS, COMPELLED DEFENDANT TO INVOKE HIS RIGHT TO SELF-REPRESENTATION. IN THE 1 YEAR THE SOLE PLEADING FILED WAS COUNSEL'S NOVEMBER 22, 2016 4 PAGE MOTION TO WITHDRAWAL. NO MARCUM MOTION WAS FILED RELATED TO THE GRAND JURY PROCEEDINGS NOR HAVE ANY DISCOVERY OR PRE-TRIAL MOTIONS BEEN FILED ON DEFENDANT'S BEHALF. MARCH 14, 2017, IS THE PRE-TRIAL AND SOME 6 DAYS BEFORE TRIAL IS SCHEDULED TO COMMENCE WITH NOTHING FILED DESPITE PROCEDURAL MANDATES THAT ALL PLEADINGS BE FILED AT LEAST 1 WEEK IN ADVANCE OF TRIAL.

SAID OMISSIONS AND INACTION COMBINED WITH COUNSEL'S STATEMENT TO AND ATTITUDE TOWARD DEFENDANT AND THIS CASE UPON THE COURTS DECEMBER 13, 2016 DENIAL OF COUNSEL'S MOTION TO WITHDRAWAL PROMPTS THE INSTANT MOTION AND MORE PARTICULARLY, DEFENDANT'S INVOCATION OF HIS RIGHT TO SELF-REPRESENTATION.

I. SELF REPRESENTATION

A CRIMINAL DEFENDANT HAS A CONSTITUTIONAL RIGHT TO SELF-REPRESENTATION. V.S. CONST. AMEND. VI; NEV. CONST. ART. I, § 8; FARETTA V. CALIFORNIA, (1975) 422 U.S. 806; GRAVES V. STATE, (1996) 112 NEV. 118, 124.

7. BY COUNSEL'S ACCOUNT AND ACCORDANCE UPON DEFENDANT'S INQUIRY, THE PROSECUTION IS SOLELY PERMITTED TO DISCLOSE SELECTIVE EVIDENCE THEY'RE GONNA USE AND NOT THE REMAINDER WHICH MAY BE FAVORABLE TO DEFENDANT OR ANY DEFENSE HE MAY MOUNT TO THESE SERIOUS ALLEGATIONS.

A DEFENDANT'S SIXTH AMENDMENT RIGHT TO COUNSEL IMPLICITLY EMBODIES A "CORRELATIVE RIGHT TO DEFENSE WITH A LAWYER'S HELP." ADAMS V. U.S. EX REL. MCMAW, 317 U.S. 269, 279. THE SIXTH AMENDMENT DOES NOT REQUIRE THAT A COUNSEL BE FORCED UPON A DEFENDANT. CARTER V. ILLINOIS, 329 U.S. 173, 174-175; MOORE V. MICHIGAN, 355 U.S. 155, 161.

THE RIGHT TO ASSISTANCE OF COUNSEL IS "THE RIGHT OF THE ACCUSED PERSONALLY TO MANAGE AND CONDUCT HIS OWN DEFENSE IN A CRIMINAL CASE." HASLAM V. U.S., 431 F.2D 362, 365 (9TH CIR.). A DEFENDANT'S PRO PER INVOCATION AND RIGHT MUST BE HONORED OUT OF "THAT RESPECT FOR THE INDIVIDUAL WHICH IS THE LIFE BLOOD OF THE LAW." ILLINOIS V. ALLEN, 397 U.S. 337, 350-351.

IN ORDER FOR A DEFENDANT TO REPRESENT HIMSELF, HE MUST "KNOWINGLY AND INTELLIGENTLY" FOREGO THE BENEFITS ASSOCIATED WITH A SKILLED AND EXPERIENCED ATTORNEY. JOHNSON V. ZERBST, (1938) 304 U.S. 464-465; MOLTKE V. GILLIES, 332 U.S. 708, 723-724; ALSO ADAMS, SUPRA.

A COURT IS REQUIRED TO CONDUCT A FARETTA CANVAS TO ENSURE A DEFENDANT KNOWINGLY AND INTELLIGENTLY WAIVED HIS RIGHT TO COUNSEL. IN DOING SO, THE COURT LOOKS AT THE CIRCUMSTANCES OF THE CASE INCLUDING A DEFENDANT'S BACKGROUND, EXPERIENCE AND CONDUCT IN ASSESSING THE WAIVER. HOOKS V. STATE, (2008) 124 NEV. 48.

II COUNSEL'S AFFIRMATIVE DUTIES

A CRIMINAL DEFENDANT HAS A GUARANTEE OF COUNSEL WHICH "CANNOT BE SATISFIED BY MERE FORMAL APPOINTMENT." EVERY V. ALABAMA, (1940) 308 U.S. 444, 446. THE FACT THAT THE PERSON WHO HAPPENS TO BE A LAWYER IS PRESENT ALONGSIDE THE ACCUSED, HOWEVER, IS NOT ENOUGH TO SATISFY THE CONSTITUTIONAL COMMAND... AN ACCUSED IS ENTITLED TO BE ASSISTED BY AN ATTORNEY, WHETHER RETAINED OR APPOINTED, WHO PLAYS THE ROLE NECESSARY TO ENSURE THAT THE TRIAL IS FAIR." STRICKLAND V. WASHINGTON, (1984) 46 U.S. 688; MCMAW V. RICHARDSON, (1970) 397 U.S. 759, 771. THE RIGHT TO COUNSEL IS A RIGHT TO EFFECTIVE COUNSEL NOT MERELY JUST A WARM BODY NEXT TO THE DEFENDANT. SLYLER V. SULLIVAN, (1980) 446 U.S. 344.

THE RIGHT TO COUNSEL GUARANTEED BY THE SIXTH AMENDMENT IS A FUNDAMENTAL RIGHT. ARGERSINGER V. HAMLETT, (1972) 402 U.S. 25, 29-33. A VIOLATION OF THE SIXTH AMENDMENT IS SHOWN UPON DEMONSTRATION OF A CONFLICT OF INTEREST ADVERSELY AFFECTING A LAWYER'S PERFORMANCE. GLASSER V. U.S., (1942) 315 U.S. 60, 92.

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COUNSEL'S EFFECTIVE PERFORMANCE IN ORDER TO SATISFY THE SIXTH AMENDMENT MUST NOT REDUCE THE PLEADINGS TO A FARCE OR PRETENSE. COUNSEL'S INACTION IN CONDUCTING PRE-TRIAL INVESTIGATION RENDERS ASSISTANCE A SHAME AND FARCE, JACKSON V. WARDEN, (1975) 91 NEV. 430; WARDEN V. LISCHKO, (1974) 90 NEV. 221, 223, BUT SEE, STATE V. LOVE, (1993) 109 NEV. 1136, 1139.

IT IS STILL RECOGNIZED THAT A PRIMARY REQUIREMENT IS THAT COUNSEL "CONDUCT CAREFUL FACTUAL AND LEGAL INVESTIGATIONS AND INQUIRES WITH A VIEW TO DEVELOPING MATTERS OF DEFENSE IN ORDER THAT HE MAY MAKE INFORMED DECISIONS ON HIS CLIENT'S BEHALF BOTH AT THE PLEADING STAGE.... AND AT TRIAL..." IN RE SAUNDERS, (CAL. 1970) 472 P.2D 921, 926. COUNSEL'S FAILURE TO UNDERTAKE THESE CAREFUL INVESTIGATIONS AND INQUIRIES RESULTS IN OMITTING A CRUCIAL DEFENSE FROM THE CASE. THE DEFENDANT HAS NOT HAD THAT ASSISTANCE TO WHICH HE IS ENTITLED. PEOPLE V. STANWORTH, (CAL. 1974) 522 P.2D 1058.

FURTHER, IN PEOPLE V. WHITE, (CAL. 1973) 514 P.2D 69, 71-72 THE COURT NOTED THAT THE AMERICAN BAR ASSOCIATION STANDARDS FOR CRIMINAL JUSTICE SETS FORTH MANDATORY STANDARDS BY WHICH THE ASSISTANCE OF COUNSEL MAY BE JUDGED. THE FOLLOWING SECTIONS OF THE DEFENSE FUNCTION STANDARD ARE OF PARTICULAR RELEVANCE HERE: 1.1 (B) (ROLE OF THE DEFENSE COUNSEL), 3.2 (INTERVIEWING OF CLIENT), AND 4.1 (DUTY TO INVESTIGATE).

COUNSEL CAN'T MEANINGFULLY ADVOCATE DEFENDANT'S RIGHTS WITHOUT ACCESS TO WITNESSES, EVIDENCE AND OTHER VITAL TOOLS TO MOUNT A DEFENSE.

III

RELINQUISHMENT OF ALL PAPERS, DOCUMENTS, PLEADINGS AND OTHER ITEMS OF TANGIBLE VALUE BELONGING TO OR PREPARED FOR CLIENT

NEV. REV. STAT. 7.055 PROVIDES THAT:

AN ATTORNEY WHO HAS BEEN DISCHARGED BY A CLIENT SHALL, UPON DEMAND... IMMEDIATELY DELIVER TO THE CLIENT ALL PAPERS, DOCUMENTS, PLEADINGS (AND ITEMS OF TANGIBLE VALUE) WHICH ALL BELONG TO OR WERE PREPARED FOR THAT CLIENT."

NEV. SUP. CRT. RULE 166(4) PROVIDES:

"UPON TERMINATION OF REPRESENTATION, A LAWYER SHALL TAKE STEPS TO THE EXTENT REASONABLY PRACTICABLE TO PROTECT A CLIENT'S INTEREST, SUCH AS SURRENDERING PAPERS AND PROPERTY TO WHICH THE CLIENT IS ENTITLED...."

CLOSING

IN THE ENTIRE YEAR OF IT'S PENDENCY COUNSEL HAS SUB-
JECTED THIS CASE TO ABSOLUTELY NO ADVERSARIAL TESTING AND THE
PURPORTED REPRESENTATION OF DEFENDANT FALLS GROSSLY SHORT OF
REPRESENTATION OF A COUNSEL ACTING IN ACCORDANCE WITH PROFER-
SIONAL NORMS. THROUGH REPRESENTATION TO THE COURT COUNSEL
ATTESTED UNDER OATH AND BEFORE A NOTARY PUBLIC, HIS INABILITY
TO REPRESENT DEFENDANT THERE FORWARD DUE TO THE EXISTING CON-
FLICT.

SEVERAL DUTIES TO DATE, 1 YEAR LATER, SHOULD HAVE ALREADY BEEN
EXECUTED BY COUNSEL BUT HAVE BEEN OBSCURED INCLUDING A TIMELY
SUPPRESSION MOTION JOINTLY WITH WONG'S COUNSEL TO CHALLENGE THE
LEGALITY OF THE JEPF AND CHARLESTON APARTMENT SEARCH IN LIGHT OF
MIRANDA AND FOURTH AMENDMENT VIOLATIONS, DECEPTIVELY MISLEAD-
ING AFFIDAVITS AS WELL AS THE JUSTIFICATION OF SEVERAL PATROL
VEHICLES PULLING WONG OVER FOR TRAFFIC IN FRACTIONS. ADDITIONALLY
POSSIBLE SUGGESTIVE IDENTIFICATION AND A POTENTIAL MARCUM VIOLA-
TION. AS OF THE CURRENT DATE NO INVESTIGATOR HAS CONTACTED DEFEN-
DANT NOR GATHERED EVIDENCE ESSENTIAL TO A DEFENSE.

ALTHOUGH BEING AFFORDED DISCOVERY WHICH HAS ONLY CONSISTED
OF CERTAIN REPORTS, PROBABLE CAUSE AND WARRANTS, DEFENDANT HAS
NOT BEEN PROVIDED ALL DISCOVERY IN COUNSEL'S POSSESSION OR
ACCESSABLE TO COUNSEL.

GIVEN COUNSEL'S PURPORTED DISRESPECT OF DEFENDANTS DIS-
ARLED MOTHER AS REPORTED BY HER, THE ON-GOING TENSION THE
ATTORNEY-CLIENT RELATIONSHIP, ALONG WITH ALL CITED ISSUES
ABOVE, DEFENDANT WHITE MAINTAINS THAT A GENUINE ON-GOING
CONFLICT OF INTEREST EXISTS AND DEFENDANT IS INCAPABLE IN
HIS ABILITY TO ASSIST COUNSEL WITH AND IN HIS DEFENSE ON
ACCOUNT OF HIS INABILITY TO CONFIDE IN AND TRUST THAT COUNSEL
HAS HIS BEST INTEREST AT HEART.

8. BEFORE WONG PLED AND TRANSFERRED TO JDOC.

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BY COUNSEL'S ADMISSION HIMSELF, IN HIS 20 YEAR PRACTICE HE HAS NEVER CONFRONTED SUCH A SITUATION AND ADMITTEDLY CONVEYED HIS INABILITY TO EFFECTIVELY REPRESENT DEFENDANT ANY FURTHER. THESE CIRCUMSTANCES CLEARLY WARRANT REMOVAL AND REPLACEMENT OF COUNSEL. MOREOVER, DEFENDANT REMAINS JUSTIFIABLY SKEPTICAL AND SEES NO BENEFIT AND ITS COMPLETELY POINTLESS OF HAVING A "SKILLED AND EXPERIENCED ATTORNEY" WHO IS BY CHOICE AND DUE TO CONTINUING CONFLICT, INEFFECTIVELY AND FAILING TO PROTECT DEFENDANT'S LEGAL INTERESTS OR ADVOCATE A VIABLE DEFENSE. JOHNSON V. ZERBST, SUPRA, AVERY V. ALABAMA, SUPRA, STRECKLAND V. WASHINGTON, SUPRA.

AS SUCH, DEFENDANT IS ESSENTIALLY COMPELLED TO CHOOSE THE PROSPECT OF BEING REPRESENTED BY BIASED AND EFFECTIVELY KEEP, COUNSEL, PLACE HIS HOPE IN THE COURT'S AUTHORITY AND JUSTIFICATION TO REPLACE COUNSEL OR RELY ON THE REPRESENTATION OF HIS-SELF. OBVIOUSLY SINCE APPOINTMENT, COUNSEL HAS MERELY CONSISTED OF A WARM BODY NEXT TO DEFENDANT AND HIS PURPORTED REPRESENTATION IS A SHAM, FARCE AND IS INEFFECTIVE AS NO PLEADINGS HAVE BEEN FILED AND DEFENDANT REMAINS UNKNOWLEDGEABLE OF HIS LEGAL DEFENSE TO THE SERIOUS ACCUSATIONS. NOT MENTION AS A DEFENSE WITNESS LIST HAS ~~NOT~~ BEEN FILED OR CREATED.

ACCORDINGLY, DEFENDANT FOR HIS THIRD TIME MOTIONS THE COURT FOR REPLACEMENT OF COUNSEL OR TO CONDUCT A FARETTA CANVAS AND GRANT HIS MOTION TO PROCEED PRO SE RELINQUISHING COUNSEL. SECONDLY, DEFENDANT REQUESTS AN ORDER EXTENDING THE TRIAL FOR 120 DAYS TO ENABLE HIS PREPARATION AND POTENTIAL RESOLUTION THROUGH CASE NEGOTIATION. HE FURTHER REQUESTS PLACEMENT ON CALENDAR FOR THE END OF APRIL FOR STATUS CHECK. LASTLY, DEFENDANT REQUESTS AN ORDER DIRECTING THAT COUNSEL RELINQUISH THE ENTIRE FILE, MAKING ALL DIGITAL MATERIALS INTO DOCUMENT FORM IN THIS MATTER AND THAT THE PEOPLE MAKE FULL DISCOVERY DISCLOSURE IN PAPER FORM TO DEFENDANT IMMEDIATELY.

DATE: MARCH 12, 2017

RESPECTFULLY SUBMITTED,

BY:

(TONEY A. WHITE)

DEFENDANT/PETITIONER

ORIGINAL

Electronically Filed
5/3/2017 11:15 AM
Steven D. Grierson
CLERK OF THE COURT

27

Steven D. Grierson

TONEY ANTHONY WHITE B270790
CODC
330 S. CASINO CENTER BLDG.
LAS VEGAS, NV, 89101

DEFENDANT

COUNTY OF CLARK DISTRICT COURT

STATE OF NEVADA

EIGHTH JUDICIAL DISTRICT

PEOPLE OF THE STATE OF
NEVADA,

PLAINTIFF,

VS.

TONEY ANTHONY WHITE,

DEFENDANT.

CASE NO. C-16-313216-2

DEFENDANT WHITE'S OBJECTION
TO COURT'S DENIAL OF MOTION
FILED 03/23/17.

ON MARCH 27, 2017, DEFENDANT WHITE FILED A MOTION
THAT WAS SET FOR HEARING ON APRIL 18, 2017, WHICH AMONG OTHER
MATTERS SOUGHT REUSAL OF COUNSEL. THE COURT DENIED THE
MOTION RETAINING COUNSEL ON DEFENDANT'S CASE. DEFENDANT
HEREBY INCORPORATES BY REFERENCE THE ENTIRETY OF THE
MOTION AS IF CONTAINED HEREIN AT FULL LENGTH.

FULL OBJECTION IS GIVEN ON THE COURT'S DENIAL OF
THE MOTION TO PRESERVE APPROPRIATE REVIEW.

RESPECTFULLY SUBMITTED

DATE: APRIL 20, 2017

BY:

Toney A. White
(TONEY A. WHITE)
DEFENDANT

CLERK OF THE COURT

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MAY 03 2017

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APR 28 2017

CLERK OF THE COURT

240

NEVADA DEPARTMENT OF CORRECTIONS

LEGAL MAIL

NAME: White DOC#: 1214172 UNIT: 11 F 27

REPORT TO CONTROL AT ADMIN FOR THE FOLLOWING:

LEGAL MAIL: M. JACKSON

CERTIFIED MAIL: _____

REGISTERED MAIL: _____

DATE: _____

OFFICER: L. RangelINMATE SIGNATURE: [Signature]DOC#: 1214172 DATE: 07/27/2020

DOC - 3020 (REV. 7/01)

NEVADA DEPARTMENT OF CORRECTIONS

LEGAL MAIL

NAME: White DOC#: 1214172 UNIT: 11 F 27

REPORT TO CONTROL AT ADMIN FOR THE FOLLOWING:

LEGAL MAIL: M. JACKSON

CERTIFIED MAIL: _____

REGISTERED MAIL: _____

DATE: 07/15/20OFFICER: L. RangelINMATE SIGNATURE: [Signature]DOC#: 1214172 DATE: 07/15/20

DOC - 3020 (REV. 7/01)

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Histories, medications and problem list have been reviewed and updated as appropriate:
YES.

More than 50% of this encounter was spent in counseling and coordination of patient care with plan outlined above. Face-to-face time with this patient was 60 minutes.

Vitals - Last Recorded

BP	Pulse	Temp	Ht	Wt	BMI
118/73	70	97 °F (36.1 °C) (Temporal)	5' 9" (1.753 m)	251 lb 4.8 oz (113.989 kg)	37.09 kg/m2

Encounter Messages

No messages in this encounter

Reviewed On: 4/17/2014 By: Wundes, Annette

Allergies as of 4/17/2014

Allergen	Noted	Type	Reactions
Seroquel (Quetiapine) "almost killed me"	04/17/2014	Allergy	Shortness of Breath
Trazodone	04/17/2014	Allergy	Shortness of Breath

Discontinued Medications

Interferon Beta-1a (AVONEX PEN) 30
MCG/0.5ML Intramuscular Kit

Reason for Discontinue

Outpatient Medications at End of Encounter as of 4/17/2014

Medication	Disp	Refills	Start	End
Acetaminophen (TYLENOL EXTRA STRENGTH) 500 MG Oral Tab (Taking) Sig - Route: one tablet daily (20-30 pills/m) - Oral Class: Historical Number of times this order has been changed since signing: 1 Order Audit Trail				
Aspirin-Acetaminophen-Caffeine (EXCEDRIN MIGRAINE) 250-250-65 MG Oral Tab (Taking) Sig - Route: take 2 tablets everyday as needed for migraine (allowed 20 pills/m, takes 2 at a time, would take more if more allowed) - Oral Class: Historical Number of times this order has been changed since signing: 1 Order Audit Trail				
Baclofen 10 MG Oral Tab (Taking) Sig - Route: 3 TABLET 3 TIMES DAILY - Oral Class: Historical Number of times this order has been changed since signing: 1 Order Audit Trail				
Buspirone HCl 15 MG Oral Tab (Taking) Sig - Route: decreasing dose take 1 tablet three times a day (reduced dose in Walla Walla) - Oral				

PC-10
4/5/72

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

TONEY ANTHONY WHITE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 78483-COA

FILED

MAY 11 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Y. [Signature]
DEPUTY CLERK

ORDER OF AFFIRMANCE

Toney Anthony White appeals from a judgment of conviction entered pursuant to a guilty plea of conspiracy to commit robbery, burglary while in possession of a deadly weapon, two counts of first-degree kidnapping with the use of a deadly weapon, two counts of attempted robbery with the use of a deadly weapon, battery with the use of a deadly weapon resulting in substantial bodily harm, and impersonation of an officer. Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.

First, White argues the district court erred by denying his request to represent himself without conducting a *Faretta*¹ canvass. A district court may properly deny a request for self-representation if the request is equivocal. *Lyons v. State*, 106 Nev. 438, 443, 796 P.2d 210, 213 (1990), *clarified on other grounds by Vanisi v. State*, 117 Nev. 330, 341, 22 P.3d 1164, 1171-72 (2001). The record reveals that White filed a motion requesting to withdraw his guilty plea and for either the appointment of substitute counsel or permission to represent himself. The district court

¹*Faretta v. California*, 422 U.S. 806 (1975).

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20-17782

held a hearing concerning White's motion, discussed the motion with White, and clarified White's desire to move for the withdrawal of his guilty plea. Following the discussion, the district court decided to appoint substitute counsel. White acknowledged he understood the district court's decision to appoint substitute counsel and agreed that the district court had addressed his concerns. A review of White's motion and the transcript of the pertinent hearing demonstrates he did not make an unequivocal request to represent himself and the district court appropriately addressed White's motion and concerns without conducting a *Faretta* canvass. Therefore, White fails to demonstrate he is entitled to relief.

Second, White argues the district court erred by accepting his guilty plea despite his mental health issues. White appears to assert his plea was not knowingly and intelligently entered due to his mental health issues.² However, this court does not allow "a defendant to challenge the validity of a guilty plea on direct appeal from the judgment of conviction" in the first instance. *Bryant v. State*, 102 Nev. 268, 272, 721 P.2d 364, 368 (1986), *superseded by statute on other grounds as stated in Hart v. State*, 116 Nev. 558, 562 n.3, 1 P.3d 969, 971 n.3 (2000). The record demonstrates White initially pleaded guilty, but was later permitted to withdraw the

²To the extent White makes an independent claim of ineffective assistance of counsel for failing to investigate his mental health issues, this court does not "consider ineffective-assistance-of-counsel claims on direct appeal unless the district court has held an evidentiary hearing on the matter or an evidentiary hearing would be needless." *Archanian v. State*, 122 Nev. 1019, 1036, 145 P.3d 1008, 1020-21 (2006). An evidentiary hearing was not held concerning this claim and White did not demonstrate an evidentiary hearing would be needless. Therefore, we decline to consider this claim in this appeal.

guilty plea. White proceeded to trial and mid-trial he again entered a guilty plea. Although White mentioned he had mental health issues in his pro se motion to withdraw his initial guilty plea, White did not pursue a challenge to the validity of the guilty plea that resulted in his conviction on any basis prior to entry of the judgment of conviction. Therefore, this claim is not appropriately raised in this appeal and we decline to consider it.³

Third, White argues there was insufficient evidence to support his guilty plea for the kidnapping convictions. However, the record demonstrates that the factual bases for White's kidnapping convictions were set forth during the plea canvass and White acknowledged he committed those offenses. Therefore, we conclude that White is not entitled to relief for this claim.

Fourth, White argues his sentence constitutes cruel and unusual punishment because it is excessively harsh. Regardless of its severity, "[a] sentence within the statutory limits is not 'cruel and unusual punishment unless the statute fixing punishment is unconstitutional or the sentence is so unreasonably disproportionate to the offense as to shock the conscience.'" *Blume v. State*, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996) (quoting *Culverson v. State*, 95 Nev. 433, 435, 596 P.2d 220, 221-22 (1979)):


³White also argues the district court erred by denying a postconviction motion to withdraw his guilty plea in which he raised his mental health issues. However, White filed his postconviction motion several months after entry of the judgment of conviction and his notice of appeal. Moreover, White's notice of appeal does not designate the district court order denying the postconviction motion to withdraw his guilty plea as an order being challenged on appeal. See NRAP 3(c)(1)(B) (providing that a notice of appeal must "designate the judgment, order or part thereof being appealed"). Therefore, claims stemming from the district court's denial of White's postconviction motion to withdraw his guilty plea are not properly raised in this appeal and we also decline to consider those claims.

see also *Harmelin v. Michigan*, 501 U.S. 957, 1000-01 (1991) (plurality opinion) (explaining that Eighth Amendment does not require strict proportionality between crime and sentence; it forbids only an extreme sentence that is grossly disproportionate to the crime).

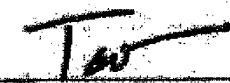
The aggregate sentence of life in prison with the possibility of parole in 20 years is within the parameters provided by the relevant statutes. See NRS 176.035(1); NRS 193.140; NRS 193.165(1); NRS 193.330(1)(a)(2); NRS 199.430; NRS 199.480(1)(a); NRS 200.320(2)(a); NRS 200.380(2); NRS 200.481(2)(e)(2); NRS 205.060(2). White does not allege that those statutes are unconstitutional. Having considered the sentence and the crime, we conclude the sentence imposed is not grossly disproportionate to the crime and does not constitute cruel and unusual punishment.

Fifth, White argues he is entitled to relief due to cumulative error. However, White failed to demonstrate any error and, accordingly, he is not entitled to relief.


Having concluded White is not entitled to relief, we
ORDER the judgment of conviction AFFIRMED.



Gibbons C.J.



Tao J.



Bulla J.

cc: Hon. Michelle Leavitt, District Judge
Terrence M. Jackson
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

COURT OF APPEALS
OF
NEVADA

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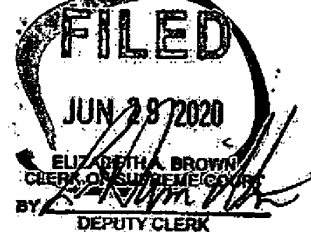
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IN THE SUPREME COURT OF THE STATE OF NEVADA

TONY ANTHONY WHITE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

Supreme Court No. 78483
District Court Case No. G310216



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 05, 2020

Elizabeth A. Brown, Clerk of Court

By: Monique Mercier
Administrative Assistant

cc (without enclosures):

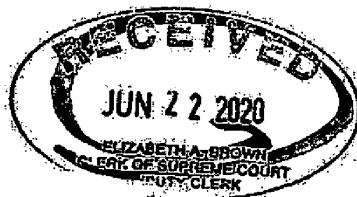
Hon. Michelle Leavitt, District Judge
Toney Anthony White
Terrence M. Jackson
Clark County District Attorney \ Jonathan VanBoskerck, Deputy District Attorney

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 16 2020

[Signature]
Deputy District Court Clerk

RECEIVED
APPEALS
JUN 16 2020
CLERK OF THE COURT



247

IN THE SUPREME COURT OF THE STATE OF NEVADA

TONEY ANTHONY WHITE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

Supreme Court No. 78483
District Court Case No. C313216

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 judgment of conviction **AFFIRMED**."

Judgment, as quoted above, entered this 11th day of May, 2020.

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 05, 2020.

Elizabeth A. Brown, Supreme Court Clerk

By: Monique Mercier
Administrative Assistant

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Nevada Prescription Monitoring Program
For assistance using this application, please contact:
1-855-5NV-4PMP, NV

Patient Report

Date Range: 07/22/2013 - 07/22/2016

Linked Records				
Name	DOB	ID	Gender	Address
[REDACTED]	[REDACTED]	1	male	[REDACTED]
[REDACTED]	[REDACTED]	3	male	[REDACTED]
[REDACTED]	[REDACTED]	2	male	[REDACTED]
[REDACTED]	[REDACTED]	4	male	[REDACTED]

Report Criteria

First Name: [REDACTED] Last Name: [REDACTED] DOB: [REDACTED] ZIP Code: [REDACTED] City: [REDACTED] State: [REDACTED] Phone: [REDACTED] SSN: [REDACTED] DL: [REDACTED]

Summary

Prescriptions: 13	Prescribers: 10	Pharmacies: 3	Private Pay: 0	Active Daily MME:
----------------------	--------------------	------------------	-------------------	-------------------

Prescriptions

Filled	ID	Written	Drug	QTY	Days	Prescriber	Rx #	Pharmacy	Refills	MME/D	Pymt Type	PMP
03/01/2016	4	03/01/2016	HYDROCODON-ACETAMINOPHEN 5-325	12.0	2	HE PHI	01168936	NEVAD (4695)	0	18.0	Medicaid	NV
04/15/2016	1	01/12/2016	HYDROCODON-ACETAMINOPHEN 10-325	60.0	30	FI MAS	02221737	WAL-M (6935)	0	18.0	Comm Ins	NV
04/15/2016	1	12/15/2015	HYDROCODON-ACETAMINOPHEN 10-325	60.0	30	FI MAS	02221268	WAL-M (6935)	0	12.0	Comm Ins	NV
04/15/2016	4	11/16/2015	HYDROCODON-ACETAMINOPHEN 10-325	60.0	30	FI MAS	01071360	WARM (2158)	0	12.0	Medicaid	NV

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Filled	ID	Written	Drug	QTY	Days	Prescriber	Rx #	Pharmacy	Refills	MMR/D	Pymt Type	PMP
10/12/2015	4	10/27/2015	HYDROCODON-ACETAMINOPHEN 10-325	21.0	7	EV NNA	01065298	WARM (2158)	0	24.0	Medicaid	NV
10/12/2015	4	10/12/2015	HYDROCODON-ACETAMINOPHEN 10-325	21.0	7	EV NNA	01060399	WARM (2158)	0	18.0	Medicaid	NV
09/12/2015	4	09/08/2015	OXYCODONE-ACETAMINOPHEN 10-325	30.0	7	ST ORP	01049591	WARM (2158)	0	85.714	Medicaid	NV
09/03/2015	4	09/03/2015	HYDROCODON-ACETAMINOPHEN 10-325	20.0	5	RA-MIR	01048656	WARM (2158)	0	24.0	Medicaid	NV
09/03/2015	3	09/03/2015	OXYCODONE-ACETAMINOPHEN 10-325	30.0	6	NI LEA	01048377	WARM (2158)	0	120.0	Medicaid	NV
07/19/2015	2	07/18/2015	OXYCODONE-ACETAMINOPHEN 5-325	20.0	20	PA KLO	01102308	NEVAD (4695)	0	10.0	Medicaid	NV
07/01/2015	2	06/28/2015	HYDROCODON-ACETAMINOPHEN 5-325	25.0	7	AR TAY	01096506	NEVAD (4695)	0	10.714	Medicaid	NV
06/23/2015	2	06/22/2015	OXYCODONE-ACETAMINOPHEN 5-325	20.0	4	AD BER	01027161	WARM (2158)	0	50.0	Medicaid	NV
06/09/2015	2	06/06/2015	OXYCODONE-ACETAMINOPHEN 5-325	10.0	3	VI MIS	01022250	WARM (2158)	0	33.333	Medicaid	NV

*Pharmacy is created using a combination of pharmacy name and the last four digits of the pharmacy license number.

Prescribers					
Name	Address	City	State	Zip	Phone
BERKOVITS, ADAM S	2380 W HORIZON RIDGE PKWY	HENDERSON	NV	89052	7022555025
KLOSER, PATRICIA C	1155 MILL ST	RENO	NV	89502	7065095000
LEAVER, NICHOLAS	102 E LAKE MEAD PKWY	HENDERSON	NV	89015	7024828500
MASHHOOD, FIROOZ	734 E SAHARA AVE	LAS VEGAS	NV	89104	
MIRCHOU, RAFAEL	7488 W SAHARA AVE	LAS VEGAS	NV	89117	7026411240
MISHRA, VIKASH	2380 W HORIZON RIDGE PKWY	HENDERSON	NV	89052	7027318080
NNADI, MD. EVARISTA C	8725 S EASTERN AVE	LAS VEGAS	NV	89119	7022800577
ORPHANIDIS, STEPHANOS P	2380 W HORIZON RIDGE PKWY	HENDERSON	NV	89052	7024928000
PHILLIPS, HEBER S	2380 W HORIZON RIDGE PKWY	HENDERSON	NV	89052	7026165000
TAYLOR, ARTHUR J	7485 W WASHINGTON AVE	LAS VEGAS	NV	89128	7026780393

Dispensers

Pharmacy	Address	City	State	Zip	Phone
WARM SPRINGS ROAD CVS, L.L.C. (2158)	8895 S MARYLAND PKWY	LAS VEGAS	NV	89123	7028961283
WAL-MART PHARMACY 10-6269 (8935)	490 E SILVERADO RANCH BLVD	LAS VEGAS	NV	89183	7022834270
NEVADA CVS PHARMACY, L.L.C. (4886)	8116 LAS VEGAS BLVD S	LAS VEGAS	NV	89123	7024077063

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Gruber, Harvey

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Ann L. Quinn

CLERK OF THE COURT

MC
PP
DA
TONEY A. WHITE #8970790

CCDC BS-12

330 CASINO CENTER BLVD.

LAS VEGAS, NV, 89101

DEFENDANT

CLARK COUNTY DISTRICT COURT

STATE OF NEVADA

PEOPLE OF THE STATE OF
NEVADA,

PLAINTIFF,

VS.

KEVIN KEKOA WONG, JR.,
TONEY ANTHONY WHITE,
AMANDA SEXTON
MARLAND NEAL DEAN,

DEFENDANTS.

CASE NO. C-16-313216-Z

DEFENDANT WHITE'S APPLICATION
TO RECUSE COUNSEL AND FOR
APPOINTMENT FOR ALTERNATIVE
COUNSEL; MEMORANDUM OF
POINTS AND AUTHORITIES.

Hearing Date: 6-9-16

Time of Hearing: 8:30am

DEFENDANT TONEY ANTHONY WHITE, III, HEREBY MAKES APPLI-
CATION TO THIS COURT FOR ORDER RECUSING COUNSEL HARVEY GRUBER
AND APPOINTING REPLACEMENT COUNSEL. THIS APPLICATION IS BASED ON
THE PAPERS, PLEADINGS AND OTHER DOCUMENTS ON FILE AS WELL AS THE
MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT HEREOF.

IN ACCORDANCE THIS APPLICATION IS RESPECTFULLY SUBMITTED.

RESPECTFULLY SUBMITTED,

DATE: MAY 8 2016

BY: *Toney A. White III*
(TONEY A. WHITE, III)

RECEIVED

MAY 16 2016

CLERK OF THE COURT

RECEIVED

MAY 18 2016

CLERK OF THE COURT
30

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT

ON FEBRUARY 01, 2016, DEFENDANT WHITE ALONG WITH 3 OTHER DEFENDANTS WERE CRIMINALLY CHARGED IN HENDERSON CASE NUMBER 16FH0191A-D WITH 2 COUNTS OF FIRST DEGREE KIDNAP, CONSPIRACY, 2 COUNTS OF ATTEMPTED ROBBERY, BURGLARY AND BATTERY RESULTING IN SUBSTANTIAL BODILY HARM, STEMMING FROM THEIR COLLECTIVE ARRESTS ON JANUARY 20TH AND 22ND, 2016. THEY WERE SUBSEQUENTLY APPEARED IN HENDERSON JUSTICE COURT ON OR ABOUT FEBRUARY 01, 2016. ACKNOWLEDGING THEIR INDIGENCY, HENDERSON JUSTICE COURT APPOINTED ALL 4 DEFENDANTS COUNSEL AT STATE EXPENSE. COUNSEL APPOINTED DEFENDANT WHITE WAS HARVEY GRUBER OF HENDERSON. SAID APPOINTED COUNSEL HAS REMAINED APPOINTED ACCORDINGLY. SINCE APPOINTMENT, COUNSEL HAS VISITED DEFENDANT TWICE AND PROVIDED LIMITED DISCOVERY BUT NOT ALL POSSESSED BY COUNSEL. ADDITIONALLY, SINCE THE INCEPTION OF THIS CRIMINAL ACTION DEFENDANT HAS REPEATEDLY PROVIDED COUNSEL NEGOTIABLE BASIS TO CONVEY TO THE PROSECUTION TO RESOLVE THE CONFLICT WITHOUT EXPENDING UNNECESSARY JUDICIAL RESOURCES. TO DATE IT IS QUESTIONABLE AS TO WHETHER ALL OF THESE GOOD FAITH EFFORTS HAVE ACTUALLY BEEN CONVEYED INCLUDING THE MOST RECENT AND UNPRECEDENTED NEGOTIATION TERMS. DEFENDANT HAS SOUGHT COUNSEL'S LITIGATION OF A MOTION TO SUPPRESS UNSUCCESSFULLY AS WILL BE DISCUSSED, INFRA. THE CIRCUMSTANCES INVOLVING DEFENDANTS ARRESTS AND AS RELEVANT HEREIN ARE AS FOLLOWS:

ON JANUARY 20, 2016, OFFICERS DISPATCHED TO 950 SEVEN HILLS DRIVE, HENDERSON, NV, OBSERVED DEFENDANT KENTON WONG BEHIND 2 VEHICLES KEEPING LOOKOUT AS THEY REPORTED TO APARTMENT 2511. OFFICER M. ENGEL TALKED TO WONG WHILE OFFICER LEINAN ENTERED APARTMENT 2511. OFFICER ENGEL RESPONDED TO A SIGHTING OF A SUSPECT AT WHICH TIME WONG ENTERED THE JEEP AND EXITED THE COMPLEX. APPARENTLY RADIO CALLS WERE BROADCASTED RELATING TO THE BLACK JEEP CHEROKEE LICENSE NO. ASW5060 WASHINGTON (VIN 1J4GW68NXXC672487) AND ON SAINT ROSE PARKWAY AND JEFFREYS INTERSECTION NUMEROUS MARKED PATROL VEHICLES CONVERGED ON WONG AND THE JEEP LIGHTING HIM UP AND DEMANDING THAT HE EXIT THE VEHICLE HANDS UP AND BACK TOWARD THE OFFICERS.

WONG WAS INSTRUCTED TO KNEEL TO HIS KNEES, CROSS HIS LEGS AND LIE FLAT WITH BOTH ARMS STRAIGHT OUT. HE WAS APPROACHED, HANDCUFFED AND SEARCHED BY OFFICERS BEFORE BEING PLACED IN A PATROL CAR. OFFICERS THEN ENSURED THAT NO OTHER PASSENGERS WERE IN THE VEHICLE BEFORE CLEARING IT. WONG WAS PURPORTEDLY STOPPED DUE "UNSPECIFIED" DRIVING INFRACTIONS. FROM AN UNKNOWN LOCATION DETECTIVE RYAN ADAMS WAS ADVISED OF THE TRAFFIC STOP WITH WONG AND WAS DIRECTED TO RESPOND TO THAT LOCATION. ADAMS RESPONDED AND ABSENT ANY MIRANDA ADMONITIONS GIVEN WAS ALLEGEDLY THRICE GRANTED PERMISSION BY WONG TO SEARCH THE VEHICLE.^{1/}

1. IT IS QUESTIONABLE AS TO WHETHER WONG, WHO DIDN'T OWN THE VEHICLE, HAD ANY LEGAL AUTHORITY TO CONSENT TO ITS SEARCH LESS ALONE THE BELONGINGS OF AND IN MS. SEXTON'S PURSE.

25

IN THE SUBSEQUENT CONFERENCES WITH COUNSEL, DEFENDANT WHITE ADVISED COUNSEL OF A EXTENDED HISTORY OF MENTAL HEALTH AND LACK OF HIS STRONG ANTI-PSYCHOTIC MEDICATIONS ON JANUARY 21, 2016 COMBINED WITH A SEPTMBER 03, 2015 SUBSTANTIAL HEAD TRAUMA INCIDENT WHICH CAUSES MENTAL BLACK OUTS AND MEMORY LAPSSES. COUNSEL WAS FURTHER ADVISED OF DEFENDANT'S MEDICAL NEED FOR HIS PRESCRIPTION GLASSES TO PREVENT EXTREME EXCITATING HEADACHES AND OF THE FACT OF DEFENDANT WHITE'S EXCESSIVE ISOLATION WITH DEFENDANT WHITE SOUGHT THAT COUNSEL IN CONNECTION WITH WHITE'S COUNSEL, FILE A MOTION TO SUPPRESS EVIDENCE OBTAINED IN VIOLATION OF MIRANDA AND THE U.S. CONSTITUTION'S FOURTH AMENDMENT, DEFENDANT WHITE FURTHER PROVIDED COUNSEL NEGOTIABLE AND UNPREGEDENTED BASIS TO CONVEY TO THE PROSECUTION TO POTENTIALLY RESOLVE THE CONFLICT WITHOUT EXPENSIVE UNNECESSARY JUDICIAL RESOURCES.

FOLLOWING THESE EVENTS AND DURING BUSINESS HOURS ON JANUARY 21, 2016, DETECTIVE JOSEPH GIBERT SUCCESSFULLY OBTAINED SEARCH WARRANTS TO SEARCH THE BLACK STEEP CHOKORE AND APARTMENT 2085 AT 2895 E. CHARLESTON BLVD, LAS VEGAS, NV, 89104. THE SEARCH WARRANT RETURNED ON THE BLACK STEEP PURPORTED TO LIST 9 ITEMS SEIZED OUT OF THE STEEP AS A RESULT OF THE SEARCH. THE SEARCH WARRANT RETURNED FOR APARTMENT 2085 PURPORTED TO LIST SOME 11 ITEMS FROM THE APARTMENT AS A RESULT OF THE SEARCH. PROBABLE CAUSE ON WHICH THE 2 SEARCH WARRANTS WERE BASED INCLUDED INFORMATION OBTAINED IN VIOLATION OF WORDS MIRANDA ADDITIONS AS WELL AS FOURTH AMENDMENT PROTECTIONS AGAINST UNREASONABLE AND ILLEGAL SEARCH EXECUTED ON THE BLACK STEEP AND M.S. SEXTON'S PURSE. STATEMENTS OF WITNESSES BUTON, DEAN, AND WHITE AND GLEN COUNSEL AS WELL AS ANY EVIDENCE RETRIEVED AS A RESULT OF CONTACT WITH THESE WITNESSES WERE THE PRODUCT OF THE UNLAWFUL SEARCH WHICH INCLUDED BUT IS NOT LIMITED TO WRITTEN STATEMENTS, THE RETURNED KEY FOB, THE HAND DRAWN MAP AND OTHER ITEMS.

DURING THE SEARCH AMANDA SEXTON'S IDENTIFICATION WAS DISCOVERED LEADING TO THE SERIES OF EVENTS THAT ATTACHED TO THAT DISCOVERED INFORMATION. ACCORDING TO REPORTS, WONG CONTINUED TO DEALO WITH ADAMS FOR "SEVERAL MINUTES" BEFORE BEING PLACED INTO CUSTODY. ON JANUARY 21, 2016, IN THE EARLY MORNING HOURS, DEFENDANTS WHITE NOT ON HIS ANTI-PSYCHOTIC MEDICATIONS AND STILL HEAVILY INTOXICATED, SEXTON AND DEAN WERE PROVIDED A RIDE TO 7-11 ON CHARLESTON BOULEVARD BY GLEN COUNSEL, NEAR WHITE AND SEXTON'S APARTMENT. DURING THIS TIME DEAN LEFT, RETRIEVED A SWITCASE AND PLACED IT INTO COUNSEL'S VEHICLE TRUNK. THE BROADCAST CONTAINED SEVERAL ITEMS AND WAS TAKEN TO 945T LAS VEGAS BOULEVARD SOUTH LAS VEGAS, NV, 89123.

SOME 3 MONTHS SINCE APPOINTMENT COUNSEL HAS FAILED TO DO SO. IN ADDITION, COUNSEL HAS FAILED TO RELINQUISH ALL DISCOVERY² IN HIS POSSESSION, HAS FAILED TO COMMUNICATE ALL ANTICIPATED TACTICS AND STRATEGIES RELATED TO THE CASE OR PURSUE DEFENDANT'S MENTAL HEALTH, HEAD TRAUMA AND INTOXICATION CLAIMS AND HAS FAILED TO OBTAIN OR APPLY FOR EXPERTS TO EVALUATE DEFENDANT. LASTLY, AS OF THE CURRENT DATE NO INVESTIGATOR HAS MET WITH DEFENDANT AND IT HAS FURTHER BEEN DISCOVERED THAT COUNSEL, IN A TELEPHONIC CONVERSATION WITH DEFENDANT'S BIOLOGICAL MOTHER, EXTENSIVELY RIDICULED, DISPARAGED AND DISRESPECTED DEFENDANT WHITE'S MOTHER WHO MERELY CALLED TO INQUIRE AS TO COUNSEL'S PROGRESS IN THIS CASE.

SEVERAL DUTIES TO DATE SHOULD HAVE ALREADY BEEN EXECUTED BY COUNSEL INCLUDING A SUPPRESSION MOTION JOINTLY WITH WONG'S COUNSEL TO CHALLENGE THE LEGALITY OF THE SEEP AND APARTMENT SEARCHES IN LIGHT OF 4TH AMENDMENT AND MIRANDA VIOLATIONS AS WELL AS THE JUSTIFICATION OF SEVERAL PATROL VEHICLES PULLING WONG OVER FOR TRAFFIC INFRACTIONS. ALTHOUGH BEING PROVIDED WITH SOME DISCOVERY TO DATE, DEFENDANT HAS NOT BEEN AFFORDED ALL DISCOVERY IN COUNSEL'S POSSESSION. IMPORTANTLY TO NOTE, DEFENDANT IS NEARLY INCAPABLE OF READING ANY DISCOVERY OR MATERIALS PROVIDED HIM ABSENT ACCESS TO HIS PRESCRIPTION GLASSES CONTAINED IN HIS VEHICLE IMPOUNDED.

GIVEN COUNSEL'S PURPORTED DISRESPECT OF DEFENDANT'S DISABLED MOTHER AS REPORTED BY HER, ALONG WITH ALL CITED ISSUES ABOVE, DEFENDANT MAINTAINS THAT A CONFLICT OF INTEREST EXISTS AS DEFENDANT IS UNCERTAIN AS TO HIS ABILITY TO ASSIST COUNSEL WITH AND IN HIS DEFENSE ON ACCOUNT OF COUNSEL'S BEHAVIOR WHEN INTERACTING WITH DEFENDANT'S MOTHER AND DEFENDANT'S INABILITY TO CONFIDE IN AND TRUST COUNSEL HENCE FORTH. THIS IS ESPECIALLY THE CASE GIVEN DEFENDANT'S PARANOID SCHIZOPHRENIC CONDITION.

ACCORDINGLY, DEFENDANT RESPECTFULLY SEEKS THAT THIS COURT PLACE THIS MATTER ON CALENDAR FOR A HEARING SUMMONING DEFENDANT AND HIS COUNSEL AND ALL OTHER DEFENDANTS AND COUNSEL.

RESPECTFULLY SUBMITTED,

DATED: ~~05/08~~ MAY 8 2016

BY:

(JONAY ANTHONY WHITE)

2. OF DISCOVERY POSSESSED BY COUNSEL NOT YET PROVIDED TO DEFENDANT WHITE, ARE: (1) PHOTOGRAPHIC EVIDENCE, (2) THE NARRATIVE REPORTS OF SOME 7 OFFICERS, AND (3) THE TRANSCRIPTION OF WHITE'S INTERROGATION.

PROOF OF SERVICE BY MAIL
~~2016-08-08~~

I, TONY WHITE, HEREBY DECLARE THAT:

ON MAY 08, I SERVED THE FOLLOWING:

1). DEFENDANT WHITES APPLICATION TO REUSE COUNSEL
AND FOR APPOINTMENT OF ALTERNATE COUNSEL

ON THE BELOW LISTED PARTIES BY PLACING SAID DOCUMENTS
INTO A PRE-PAID ENVELOPE AND DEPOSITING SAID MATERIAL
INTO THE U.S. MAIL IN THE CITY OF LAS VEGAS, COUNTY OF
CLARK, ADDRESSED AS FOLLOWS:

DATE OF DEPOSIT: MAY 8, 2016

1). HARVEY GRUBER
223 S. WATER STREET
SUITE C
HENDERSON, NV,
89015

2). CCDA OFFICE
200 S. LEWIS STREET, AVE, 3RD FLOOR
LAS VEGAS, NV, 89101

I DECLARE UNDER PENALTY OF PERJURY THAT THE
FOREGOING IS TRUE AND CORRECT.

BY: [Signature]

PLAINTIFF IN PROSE

256

TONY WHITE #8270790
CCDC SB-12U
330 S. CASINO CENTER BLVD
LAS VEGAS, NV, 89101

136

SANITARY CODE

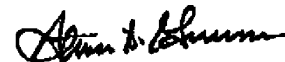
LAS VEGAS DISTRICT COURT
200 S. LEWIS AVENUE
LAS VEGAS, NV, 89101

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06/15/2016 01:05:55 PMmc
DA
PPACR. OT = NAL
H. Gruber

mayfieldg&s



CLERK OF THE COURT

TONEY A. WHITE #8970790

CEVC BS-12

330 CASANO CENTER BLVD.

LAS VEGAS, NV, 89101

DEFENDANT

CLARK COUNTY DISTRICT COURT

STATE OF NEVADA

PEOPLE OF THE STATE OF
NEVADA,

PLAINTIFF,

VS.

KEVIN KEKOA WONG, JR.,

TONEY ANTHONY WHITE,

AMANDA SEXTON

MARLAND NEAL DEAN,

DEFENDANTS,

CASE NO. C-16-313216-2

Dept. XII

DEFENDANT WHITE'S APPLICATION
TO REUSE COUNSEL AND FOR
APPOINTMENT FOR ALTERNATIVE
COUNSEL; MEMORANDUM OF
POINTS AND AUTHORITIES.

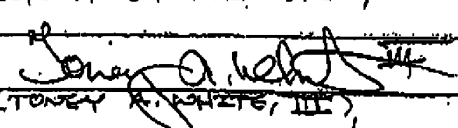
Date: 07/07/16

Time: 8:30 AM

DEFENDANT TONEY ANTHONY WHITE, III, HEREBY MAKES APPLI-
CATION TO THIS COURT FOR ORDER RECUSING COUNSEL HARVEY GRUBER
AND APPOINTING REPLACEMENT COUNSEL. THIS APPLICATION IS BASED ON
THE PAPERS, PLEADINGS AND OTHER DOCUMENTS ON FILE AS WELL AS THE
MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT HEREOF.

IN ACCORDANCE THIS APPLICATION IS RESPECTFULLY SUBMITTED.

RESPECTFULLY SUBMITTED,

JUNG
DATE: APRIL 02 2016BY: 
(TONEY A. WHITE, III)

RECEIVED

JUN 06 2016

CLERK OF THE COURT

RECEIVED

JUN 15 2016

CLERK OF THE COURT
30

258

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT

ON FEBRUARY 01, 2016, DEFENDANT WHITE ALONG WITH 3 OTHER DEFENDANTS WERE CRIMINALLY CHARGED IN HENDERSON CASE NUMBER 16FH0191 AND WITH 2 COUNTS OF FIRST DEGREE KIDNAP, CONSPIRACY, 2 COUNTS OF ATTEMPTED ROBBERY, BURGLARY AND BATTERY RESULTING IN SUBSTANTIAL BODILY HARM, STEMMING FROM THEIR COLLECTIVE ARRESTS ON JANUARY 20TH AND 22ND, 2016. THEY WERE SUBSEQUENTLY APPEARED IN HENDERSON JUSTICE COURT ON OR ABOUT FEBRUARY 01, 2016, ACKNOWLEDGING THEIR INDIGENCY. HENDERSON JUSTICE COURT APPOINTED ALL 4 DEFENDANTS COUNSEL AT STATE EXPENSE. COUNSEL APPOINTED DEFENDANT WHITE WAS HARVEY GRUBER OF HENDERSON. SAID APPOINTED COUNSEL HAS REFUSED APPOINTED ACCORDINGLY. SINCE APPOINTMENT, COUNSEL HAS VISITED DEFENDANT TWICE AND PROVIDED LIMITED DISCOVERY BUT NOT ALL POSSESSED BY COUNSEL. ADDITIONALLY, SINCE THE INCEPTION OF THIS CRIMINAL ACTION DEFENDANT HAS REPEATEDLY PROVIDED COUNSEL NEGOTIABLE BASIS TO CONVEY TO THE PROSECUTION TO RESOLVE THE CONFLICT WITHOUT EXPENDING UNNECESSARY JUDICIAL RESOURCES. TO DATE IT IS QUESTIONABLE AS TO WHETHER ALL OF THESE GOOD FAITH EFFORTS HAVE ACTUALLY BEEN CONVEYED INCLUDING THE MOST RECENT AND UNPRECEDENTED NEGOTIATION TERMS. DEFENDANT HAS SOUGHT COUNSEL'S LITIGATION OF A MOTION TO SUPPRESS 'UNSUCCESSFULLY AS WILL BE DISCUSSED, INFRA. THE CIRCUMSTANCES INVOLVING DEFENDANTS ARRESTS AND AS RELEVANT HEREIN ARE AS FOLLOWS:

ON JANUARY 20, 2016, OFFICERS DISPATCHED TO 950 SEVEN HILLS DRIVE, HENDERSON, NV, OBSERVED DEFENDANT KENAN WONG BEHIND 2 VEHICLES KEEPING LOOKOUT AS THEY REPORTED TO APARTMENT 2511. OFFICER M. ENGEL TALKED TO WONG WHILE OFFICER LEONAN ENTERED APARTMENT 2511. OFFICER ENGEL RESPONDED TO A SIGHTING OF A SUSPECT AT WHICH TIME WONG ENTERED THE JEEP AND EXITED THE COMPLEX. APPARENTLY RADIO CALLS WERE BROADCASTED RELATING TO THE BLACK JEEP CHEROKEE LICENSE NO. ASW5060 WASHINGTON (VIN 1J4GW8BXXC672487). AND ON SAINT ROSE PARKWAY AND JEFFERYS INTERSECTION NUMEROUS MARKED PATROL VEHICLES CONVERGED ON WONG AND THE JEEP LIGHTING HIM UP AND DEMANDING THAT HE EXIT THE VEHICLE HANDS UP AND BACK TOWARD THE OFFICERS.

WONG WAS INSTRUCTED TO KNEEL TO HIS KNEES, CROSS HIS LEGS AND LIE FLAT WITH BOTH ARMS STRAIGHT OUT. HE WAS APPROACHED, HANDCUFFED AND SEARCHED BY OFFICERS BEFORE BEING PLACED IN A PATROL CAR. OFFICERS THEN ENSURED THAT NO OTHER PASSENGERS WERE IN THE VEHICLE BEFORE CLEARING IT. WONG WAS PURPORTEDLY STOPPED DUE "UNSPECIFIED" DRIVING INFRACOCTIONS. FROM AN UNKNOWN LOCATION DETECTIVE RYAN ADAMS WAS ADVISED OF THE TRAFFIC STOP WITH WONG AND WAS DIRECTED TO RESPOND TO THAT LOCATION. ADAMS RESPONDED AND ASSENT ANY MIRANDA ADMONITIONS GIVEN WAS ALLEGEDLY THrice GRANTED PERMISSION BY WONG TO SEARCH THE VEHICLE."

1. IT IS QUESTIONABLE AS TO WHETHER WONG, WHO DIDN'T OWN THE VEHICLE, HAD ANY LEGAL AUTHORITY TO CONSENT TO ITS SEARCH LESS ALONG THE BELONGINGS OF AND IN MR. SEXTON'S PURSE.

DURING THE SEARCH AMANDA SEXTON'S IDENTIFICATION WAS DISCOVERED LEADING TO THE SERIES OF EVENTS THAT ATTACHED TO THAT DISCOVERED INFORMATION. ACCORDING TO REPORTS, WONG CONTINUED TO TALK WITH ADAMS FOR "SEVERAL MINUTES" BEFORE BEING PLACED INTO CUSTODY.

ON JANUARY 21, 2016, IN THE EARLY MORNING HOURS, DEFENDANT WHITE, NOT ON HIS ANTI-PSYCHOTIC MEDICATIONS AND STILL HEAVILY INTOXICATED, SEXTON AND DEAN WERE PROVIDED A RIDE TO 7-11 ON CHARLESTON BOULEVARD BY GLEN COUSERT, NEAR WHITE AND SEXTON'S APARTMENT. DURING THIS TIME DEAN LEFT, RETRIEVED A SVET CASE AND PLACED IT INTO COUSERT'S VEHICLE TRUNK. THE BRIEFCASE CONTAINED SEVERAL ITEMS AND WAS TAKEN TO 9457 LAS VEGAS BOULEVARD SOUTH LAS VEGAS, NV, 89123.

FOLLOWING THESE EVENTS AND DURING BUSINESS HOURS ON JANUARY 21, 2016, DETECTIVE JOSEPH EBERT SUCCESSFULLY OBTAINED SEARCH WARRANTS TO SEARCH THE BLACK JEEP CHEROKEE AND APARTMENT 2085 AT 2895 E. CHARLESTON BLVD, LAS VEGAS, NV, 89104. THE SEARCH WARRANT RETURNED ON THE BLACK JEEP PURPORTED TO LIST 9 ITEMS SEIZED OUT OF THE JEEP AS A RESULT OF THE SEARCH. THE SEARCH WARRANT RETURNED FOR APARTMENT 2085 PURPORTED TO LIST SOME 11 ITEMS FROM THE APARTMENT AS A RESULT OF THE SEARCH. PROBABLE CAUSE ON WHICH THE 2 SEARCH WARRANTS WERE BASED INCLUDED INFORMATIONS OBTAINED IN VIOLATION OF WONG'S MIRANDA ADMONITIONS AS WELL AS FOURTH AMENDMENT PROTECTIONS AGAINST UNREASONABLE AND ILLEGAL SEARCH EXECUTED ON THE BLACK JEEP AND MS. SEXTON'S PURSE. STATEMENTS OF WITNESSES BURTON, DEAN, ANN WHITE AND GLEN COUSERT AS WELL AS ANY EVIDENCE RETRIEVED AS A RESULT OF CONTACT WITH THESE WITNESSES, WERE THE PRODUCT OF THE UNLAWFUL SEARCH WHICH INCLUDED BUT IS NOT LIMITED TO WRITTEN STATEMENTS, THE RELINQUISHED KEY FOB, THE HAND DRAWN MAP AND OTHER ITEMS.

IN THE SUBSEQUENT CONTACTS WITH COUNSEL, DEFENDANT WHITE ADVISED COUNSEL OF A EXTENDED HISTORY OF MENTAL HEALTH AND LACK OF HIS STRONG ANTI-PSYCHOTIC MEDICATIONS ON JANUARY 21, 2016 COMBINED WITH A SEPTEMBER 03, 2015 SUBSTANTIAL HEAD TRAUMA INCIDENT WHICH CAUSES MENTAL BLACK OUTS AND MEMORY LAPSES. COUNSEL WAS FURTHER ADVISED OF DEFENDANT'S MEDICAL NEED FOR HIS PRESCRIPTION GLASSES TO PREVENT EXTREME EXCRUCIATING HEADACHES AND OF THE FACT OF DEFENDANT WHITE'S EXCESSIVE INTOXICATION. DEFENDANT WHITE SOUGHT THAT COUNSEL IN CONJUNCTION WITH WONG'S COUNSEL, FILE A MOTION TO SUPPRESS EVIDENCE OBTAINED IN VIOLATION OF MIRANDA AND THE U.S. CONSTITUTION'S FOURTH AMENDMENT. DEFENDANT WHITE FURTHER PROVIDED COUNSEL NEGOTIABLE AND UNPRECEDENTED BASIS TO CONVEY TO THE PROSECUTION TO POTENTIALLY RESOLVE THE CONFLICT WITHOUT EXPENDING UNNECESSARY JUDICIAL RESOURCES.

SOME 3 MONTHS SINCE APPOINTMENT COUNSEL HAS FAILED TO DO SO. IN ADDITION, COUNSEL HAS FAILED TO RECOGNIZE ALL DISCOVERY² IN HIS POSSESSION, HAS FAILED TO COMMUNICATE ALL ANTICIPATED TACTICS AND STRATEGIES RELATED TO THE CASE OR PURSUE DEFENDANT'S MENTAL HEALTH, HEAD TRAUMA AND INTOXICATION CLAIMS AND HAS FAILED TO OBTAIN OR APPLY FOR EXPERTS TO EVALUATE DEFENDANT. LASTLY, AS OF THE CURRENT DATE NO INVESTIGATOR HAS MET WITH DEFENDANT AND IT HAS FURTHER BEEN DISCOVERED THAT COUNSEL, IN A TELEPHONIC CONVERSATION WITH DEFENDANT'S BIOLOGICAL MOTHER, EXTENSIVELY RIDICULED, DISPARAGED AND DISRESPECTED DEFENDANT WHILE'S MOTHER WHO MERELY CALLED TO INQUIRE AS TO COUNSEL'S PROGRESS IN THIS CASE.

SEVERAL DATES TODAY SHOULD HAVE ALREADY BEEN EXECUTED BY COUNSEL INCLUDING A SUPPRESSION MOTION JOINTLY WITH WONG'S COUNSEL TO CHALLENGE THE LEGALITY OF THE SEIZURE AND APARTMENT SEARCHES IN LIGHT OF 4TH AMENDMENT AND MIRANDA VIOLATIONS AS WELL AS THE JUSTIFICATION OF SEVERAL PATROL VEHICLES PULLING WONG OVER FOR TRAFFIC INFRACTIONS. ALTHOUGH BEING PROVIDED WITH SOME DISCOVERY TODAY, DEFENDANT HAS NOT BEEN AFFORDED ALL DISCOVERY IN COUNSEL'S POSSESSION. IMPORTANTLY TO NOTE, DEFENDANT IS NEARLY INCAPABLE OF READING ANY DISCOVERY OR MATERIALS PROVIDED HIM ABSENT ACCESS TO HIS PRESCRIPTION GLASSES CONTAINED IN HIS VEHICLE IMPOUNDED.

GIVEN COUNSEL'S PURPORTED DISRESPECT OF DEFENDANT'S DISABLED MOTHER AS REPORTED BY HER, ALONG WITH ALL CITED ISSUES ABOVE, DEFENDANT MAINTAINS THAT A CONFLICT OF INTEREST EXISTS AS DEFENDANT IS UNCERTAIN AS TO HIS ABILITY TO ASSIST COUNSEL WITH AND IN HIS DEFENSE ON ACCOUNT OF COUNSEL'S BEHAVIOR WHEN INTERACTING WITH DEFENDANT'S MOTHER AND DEFENDANT'S INABILITY TO CONFIDE IN AND TRUST COUNSEL. HENCE FORTH, THIS IS ESPECIALLY THE CASE GIVEN DEFENDANT'S PARANOID SCHIZOPHRENIC CONDITION.

ACCORDINGLY, DEFENDANT RESPECTFULLY SEEKS THAT THIS COURT PLACE THIS MATTER ON CALENDAR FOR A HEARING SUMMONING DEFENDANT AND HIS COUNSEL AND ALL OTHER DEFENDANTS AND COUNSEL.

RESPECTFULLY SUBMITTED,

DATED: ~~APRIL~~ JUNE 02 2016

BY:

(TONEY ANTHONY WHITE)

2. OF DISCOVERY POSSESSED BY COUNSEL NOT YET PROVIDED TO DEFENDANT WHITE, ARE: (1) PHOTOGRAPHIC EVIDENCE, (2) THE NARRATIVE REPORTS OF SOME 7 OFFICERS, AND (3) THE TRANSCRIPTION OF WHITE'S INTERROGATION.

261

PROOF OF SERVICE BY MAIL
~~FILED~~ C-16-313216-2

I, TONEY WHITE, HEREBY DECLARE THAT:

ON 2016, I SERVED THE FOLLOWING:

DEFENDANT WHITE'S APPLICATION TO REUSE COUNSEL AND
 FOR APPOINTMENT FOR ALTERNATIVE COUNSEL

ON THE BELOW LISTED PARTIES BY PLACING SAID DOCUMENTS
 INTO A PRE-PAID ENVELOPE AND DEPOSITING SAID MATERIAL
 INTO THE U.S. MAIL IN THE CITY OF LAS VEGAS, COUNTY OF
 CLARK, ADDRESSED AS FOLLOWS:

DATE OF DEPOSIT:

DISTRICT ATTORNEY
 200 LEWIS AVENUE
 LAS VEGAS, NV, 89101

HARVEY GRUBER
 223 WATER STREET
 HENDERSON, NV, 89015

I DECLARE UNDER PENALTY OF PERJURY THAT THE
 FOREGOING IS TRUE AND CORRECT.

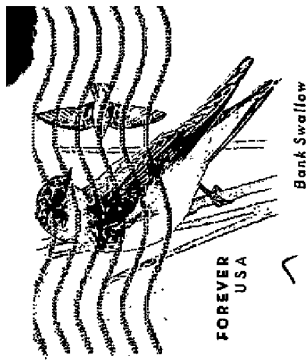
BY: 

PLAINTIFF IN PRO SE

262

TWHA 8270790
CCDC
330 S. CASINO CTR BLDG
LAS VEGAS, NV, 89101

LAS VEGAS NV 890
08 FEB 2017 PM 4 L



LTR RECEIVED
2/9/17

HARVEY GRUBER, ESQ.
ATTORNEY AT LAW
223 WATER STREET. STE 101
HENDERSON, NV, 89015

263
(72262) +1/5/17 (ENTER)

51058-234675



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THIS ENVELOPE IS RECYCLABLE AND MADE WITH 30% POST CONSUMER WASTE



SENT FROM CCDC


MR. GRUBER

FEBRUARY 05, 2017

GREETINGS. ON SEVERAL PREVIOUS OCCASIONS I HAVE ATTEMPTED TO CONTACT YOUR OFFICE FOR ANY RELEVANT UPDATES ON NEGOTIATIONS AND IN WHICH TO INQUIRE AS TO THE STATUS OF TRIAL PREPARATION EG., INTERVIEWING WITNESSES AND THE VICTIMS, INVESTIGATING THE RECOVERED VEHICLES, OBTAINING MENTAL HEALTH AND IQ SCREENS OF MYSELF AND/OR ENGAGING IN ANY OTHER PRE-TRIAL INVESTIGATION. UNFORTUNATELY, EACH TIME I CALL MY CALL IS NOT ANSWERED BY YOUR RECEPTIONIST BUT RATHER REJECTED. PLEASE DO AT YOUR EARLIEST CONVENIENCE WRITE, VISIT OR CALL ME AT CDC TO DEVELOP SOME FORM OF TRIAL PREPARATION AND TO CONVEY ANY OFFERS FROM THE PROSECUTION. IN ANY EVENT SHOULD WE NOT COMPLETE PRE-TRIAL PREPARATION BEFORE THE CALENDAR CALL I SEEK THAT YOU EXTEND THE TIME FOR TRIAL BY 6 MONTHS TO ENABLE US TO DO SO. PLEASE ADVISE ME OF YOUR DECISION ASAP.

THANKS.

KIND REGARDS,


DEFENDANT/CLIENT

264

60ms

MR. GRUBER

FEBRUARY 05, 2017

GREETINGS. ON SEVERAL PREVIOUS OCCASIONS I HAVE ATTEMPTED TO CONTACT YOUR OFFICE FOR ANY RELEVANT UPDATES ON NEGOTIATIONS AND TO INQUIRE AS TO THE STATUS OF TRIAL PREPARATION I.E., INTERVIEWING WITNESSES AND THE VICTIMS, INVESTIGATING THE RECOVERED VEHICLES, OBTAINING MENTAL HEALTH AND IQ SCREENS OF MYSELF AND/OR ENGAGING IN ANY OTHER PRE-TRIAL INVESTIGATION. UNFORTUNATELY, EACH TIME I CALL MY CALL IS NOT ANSWERED BY YOUR RECEPTIONIST BUT RATHER REJECTED. PLEASE DO AT YOUR EARLIEST CONVENIENCE WRITE, VISIT OR CALL ME AT CCDC TO DEVELOP SOME FORM OF TRIAL PREPARATION AND TO CONVEY ANY OFFERS FROM THE PROSECUTION. IN ANY EVENT SHOULD WE NOT COMPLETE PRE-TRIAL PREPARATION BEFORE THE CALENDAR CALL I SEEK THAT YOU EXTEND THE TIME FOR TRIAL BY 6 MONTHS TO ENABLE US TO DO SO. PLEASE ADVISE ME OF YOUR RESPONSE ASAP.

THANKS.

KIND REGARDS,



DEFENDANT/CLIENT

264

MR. GRUBER

MARCH 24, 2017

GREETINGS. I APPEARED WITH YOU AND RECEIVED THE PLEA AGREEMENT PROVIDED MARCH 14, 2017, AND HAVE HAD TIME TO REVIEW IT AND CONSULT WITH FAMILY. I HAVE SEVERAL RESERVATIONS AND CONCERNS AS FOLLOWS:

- ° IN PLEADING GUILTY I WOULD INSIST TO ENTER A ALFORD PLEA;

- ° IN PLEADING GUILTY I WOULD INSIST TO PRESERVE APPELLATE RIGHTS TO CHALLENGE THE COURTS DENIAL OF YOUR MOTION TO WITHDRAW;

- ° IN PLEADING GUILTY I WOULD INSIST TO PRESERVE APPELLATE RIGHTS TO CHALLENGE THE CONSTITUTIONALITY OF THE VEHICLE SEARCH AND JEEP SEARCH WARRANT;

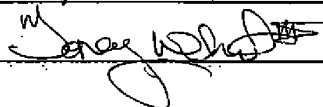
- ° LASTLY, RATHER THAN GIVING ANY STIPULATION I WOULD JUST BE INCLINED TO PLEA AND WOULD ACKNOWLEDGE THE CONSEQUENCES OF MY PLEA.

- ° IN LIGHT OF THE FACT THAT I AM RECEIVING SUBSTANTIAL PRESSURE AND THREATS FROM MY CO-DEFENDANT NOT TO PLEA, I WOULD ONLY BE INCLINED TO PLEA IN HIS ABSENCE.

IF CALLED UPON TO PLEA IN HIS PRESENCE, IT IS IN THE BEST INTEREST OF MY, MY KIDS AND FAMILY'S TO ACT OBVIOUS AND OPENLY DENY MY CONSIDERATION OF A PLEA.

PLEASE BRING THESE CONCERNS TO THE COURT AND PROSECUTION'S ATTENTION.

RESPECTFULLY,

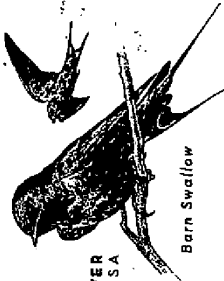


265

HARVEY GRUBER

APRIL 20, 2017

I AM IN RECEIPT OF THE POLICE REPORT YOU REMITTED



FOREVER
USA

Barn Swallow

LAS VEGAS
NV 890
22 APR '17
PM 4 L

HARVEY GRUBER, ATTORNEY
223 S. WATER ST., STE C
HENDERSON, NV, 89015

SENT FROM CCDC

89015-234675



THIS ENVELOPE IS RECYCLABLE AND MADE WITH 30% POST CONSUMER CONTENT

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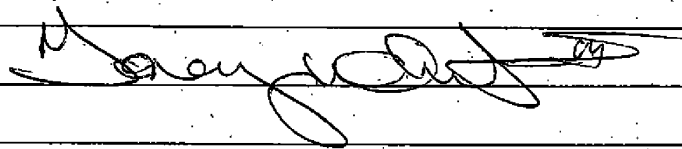
(TO 4/20/17 LETTER)

HARVEY GRUBER

APRIL 20, 2017

I AM IN RECEIPT OF THE POLICE REPORT YOU REMITTED UNDER COVER OF YOUR APRIL 19, 2017, LETTER. UNFORTUNATELY ALL CONTENTS YOU PROVIDED ARE ALREADY IN MY POSSESSION. THE CONTENTS, ONCE AGAIN, NOT INCLUDED ARE THE NARRATIVE REPORTS OF NELSON, NISWONGER, NICHOLS, EGGERT, WATFORD, LEINAN, CHRISTOPHER, HENN, CRIME-SCENE PHOTOS, DNA ANALYSES, THE MARCUM NOTICE AS WELL AS ALL PHOTOS TAKEN BY ALL CSAS OF ALL LOCATIONS AND OBJECTS RELATED TO MY OFFENSE. PLEASE DO PROVIDE ME SAID MATERIALS AS SOON AS POSSIBLE.

KIND REGARDS,



P.S. PER YOUR ADVICE I AM APPROACHING YOU AND NOT THE D.A. WITH THE INFORMATION I'VE WITHHELD UNTIL NOW, I AM AWARE OF A PREVIOUS HOMICIDE COMMITTED BY CO-DEFENDANT DEAN THAT REMAINS UNSOLVED AND DUE TO HIS JEALOUS RAGE. IF THIS IS A BARGAINING CHIP TO REDUCE MY SENTENCE TO AT LEAST 3-8 YEARS I WOULD BE WILLING TO DISCUSS IT OTHERWISE I WOULD JUST LEAVE IT ALONE. PLEASE MAKE THE INQUIRY AND CONVEY YOUR FINDINGS.

266-A

MR. GRUBER

APRIL 25, 2017

ON EXTENDED OCCASIONS I SOUGHT THAT YOU FILE A MOTION TO SUPPRESS ILLEGALLY SEIZED EVIDENCE FROM MY VEHICLE THAT WAS IN CONNECTION TO WONG'S ARREST. YOU INSIST THAT I HAVE NO STANDING TO DO SO NAMELY THAT I HAD NO LEGITIMATE EXPECTATION OF PRIVACY IN THE VEHICLE THAT I OWN MERELY BY VIRTUE OF THE FACT THAT WONG WAS DRIVING MY VEHICLE. THE FACT THAT WONG WAS NEVER AUTHORIZED TO DRIVE MY VEHICLE BY ME OR MY SPOUSE MAKES WONG AN UNAUTHORIZED DRIVER. AS A UNAUTHORIZED DRIVER WONG HAS ABSOLUTELY NO STANDING TO CHALLENGE A WARRANTLESS SEARCH OF MY VEHICLE NOR WOULD HE HAVE ANY STANDING OR AUTHORITY TO AUTHORIZE AND CONSENT TO A SEARCH OF A VEHICLE HE ESSENTIALLY STOLE AND WAS OPERATING WITHOUT MY PERMISSION. ALL CASE AUTHORITY THAT IVE RESEARCHED SUPPORTS SAID CONCLUSION. YOU CONTINUE TO INSIST THAT I HAVE NO STANDING AND REFUSE TO FILE A SUPPRESSION MOTION ON MY BEHALF. I AM SEEKING THAT YOU DIRECT ME TO THE AUTHORITY IN WHICH YOU CONTEND I HAVE NO STANDING TO CHALLENGE THE SEARCH. I FURTHER SEEK TO KNOW WHAT TACTICAL / STRATEGIC PURPOSE YOUR FAILURE TO MOVE FOR SUPPRESSION SERVES. BECAUSE THE SEARCH YIELDED ALL OTHER INFORMATION AND MANY FACTS IN THE WARRANT AFFIDAVIT AND BECAUSE SAID FACTS AND DISCOVERIES FORM THE BASIS OF MY CHARGES AND CENTERPIECE OF THE STATES CASE, A DECISION NOT TO SEEK SUPPRESSION IS A CRITICAL ONE. PLEASE PROVIDE ME SAID INPUT AT YOUR EARLIEST CON-

267

VENFANCE.

RESPECTFULLY,

Graydon

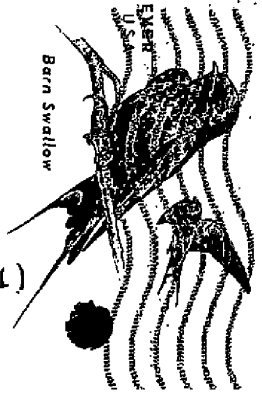
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TO: 8270790
CCDC
330 S. CASINO CTR. BLDG
LAS VEGAS, NV, 89101

MAIL
RECEIVED
5-19-17
FRIDAY

HARVEY GRUBER, ATTORNEY
223 WATER STREET, STE C
HENDERSON, NV, 89015

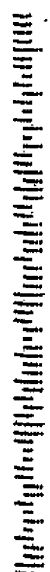
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Barn Swallow

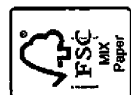
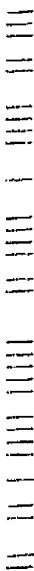
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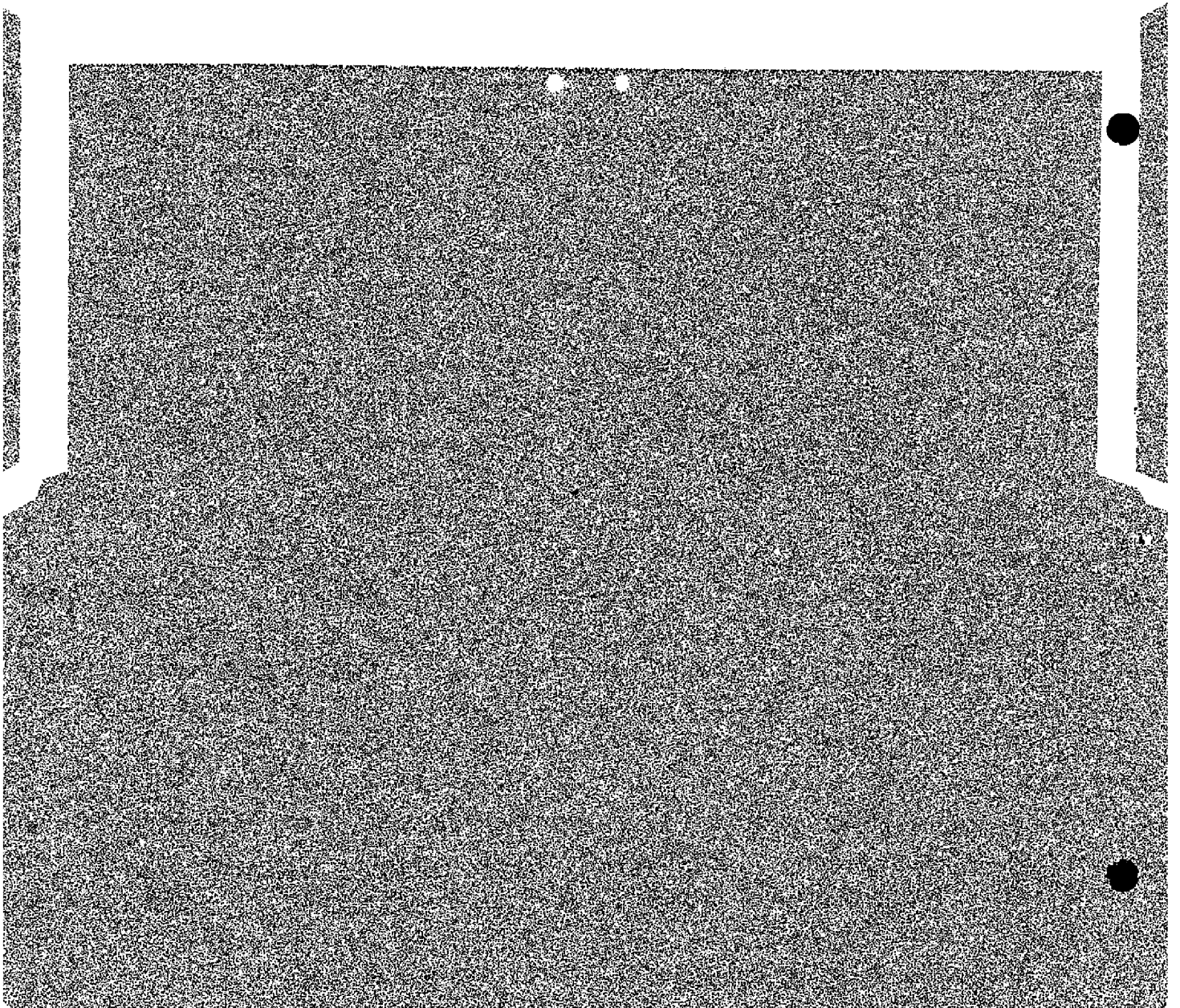
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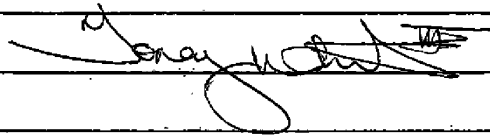


HARVEY GRUBER

MAY 17, 2017

GREETINGS. I'M CORRESPONDING WITH YOU SEEKING THAT YOU RETRIEVE MY PRESCRIPTION GLASSES FROM MY JEEP AND SECONDLY TO REQUEST THAT YOU REPRODUCE ALL PHOTOS ON THE DVD DISCS YOU COPIED THAT I SENT YOU. I AM FURTHER INQUIRING AS TO WHEN WILL THE INVESTIGATOR COME SEE ME IN ORDER FOR ME TO DIRECT HIM TO INTERVIEW WITNESSES AND GATHER EVIDENCE RELATED TO THE CASE THAT WILL SUPPORT MY CLAIMS OF ACTING UNDER DISTRESS. LASTLY, ARE YOU GOING TO RESPOND TO THE CONTENTS OF MY PREVIOUS LETTER AND THE INSTANT? PLEASE ADVISE.

RESPECTFULLY



P.S. GIVEN BEING UNDER THE CONCOCTION OF ALCOHOL XANEX AND OTHER MEDICATIONS ON 01/21/16 AND ^{TO} EXPLORE MY MENTAL ILLNESS DIAGNOSIS OF SCHIZOPHRENIA ON SAID NITE I AM REQUESTING THAT I BE EVALUATED BY PSYCHOLOGICAL EXPERTS TO ENABLE A POSSIBLE MENTAL HEALTH-RELATED DEFENSE.

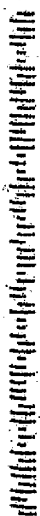
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TO: JEFFREY 8270790
CCDC
330 S. CASTRO CTR BLD.
LAS VEGAS, NV, 89101

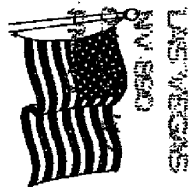
SENT FROM CCDC

HARVEY GRUBER, ESQ.
MAYFIELD, GRUBER & SHEETS
223 S. WATER ST., STE. C
HENDERSON, NV 89015

89015-234675



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MAILED FROM ZIP CODE 89015

(To 6/28/17 letter w/ P&T)

HARVEY

06/28/17

THE FOLLOWING FACILITIES POSSESS MEDICAL RECORDS INDICATING OF MY DUAL DIAGNOSIS AND PSYCHIATRIC HISTORY AND TREATMENTS FOR CHRONIC SCHIZOPHRENIA. I HAVE ALSO LISTED THE DATE OF BIRTH AND NAME UNDER WHICH TREATMENT WAS PROVIDED.

SUNRISE MENTAL HEALTH
2500 E. COLLEGE WAY #100
MT. VERNON, WA, 98273
ATTN: NICKI

AKA J

RE: TONEY WHITE/JASON SAUNDERS
DOB 07/19/73 (73)

RE: JASON SAUNDERS
CDCR NO. H44398
DOB 07/19/72

COMMUNITY BEHAVIORAL
SUNRISE MENTAL HEALTH
OAK HARBOR, WA, 98277
(ADDRESS ON-LINE) AKA J

RE: TONEY WHITE/JASON SAUNDERS
DOB 07/19/72 (73)

530 NE MIDWAY BLVD.
LAW OFFICES OF TROTT AND LYONS
ATTORNEYS FOR SOC. SEC.
(ADDRESS ON-LINE) 404 N.E. CENTER ST.
COUPEVILLE, WA 98239
RE: TONEY WHITE AKA JASON SAUNDERS
DOB 07/19/72

ST. ROSE DOMINICAN TERRACE
3001 ST. ROSE PARKWAY
HENDERSON, NV, 89052

RE: TONEY WHITE
DOB 07/19/72 (73)

HIPAA RELEASE IS ALSO
COMPLETED AND ENCLOSED.

SUNRISE HOSPITAL
5186 S. MARYLAND AVE.
LAS VEGAS, NV, 89109

RE: TONEY WHITE
DOB 07/19/72

KIND REGARDS

Toney White
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**HIPAA COMPLIANT AUTHORIZATION FOR THE RELEASE OF PATIENT
INFORMATION PURSUANT TO 45 CFR 164.508**

TO:

Name of Healthcare Provider/Physician/Facility/Medicare Contractor

Street Address

City, State and Zip Code

RE: Patient Name: TONY WHITE (AKA JASON SAUNDERS)

Date of Birth: 07/19/72 Social Security Number: 623-46-4774

I authorize and request the disclosure of all protected information for the purpose of review and evaluation in connection with a legal claim. I expressly request that the designated record custodian of all covered entities under HIPAA identified above disclose full and complete protected medical information including the following:



All medical records, meaning every page in my record, including but not limited to: office notes, face sheets, history and physical, consultation notes, inpatient, outpatient and emergency room treatment, all clinical charts, x-rays, order sheets, progress notes, nurse's notes, social worker records, clinic records, treatment plans, admission records, discharge summaries, requests for and reports of consultations, documents, correspondence, test results, statements, questionnaires/histories, correspondence, photographs, videotapes, telephone messages, and records received by other medical providers.



All physical, occupational and rehab requests, consultations and progress notes.



All disability, Medicaid or Medicare records including claim forms and record of denial of benefits.



All employment, personnel or wage records.



All autopsy, laboratory, histology, cytology, pathology, immunohistochemistry records and specimens; radiology records and films including CT scan, MRI, MRA, EMG, bone scan, myelogram; nerve conduction study, echocardiogram and cardiac catheterization results, videos/CDs/films/reels and reports.



All pharmacy/prescription records including NDC numbers and drug information handouts/monographs.



All billing records including all statements, insurance claim forms, itemized bills, and records of billing to third party payers and payment or denial of benefits for the period _____ to _____.

I understand the information to be released or disclosed may include information relating to sexually transmitted diseases, acquired immunodeficiency syndrome (AIDS), or human

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immunodeficiency virus (HIV), and alcohol and drug abuse. I authorize the release or disclosure of this type of information.

This protected health information is disclosed for the following purposes: LEGAL

This authorization is given in compliance with the federal consent requirements for release of alcohol or substance abuse records of 42 CFR 2.31, the restrictions of which have been specifically considered and expressly waived.

You are authorized to release the above records to the following representatives of defendants in the above-entitled matter who have agreed to pay reasonable charges made by you to supply copies of such records:

Name of Representative

HARVEY GRUBER, ESQ.
MAYFIELD, GRUBER & SHEETS
223 S. WATER ST., STE. C
HENDERSON, NV 89015

Representative Capacity (e.g. attorney, records requestor, agent, etc.)

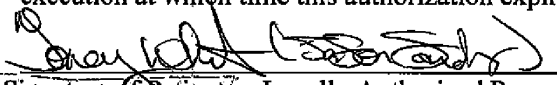
Street Address

City, State and Zip Code

I understand the following: See CFR §164.508(c)(2)(i-iii)

- a. I have a right to revoke this authorization in writing at any time, except to the extent information has been released in reliance upon this authorization.
- b. The information released in response to this authorization may be re-disclosed to other parties.
- c. My treatment or payment for my treatment cannot be conditioned on the signing of this authorization.

Any facsimile, copy or photocopy of the authorization shall authorize you to release the records requested herein. This authorization shall be in force and effect until two years from date of execution at which time this authorization expires.


Signature of Patient or Legally Authorized Representative
(See 45CFR § 164.508(c)(1)(vi))

JUNE 28, 2017
Date

Name and Relationship of Legally Authorized Representative to Patient
(See 45CFR §164.508(c)(1)(iv))

Witness Signature

Date

274

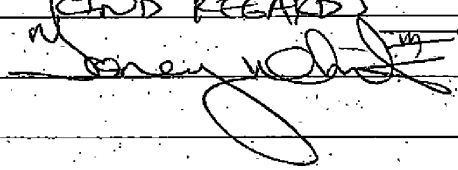
HARVEY

SEPTEMBER 8, 2017

ENCLOSED PLEASE DO FIND THE HIPAA RELEASE TO OBTAIN ALL OF MY MEDICAL RECORDS FROM ST. ROSE. WITH RESPECT TO SUNRISE I DO NOT KNOW EXACT DATES BUT KNOW IT TO BE BETWEEN 02/2015 AND 9/2015 THAT I VISITED FOR MEDICAL PSYCH REASONS AT LEAST 2-3 TIMES.

PLEASE DO SUBPOENA THE FULL AND COMPLETE COPY OF MY CCDC MEDICAL AND PSYCH FILES AS WELL AS THESE RECORDS CONTAIN SPECIFIC DATES AS SUNRISE AND ALL OTHER TREATING FACILITIES HAVE PROVIDED RECORDS TO THE JAIL.

LASTLY, THE FACILITY IS OPENING AND TAMPERING WITH BOTH MY LEGAL AND REGULAR OUTGOING MAIL. ITEMS OF LEGAL MAIL I SEND OUT ARE NOT REACHING THEIR DESTINATIONS. PLEASE ADDRESS SUCH TO ENSURE THAT WITH AT LEAST TO LEGAL MAIL THE FACILITY RESPECTS AND OBSERVES THE CONFIDENTIALITY.

KIND REGARDS


P.S. PLEASE SEND THE TRAIL PHOTOS TO MY MOM AT YOUR EARLIEST OPPORTUNITY. THANK YOU.

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**St. Joseph's Hospital
and Medical Center**
A Dignity Health Member

200 West Thomas Ave.
Phoenix, AZ 85012

AUTHORIZATION FOR USE OR DISCLOSURE OF PROTECTED HEALTH INFORMATION

Completion of this document authorizes the disclosure and/or use of health information about you.

Failure to provide all information requested may invalidate this authorization. Fees to reproduce records may apply.

USE AND DISCLOSURE OF PROTECTED HEALTH INFORMATION:

Name of Patient: TONY WHITE Date of Birth: 07/19/72

Other Name(s): ANTHONY WHITE Telephone Number: _____

Medical Record or Account #: _____

(Hospital use only)

I AUTHORIZE: DIGNITY HEALTH - ST. ROSE SIENA CAMPUS

(Facility or other provider)

TO DISCLOSE TO:

(Persons/organizations authorized to receive the information)

HARVEY GRUBER, ESQ.
MAYFIELD, GRUBER & SHEETS
223 S. WATER ST., STE. C
HENDERSON, NV 89015

at the following address: _____

(street, city, state and zip code)

I understand that my health records may include the following information:

Mental health records (excludes "psychotherapy notes")

Substance abuse treatment records

HIV related information and other communicable diseases.

Genetic testing information

☐ THE FOLLOWING RECORDS, specific types of health information, or records for the date(s) of treatment as specified (check applicable box(es)):

☐ Billing Records

☒ Emergency Room

☒ Procedure Reports

☒ Consultation Reports

☒ History and Physical

☒ Progress Notes

☒ Discharge Summary

☒ Laboratory Tests

☒ X-ray Reports

☒ ALL MY AND ALL DATES

☐ Other(s): _____

☐ ALL RECORDS

regarding my treatment, hospitalization, and outpatient care. A separate authorization is required for the use or disclosure of psychotherapy notes or research health information.

5-009-0002 (part 2)

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PURPOSE: The purpose and limitations (if any) of the requested use or disclosure is:

- ☐ At the request of the patient or personal representative; OR
☐ Other: _____

EXPIRATION: This authorization will automatically expire one (1) year from the date of execution unless a different event or end date is specified: _____

(Insert date or event)

MY RIGHTS:

- I may refuse to sign this authorization. My refusal will not affect my ability to obtain treatment or payment or eligibility for benefits.
- I may revoke this authorization at any time, but I must do so in writing and submit it to the following address:

My revocation will take effect upon receipt, except to the extent that others have acted in reliance upon this authorization.

Information disclosed pursuant to this authorization could be re-disclosed by the recipient. Such re-disclosure is in some cases not protected by Arizona law and may no longer be protected by federal confidentiality law (HIPAA). If this authorization is for the disclosure of substance abuse information, the recipient may be prohibited from disclosing the information under 42 C.F.R. part 2.

SIGNATURE: _____

(Patient or personal representative)

Date: _____

09/08/17

TONEY WHITE II

(Signature of personal representative)

SELF

(Relationship to patient)

Patient/Representative Identification Verified. Initials: _____ Dept: _____

Note: If the substance abuse treatment information is protected by federal confidentiality rules (42 C.F.R. part 2) the following prohibition of re-disclosure statements must be provided to the recipient of the information:

The federal rules prohibit the recipient from making any further disclosure of the information unless further disclosure is expressly permitted by the written consent of the person to whom it pertains, or as otherwise permitted by 42 C.F.R. part 2. A general authorization for the release of medical or other information is NOT sufficient for this purpose. The federal rules restrict any use of the information to criminally investigate or prosecute any alcohol or drug abuse patient.

277

Alvin D. Blum

CLERK OF THE COURT

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CLERK OF THE COURT

#53

PPW
DA
PP

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
PLAINTIFF,

CASE NO. C-16-313216-Z
DEPT. NO. XII

V.

TONEY ANTHONY WHITE,
DEFENDANT.

PRETRIAL PETITION FOR WRIT OF HABEAS CORPUS

TO: THE HONORABLE JUDGE OF THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY
OF CLARK.

THE PETITION OF TONEY ANTHONY WHITE AFFIRMS:

1. THAT HE IS THE PETITIONER AND DEFENDANT IN THE
ABOVE ENTITLED CAUSE OF ACTION.

2. THAT PETITIONER MAKES APPLICATION FOR A WRIT OF
HABEAS CORPUS; THAT THE PLACE WHERE THE PETITIONER IS
IMPRISONED ACTUALLY OR CONSTRUCTIVELY IMPRISONED AND RESTRAINED
OFF HIS LIBERTY IN THE CLARK COUNTY DETENTION CENTER; THAT THE
OFFICER BY WHOM HE IS IMPRISONED AND RESTRAINED IS THE SHERIFF
OF CLARK COUNTY NEVADA.

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CLERK OF THE COURT

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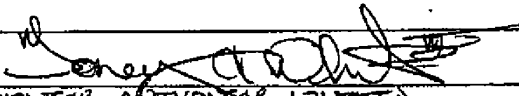
3. THAT THE IMPRISONMENT AND RESTRAINT OF SAID PETITIONER IS UNLAWFUL IN THAT: THE INDICTMENT MUST BE DISMISSED AS NO NOTICE OF INTENT TO SEEK THE INDICTMENT WAS SERVED PRIOR TO CONVENING THE GRAND JURY, IN VIOLATION OF MARCUM AND NRS § 172.241.

4. THAT PETITIONER WAIVES HIS RIGHT TO BE BROUGHT TO TRIAL WITHIN 60 DAYS.

5. THAT PETITIONER CONSENTS THAT IF PETITION IS NOT DECIDED WITHIN 15 DAYS BEFORE THE DATE SET FOR TRIAL, THE COURT MAY, WITHOUT NOTICE OF HEARING, CONTINUE THE TRIAL INDEFINITELY TO A DATE DESIGNATED BY THE COURT.

WHEREFORE, PETITIONER PRAYS THAT THIS HONORABLE COURT MAKE AN ORDER DIRECTING THE COUNTY OF CLARK TO ISSUE A WRIT OF HABEAS CORPUS DIRECTED TO THE SAID THE SHERIFF OF CLARK COUNTY NEVADA, COMMANDING HIM TO BRING THE PETITIONER BEFORE YOUR HONOR, AND RETURN THE CAUSE OF HIS IMPRISONMENT.

DATED NOVEMBER DECEMBER 27, 2016.

BY: 
(TONEY ANTHONY WHITE)
DEFENDANT

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MEMORANDUM OF POINTS AND AUTHORITIES

STATEMENT OF THE CASE

TONEY ANTHONY WHITE WAS CHARGED BY WAY OF AN INDICTMENT IN C-313216 WITH CONSPIRACY TO COMMIT ROBBERY, BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON, FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON, ATTEMPTED ROBBERY WITH USE OF A DEADLY WEAPON, BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM AND IMPERSONATION OF AN OFFICER FROM THE SAME ALLEGATIONS ON FEBRUARY 01, 2016. TONEY WAS APPRAISED AND PLED NOT GUILTY ON MARCH 17, 2016.

COUNSEL WAS APPOINTED BY HENDERSON JUSTICE COURT ON JANUARY 21, 2016. PETITIONER WAS NOT PROVIDED FORMAL NOTICE OF INTENT TO SEEK THE INDICTMENT. TO THE EXTENT THAT NOTICE WAS SERVED ON COUNSEL, PETITIONER WAS NEVER ADVISED BY COUNSEL OF RECEIPT OF NOTICE OR THE STATUTORY OPPORTUNITY TO BE ABLE TO TESTIFY BEFORE THE GRAND JURY. NOR DID COUNSEL OR THE STATE PROVIDE PETITIONER A COPY OF THE NOTICE.

ARGUMENT

THE INDICTMENT MUST BE DISMISSED AS NO NOTICE OF INTENT TO SEEK THE INDICTMENT WAS SERVED PRIOR TO CONVENING THE GRAND JURY, IN VIOLATION OF MARCUM AND NRS § 172.241

THE GRAND JURY WAS UNLAWFULLY CONVENED. PRIOR TO SOLICITING A DECISION OF A CLACK COUNTY GRAND JURY, PROPER NOTICE MUST OCCUR. THIS IS COMMONLY REFERRED TO AS MARCUM NOTICE. TO PETITIONER'S KNOWLEDGE, NO NOTICE WAS EVER PERSONALLY SERVED ON HIM OR HIS COUNSEL. IN LIGHT OF SUCH THE COURT MUST GRANT THE PETITION AND DISCHARGE WHITE FOR VIOLATION OF PROPER GRAND JURY NOTIFICATION.

NRS § 172.241, NECESSITATES A TIMELY NOTICE OF INTENT TO SEEK AN INDICTMENT. SEE ALSO, SHERIFF V. MARCUM, 105 NEV. 824, 783 P.2D 1389 (1989). THIS MUST BE PROPERLY SERVED BY THE PROSECUTING DISTRICT ATTORNEY TO THE RELEVANT PARTIES AT ISSUE: THE PERSON(S) ACCUSED, THE ATTORNEY OF RECORD, OR THE DEFENDANT'S CLAIMANT ATTORNEY. THE NOTICE, HENCEFORTH REFERRED TO AS "MARCUM NOTICE", NECESSITATES A DISTRICT ATTORNEY SERVE THE DEFENDANT WITH WRITTEN NOTICE OF (A) THEIR INTENT TO SEEK AN INDICTMENT AND (B) ADVISEMENT OF THEIR RIGHT TO TESTIFY ON THEIR BEHALF BEFORE THE PRESIDING GRAND JURY, PROVIDED THE DEFENDANTS WRITEN NOTICE TO THE DISTRICT ATTORNEY OF THEIR INTENT TO TESTIFY. 11.

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IF AT ANY TIME, THE PROSECUTING DISTRICT ATTORNEY BELIEVES ADEQUATE CAUSE EXISTS TO WITHHOLD NOTICE FROM THE DEFENDANT, HE OR SHE MAY PETITION THE COURT ON SEVERAL GROUNDS; (1) NOTICE WILL PROVOKE FLIGHT OF THE DEFENDANT; (2) NOTICE WILL ENDANGER THE LIFE OR PROPERTY OF ANOTHER PERSON; (3) PROSECUTION, AFTER MAKING REASONABLY DILIGENT EFFORTS, IS UNABLE TO NOTIFY THE DEFENDANT OF THEIR CONSIDERATION OF INDICTMENT. IF THE PROSECUTION SUBMITS A PETITION, THE COURT WILL HOLD A CLOSED HEARING TO DECIDE THE MATTER; ELSE, THE PROSECUTION MUST SERVE A VALID MARCUM NOTICE TO THE DEFENDANT.

CASE LAW, RATHER THAN STATUTE, MANDATES ANY PERSON UNDER CONSIDERATION OF INDICTMENT RECEIVE MARCUM NOTICE. THE SUPREME COURT OF NEVADA OPENED THIS MANDATE IN SHERIFF, HUMBOLDT COUNTY V. MARCUM, SUPRA, IN THE LANGUAGE OF THE COURT:

"NRS 172.095(1)(D) AND NRS 172.241 CLEARLY GIVE A DEFENDANT THE RIGHT TO TESTIFY IN FRONT OF A GRAND JURY BEFORE HE IS INDICTED. THIS RIGHT WOULD BE MEANINGLESS IF A DEFENDANT IS NOT GIVEN NOTICE THAT A GRAND JURY WILL MEET AND CONSIDER RETURNING AN INDICTMENT AGAINST HIM. WITHOUT THE RIGHT TO NOTICE, A DEFENDANT HAS ONLY TWO WAYS OF FINDING OUT AN INDICTMENT AGAINST HIM IS BEING CONSIDERED. THE FIRST IS BY ACCIDENT. A DEFENDANT'S RIGHT TO TESTIFY SHOULD NOT DEPEND ON LUCK. THE SECOND WAY A DEFENDANT MIGHT LEARN OF A GRAND JURY PROCEEDING AGAINST HIM IS FROM THE DISTRICT ATTORNEY. THIS WOULD GIVE THE DISTRICT ATTORNEY THE POWER TO INFORM OR NOT INFORM ANY TARGET DEFENDANT AGAINST WHOM AN INDICTMENT IS REQUESTED. TO GIVE THE DISTRICT ATTORNEY SUCH DISCRETION IS UNREASONABLE."

105 NEV. AT 826. OUR HIGHEST COURT WENT ON TO ASSERT THAT PROPER MARCUM NOTICE "IS CONSISTENT WITH THE POLICY OF AVOIDING UNNECESSARY TRIALS;" AS DEFENDANTS MAY PROVIDE THE GRAND JURY WITH EXCULPATORY EVIDENCE OR TESTIMONY, ELIMINATING THE NEED FOR FURTHER TRIAL. ID. AT 826-27.

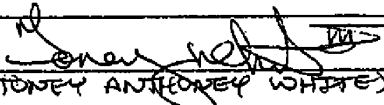
1. "ADVISES THE PERSON THAT THE PERSON MAY TESTIFY BEFORE THE GRAND JURY ONLY IF THE PERSON SUBMITS A WRITTEN REQUEST TO THE DISTRICT ATTORNEY AND INCLUDES AN ADDRESS WHERE THE DISTRICT ATTORNEY MAY SEND A NOTICE OF THE DATE, TIME AND PLACE OF THE SCHEDULED PROCEEDING OF THE GRAND JURY!" (NRS 172.241 (2)(B)).
2. BASED UPON (A) THE DEFENDANT'S FAILURE TO APPEAR ON MATTERS RELATED TO THE PROPOSED INDICTMENT, (B) THE DEFENDANT STATUS AS A FUGITIVE FROM JUSTICE FROM CHARGES IN ANOTHER JURISDICTION, (C) THE DEFENDANT POSSESSES OUTSTANDING LOCAL WARRANTS, OR (D) ANY OTHER OBJECTIVE FACTOR (NRS 172.241, (3)(A)).

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CONCLUSION

BASED ON THESE POINTS AND AUTHORITIES, THE PETITION SHOULD BE GRANTED AND THE INDICTMENT AGAINST TONEY WHITE SHOULD BE DISMISSED.

DATED: 11/27/ 2016

BY: 
(TONEY ANTHONY WHITE)
DEFENDANT

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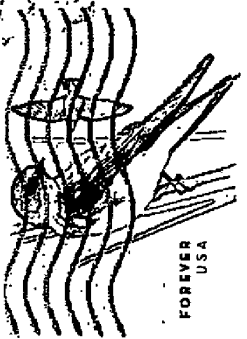
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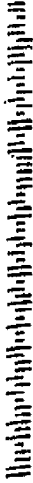
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LAS VEGAS, NV, 89101

LAS VEGAS NV 890

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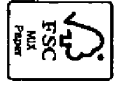
CLERK, DISTRICT COURT
200 LEWIS AVENUE, 3RD FLOOR
LAS VEGAS, NV, 89101



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mc
OA
PP

John D. Schuman

CLERK OF THE COURT

TONEY ANTHONY WHITE 8270790

CCDC
330 SOUTH CASINO CTR BLVD
LAS VEGAS, NV, 89101

DEFENDANT

DISTRICT COURT

COUNTY OF CLARK 8TH JUDICIAL DISTRICT

STATE OF NEVADA

Hearing Date: 1-19-17

8:30 AM

PEOPLE OF THE STATE OF
NEVADA,

PLAINTIFF,

VS.

TONEY ANTHONY WHITE,
ET AL.,

DEFENDANTS.

CASE NO. C-16-313216-Z

DEFENDANTS MOTION TO RECUSE
COUNSEL AND PROCEED IN
PROPRIA PERSONAM IN LIGHT
OF COUNSEL'S DEMONSTRATED
INEFFECTIVENESS AND CASE
NEGLECT AND IN LIGHT OF
EXISTING CONFLICT.

DEFENDANT ANTHONY TONEY WHITE WAS ARRESTED JANUARY 22, 2016 AND CHARGED ALONG WITH 3 CO-DEFENDANTS WITH 2 COUNTS OF ATTEMPTED ROBBERY WITH USE OF A DEADLY WEAPON, 2 COUNTS OF 1ST DEGREE KIDNAPING WITH USE OF A DEADLY WEAPON, 1 COUNT OF CONSPIRACY TO COMMIT ROBBERY, 1 COUNT OF BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM, 1 COUNT OF BURGLARY WITH A DEADLY WEAPON AND 1 COUNT OF IMPERSONATING A POLICE OFFICER BY INDUCEMENT OF THE CLARK COUNTY GRAND JURY IN CASE NO. 15AGJ129A-D. THEY EACH WERE ARRAIGNED IN HENDERSON JUSTICE COURT ON OR ABOUT FEBRUARY 01, 2016. ACKNOWLEDGING INDIGENCY OF ALL 4 DEFENDANTS, THE COURT APPOINTED COUNSEL. DEFENDANT WHITE WAS APPOINTED COUNSEL HARVEY GRUBER OF HENDERSON. COUNSEL HAS REMAINED UNDER APPOINTMENT SINCE.

ON MARCH 09, 2016, CLARK COUNTY GRAND JURY CONVENED RESULTING IN THE ISSUANCE OF A CRIMINAL INDICTMENT AND INDICTMENT WARRANT. ON MARCH 17, 2016, DEFENDANTS WERE ARRAIGNED IN EIGHTH JUDICIAL DISTRICT COURT DEPARTMENT 12. ON ADVICE OF COUNSEL, DEFENDANTS RIGHT TO SPEEDY TRIAL WAS WAIVED. PRE-TRIAL CALENDAR CALL WAS SET FOR OCTOBER 25, 2016 AND TRIAL FOR NOVEMBER 01, 2016.

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DEC 23 2016

CLERK OF THE COURT

RECEIVED

DEC 28 2016

CLERK OF THE COURT

ON OCTOBER 25, 2016, ALL DEFENDANTS APPEARED WITH COUNSEL. A CALENDAR CALL WAS SET FOR MARCH 14, 2017 AND TRIAL FOR MARCH 20, 2017. THE TRIAL DATE OF NOVEMBER 01, 2016 WAS VACATED. A CALENDAR CALL FOR DEFENDANT SEXTON WAS REQUESTED BY HER COUNSEL FOR JANUARY 2017.

AS OF APPOINTMENT DATE OF FEBRUARY 01, 2016, AND SOME 10 MONTHS, COUNSEL'S PURPORTED REPRESENTATION OF DEFENDANT HAS REVEALED TO BE A FARCE AND PRETENSE. SECONDLY, COUNSEL'S CONTINUED REPRESENTATION IN LIGHT OF FACTS UNDERLYING COUNSEL'S MOTION TO WITHDRAWAL CONTINUE TO CREATE A CONFLICT OF INTEREST. DESPITE REPEATED URGENCY OF DEFENDANT FOR COUNSEL TO CHALLENGE GRAND JURY PROCEDURAL VIOLATIONS, CONDUCT CAREFUL FACTUAL AND LEGAL INVESTIGATION AND INQUIRIES WITH VIEW TO DEVELOPING MATTERS OF DEFENSE IN ORDER TO MAKE INFORMED DECISIONS ON DEFENDANT'S BEHALF AT BOTH PLEADING STAGES AND TRIAL, COUNSEL HAS AS OF TODAY MADE NO PRE-TRIAL INVESTIGATION PREPARATORY TO THE TRIAL NOVEMBER 01, 2016, TRIAL DATE (I.E., INTERVIEW VICTIMS, WITNESSES AND OBTAIN ADDITIONAL RELEVANT EVIDENCE IN HENDERSON AND THE STATE'S POSSESSION, ETC). COUNSEL HAS FURTHER FAILED TO APPRAISE DEFENDANT OF CASE PROGRESS, PROVIDE COMPLETE DISCOVERY WHICH HAS CREATED SUBSTANTIAL DISTRUST AND HAS FURTHER, AMONG OTHER THINGS, COMPELLED DEFENDANT TO INVOKE HIS RIGHT TO SELF REPRESENTATION.

SAID OMISSIONS AND INACTIONS COMBINED WITH COUNSEL'S STATEMENT TO AND ATTITUDE TOWARD DEFENDANT, UPON THE COURT'S DECEMBER 13, 2016, DENIAL OF COUNSEL'S MOTION TO WITHDRAWAL PROMPTS THE INSTANT MOTION AND MORE PARTICULARLY DEFENDANT'S INVOKATION OF HIS RIGHT TO SELF REPRESENTATION.

MEMORANDUM OF POINTS AND AUTHORITIES

I. SELF REPRESENTATION

A CRIMINAL DEFENDANT HAS A CONSTITUTIONAL RIGHT TO SELF REPRESENTATION. U.S. CONST. AMEND XI; NEV. CONST. ART I, § 8; FARETTA V. CALIFORNIA, 422 U.S. 806, 95 S. CT. 2525, 45 L. ED 2D 562; GRAVES V. STATE, 112 NEV. 118, 124, 912 P.2D 234 (1996). A DEFENDANT'S SIXTH AMENDMENT RIGHT TO THE ASSISTANCE OF COUNSEL IMPLICITLY EMBODIES A "CORRELATIVE RIGHT TO DISPENSE WITH A LAWYER'S HELP." ADAMS V. U.S. EX. REL. MCMAHON, 317 U.S. 269, 279. THE 6TH AMENDMENT DOES NOT REQUIRE THAT A COUNSEL BE FORCED UPON A DEFENDANT. CARTER V. ILLINOIS, 329 U.S. 173, 174-175; MOORE V. MICHIGAN, 355 U.S. 155, 161.

THE RIGHT TO ASSISTANCE OF COUNSEL IS "THE RIGHT OF THE ACCUSED PERSONALLY TO MANAGE AND CONDUCT HIS OWN DEFENSE IN A CRIMINAL CASE." HASLAM V. U.S., 431 F.2D 362, 365 (9TH CIR.).

A DEFENDANT'S PRO PER INVOKATION AND RIGHT MUST BE HONORED OUT OF "THAT RESPECT FOR THE INDIVIDUAL WHICH IS THE LIFE BLOOD OF THE LAW." ILLINOIS V. ALLEN, 397 U.S. 337, 350, 351.

IN ORDER FOR A DEFENDANT TO REPRESENT HIMSELF HE MUST "KNOWINGLY AND INTELLIGENTLY" FOREGO THE BENEFITS ASSOCIATED WITH A SKILLED AND EXPERIENCED ATTORNEY. JOHNSON V. ZERBST, 304 U.S. 464-465; MOLTKEV. GILLIES, 332 U.S. 708, 723-724; ALSO ADAMS, SUPRA.

A COURT IS REQUIRED TO CONDUCT A FARETTA CANVAS TO ENSURE A DEFENDANT KNOWINGLY AND INTELLIGENTLY WAIVED HIS RIGHT TO COUNSEL. IN DOING SO, THE COURT LOOKS AT THE CIRCUMSTANCES OF THE CASE INCLUDING A DEFENDANT'S BACKGROUND, EXPERIENCE AND CONDUCT IN ASSESSING THE WAIVER. HOOKS V. STATE, 124 NEV 48, 136 P.3D 1081 (2008).

II. COUNSEL'S AFFIRMATIVE DUTIES.

A CRIMINAL DEFENDANT HAS A GUARANTEE OF COUNSEL WHICH "CANNOT BE SATISFIED BY MERE FORMAL APPOINTMENT." ANERY V. ALABAMA, (1940) 308 U.S. 444, 446, 60 S. CT. 321, 322, 84 L. ED. 377. THE FACT THAT THE PERSON WHO HAPPENS TO BE A LAWYER IS PRESENT AT TRIAL ALONG SIDE THE ACCUSED, HOWEVER, IS NOT ENOUGH TO SATISFY THE CONSTITUTIONAL COMMAND.... AN ACCUSED IS ENTITLED TO BE ASSISTED BY AN ATTORNEY, WHETHER RETAINED OR APPOINTED, WHO PLAYS THE ROLE NECESSARY TO ENSURE THAT THE TRIAL IS FAIR." STARKLAND V. WASHINGTON, 466 U.S. 685; SEE ALSO, McMANN V. RICHARDSON, 397 U.S. 759, 771, 90 S. CT. 1441, 25 L. ED. 2D 763. THE RIGHT TO COUNSEL IS A RIGHT TO EFFECTIVE COUNSEL AND NOT MERELY A WART BODY NEXT TO A DEFENDANT. CUYLER V. SULZMAN, 446 U.S. 344, 100 S. CT.

THE RIGHT TO COUNSEL GUARANTEED BY THE 6TH AMENDMENT IS A FUNDAMENTAL RIGHT. ARGERSINGER V. HAMLEN, 402 U.S. 25, 29-33, 92 S. CT. 2006, 2008-2010, 32 L. ED. 530 (1972). A VIOLATION OF THE 6TH AMENDMENT IS SHOWN UPON DETON-STRATION OF A CONFLICT OF INTEREST ADVERSELY AFFECTING A LAWYER'S PERFORMANCE. GLASSER V. U.S., 315 U.S. 60, 92, 62 S. CT. 457, 475, 86 L. ED. 680 (1942). COUNSEL'S EFFECTIVE PERFORMANCE IN ORDER TO SATISFY THE 6TH AMENDMENT MUST NOT REDUCE THE PROCEEDING TO A FARCE OR PRETENSE. COUNSEL'S INACTION IN CONDUCTING PRE-TRIAL INVESTIGATION RENDERS ASSISTANCE A SHAM AND FARCE. JACKSON V. WARDEN, 91 NEV. 430, 537 P.2D 473 (1975); POWELL V. ALABAMA, (1932) 287 U.S. 45, 71; WARDEN V. LISCHKO, (1974) 90 NEV. 221, 223, 523 P.2D 617.

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BUT, SEE STATE V. LOVE, (1993) 109 NEV. 1136, 1139, 865 P.2D 322, 323.

III. RELINQUISHMENT OF ALL PAPERS, DOCUMENTS, PLEADINGS AND ITEMS OF TANGIBLE VALUE BELONGING TO OR PREPARED FOR CLIENT.

NEV. REV. STAT. 7.055 PROVIDES THAT:

"AN ATTORNEY WHO HAS BEEN DISCHARGED BY A CLIENT, SHALL, UPON DEMAND..... IMMEDIATELY DELIVER TO THE CLIENT ALL PAPERS, DOCUMENTS, PLEADINGS (AND ITEMS OF TANGIBLE VALUE) WHICH ALL BELONG TO OR WERE PREPARED FOR THAT CLIENT."

NEV. SUP. CRT RULE 166(4) PROVIDES:

"UPON TERMINATION OF REPRESENTATION, A LAWYER SHALL TAKE STEPS TO THE EXTENT REASONABLY PRACTICABLE TO PROTECT A CLIENT'S INTERESTS, SUCH AS... SURRENDERING PAPERS AND PROPERTY TO WHICH THE CLIENT IS ENTITLED...."

CONCLUSION

AS OF THE CURRENT DATE SOME 10 MONTHS AFTER APPOINTMENT COUNSEL HAS NEGLECTED HIS DUTY AND ROLE OF ENSURING THAT THE PROCEEDING IS FAIR. AS OF THE CURRENT DATE NO FACTUAL OR LEGAL RESEARCH HAS BEEN UNDERTAKEN TO ASSIST COUNSEL IN MAKING ESSENTIAL INFORMED DECISIONS. NO INVESTIGATOR HAS BEEN APPOINTED. TO THE EXTENT THAT ONE HAS, HE/SHE HAS NOT CONSULTED WITH DEFENDANT NOR CONDUCTED INVESTIGATORY DUTIES SUCH AS VICTIM AND WITNESS INTERVIEWS, ETC. IN THE 10 MONTH APPOINTMENT, THE SOLE PLEADING FILED IN THE CASE WAS COUNSEL'S NOVEMBER 22, 2016, MOTION TO WITHDRAWAL. NO MARCUM MOTION WAS FILED RELATING TO THE GRAND JURY PROCEEDINGS NOR HAVE ANY DISCOVERY OR PRE-TRIAL MOTIONS BEEN FILED ON DEFENDANT'S BEHALF.

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FOLLOWING DEFENDANT'S MARCH 17, 2016, ARRAIGNMENT AND WAIVING OF SPEEDY TRIAL, CALENDAR CALL WAS SET FOR OCTOBER 25, 2016 AND TRIAL NOVEMBER 01, 2016. DEFENDANT APPEARED THAT DATE. COUNSEL HAD DONE NO CASE WORK PREPARATORY TO PROCEEDING TO TRIAL BY SAID DATE. CALENDAR CALL AND TRIAL DATES WERE VACATED AND RESCHEDULED FOR MARCH 14TH AND MARCH 20, 2017, COLLECTIVELY. AS OF THE CURRENT DATE CASE NEGLIGENCE CONTINUES TO PERSIST AS VALUABLE TIME ELAPSES,

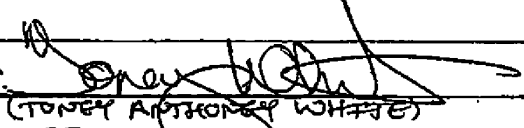
COUNSEL'S STATEMENTS AND HOSTILITY TOWARD DEFENDANT FOLLOWING THIS COURT'S DENIAL OF HIS MOTION TO WITHDRAWAL AND HIS CONVEYANCES THAT IN HIS 20 YEAR LAW PRACTICE HE HAS NEVER BEEN CONFRONTED WITH SUCH ISSUE AND COULD NOT EFFECTIVELY REPRESENT DEFENDANT ANY FURTHER, DEFENDANT IS ESSENTIALLY COMPELLED TO CHOOSE THE PROSPECT OF BEING REPRESENTED BY BIASED AND ADMITTEDLY INEFFECTIVE COUNSEL OR RELY ON THE REPRESENTATION OF HIMSELF. AT THIS JUNCTURE, COUNSEL MERELY AMOUNTS TO A WARM BODY NEXT TO DEFENDANT FOR THE PAST 10 MONTHS, AND THE PURPORTED REPRESENTATION IS A SHAM, FARCE AND IS INEFFECTIVE.

ACCORDINGLY, DEFENDANT MOTIONS THE COURT TO CONDUCT A FREEDIA CANVAS AND GRANT HIS MOTION TO PROCEED PRO SE RELIEVING COUNSEL. SECONDLY, DEFENDANT REQUESTS AN ORDER DIRECTING THAT COUNSEL RELINQUISH THE ENTIRE FILE IN THIS MATTER AND THAT THE PEOPLE MAKE FULL DISCOVERY DISCLOSURE IN PAPER FORM TO DEFENDANT IMMEDIATELY.

RESPECTFULLY SUBMITTED,

DATE: DECEMBER 19, 2016

RE:


(TONY ANTHONY WHITE)
DEFENDANT
IN PROPRIA PERSONA

DATE: SEPTEMBER 03, 2019

FROM:

TONEY A. WHITE III
NDOC NO. 1214172
ELY STATE PRISON
POST OFFICE BOX 1989
ELY, NV, 89301-1989

TO:

TERENCE M. JACKSON, ESQ.
ATTORNEY AT LAW
624 SOUTH NINTH STREET
LAS VEGAS, NV, 89101

MR. JACKSON:

GREETINGS. THIS WILL MEMORIALIZE OUR CONVERSATION ON AUGUST 30, 2019 AND ANCIENT DISCUSSIONS WE HAVE HAD RELATING TO IMMINENT DANGERS FACING MY SISTER A WEEK PRIOR TO MY TRIAL WHICH ALSO SUBSTANTIALLY FACTORED INTO AND WAS INSTRUMENTAL IN MY FEBRUARY 19, 2019 DECISION TO FULLY PLEAD GUILTY TO ALL CHARGES WITHOUT NEGOTIATIONS. PER YOUR INSTRUCTIONS, I HAVE DIRECTED MY SISTER TO DOCUMENT ALL PERTINENT FACTS INTO A SWORN STATEMENT AND PERSONALLY MAIL IT TO YOU. I HAVE BEEN ASSURED THAT SHE IS CURRENTLY DOING SO AND THANK YOU FOR YOUR DIRECTION IN THIS REGARD.

FROM MY UNDERSTANDING MY OPENING BRIEF IS DUE SOME TIME LATER THIS MONTH. ALTHOUGH I ACKNOWLEDGE THAT WE FILED A MOTION WITH THE STATE SUPREME COURT TO STAY THE APPEAL PENDING THE DISTRICT COURT'S DETERMINATION OF THE MOTION TO WITHDRAW MY GUILTY PLEA WHICH IS ON FOR HEARING FOR OCTOBER 17, 2019, AS OF THE CURRENT DATE THE SUPREME COURT HAS NOT GRANTED OR DENIED THE REQUESTED STAY. I EXPRESS CONCERN GIVEN THE APPROACHING BRIEFING DEADLINE AND AM REMINDING YOU OF ITS IMMINENCE TO ENSURE IT DOES NOT ELAPSE.

TO SERVE AS A REMINDER AS TO A PRESSING ISSUE DESERVING ADDRESS IN MY APPEAL IS THE FARETTA VIOLATION. IN A NUTSHELL, ON MARCH 27, 2017 (SOME 2 YEARS BEFORE TRIAL) I MOTIONED TO RECUSE COUNSEL AND/OR REPRESENT MYSELF IF THE MOTION WAS DENIED. THE COURT DENIED THE MOTION ON APRIL 18, 2017 ITERATING I HAD NO LEGAL BASIS TO DISCHARGE MY COUNSEL AND REPRESENT MYSELF. TO ENSURE THAT THIS CONSTITUTIONAL DENIAL WAS PRESERVED FOR APPELLATE REVIEW, WITHOUT COUNSEL'S ASSISTANCE, ON MAY 03, 2017, I ENTERED FULL OBJECTION TO THE COURT'S DENIAL OF MY MARCH 27, 2017 MOTION.

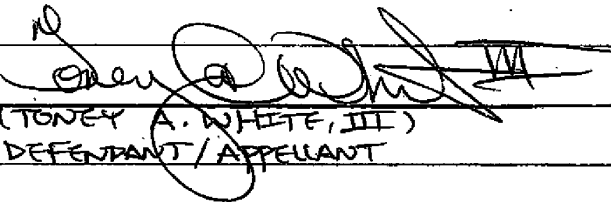
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IN OUR PREVIOUS DIALOGS WE HAVE DISCUSSED AT LENGTH THE MODERN DAY STRENGTH OF FARETTA AND I AM INSISTING THAT SAID CONSTITUTIONAL VIOLATION BE ARTICULATED IN MY OPENING BRIEF AS IT IS A GUARANTEED REVERSAL OF MY CONVICTION. SEE E.G., HARRIS V. STATE, 113 NEV. 799; HOOKS V. STATE, 124 NEV. 48; AND, McKASKLE V. WIGGINS, 465 U.S. 168, 104 S. CT. 944, 79 L. ED. 2D 122 (1984).

LASTLY, AS YOU MAY BE AWARE, EFFECTIVE AUGUST 28, 2019, I HAVE BEEN TRANSFERRED TO ELY STATE PRISON. PLEASE NOTE MY NEW ADDRESS IN YOUR FILE FOR PURPOSES OF FUTURE CORRESPONDENCE. SHOULD MY ADDRESS CHANGE IN THE FUTURE, I WILL TIMELY NOTIFY YOU.

ONCE AGAIN I EXPRESS MY APPRECIATION FOR YOUR ADVOCACY ON MY BEHALF.

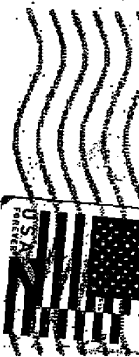
KIND REGARDS,

BY: 
(TONEY A. WHITE, III)
DEFENDANT/APPELLANT

ELY STATE PRISON
POST OFFICE BOX 1989
ELY, NV, 89301-1989

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TERENCE H. JACKSON, ESQ.
ATTORNEY AT LAW
624 SOUTH NINTH STREET
LAS VEGAS, NV

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ATTEMPTED TO REENTER
ATTEMPTED - NOT KNOWN
UNABLE TO FORWARD
EC: 832019888
10579-88325-04-44

ELY STATE PRISON

DOC - 3020A (REV. 7/01)

NEVADA DEPARTMENT OF CORRECTIONS
ELY STATE PRISON
LEGAL MAIL

NAME: White

REPORT TO CONTROL AT ADMIN FOR THE FOLLOWING:

LEGAL MAIL:

CERTIFIED MAIL:

REGISTERED MAIL:

DATE: 9/22/19

INMATE SIGNATURE

[Signature]

OFFICER:

[Signature]

M. Hawkins

DOC#:

1214172

DATE:

13SEPT19

DOC# 1214172 UNIT 4A13

Legal Mail Return

TERENCE H. JACKSON ESQ
624 South 9th St
Las Vegas, NV 89101

ON MAY 03, 2017, I ENTERED FULL OBJECTION TO THE COURT'S
DENIAL OF MY MARCH 27, 2017 MOTION.

291

FROM

JONEP A. WHITE
NDOC NO. 1214172
ELY STATE PRISON
POST OFFICE BOX 1989
ELY, NV, 89301-1989

TO

TERRENCE M. JACKSON, ESQ.
ATTORNEY AT LAW
624 SOUTH 9TH STREET
LAS VEGAS, NV, 89101

DATE: SEPTEMBER 25, 2019

IN RE: WHITE V. STATE, NEV. SUP. CRT. NO. 78483
D.C. CASE NO. C-16-313216-2

MR. JACKSON:

GREETINGS. I HAVE RECEIVED THE OPENING BRIEF YESTERDAY AND COMMEND YOU ON YOUR WORK. I AGREE WITH ALL OF THE ISSUES YOU RAISED BUT AM UNCOMFORTABLE WITH THE LIMITED SCOPE OF ARGUMENT PRESENTED AS IT RELATES TO THE FARETTA ISSUE AND JAC OF TRIAL COUNSEL. A REVIEW OF THE CERTIFICATE OF SERVICE INDICATES THAT YOUR ASSISTANT MS. WILLS SERVED THE OPENING BRIEF AND 3 VOLUMES OF THE APPENDIX ON THE NEVADA ATTORNEY GENERAL, THE DISTRICT ATTORNEY'S OFFICE AND MYSELF ON SEPTEMBER 19, 2019. UNFORTUNATELY, THE ENVELOPE I RECEIVED ONLY CONTAINED THE OPENING BRIEF AND NO APPENDIXES. ACCORDINGLY, I AM SEEKING THAT YOU DIRECT YOUR ASSISTANT TO SERVE ME COPIES OF THE APPENDIX AS SOON AS POSSIBLE.

BY CORRESPONDENCE I DIRECTED TO YOU ON SEPTEMBER 02, 2019, I EXPRESSED DESIRE THAT YOU RAISE THE FARETTA ISSUE PREMISED ON THE FACTS THAT ON MARCH 27, 2017 (SOME 2 YEARS BEFORE TRIAL) I MOTIONED TO RECUSE COUNSEL AND/OR REPRESENT MYSELF IF THE MOTION WAS DENIED. THE COURT DENIED THE MOTION AT THE APRIL 18, 2017 HEARING ITERATING, WITHOUT A FARETTA CANVASS, THAT I HAD NO LEGAL BASIS TO REPRESENT MYSELF. TO ENSURE THAT THIS ARBITRARY DENIAL WAS PRESERVED FOR APPELLATE REVIEW, I ENTERED OBJECTIONS TO THE DENIAL ON MAY 03, 2017. A REVIEW OF THE REGISTER OF ACTIONS DEMONSTRATES THAT ON JUNE 04, 2019 YOU ORDERED PORTIONS OF THE RECORD TO EFFECT MY APPEAL. HOWEVER AND FOR REASONS UNKNOWN, THE MARCH 27, 2017 MOTION, APRIL 18, 2017 HEARING AND MY MAY 03, 2017 OBJECTIONS WERE NOT INCLUDED IN THE RECORDS YOU ORDERED. TO ENSURE THAT FAIR CONSIDERATION IS GIVEN TO THE FARETTA ISSUE I AM MAKING ADDENDUMS TO THE OPENING BRIEF.

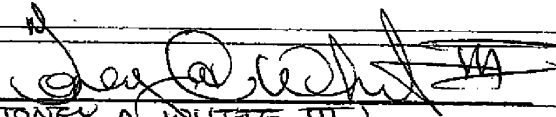
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MY ADDENDUM SOLELY ENCOMPASSES AND RELATES TO THE
FARFETIA ISSUE SINCE AS A GENERAL RULE MY CLAIMS OF TRIAL
JAC MUST BE REPRESENTED BY HABEAS CORPUS. SHOULD THE SUPREME
COURT REJECT MY ADDENDUM TO THE OPENING BRIEF BECAUSE I
AM REPRESENTED BY COUNSEL, I AM INSISTING IN ADVANCE
THAT YOU MAKE THE ADDENDUMS AND/OR SUPPLEMENTALS TO PRO-
TECT MY INTERESTS IN MY APPEAL.

YOUR ANTICIPATED COOPERATION AND ATTENTION ARE
GREATLY APPRECIATED.

KIND REGARDS,

BY:


(TONEY A. WHITE, III)
APPELLANT/DEFENDANT

293

LF

FROM

TONEY A. WHITE
VDOC NO. 1214172
ELY STATE PRISON
POST OFFICE BOX 1989
ELY, NV, 89301-1989

TO

TERRENCE M. JACKSON, ESQ.
ATTORNEY AT LAW
624 SOUTH NINTH STREET
LAS VEGAS, NV, 89101-7013

DATE: SEPTEMBER 29, 2019

IN RE: WHITE V. STATE, NEV. SUP. CT. NO. 78483
D.C. CASE NO. C-16-313216-2

MR. JACKSON:

GREETINGS. I HAVE CONDUCTED SOME RESEARCH SINCE MY LAST LETTER OF SEPTEMBER 25, 2019 WHICH HAS PROMPTED ME TO WRITE THIS BRIEF LETTER.

I AM CORRESPONDING WITH YOU SEEKING THAT YOU IMMEDIATELY ORDER ALL CLERK RECORDS AND REPORTER TRANSCRIPTS IN MY CASE TO ENSURE THAT I AM ABLE TO SUPPORTABLY FUTURE COLLATERAL ATTACK WITH THE TRIAL COURT RECORDS. I AM FURTHER SEEKING THAT YOU ALSO OBTAIN COPIES OF BOTH PRE-SENTENCE INVESTIGATION REPORTS THAT WERE CONDUCTED FOLLOWING MY OCTOBER 2017 AND FEBRUARY 2019 HEARINGS. AS A INDIGENT APPELLANT I AM ENTITLED TO 1 FREE COPY OF THE TRIAL COURT TRANSCRIPTS AND RECORDS TO EFFECT MY APPEAL. SEE GRIFFIN V. ILLINOIS, 351 U.S. 12, 76 S. CT. 585, 100 L. ED. 2D 891 (1956). I AM SEEKING THAT YOU REQUEST ALL RECORDS TO ENSURE THAT I HAVE A COMPLETE COPY OF THE TRIAL COURT RECORDS.

YOUR ANTICIPATED COOPERATION AND ATTENTION IS GREATLY APPRECIATED.

KIND REGARDS,

BY:

(TONEY A. WHITE, III)
DEFENDANT/APPELLANT

294

LF

FROM

TONEY A. WHITE
NDOC NO. 121417Z
ELY STATE PRISON
POST OFFICE BOX 1989
ELY, NV, 89301-1989

TO

TERRENCE M. JACKSON, ESQ.
ATTORNEY AT LAW
624 SOUTH NINTH STREET
LAS VEGAS, NV, 89101-7013

DATE: OCTOBER 04, 2019

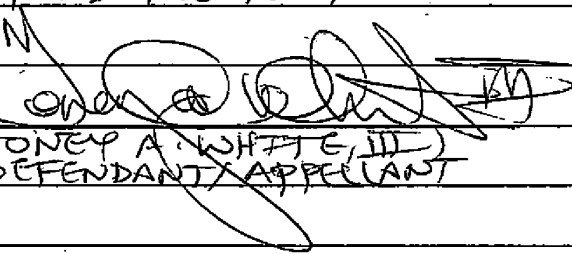
IN RE: WHITE V. STATE, NEV. SUP. CRT. NO. 78483
D.C. CASE NO. C-16-313216-2

MR. JACKSON:

GREETINGS. AS PREDICTED ^{WERE} MY EFFORTS TO MAKE
ADDENDUM TO THE OPENING BRIEF DELAYED BY THE
SUPREME COURT CLERK ON ACCOUNT THAT YOU REPRESENT
ME ON APPEAL. AS DESIRED BY MY SEPTEMBER 25, 2019
CORRESPONDENCE, I AM ENCLOSEING MY ADDENDUMS
AND AM SEEKING THAT YOU FILE THEM ASAP TO
ENSURE THAT MY FARETTA ISSUES IS FAIRLY
CONSIDERED AND IS PRESERVED BY THE APPEAL.

YOUR ANTICIPATED COOPERATION AND ATTEN-
TION IS GREATLY APPRECIATED.

KIND REGARDS,

BY: 
(TONEY A. WHITE, III)
DEFENDANT/APPELLANT

295


CLERK OF THE COURT

1 **NOTC**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 MICHAEL J. SCHWARTZER
6 Chief Deputy District Attorney
7 Nevada Bar #010747
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,
10 Plaintiff,

11 -vs-

12 TONEY ANTHONY WHITE,
13 #8270790
14 Defendant.

CASE NO: C-16-313216-2

DEPT NO: XII

15 **NOTICE OF INTENT TO SEEK PUNISHMENT AS**
16 **A HABITUAL CRIMINAL**

17 TO: TONEY ANTHONY WHITE, Defendant; and

18 TO: HARVEY GRUBER, ESQUIRE, Counsel of Record:

19 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that pursuant to NRS
20 207.010, the STATE OF NEVADA will seek punishment of Defendant TONEY ANTHONY
21 WHITE, as a habitual criminal in the event of a felony conviction in the above-entitled action.

22 That in the event of a felony conviction in the above-entitled action, the STATE OF
23 NEVADA will ask the court to sentence Defendant TONEY ANTHONY WHITE as a habitual
24 criminal based upon the following felony convictions, to-wit:

- 25 1. That on or about 1991, the Defendant was convicted in the State of
26 California, for the crime of Unlawful Driving or Taking of a Vehicle (felony) in BA-044721.
27 2. That on or about 1992, the Defendant was convicted in the State of
28 California, for the crime of Possession of a Controlled Substance (felony) in BA-050180.
- 296

1 3. That on or about 1993, the Defendant was convicted in the State of
2 California, for the crime of Second Degree Robbery (felony) in BA-078289.

3 4. That on or about 1997, the Defendant was convicted in the State of
4 California, for the crimes of Transport/Sell Narcotic/Controlled Substance and
5 Possession/Purchase Cocaine Base for Sale (felonies) in BA-134545.

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

9 BY /s/ MICHAEL J. SCHWARTZER
10 MICHAEL J. SCHWARTZER
11 Chief Deputy District Attorney
12 Nevada Bar #010747

13 CERTIFICATE OF ELECTRONIC FILING

14 I hereby certify that service of the foregoing, was made this 18th day of October, 2016,
15 by Electronic Filing to:

16 HARVEY GRUBER, ESQ.
17 E-mail Address: hgruber@defendingnevada.com

18 /s/ Laura Mullinax
19 Secretary for the District Attorney's Office

20
21
22
23
24
25
26
27
28 16FH0191B/llm/GANG

Steven D. Grierson

1 **MWPL**
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 Toney A. White*

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IN THE EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

v.

Toney A. White,
#1214172,

Defendant.

District Case No.: C-16-313216-2

Dept.: XII

HEARING REQUESTED

MOTION TO WITHDRAW PLEA OF GUILTY

Comes now the Defendant, TONEY A. WHITE, by and through counsel, TERRENCE M. JACKSON, ESQUIRE, and moves this court to enter an Order withdrawing his plea of guilty on the ground it was involuntary and unintelligently given. Defendant was not competent to enter the plea because of his medical condition at the time of the plea.

This Motion is based upon the prior pleadings including the prior Motion to Withdraw Plea dated September 5, 2018, the accompanying Affidavit of Counsel and the attached Points and Authorities including Defendant's Exhibits A, B and C, and such further facts and Supplementary Exhibits as will come before the Court at an Evidentiary Hearing of this Motion.

Respectfully submitted this 26th day of July, 2019. /s/ Terrence M. Jackson

Terrence M. Jackson, Esq.
Nevada Bar No. 00854
Law Office of Terrence M. Jackson
624 South Ninth Street
Las Vegas, NV 89101
T: 702-386-0001 / F: 702-386-0085
Terry.jackson.esq@gmail.com
Counsel for Toney A. White

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1 **POINTS AND AUTHORITIES**

2 **FACTUAL STATEMENT**

3
4 Defendant originally pled guilty to a negotiated plea on October 19, 2017. On January 9,
5 2018, Defendant filed a Motion to Withdraw his Plea of Guilt and moved for appointment of new
6 counsel or to represent himself *pro per*. The Court denied his *pro per* request for *pro per*
7 representation, however the Court granted Defendant's request for new counsel. After many hearings
8 the Court granted the Defendant withdrawal of his first plea of guilty and reset the trial on February
9 19, 2019.

10 The trial began on February 19, 2019, however the Defendant entered a plea of guilty mid-
11 trial on February 20, 2019. This plea of guilty was invalid as it was involuntary because it was made
12 while the Defendant was not competent and not able to understand fully all of his constitutional
13 rights. An evidentiary hearing will clearly establish that a change in the Defendant's daily medicine
14 during trial, provided to him by the Clark County Detention Center, adversely effected his
15 competency during the plea (See, Exhibit A, B and C) so he could not therefore intelligently
16 understand his rights and his plea was involuntary through no fault of his own.

17 **I. A GUILTY PLEA IS INVALID IF MADE WHEN THE DEFENDANT IS**
18 **MENTALLY INCOMPETENT.**

19 Any guilty plea must be a knowing, voluntary and intelligent waiver of the defendant's Sixth
20 Amendment right to trial. *Boykin v. Alabama*, 395 U. S. 239 (1969) It is respectfully submitted that
21 the Defendant, Toney A. White, did not have the mental capacity to fully understand his rights and
22 did not know what he was facing when he pled guilty, he could not enter a valid plea. *See, Meyer*
23 *v. State*, 95 Nev. 885 (1979)

24 When a person is physically or psychologically incapacitated, there is always serious doubt
25 about his ability to enter any plea. An evidentiary will show that in this case the Defendant was
26 being prescribed heavy anti-psychotic medication by the jail while he was incarcerated. Defendant
27 alleged a long history of psychosis since his youth in his *pro per Petition* (See *pro per Petition*, pg.
28 4). His medical records show that he also suffers seizures from a motor vehicle accident in 2015.

1 in 2015. (Exhibit B, pg. 11 of 105) Exhibit B also notes he had a history of a right frontal craniotomy
2 and subdural hematoma with evacuation as well as an unspecified psychiatric disorder, possibly
3 schizoaffective disorder. (Exhibit B, pg. 12 of 105)

4 Just prior to the guilty plea, for whatever reason, the Defendant's necessary medications were
5 suspended and this greatly affected his ability to fully understand his rights. Consequently when he
6 entered his plea it was not a knowing and intelligent plea.

7 **II. THE MERE CONCLUSORY RESPONSES DEFENDANT MADE DURING THE**
8 **PLEA ALLOCATION DO NOT ESTABLISH DEFENDANT WAS COMPETENT TO**
9 **ENTER A VOLUNTARY PLEA OF GUILTY TO THE CHARGE.**

10 At the second plea hearing on February 21, 2019, Defendant White made the standard
11 perfunctory conclusory affirmation of guilt as well as the affirmations that he understood all his
12 rights. It is respectfully submitted a review of the transcript of the second plea hearing will not
13 however clearly establish that Defendant fully understood his rights. It is respectfully submitted that
14 an evidentiary hearing will definitely establish Defendant's medical condition at the time of his plea
15 actually precluded his ability to voluntarily plead guilty.

16 Consider *Wilkins v. Bowersox*, 145 F.3d 1006 (8th Cir.1998), a case in which the court held
17 that the defendant's guilty plea and waiver of presenting mitigating evidence was not knowing,
18 voluntary and intelligent even despite the conclusory affirmations in the plea canvas that the
19 defendant fully understood his rights.

20 In considering the facts of this case, the court should find a strong possibility that in this case,
21 and in the *Wilkins* case, the mere fact that the defendant, an unsophisticated defendant was able to
22 correctly answer the simple questions of the guilty plea canvas, was not enough to establish he had
23 a full understanding of what rights he was giving up or what duties his attorney may have failed to
24 perform. His attorney may easily have instructed his client how to answer every question of the court
25 simply responding yes to every question. Counsel for Defendant may not even have known his client
26 may be incompetent.

27 The court must look at the totality of circumstances in this case to determine whether the
28 Defendant's plea in this case was actually a knowing, voluntary and intelligent waiver of his rights.

1 See, *State v. Freese*, 116 Nev. 1097, 13 P.3d 442 (2000), *McConnell v. State*, 125 Nev. 243, 212 P.3d
2 307 (2009). Defendant has alleged he felt coerced by another individual who entered a plea. (See *pro*
3 *per Post Conviction Petition* pg. 4)

4 *Meyer v. State*, 95 Nev. 888, 603 P.2d 1066 (1979), requires the withdrawal of a guilty plea
5 to prevent a "manifest injustice." It is respectfully submitted for a guilty plea to be valid, it must have
6 been entered under circumstances that were fundamentally fair. *Means v. State*, 120 Nev. 1001, 103
7 P.3d 25 (2004). The totality of facts and circumstances of the Defendant's plea of guilt in this case
8 require that he be allowed to withdraw his plea because it was fundamentally unfair and manifest
9 injustice requires it be withdrawn.

10 **CONCLUSION**

11 Although it may seem strange that the Defendant seeks to withdraw his guilty plea for a
12 second time, the facts clearly support his Second Motion. First, it is illogical that the Defendant
13 would suddenly plead guilty to all counts. That plea yielded a much worse sentencing result than had
14 previously been offered. Secondly, jail records established Mr. White's medication input was altered
15 during trial. Based on his prior medical history it is only logical this change had a substantial
16 cognitive impact on him. Third, the State will not be prejudiced by the Defendant withdrawing his
17 plea. Although he had been sentenced and has even begun the appellate process, Defendant will file
18 a Motion to Withdraw his Appeal and stay the appeal pending a decision on this Motion. This case
19 is not so old that the State will be gravely prejudiced by having a delayed trial. Fourthly, the totality
20 of circumstances and 'manifest injustice' compel withdrawal of the Defendant's plea.

21 Wherefore, for the above stated reasons, Defendant requests his Motion to Withdraw Plea
22 of Guilty be granted.

23 DATED this 26th day of July, 2019.

Respectfully submitted,

24 /s/ Terrence M. Jackson
25 TERRENCE M. JACKSON, ESQ.
26 Nevada Bar No. 00854
27 Law Office of Terrence M. Jackson
28 624 South Ninth Street
Las Vegas, NV 89101
T: 702-386-0001 / F: 702-386-0085
Terry.jackson.esq@gmail.com
Counsel for Toney A. White

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CERTIFICATE OF SERVICE

I hereby certify I am an assistant to Terrence M. Jackson, Esquire, a person competent to serve papers and not a party to the above-entitled action and on the 26th day of July, 2019, I served a copy of the foregoing: Motion to Withdraw Plea of Guilty as follows:

[X] To Steven B. Wolfson, Clark County District Attorney at
steven.wolfson@clarkcountynyda.com

and to:

[X] To Defendant, Toney A. White, NDOC # 1214172, at High Desert State Prison, via first-class mail, and

I further 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/ Ila Wills
Assistant to T. M. Jackson, Esq.

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1 IN THE EIGHTH JUDICIAL DISTRICT COURT
2 CLARK COUNTY, NEVADA
3

4 THE STATE OF NEVADA,
5 Plaintiff,
6 v.
7 Toney A. White,
8 #1214172,
9 Defendant.

District Case No.: C-16-313216-2
NSC Case No.: 78483
Dept.: XII

10 **NOTICE OF HEARING**

11 Please be advised that the Defendant's Motion to Withdraw Plea of Guilty in the above-
12 entitled matter is set for hearing as follows:

13 **Date:**

14 **Time:**

15 **Location:** RJC Courtroom 14D
16 Regional Justice Center
200 Lewis Avenue
Las Vegas, Nevada 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/ Ilia Wills
21 Assistant to T. M. Jackson, Esq.

22 **CERTIFICATE OF SERVICE**

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

26 By: /s/ Ilia Wills
27 Assistant to T. M. Jackson, Esq.
28

1 **AFFIDAVIT OF TERRENCE M. JACKSON**

2 STATE OF NEVADA }
3 COUNTY OF CLARK } :ss

4 I, TERRENCE M. JACKSON, the Affiant, being first duly sworn, deposes and states he is
5 an attorney in good standing, licensed to practice law in the State of Nevada;

6 1. Affiant was appointed to represent Toney Anthony White in Eighth Judicial District Court,
7 Clark County, Nevada in May of 2019, for post-conviction relief;

8 2. Affiant, as counsel for Toney White, has reviewed all prior pleadings and court records;

9 3. As the issue of the validity of Defendant White's plea had been raised before, Affiant
10 discussed that matter with Defendant soon after being appointed his attorney in this case;

11 4. Toney White advised Affiant that his second plea of guilty was in fact not a valid, voluntary
12 and intelligent plea because he was not mentally competent to enter the plea when it was taken;

13 5. Mr. White explained to Affiant he had been regularly receiving anti-psychotic and seizure
14 medication while in custody. Defendant stated that medication was suspended when his trial
15 commenced on February 19, 2019. He then stated because of the suspension of his medication, he
16 was not fully aware of the legal facts and circumstances of his case when he pled guilty on February
17 21, 2019;

18 6. At Affiant's request, Toney A. White sent a letter to Affiant detailing his past medical history
19 (Exhibit A) as well as some of his medical records (Exhibit B);


20 7. Affiant has reviewed Defendant's medical records and believes because of his past medical
21 history his regular intake of prescription medicines was critical to him having a sufficient
22 understanding of the legal process to enter a valid plea.

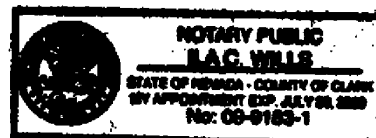
23 Further Affiant sayeth not.

24 DATED this 26TH day of July, 2019.

25 SUBSCRIBED and SWORN to before me this
26 26TH day of July, 2019.

27 NOTARY PUBLIC
28 In and For County of Clark
State of Nevada


Terrence M. Jackson



Steven D. Grierson

OPPS

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
TALEEN PANDUKHT
Chief Deputy District Attorney
Nevada Bar #005734
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

TONY ANTHONY WHITE,
#8270790

Defendant.

CASE NO: ~~C-16-313216-2~~

DEPT NO: XII

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

DATE OF HEARING: ~~October 17, 2019~~
TIME OF HEARING: ~~8:30 AM~~

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, District Attorney,
through TALEEN R. PANDUKHT, Chief Deputy District Attorney, and hereby submits the
attached Points and Authorities in Opposition to Defendant's Motion to Withdraw Guilty Plea.

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

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1 **POINTS AND AUTHORITIES**

2 **STATEMENT OF THE CASE**

3 On March 9, 2016, ANTHONY WHITE (hereinafter "Defendant") was charged by way
4 of Grand Jury Indictment with the following charges: CONSPIRACY TO COMMIT
5 ROBBERY (Category B Felony – NRS 200.380, 199.480 – NOC 50147), BURGLARY
6 WHILE IN POSSESSION OF A DEADLY WEAPON (Category B Felony – NRS 205.060 –
7 NOC – 50426), FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON
8 (Category A Felony – NRS 200.310, 200.320, 193.165 – NOC 50055), ATTEMPT
9 ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony – NRS 200.380,
10 193.330, 193.165 – NOC 50145), BATTERY WITH USE OF A DEADLY WEAPON
11 RESULTING IN SUBSTANTIAL BODILY HARM (Category B Felony – NRS 200.481 –
12 NOC 50226), and IMPERSONATION OF AN OFFICER (Gross Misdemeanor – NRS
13 199.430 – NOC 53013).

14 On October 19, 2017, Defendant, pursuant to Guilty Plea Agreement, pled guilty to:
15 COUNT 1 – CONSPIRACY TO COMMIT ROBBERY (Category B Felony – NRS 200.380,
16 NRS 199.480 – NOC 50147) and COUNT 2 – ATTEMPT ROBBERY WITH USE OF A
17 DEADLY WEAPON (Category B Felony – NRS 200.380, 193.330, 193.165 – NOC 50145).
18 The parties stipulated to a sentence of nine (9) to twenty-five (25) years in the Nevada
19 Department of Corrections and the State agreed not to file additional charges regarding this
20 incident.

21 On January 9, 2018, January 12, 2018, and September 5, 2018, respectively Defendant
22 filed Motions to Withdraw Guilty Plea. The State did not oppose these motions. The Court
23 granted Defendant's motion, reinstated his original charges in the March 9, 2016 Indictment,
24 and set the matter for a February 19, 2019 Jury Trial.

25 On February 19, 2019, Defendant's Jury Trial commenced. On February 21, 2019,
26 Defendant pled guilty to the following charges in the Amended Indictment without
27 negotiations: CONSPIRACY TO COMMIT ROBBERY (Category B Felony – NRS 200.380,
28 199.480 – NOC 50147), BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON

1 (Category B Felony – NRS 205.060 – NOC – 50426), FIRST DEGREE KIDNAPPING WITH
2 USE OF A DEADLY WEAPON (Category A Felony – NRS 200.310, 200.320, 193.165 –
3 NOC 50055), ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON (Category B
4 Felony – NRS 200.380, 193.330, 193.165 – NOC 50145), BATTERY WITH USE OF A
5 DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM (Category B
6 Felony – NRS 200.481 – NOC 50226), and IMPERSONATION OF AN OFFICER (Gross
7 Misdemeanor – NRS 199.430 – NOC 53013).

8 The Judgment of Conviction was filed on March 27, 2019. Defendant was sentenced to
9 an aggregate term of life with a minimum parole eligibility after twenty (20) years.

10 On March 28, 2019, Defendant filed a Notice of Appeal. Subsequently, Defendant filed
11 the instant Motion to Withdraw Plea. The State responds as follows:

12 **ARGUMENT**

13 Defendant seeks to withdraw his guilty plea and have the Judgment of Conviction in
14 this case vacated because he claims that he did not have the mental capacity to enter his plea.
15 Motion at 2–4. However, Defendant’s Motion to Withdraw Guilty Plea is not the appropriate
16 method to challenge a guilty plea after the sentence has been imposed. The correct avenue for
17 seeking relief is a post-conviction petition for writ of habeas corpus, however, the instant
18 motion fails to comply with the requirements for a petition set forth in NRS 34.735 and thus
19 should not be treated as a petition. Further, Defendant cannot establish manifest injustice to
20 ~~withdraw his guilty plea because his arguments of mental incapacity and threats impacting his~~
21 ~~entry of plea are belied by the record.~~ The guilty plea canvass clearly indicates that, during his
22 entry of plea, Defendant took his prescribed medication, that medication did not impact his
23 entry of plea, and he and his family did not face threats. Therefore, the Court should deny
24 Defendant’s petition in its entirety.

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1 **I. A POST-CONVICTION PETITION FOR WRIT OF HABEAS CORPUS IS THE**
2 **EXCLUSIVE REMEDY TO CHALLENGE THE VALIDITY OF A GUILTY**
3 **PLEA AFTER SENTENCING**

4 As a general rule, a post-conviction petition for a writ of habeas corpus is the exclusive
5 remedy to challenge the validity of a guilty plea after sentencing. See Harris v. State, 130
6 Nev. 435, 447, 329 P.3d 619, 628 (2014); NRS 34.724(2)(b). “Pursuant to NRS 34.724(2)(b),
7 a post-conviction petition for a writ of habeas corpus comprehends and takes the place of all
8 other common-law, statutory, or other remedies which have been available for challenging the
9 validity of the conviction or sentence, and must be used exclusively in place of them.” Harris,
10 130 Nev. at 444, 329 P.3d. at 626 (internal quotations omitted).

11 Excepted from this exclusivity are remedies that are “incident to the proceedings in the
12 trial court.” Id. (citing NRS 34.724(2)(a)). However, the Nevada Supreme Court has clearly
13 stated “that a motion is ‘incident to the proceedings in the trial court’ when it is filed prior to
14 sentencing.” Id., 130 Nev. at 447, 329 P.3d at 627–28. “Thus, a motion to withdraw the guilty
15 plea filed after sentencing is not ‘incident to the proceedings in the trial court.’” Id.

16 Additionally, pursuant to NRS 34.724, “(a)ny person convicted of a crime and under
17 sentence of death or imprisonment” may file a post conviction petition for habeas corpus.
18 However, this rule is not without exception. Specifically, NRS 34.724(3) discusses who is
19 permitted to file a post-conviction motion to withdraw guilty plea. For instance, NRS
20 34.724(3)(c) permits a person to file a post-conviction motion only if “[a]t the time the person
21 files the motion to withdraw the plea, the person is not incarcerated for the charge for which
22 the person entered the plea.”

23 Because Defendant filed his Motion to Withdraw Guilty Plea on July 26, 2019, after
24 his sentencing that took place on March 19, 2019, the motion is not incident to the proceedings
25 in the trial court, as defined by the Nevada Supreme Court. Further, at the time Defendant filed
26 his instant motion, he was incarcerated for the charges for which he entered his guilty plea
27 making the instant motion an improper avenue for relief.

28 //

1 **II. DEFENDANT’S PETITION DOES NOT COMPLY WITH NRS 34.735**

2 NRS 34.735 directs defendants to file petitions in a manner substantially consistent
3 with the form provided by that statute. Defendant has failed to comply with that directive. He
4 has failed to include in his petition the date of the judgment of conviction, whether or not he
5 is currently serving a sentence under this case number or any other, whether he appealed from
6 the judgment of conviction – and if not, why not – whether he has previously filed any
7 petitions, applications, or motions with respect to the judgment in this case, or whether any
8 petition or appeal with respect to this judgment of conviction is pending in any court.
9 Defendant’s filing is not substantially consistent with the form provided by NRS 34.735, and
10 therefore, this Court should dismiss the petition.

11 **III. DEFENDANT CANNOT DEMONSTRATE THAT HE IS ENTITLED TO**
12 **WITHDRAW HIS PLEA**

13 Defendant claims that he is entitled to withdraw his plea as he was mentally
14 incompetent because he was without his prescribed medication during his entry of plea.
15 Motion at 2–3. Additionally, he continues to represent that he is entitled to such a remedy
16 because of threats he received against himself and his family. Motion at 1 (Sept. 5, 2018).
17 However, he cannot demonstrate that he is entitled to withdraw his plea. The standard for
18 withdraw of a guilty plea is whether the defendant has suffered a manifest injustice. Harris v.
19 State 130 Nev. at 438, 329 P.3d at 621. In this case, however, Defendant cannot show that a
20 manifest injustice has occurred.

21 Defendant’s claim that he was mentally incompetent due to his inability to take his
22 prescribed medicine does not indicate manifest injustice as it is belied by the record. Hargrove
23 v. State, 100 Nev. 498, 502, 686 P.2d 222, 225 (1984) (stating that “bare” and “naked”
24 allegations are not sufficient, nor are those belied and repelled by the record). Specifically,
25 during the guilty plea canvass, Defendant verbally acknowledged that no medical condition
26 was affecting his capacity to enter his plea and that he was presently on the medication he now
27 claims he was without:

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1 MR. SANFT: And, Your Honor, a couple of things just for the
2 record as well. I have, during the course of my representation of
3 Mr. White, always informed Mr. White that I believe that he is
4 someone that's very smart and articulate. I've read his motions and
5 he understands the law very well.

6 I believe that, at this particular point, that Mr. White is not
7 under any type of influence of alcohol or drugs that would impair
8 his thinking here today with regards to his decision to enter into
9 this plea. And I don't believe as well that, based upon my
10 communication with Mr. White, that there's been any type of
11 threat made against him. I have not received that as well.

12 I just want to make sure that that's on the record because I
13 know that was a concern the last time we were in court with
14 regards to that.

15 THE COURT: Okay. And that's all true, correct?

16 THE DEFENDANT: Yeah.

17 THE COURT: You're not on any kind of medication?

18 THE DEFENDANT: Just the medication that I take, my meds, but
19 they're not impacting my decision to plead.

20 THE COURT: What kind of medication are you on?

21 THE DEFENDANT: Psych meds.

22 THE COURT: Okay. And you don't think it's affecting your
23 ability to enter into this plea today?

24 THE DEFENDANT: No.

25 (Recorder's Transcript of Hearing Re: Jury Trial Day 3, pages 22-23, dated February 21,
26 2019).

27 Additionally, Defendant's lingering claim that he entered a plea as a result of alleged
28 threats he and his family received, is also belied by the record:

THE COURT: Okay. So, no one has threatened or coerced you
into entering into this plea, correct?

THE DEFENDANT: No.

THE COURT: No one in the Clark County Detention Center?

THE DEFENDANT: No.

THE COURT: No one in the Nevada Department of Corrections?

1 THE DEFENDANT: No.

2 THE COURT: No one on the planet earth?

3 THE DEFENDANT: No.

4 THE COURT: Okay, no one has threatened you, correct?

5 THE DEFENDANT: Yeah.

6 THE COURT: Including, has – have you spoken to Marland Dean?

7 THE DEFENDANT: No.

8 THE COURT: Okay. I know you indicated to me the other day your mom had spoken to him.

9 THE DEFENDANT: Yeah.

10 THE COURT: Were any threats communicated to you through your mom?

11 THE DEFENDANT: No.

12 Id. at 20–21.

13
14 Thus, Defendant's claims are belied by the representations he made at the time of the
15 guilty plea canvass. Hargrove, 100 Nev. at 502, 686 P.2d at 225. He faces no manifest injustice
16 as a result of maintaining his guilty plea as he had not only taken his prescribed medications
17 that he now states he was without, but also he represented such medications did not hinder his
18 capacity to enter his plea. Harris v. State 130 Nev. at 438, 329 P.3d at 621. Further, he
19 represented to the Court that he was not entering his plea as a result of any threat to himself or
20 his family. Therefore, since there is no manifest injustice present, this Court should deny the
21 instant motion.

22 **CONCLUSION**

23 For the foregoing reasons, Defendant's Petition must be denied.

24 DATED this 7th day of October, 2019.

25 Respectfully submitted,

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

BY /S/ TALEEN PANDUKHT 311

1 TALEEN PANDUKHT
2 Chief Deputy District Attorney
3 Nevada Bar #005734

4 CERTIFICATE OF ELECTRONIC FILING

5 I hereby certify that service of the foregoing, was made this 7th day of October, 2019,
6 by Electronic Filing to:

7 TERRENCE M. JACKSON, ESQ.
8 E-mail Address: terry.jackson.esq@gmail.com

9 /s/ Laura Mullinax
10 Secretary for the District Attorney's Office

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28 TRP/bg/lm/GU

72006
8/14/20

Terrence M. Jackson, Esquire
Attorney at Law

624 South Ninth Street Las Vegas, NV 89101
T: (702) 386-0001 / F: (702) 386-0085

August 5, 2020

Confidential Law Office Mail

Toney A. White, ID# 1214172
High Desert State Prison
Post Office Box 650
Indian Springs, Nevada 89070-0650
Open Only in Inmate's Presence

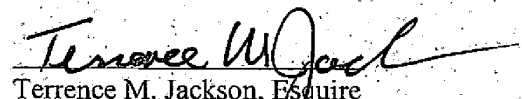
Re: Case no.: C-16-313216-2

Dear Mr. Toney White:

I've reviewed your latest letter and I will advise you *again* that I have released my entire file to you. I do not have any of the items you are requesting. I suggest you contact Mr. Gruber for things that may have been in his file. You may also wish to contact Mr. Sanft who once represented you.

I do not remember any client logs or case notes which I received from Mr. Gruber detailing his strategy. I have, at your request, searched for a copy of any Marcum Notice from the court files aka pleadings for you. Having reviewed the official *Register of Actions*, it appears that no Marcum Notice was filed. I am enclosing a current copy of the *Register of Actions* for you.

Sincerely,


Terrence M. Jackson, Esquire

Enc.: *Register of Actions* (6 pgs.)
cc: file

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Mayfield, Gruber & Sanft
Harvey Gruber, Attorney at Law, Nevada & California

August 31, 2020

HIGH DESERT STATE PRISON
ATTN: Toney A. White, INMATE I.D. 1214172
P.O. BOX 650
Indian Springs, NV 89070

Re: State of Nevada vs. Toney Anthony White
Case No. 16FH0191A-D
Bindover Case No. C-16-313216-2

Mr. White:

Reference is made to the letter my office received from you dated August 26, 2020.

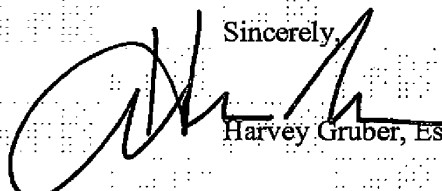
As previously stated to you in the letter mailed to you on January 17, 2020, all Discovery (which was a box full) was forwarded to your previous Attorney, Terrance Jackson. The amount of Discovery forward to Mr. Jackson's office was voluminous.

What is left in your file are Medical Records from Sunrise Community Behavioral Health, in the State of Washington, which I am forwarding to you. However, these records would have been disclosed to Mr. Jackson. This office has no further records in its file that has not been disclosed to Mr. Jackson.

See enclosed receipt of delivery signed by an employee of *Jackson & William Law Office* dated October 16th, 2019.

If you have any questions, please feel free to contact me at the number below.

HG/eg

Sincerely,

Harvey Gruber, Esq.

223 Water Street, Suite C, Henderson, NV 89015
Phone: (702) 566-4099 Fax: (702) 566-4649
hgruber@defendingnevada.com

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SUNRISE
SERVICES, INC.

530 NE Midway Blvd.
Oak Harbor, WA 98277

Community Mental Health

Office: 360-544-3800

Fax: 360-544-3801

Date: 9-14-17
Deliver To: Harvey Gruber, Esq.
Fax: 702-542-4649
Sender: Emily

Sending: PAGES, PLUS COVER
Company: _____
Telephone: _____

☐ URGENT ☐ PLEASE COMMENT ☐ FOR REVIEW/ FOR YOUR INFORMATION
☐ PLEASE FORWARD/COPY TO:

Message:

Re: Tony white

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A Division of Sunrise Services, Inc.
"Serving Individuals, families and communities since 1977"

315

MAYFIELD GRUBER & SHEETS

Harvey Gruber, Attorney at Law, Nevada & California



August 16, 2017

Sunrise Community Behavioral Health
Attn: Medical Records
530 NE Midway Blvd.
Oak Harbor, WA 98277

Re: White, Toney (AKA ~ Saunders, Jason)

To whom it may concern:

Enclosed you will find a signed HIPAA authorization from our client (your patient) mentioned above. Please forward all information pertaining to Toney White / Jason Saunders. Requested documents may be faxed, mailed or emailed to the number/address noted below.

If you have any questions, please call me at the number provided below.

Sincerely,


Harvey Gruber, Esq.

HG/eg

223 Water Street, Suite C, Henderson, NV 89015
phone 702-566-4099 fax 702-566-4649
hgruber@defendingnevada.com

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Partners in Quality Living

Medical Evaluation for Toney White
Sunrise Services, Inc.
2500 East College Way
Mount Vernon, WA 98273
(360) 336-3762 Fax: (360) 336-3815

Psychiatric Evaluation for Toney White, 800002426
DOB: 07-19-1972

Performed by: Nikki N. Behner, ARNP on 08-08-14

Identifying Information and Presenting Problem:

42 yr old African American male - mesomorphic build.

Multiple tattoos on arms, legs - states he did this himself while in prison and identifies himself as a tattoo artist now that he is living in the community

Sources of Information:

- ☐ Past Psych. Records
- ☐ PCP Records
- ☐ Family
- ☐ Legal
- ☐ Other

Other/Comments:

client

prison records - Richard J. Donovan Correctional Facility (CA)

Sunrise intake information (coupeville)

History of Presenting Problem:

States he developed onset of mental health symptoms as a child - states his biological father put PCP into a drink and "I have never been the same since." Long history of drug abuse age 13-22 at which time he was arrested for drug possession and sent to prison. He is guarded about this when asked how this could have turned into 18 yr sentence - states he was not manufacturing or selling drugs - denies his violence.

Attendees:

Current Meds:

haldol 5 mg. - 1 tab qam/2 qhs

cogentin 1 mg. bid

Keppra 500 mg. bid

Meds List:

Meds	Quantity	Frequency	Route	Date
HALOPERIDOL TABLETS				10-07-14
BENZTROPINE MESYLATE TABLETS USP	1	tablet(s)	twice a day	by mouth 10-07-14
KEPPRA TABLETS	1	tablet(s)	twice a day	by mouth 10-07-14
HALOPERIDOL TABLETS				11-28-14
KEPPRA TABLETS	1	tablet(s)	twice a day	by mouth 11-28-14
BENZTROPINE MESYLATE TABLETS USP	1	tablet(s)	twice a day	by mouth 11-28-14
KEPPRA TABLETS	1	tablet(s)	twice a day	by mouth 01-02-15
BENZTROPINE MESYLATE TABLETS USP	1	tablet(s)	twice a day	by mouth 03-03-15

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HALOPERIDOL TABLETS

03-03-15

Previous Psychiatric History:

Hosp x 3-4 times in CA (Patton State Hospital, Camarillo, Dept. of Mental Health) -- all before prison in 1996
received mental health services in prison system in CA - states he has been in multiple prisons
released from prison (RJD) in San Diego 5/14 -- he was allowed 2nd tier, KOP meds while in prison

Has made approx. 4 SA -- one by drinking bleach (ER/charcoaled & released), tried to hang himself while in prison -
interrupted by custody staff in prison - cannot remember year. States he cut his left forearm repeatedly while in county jail prior to
going to prison, and then early in prison stay

States he had OP tx from Hollywood Mental Health clinic since age 8 -- reports his father was using PCP -- Toney drank
something with PCP and states he has never been normal since that time.

Currently on psych meds from prison records of 4/14 -- has had one refill by Sunrise prescriber until he could have
initial psych eval

Substance Use History:

He states he has tried all drugs -- states he started in early teens
No drug use for 18 yrs he was in prison -- has not used since he has been out of prison
had drug treatment while in prison, states he does not believe he needs additional tx now -- states he has no urge
Denies hx IVDA ever

Family History:

Reports his biological father had depression, "same symptoms as me" - was hospitalized for suicidal thoughts
Unable to provide any family history of mental health problems - stepfather who raised him is currently in prison for murder

Medical History:

185 lbs with shoes
5' 9"
123/65 rt. arm
P.70
Has no local PCP
worried about his coccidiomycosis ("Valley fever") -- states he must have this followed closely -- dx. is present in records from prison
and he has apparent fused Left wrist, 6" inch scar and deformity as result of more than 4 surgeries due to infection
Reports he was in rollover car accident 1980 and received skull fx and was unconscious for brief time -- states he began
having seizures 1989 although he is very poor historian and unable to provide dates and precise medical history
Denies other major health problems
Prison records are reviewed and he has also been on meds for respiratory problems -- discussed need to get local PCP

Social History:

Raised by mother and stepfather in Long Beach, CA and other So. CA towns
biological father recently died of cardiac and/or respiratory arrest -- on disability for CVA/paralysis -- died approx
2.5 yrs ago
Mother lives in Los Angeles, stays with her father and Toney's younger sister
He has stepfather who was 'in my life' since early childhood -- currently in prison for murder of trespasser -- has been
in prison x 30 yrs
Toney has brothers and sisters -- states he does not know how many or anything about them
He has never married, has no children
Currently living with GF of 3 yrs and her brother on Whidbey Island - no children in home -- Tney is looking for housing and needs
assistance getting housing, states he does not have SSI. GF and brother are not setting dates that he must leave current housing

Virals:

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Attention/Concentration <input type="checkbox"/> Attentive/Good Concentration <input type="checkbox"/> Inattentive/Poor Concentration <input checked="" type="checkbox"/> Variable	Strength <input checked="" type="checkbox"/> Within Normal Limits <input type="checkbox"/> Other	Abnormal Movements <input checked="" type="checkbox"/> None <input type="checkbox"/> Other <input type="checkbox"/> Gait
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Comments/Narrative (including "other" items above):

No current hallucinations -- describes when on meds voices are sarcastic, belittling, make him question his worthiness to live
Unable to interpret 3/3 proverbs
when asked to interpret "people in glasses shouldn't throw stones" -- he states that if anyone in prison said that to him he would start a fight -- extremely

concrete when asked to interpret other proverbs
states he experiences paranoia, knows and agrees with dx paranoid schizophrenia

Assessment:

42 yr old AA male - recently released from prison with some meds -- has received emerg. psych med refills from Compass prescriber in Everett to cover him until this appt.

MSE and presentation is consistent with dx paranoid schizophrenia

reports he is stable right now that meds have been prescribed -- appears emotionally/behaviorally stable but assessment is consist with dx provided at intake and on accompanying prison records

Has had multiple surgeries left wrist -- wrist appears fused and he has no active wrist motion currently

Family from CA -- he is here living with GF who met him while in prison 3 yrs ago and introduced by a friend

Treatment Recommendations:

Continue supportive therapy per Sunrise plan

no medication changes - additional refills sent electronically to Island Pharmacy on Whidbey Island

Needs PCP locally to address respiratory problems and needs for inhalers

states he has been on gabapentin previous and needs to discuss this with PCP for ??pain - he states it is for seizures

Needs PCP to take over RX for Keppra (seizure med) as he may be on suboptimal dose

Reports he must have occas. labs for his "valley fever" and fears another infection like that which resulted in his multiple wrist surgeries (this has not been confirmed)

Needs transportation assistance (GF and her brother both work)

F/U repeat med eval with me in 1 month -- at that time more medical care should be in place and then will be transferred to prescriber care on Whidbey Island.

Diagnosis:

Axis I - Primary 295.30 - Paranoid schizo-unspec	Axis II - Primary -
Axis I - Secondary -	Axis II - Secondary -
Axis I - Tertiary -	Axis II - Tertiary -
Axis I - Quaternary -	
Axis I - Quinary -	Axis III Hx closed head injury w seizure disorder, Hx. left wrist surgery/fusion
Axis IV - Primary	Axis IV - Secondary
	Axis IV - Tertiary

Axis V - Score 54

Electronic Signature - Signed XXXNikki XXXBehner, ARNP on 09-09-14

Psychiatric Evaluation for Toney White, 800002426, DOB: 07-19-1972 on 08-08-14

12-23-14	57	116/66	5'9"
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Mental Status Exam:

Comes with long history of treated mental illness in prison
comes with an alias -- states that his alias was used at time of arrest, complicates his tx now
since all prison records identified with name Jason Saunders

Denies active/current SI although he has made attempts previously - contracts safety

He demonstrates concrete thinking, paranoia, and halluc when off antipsychotic medications consistent with adm. dx of paranoid schizophrenia

PX Appearance <input type="checkbox"/> Unremarkable <input type="checkbox"/> Distressed <input type="checkbox"/> Bizarre <input type="checkbox"/> Poor Hygiene <input checked="" type="checkbox"/> Well Groomed <input type="checkbox"/> Other:	Behavior/Activity Level <input checked="" type="checkbox"/> Cooperative/Normal <input type="checkbox"/> Guarded <input type="checkbox"/> Withdrawn/Slowed <input type="checkbox"/> Hostile/Erratic <input type="checkbox"/> Fidgety <input checked="" type="checkbox"/> X, X or X <input type="checkbox"/> Other: latent responses	Speech <input type="checkbox"/> Unremarkable <input type="checkbox"/> Loud/Rapid Rate <input type="checkbox"/> Slurred/Inarticulate <input type="checkbox"/> Pressured <input checked="" type="checkbox"/> Quiet/Slowed Rate <input checked="" type="checkbox"/> X, X or X <input type="checkbox"/> Other: not spontaneous
Language <input checked="" type="checkbox"/> Within Normal Limits <input checked="" type="checkbox"/> X, X or X <input type="checkbox"/> Other:	Affect <input type="checkbox"/> Normal <input type="checkbox"/> Blunted <input checked="" type="checkbox"/> Flat <input type="checkbox"/> Labile <input type="checkbox"/> Congruent <input type="checkbox"/> Incongruent	Mood <input type="checkbox"/> Angry <input checked="" type="checkbox"/> Anxious <input type="checkbox"/> Apathetic <input type="checkbox"/> Depressed <input checked="" type="checkbox"/> Euthymic <input type="checkbox"/> Euphoric <input type="checkbox"/> Excitable <input type="checkbox"/> Irritable <input type="checkbox"/> Sad <input checked="" type="checkbox"/> X, X or X <input type="checkbox"/> Other:
Thought Form <input type="checkbox"/> Organized/Intact <input checked="" type="checkbox"/> Blocking <input type="checkbox"/> Flight of Ideas <input checked="" type="checkbox"/> Evasive <input checked="" type="checkbox"/> Latency of Response <input type="checkbox"/> Perseveration <input checked="" type="checkbox"/> Poor Memory <input type="checkbox"/> Tangential <input type="checkbox"/> Loose Associations <input checked="" type="checkbox"/> X, X or X <input type="checkbox"/> Other: impoverished	Thought Content <input type="checkbox"/> No Concerns (below) <input type="checkbox"/> Observed or Reported <input type="checkbox"/> Obsessions <input type="checkbox"/> Compulsions <input type="checkbox"/> Delusions <input checked="" type="checkbox"/> Hallucinations <input type="checkbox"/> Magical Thinking <input type="checkbox"/> Suicidal Thinking <input type="checkbox"/> Homicidal Ideation <input checked="" type="checkbox"/> X, X or X <input type="checkbox"/> Other: none - now on meds	Fund of Knowledge <input type="checkbox"/> Age Appropriate <input checked="" type="checkbox"/> Impaired <input type="checkbox"/> Unknown
Orientation/LOC <input checked="" type="checkbox"/> Alert <input type="checkbox"/> Sleepy <input checked="" type="checkbox"/> Oriented <input type="checkbox"/> Confused <input type="checkbox"/> Distorted	Abstraction <input type="checkbox"/> Age Appropriate <input checked="" type="checkbox"/> Impaired <input type="checkbox"/> Unknown	Long Term Memory <input type="checkbox"/> Age Appropriate <input checked="" type="checkbox"/> Impaired <input type="checkbox"/> Unknown
Short Term Memory <input type="checkbox"/> Age Appropriate <input type="checkbox"/> Impaired <input checked="" type="checkbox"/> Unknown	Judgment/Insight <input type="checkbox"/> Age Appropriate <input checked="" type="checkbox"/> Impaired <input type="checkbox"/> Unknown	Intellectual Functioning <input type="checkbox"/> Above Average <input checked="" type="checkbox"/> Average <input type="checkbox"/> Below Average

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Partners In Quality Living

Mental Health Assessment for Toney White
Sunrise Services, Inc.
101 NE Birch
Coupeville, WA 98239-3542
(360) 682-6814 Fax: (360) 720-2698

Intake Assessment

Intake performed on Toney White, 800002426 on 07-18-14

DOB: 07-19-1972

Diagnosis

Axis I - Primary 295.30 - Paranoid Schizo-Unspec	Axis II - Primary 799.9 - Diagnosis Deferred
Axis I - Secondary -	Axis II - Secondary -
Axis I - Tertiary -	Axis II - Tertiary -
Axis I - Quaternary -	
Axis I - Quinary -	Axis III

Axis IV - Primary	Axis IV - Secondary	Axis IV - Tertiary
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Axis V - Score 54

B Diagnosis Risk Factors

<input type="checkbox"/> 2 or more MH hospital admissions during last 2 yrs	<input type="checkbox"/> Child at risk due to abuse or neglect
<input type="checkbox"/> Outpatient MH treatment last 90 days	<input type="checkbox"/> Child < age of 6, atypical behavior patterns
<input type="checkbox"/> MH hospitalizations or residential for 6 months during last year, or is currently being discharged from a psychiatric hospitalization	<input type="checkbox"/> Child < age < 6, atypical emotional patterns
	<input type="checkbox"/> High risk behavior last 90 days

Demographic Summary (include demographic information, presenting need/referral):

Toney, alias Jason Saunders, is a 42-year old engaged "Puerto Rican and black" male. He is unemployed and currently living with his fiancé, Crystal and her brother in Oak Harbor, WA. He reported a history of Paranoid Schizophrenia during his intake assessment, and is seeking counseling and medication management services. He reported multiple psychiatric hospitalizations and a history of suicidal ideation. However, he states he is "not currently feeling suicidal."

Toney reported his social supports as "cousins, friends, and fiancé." He was mostly raised in California State and recently moved to the Washington State area in May 2014. He reported a "car accident, abuse as a kid, and sexually assaulted" as very traumatic. He has never been married, but is currently engaged and has no children. Toney reported interaction with the legal system being "in and out of the system" and served 18 years in prison for felony drug charges.

DSM-IV-TR Diagnostic Criteria (Diagnostic justification, and rule out, suspected, provisional or other uncertain diagnoses):

Per his reported symptoms, Toney meets criteria for Paranoid Schizophrenia. He reported being previously diagnosed with "bipolar, paranoid schizophrenic, anti-socialism, anti-anxiety" by other medical professionals and is currently prescribed anti-psychotic medications. However, further assessment needed for other diagnoses. Toney reports his symptoms as: "Agitated. I stay withdrawn. I tense up. My pulse gets up and I start getting worked up. It's embarrassing, but I have no control over it. I've had them and cope with them for years already. I've dealt with them for over 18 years when I was in prison. I started getting medication for over 18 years. I started my sentence when I was a kid. I was young, between 8-13 years. There have been gaps of treating with medication and I would

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get off medication and then relapse and then come back. I was on it the whole time while I was in prison. I would try different meds and some would work and some wouldn't (while in prison)." Additionally, he states "I feel down, depressed, and hopeless at least three times a week. I just deal with it, I try to deal with by staying busy, painting or drawing. I try to take my mind off of it." According to Toney his sleep is, "4-5 hours a day, if I can go to sleep. I'll have a hard time going to sleep and sometimes I wake up in a paranoid mode. I'll wake up with my palms sweating, heart rate up. I'll check behind doors, turn out the lights, check out the window. At this time, I would take medication so it can control that. I try to sleep every night, but there are times I've stayed up all night. When I stay up all night I'm paranoid. This happens at least two days a week. There are no triggers to this. Everything is attached to my medication. Now I need a consistent script to control them and because I got out prison in May, I've had difficulty finding a prescriber and I'm rationing my medication to get me to see a prescriber."

Toney reports his hospitalizations and reasons for admittance as: "I've been hospitalized over ten times. Most of these times it was voluntary. My symptoms were getting out of control and I wanted therapy. It worked for the time. I've done group and individual therapy. It's a channel to vent where I'm not embarrassed to talk about." In the past two weeks, Toney has been feeling, "Withdrawn, ab, kind of paranoid. A little depressed. Some of my symptoms have been coming back. Seeing stuff, hearing stuff. It's been affecting my sleep. I'm going to have issues if I don't have medication. If I'm on medication, I don't react, but if I'm not on medication I react that might be perceived as a threat, so I don't want that to happen. I don't interact. I'm really antisocial. I won't go out shopping, I'm totally against leaving my house. I just stay in my room."

He reports as having visual hallucinations as: "It's not happening not right now, but sometimes I see shadows and stuff move. Floating crystals, static. There are periods where I see things for minutes. When I see things my heart goes, I get jittery and I start freaking out. Sometimes I see fire too. It sometimes floats or is on the ground."

Toney reports auditory hallucinations as: "I hear voices. They're wicked voices that are taunting and criticizing. They are criticizing me. There are five different voices. Sometimes they all talk at the same time, but not all the time. The voices haven't ever really been commanding. They're shit talking."

Due to his prison sentence, Toney reported substance abuse stopped in 1991-92. He stated starting to use cannabis at age 15, but is not currently using.

GAF is 54. Toney is unemployed and has reported clinically significant symptoms of Schizophrenia which has strongly affected his life.

Treatment Package/Eligibility

- ☒ Mental health intervention is deemed to be reasonably necessary to improve, stabilize or prevent deterioration of functioning that is a result of the individual's mental illness.
- ☒ The individual is expected to benefit from the intervention.
- ☒ The individual's unmet need is NOT more appropriately met by other formal or informal system(s) or support(s).

Client eligibility for Medicaid or State Funding: Medicaid

Meets A Diagnostic Criteria:

Meets B Diagnostic Criteria:

Discharge Plan/Client Outcomes:

Additional Recommendations:

Treatment Team:

Start Date	End Date	Provider	Role
07-16-14	07-31-14	Leah Martinez, LMFT, MHP	Supervisor
10-01-14	01-06-15	Matthew R. Webster, MS, MA	Secondary
09-10-14	04-27-15	Morgan Demouchet, BA	Secondary
08-01-14	07-02-15	Susan Houck-Strom, LMFT	Supervisor

Special Population Status: Asian/Pac Islander

Presenting Issue:

1. Current needs, current status, chronology of illness:

Feelings over two weeks:

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"Withdrawn, ah, kinds of paranoid. A little depressed. Some of my symptoms have been coming back. Seeing stuff, hearing stuff. It's been affecting my sleep. I'm going to have issues if I don't have medication. If I'm on medication, I don't react, but if I'm not on medication I react that might be perceived as a threat, so I don't want that to happen."

"I don't interact. I'm really antisocial. I won't go out shopping, I'm totally against leaving my house. I just stay in my room."

Seeing: "It's not happening not right now, but sometimes I see shadows and stuff move. Floating crystals, static. There are periods where I see things for minutes. When I see things my heart goes, I get jittery and I start freaking out. Sometimes I see fire too. It sometimes float or is on the ground."

Hearing: "I hear voices. They're wicked voices that are taunting and criticizing. They are criticizing me. There are five different voices. Sometimes they all talk at the same time, but not all the time. The voices haven't ever really been commanding. They're shit talking."

Feelings about symptoms?

"Agitated. I stay withdrawn. I tense up. My pulse gets up and I start getting worked up. It's embarrassing, but I have no control over it. I've had them and cope with them for years already. I've dealt with them for over 18 years when I was in prison. I started getting medication for over 18 years. I started my sentence when I was a kid. I was young, between 8-13 years. There have been gaps of treating with medication and I would get off medication and then relapse and then come back. I was on it the whole time while I was in prison. I would try different meds and some would work and some wouldn't (while in prison)."

How often have you felt down, depressed, or hopeless?

"I feel down, depressed, and hopeless at least three times a week. I just deal with it, I try to deal with by staying busy, painting or drawing. I try to take my mind off of it."

When I start feeling the symptoms my appetite is shot. There are times when I don't eat all day. If I do eat, it is something mild like a sandwich or chips. I block out the hunger pains."

Sleep: "Get 4-5 hours a day, if I can go to sleep. I'll have a hard time going to sleep and sometimes I wake up in a paranoid mode. I'll wake up with my palms sweating, heart rate up. I'll check behind doors, turn out the lights, check out the window. At this time, I would take medication so it can control that."

"I try to sleep every night, but there are times I've stayed up all night. When I stay up all night I'm paranoid. This happens at least two days a week. There are no triggers to this. Everything is attached to my medication. Now I need a consistent script to control them and because I got out prison in May, I've had difficulty finding a prescriber and I'm rationing my medication to get me to see a prescriber."

Thoughts of suicide?

"Yeah, I start feeling hella depressed. Worthlessness. Overwhelmed. I'm not currently feeling suicidal. Last year I felt suicidal (16 months). A lot of drama was going on, family deaths."

Homicidal ideation?

"No. I'm not violent like that, I haven't had thoughts in the past."

Energy?

"Neutral. I would like to have more energy. I would like to be more productive, but I don't have the energy. I got to be reminded to get stuff done. I'll forget. If it's in writing, I'll follow the script, but it's verbal I'll forget."

Hospitalized? Why you were admitted?

"Yeah. State hospital (CA: Patton State Hospital, Camarillo State Hospital, Department of Mental Health- in and out hospitalization). Patton State: 4-6 months; Camarillo: was there when I was young). I've been hospitalized over ten times. Most of these times it was voluntary. My symptoms were getting out of control and I wanted therapy. It worked for the time. I've done group and individual therapy. It's a channel to vent where I'm not embarrassed to talk about. A lot of stuff I probably wouldn't talk about in group. I'm not doing therapy now, but would like to see a therapist. I have stable housing, transportation. I can't work. I'm trying to apply for SSDI now. I would like to speak to a therapist for now, but case management may be an option in the future."

Grow up? Move to Whidbey Island?

"I grew up in CA. I lived there all my life. I moved to Whidbey Island a month ago. I like Whidbey because it (LA is Viet Nam out

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there) it's more peaceful and scenic. It's more withdrawn and isolated. I don't like interacting anyway and I feel like it's a good fit."

Diagnosed with a mental illness that you're aware of?

"Yeah. I've been diagnosed with bipolar, paranoid schizophrenic, anti-socialism, anti-anxiety."

Feelings of anger?

"No real feelings of anger. I don't act on anger. I contain it and deflect it into something productive. I channel it into exercise, art, or something that makes me feel better."

"My abuse plays a part in how I'm feeling now. How I perceive others, family members- I'm always apprehensive. It attaches to a lot of my inside judgment. I have flashbacks. Just the episodes come up. They just come on, I don't know if there is a trigger or not. I get nightmares. I can't sleep with I get my flashbacks. I get a lot of flashbacks and stuff that are impacting my life. The flashbacks just hit me. The depression just hits me. I can't sleep or eat, I'm just bothered. I lose energy, focus, ability to concentrate. I have these symptoms at least twice a month, but there are times when it happens once or three times a month. It depends on what's happening in my life. This has been all my life. When I was a kid I remember the abuse happening. I watched my mother get abused by my dad. I had a mixture of feelings and emotions. More than one person abused me. They were close to me."

I have seizures and I know when they're coming on. I smell things burning and my vision starts blackening. I try to get to a cushioned area."

2. Client/family strengths:

"I paint, tattoo, draw. I have a tattoo kit and I do it for friends or myself, it keeps me busy."

"I have cousins out here, friends, fiance. I have more positive people out here than I do in L.A."

"Having my fiance around makes me feel comforted. Gives me a relief. I have friends that do that too. They have kids and that gives me support. It brings the kid out in me."

"I have a lot of people I can go to for support."

Family or friends that may provided support in your recovery?

"o. If I ask them to be here they'll be here, but I don't think it's necessary."

3. Transition planning and desired outcomes:

"I would like to just stay stablized and live my life. I don't need a mansion and five cars, I just want a stable life with my fiance and family. I always have kids around me and some have autism and it makes me feel better helping them."

Client Reported Treatment History

Medical History

1. Do you have a PCP (a regular medical doctor): No Resources given

2. If you are a child/youth (age 0 - 17): () N/A

— Have you received a "Healthy Kids Screen Evaluation" from your primary doctor?

— Are your immunizations up to date/current?

3. Do you have allergies (drug, food, and environment)? Yes

If yes, please explain:

"Drug allergies, the information is in my medical file"

4. Do you have a history of any of the following: (if yes, please explain)

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Yes	Significant accidents:	"car accident"
Yes	Fractures, (body or head):	"four wrist/hand surgeries, fights, head trauma in May 2014"
Yes	if yes, please explain:	"currently have seizures bc of car accident"
Yes	Loss of consciousness:	"car accident"
Yes	Chronic health conditions:	pain, valley fever, asthma
Yes	Chronic pain:	wrist that radiates around my body

5. How would you rate your overall health? Fair

6. Are you receiving treatment for any ongoing medical conditions? Yes
See above: seizure, valley fever, wrist

7. Is there any other medical/health information that you feel would be helpful for your clinician to know? Yes
"My medical file"

8. Are you currently being prescribed ANY medications (BOTH psychiatric and non-psychiatric)? Yes
If yes, please provide a list of those medications

haldol, Fluconazole, Vistril(?)

Keppra

cogentin

gabapentin

Name of your Prescribing Physician:

9. Have you had adverse reactions to any medications? Yes

If yes, please explain:

ibuprofen, see medical file

10. Are there any psychiatric medications that were ineffective? Yes
See list in medical file

11. Substance Use/Abuse:

	Never Used	1st used	Heaviest Use	Current Use	Last Used
Caffeine (coffee, tea, gum, soda, etc.)		all life	2 cups/ day	2 cups/day	current
Tobacco (smoke, chew, snuff)		14-15 yrs	1.5 pack/day	7-10 cigs/day	current
Beer/Wine		15	social drinking	none	1991-92
Hard Liquor		15	social drinking	none	1991-92
Speed/Uppers		15	not even a gram	none	1991-92
Marijuana		15	couple joints	none	1991-92
Meth		15	gram	none	1991-92
Cocaine		15	gram	none	1991-92

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Crack		15	gram	none	1991-92
Heroin	X				
Tranquilizers/Downers	X				
Hallucinogens		13-14			13-14

12. List other substances you:

	Never Used	When first used	Heaviest Use How Often? How Much?	Current Use How Often? How Much?	Date Last Used
Inject	Never Used				
Smoke	Never Used				
Snort	Never Used				
Inhale	Never Used				
Other	Never Used				

Comments addressing any of the substances above:

PsychoSocial History:

1. Family: (family of origin current status, include known family history of mental health issues/treatment)

Siblings: (Name, ages, rankings)

Ann, twin sister, 41

Maurisa, younger sister, 25

Tossie, 35, younger brother

Mother: Living Father: March 2012

() Adopted

Describe past and present relationship with family:

"We have differences, but me and my little brother aren't talking right now. I talk to my sisters and mother a lot."

"I don't ask them for support and set myself up for failure. I don't really gain support from them."

History of mental illness, suicides, hospitalizations in family of origin:

"Yeah, it's kind of discouraging. My dad was hospitalized a lot. He had issues. He had schizophrenia and bipolar. My sister has mental illness, Ann is bipolar/schizophrenic and other issues I don't know."

"They both have been hospitalized. My sister was hospitalized within the last 6 months."

Status:

Children: No

Living Arrangements:

"I'm living with Crystal and her brother."

2. Traumatic significant events:

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"I had a car accident, abused as a kid, sexually assaulted."

Car accident: "I went into a coma and that brought out seizures and I've had seizures since. I don't really remember it really."

Abuse: Sometimes I have flashbacks. It makes be agitated and worked up. I get depressed.

3. Major life events: (i.e. achievements, deaths, CPs involvement)

My education is an achievement. I got my GED. I'm glad it's done, a lot of people are having problems getting that. It's getting harder.

"My dads death, grandmothers death. I was close to my dad and grandmother. I was locked up so I couldn't tell them goodbye and it was difficult. It was out of control because I was locked."

"How I perceive and trust authority changed and I lost trust because she was chased and tazed my a sheriff. She passed in the hospital. She broke her hip and I think this played a part of me wanting to get out of CA. It was best for me to withdraw and close that chapter and move on. I feel relief when I saw her grave."

Education/Employment:

Highest Grade Completed: GED

Special Education: 12-16 yrs old IEP:

GED: Yes

Post High School Education/Training: Yes Paralegal

Graduated College/Trade: Yes Paralegal Degree:

Are you interested in additional education/training? No

Do you have an interest in future employment: No

Previous work experience:

I can't work for long periods. I did carpentry work."

"I'd be willing to explore different in the future."

Military History: Branch: Year enlisted: Combat:

Legal/Criminal History

Legal/Criminal History: Yes

Summarize reasons for police contacts, charges, arrests, and jail and/or prison sentences and approximate dates (also note current probation/parole conditions, warrants, etc.):

"Drugs. I've been in and out of the system. The last time was 18 years. Felony charge drugs.

Contact person and phone number:

Cultural:

Ethnic origin: "Puerto Rican and black" # of generations:

Cultural identity beyond ethnicity:

Is there a language barrier?

What supports are currently in place to address cultural needs?

Socioeconomic background:

"I don't identify with things like this"

Intake Assessment for Toney White 800002426 DOB: 07-19-1972

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Religious affiliation / spirituality:

How is the client's religious/spiritual involvement beneficial to her/him? (or other relevant information)

Substance Use Screening:

Review GAINS and Medical History screen

1. Does the client use prescription/street drugs or alcohol to cope with life?	No
2. Do others think the client has a substance use problem?	No
3. Do family members have a history of substance use/abuse?	Yes
4. Has substance use ever led to family, legal or work problems?	Yes
5. Has the client ever received outpatient/inpatient drug/alcohol treatment?	No

Provide explanation for any "yes" answers:

"Most of my family had substance problems. They are party animals. That's why I had to get away and move to WA a month ago."

"My substance abuse is what took me to prison. It's what got me into a lot of trouble."

GAINS (N/A for clients under age 13):

07-18-14	12:29p	4	2	0	•
----------	--------	---	---	---	---

Risk Management:

Level of risk:

Danger to self:

Current:	Historical:
Ideation: Denied	Ideation: Yes
Plan: Denied	Plan: Yes
Attempts: No	Attempts: Yes

Danger to others:

Current:	Historical:
Ideation: Denied	Ideation: Denied
Plan: Denied	Plan: Denied
Attempts: No	Attempts: No

Self-harm behavior:

Current:	Historical:
----------	-------------

Method & last self-harm episode:

Comments/protective factors/clinically relevant information (required for ALL yes answers above) - include level of risk (low/medium/high)

Low risk

Intake Assessment for Toney White 800002426 DOB: 07-19-1972

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Other risk factors (gravely disabled, victimization, access to weapons or other lethal means, self-harming behaviors, etc.):

Mental Status Exam:

Appearance <input checked="" type="checkbox"/> Age/culture appropriate <input type="checkbox"/> Mediculous <input type="checkbox"/> Unkept <input type="checkbox"/> Inappropriate <input type="checkbox"/> Eccentric <input type="checkbox"/> Poor Hygiene Children Only: <input type="checkbox"/> Age/size congruent <input type="checkbox"/> Slumped <input type="checkbox"/> Relaxed <input type="checkbox"/> Rigid/tense <input type="checkbox"/> Other:	Thought Processes <input checked="" type="checkbox"/> Age/culture appropriate <input type="checkbox"/> Circumstantial <input type="checkbox"/> Concrete <input type="checkbox"/> Tangential <input type="checkbox"/> Aggressive <input type="checkbox"/> Obsessive <input type="checkbox"/> Phobias <input type="checkbox"/> Blocking <input type="checkbox"/> Paranoid Ideation (specify): <input type="checkbox"/> Delusions (specify): <input type="checkbox"/> <input type="checkbox"/> Other:	Orientation <input checked="" type="checkbox"/> Age/culture appropriate <input type="checkbox"/> Disoriented to: <input type="checkbox"/> Person <input type="checkbox"/> Place <input type="checkbox"/> Date <input type="checkbox"/> Situation
Mood/Affect <input checked="" type="checkbox"/> Age/culture appropriate <input type="checkbox"/> Flat/blunted <input type="checkbox"/> Labile <input type="checkbox"/> Incongruent <input type="checkbox"/> Depressed <input type="checkbox"/> Expansive <input type="checkbox"/> Anxious/fearful <input type="checkbox"/> Angry <input type="checkbox"/> Other:	Cognitive Functioning Remote Memory <input checked="" type="checkbox"/> Present <input type="checkbox"/> Limited Recent Memory <input checked="" type="checkbox"/> Present <input type="checkbox"/> Limited Ability to Abstract <input checked="" type="checkbox"/> Present <input type="checkbox"/> Limited	Motor Activity <input checked="" type="checkbox"/> Age/culture appropriate <input type="checkbox"/> Agitated <input type="checkbox"/> Hyperactive <input type="checkbox"/> Lack of movement <input type="checkbox"/> Tics <input type="checkbox"/> Mannerisms: <input type="checkbox"/> Facial grimacing <input type="checkbox"/> Tremors <input type="checkbox"/> Other:
Perceptual Processes <input checked="" type="checkbox"/> Age/culture appropriate <input type="checkbox"/> Imagination (child only) <input checked="" type="checkbox"/> Depersonalization Hallucinations (specify): <input checked="" type="checkbox"/> Auditory <input checked="" type="checkbox"/> Visual <input type="checkbox"/> Tactile <input checked="" type="checkbox"/> Olfactory <input type="checkbox"/> Somatic <input type="checkbox"/> Other:	Behavior <input checked="" type="checkbox"/> Age/Culture appropriate <input type="checkbox"/> Poor eye contact <input checked="" type="checkbox"/> Attends to task <input type="checkbox"/> Distractible <input checked="" type="checkbox"/> Cooperative <input checked="" type="checkbox"/> Friendly <input type="checkbox"/> Withdrawn/passive <input type="checkbox"/> Suspicious <input type="checkbox"/> Guarded <input type="checkbox"/> Ingratating <input type="checkbox"/> Hostile	Speech <input checked="" type="checkbox"/> Age/culture appropriate <input type="checkbox"/> Slow <input type="checkbox"/> Rapid <input type="checkbox"/> Soft <input type="checkbox"/> Loud <input type="checkbox"/> Mute <input type="checkbox"/> Profuse <input type="checkbox"/> Pressured <input type="checkbox"/> Age Intelligible <input type="checkbox"/> Unintelligible <input type="checkbox"/> Impaired/medical condition: <input type="checkbox"/> Slurred <input type="checkbox"/> Mumbled <input checked="" type="checkbox"/> Clear <input type="checkbox"/> Whiny <input type="checkbox"/> Blocked <input type="checkbox"/> Preservations <input type="checkbox"/> Stuttering <input type="checkbox"/> Other:
Insight/Judgment <input checked="" type="checkbox"/> Age/culture appropriate <input checked="" type="checkbox"/> Understands consequences <input type="checkbox"/> Denial/resistance <input type="checkbox"/> Blames others <input checked="" type="checkbox"/> Aware of problem <input type="checkbox"/> Poor impulse control <input type="checkbox"/> Discern right/wrong	Verbally: <input checked="" type="checkbox"/> Interacts <input checked="" type="checkbox"/> Initiates <input type="checkbox"/> Interrupts <input type="checkbox"/> Redirects Children Only: <input type="checkbox"/> Separation reactions Specify: <input type="checkbox"/> Other:	Sleep <input type="checkbox"/> Adequate <input checked="" type="checkbox"/> Decreased <input type="checkbox"/> Increased <input type="checkbox"/> Other:

Intake Assessment for Toney White 800002426 DOB: 07-19-1972

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Appetite <input type="checkbox"/> Adequate <input checked="" type="checkbox"/> Decreased <input type="checkbox"/> Increased <input type="checkbox"/> Weight Change		
---	--	--

Comments/Narratives (including "other" items above):

Functioning in Life Domains:

These Life Domains are assessed as needs impaired by Mental Health issues:

Life Domain	Assessment	Intervention
Sleep	Client could benefit from a new sleep routine.	
Legal Issues	Client will maintain contact with legal professionals regarding his history with the legal system.	
Symptom Management	Client could benefit from understanding his symptoms and how to manage them daily.	
Medical / Health	Client will obtain a PCP and maintain contact with them for medical needs and concerns.	
Medications	Client will follow-up with necessary steps to ensure he has stable medications.	
MH Education	Client can benefit from understanding of applicable mental health issues and symptoms.	
Trauma	Client could benefit from learning coping skills and processing previous trauma.	

These Life Domains are assessed as strengths:

--	--	--

These Life Domains are not applicable at the time of assessment:

--	--	--

Meds Eval Decision Tree Follow-Up:

Comments:

Discharge Plan/Client Outcomes:

Interim Treatment Recommendations:

Individual Psychotherapy Weekly
 Psych Eval Medication Management
 Group Psychotherapy Bi-monthly
 Development of on-going Tx Plan Collaborative

Clinician Electronic Signature - Signed XxxEmily XxxRodil-Dell, MHP on 07-30-14

Intake Assessment for Toney White 800002426 DOB: 07-19-1972

331

331-4

Mayfield, Gruber & Sanft
223 S. Water St., Suite C
Henderson, NV 89015

ATTORNEY / CLIENT
MATTER

RECEIVED

SEP 04 2020

MAILROOM
HIGH DESERT STATE PRISON

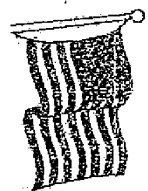
11F27

HIGH DESERT STATE PRISON
ATTN: Toney A. White, INMATE I.D. 1214172
P.O. BOX 650
Indian Springs, NV 89070

RECEIVED

SEP 04 2020

MAILROOM
HIGH DESERT STATE PRISON



UNITED STATES POSTAGE
02 1P
00005-2067
MAILED FROM 12

4

FROM

RONNEY A. WHITE-III
NDOC NO. 1214172
HIGH DESERT STATE PRISON
POST OFFICE BOX 650
INDIAN SPRINGS, NV,
89070

TO

TERRENCE M. JACKSON, ESQ.
ATTORNEY AT LAW
624 SOUTH 9TH STREET
LAS VEGAS, NV,
89101-7013

DATE: AUGUST 26, 2020

IN RE: STATE V. WHITE, 8TH JUD. DIST. CRT. CASE NO.
C-16-313216-2 (NEV. SUP. CRT. NO. 78483)

MR. JACKSON:

GREETINGS. I RECEIVED YOUR AUGUST 05, 2020 CORRESPONDENCE WHICH PURPORTS TO REPLY TO MY JULY 15TH AND 24TH, 2020 LETTERS AND IN WHICH YOU CONFIRMED THAT THE COURT RECORD FOR YOUR FILE CONTAINED THE MARCUM NOTICE AS REQUIRED BY NRS § 172.241. MY QUESTION IN THIS RESPECT IS WHETHER STATE LAW REQUIRES THE FILING OF THE MARCUM NOTICE ON THE RECORD TO COMPORT WITH MY DUE-PROCESS SAFEGUARDS.

SECONDLY, BY MY JULY 15, 2020 CORRESPONDENCE I EXPRESSED CONCERNS WITH RESPECT TO THE AFFIDAVITS IN THE FILE UPON ITS DELIVERY. NAMELY, UPON THE FILES JULY 15, 2020 DELIVERY AND AS WITNESSED BY THE DELIVERING CORRECTIONAL OFFICIAL AFFIDAVITS FROM ANN WHITE AND TERESA PORTLOCK WERE IN THE FILE IN ADDITION TO AFFIDAVITS FROM ALEJANDRO LOPEZ AND JIMMY KIM. UPON PREVIOUS ENQUIRY YOU ADVISED ME THAT THESE MATERIALS WERE NOT IN YOUR FILE. I AM PUZZLED AS TO WHY YOU WOULD WITHHOLD THIS INFORMATION AND NOT USE THE AFFIDAVIT FROM ANN WHITE TO WITHDRAW MY DISTRICT COURT PLEA AS INVOLUNTARY IN ADDITION TO THE MENTAL HEALTH BASIS OR, IF AS THE RESULT OF OVERSIGHT, HOW SUCH A SIGNIFICANT OVERSIGHT OF SOMETHING SO CRUCIAL WAS/IS POSSIBLE.

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THIRD, I SOUGHT THAT YOU EXPLAIN WHAT STRATEGY WAS ADVANCED BY NOT USING AND WHITE'S AFFIDAVIT TO WITHDRAW MY PLEA, BY NOT ORDERING THE COMPLETE TRIAL RECORD AND IN NOT EXPANDING MY FARETTA CLAIM UPON YOUR RECEIPT OF MY ATTEMPTED ADDENDUM TO THE OPENING BRIEF.

YOUR CORRESPONDENCE OF AUGUST 05, 2020 FAILED TO ADDRESS THESE CONCERNS AND I AM AGAIN SEEKING A EXPLANATION ON THESE ISSUES. REMINDING YOU OF YOUR ETHICAL DUTIES UNDER NEV. P. PROF. CONDUCT RULE 1.4(A)(4), I AM AGAIN CORRESPONDING WITH YOU SEEKING THAT SAID CONCERNS OF MY JULY 15TH AND 29TH, 2020 CORRESPONDENCES BE ADDRESSSED.

PLEASE DO ADDRESS THESE CONCERNS WITHIN 10 WORKING DAYS OF THIS CORRESPONDENCE.

KIND REGARDS,

BY:

W
JONATHAN A. WHITE, III
DEFENDANT

RCVb
9/9/20

Terrence M. Jackson, Esquire
Attorney at Law

624 South Ninth Street Las Vegas, NV 89101
T: (702) 386-0001 / F: (702) 386-0085

September 2, 2020

Confidential Law Office Mail

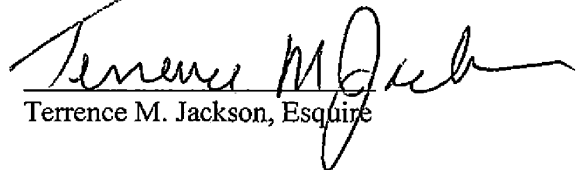
Toney A. White, III - ID# 1214172
High Desert State Prison
Post Office Box 650
Indian Springs, Nevada 89070-0650
Open Only in Inmate's Presence

Re: Order

Dear Mr. Toney White:

I am no longer your attorney as you can see from this file-stamped Order and have provided you my entire file, therefore I choose not to answer any questions in any letters from you.

Sincerely,


Terrence M. Jackson, Esquire

Enc.: Order (2 pgs.)
cc: file

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(LF)

FROM

JANEY A. WHITE
NDOC NO. 121417Z
HIGH DESERT STATE PRISON
POST OFFICE BOX 650
INDIAN SPRINGS, NV,
89070

TO

TERRENCE M. JACKSON, ESQ
ATTORNEY AT LAW
624 SOUTH NINTH STREET
LAS VEGAS, NV, 89101

DATE: SEPTEMBER 17, 2020

IN RE: STATE V. WHITE, 8TH JUD, DIST. CRT. CASE NO.
C-16-313216-2 (NEV. SUP. CRT. NO. 78483)

MR. JACKSON:

PER YOUR CORRESPONDENCE DATED SEPTEMBER 02, 2020
YOU OPTED TO REFRAIN FROM ANSWERING ANY FURTHER QUESTIONS
POSED BY ME IN MY AUGUST 26, 2020 CORRESPONDENCE UNDER
PRETEXT THAT YOU ARE NO LONGER MY ATTORNEY OF RECORD. IT
IS BECOMING EVIDENTLY CLEARER THAT YOU CONTINUE TO SKIRT
MY INQUIRIES CHERRY PICKING TO PROVIDE SELECTIVE ANSWERS
RATHER THAN BEING STRAIGHT FORWARD IN ANSWERING AND
ADHERING TO ETHICAL NORMS.

I REMIND YOU THAT YOU WERE APPOINTED AS MY
APPEAL COUNSEL ON MAY 09, 2019 AND WERE RELIEVED OF THIS
DUTY ON JULY 02, 2020.

BY CORRESPONDENCES DATED JULY 04, 2019, SEPTEMBER
25, 2019, SEPTEMBER 29, 2019, DECEMBER 01, 2019, JANUARY
14, 2020 AND JANUARY 22, 2020 FROM ME TO YOU DURING THE
INTERIM OF YOUR REPRESENTATION OF ME I DIRECTED SEVERAL
INQUIRIES TO YOU THAT YOU PURPOSEFULLY IGNORED. I ADDI-
TIONALLY UNEQUIVOCALLY CONVEYED MY OBJECTIVES OF THE
APPEAL AS THE CLIENT THAT YOU COMPLETELY DEPIED (IE,
TO EXPAND MY FARETTA ISSUE).

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NAMELY, BY SAID IDENTIFIED CORRESPONDENCES, I ASKED YOU WHETHER IT WAS PROPER FOR THE TRIAL COURT TO PROCEED WITH TRIAL IN LIGHT OF THE PENDENCY OF MY SPECIALTY MENTAL HEALTH COURT REFERRAL, WHETHER IT WAS A CONFLICT OF INTEREST FOR THE TRIAL COURT JUDGE TO PRESIDE OVER THE TRIAL IN LIGHT OF MY PENDING CIVIL CASE AGAINST HER AND CODE OF JUDICIAL CONDUCT RULES 1.2 AND 2.11(A). I FURTHER INQUIRED AS TO WHAT STRATEGY WAS ADVANCED BY YOU IN ABANDONING THE BROADENING OF MY FARETTA CLAIM WHICH WAS A DEAD BANG WINNER AND DEFYING MY EXPRESSED OBJECTIVES ON APPEAL IN PURSUING THAT ISSUE AND SOUGHT THAT YOU ORDER A FULL AND COMPLETE COPY OF ALL TRIAL COURT PLEADINGS, HEARINGS AND TRANSCRIPTS. LASTLY, I SOUGHT AN EXPLANATION AS TO WHY YOU DIDNT UTILIZE ANN WHITE'S AFFIDAVIT TO SUPPORT MY MOTION TO WITHDRAW MY PLEA AND AS TO WHY YOU DENIED THE EXISTENCE OF MS. WHITE AND OTHER AFFIDAVITS BEING IN THE FILE WHEN IN ALL ACTUALITY THEY WERE WITNESSED TO BE AMONGST THE PARCEL I RECEIVED FROM YOU JULY 15, 2020.

YOUR CORRESPONDENCES OF JUNE 12, 2019, JUNE 28, 2019 AND AUGUST 09, 2019 ENCOURAGED ME TO DIRECT SAID QUESTIONS TO YOU AND YOUR REFUSAL TO ANSWER THEM CULMINATED INTO MY JULY 15TH AND AUGUST 26TH, 2020 CORRESPONDENCES WHICH NOW BY YOUR CORRESPONDENCE DATED SEPTEMBER 02, 2020 YOU REFUSE TO ANSWER.

NEV. P. PROF. COND. RULE 1.2(A) PROVIDES:

"... A LAWYER SHALL ABIDE BY A CLIENT'S DECISION CONCERNING THE OBJECTIVES OF THE REPRESENTATION AND, AS REQUIRED BY RULE 1.4, SHALL CONSULT WITH THE CLIENT AS TO THE MEANS BY WHICH THEY ARE TO BE PURSUED."

RULE 1.4 (A)(2) AND (4) PROVIDE:

(A) A LAWYER SHALL:

(2) REASONABLY CONSULT WITH THE CLIENT ABOUT THE MEANS BY WHICH THE CLIENTS OBJECTIVES ARE TO BE ACCOMPLISHED;

(4) PROMPTLY COMPLY WITH REASONABLE REQUESTS FOR INFORMATION... " (EMPHASIS ADDED).

RULE 1.0A(A) PROVIDES THAT THE USE OF THE TERM "SHALL" PRESCRIBES A MANDATORY ACTION.

2

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NEVADA INDEPENDENT DEFENSE STANDARDS OF PERFORMANCE -
APPELLATE AND POST-CONVICTION REPRESENTATION STANDARDS ADOPT-
ED BY NEVADA SUPREME COURT JANUARY 04, 2008 IN ADKT
NO. 411 STANDARD 2(A) AND (E) - IDENTIFICATION OF ISSUES ON
APPEAL REQUIRED FOR YOU TO CONDUCT A THOROUGH REVIEW OF
THE TRIAL TRANSCRIPT, THE PLEADINGS AND DOCKET ENTRIES IN THE
CASE AND TO INFORM ME (THE CLIENT) WHEN YOU DECIDED NOT
TO RAISE ISSUES THAT I (THE CLIENT) DESIRED TO BE RAISED
AND THE REASONS WHY THE ISSUES WERE NOT RAISED.

STANDARD 5(B) - DUTY TO CONFER AND COMMUNICATE
WITH CLIENT REQUIRED YOU TO PROVIDE ME A WRITTEN SUMMARY
OF THE MERITS AND STRATEGY TO BE EMPLOYED IN THE APPEAL
ALONG WITH A STATEMENT OF THE REASONS CERTAIN ISSUES WOULD
NOT BE RAISED (IE., FARETTA ISSUE) AND FURTHER REQUIRED
RESPONSES IN A TIMELY MANNER TO ALL CORRESPONDENCE FROM
CLIENTS. LASTLY, STANDARD 8 THEREOF REQUIRED YOU TO COORDINATE
AND COOPERATE WITH THE CLIENT IN SECURING THE TRIAL
RECORD AND INVESTIGATION OF POTENTIAL CLAIMS FOR PCR.

IN MY APPEAL YOU FAILED TO ABIDE BY MY OBJECT-
IVES OF THE APPEAL WHICH WERE UNEQUIVOCALLY EXPRESSED
IN MULTIPLE CORRESPONDENCES FROM ME TO YOU AND FURTHER
FAILED TO PROMPTLY COMPLY WITH MY REASONABLE CASE-RELATED
REQUESTS FOR INFORMATION. AS YOU FAILED TO OBTAIN THE COM-
plete TRIAL RECORD YOU COULDN'T HAVE POSSIBLY CONDUCTED
A THOROUGH REVIEW OF IT TO DETECT THE FARETTA ISSUE WITH-
OUT MY PROMPTING NOR DID YOU ADVISE ME AS TO WHY YOU DECIDED
NOT TO RAISE THE ISSUE WHEN ALERTED TO IT. FINALLY, YOU
FAILED TO OBTAIN THE COMPLETE TRIAL RECORD TO COMPLY
WITH STANDARD 8.

RATHER THAN RESORTING TO FILING A STATE BAR COM-
PLAINT FOR YOUR SEVERAL DRASTIC DEVIATIONS FROM ETHICAL NORMS
AS REQUIRED BY THE ABOVE CITED RULES, I AM IN A FINAL EFFORT
TO RESOLVE OUR DISPUTE SEEKING THAT YOU THOROUGHLY REPLY
TO MY CONCERNS THAT WERE DIRECTED TO YOU IN CORRESPON-
DENCE PRIOR TO YOUR WITHDRAWAL AS MY COUNSEL BUT
WHICH WERE IGNORED BY YOU.

PLEASE DO PROVIDE ME SAID INFORMATION AND AN-
SWERS TO MY INQUIRIES WITHIN 10 DAYS OF THIS COMMUNICA-
TION OR CONVEY YOUR UNWILLINGNESS TO DO SO AT WHICH POINT
I WILL PROCEED FORTH ACCORDINGLY.

YOUR ANTICIPATED COOPERATION AND ATTENTION IS
GREATLY APPRECIATED.

KIND REGARDS,

BY:

(TOMMY A. WATKINS III)
DEFENDANT/ APPELLANT



CALIFORNIA CORRECTIONAL
HEALTH CARE SERVICES



Health Record Center
P.O. Box 588500
Elk Grove, CA 95758
Tel: (916) 379-4479
Fax: (916) 229-0608

February 5, 2020

TONEY A WHITE 1214172
P.O BOX 650
INDIAN SORINGS, NV 89070

RE: SAUNDERS, JASON
CDCR# H44398

To Whom It May Concern:

This letter is to inform you that I, Sharon at the Health Records Center, I am the authorized HRT who has copied the documents you requested. I have attached 1458 pages, which were duplicated or photocopied, and are true copies of the records described in the request.

If you have any questions or concerns, please contact me at the information below.

Sharon
Health Record Technician I
California Prison Health Care Services
Health Records Center
Tel: (916) 379-4479
Fax: (916) 229-0608

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SUPREME COURT OF NEVADA
OFFICE OF THE CLERK
ELIZABETH A. BROWN, CLERK
201 SOUTH CARSON STREET, SUITE 201
CARSON CITY, NEVADA 89701-4702

Telephone
(775) 684-1600

PCUD
10/2/19

September 30, 2019

Toney A. White
Inmate ID: 1214172
Ely State Prison
P.O. Box 1989
Ely, NV 89301-1989

Re: White vs. State, No. 78483

Dear Mr. White:

We are returning, unfiled, the "Appellant's Addendum to Opening Brief" received in this office on September 30, 2019 in the above-entitled matter.

You are represented by counsel in this appeal. Please contact your attorney with any further questions or concerns you may have regarding your appeal.

Sincerely,

D. Richards
Deputy Clerk

Enclosures

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RCVD
10/2/19

TONEY A. WHITE
NDOC NO. 1214172
ELY STATE PRISON
POST OFFICE BOX 1989
ELY, NV, 89301-1989
DEFENDANT / APPELLANT

IN THE SUPREME COURT OF THE STATE OF NEVADA

TONEY A. WHITE, III, #1214172, APPELLANT, VS. STATE OF NEVADA, RESPONDENT.	CASE NO. 78483 D.C. CASE: C-16-313216-2 DEPT. NO: XII "RETURNED UNFILED SEP 30, 2019 ELIZABETH A. BROWN CLERK OF SUPREME COURT BY: DEPUTY CLERK"
---	--

APPELLANT'S ADDENDUM TO OPENING BRIEF

ON SEPTEMBER 19, 2019 COUNSEL FIRED APPELLANT'S OPENING BRIEF IN THIS APPEAL RECEIVED BY APPELLANT SEPTEMBER 24, 2019. ALTHOUGH COUNSEL ARTICULATED SOME FACTUAL BASIS UNDERLYING APPELLANT'S FARETTA VIOLATION CLAIM, UPON REVIEW OF THE BRIEF IT HAS BECOME EVIDENT THAT THE FULL PANOPOLY OF RELEVANT FACTS WERE NOT PRESENTED THIS COURT FOR FULL AND FAIR CONSIDERATION OF THE CLAIM. ACCORDINGLY, APPELLANT PROVIDES THE INSTANT ADDENDUM IN THE INTERESTS OF FAIRNESS AND JUSTICE AND TO PRESERVE THE BASIS OF HIS CLAIMS FOR FURTHER REVIEW.

IN ADDITION TO THE PRESENTED FACTS AND AUTHORITIES SET FORTH IN APPELLANT'S OPENING BRIEF, APPELLANT ADDS THE FOLLOWING(S):

RECEIVED
SEP 30 2019
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
DEPUTY CLERK

340

THE DISTRICT COURT ERRED WHEN IT DENIED DEFENDANT HIS CONSTITUTIONAL RIGHT TO REPRESENT HIMSELF UNDER THE FARETTA DECISION WITHOUT CONDUCTING A FULL CANVASS OF THE DEFENDANT.

FAR PRIOR TO ^{THE} FEBRUARY 06, 2018, HEARING APPLICATED IN THE OPENING BRIEF AND ON MARCH 27, 2017, (SOME 2 YEARS PRIOR TO TRIAL'S COMMENCEMENT) DEFENDANT MOTIONED THE DISTRICT COURT TO RECUSE COUNSEL AND/OR TO REPRESENT HIMSELF IF THE MOTION WAS DENIED. SEE EXHIBIT 1 ATTACHED HERETO.

THE MATTER CAME ON FOR HEARING ON APRIL 18, 2017. AT THE HEARING, THE COURT ADVISED DEFENDANT THAT IT CONSIDERED HIS MOTION TO RECUSE COUNSEL AND REPRESENT HIMSELF. IN SUMMARILY DENYING THE MOTION WITHOUT THE REQUISITE CANVASS WARRANTED BY FARETTA, THE COURT DENIED HIS REQUEST TO RECUSE COUNSEL AND STATED IT DOES NOT BELIEVE THERE IS ANY LEGAL BASIS FOR HIM TO REPRESENT HIMSELF.

TO PRESERVE THE ARBITRARY DENIAL FOR APPELLATE REVIEW, DEFENDANT ON MAY 03, 2017 FILED WRITTEN FORMAL OBJECTIONS TO THE COURT'S ARBITRARY DENIAL OF HIS PRO PER MOTION IN WHICH HE CONVEYED:

"ON MARCH 27, 2017, DEFENDANT WHITE FILED A MOTION THAT WAS SET FOR HEARING ON APRIL 18, 2017, WHICH AMONG OTHER MATTERS SOUGHT RECUSAL OF COUNSEL. THE COURT DENIED THE MOTION RETAINING COUNSEL ON DEFENDANT'S CASE. DEFENDANT HEREBY INCORPORATES BY REFERENCE THE ENTIRETY OF THE MOTION AS IT CONTAINED HERETO AT FULL LENGTH.

FULL OBJECTION IS GIVEN TO THE COURT'S DENIAL OF THE MOTION TO PRESERVE APPELLATE REVIEW."

SEE EXHIBIT 2 AT PAGE 2 OF 19 AND EXHIBIT 3 HERETO.

1. A REVIEW OF THE REGISTER OF ACTIONS DEMONSTRATES THAT NO REQUEST WAS RECEIVED FROM COUNSEL ORDERING THIS PORTION OF THE RECORD. COUNSEL'S JUNE 04, 2019 REQUEST FOR TRANSCRIPTS SOLELY ENCOMPASSED THE DATES OF MARCH 17, 2016; JUNE 09, 2016; DECEMBER 13, 2016; DECEMBER 14, 2016; JANUARY 18, 2018; JANUARY 30, 2018; FEBRUARY 06, 2018; FEBRUARY 15, 2018; MARCH 29, 2018; APRIL 05, 2018; APRIL 24, 2018; MAY 10, 2018; JUNE 05, 2018; JUNE 28, 2018; SEPTEMBER 06, 2018; DECEMBER 20, 2018; FEBRUARY 19TH-21ST, 2019; AND MARCH 19, 2019. NO REQUEST WAS RECEIVED FROM COUNSEL FOR PREPARATION OF THE APRIL 18, 2017 TRANSCRIPT; HOWEVER, A REVIEW OF THE REGISTER OF ACTIONS ATTACHED HERETO AS EXHIBIT 2 PARTICULARLY AT P. 9 OF 19 LEADS TO A PASSAGE "... COURT ADVISED DEFENDANT IT READ HIS PRO PER MOTION AND THE COURT DOES NOT BELIEVE THERE IS ANY LEGAL BASIS ... MOTION DENIED."

THE ACCUSED IN A CRIMINAL CASE HAS THE CONSTITUTIONAL RIGHT TO REPRESENT HIMSELF, CONDUCT HIS OWN DEFENSE AND REFUSE THE SERVICES OF COUNSEL, IF HE CHOOSES TO DO SO KNOWINGLY AND INTELLIGENTLY. *FARETTA V. CALIFORNIA*, 422 U.S. 806, 95 S. CT. 2525, 45 L. ED. 2D 562 (1975); *GRAVES V. STATE*, 112 NEV. 118, 124 (1996); *HARRIS V. STATE*, 113 NEV. 799 (1997); *LYONS V. STATE*, 106 NEV. 438, 443 (1990); ART. I, § 8 NEVADA CONSTITUTION. DENIAL OF THE RIGHT IS PER SE HARMFUL. *ID.* *LYONS*. DISTRICT COURTS HAVE DISCRETION TO DENY SELF REPRESENTATION REQUESTS WHEN THEY ARE MADE IN AN UNTIMELY FASHION. *ID.*

DEFENDANT NEED NOT SHOW THAT HE HAS THE SKILL AND EXPERTISE OF AN ATTORNEY, BUT MUST MAKE HIS CHOICE KNOWINGLY AND VOLUNTARILY, AWARE OF THE DANGERS OF SELF-REPRESENTATION. *FARETTA*, 422 U.S. AT 835; *JOHNSON V. ZERBST*, 304 U.S. 464, 465 (1938); *MOLTREY V. GILLIES*, 332 U.S. 708, 723-724; *ADAMS V. U.S. EX REL. MCMANN*, 317 U.S. 269, 279 (1942); *HOOKS V. STATE*, 124 NEV. 48, 54 (2008). DENIAL OF THE RIGHT OF SELF-REPRESENTATION FOR A DEFENDANT WHO MAKES A TIMELY, UNEQUIVOCAL REQUEST IS REVERSIBLE ERROR. *MCKASKLE V. WIGGINS*, 465 U.S. 168, 104 S. CT. 944, 79 L. ED. 2D 122 (1984).

THE SIXTH AMENDMENT RIGHT TO COUNSEL IMPLICITLY EMBODIES A "CORRELATIVE RIGHT TO DISPENSE WITH A LAWYER'S HELP." *ADAMS*, SUPRA. THE SIXTH AMENDMENT DOES NOT REQUIRE THAT A COUNSEL BE FORCED UPON A DEFENDANT. *CARTER V. ILLINOIS*, 329 U.S. 173, 174-175; *MOORE V. MICHIGAN*, 355 U.S. 155, 161. THE RIGHT TO ASSISTANCE OF COUNSEL IS "THE RIGHT OF THE ACCUSED PERSONALLY TO MAKE AND CONTROL HIS OWN DEFENSE IN A CRIMINAL CASE." *MCKASKLE V. WIGGINS*, SUPRA, *ID.* AT 174; *HASLAM V. U.S.*, 431 F.2D 362, 365 (9TH CIR.) A DEFENDANT'S PRO PER INVOCATION MUST BE HONORED OUT OF "THAT RESPECT FOR THE INDIVIDUAL WHICH IS THE LIFE-BLOOD OF THE LAW," *ILLINOIS V. ALLEN*, 397 U.S. 337, 350-351 (1970).

TO ENSURE A VALID WAIVER OF COUNSEL, A JUDGE SHOULD MAKE A "SEARCHING AND FORMAL" INQUIRY INTO BOTH THE DEFENDANT'S UNDERSTANDING OF THE SIXTH AMENDMENT WAIVER AND AWARENESS OF THE DISADVANTAGES OF SELF-REPRESENTATION. *IOWA V. TOWAR*, 541 U.S. 77, 89 (2004) (QUOTING *JOHNSON V. ZERBST*, 304 U.S. AT 458, 464). IN DOING SO THE COURT LOOKS AT THE CIRCUMSTANCES OF THE CASE INCLUDING A DEFENDANT'S BACKGROUND, EDUCATION AND EXPERIENCE IN ASSESSING THE WAIVER. *HOOKS V. STATE*, SUPRA.

TO ADD AND SIMPLIFY THE PROCESS FOR DOING SO, THIS COURT ADOPTED NEVADA SUPREME COURT RULE 253. RULE 253(1) PROVIDES THAT WHEN A DEFENDANT CHOOSES SELF-REPRESENTATION, THE COURT SHOULD MAKE A SPECIFIC, PENETRATING AND COMPREHENSIVE INQUIRY OF THE DEFENDANT TO DETERMINE WHETHER THE DEFENDANT UNDERSTANDS THE CONSEQUENCES OF HIS/HER DECISION TO PROCEED WITHOUT COUNSEL; AND RULE 253(2) IDENTIFIES SOME OF THE DANGERS, DISADVANTAGES AND CONSEQUENCES OF SELF-REPRESENTATION THAT THE COURT SHOULD ADDRESS IN ITS INQUIRY.

FURTHER AREAS OF SUGGESTED INQUIRY ARE SET FORTH AT RULE 253(3), INCLUDING THE DEFENDANT'S UNDERSTANDING OF THE CHARGES AND POSSIBLE PENALTIES. AS A FINAL MATTER, THE RULE REQUIRES THAT THE COURT MAKE FINDINGS ON THE RECORD AS TO WHETHER THE DEFENDANT WAIVED THE RIGHT TO COUNSEL FREELY, VOLUNTARILY AND KNOWINGLY, AND HAS A FULL APPRECIATION AND UNDERSTANDING OF THE WAIVER AND ITS CONSEQUENCES.

AN APPELLATE COURT GIVES DIFFERENCE TO THE DISTRICT COURT'S DECISION TO ALLOW THE DEFENDANT TO WAIVE HIS RIGHTS TO COUNSEL. SEE WAYNE V. STATE, 100 NEV. 582 (1984); JOHNSON V. STATE, 117 NEV. 153, 164 (2001); TANKSLEY V. STATE, 113 NEV. 997, 1001 (1997); GRAVES V. STATE, SUPRA.

CONCLUSION

DEFENDANT'S MARCH 27, 2017 UNEQUIVOCAL REQUESTS TO REPRESENT HIMSELF MADE SOME 2 YEARS PRIOR TO TRIAL WAS IRREFUTABLY A TIMELY REQUEST AND WOULD HAVE OCCASIONED NO TRIAL DELAY. RATHER THAN HONORING AND RESPECTING DEFENDANT'S PRO PER INVOCATION AND CONDUCTING THE ESSENTIAL FARETTA CANVASS, THE COURT ARBITRARILY DENIED THE REQUEST UNPRECEDENTEDLY CONCLUDING THAT DEFENDANT IS BURDENED WITH THE OBLIGATION OF SATISFYING SOME AMORPHOUS LEGAL BASIS IN ORDER TO ENJOY HIS 6TH AMENDMENT GUARANTEES.

RATHER THAN AFFORDING DEFENDANT THE CONSTITUTIONAL GUARANTEE AND FUNDAMENTAL RIGHT TO REPRESENT HIMSELF, CONDUCT AND MANAGE HIS OWN DEFENSE AND DISPENSE WITH HIS COUNSEL'S HELP, THE DISTRICT COURT CONVERSELY DENIED THE MOTION TO REUSE COUNSEL AND ALLOW DEFENDANT TO REPRESENT HIMSELF, IN TURN FORCING COUNSEL'S SERVICES UPON DEFENDANT OVER HIS OBJECTIONS AND IRRESPECTIVE OF HIS UNEQUIVOCAL REQUESTS. DEFENDANT PRESERVED THE FARETTA VIOLATION THRU HIS MAY 03, 2017 OBJECTIONS. REVERSAL IS REQUIRED PER SE.

343

RESPECTFULLY SUBMITTED,

DATE: SEPTEMBER 25, 2019

BY:

(TONEY ANTHONY WHITE III)
DEFENDANT/APPELLANT



SUPREME COURT OF NEVADA
OFFICE OF THE CLERK
ELIZABETH A. BROWN, CLERK
201 SOUTH CARSON STREET, SUITE 201
CARSON CITY, NEVADA 89701-4702

Telephone
(775) 684-1600

RCVD
11/25/19

November 20, 2019

Toney Anthony White
Inmate Id: 1214172
High Desert State Prison
P.O. Box 650
Indian Springs, NV 89070

Re: White (Toney) vs. State, Supreme Court Case No. 78483

Dear Mr. White:

Your "Appellant's Pro Se Motion for Leave of Court to File Pro Se Addendum to Opening Brief to Expand Faretta Claim" received on November 20, 2019 has been referred to me for response. Because you are represented by counsel in this appeal, your document is being returned to you, unfiled. Please contact your attorney with any further questions or concerns you may have regarding your appeal.

Sincerely,

R. Wunsch
Deputy Clerk

345

RECD
11/25/19

TONY A. WHITE
NDOC NO. 1214172
HIGH DESERT STATE PRISON
POST OFFICE BOX 650
INDIAN SPRINGS, NV,
89070

DEFENDANT/APPELLANT

RETURNED
UNFILED

NOV 20 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY DEPUTY CLERK

IN THE SUPREME COURT OF THE STATE OF NEVADA

TONY A. WHITE, III,
#1214172,

APPELLANT,

VS.

STATE OF NEVADA,

RESPONDENT.

CASE NO. 78483

D.C. CASE: C-16-313216-2
DEPT NO: XII

APPELLANT'S PRO SE MOTION
FOR LEAVE OF COURT TO FILE
PRO SE ADDENDUM TO OPEN-
ING BRIEF TO EXPAND
FARFETTA CLAIM.

APPELLANT IS REPRESENTED BY COUNSEL IN THIS
APPEAL OF A CRIMINAL MATTER FROM THE EIGHTH JUDICIAL DISTRICT
COURT, CLARK COUNTY, NEVADA.

ON SEPTEMBER 19, 2019 APPOINTED COUNSEL FILED
APPELLANT'S OPENING BRIEF IN THIS APPEAL. UPON HIS SEPTEMBER
24, 2019 RECEIPT OF A COPY OF THE OPENING BRIEF, NOTING
COUNSEL'S OMISSION OF THE FULL PARAPHRASE OF APPELLANT'S
FARFETTA CONTENTION, APPELLANT DRAFTED AND SUBMITTED
"APPELLANT'S ADDENDUM TO OPENING BRIEF" ON SEPTEMBER
25, 2019 TO THIS COURT WHICH THE COURT RECEIVED SEPTEMBER
30, 2019 AND SUBSEQUENTLY RETURNED IT UNFILED ON
ACCOUNT THAT APPELLANT WAS REPRESENTED BY COUNSEL.

SUBSEQUENTLY, APPELLANT CORRESPONDED WITH
COUNSEL PROVIDING COUNSEL THE ADDENDUM AND SEEKING THAT
COUNSEL TAKE APPROPRIATE ACTION AND INCORPORATE THE
FACTS INTO AN ADDENDUM AND FILE THEM WITH THIS COURT
FOR REVIEW AND AVAIL. ON OCTOBER 21, 2019, RESPONDENT FILED
THEIR ANSWERING BRIEF.

NOV 20 2019

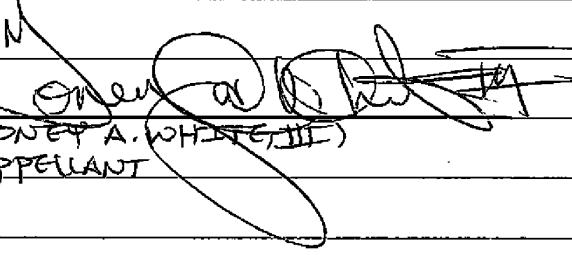
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
DEPUTY CLERK

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TO ENSURE THAT APPELLANT'S FARETTA CONTENTION IS GIVEN FULL AND FAIR CONSIDERATION BY THIS COURT, APPELLANT NOW SEEKS LEAVE OF COURT TO FILE A PRO SE ADDENDUM TO THE OPENING BRIEF LIMITED IN SUBSTANCE TO HIS FARETTA CLAIM.

RESPECTFULLY SUBMITTED,

DATE: NOVEMBER 14, 2019

BY: 
(TONY A. WHITE, III)
APPELLANT

1 PPOW

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

5 Toney White,
6 Petitioner,
7 vs.
8 Calvin Johnson, Warden,
9 Respondent,
10

Case No: A-20-824261-W
Department 12

**ORDER FOR PETITION FOR
WRIT OF HABEAS CORPUS**

11 Petitioner filed a Petition for Writ of Habeas Corpus (Post-Conviction Relief) on
12 November 05, 2020. The Court has reviewed the Petition and has determined that a response would assist
13 the Court in determining whether Petitioner is illegally imprisoned and restrained of his/her liberty, and
14 good cause appearing therefore,

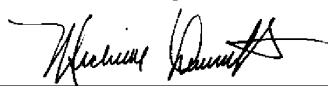
15 **IT IS HEREBY ORDERED** that Respondent shall, within 45 days after the date of this Order,
16 answer or otherwise respond to the Petition and file a return in accordance with the provisions of NRS
17 34.360 to 34.830, inclusive.

18 **IT IS HEREBY FURTHER ORDERED** that this matter shall be placed on this Court's

19 Calendar on the 28th day of January, 2021, at the hour of

20 10:15 am o'clock for further proceedings.

21
22
23 Dated this 8th day of December, 2020

24 

25 District Court Judge
26 608 20F 717C 6957
27 Michelle Leavitt
28 District Court Judge

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA
4

5
6 Toney White, Plaintiff(s)

CASE NO: A-20-824261-W

7 vs.

DEPT. NO. Department 12

8 Calvin Johnson, Warden,
9 Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 Electronic service was attempted through the Eighth Judicial District Court's
13 electronic filing system, but there were no registered users on the case.

14 If indicated below, a copy of the above mentioned filings were also served by mail
15 via United States Postal Service, postage prepaid, to the parties listed below at their last
16 known addresses on 12/9/2020

17 Toney White

#1214172

HDSP

P.O. Box 650

18 Indian Springs, NV, 89070
19
20
21
22
23
24
25
26
27
28

Heath J. Smith
CLERK OF THE COURT

TONEY A. WHITE
NDOC NO. 1214172
HIGH DESERT STATE PRISON
POST OFFICE BOX 650
INDIAN SPRINGS, NV,
89070

PETITIONER IN PRO SE

EIGHTH JUDICIAL DISTRICT COURT
COUNTY OF CLARK
STATE OF NEVADA

TONEY A. WHITE,

PETITIONER,

VS.

CALVIN JOHNSON, WARDEN,

RESPONDENT.

CASE NUMBER
C-16-313216-2
A-20-824261-W

NEV. SUP. CRT. CASE NO.
78483

AMENDED
PETITIONER'S MOTION FOR
FILING EXHIBITS "1" THRU
"4" UNDER SEAL.

UNDER SEAL

FILED CONTEMPORANEOUS WITH THE INSTANT MOTION
THIS DATE IS PETITIONER'S POST-CONVICTION RELIEF PETI-
TION ("PCR") FOR WRIT OF HABEAS CORPUS PURSUANT TO
NRS § 34.724.

DUE TO THE SENSITIVITY OF CONTENTS, CONFIDENTIAL-
ITY OF MATERIALS AND TO PROTECT PRIVACY RIGHTS OF THE
RELEVANT PARTIES TO WHICH THE INFORMATION PERTAINS, PETI-
TIONER SEEKS AN ORDER FILING THE FOLLOWING EXHIBITS
UNDER SEAL IN SUPPORT OF HIS ACCOMPANYING PCR PETI-
TION:

1. EXHIBIT "1" SWORN AFFIDAVIT OF ANN MARIE
WHITE;

RECEIVED

DEC - 7 2020

2. EXHIBIT "2" INFORMATION SHEET OF THE COURT
REFERENCED AT PAGE OF PETITION;

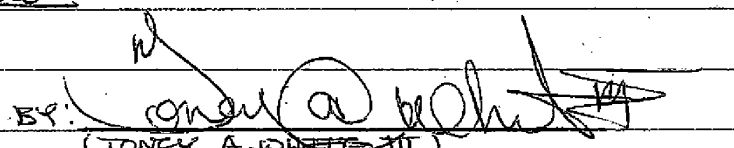
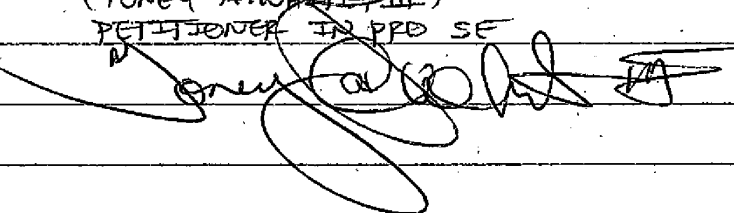
3. EXHIBIT "3" PRESENTENCE INVESTIGATION
REPORT DATED DECEMBER 01, 2017; AND,

4. EXHIBIT "4" SUPPLEMENTAL PRESENTENCE IN-
VESTIGATION REPORT DATED MARCH 11, 2019.

IN ACCORDANCE THIS MOTION IS RESPECTFULLY
SUBMITTED.

RESPECTFULLY SUBMITTED,

NOVEMBER 23, 2020
DATED: ~~OCTOBER 16, 2020~~

BY: 
(TONEY A. WHITE III)
PETITIONER IN PRO SE


THIS SEALED
DOCUMENT,
NUMBERED PAGE(S)
462 - 480
WILL FOLLOW VIA
U.S. MAIL

**PLEADING
CONTINUES
IN NEXT
VOLUME**