

IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed
Mar 15 2022 02:56 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

ANTHONY ODELL LONGSTREET, SR.,
Appellant(s),

vs.

THE STATE OF NEVADA; AND ELY
STATE PRISON WARDEN WILLIAM
GITTERE,
Respondent(s),

Case No: C-20-348182-1
Related Case A-21-841927-W
Docket No: 84171

RECORD ON APPEAL VOLUME 1

ATTORNEY FOR APPELLANT
ANTHONY LONGSTREET # 1242017,
PROPER PERSON
P.O. BOX 1989
ELY, NV 89301

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

I N D E X

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

04/28/2020

Steven S. Hemin

CLERK OF THE COURT

JUSTICE COURT, NORTH LAS VEGAS TOWNSHIP

CLARK COUNTY, NEVADA

STATE OF NEVADA,

Plaintiff

-vs-

ANTHONY O LONGSTREET,
ID #: 6028264

Defendant(s)

) **C-20-348182-1**

) **III**

) CASE NO. 20CRN000570-0000
) 20FN0563X

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

WITNESS MY HAND this date: April 27, 2020.

Cla

**JUSTICE OF THE PEACE
NORTH LAS VEGAS TOWNSHIP**

JUSTICE COURT, NORTH LAS VEGAS TOWNSHIP

CLARK COUNTY, NEVADA

CASE NO: 20CRN000570-0000
20FN0563X

STATE OF NEVADA,

Plaintiff

-vs-

ANTHONY O LONGSTREET,
ID #: 6028264

Defendant(s)

COMMITMENT

and

ORDER TO APPEAR

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

BATTERY W/SUBSTANTIAL BODILY HARM
ATT ROBBERY
BURGLARY, 1ST

committed in said County, on or about the 6th day of December, 2019.

IT IS FURTHER ORDERED that unless the Defendant(s) have/has been previously released on bail or by order of the Court, that the Sheriff of the County of Clark receive the above named Defendant(s) into custody, and detain such Defendant(s) until such Defendant(s) be legally discharged; and that such Defendant(s) be admitted to bail in the sum of \$20,000 Cash or Surety Bond; and

IT IS FURTHER ORDERED that said Defendant(s) is/are commanded to appear in the Eighth Judicial District Court, Clark County Courthouse, Las Vegas, Nevada at 10:00 am on the 6th day of May, 2020 for arraignment and further proceedings on the within charge.

Dated: April 27, 2020



JUSTICE OF THE PEACE FOR NORTH LAS VEGAS TOWNSHIP

JUSTICE COURT. NORTH LAS VEGAS TOWNSHIP
CLARK COUNTY, NEVADA
DOCKET SHEET...CRIMINAL

CASE # 20CRN000570-0000 20FN0563X

State LONGSTREET, ANTHONY O

6028264 (SCOPE)

DATE, JUDGE, OFFICERS OF COURT PRESENT	PROCEEDINGS APPEARANCES - HEARING	EVENTS
<p>April 23, 2020</p> <p>C. Lee, JP V. Villegas, DDA C. Segerblom, DPD M. Rehagen, CLK</p>	<p>HEARING VACATED</p> <p>The following event: PRELIMINARY HEARING NLV scheduled for 04/30/2020 at 9:00 am has been resulted as follows:</p> <p>Result: HEARING VACATED Judge: LEE, CHRIS Location: DEPARTMENT 3</p> <p>SET FOR COURT APPEARANCE Event: STATUS CHECK NLV Date: 04/27/2020 Time: 8:30 am Judge: LEE, CHRIS Location: DEPARTMENT 3</p> <p>STATUS CHECK - HELD</p> <p>Defendant PRESENT in CCDC custody Defense sent discovery to the Defendant. However, he forgot his laptop this morning and is unable to show the Defendant the video. Defendant states he is still missing the victim's medical records and the transcript of his own statement to police. Preliminary hearing date vacated. PASSED for status check on discovery, Defendant to view the video and status check if Defendant wishes to go forward with a preliminary hearing. CCDC/\$20,000 total bail</p>	
<p>April 27, 2020</p> <p>C. Lee, JP A. Albritton, DDA S. Gutierrez, DPD M. Rehagen, CLK</p> <p>TRACK 11</p>	<p>SET FOR COURT APPEARANCE Event: DISTRICT COURT ARRAIGNMENT NLV Date: 05/06/2020 Time: 10:00 am Judge: Location: DISTRICT COURT ARRAIGNMENT</p> <p>HEARING HELD</p> <p>Defendant PRESENT in CCDC custody Per Negotiations: Defendant UNCONDITIONALLY WAIVED Preliminary Hearing. Thereupon Court ORDERS Defendant held to answer to said charge(s) in the Eighth Judicial District Court. CCDC/\$20,000 total bail</p>	<p>DISTRICT COURT ARRAIGNMENT NLV Date: May 06, 2020 Time: 10:00 am Location: DISTRICT COURT ARRAIGNMENT</p>

JUSTICE COURT. NORTH LAS VEGAS TOWNSHIP
CLARK COUNTY, NEVADA
DOCKET SHEET...CRIMINAL

CASE # 20CRN000570-0000 20FN0563X

State LONGSTREET, ANTHONY O

6028264 (SCOPE)

DATE, JUDGE, OFFICERS OF COURT PRESENT	PROCEEDINGS APPEARANCES - HEARING	EVENTS
<p>April 16, 2020</p> <p>C. Lee, JP A. Albritton, DDA C. Segerblom, DPD M. Rehagen, CLK</p>	<p>PRELIMINARY HEARING CONTINUED - PROSECUTION REQUEST</p> <p>THIS IS THE TIME SET FOR PRELIMINARY HEARING Defendant PRESENT in CCDG custody Amended Criminal Complaint Filed in Open Court. Motion to Dismiss due to Lack of Jurisdiction by Defendant.</p> <p>Per Court, the Defendant is not the victim in this case. Motion denied.</p> <p>Per Defense, the Defendant wishes to represent himself. Defense will act as standby counsel.</p> <p>Per State, they sent the victims medical records to the Defense last week. State is unable to play the Defendant the video this morning. State explains in detail what is depicted in the video.</p> <p>Defendant wants to see the discovery and view the video.</p> <p>Defense will mail the discovery to the Defendant. State notes their witness was ready to testify this morning.</p> <p>PRELIMINARY HEARING DATE SET PASSED for Defendant to view the video. CCDC/\$20,000 total bail</p> <p>SET FOR COURT APPEARANCE Event: STATUS CHECK NLV Date: 04/23/2020 Time: 8:30 am Judge: LEE, CHRIS Location: DEPARTMENT 3</p> <p>SET FOR COURT APPEARANCE Event: PRELIMINARY HEARING NLV Date: 04/30/2020 Time: 9:00 am Judge: LEE, CHRIS Location: DEPARTMENT 3</p> <p>Result: HEARING VACATED.</p>	

JUSTICE COURT. NORTH LAS VEGAS TOWNSHIP
CLARK COUNTY, NEVADA
DOCKET SHEET...CRIMINAL

CASE # 20CRN000570-0000 20FN0563X

State LONGSTREET, ANTHONY O

6028264 (SCOPE)

DATE, JUDGE, OFFICERS OF COURT PRESENT	PROCEEDINGS APPEARANCES - HEARING	EVENTS
March 19, 2020 C. Lee, JP E. Iscan, DDA S. Gutierrez, DPD M. Rehagen, CLK	<p>ORDER RELEASING CERTIFIED MEDICAL RECORDS AND AUTHORIZATION FOR RELATED WITNESS TESTIMONY FILED BY DA OFFICE</p> <p>SET FOR COURT APPEARANCE Event: STATUS CHECK NLV Date: 04/02/2020 Time: 8:30 am Judge: LEE, CHRIS Location: DEPARTMENT 3</p> <p>EX PARTE MOTION FOR RELEASE OF CERTIFIED MEDICAL RECORDS AND AUTHORIZATION FOR RELATED WITNESS TESTIMONY FILED BY DA OFFICE</p> <p>HEARING HELD</p> <p>THIS IS THE TIME SET FOR PRELIMINARY HEARING Defendant PRESENT in CCDC custody Preliminary hearing was called off Defense needs additional discovery and the recorded interview PASSED for status check negotiations CCDC/\$20,000</p>	
April 02, 2020 C. Lee, JP V. Villegas, DDA C. Segerblom, DPD M. Rehagen, CLK	<p>STATUS CHECK - HELD</p> <p>Defendant PRESENT in CCDC custody Motion for Leave to Proceed Pro-Se Filed in Open Court. Defendant states he wishes to represent himself. States he has represented himself in the past. States his case keeps getting continued and the Public Defender's office has not kept in contact with him. Per Defense, the need to obtain the transcript of the interview. Per State, there is an offer. Court will leave the Public Defender on the case for now to assist the Defendant. Defendant admonished to prepare to put on preliminary hearing himself, with the assistance of the Public Defender's office. PRELIMINARY HEARING DATE SET CCDC/\$20,000</p> <p>SET FOR COURT APPEARANCE Event: PRELIMINARY HEARING NLV Date: 04/16/2020 Time: 9:00 am Judge: LEE, CHRIS Location: DEPARTMENT 3</p>	

JUSTICE COURT. NORTH LAS VEGAS TOWNSHIP
CLARK COUNTY, NEVADA
DOCKET SHEET...CRIMINAL

CASE # 20CRN000570-0000 20FN0563X

State LONGSTREET, ANTHONY O

6028264 (SCOPE)

DATE, JUDGE, OFFICERS OF COURT PRESENT	PROCEEDINGS APPEARANCES - HEARING	EVENTS
March 05, 2020 C. Lee, JP A. Osman, DDA S. Gutierrez, DPD M. Rehagen, CLK	<p>HEARING VACATED - INCORRECT COURT DATE GIVEN - PARTIES NOTIFIED The following event: PRELIMINARY HEARING NLV scheduled for 03/12/2020 at 8:30 am has been resulted as follows:</p> <p>Result: HEARING VACATED Judge: LEE, CHRIS Location: DEPARTMENT 3</p> <hr/> <p>SET FOR COURT APPEARANCE Event: FELONY ARRAIGNMENT NLV Date: 03/05/2020 Time: 8:30 am Judge: LEE, CHRIS Location: DEPARTMENT 3</p> <hr/> <p>Result: ARRAIGNMENT HEARING HELD</p> <hr/> <p>ARRAIGNMENT HEARING HELD</p> <p>INITIAL ARRAIGNMENT Defendant PRESENT in NLV custody Complaint presented, advised, waives reading Public Defender appointed PRELIMINARY HEARING DATE SET Defendant remanded to CCDC CCDC/\$20,000</p> <hr/> <p>COMPLAINT SWORN TO AND FILED:</p> <hr/> <p>SET FOR COURT APPEARANCE</p> <p>The following event: PRELIMINARY HEARING NLV scheduled for 03/12/2020 at 8:30 am has been rescheduled as follows:</p> <p>Event: PRELIMINARY HEARING NLV Date: 03/19/2020 Time: 9:00 am Judge: LEE, CHRIS Location: DEPARTMENT 3</p> <hr/> <p>Result: CRIMINAL HEARING HELD</p> <hr/> <p>SET FOR COURT APPEARANCE Event: PRELIMINARY HEARING NLV Date: 03/12/2020 Time: 8:30 am Judge: LEE, CHRIS Location: DEPARTMENT 3</p>	

JUSTICE COURT. NORTH LAS VEGAS TOWNSHIP
CLARK COUNTY, NEVADA
DOCKET SHEET...CRIMINAL

CASE # 20CRN000570-0000 20FN0563X
 State LONGSTREET, ANTHONY O 6028264 (SCOPE)
 Charge(s) ATT ROBBERY WAIVER OF PRELIMINARY HEARING
 BATTERY W/SUBSTANTIAL BODILY HARM WAIVER OF PRELIMINARY HEARING
 BURGLARY, 1ST WAIVER OF PRELIMINARY HEARING

Conditions

Description	Required Amount	Bal Due	Due Dt	Notes
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LINKED CASES FOR: 20CRN000570-0000

CASE #	STATUS	EVENT DATE	EVENT DESCRIPTION
20PCN000547-0000	CRIMINAL COMPLAINT FILE NO FUTURE EVENTS		

**DATE, JUDGE, OFFICERS
OF COURT PRESENT**

**PROCEEDINGS
APPEARANCES - HEARING**

EVENTS

March 02, 2020	BAIL AMOUNT Charge #1: BATTERY W/SUBSTANTIAL BODILY HARM - VICTIM IS AN OLDER PERSON	
March 03, 2020	PROBABLE CAUSE DETERMINATION	

ORIGINAL

JUSTICE COURT, NORTH LAS VEGAS TOWNSHIP
CLARK COUNTY, NEVADA

THE STATE OF NEVADA, North Las Vegas Justice Court
Plaintiff, FILED IN OPEN COURT
Clerk, MR 4-16-20
-vs- CASE NO: 20FN0563X
DEPT NO:
ANTHONY ODELL LONGSTREET
#6028264, AMENDED
Defendant. CRIMINAL COMPLAINT

The Defendant above named having committed the crime of BATTERY WITH SUBSTANTIAL BODILY HARM, VICTIM 60 YEARS OF AGE OR OLDER (Category C Felony - NRS 200.481, 193.167 - NOC 50214); ATTEMPT ROBBERY (Category B Felony - NRS 200.380, 193.330 - NOC 50144) and BURGLARY (Category B Felony - NRS 205.060 - NOC 50424), in the manner following, to wit: That the said Defendant, on or about the 6th day of December, 2019, at and within the County of Clark, State of Nevada,

COUNT 1 - BATTERY WITH SUBSTANTIAL BODILY HARM, VICTIM 60 YEARS OF AGE OR OLDER

did willfully, unlawfully, and feloniously use force or violence upon the person of another, to wit: JESUS ZAMBRANO, who is 60 years of age or older, by punching and/or kicking the said JESUS ZAMBRANO in the face and/or head, resulting in substantial bodily harm to JESUS ZAMBRANO.

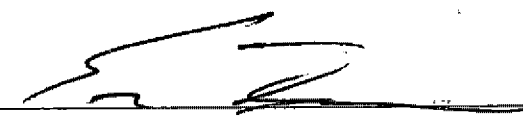
COUNT 2 - ATTEMPT ROBBERY

did willfully, unlawfully, and feloniously attempt to take personal property, to wit: U.S. currency and/or property, from the person of JESUS ZAMBRANO, or in his presence, without the consent and against the will of JESUS ZAMBRANO, by means of force or violence or fear of injury, immediate or future, to his person, the person of a member of his family, or of anyone in his company at the time of the robbery, defendant using force or fear to attempt to obtain or retain possession of the property, attempt to prevent or overcome resistance to the taking of the property, and/or attempt to facilitate escape.

1 COUNT 3 - BURGLARY

2 did willfully, unlawfully, and feloniously enter a building, owned or occupied by
3 DOTTY'S CASINO, located at 2428 E. Cheyenne Avenue, Clark County, North Las Vegas,
4 Nevada, with intent to commit larceny and/or battery and/or assault and/or a felony.

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

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10 04/15/2020

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27 20FN0563X/erg/L-5
28 NLVPD EV# 1924241
(TK)

JUSTICE COURT, NORTH LAS VEGAS TOWNSHIP
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

ANTHONY ODELL LONGSTREET
#6028264,

Defendant.

North Las Vegas Justice Court

FILED IN OPEN COURT

Clerk

Date

CASE NO: 20FN0563X

DEPT NO: 3

CRIMINAL COMPLAINT

The Defendant above named having committed the crime of BATTERY WITH SUBSTANTIAL BODILY HARM, VICTIM 60 YEARS OF AGE OR OLDER (Category C Felony - NRS 200.481, 193.167 - NOC 50214), in the manner following, to wit: That the said Defendant, on or about the 6th day of December, 2019, at and within the County of Clark, State of Nevada, did willfully, unlawfully, and feloniously use force or violence upon the person of another, to wit: JESUS ZAMBRANO, who is 60 years of age or older, by punching and/or kicking the said JESUS ZAMBRANO in the face and/or head, resulting in substantial bodily harm to JESUS ZAMBRANO.

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

03/03/2020

20FN0563X/lal
NLVPD EV# 1924241
(TK)

Steven D. Grierson

INFM
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
ALICIA A. ALBRITTON
Chief Deputy District Attorney
Nevada Bar #009492
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

I.A. 5/6/20
8:00 A.M.
PD

THE STATE OF NEVADA,
Plaintiff,

CASE NO: C-20-348182-1

-vs-

DEPT NO: III

ANTHONY ODELL LONGSTREET,
#6028264

Defendant.

INFORMATION

STATE OF NEVADA }
COUNTY OF CLARK } ss.

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

That ANTHONY ODELL LONGSTREET, the Defendant(s) above named, having committed the crime of **BATTERY WITH SUBSTANTIAL BODILY HARM (Category C Felony - NRS 200.481 - NOC 50214)**, on or about the 6th day of December, 2019, within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made and provided, and against the peace and dignity of the State of Nevada, did

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1 willfully, unlawfully, and feloniously use force or violence upon the person of another, to wit:
2 JESUS ZAMBRANO, by punching and/or kicking the said JESUS ZAMBRANO in the face
3 and/or head, resulting in substantial bodily harm to JESUS ZAMBRANO.

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

7 BY


ALICIA A. ALBRITTON
Chief Deputy District Attorney
Nevada Bar #009492

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28 NLVPD EV#1924241
(TK)



1 **GPA**
2 **STEVEN B. WOLFSON**
3 **Clark County District Attorney**
4 **Nevada Bar #001565**
5 **ALICIA A. ALBRITTON**
6 **Chief Deputy District Attorney**
7 **Nevada Bar #009492**
8 **200 Lewis Avenue**
9 **Las Vegas, NV 89155-2212**
10 **(702) 671-2500**
11 **Attorney for Plaintiff**

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

9 **THE STATE OF NEVADA,**
10 **Plaintiff,**

11 **-vs-**

12 **ANTHONY ODELL LONGSTREET,**
13 **#6028264**

14 **Defendant.**

CASE NO: C-20-348182-1

DEPT NO: III

15 **GUILTY PLEA AGREEMENT**

16 I hereby agree to plead guilty to: **BATTERY WITH SUBSTANTIAL BODILY**
17 **HARM (Category C Felony - NRS 200.481 - NOC 50214)**, as more fully alleged in the
18 charging document attached hereto as Exhibit "1".

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

21 The State will retain the right to argue at sentencing. Additionally, the State agrees not
22 to seek habitual criminal treatment. I agree to pay full restitution.

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

26 I understand and agree that, if I fail to interview with the Department of Parole and
27 Probation, fail to appear at any subsequent hearings in this case, or an independent magistrate,
28 by affidavit review, confirms probable cause against me for new criminal charges including

1 reckless driving or DUI, but excluding minor traffic violations, the State will have the
2 unqualified right to argue for any legal sentence and term of confinement allowable for the
3 crime(s) to which I am pleading guilty, including the use of any prior convictions I may have
4 to increase my sentence as an habitual criminal to five (5) to twenty (20) years, life without
5 the possibility of parole, life with the possibility of parole after ten (10) years, or a definite
6 twenty-five (25) year term with the possibility of parole after ten (10) years.

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

9 CONSEQUENCES OF THE PLEA

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

12 I understand that as a consequence of my plea of guilty the Court must sentence me to
13 imprisonment in the Nevada Department of Corrections for a minimum term of not less than
14 ONE (1) year and a maximum term of not more than FIVE (5) years. The minimum term of
15 imprisonment may not exceed forty percent (40%) of the maximum term of imprisonment. I
16 understand that I may also be fined up to \$10,000.00. I understand that the law requires me to
17 pay an Administrative Assessment Fee.

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

22 I understand that I am eligible for probation for the offense to which I am pleading
23 guilty. I understand that, except as otherwise provided by statute, the question of whether I
24 receive probation is in the discretion of the sentencing judge.

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

27 ///

28 ///

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

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

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

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

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

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

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

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

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

28 ///

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

8 WAIVER OF RIGHTS

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

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

25 VOLUNTARINESS OF PLEA

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

28 ///

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

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

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

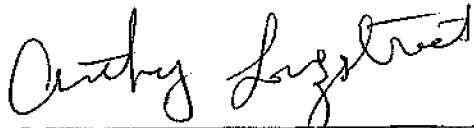
7 I believe that pleading guilty and accepting this plea bargain is in my best interest, and
8 that a trial would be contrary to my best interest.

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

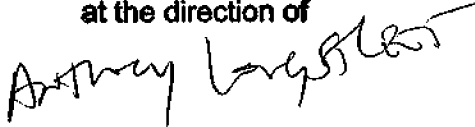
12 I am not now under the influence of any intoxicating liquor, a controlled substance or
13 other drug which would in any manner impair my ability to comprehend or understand this
14 agreement or the proceedings surrounding my entry of this plea.

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

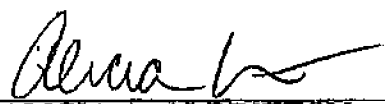
17 DATED this 13th day of May, 2020.

18 
19
20 ANTHONY ODELL LONGSTREET
Defendant

21
22 Signature affixed by
Bryan A Cox
23 at the direction of



24 AGREED TO BY:

25
26 
27 ALICIA A. ALBRITTON
Chief Deputy District Attorney
28 Nevada Bar #009492

1 CERTIFICATE OF COUNSEL:

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

- 4 1. I have fully explained to the Defendant the allegations contained in the
5 charge(s) to which guilty pleas are being entered.
6 2. I have advised the Defendant of the penalties for each charge and the restitution
7 that the Defendant may be ordered to pay.
8 3. I have inquired of Defendant facts concerning Defendant's immigration status
9 and explained to Defendant that if Defendant is not a United States citizen any
10 criminal conviction will most likely result in serious negative immigration
11 consequences including but not limited to:
12 a. The removal from the United States through deportation;
13 b. An inability to reenter the United States;
14 c. The inability to gain United States citizenship or legal residency;
15 d. An inability to renew and/or retain any legal residency status; and/or
16 e. An indeterminate term of confinement, by with United States Federal
17 Government based on the conviction and immigration status.

18 Moreover, I have explained that regardless of what Defendant may have been
19 told by any attorney, no one can promise Defendant that this conviction will not
20 result in negative immigration consequences and/or impact Defendant's ability
21 to become a United States citizen and/or legal resident.

- 22 4. All pleas of guilty offered by the Defendant pursuant to this agreement are
23 consistent with the facts known to me and are made with my advice to the
24 Defendant.
25 5. To the best of my knowledge and belief, the Defendant:
26 a. Is competent and understands the charges and the consequences of
27 pleading guilty as provided in this agreement,
28 b. Executed this agreement and will enter all guilty pleas pursuant hereto
voluntarily, and
c. Was not under the influence of intoxicating liquor, a controlled
substance or other drug at the time I consulted with the Defendant as
certified in paragraphs 1 and 2 above.

Dated: This 12th day of May, 2020.


ATTORNEY FOR DEFENDANT

erg/L-5

Steven D. Grierson

1 INFM
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 ALICIA A. ALBRITTON
6 Chief Deputy District Attorney
7 Nevada Bar #009492
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

7 I.A. 5/6/20
8 8:00 A.M.
9 PD

9 THE STATE OF NEVADA,
10 Plaintiff,

CASE NO: C-20-348182-1

DEPT NO: III

11 -vs-

12 ANTHONY ODELL LONGSTREET,
13 #6028264

14 Defendant.

INFORMATION.

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

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

19 That ANTHONY ODELL LONGSTREET, the Defendant(s) above named, having
20 committed the crime of **BATTERY WITH SUBSTANTIAL BODILY HARM (Category**
21 **C Felony - NRS 200.481 - NOC 50214)**, on or about the 6th day of December, 2019, within
22 the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such
23 cases made and provided, and against the peace and dignity of the State of Nevada, did

24 ///

25 ///

26 ///

27 ///

28 ///

W:\2020\2020FN0563\20FN0563-INFM-(LONGSTREET_ANTHONY)-001.DOCX

EXHIBIT "1"

Case Number: C-20-348182-1

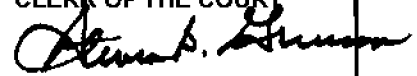
1 willfully, unlawfully, and feloniously use force or violence upon the person of another, to wit:
2 JESUS ZAMBRANO, by punching and/or kicking the said JESUS ZAMBRANO in the face
3 and/or head, resulting in substantial bodily harm to JESUS ZAMBRANO.

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

7 BY


ALICIA A. ALBRITTON
Chief Deputy District Attorney
Nevada Bar #009492

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27 20FN0563X/erg/L-5
28 NLVPD EV#1924241
(TK)



NWEW
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
ALICIA A. ALBRITTON
Chief Deputy District Attorney
Nevada Bar #009492
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-

ANTHONY ODELL LONGSTREET,
#6028264

Defendant.

CASE NO: C-20-348182-1

DEPT NO: III

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

TO: ANTHONY ODELL LONGSTREET, Defendant; and

TO: SETH GUTIERREZ, DEPUTY PUBLIC DEFENDER, Counsel of Record:

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

NAME

ADDRESS

BELL, SHIRLEESHA DESHANDRA NYK C/O 2428 E. Cheyenne Ave., NLV, NV

BULL, W. NLVPD P# 2506

CUSTODIAN OF RECORDS CCDC COMMUNICATIONS

CUSTODIAN OF RECORDS CCDC RECORDS

CUSTODIAN OF RECORDS City of Las Vegas Detention Center Communications

CUSTODIAN OF RECORDS City of Las Vegas Detention Center Records

CUSTODIAN OF RECORDS NLVPD COMMUNICATIONS

1	CUSTODIAN OF RECORDS	NLVPD RECORDS
2	JORDAN-SOSA, CONSUELO	110 Woodbridge Dr., LV, NV
3	MANU, TIPISONE	C/O Dotty's, 3645 Losee Rd., NLV, NV
4	VERDUZCO-ZAMBRANO, JESUS	711 E. Nelson Ave., Unit, 1008, NLV, NV
5	WATTS, J.	C/O CCDA'S OFFICE
6	WELLS, D.	NLVPD P# 1949

7 **EXPERTS:**

8	CHENG, DANIEL, M.D.	UMC
9	DIPRINZIO, DOMINIC, D.O.	UMC
10	KOECH, HILARY, M.D.	UMC
11	MENEZES, JOHN, M.D.	1707 W. Charleston Blvd., #190, LV, NV
12	MOCK, KYLE, M.D.	UMC
13	STREIT, STEPHANIE, M.D.	UMC

14 All are expected to testify as to injuries sustained, treatment and prognosis of JESUS
15 ZAMBRANO.

16 These witnesses are in addition to those witnesses endorsed on the Information or
17 Indictment and any other witness for which a separate Notice of Witnesses and/or Expert
18 Witnesses has been filed.

19 ///

20 ///

21 ///

22 ///

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27 ///

28 ///

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

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

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

7 BY /s/ Alicia A. Albritton
8 ALICIA A. ALBRITTON
9 Chief Deputy District Attorney
10 Nevada Bar #009492

11 **CERTIFICATE OF ELECTRONIC FILING**

12 I hereby certify that service of the above and foregoing was made this 15th day of
13 June, 2020, by Electronic Filing to:

14 SETH GUTIERREZ,
15 DEPUTY PUBLIC DEFENDER
16 seth.gutierrez@clarkcountynv.gov

17 BY /s/ E. Goddard
18 E. Goddard
19 Secretary for the District Attorney's Office
20
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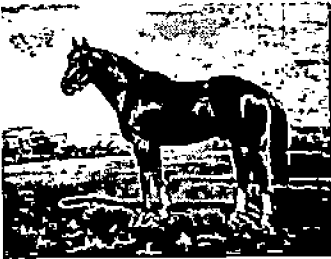
27 20FN0563X/erg/L-5
28

Evelyn Goddard

From: Evelyn Goddard
Sent: Monday, June 15, 2020 11:02 AM
To: seth.gutierrez@clarkcountynv.gov
Subject: C348182 - LONGSTREET
Attachments: Black and White0827.pdf

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

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





**EIGHTH JUDICIAL DISTRICT COURT
CLERK OF THE COURT**

REGIONAL JUSTICE CENTER
200 LEWIS AVENUE, 3rd FL.
LAS VEGAS, NEVADA 89155-1160
(702) 671-4554

Steven D. Grierson
Clerk of the Court

Anntoinette Naumec-Miller
Court Division Administrator

August 17, 2020

Attorney: Public Defender
Clark County Public Defender
309 S 3rd Street Suite #2
Las Vegas NV 89101

Case Number: C-20-348182-1
Department: Department 3

Defendant: Anthony Odell Longstreet

Attached are pleadings received by the Office of the District Court Clerk which are being forwarded to your office pursuant to Rule 3.70.

Pleadings: **Motion To Disqualify Judge; Motion To Dismiss**

Rule 3.70. Papers which May Not be Filed

Except as may be required by the provisions of NRS 34.730 to 34.830, inclusive, all motions, petitions, pleadings or other papers delivered to the clerk of the court by a defendant who has counsel of record will not be filed but must be marked with the date received and a copy forwarded to the attorney for such consideration as counsel deems appropriate. This rule does not apply to applications made pursuant to Rule 7.40(b)(2)(ii).

Cordially yours,

DC Criminal Desk # 7

Deputy Clerk of the Court

Anthony O. Longstreet, SR. #6028264
CLARK County Detention Center
330 S. Casino Center Blvd
LAS VEGAS, Nevada 89101
(NVC Unit 1H cell 24)

Eighth Judicial District Court
CLARK County, Nevada

State of Nevada

Plaintiff,

vs.

Anthony O. Longstreet, SR.

Defendant

Case No.: C-20-348182-1

Dept. No.: 3

Docket No.: _____

Motion To Disqualify A Judge

Now come defendant, Anthony O. Longstreet, SR.,
coming PRO-PER PURSUANT to Title 28 U.S.C. § 1654 And
Article 1, section 8 of Nevada Constitution And NRS 1.230
(1) moving this Judge to Remove himself from this CASE
FOR the Following REASON Below:

1.) On July 21, 2020 Defendant Longstreet APPEARED in
Court in Front of District Court Judge Douglas Herndon
on Defendants Motion FOR LEAVE to Proceed PRO-SE.

2.) The Judge, AFTER Asking Defendant About his Educational
Background to see if Defendant WAS knowingly and intelligently
WAIVING his Right to counsel, Began to show his BIAS toward
Defendant when he Attempted to seek out A REASON From the
Defendant AS to why he wanted to Represent himself.

3.) When defendant Repeatedly informed the Judge that
he thought he made himself CLEAR that he wished to
Represent himself. The Judge, while offending defendants
CHARACTER, continued to show his disrespect for defendants
REQUEST to Represent himself denied Defendants motion

1 For LEAVE to Represent himself and violated nationwide
2 Federal Supreme Court Precedent and A Federal statute under
3 Title 28 U.S.C. § 1654 and showed himself not to be fair
4 And in complete denial of FARETTA V. CALIFORNIA, 422 U.S. 806,
95 S. Ct. 2525, 45 L. Ed. 2d 562 (1975).

5 4) In FARETTA V. CALIFORNIA the Judge in that case did
6 the same EXACT thing Judge Douglas Herndon did to Defendant
7 Longstreet. The Judge Attempted to humiliate FARETTA because
8 FARETTA wanted to Represent himself. The First Amendment of
9 the United States Constitution gave FARETTA a constitutional
10 Right to Freedom of choice and he used that choice to knowingly
11 And intelligently WAIVE his sixth Amendment Right to have
12 Effective Assistance of counsel.

13 5) The Judge in FARETTA then, after allowing FARETTA
14 LEAVE to Represent himself, continued to ATTACK FARETTA by
15 challenging FARETTA knowledge of the law and then removed
16 FARETTA off his case. And FARETTA ended up getting found
17 Guilty. And the United States Supreme Court reversed his
18 conviction behind what the Judge did. This resulted in an
19 unnecessary inconvenience, time and money.

20 6) Judge Douglas Herndon asked Defendant Longstreet
21 how far did he go to school. Defendant said he finished High
22 school and have an associates in civil and criminal litigation
23 And have been practicing civil and criminal law for 30 years
24 And have taken two (2) cases to trial: one in a state court
25 And one in the federal court.

26 7) Defendant Longstreet informed Judge Herndon
27 that he wanted to Represent himself because since the
28 Public Defenders office has been appointed to Represent
him they have not filed any pre-trial motion to try to
resolve this case and defendant has been in custody 5-
months now. And the Chief Deputy District Attorney
Alicia Albritton #009492 has amended her complaint
twice, which is an indication that defendant case is
being neglected.

8) Title 28 U.S.C. § 1654 is a Federal statute passed
by Congress giving all United States citizens a statutory
Right to Act As counsel on their behalf in compliance with
the sixth Amendment of the United States Constitution. And
it is mandated under Article 6, clause 2 of the United

1 states constitution that state courts cannot Refuse
2 to Apply Federal Law. Printz v. United States, 521 U.S.
898, 117 S. Ct. 2365, 138 L.Ed.2d 914 (1997).

3 9.) State Courts is obligated to Enforce valid Laws
4 of the United States And Title 28 U.S.C. § 1654 is a valid
5 Law of the United States. So when Judge Herndon denied
6 Defendant Longstreet his Right to Represent himself And
7 sent Defendant down A River in A Boat without A
8 Paddle. Defendant Longstreet was Able to swim BACK
9 with this Motion saying that "No weapon that is formed
10 Against thee shall prosper; And every tongue that shall rise
11 Against thee in Judgment thou shalt condemn." ISAIAH 54:17

12 10.) Judge Herndon the Defendant is A ordained Minister
13 And A Priest of A church. Which, under Law, makes him A
14 Public official who has Been ordained by A church (A Public)
15 Office having duties relating to the sovereign Powers of
16 Government under the First Amendment of the United States
17 Constitution. His duty As A Minister is to Administer the
18 ORDINANCES, statutes, LAWS and commandments of God. Your
19 duty As An Appointed Judge is to use those same ordinances,
20 statutes, LAWS and commandments of God to Judge the people.
21 That which you took An oath to do.

22 11.) So how then can you deny ME A Right to Represent
23 Myself, my Brother, if it has Been ordained by God And
24 the People of the United States Government to do so At my
25 own free will if I so choose to do so willingly?

26 12.) There is no trust with the Public Defender office. On
27 the Police Report that were tender to Defendant by Deputy
28 Public Defender CARL Segerblom April 20, 2020 there were
two (2) case numbers Blotted out indicating that there might
be two (2) more opened criminal cases that defendant is
unaware And there is A pending WARRANT coming out of North
LAS VEGAS, Nevada. Defendant is Facing on this present case
1 to 5 RAN consecutive to 1 to 20 (NRS 193.167(1)(d)(2)) And
Life As A Habitual under NRS 207.010.

29 13.) The Judicial Executive Assistant GAIL MORELAND in
30 the City of North LAS VEGAS Municipal court will Not tell
31 the defendant About what the WARRANT is for or if there are
32 Any pending New felony charges pending in that court. She
33 wants to play the word game and Reptly But Not Answer the
34 Question.

1 14.) Chief Deputy District Attorney Ms. Alicia Albritton
2 has the same Police Reports and know about those other cases
3 But is turning A Blind Eye Acting like she don't see what's going
4 on hoping to Prosecute her case and then Defendant get
5 Prosecuted on those other cases in An Attempt to Box the
6 Defendant in the Prison system subjecting Defendant to
7 involuntary Servitude under Article 1, Section 17 of Nevada
8 Constitution And the 13th Amendment of the United States
9 Constitution.

10 15.) So what say is that the Judges, the District Attorney
11 Office And the Public Defenders Office ARE ALL working together
12 to Enslave the citizens of Nevada in the Prison industry. How
13 Can you Judge the People if you have No control of your emotions?
14 The only thing Defendant continued to Repeat to you was, "I
15 thought I made myself clear," indicating he is making A
16 demand to Represent himself, Regardless of what you have
17 to say. The demand is the same. And if you not going to
18 Allow defendant the Right to Represent himself you must Remove
19 yourself from this case. And God luck on your campaign to
20 become Nevada Supreme Court Justice. We must continue to
21 seek our knowledge From the East and All the wisdom of Egypt.

22 Respectfully Submitted
23 Anthony O. Longstreet, Sr.
24 Minister
25
26
27
28

7/1/20
01920
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LAS VEGAS METROPOLITAN POLICE DEPARTMENT
CLARK COUNTY DETENTION CENTER

MEDICAL/DENTAL/PSYCHIATRIC REQUEST

Name: Longstreet Anthony ID: 6028264
Housing: NT 7-A-22 Date of Birth: 8/15/1968 Date: 6/30/2020
Description of Illness or Injury: IF A detainee Go to sleep AFTER EACH MEAL
Consistently FOR months. Can this lead to clogged heart
Arteries and Restricted Blood Flow and what ARE the
Symptoms of clogged heart Arteries??

TO BE COMPLETED BY STAFF ONLY

Date/Time Triage: _____ Category ☐ 1 ☐ 2 ☐ 3 _____ RN

S: _____

O: TEMP: _____ PULSE: _____ RESP: _____ BP: _____

No. Clogged arteries are caused from fatty foods lack
of exercise, genetics or a high cholesterol triglycerides.

A: If you are concerned, eat healthy nutritious meals,

B: drink plenty of water and exercise it might be
difficult in jail, but these things can improve your health
when you get out

Refer To: ☐ Sick Call Doctor ☐ Nurse ☐ Psychiatrist ☐ Dentist ☐ DON ☐ Other: tau

Fee Charge: ☐ \$ 8.00 Medical Access Fee ☐ \$5.00 Medication Fee ☐ \$3.00 Medication Renewal Fee

☐ \$200.00 or actual cost whichever is higher ☐ No Charge

I understand pursuant to NRS 211.140 that I may be responsible for payment for medical care (see back of this form).

I understand that a Medical Access Fee and/or Medication Fee will be deducted from my cash account.

I understand that fees may be collected at a later date if funds are not currently available. If I do not have sufficient funds to pay and money is deposited to my cash account, the amount I owe for these services will be deducted before any funds are available to me. No inmate will be refused in-house medical services based upon an inability to pay at the time the healthcare is provided.

Inmate Signature: Anthony D. Longstreet, SR. Date: 7/01/2020

Staff Signature: [Signature] Date: 7/1/2020 Time: 1606

INMATE NAME (please print)

Anthony D. Longstreet, SR.

ID#:

6028264

HOUSING:

NT 7-A-22

DISTRIBUTION: WHITE - Medical Records YELLOW - Inmate

1H, 24
07/22/2020
0800
WIA

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
CLARK COUNTY DETENTION CENTER

MEDICAL/DENTAL/PSYCHIATRIC REQUEST

Name: LONGSTREET Anthony ID: 6028264
Housing: 1H Cell 24 Date of Birth: 8/15/1968 Date: July 20, 2020

Description of Illness or Injury: I would like information on the causes and effects of
what alcohol has on my mind and body from excessive drinking.
I think years of drinking excessively has started to cause me to
become forgetful. So I want medical information about the effects of
what alcohol does in case I forget how I came to jail.

TO BE COMPLETED BY STAFF ONLY

Date/Time Triaged: _____ Category ☐ 1 ☐ 2 ☐ 3 _____ RN

S: _____

O: TEMP: _____ PULSE: _____ RESP: _____ BP: _____

A: LONG TERM ALCOHOL ABUSE CAN CAUSE PERMANENT BRAIN
DAMAGE AFFECTING MEMORY OR 'WORSE' 'DEMENTIA'

B: _____

Refer To: ☐ Sick Call Doctor ☐ Nurse ☐ Psychiatrist ☐ Dentist ☐ DON ☐ Other: _____

Fee Charge: ☐ \$ 8.00 Medical Access Fee ☐ \$5.00 Medication Fee ☐ \$3.00 Medication Renewal Fee
☐ \$200.00 or actual cost whichever is higher ☒ No Charge

I understand pursuant to NRS 211.140 that I may be responsible for payment for medical care (see back of this form).

I understand that a Medical Access Fee and/or Medication Fee will be deducted from my cash account.

I understand that fees may be collected at a later date if funds are not currently available. If I do not have sufficient funds to pay and money is deposited to my cash account, the amount I owe for these services will be deducted before any funds are available to me. No inmate will be refused in-house medical services based upon an inability to pay at the time the healthcare is provided.

Inmate Signature: Anthony D. Longstreet, SR. Date: 7/29/2020

Staff Signature: X1 On. 24 Date: 7/22/20 Time: _____

INMATE NAME (please print) <u>Anthony Odell Longstreet, SR.</u>	ID#: <u>6028264</u>	HOUSING:
--	------------------------	----------

July 18, 2020

CLERK OF COURT

To. Steven D. Grierson

200 Lewis Avenue

LAS VEGAS, Nevada 89155

Mr. Anthony Odell Longstreet, SR. #6028264
Clark County Detention Center
330 S. Casino Center Blvd
LAS VEGAS, Nevada 89101
(NVC Unit 1H Cell 24)

C-20-348182-1

CASE Number

Douglas Herndon

Presiding Judge

Notice of Filing

Dept. #3

DEAR CLERK OF COURT

PLEASE Find the ORIGINAL Motion to Dismiss with MEMORANDUM of
LAW Attached For Filing.

Respectfully Submitted

Anthony D. Longstreet, SR.

PRO-SE Defendant

Certificate of Service

I, Anthony D. Longstreet, SR., depose and state that I have served a copy of the
Attached Motion to Dismiss and Memorandum of LAW to the Following Below:

Douglas Herndon

Judge

Eighth Judicial District Court
200 Lewis Avenue
LAS VEGAS, Nevada 89155

Mr. Seth Gutierrez

Assistant Public Defender

309 S. 3rd Street

LAS VEGAS, NV 89155

Room 226

(702) 455-4685

Steven Wolfson

District Attorney

200 Lewis Avenue

LAS VEGAS, NV 89155

By depositing A copy in the MAILBOX AT CLARK County Detention Center on
July 26 2020.

Respectfully Submitted

Anthony D. Longstreet, SR.

PRO-SE Defendant

Anthony Odell Longstreet, SR. #6028264
CLARK County Detention Center
330 S. Casino Center Blvd
LAS VEGAS, Nevada 89101
(PRO-SE)

Eighth Judicial District Court
CLARK County, Nevada

People of The State of Nevada
Plaintiff

Vs.

Anthony Odell Longstreet, SR.
Defendant.

CASE NO. C-20-348182-1

Douglas Herndon
Presiding Dist. Judge

Motion To Dismiss

Now come the defendant, Anthony Odell Longstreet, SR., coming
Pursuant to Title 28 U.S.C. § 1654, Article 1, section 8 of Nevada Constitution
And NRS 189.007(1) moving this Court For An order dismissing this
CASE FOR LACK OF Jurisdiction. And in support, Defendant Attaches A
MEMORANDUM OF LAW And Affidavit.

WHEREFORE, Defendant PRAY this Judge Dismiss this CASE.

July 15, 2020
Date

Respectfully Submitted
Anthony O. Longstreet, SR.
Minister

Anthony Odell Longstreet, SR. #6028264
CLARK County Detention Center
330 S. Casino Center Blvd
LAS VEGAS, Nevada 89101
(PRO-SE)

Eighth Judicial District Court
CLARK County, Nevada

State of Nevada

Plaintiff,

Vs

CASE NO. C-20-348182-1

Douglas Herndon
Presiding Judge

Anthony Odell Longstreet, SR.
Defendant.

Memorandum of Law In Support of The
Motion To Dismiss

Now come defendant, Anthony Odell Longstreet, SR., coming Pro Per
in support of his Motion to Dismiss stating the following below:

(A)

FACTS

1.) On December 06, 2019 Defendant Anthony Longstreet drove to A Female Friend house to pick her up to take her to LAKE MEAD and HOLLYWOOD. When I arrived to her Apartment I sat in the car and waited on her while I was drinking A Pint of SEAGRAM Gin and ORANGE JUICE. When she got in the car she handed me \$8.00 in singles for gas. I took the money and drove across the street to Dotty's to purchase me some chicken wings and fries. I also had my GREEN MASTER DEBIT CARD with me. Dotty's was across the street from her house. Her name is SHAQUITA Rene William.

2.) When I pulled across the street into Dotty's parking lot and parked. I left the car running and SHAQUITA waited on me to go purchase the food and come back so we could proceed on to LAKE MEAD and HOLLYWOOD. By the time I pulled over to Dotty's over half of my pint of gin was gone and as soon as I got inside Dotty's and that heat hit me, the alcohol hit me too. So by the time this incident unfolded I was drunk.

3) When I walked into the door of Dotty's the first person I saw was miss Beautiful Shirleesha Bell. And as I walked towards her she asked to see my ID. and I showed her. Then as she walked around the counter to the cash register she asked me if I needed anything. I told her wings and fries. And she left to go see if they had any in the freezer. (see video footage)

4) HOWEVER, I think I might have went back to my car to get my Debit card and left my money on the counter. And after I came back I didn't notice my money was gone until this incident with me. And the victim Jesus Zambrano started to unfold.

5) Why I believed he may have taken my money was because he paid for cigarettes with seven (7) singles and I had \$8.00 in singles missing. But I do know I went into this place with money to buy food.

6) While standing at the counter waiting on Shirleesha Bell to come back from checking the freezer Mr. Zambrano walked up on my right and we began to start having a conversation. Then for no apparent reason he just pulled singles out his pocket and set it on the counter by me. And out the kindness of my heart I moved the money away from me over by the cash register to indicate through my actions that he's next in line after me.

7) Then Mr. Zambrano reached pass me and took the money back. At this point I remember my money is missing and I accused Mr. Zambrano of taking it. And I politely told Mr. Zambrano that he was going to either pay for my food, or give me my money back or I was gonna kick his ass. And then after I told Mr. Zambrano this I walked away from him.

8) By this time Shirleesha Bell came out and had told us what the price of our order were. And Mr. Zambrano paid for his cigarettes and tried to leave and this is when I realized my money was missing.

9) After I threatened Mr. Zambrano and walked away from him, indicating in my actions that I had no intent on carrying out my threat. Mr. Jesus Zambrano remained at the counter and thought about what he wanted to do. He did not attempt to call the police and he did not attempt to call security. Nor did he ask for security. But Shirleesha Bell and another employee summons security and that's because I was asked to leave after I claimed my money was taken and had threatened Mr. Zambrano.

10) Mr. Zambrano then walked over to me and stood face to face with me. Him coming over to me, after I had threatened him, constitute "Implied Consent" to a fight. And because he came over to me where I was standing after I threatened him, I took that as a sign of threat and took him down.

11) By this time that Alcohol had done hit me hard. I became more Angry. After the security broke us up. I Attempted to explain to the crowd what was going on and then out of no where I unconsciously went back to where Mr. Zambrano was laying and I started kicking and hitting him some more until I realized he wasn't trying to get up and fight back. And that's when I stop hitting him and left. And I grabbed my Debit card from one of the employees as I was leaving. All this is on "Footage from the video."

12.) On ~~11~~ MARCH 01, 2020 I WAS TAKEN ~~into~~ custody. I WAS THEN CHARGED WITH:

"Battery" NRS 200.481(A)(2)(B). which says:

- (A) BATTERY MEANS Any willful (Intentional) and unlawful USE OF FORCE OR VIOLENCE upon the PERSON of Another
- (2)(B) Resulting in substantial Bodily HARM to the Victim is A CATEGORY "C" Felony.

"Burglary" NRS 205.060 which says:

- (1) A Person who, by day or Night, Enters Any house, Room, Apartment, tenement, Shop, Warehouse, Store, Mill, Barn, Stable, outhouse or Other Building....
- "With the Intent" to commit Grand or Petit Larceny, Assault or Battery on Any Person or Any Felony, or to obtain Money or Property by False Pretenses, is Guilty of Burglary.

"Robbery" NRS 200.380 which says:

- (1) Robbery is the "unlawful taking" of Personal Property From the Person of Another, or in the Person's Presence, Against his or her will, by MEANS OF "FORCE" or "Violence" or "FEAR" of injury, Immediate or Future, to his or her "Person" or Property... At the time of the Robbery, A taking is by MEANS OF FORCE OR FEAR is used to:

A) obtain or Retain Possession of the Property.

13.) Defendant Longstreet states that this case is Based on unfounded Charges because the state cannot prove there was a "MENS REA" on Any of the Elements of these Charges to secure a conviction,

14.) On April 16, 2020 Defendant Longstreet was scheduled to have a Preliminary hearing in the Justice Court Pursuant to NRS 171.196. Instead of having a Preliminary hearing the District Attorney filed an Amended Complaint charging Defendant Longstreet with two (2) more charges. They added Attempt Robbery and Burglary and told Defendant Longstreet if he Plead Guilty to the Battery they would then drop the Attempt Robbery and the Burglary and they wouldn't seek the "Habitual" to enhance the sentence from a 1 to 5 years to 20 to Life. But they wanted to reserve the right to argue during sentencing if Defendant Plead Guilty to the Battery.

15.) In order for the Justice court to accept the Guilty PLEA Defendant Longstreet was asked to waive his ~~the~~ Preliminary hearing. And based on the PLEA Agreement that was offered Defendant Longstreet waived his Preliminary and the court accepted his PLEA and the case was bonded over to the District Court for sentencing.

16.) After two (2) attempts to try to view the video footage from the incident to prepare for the Preliminary hearing Defendant Longstreet Plead Guilty on April 27, 2020, after Assistant Public Defender Seth Gutierrez showed Defendant Longstreet some of the video footage on his cell phone. Which showed the victim Jesus Zambrano taking money out his wallet and placing it on the counter and Defendant Longstreet moving the money over to the cash register for the victim.

17.) This was the third time Defendant Longstreet was not allowed to view the video footage. So out of frustration Defendant Longstreet did, under duress Plead Guilty April 27, 2020 to the Agreement that was offered by the state. The Agreement was they wouldn't seek the Habitual, they would drop the Attempt Robbery and the Burglary, and reserve the right to argue. There was no mention of a Restitution or waiving Direct Appeal if Defendant wanted to challenge the legality of the proceedings Pursuant to NRS 177.015(4).

18.) The case was bonded over to the District Court for sentencing. On May 13, 2020 Defendant Longstreet appeared in court and Assistant Public Defender Brian Cox appeared and handed Defendant Longstreet a copy of the PLEA Agreement wrote up by Chief Deputy District Attorney Alicia A. Albritton. And she incorporated in the PLEA Agreement that I would agree to pay "Full Restitution" and waive my right to Direct Appeal if I wanted to challenge the legality of the proceedings. And these things that were incorporated in written PLEA Agreement was not what the Agreement was when Defendant Longstreet waived his right to the Preliminary that's Pursuant to NRS 171.196.

19.) When Defendant Longstreet appeared in court on May 13, 2020 in the District Court for sentencing on his felony offense and the Judge asked Defendant if he had any questions concerning the PLEA Agreement. Defendant Longstreet asked the Judge why there was no dollar amount listed on the PLEA Agreement. (Defendant asked because he was not told Restitution was part of the Agreement).

20.) The Judge stated that the dollar Amount will Probably Be on the Report once P & P (Office of Probation & Parole) come see you and make there Recommendation. If theres A dollar Amount it'll Be on there Report.

21.) Then in the PLEA Agreement they WERE Also Asking Defendant Longstreet to WAIVE his Right to direct Appeal in CASE he wanted to challenge the legality of the Proceedings Pursuant to NRS 177.015(4). When Defendant asked the Judge about it she BECAME Frustrated And tried to FORCE A PLEA BECAUSE she didn't want to Be Questioned About the constitutionality of the WAIVER. And ~~she~~ since the Judge Asked Defendant Longstreet if he had Any Questions About the PLEA Agreement But didn't want to ANSWER Any Questions Put to her About the WAIVER Defendant PLEAD Guilty, But under Duress. (Judge Cristina D. Silva)

22.) The Judge didn't hear me PLEAD under Duress. But the District Attorney HEARD what I said and she said to the Judge, "Your honor I think I HEARD MR. Longstreet say he PLEAD Guilty under Duress." The Judge then Asked Defendant Longstreet did he say that? And he responded "Yes". So the Judge turned the sentencing hearing into An Arraignment And then called Defendant to PLEAD. He PLEAD Not Guilty. And Demanded A speedy Jury trial. The CASE is now Being forced to trial without A Preliminary Hearing Because the state BREACHED the PLEA Agreement."

23.) FRAUD WAS committed in FACT and on the court For two (2) REASONS:

- A.) The state Agreed to dismiss two (2) charges, Not to seek the habitual to enhance the Sentence From A 1 to 5 to A 1 to 20 And wanted to Reserve the right to ARGUE At Sentencing. And they concealed the Restitution and the WAIVER of the direct Appeal. And
- B.) The state had Defendant WAIVE his Preliminary And interfered with the Justice Court Probable CAUSE Judicial Process knowing they WERE concealing information About the PLEA Agreement that, once MADE AWARE to the Defendant would result in the Defendant not Accepting the PLEA negotiation. (The Restitution)

24.) Now this CASE is Being forced to trial without going through A determination of Probable CAUSE in violation of Defendant Rights under the Fourth Amendment of the United States Constitution And Article 1, section 18 of Nevada Constitution. And he therefore Move to Dismiss this CASE For Lack of Jurisdiction.

B.

Defendant IS Being illegally Detained Without
Probable Cause

25.) On MARCH 03, 2020 Defendant Longstreet was charged by "Criminal Complaint" with BATTERY that resulted in Substantial Bodily Harm A victim 60 years of Age or older Pursuant to NRS 200.481(A)(2)(B). Which is A Category "C" Felony that carry 1 to 5 years. The complaint Also seeks An Enhancement Pursuant to NRS 193.167(1)(d)(2) For A 1 to 20 years Because the Victim was 61 years old And was considered Vulnerable.

26.) On MARCH 10, 2020 Defendant Longstreet appeared in court At the Justice Court Pursuant to NRS 171.186 For his First Preliminary Hearing Appearance on the charges where he completed some indigent Papers so he could be appointed An Attorney From the Public Defenders office.

27.) On MARCH 18, 2020 Defendant Longstreet had received A call in Jail From An unidentified Attorney (now identified As Seth Gutierrez) who had Been Appointed by the Court. He had informed defendant Longstreet that the state was willing to drop the Substantial Bodily Harm if he Plead Guilty. At the time defendant didn't know that if they dropped the substantial Bodily Harm the charge would Be Reduced to A Misdemeanor.

28.) On MARCH 19, 2020 when Defendant Longstreet appeared in court he waited Patiently For that unknown Public Defender to approach him with the Plea Agreement. But when defendant case was called the unknown Attorney stepped up and asked For A continuence Because he was waiting on the District Attorney office to give him A copy of A transcribed Recorded statement that defendant had gave to detective David Wells MARCH 02, 2020 At the city Jail.

29.) The District Attorney office Never transcribed the statement because the Detective had obtained that statement without Authorization from the court in violation of NRS 179.475 and NRS 179.485. According to Katz v. United States 389 U.S. 347, 88 S.Ct. 507, 19 L.Ed 2d 576 the United States Supreme Court said:

"SEARCHES conducted without warrants HAVE BEEN held unlawful Notwithstanding Facts unquestionably Showing Probable Cause." For the constitution Requires that the deliberate, impartial Judgment of A Judicial Officer... be interposed between the Citizen and the Police. OVER and AGAIN this Court HAS emphasized that the mandate of the Fourth Amendment Requires adherence to Judicial Processes, And that searches conducted outside the Judicial Process, without PRIOR APPROVAL By Judge ARE PER SE UNREASONABLE under the Fourth Amendment." Id. At 389 U.S. 357

30.) When Detective David Wells did A Recorded statement with Defendant Longstreet he did so without court Approval in violation of NRS 179.475 and NRS 179.485. The Detective Also conducted An illegal SEARCH into Defendants cell Phone without court Authorization, And took data From that cell Phone and Put it in there CRIME Scene Investigation database. And he Put All this illegal information in his Police Report As he wrote up his Report.

31.) The statement that WAS given to Detective David Wells is Exculpatory evidence And the video Footage of the incident.

32.) From MARCH 12, 2020 to April 27, 2020 Defendant Longstreet NEVER had A Chance to view the video Footage to PREPARE For his Preliminary Hearing. He WAS NEVER given A copy of the statement he gave Detective David Wells And his CASE WAS dragged on For A month in A half OR MORE Pass the 15-days in which he WAS suppose to have A Preliminary hearing Pursuant to NRS 171.196 (2). The Judge in the Justice court WAS suppose to hear the Evidence on this CASE within 15 days to see if there WAS Probable Cause to hold defendant in custody on these charges. (Judge Chris Lee)

33.) In Gerstein V. Pugh 420 U.S. 103, 95 S.Ct. 854, 43 L.Ed.2d 54 the United States Supreme Court said:

"To implement the Fourth Amendment's Protection Against unfounded invasions of liberty And PRIVACY, the Court has Required that the Existence of Probable Cause be decided by A Neutral and detached Magistrate Whenever Possible."

The Classic statement Above is A Principle that APPEARS in Johnson V. United States, 333 U.S. 10, 13-14 (1948):

"The Point of The Fourth Amendment, which often is NOT GRASPED by zealous officers, is NOT that it denies LAW enforcement the support of the usual inference which REASONABLE MEN draw From Evidence. Its Protection consists in Requiring that those inferences Be drawn by A Neutral and detached Magistrate instead of being Judged by the officer engaged in the often competitive enterprise of ferreting out crime."

34.) The Evidence in this CASE is insufficient to Justify keeping Defendant Longstreet locked up. And this court should Apply the 'Culpability test' to determine if defendant Longstreet Possess the 'MENS REA' to continue to hold him in custody on these charges. In fact, BECAUSE there has BEEN NO Probable Cause Established on this CASE, this CASE should Be dismissed.

WHEREFORE, defendant PRAY this court Dismiss this case.

Respectfully Submitted

Anthony D. Longstreet, Sr.
Minister (defendant)

Pg. 9 of 9

Anthony O. Longstreet, SR. #6028264
Clark County Detention Center
330 S. Casino Center Blvd
LAS VEGAS, Nevada 89101
(NVC Unit 1H Cell 24)

July 23, 2020

CLERK of Court
To: Steven D. Grierson
Eighth Judicial District Court
200 Lewis Avenue
LAS VEGAS, Nevada 89155

Not
Filed
yet

C-20-348182-1
CASE Number
Douglas W. Herndon
Presiding Judge
Dept. #3

Notice of Filing

DEAR CLERK OF COURT

PLEASE Find the ORIGINAL Motion To Disqualify A Judge
FOR Filing. Your consideration in this MATTER will Be Appreciated.

Respectfully Submitted
Anthony O. Longstreet, SR.
Minister Defendant

Certificate of Service

I, Anthony O. Longstreet, SR., depose and state that I served A
copy of the Attached Motion to Disqualify A Judge to the following Below:

Judge Douglas Herndon
Eighth Judicial District Court
200 Lewis Avenue
LAS VEGAS, Nevada 89155
Dept. #3

Seth Gutierrez
Assist. Public Defender
309 S. 3rd Street
LAS VEGAS, NV 89155
RM 226

Ms. Alicia A. Albritton
Chief Deputy District Attorney
200 Lewis Avenue
LAS VEGAS, Nevada 89155

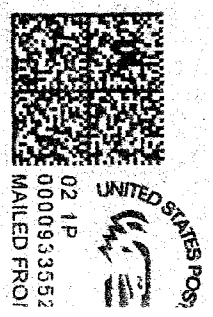
By depositing A copy in the mail Box on July 30 2020.

Respectfully Submitted
Anthony O. Longstreet, SR.
Defendant

Anthony Longstreet #60028264
Clark County Detention Center
330 S. Casino Center Blvd
LAS VEGAS, Nevada 89101
(NVE Unit 1H cell 24)

Judge
To. Douglas W. Herndon
Eighth Judicial District Court
200 Lewis Avenue
LAS VEGAS, Nevada 89155

LEGAL





**EIGHTH JUDICIAL DISTRICT COURT
CLERK OF THE COURT**

REGIONAL JUSTICE CENTER
200 LEWIS AVENUE, 3rd FL.
LAS VEGAS, NEVADA 89155-1160
(702) 671-4554

Steven D. Grierson
Clerk of the Court

Anntoinette Naumec-Miller
Court Division Administrator

August 17, 2020

Attorney: Public Defender
Clark County Public Defender
309 S 3rd Street Suite #2
Las Vegas NV 89101

Case Number: C-20-348182-1
Department: Department 3

Defendant: Anthony Odell Longstreet

Attached are pleadings received by the Office of the District Court Clerk which are being forwarded to your office pursuant to Rule 3.70.

Pleadings: **Petition For Writ Of Mandamus**

Rule 3.70. Papers which May Not be Filed

Except as may be required by the provisions of NRS 34.730 to 34.830, inclusive, all motions, petitions, pleadings or other papers delivered to the clerk of the court by a defendant who has counsel of record will not be filed but must be marked with the date received and a copy forwarded to the attorney for such consideration as counsel deems appropriate. This rule does not apply to applications made pursuant to Rule 7.40(b)(2)(ii).

Cordially yours,

DC Criminal Desk # 7

Deputy Clerk of the Court

Anthony O. Longstreet, SR. #6028264
CLARK County Detention Center
330 S. Casino Center Blvd
LAS VEGAS, Nevada 89101
(North Valley Complex Unit 1H cell 24)

July 30, 2020
Date

CASE Number

To, CLERK of COURT OFFICE
NEVADA Supreme Court
408 E. CLARK AVENUE
LAS VEGAS, Nevada 89101
(702) 496-9300

Notice of Filing

DEAR CLERK OF COURT

PLEASE Find the ORIGINAL Petition FOR WRIT of
MANDAMUS AND FOUR (4) copies FOR Filing. Can you
PLEASE stamp A copy AND FORWARD it to ME FOR my
RECORDS. Your Consideration in this MATTER will be
Appreciated.

Respectfully Submitted
Anthony O. Longstreet, SR.
Minister / Petitioner

Certificate of Service

I, Anthony O. Longstreet, SR., depose and state under Penalty of Perjury
that I HAVE FORWARD A copy of the Attached Petition FOR WRIT of MANDAMUS to
the following Below:

Douglas W. Herndon
Judge

Darin F. Imlay
Public Defender

Steven D. Grierson
CLERK of COURT

By Depositing A copy in the mailbox on August 05, 2020.

Respectfully Submitted
Anthony O. Longstreet, SR.

1 Anthony O. Longstreet, SR. #6028264
2 Clark County Detention Center
3 330 S. Casino Center Blvd
4 Las Vegas, Nevada 89101
5 NVC - Unit 1H Cell 24

6 Supreme Court of The State of Nevada

7 Anthony O. Longstreet, SR.
8 Petitioner,

9 VS

10 CASE Number

11 Eighth Judicial District Court

12 Douglas W. Herndon

13 DARIN F. Imley

14 Steven D. Grierson

15 Respondent(s)

16 Petition For Writ of Mandamus

17 Now come Petitioner Anthony Odell Longstreet, SR., coming
18 Pursuant to NRS 34.160 Moving this Court For An Order
19 Compelling the Respondents to Act which the Law Provides to
20 the Petitioner As of Right. And in Support Petitioner states
21 the Following Below:

22 A.

23 Jurisdiction

24 The Supreme Court has Jurisdiction to issue A Writ
25 of Mandamus Pursuant to Article 6 section 4(1) to compel
26 Respondents to Act According to LAW. Rule 21(6) Emergency
27 Petition (NRAP).

28 B.

29 Parties

30 Petitioner, Anthony O. Longstreet, SR., is confined in
31 Clark County Detention Center As A Pre-trial detainee
32 under Criminal Case Number C-20-348182-1, which is
33 Filed in the Eighth Judicial District Court in Las Vegas,
34 Nevada 89155.

1 Respondents Steven D. Grierson, CLERK of The Eighth
2 Judicial District Court, 200 Lewis Avenue, Las Vegas, Nevada
89155.

3 Respondent Darin F. Imlay, Public Defender, 309
4 S. 3rd Street, Las Vegas, Nevada 89101.

5 Respondent Douglas W. Herndon, Presiding Judge
6 At The Eighth Judicial District Court, 200 Lewis Avenue, Las
7 Vegas, Nevada 89155

8 C.
9 FACTS

10 Respondent Douglas W. Herndon is denying
11 Petitioner the Right to Represent himself in his court
12 Proceedings under Case Number C-20-348182-1 in
13 violation of Federal Statutory Law under Title 28 U.S.C.
Section 1654, Nevada Supreme Court Rule 44(1).

14 Respondent Steven D. Grierson is denying Petitioner
15 the Right of Access to the court By Refusing to File Pre-
16 trial motions Pursuant to Eighth Judicial District Court
17 local Rule 3.70 Because Respondent Darin F. Imlay
18 has been Appointed by the court to Represent Petitioner.
19 But the Attornies who was Appointed to Represent
20 Petitioner has Not Filed any Pre-trial motion to Preserve
21 Any issue for Appeal and Petitioner is Facing A Category
C-Felony that carry 1 to 5 years with An Enhancement
of 1 to 20 years Pursuant to NRS 193.167 Ran consecutive
to 25 to Life Pursuant to NRS 207.010.

22 On July 21, 2020 Petitioner Longstreet Filed An oral
23 Motion For Leave to Proceed Pro Se Pursuant to Nevada
24 Supreme Court Rule 44(1) And Title 28 U.S.C. § 1654 And
25 Respondent Douglas W. Herndon, while Canvancing
26 Petitioner Pursuant to Faretta V. California. And because
27 Petitioner continued to state on Record, "I thought I made
28 Myself Clear," the Judge got upset and denied Petitioner
Request. The Judge line of canvancing was outside of
Nevada Supreme Court Rule 253 And was being conducted
in An humiliating Fashion.

Pg. 2 of 3

1 The Judge in FARETTA V. CALIFORNIA Attempted to
2 humiliate FARETTA Because FARETTA wanted to Represent himself
3 By trying to consult with FARETTA about his knowledge of
4 LAW and then denied FARETTA the Right to Represent himself,
5 And Respondent DOUGLAS W. HERNDON was doing the same
6 thing the Judge did to FARETTA trying to Elicit A REASON
7 From Petitioner LONGSTREET AS to why he wants to
8 Represent himself when Respondent is only Required to
9 MAKE SURE Petitioner is knowingly and voluntarily waiving
10 his Right to have An Attorney Represent him.

11 The Judge therefore Exceeded his Authority when he
12 denied Petitioner the Right under Federal Law and Nevada
13 Supreme Court Rule 44(C) to Represent himself And Act AS his
14 own counsel PURSUANT to Title 28 U.S.C. § 1654, And the Sixth
15 Amendment of the United States Constitution.

16 State courts ARE MANDATED by Article 6, clause 2 of
17 the United States Constitution Not to Refuse to Apply Federal
18 LAW. Printz V. United States, 521 U.S. 898, 117 S.Ct. 2365,
19 138 L.Ed. 2d 914, Sturrock V. State, 95 Nev. 938, 604 P.2d 341 (1979).

20 Petitioner LONGSTREET has moved to obtain A copy of the
21 Notice of witness And moved to Dismiss his charges Based on
22 Lack of Probable Cause And Respondent STEVEN D. GRIERSON
23 is Refusing to File the Motion to Dismiss NOR Provide A copy of
24 the Notice of witnesses Because Petitioner is Being Represented
25 by Respondent DARIN F. JIMLAY, Pursuant to Eighth Judicial District
26 Court Rule 3.70.

27 D.
28 Requested Relief

29 Petitioner Anthony O. Longstreet, SR., PRAY this court issue A
30 writ Directing Respondent to File his Motion to Dismiss And Allow
31 Petitioner the Right to Act as his own counsel.

32 Respectfully submitted
33 Anthony O. Longstreet, SR.
34 Petitioner/Minister

35 I, Anthony O. Longstreet, SR., depose and state under Penalty
36 of Perjury under NRS 53.250 to NRS 53.390 under the LAWS of
37 Nevada And Title 28 U.S.C. § 1746 And Title 18 U.S.C. § 1621 under the
38 LAWS of the United States that the Forgoing ARE TRUE AND CORRECT
39 to the Best of my knowledge And Belief.

40 Anthony O. Longstreet, SR.
41 Petitioner/Minister



**EIGHTH JUDICIAL DISTRICT COURT
CLERK OF THE COURT**

REGIONAL JUSTICE CENTER
200 LEWIS AVENUE, 3rd FL.
LAS VEGAS, NEVADA 89155-1160
(702) 671-4554

Steven D. Grierson
Clerk of the Court

Anntoinette Naumec-Miller
Court Division Administrator

INMATE CORRESPONDENCE

July 27, 2020

Re: C-20-348182-1 / Department 3

State of Nevada

vs

Anthony Longstreet, Defendant

- ☐ A court order is required to complete the request.
- ☐ Documents are sealed. Court order is required to reproduce. (PSI)
- ☐ Documents requested are not in court file at this time.
- ☐ Transcripts have not been filed. Court order required.
- ☐ Copies are \$.50 per page or by court order.
- ☐ Consult your law library for this information.
- ☐ District Court does/does not show any outstanding warrants under the above referenced defendant name.
- ☒ Other: **Please contact your attorney for a copy of "Notice of Witnesses".**

Cordially yours,

DC Criminal Desk #7

Deputy Clerk of the Court

Anthony C. Longstreet, SR. #6028264

CLARK County Detention Center

330 S. Casino Center Blvd

LAS VEGAS, NEVADA 89101

July 18, 2020

To Steven D. Grierson

CLERK OF COURT

200 LEWIS AVENUE

LAS VEGAS, NEVADA 89155

CASE NO. 1-20-348182-1

Douglas W. Herndon

Presiding Judge

Official Business

DEAR CLERK OF COURT

I just received A copy of the CASE SUMMARY and AFTER going through my records I noticed I don't have A copy of the Notice of witnesses in my Records that was Filed By the PLAINTIFF on 06/15/2020. Can you PLEASE send me A copy of the Notice of witnesses AND/OR Expert witnesses that WAS filed on 06/15/2020 By the state? I don't have A copy? I'll be filing A Motion to Dismiss shortly.

Thank You

Anthony C. Longstreet, SR.
Pro-se Defendant

RECEIVED

JUL 27 2020

CLERK OF THE COURT

Anthony D. Longstreet, Sr. #6028264
CLARK County Detention Center
330 S. CASINO Center Blvd
LAS VEGAS, Nevada 89101

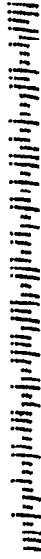


LAS VEGAS NV 89101
20 JUL 2020 PM 5 L

CLERK of Court
To: Steven D. Grierson
Eighth Judicial District Court
200 LEWIS AVENUE
LAS VEGAS, Nevada 89155

(LEGAL mail)

000083-10168



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



CASE SUMMARY

CASE NO. C-20-348182-1 ←

State of Nevada
vs
Anthony Longstreet

§
§
§
§
§
§
§
§
§

Location: **Department 3**
Judicial Officer: **Herndon, Douglas W.**
Filed on: **04/28/2020**
Cross-Reference Case Number: **C348182**
Defendant's Scope ID #: **6028264**
ITAG Case ID: **2206926**
Lower Court Case # Root: **20FN0563**
Lower Court Case Number: **20FN0563X**

CASE INFORMATION

Offense	Statute	Deg	Date	Case Type:	Felony/Gross Misdemeanor
1. BATTERY WITH SUBSTANTIAL BODILY HARM. VICTIM 60 YEARS OF AGE OR OLDER	200.481.2b	F	12/06/2019	Case Status:	04/28/2020 Open
<i>Filed As: BATTERY WITH SUBSTANTIAL BODILY HARM</i>					
<i>Arrest: 03/02/2020</i>					
2. ATTEMPT ROBBERY	200.380	F	12/06/2019		
3. BURGLARY	205.060.2	F	12/06/2019		

DATE**CASE ASSIGNMENT****Current Case Assignment**

Case Number C-20-348182-1
Court Department 3
Date Assigned 04/28/2020
Judicial Officer Herndon, Douglas W.


PARTY INFORMATION**Defendant** Longstreet, Anthony Odell*Lead Attorneys*


Public Defender
Public Defender
702-455-4685(W)


Plaintiff State of Nevada


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


DATE**EVENTS & ORDERS OF THE COURT****INDEX****EVENTS**

04/28/2020  Criminal Bindover - Confidential

04/28/2020  Criminal Bindover

04/30/2020  Information
Party: Plaintiff State of Nevada
Information

05/12/2020  Guilty Plea Agreement
Guilty Plea Agreement

06/15/2020  Notice of Witnesses and/or Expert Witnesses
Filed By: Plaintiff State of Nevada ←

CASE SUMMARY

CASE NO. C-20-348182-1

State's Notice of Witnesses and/or Expert Witnesses

07/10/2020



Amended Information

Filed By: Plaintiff State of Nevada
Amended Information

07/13/2020



Amended Information

Filed By: Plaintiff State of Nevada
Second Amended Information

HEARINGS

05/06/2020



Initial Arraignment (8:00 AM) (Judicial Officer: Silva, Cristina D.)

Matter Heard:

Journal Entry Details:

Madilyn Cole, Dep DA, present on behalf of the State; Lynn Avants, Dep PD, present on behalf of Deft. Longstreet, who is also present. This is the time set for the Initial Arraignment. Mr. Avants advised that Guilty Plea Agreement needs to be reviewed with the Deft. prior to his entry of plea; therefore, he would request that the matter be CONTINUED so the assigned Deputy can meet with the Deft. Upon Court's inquiry, the Deft. stated that he does not have an attorney and he has already been granted leave to represent himself. Mr. Avants discussed the Justice Court proceedings; the Deft. unconditionally WAIVED out of Justice Court; Seth Gutierrez, Dep PD, was present. According to Mr. Avants' notes, it does not appear that the Deft. has been canvassed with regard to self-representation. The Deft. then stated that he filed a formal motion but there is no record of that. Therefore, COURT ORDERED, matter set for Continued Arraignment. If the Deft. still wants to represent himself, he needs to speak with counsel first. CUSTODY 05/13/20 8:00 AM ARRAIGNMENT CONTINUED;

05/13/2020



Arraignment Continued (8:00 AM) (Judicial Officer: Silva, Cristina D.)

Plea Entered:

Journal Entry Details:

Sarah Overly, Chf Dep DA, present on behalf of the State; Bryan Cox, Dep PD, appearing on behalf of Deft. Longstreet, who is also present. This is the time set for the Continued Arraignment. A Guilty Plea Agreement (GPA) was e-filed on May 12, 2020. During the plea canvass, the Deft. stated that he does not have any attorney, he is representing himself because he filed a Motion on April 2 and it has been granted. Therefore, Mr. Cox is just assisting him. Court noted that there is no record of the Deft.'s Motion in Odyssey; colloquy. In light of the filed GPA, Mr. Cox inquired as to whether the Deft. wanted to continue with the plea colloquy. The Deft. stated that he would go forward but he wanted the Court to understand that Mr. Cox is just assisting him. The Deft. then took issue with a statement in the GPA wherein he WAIVES his right to challenge the legality of these proceedings; he believes that is a violation of his rights. The Court advised the offer from the State is as stated in the GPA, the Deft. can take it as it is or he can reject it. If the offer is rejected, the Court cannot proceed with the plea canvass this morning. The Deft. stated he would accept the offer under duress. The COURT advised that it would NOT accept the Deft.'s guilty plea this morning but instead would enter a plea of NOT GUILTY on his behalf and INVOKE THE SIXTY (60)-DAY RULE. COURT ORDERED, matter set for trial. CUSTODY 07/09/20 9:00 AM CALENDAR CALL (DC3) 07/13/20 10:00 AM JURY TRIAL (DC3);

07/09/2020



Calendar Call (3:30 PM) (Judicial Officer: Herndon, Douglas W.)

Hearing Set:

Journal Entry Details:

Mr. Gutierrez indicated the State e-mailed him a copy of the Amended Information they filed, which reflects everything that was original charges in Justice Court. Ms. Albritton stated the document has not been filed yet, and she was requesting leave of the Court to file it. COURT SO ORDERED. Defendant stated he wanted to represent himself. COURT ADVISED there has not been any Motions filed to represent himself, adding if the documents were filed in Justice Court, they need to be re-filed in District Court. Colloquy regarding trial dates. COURT FURTHER ORDERED, trial date VACATED; Faretta Canvass SET. CUSTODY 7/21/2020 3:30 P.M. FARETTA CANVASS;

CASE SUMMARY

CASE NO. C-20-348182-1

07/13/2020	CANCELED Jury Trial (10:00 AM) (Judicial Officer: Herndon, Douglas W.) <i>Vacated - per Judge</i>
07/21/2020	Faretta Canvass (3:30 PM) (Judicial Officer: Herndon, Douglas W.)

Anthony O. Longstreet, SR. # 6036364
CLARK COUNTY Detention Center
330 S. Casino Center Blvd
LAS VEGAS Nevada 89101
(NVE Unit 7 H - Cell 24)

Judge

To Douglas W. Herndon
Eighth Judicial District Court
200 Lewis Avenue
LAS VEGAS, Nevada 89155

74027





**EIGHTH JUDICIAL DISTRICT COURT
CLERK OF THE COURT**

REGIONAL JUSTICE CENTER
200 LEWIS AVENUE, 3rd FL.
LAS VEGAS, NEVADA 89155-1160
(702) 671-4554

Steven D. Grierson
Clerk of the Court

Anntoinette Naumec-Miller
Court Division Administrator

August 17, 2020

Attorney: Public Defender
Clark County Public Defender
309 S 3rd Street Suite #2
Las Vegas NV 89101

Case Number: C-20-348182-1
Department: Department 3

Defendant: Anthony Odell Longstreet

Attached are pleadings received by the Office of the District Court Clerk which are being forwarded to your office pursuant to Rule 3.70.

Pleadings: **Motion To Disqualify A Judge**

Rule 3.70. Papers which May Not be Filed

Except as may be required by the provisions of NRS 34.730 to 34.830, inclusive, all motions, petitions, pleadings or other papers delivered to the clerk of the court by a defendant who has counsel of record will not be filed but must be marked with the date received and a copy forwarded to the attorney for such consideration as counsel deems appropriate. This rule does not apply to applications made pursuant to Rule 7.40(b)(2)(ii).

Cordially yours,
DC Criminal Desk # 7
Deputy Clerk of the Court

Anthony O. Longstreet, SR. #6028264
CLARK County Detention Center
330 S. Casino Center Blvd
LAS VEGAS, Nevada 89101
(NVC Unit 1H cell 24)

July 23, 2020

CLERK of Court

To: Steven D. Grierson

Eighth Judicial District Court
200 Lewis Avenue / 3rd Floor
LAS VEGAS, Nevada 89155

C-20-348182-1
CASE Number

Douglas W. Herndon
Presiding Judge
Dept. #3

Notice of Filing

DEAR CLERK OF COURT

PLEASE Find the ORIGINAL Motion To Disqualify A Judge
For Filing. Your consideration in this Matter will Be Appreciated.

Respectfully Submitted

Anthony O. Longstreet, SR.
Minister Defendant

Certificate of Service

I, Anthony O. Longstreet, SR., depose and state that I served a
copy of the Attached Motion to Disqualify A Judge to the following below:

Judge Douglas Herndon
Eighth Judicial District Court
200 Lewis Avenue
LAS VEGAS, Nevada 89155
Dept. #3

Seth Gutierrez
Assist. Public Defender
309 S. 3rd Street
LAS VEGAS, NV 89155
RM 226

Ms. Alicia A. Albritton
Chief Deputy District Attorney
200 Lewis Avenue
LAS VEGAS, Nevada 89155

By depositing a copy in the mail box on July 30, 2020.

Respectfully Submitted

Anthony O. Longstreet, SR.
Defendant

CLERK OF THE COURT

RECEIVED
JUL - 30 2020

Anthony O. Longstreet, SR. #6028264
CLARK County Detention Center
330 S. Casino Center Blvd
LAS VEGAS, NEVADA 89101
(NVC Unit 1H cell 24)

Eighth Judicial District Court
CLARK County, Nevada

State of Nevada

Plaintiff,

vs.

Case No.: C-20-348182-1

Dept. No.: 3

Docket No.: _____

Anthony O. Longstreet SR.

Defendant

Motion To Disqualify A Judge

Now come defendant, Anthony O. Longstreet, SR.,
coming PRO-PER PURSUANT to Title 28 U.S.C. § 1654 And
Article 1, section 8 of Nevada Constitution And NRS 1.230
(1) moving this Judge to Remove himself from this CASE
FOR the Following REASON Below:

1.) On July 21, 2020 Defendant Longstreet APPEARED in
Court in Front of District Court Judge Douglas Herndon
On Defendants Motion FOR Leave to Proceed PRO-SE.

2.) The Judge, AFTER Asking Defendant About his Educational
Background to see if Defendant was knowingly and intelligently
Waiving his Right to counsel, Began to show his BIAS toward
Defendant when he Attempted to seek out A REASON from the
Defendant As to why he wanted to Represent himself.

3.) When defendant Repeatedly informed the Judge that
he thought he made himself CLEAR that he wished to
Represent himself. The Judge, while offending defendants
character, continued to show his disrespect for defendants
Request to Represent himself denied Defendants Motion

1 For LEAVE to Represent himself and violated nationwide
2 Federal Supreme Court Precedent and A Federal statute under
3 Title 28 U.S.C. § 1654 and showed himself not to be fair
4 And in complete denial of FARETTA V. CALIFORNIA, 422 U.S. 806,
95 S. Ct. 2525, 45 L. Ed. 2d 562 (1975).

5 4) In FARETTA V. CALIFORNIA the Judge in that case did
6 the same EXACT thing Judge Douglas Herndon did to Defendant
7 Longstreet. The Judge attempted to humiliate FARETTA because
8 FARETTA wanted to Represent himself. The First Amendment of
9 the United States Constitution gave FARETTA A constitutional
10 Right to Freedom of choice And he used that choice to knowingly
11 And intelligently waive his sixth Amendment Right to have
12 Effective Assistance of counsel.

13 5) The Judge in FARETTA then, after allowing FARETTA
14 LEAVE to Represent himself, continued to ATTACK FARETTA by
15 challenging FARETTA knowledge of the law And then removed
16 FARETTA off his case. And FARETTA ended up getting found
17 Guilty. And the United States Supreme Court Reversed his
18 conviction behind what the Judge did. This resulted in an
unnecessary inconvenience, time and money.

19 6) Judge Douglas Herndon asked Defendant Longstreet
20 how FAR did he go to school. Defendant said he finished High
21 school and have an associates in civil and criminal litigation
22 And have been practicing civil and criminal law for 30 years
23 And have taken two (x) cases to trial: one in a state court
24 And one in the federal court.

25 7) Defendant Longstreet informed Judge Herndon
26 that he wanted to Represent himself because since the
27 Public Defenders office has been appointed to Represent
28 him they have not filed any pre-trial motion to try to
resolve this case And defendant has been in custody 5-
months now. And the Chief Deputy District Attorney
Alicia Albritton #009492 has amended her complaint
twice, which is an indication that defendant case is
being neglected.

8) Title 28 U.S.C. § 1654 is A Federal statute passed
by congress giving All United State citizens A statutory
Right to Act As counsel on their behalf in compliance with
the sixth Amendment of the United States constitution. And
it is Mandated under Article 6, clause 2 of the United

1 states constitution that state courts cannot refuse
2 to Apply Federal Law. Printz v. United States, 521 U.S.
3 898, 117 S. Ct. 2365, 138 L.Ed.2d 914 (1997).

4 9.) State Courts is obligated to enforce valid laws
5 of the United States And Title 28 U.S.C. § 1654 is a valid
6 Law of the United States. So when Judge Herndon denied
7 Defendant Longstreet his right to represent himself and
8 sent Defendant down a river in a boat without a
9 paddle. Defendant Longstreet was able to swim back
10 with this motion saying that "No weapon that is formed
11 against thee shall prosper; And every tongue that shall rise
12 against thee in judgment thou shalt condemn." ISAIAH 54:17

13 10.) Judge Herndon the Defendant is a ordained minister
14 And a Priest of a church. Which, under law, makes him a
15 Public official who has been ordained by a church (a public
16 office having duties relating to the sovereign powers of
17 government under the First Amendment of the United States
18 Constitution. His duty as a minister is to administer the
19 ordinances, statutes, laws and commandments of God. Your
20 duty as an appointed judge is to use those same ordinances,
21 statutes, laws and commandments of God to judge the people.
22 That which you took an oath to do.

23 11.) So how then can you deny me a right to represent
24 myself, my brother, if it has been ordained by God and
25 the people of the United States Government to do so at my
26 own free will if I so choose to do so willingly?

27 12.) There is no trust with the Public Defender office. On
28 the Police report that were tender to Defendant by Deputy
Public Defender Carl Segerblom April 20, 2020 there were
two (2) case numbers Blotted out indicating that there might
be two (2) more opened criminal cases that defendant is
unaware and there is a pending warrant coming out of North
Las Vegas, Nevada. Defendant is facing on this present case
1 to 5 RAN consecutive to 1 to 20 (NRS 193.167(1)(d)(2)) and
Life as a Habitual under NRS 207.010.

13.) The Judicial Executive Assistant Gail Moreland in
the City of North Las Vegas Municipal court will not tell
the defendant about what the warrant is for or if there are
any pending new felony charges pending in that court. She
wants to play the word game and Reptly but not answer the
question.

1 14) Chief Deputy District Attorney Ms. Alicia Albritton
2 has the same Police Reports and know about those other cases
3 But is turning a blind eye acting like she don't see what's going
4 on hoping to prosecute her case and then Defendant get
5 prosecuted on those other cases in an attempt to box the
6 Defendant in the Prison system subjecting Defendant to
7 involuntary servitude under Article 1, Section 17 of Nevada
8 Constitution and the 13th Amendment of the United States
9 Constitution.

10 15) So what say is that the Judges, the District Attorney
11 Office and the Public Defenders Office are all working together
12 to Enslave the citizens of Nevada in the Prison industry. How
13 can you Judge the People if you have no control of your emotions?
14 The only thing Defendant continued to repeat to you was, "I
15 thought I made myself clear," indicating he is making a
16 demand to Represent himself, regardless of what you have
17 to say. The demand is the same. And if you not going to
18 allow defendant the right to Represent himself you must remove
19 yourself from this case. And God luck on your campaign to
20 become Nevada Supreme Court Justice. We must continue to
21 seek our knowledge from the East and all the wisdom of Egypt.

22 Respectfully Submitted
23 Anthony O. Longstreet, SR.
24 Minister

7/1/20
5:10
11A

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
CLARK COUNTY DETENTION CENTER

MEDICAL/DENTAL/PSYCHIATRIC REQUEST

Name: Longstreet Anthony ID: 6028264
Housing: NT 7-A-22 Date of Birth: 8/15/1968 Date: 6/30/2020
Description of Illness or Injury: If a detainee Go to sleep AFTER EACH MEAL
Consistently for months. Can this lead to Clogged heart
Arteries and Restricted Blood Flow And what ARE the
Symptoms of Clogged heart Arteries??

TO BE COMPLETED BY STAFF ONLY

Date/Time Triaged: _____ Category ☐ 1 ☐ 2 ☐ 3 _____ RN
S: _____

O: TEMP: _____ PULSE: _____ RESP: _____ BP: _____

No. Clogged arteries are caused from fatty foods, lack
of exercise, genetics or a high cholesterol / triglycerides.
A: If you are concerned, eat healthy nutritious meals,
B: drink plenty of water and exercise it might be
difficult in jail, but these things can improve your health
when you get out too.
Refer To: ☐ Sick Call Doctor ☐ Nurse ☐ Psychiatrist ☐ Dentist ☐ DON ☐ Other: _____
Fee Charge: ☐ \$ 8.00 Medical Access Fee ☐ \$5.00 Medication Fee ☐ \$3.00 Medication Renewal Fee
☐ \$200.00 or actual cost whichever is higher ☐ No Charge

I understand pursuant to NRS 211.140 that I may be responsible for payment for medical care (see back of this form).

I understand that a Medical Access Fee and/or Medication Fee will be deducted from my cash account.

I understand that fees may be collected at a later date if funds are not currently available. If I do not have sufficient funds to pay and money is deposited to my cash account, the amount I owe for these services will be deducted before any funds are available to me. No inmate will be refused in-house medical services based upon an inability to pay at the time the healthcare is provided.

Inmate Signature: Anthony D. Longstreet, SR. Date: 7/01/2020
Staff Signature: [Signature] Date: 7/1/2020 Time: 1606

INMATE NAME (please print) <u>Anthony D. Longstreet, SR.</u>	ID#: <u>6028264</u>	HOUSING: <u>NT 7-A-22</u>
---	------------------------	------------------------------

DISTRIBUTION: WHITE - Medical Records YELLOW - Inmate

IMPORTANT INFORMATION ABOUT YOUR HEALTHCARE VISIT

WHEN DO YOU HAVE TO PAY FOR HEALTHCARE?

Pursuant to NRS 211.140, an inmate or his insurance carrier may be financially responsible for medical care and treatment under certain circumstances including, but not limited to: injuries sustained during the commission of a crime or during arrest, pre-existing medical conditions and self-inflicted injuries. The inmate, or his insurance carrier, may also be held responsible for the cost of arranging for the administration of medical care including the cost of transportation of the inmate for medical care.

With some exceptions, **YOU WILL BE CHARGED** an eight dollar (\$8.00) fee for each healthcare visit that you request from the contracted medical provider. This includes requests made for you by department staff, other inmates, your family, or your attorney. If you request services that require more than one doctor, you may be charged for each initial visit with each doctor. This means if you request dental services and medical services, you will be charged for the visit with the dentist and the doctor/nurse.

The fee will be charged to your trust account.

The \$8.00 for each visit may cover the examination by the doctor, nurse, or dentist. It will also cover laboratory tests and, in some cases, referrals to other doctors.

YOU WILL NOT BE CHARGED for healthcare visits from the contracted medical provider for:

- a. Intake Medical Screening
- b. Psychological Services
- c. Mandatory physical examinations
- d. Mandatory TB testing or treatment
- e. Follow-up visits ordered by medical staff
- f. Medication distribution
- g. HIV testing
- h. X-rays (except self-inflicted injuries)
- i. Chronic care clinics (example: diabetes, hypertension, seizures)
- j. Life-threatening emergency care
- k. Prenatal or pregnancy care
- l. Any infectious, contagious, or communicable disease as defined by NRS 441 A.040 (e.g., Tuberculosis, HIV, etc.), which the prisoner contracts while he/she is in custody
- m. Use of force and inmate confrontations

07/29/2020
W 14

1 H, 24

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT
CLARK COUNTY DETENTION CENTER**

MEDICAL/DENTAL/PSYCHIATRIC REQUEST

Name: LONGSTREET Anthony ID: 6028264

Housing: 1H cell 24 Date of Birth: 8/15/1968 Date: July 20, 2020

Description of Illness or Injury: I would like information on the causes and effects of what Alcohol has on my mind and Body from excessive drinking. I think years of drinking excessively has started to cause me to become forgetful. So I want Medical information about the effects of what Alcohol does. In case I forget how I came to Jail.

TO BE COMPLETED BY STAFF ONLY

Date/Time Triaged: _____ Category ☐ 1 ☐ 2 ☐ 3 _____ RN

S: _____

O: TEMP: _____ PULSE: _____ RESP: _____ BP: _____

A: LONG TERM ALCOHOL ABUSE CAN CAUSE PERMANENT BRAIN

A: DAMAGE AFFECTING MEMORY OR 'WORSE' 'DEMENTIA'

B: _____

Refer To: ☐ Sick Call Doctor ☐ Nurse ☐ Psychiatrist ☐ Dentist ☐ DON ☐ Other: _____

Fee Charge: ☐ \$ 8.00 Medical Access Fee ☐ \$5.00 Medication Fee ☐ \$3.00 Medication Renewal Fee

☐ \$200.00 or actual cost whichever is higher ☒ No Charge

I understand pursuant to NRS 211.140 that I may be responsible for payment for medical care (see back of this form).

I understand that a Medical Access Fee and/or Medication Fee will be deducted from my cash account.

I understand that fees may be collected at a later date if funds are not currently available. If I do not have sufficient funds to pay and money is deposited to my cash account, the amount I owe for these services will be deducted before any funds are available to me. No inmate will be refused in-house medical services based upon an inability to pay at the time the healthcare is provided.

Inmate Signature: Anthony D. Longstreet, SR. Date: 7/29/2020

Staff Signature: [Signature] Date: 7/22/20 Time: _____

INMATE NAME (please print) <u>Anthony Odell Longstreet, SR.</u>	ID#: <u>6028264</u>	HOUSING:
--	------------------------	----------

DISTRIBUTION: WHITE - Medical Records YELLOW - Inmate

IMPORTANT INFORMATION ABOUT YOUR HEALTHCARE VISIT

WHEN DO YOU HAVE TO PAY FOR HEALTHCARE?

Pursuant to NRS 211.140, an inmate or his insurance carrier may be financially responsible for medical care and treatment under certain circumstances including, but not limited to: injuries sustained during the commission of a crime or during arrest, pre-existing medical conditions and self-inflicted injuries. The inmate, or his insurance carrier, may also be held responsible for the cost of arranging for the administration of medical care including the cost of transportation of the inmate for medical care.

With some exceptions, **YOU WILL BE CHARGED** an eight dollar (\$8.00) fee for each healthcare visit that you request from the contracted medical provider. This includes requests made for you by department staff, other inmates, your family, or your attorney. If you request services that require more than one doctor, you may be charged for each initial visit with each doctor. This means if you request dental services and medical services, you will be charged for the visit with the dentist and the doctor/nurse.

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- d. Mandatory TB testing or treatment
- e. Follow-up visits ordered by medical staff
- f. Medication distribution
- g. HIV testing
- h. X-rays (except self-inflicted injuries)
- i. Chronic care clinics (example: diabetes, hypertension, seizures)
- j. Life-threatening emergency care
- k. Prenatal or pregnancy care
- l. Any infectious, contagious, or communicable disease as defined by NRS 441 A.040 (e.g., Tuberculosis, HIV, etc.), which the prisoner contracts while he/she is in custody
- m. Use of force and inmate confrontations

Anthony G. Longstreet, Sr. #6028264
Clark County Detention Center
330 S. Casino Center Blvd
Las Vegas, Nevada 89101
(AVE Unit 1H cell 24)

CLERK OF COURT
To: Steven D. Grierson
Eighth Judicial District Court
200 Lewis Avenue / 3rd Floor
Las Vegas, Nevada 89155
(3rd Floor)

(LEGAL MAIL)



RECEIVED
AUG -6 20
CLERK OF THE COURT

8910155300 8075

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





**EIGHTH JUDICIAL DISTRICT COURT
CLERK OF THE COURT**

REGIONAL JUSTICE CENTER
200 LEWIS AVENUE, 3rd FL.
LAS VEGAS, NEVADA 89155-1160
(702) 671-4554

Steven D. Grierson
Clerk of the Court

Anntoinette Naumec-Miller
Court Division Administrator

August 19, 2020

Attorney: Public Defender
Clark County Public Defender
309 S 3rd Street Suite #2
Las Vegas NV 89101

Case Number: C-20-348182-1
Department: Department 3

Defendant: Anthony Odell Longstreet

Attached are pleadings received by the Office of the District Court Clerk which are being forwarded to your office pursuant to Rule 3.70.

Pleadings: 1) **Motion To Dismiss** 2) **Notice Of Filing**

Rule 3.70. Papers which May Not be Filed

Except as may be required by the provisions of NRS 34.730 to 34.830, inclusive, all motions, petitions, pleadings or other papers delivered to the clerk of the court by a defendant who has counsel of record will not be filed but must be marked with the date received and a copy forwarded to the attorney for such consideration as counsel deems appropriate. This rule does not apply to applications made pursuant to Rule 7.40(b)(2)(ii).

Cordially yours,
DC Criminal Desk # 27
Deputy Clerk of the Court

July 18, 2020

CLERK of Court

To: Steven D. Grierson

200 Lewis Avenue

LAS VEGAS, Nevada 89155

MR. Anthony Odell Longstreet, SR. #6028264
CLARK County Detention Center
330 S. Casino Center Blvd
LAS VEGAS, Nevada 89101

C-20-348182-1
CASE Number

Douglas Herndon
-Presiding Judge
Dept. #3

Notice of Filing

DEAR CLERK of Court

PLEASE Find the ORIGINAL Motion to Dismiss with MEMORANDUM of
Law Attached For Filing.

Respectfully Submitted
Anthony O. Longstreet, SR.
PRO-SE Defendant

Certificate of Service

I, Anthony O. Longstreet, SR., depose and state that I have served A copy of the
Attached Motion to Dismiss and MEMORANDUM of LAW to the Following Below:

Douglas Herndon
Judge
Eighth Judicial District Court
200 Lewis Avenue
LAS VEGAS, Nevada 89155

Mr. Seth Gutierrez
Assistant Public Defender
309 S. 3rd Street
LAS VEGAS, NV 89155
Room 226
(702) 455-4685

Steven Wolfson
District Attorney
200 Lewis Avenue
LAS VEGAS, NV 89155

By depositing A copy in the Mailbox At CLARK County Detention Center on
July 26 2020.

Respectfully Submitted
Anthony O. Longstreet, SR.
PRO-SE Defendant

RECEIVED

AUG - 3 2020

CLERK OF THE COURT

Anthony Odell Longstreet, SR. #6028264
CLARK County Detention Center
330 S. Casino Center Blvd
LAS VEGAS, Nevada 89101
(PRO-SE)

Eighth Judicial District Court
CLARK County, Nevada

People of The State of Nevada
Plaintiff

Vs.

Anthony Odell Longstreet, SR.
Defendant.

CASE NO. C-20-348182-1

Douglas Herndon
Presiding Dist. Judge

Motion To Dismiss

Now come the defendant, Anthony Odell Longstreet, SR., coming
Pursuant to Title 28 U.S.C. § 1654, Article 1, section 8 of Nevada Constitution
And NRS 189.007(1) moving this court for an order dismissing this
CASE FOR LACK OF JURISDICTION, And in support, Defendant Attaches A
MEMORANDUM OF LAW And Affidavit.

WHEREFORE, Defendant Pray this Judge Dismiss this CASE.

July 15, 2020
Date

Respectfully Submitted
Anthony O. Longstreet, SR.
Minister

Anthony Odell Longstreet, SR. #6028264
CLARK County Detention Center
330 S. Casino Center Blvd
LAS VEGAS, Nevada 89101
(PRO-SE)

Eighth Judicial District Court
CLARK County, Nevada

State of Nevada

Plaintiff,

Vs.

CASE NO. C-20-348182-1

Douglas Herndon
Presiding Judge

Anthony Odell Longstreet, SR.
Defendant.

Memorandum of Law In Support of The
Motion To Dismiss

Now come defendant, Anthony Odell Longstreet, SR., coming Pro Per
in support of his Motion to Dismiss stating the Following Below:

(A)

FACTS

1.) On December 06, 2019 Defendant Anthony Longstreet drove to A Female Friend house to pick her up to take her to LAKE MEAD and Hollywood. When I ARRIVED to her Apartment I sat in the car and waited on her while I was drinking A Pint of SEAGRAM Gin and ORANGE Juice. When she got in the car she handed me \$8.00 in singles for GAS. I took the money and drove across the street to Dotty's to Purchase me some Chicken Wings and Fries. I Also had my Green Master Debit CARD with me. Dotty's was across the street from her house. Her name is SHAQUITA Rene William.

2.) When I pulled across the street into Dotty's parking lot and parked. I left the car running and SHAQUITA waited on me to go purchase the food and come back so we could proceed on to LAKE MEAD and Hollywood. By the time I pulled over to Dotty's over half of my pint of Gin was gone and as soon as I got inside Dotty's and that heat hit me, the alcohol hit me too. So by the time this incident unfolded I was drunk.

3) When I walked into the door of Dotty's the first person I saw was miss Beautiful Shirleesha Bell. And as I walked towards her she asked to see my I.D. and I showed her. Then as she walked around the counter to the cash register she asked me if I needed anything. I told her wings and fries. And she left to go see if they had any in the freezer. (see video footage)

4) HOWEVER, I think I might have went back to my car to get my Debit card and left my money on the counter. And after I came back I didn't notice my money was gone until this incident with me and the victim Jesus Zambrano started to unfold.

5) Why I believed he may have taken my money was because he paid for cigarettes with seven (?) singles and I had \$8.00 in singles missing, but I do know I went into this place with money to buy food.

6) While standing at the counter waiting on Shirleesha Bell to come back from checking the freezer Mr. Zambrano walked up on my right and we began to start having a conversation. Then for no apparent reason he just pulled singles out of his pocket and set it on the counter by me. And out of the kindness of my heart I moved the money away from me over by the cash register to indicate through my actions that he's next in line after me.

7) Then Mr. Zambrano reached pass me and took the money back. At this point I remember my money is missing and I accused Mr. Zambrano of taking it. And I politely told Mr. Zambrano that he was going to either pay for my food, or give me my money back or I was gonna kick his ass. And then after I told Mr. Zambrano this I walked away from him.

8) By this time Shirleesha Bell came out and had told us what the price of our order were. And Mr. Zambrano paid for his cigarettes and tried to leave and this is when I realized my money was missing.

9) After I threatened Mr. Zambrano and walked away from him, indicating in my actions that I had no intent on carrying out my threat. Mr. Jesus Zambrano remained at the counter and thought about what he wanted to do. He did not attempt to call the police and he did not attempt to call security. Nor did he ask for security. But Shirleesha Bell and another employee summons security and that's because I was asked to leave after I claimed my money was taken and had threatened Mr. Zambrano.

10) Mr. Zambrano then walked over to me and stood face to face with me. He came over to me, after I had threatened him, constitute "Implied Consent" to a fight. And because he came over to me where I was standing after I threatened him, I took that as a sign of threat and took him down.

11.) By this time that Alcohol had done hit me hard. I became more Aggier After the security Broke us up. I Attempted to explain to the crowd what WAS going on And then out of No where I unconsciously went BACK to where MR. ZAMBRANO WAS Laying And I started Kicking and hitting him some MORE until I REALIZED he WASN'T trying to get up and Fight BACK. And THATS when I stop hitting him and Left. And I grabbed my Debit CARD from one of the Employees As I WAS LEAVING. All this is on "Footage From the video."

12.) On ~~THE~~ MARCH 01, 2020 I WAS taken ~~into~~ custody. I WAS then charged with:

"Battery" NRS 200.481(A)(2)(B). which SAIDS:

(A) BATTERY MEANS Any willful (Intentional) and unlawful USE OF FORCE OR VIOLENCE upon the PERSON OF Another

(2)(B) Resulting in substantial Bodily HARM to the Victim is A Category "C" Felony.

"Burglary" NRS 205.060 which SAIDS:

(1) A Person who, by day OR Night, Enters Any house, Room, Apartment, tenement, Shop, WAREHOUSE, STORE, Mill, BARN, STABLE, outhouse OR Other Building....

"With the Intent" to commit GRAND OR Petit LARCENY, ASSAULT OR BATTERY on Any PERSON OR Any Felony, OR to obtain Money OR Property by FALSE Pretenses, is Guilty of BURGLARY.

"Robbery" NRS 200.380 which SAIDS:

(1) Robbery is the "unlawful taking" of PERSONAL Property FROM the PERSON OF Another, OR in the PERSON'S Presence, Against his OR her will, by MEANS OF "FORCE" OR "Violence" OR "FEAR" of injury, Immediate OR Future, to his OR her "Person" OR Property... At the time of the Robbery. A taking is by MEANS OF FORCE OR FEAR is used to:

A) obtain OR Retain Possession of the Property.

13.) Defendant Longstreet states that this CASE is Based on unfounded Charges BECAUSE the STATE CANNOT PROVE there WAS A "MENS REA" on Any of the Elements of these Charges to secure A conviction.

14.) On April 16, 2020 Defendant Longstreet was scheduled to have a Preliminary Hearing in the Justice Court Pursuant to NRS 171.196. Instead of having a Preliminary Hearing the District Attorney filed an Amended Complaint charging Defendant Longstreet with two (2) more charges. They added Attempt Robbery and Burglary and told Defendant Longstreet if he Plead Guilty to the Battery they would then drop the Attempt Robbery and the Burglary and they wouldn't seek the "Habitual" to enhance the sentence from a 1 to 5 years to 20 to Life. But they wanted to Reserve the right to Argue during sentencing if Defendant Plead Guilty to the Battery.

15.) In order for the Justice court to Accept the Guilty Plea Defendant Longstreet was asked to Waive his ~~the~~ Preliminary Hearing. And Based on the Plea Agreement that was offered Defendant Longstreet waived his Preliminary and the court Accepted his Plea and the case was Bonded over to the District Court for sentencing.

16.) After two (2) Attempts to try to view the Video Footage from the incident to Prepare for the Preliminary Hearing Defendant Longstreet Plead Guilty on April 27, 2020, after Assistant Public Defender Seth Gutierrez showed Defendant Longstreet some of the video Footage on his cell phone. Which showed the victim Jesus Zambrano taking money out his wallet and placing it on the counter and Defendant Longstreet moving the money over to the cash register for the victim.

17.) This was the third time Defendant Longstreet was not Allowed to view the video Footage. So out of Frustration Defendant Longstreet did, under Duress Plead Guilty April 27, 2020 to the Agreement that was offered by the state. The Agreement was they wouldn't seek the Habitual, they would drop the Attempt Robbery and the Burglary, and Reserve the right to Argue - There was no mention of a Restitution or Waiving Direct Appeal if Defendant wanted to challenge the Legality of the Proceedings Pursuant to NRS 177.015(4).

18.) The case was Bonded over to the District Court for sentencing. On May 13, 2020 Defendant Longstreet appeared in court and Assistant Public Defender Brian Cox appeared and handed Defendant Longstreet a copy of the Plea Agreement wrote up by Chief Deputy District Attorney Alicia A. Albritton. And she incorporated in the Plea Agreement that I would Agree to Pay "Full Restitution" and Waive my Right to Direct Appeal if I wanted to challenge the Legality of the Proceedings. And these things that were incorporated in written Plea Agreement was not what the Agreement was when Defendant Longstreet waived his Right to the Preliminary that's Pursuant to NRS 171.196.

19.) When Defendant Longstreet appeared in court on May 13, 2020 in the District Court for sentencing on his Felony offense and the Judge asked Defendant if he had any Questions concerning the Plea Agreement. Defendant Longstreet asked the Judge why there was no dollar amount listed on the Plea Agreement. (Defendant asked because he was not told Restitution was Part of the Agreement).

20.) The Judge stated that the dollar Amount will Probably Be on the Report once P & P (Office of Probation & Parole) come see you and make there Recommendation. If theres A dollar Amount it'll Be on there Report.

21.) Then in the PLEA Agreement they WERE Also Asking Defendant Longstreet to WAIVE his Right to direct Appeal in CASE he wanted to challenge the legality of the Proceedings Pursuant to NRS 197.015(4). When Defendant asked the Judge about it she BECAME Frustrated And tried to FORCE A PLEA Because she didn't want to Be Questioned About the constitutionality of the WAIVER. And ~~she~~ since the Judge Asked Defendant Longstreet if he had Any Questions About the PLEA Agreement But didn't want to ANSWER Any Questions Put to her about the WAIVER Defendant PLEAD Guilty, But under Duress. (Judge Cristina D. Silva)

22.) The Judge didn't hear me PLEAD under Duress. But the District Attorney HEARD what I said and she said to the Judge, "Your honor I think I heard Mr. Longstreet say he PLEAD Guilty under Duress." The Judge then Asked Defendant Longstreet did he say that? And he responded "Yes". So the Judge turned the Sentencing hearing into an ARRAIGNMENT and then called Defendant to PLEAD. He PLEAD Not Guilty. And Demanded A speedy Jury trial. The CASE is now being FORCED to trial without A Preliminary Hearing Because the state BREACHED the PLEA Agreement.

23.) FRAUD WAS committed in Fact and on the court For two (2) REASONS:

- A.) The state Agreed to dismiss two (2) charges, Not to seek the habitual to enhance the Sentence From A 1 to 5 to A 1 to 20 And wanted to RESERVE the Right to ARGUE At Sentencing. And they CONCEALED the Restitution and the WAIVER of the direct APPEAL. And
- B.) The state had Defendant WAIVE his Preliminary And interfered with the Justice Court Probable CAUSE Judicial Process knowing they WERE CONCEALING information about the PLEA Agreement that, once MADE AWARE to the Defendant, would Result in the Defendant Not Accepting the PLEA negotiation. (The Restitution)

24.) Now this CASE is Being FORCED to trial without going through A determination of Probable CAUSE in violation of Defendant Rights under the Fourth Amendment of the United States Constitution And Article 1, section 18 of Nevada Constitution. And he therefore MOVE to Dismiss this CASE For Lack of Jurisdiction.

B.

Defendant IS Being illegally Detained Without
Probable Cause

25.) On MARCH 03, 2020 Defendant Longstreet was charged by "Criminal Complaint" with BATTERY that resulted in Substantial Bodily Harm A victim 60 years of Age or older Pursuant to NRS 200.481(A)(2)(B). Which is A Category "C" Felony that carry 1 to 5 years. The complaint Also seeks An Enhancement Pursuant to NRS 193.167(1)(d)(2) For A 1 to 20 years Because the Victim was 61 years old And was considered Vulnerable.

26.) On MARCH 10, 2020 Defendant Longstreet appeared in court At the Justice Court Pursuant to NRS 171.186 For his First Preliminary Hearing Appearance on the charges where he completed some indigent papers so he could be appointed An Attorney From the Public Defenders office.

27.) On MARCH 18, 2020 Defendant Longstreet had received A call in Jail From An unidentified Attorney (now identified As Seth Gutierrez) who had been Appointed by the court. He had informed defendant Longstreet that the state was willing to drop the Substantial Bodily Harm if he Plead Guilty. At the time defendant didn't know that if they dropped the substantial Bodily Harm the charge would be reduced to A Misdemeanor.

28.) On MARCH 19, 2020 when Defendant Longstreet appeared in court he waited Patiently For that unknown Public Defender to Approach him with the Plea Agreement. But when defendant case was called the unknown Attorney stepped up And asked For A continuence Because he was waiting on the District Attorney office to give him A copy of A transcribed recorded statement that defendant had gave to detective David Wells MARCH 02, 2020 At the city Jail.

29.) The District Attorney Office never transcribed the statement because the Detective had obtained that statement without Authorization from the court in violation of NRS 179.475 and NRS 179.485. According to Katz v. United States 389 U.S. 347, 88 S.Ct. 507, 19 L.Ed 2d 576 the United States Supreme Court said:

"SEARCHES conducted without WARRANTS HAVE BEEN held unlawful 'Notwithstanding Facts unquestionably Showing Probable Cause.' For the constitution Requires that the deliberate, impartial Judgment of A Judicial Officer... be interposed between the Citizen and the Police. Over And Again this Court HAS emphasized that the mandate of the Fourth Amendment Requires adherence to Judicial Processes, And that SEARCHES conducted outside the Judicial Process, without PRIOR APPROVAL By Judge ARE, "PER SE UNREASONABLE under the Fourth Amendment," Id. At 389 U.S. 357

30.) When Detective David Wells did A recorded statement with Defendant Longstreet he did so without court approval in violation of NRS 179.475 and NRS 179.485. The Detective also conducted An illegal search into Defendants cell phone without court authorization, And took data from that cell phone and put it in there crime scene investigation database. And he put All this illegal information in his Police Report As he wrote up his Report.

31.) The statement that was given to Detective David Wells is Exculpatory evidence And the video Footage of the incident.

32.) From March 12, 2020 to April 27, 2020 Defendant Longstreet never had A chance to view the video Footage to prepare for his Preliminary Hearing. He was never given A copy of the statement he gave Detective David Wells And his case was dragged on for A month in A half or more pass the 15-days in which he was suppose to have A Preliminary hearing pursuant to NRS 171.196 (2). The Judge in the Justice court was suppose to hear the evidence on this case within 15 days to see if there was Probable Cause to hold defendant in custody on these charges. (Judge Chris Lee)

33.) In Gerstein V. Pugh 420 U.S. 103, 95 S.Ct. 854, 43 L.Ed.2d 54 the United States Supreme Court said:

"To implement the Fourth Amendment's protection Against unfounded invasions of liberty And Privacy, the court has required that the Existence of Probable Cause be decided by A Neutral and detached Magistrate Whenever Possible."

The Classic statement above is A Principle that appears in Johnson V. United States, 333 U.S. 10, 13-14 (1948):

"The Point of The Fourth Amendment, which often is Not Grasped by zealous officers, is Not that it denies law enforcement the support of the Usual inference which Reasonable men draw From Evidence. Its Protection consists in Requiring that those inferences Be drawn by A Neutral and detached Magistrate instead of being Judged by the officer engaged in the often competitive enterprise of ferreting out crime."

34.) The evidence in this case is insufficient to justify keeping Defendant Longstreet locked up. And this court should Apply the 'Culpability test' to determine if defendant Longstreet Possess the 'MENS REA' to continue to hold him in custody on these charges. In fact, Because there has been NO Probable Cause established on this case, this case should be dismissed.

WHEREFORE, defendant PRAY this court Dismiss this CASE.

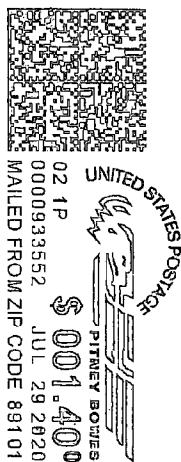
Respectfully Submitted

Anthony O. Longstreet, SR.
Minister (Defendant)

Pg. 9 of 9

Anthony O. Longstreet, SR. #6028264
Clark County Detention Center
330 S. Casino Center Blvd
Las Vegas, Nevada 89101

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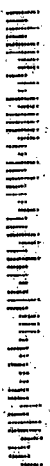
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AUG - 3 2020
CLERK OF THE COURT

LEGAL

To: Steven D. Grierson

Clerk of Court
Eighth Judicial District Court
200 Lewis Avenue
Las Vegas, Nevada 89155

SENT FROM CCDC





NWEW
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
ALICIA A. ALBRITTON
Chief Deputy District Attorney
Nevada Bar #009492
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-

ANTHONY ODELL LONGSTREET,
#6028264

Defendant.

CASE NO: C-20-348182-1

DEPT NO: III

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

TO: ANTHONY ODELL LONGSTREET, Defendant; and

TO: SETH GUTIERREZ, DEPUTY PUBLIC DEFENDER, Counsel of Record:

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

<u>NAME</u>	<u>ADDRESS</u>
BACA, A.	NLVPD P#2482
BELL, SHIRLEESHA DESHANDRA NYK	C/O 2428 E. Cheyenne Ave., NLV, NV
BOOKER, B.	NLVPD P#1922
BULL, W.	NLVPD P# 2506
CARRILLO, C.	NLVPD P#2507
CORREA, JOHNNY	2613 ST. GEORGE NLV NV 89030
CUSTODIAN OF RECORDS	CCDC COMMUNICATIONS

CUSTODIAN OF RECORDS	CCDC RECORDS
CUSTODIAN OF RECORDS	City of Las Vegas Detention Center Communications
CUSTODIAN OF RECORDS	City of Las Vegas Detention Center Records
CUSTODIAN OF RECORDS	DOTTY's 2428 E. Cheyenne NLV NV 89030
CUSTODIAN OF RECORDS	MEDIC WEST 9 W. Delhi Ave. NLV NV 89032
CUSTODIAN OF RECORDS	NLVPD COMMUNICATIONS
CUSTODIAN OF RECORDS	NLVPD RECORDS
CUSTODIAN OF RECORDS	NV DEPT MOTOR VEHICLES (DMV)
CUSTODIAN OF RECORDS	UMC 1800 W. Charleston Blvd. LV NV 89102
JORDAN-SOSA, CONSUELO	110 Woodbridge Dr., LV, NV
KNICKERBOCKER, R.	NLVPD P#1563
KRIVAK, D.	NLVPD P#2478
LOPEZ, MANUAL	C/O DOTTY'S 2428 E. Cheyenne NLV NV 89030
MANU, TIPISONE	C/O DOTTY's, 3645 Losee Rd., NLV, NV
MCELFRESH, JACOB	DOTTY's 2428 E. CHEYENNE NLV NV 89030
SOLIS, H.	NLVPD P#2512
VERDUZCO-ZAMBRANO, JESUS	711 E. Nelson Ave., Unit, 1008, NLV, NV
WATTS, J.	C/O CCDA'S OFFICE
WELLS, D.	NLVPD P# 1949

EXPERTS:

BRUNN, JOHN, M.D. and/or Designee, is a medical doctor employed by University Medical Center (UMC) and will testify as to injuries sustained, treatment and prognosis of JESUS ZAMBRANO.

CHENG, DANIEL, M.D. and/or Designee, is a medical doctor employed by University Medical Center (UMC) and will testify as to injuries sustained, treatment and prognosis of JESUS ZAMBRANO.

//

//

1 **DIPRINZIO, DOMINIC, D.O.** and/or Designee, is a medical doctor employed by University
2 Medical Center (UMC) and will testify as to injuries sustained, treatment and prognosis of
3 JESUS ZAMBRANO.

4 **KOECH, HILARY, M.D.**, and/or Designee, is a medical doctor employed by University
5 Medical Center (UMC) and will testify as to injuries sustained, treatment and prognosis of
6 JESUS ZAMBRANO.

7 **MARTINEZ, JUAN, P.T.**, and/or Designee, is a physical therapist employed by University
8 Medical Center (UMC) and will testify as to injuries sustained, treatment and prognosis of
9 JESUS ZAMBRANO.

10 **MENEZES, JOHN, M.D.**, and/or Designee, is a medical doctor employed by University
11 Medical Center (UMC) and will testify as to injuries sustained, treatment and prognosis of
12 JESUS ZAMBRANO.

13 **MOCK, KYLE, M.D.** and/or Designee, is a medical doctor employed by University Medical
14 Center (UMC) and will testify as to injuries sustained, treatment and prognosis of JESUS
15 ZAMBRANO.

16 **PUENTEDURA, GEROGIA, M.D.** and/or Designee, is a medical doctor employed by
17 University Medical Center (UMC) and will testify as to injuries sustained, treatment and
18 prognosis of JESUS ZAMBRANO.

19 **RADKE, WENDY, NLVPD P#1915**, North Las Vegas Police Department and/or Designee,
20 will testify as an expert in the area of crime scene investigation and the identification,
21 documentation, collection and preservation of evidence and will give opinions related thereto.

22 **STREIT, STEPHANIE, M.D.**, and/or Designee, is a medical doctor employed by University
23 Medical Center (UMC) and will testify as to injuries sustained, treatment and prognosis of
24 JESUS ZAMBRANO.

25 These witnesses are in addition to those witnesses endorsed on the Information or
26 Indictment and any other witness for which a separate Notice of Witnesses and/or Expert
27 Witnesses has been filed.

28 ///

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

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

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

7 BY /s/ Alicia A. Albritton
8 ALICIA A. ALBRITTON
9 Chief Deputy District Attorney
10 Nevada Bar #009492

11 **CERTIFICATE OF ELECTRONIC FILING**

12 I hereby certify that service of the above and foregoing was made this 20th day of
13 August, 2020, by Electronic Filing to:

14 SETH GUTIERREZ,
15 DEPUTY PUBLIC DEFENDER
16 seth.gutierrez@clarkcountynv.gov

17 BY /s/ J. Serpa
18 J. Serpa
19 Secretary for the District Attorney's Office
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28 20FN0563X/js/L-5

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DOCUMENT,
NUMBERED PAGE(S)
113 - 115
WILL FOLLOW VIA
U.S. MAIL**



NOTC
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
ALICIA A. ALBRITTON
Chief Deputy District Attorney
Nevada Bar #009492
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-

**ANTHONY ODELL LONGSTREET,
#6028264**

Defendant.

CASE NO: C-20-348182-1

DEPT NO: III

**STATE'S NOTICE OF INTENT TO SEEK PUNISHMENT AS
A HABITUAL CRIMINAL**

TO: ANTHONY ODELL LONGSTREET, Defendant; and

TO: PUBLIC DEFENDER, Counsel of Record:

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that pursuant to NRS 207.010, the STATE OF NEVADA will seek punishment of Defendant ANTHONY ODELL LONGSTREET, as a habitual criminal in the event of a felony conviction in the above-entitled action.

That in the event of a felony conviction in the above-entitled action, the STATE OF NEVADA will ask the court to sentence Defendant ANTHONY ODELL LONGSTREET as a habitual criminal based upon the following felony convictions, to-wit:

1. That on or about 2008, the Defendant was convicted in the State of Illinois, for the crime of Aggravated Battery Government Off/Employment (felony) in 2006CR102100.

//

1 2. That on or about 2005, the Defendant was convicted in the State of
2 Illinois, for the crime of Manufacture/Deliver Controlled Substance (felony) in
3 2005CR009230.

4 3. That on or about 2000, the Defendant was convicted in the State of
5 Illinois, for the crime of Armed Robbery (felony) in 88CF255201.


6 4. That on or about 1997, the Defendant was convicted in the State of
7 Oregon, for the crime of Burglary (felony) in 961037510.

8 5. That on or about 1989, the Defendant was convicted in the State of
9 Illinois, for the crime of Armed Robbery (felony) in 1988CR002552.

10 6. That on or about 1987, the Defendant was convicted in the State of
11 Illinois, for the crime of Vehicle Theft (felony) 87CR15325.

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

16 BY


ALICIA A. ALBRITTON
Chief Deputy District Attorney
Nevada Bar #009492

17
18 CERTIFICATE OF SERVICE

19 I certify that on the 3rd day of September 2020, I emailed a copy of the foregoing

20 Notice to:

21 PUBLIC DEFENDER
22 pdclerk@clarkcountynv.gov

23 BY


Secretary for the District Attorney's Office

24
25
26
27 20FN0563X/mcb/L-5
28



**EIGHTH JUDICIAL DISTRICT COURT
CLERK OF THE COURT**

REGIONAL JUSTICE CENTER
200 LEWIS AVENUE, 3rd FL.
LAS VEGAS, NEVADA 89155-1160
(702) 671-4554

Steven D. Grierson
Clerk of the Court

Anntoinette Naumec-Miller
Court Division Administrator

September 21, 2020

Attorney: Public Defender
Clark County Public Defender
309 S 3rd Street Suite #2
Las Vegas NV 89101

Case Number: C-20-348182-1
Department: Department 3

Defendant: Anthony Odell Longstreet

Attached are pleadings received by the Office of the District Court Clerk which are being forwarded to your office pursuant to Rule 3.70.

Pleadings: **Motion In Limine**

Rule 3.70. Papers which May Not be Filed

Except as may be required by the provisions of NRS 34.730 to 34.830, inclusive, all motions, petitions, pleadings or other papers delivered to the clerk of the court by a defendant who has counsel of record will not be filed but must be marked with the date received and a copy forwarded to the attorney for such consideration as counsel deems appropriate. This rule does not apply to applications made pursuant to Rule 7.40(b)(2)(ii).

Cordially yours,

DC Criminal Desk # 7

Deputy Clerk of the Court

Anthony O. Longstreet, SR. #6028264
Clark County Detention Center
330 S. Casino Center Blvd
LAS VEGAS, Nevada 89101

Eighth Judicial District Court
Clark County, Nevada

The State of Nevada
Plaintiff,

Vs.

C-20-348182-1
CASE Number
Dept. # 3

Anthony O. Longstreet, SR.
Defendant.

Motion IN LIMINE

NOW come defendant, Anthony O. Longstreet, SR., PRO-PER,
Pursuant to Rule 3.28 of the Rules of Practice for the 8th
Judicial District Court moving this court for an order to Exclude
the following during sentencing:

1) NRS 193.167(1)(B) should be Excluded at sentencing as
An Accessory statute from NRS 200.380(1) Robbery statute
Because the Robbery statute (The Principal Criminal statute)
do not incorporate a sentence of 1 to 20 years as a category
"B" Felony. NRS 193.167 serves to increase the Principal statute
Penalty by deviating away from the Principal statute
sentencing structure.

2) NRS 193.167(1)(F) should be Excluded at sentencing as
An Accessory statute from NRS 200.481(A)(2)(B) Battery
statute Because the Battery statute (The Principal Criminal
statute) do not incorporate a sentence of 1 to 20 years as
A Category "C" Felony. NRS 193.167 serves to increase the
Principal ~~statute~~ statute penalty by deviating the sentence
from the Principal statute sentencing Guideline.

3) NRS 193.167(1)(J) should be Excluded at sentencing as
An Accessory statute from NRS 205.060(1) Burglary
statute Because the Burglary statute (The Principal Criminal
statute) do not incorporate a sentence of 1 to 20 years as
A Category "B" Felony. NRS 193.167 serves to increase
the Principal statute Penalty by deviating the sentence
from the Principal statute sentencing Guideline.

Pg. 1 of 9

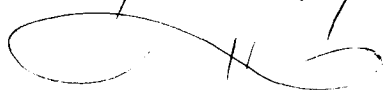
1 4) The defendant is a United States Citizen who moved
2 to the State of Nevada June 01, 2014 with Felony convictions in
3 his Background (No Felony convictions in Nevada) Exercising
4 his 14th Amendment Right, As a United States Citizen, to
5 Life, Liberty and Property for the Pursuit of Happiness with
6 a wife and infant baby girl to attend the American Institute
7 of Trucking (A.I.T.) to become an over the road truck
8 driver. Defendant Longstreet attended this vocational
9 school from September 2014 to April of 2015 and graduated.

10 5) Defendant Longstreet move this court to exclude his
11 pass criminal conviction from other states from being used
12 in the state of Nevada if the state should seek to invoke the
13 Habitual Criminal sentence statute because of pass felony
14 convictions in other states. Defendant Longstreet invokes
15 and uses his United States citizenship sovereignty to exclude
16 his pass felony convictions from other states to avoid being
17 sentenced under the Habitual Criminal sentence Accessory
18 enhancement statute. To use his felony convictions from other
19 states would violate his sovereignty and his 14th Amendment
20 rights. (Last felony conviction was May of 2008)

21 6) NRS 193.167 should be excluded because this statute
22 is being used as an Accessory statute to increase the
23 primary criminal battery, Attempt Robbery and Burglary
24 penalty disproportionate to the actual penalty of the battery,
25 Attempt Robbery and Burglary penalty in violation of the
26 Eighth Amendment of the United States Constitution.

27 Wherefore, Defendant Longstreet Pray this court
28 Grant this Motion to Exclude, supported by Memorandum
of Law.

Respectfully Submitted
Anthony D. Longstreet, Sr.
Minister

August 15, 2020
My Birthday


Pg. 2 of 8

Anthony Odell Longstreet, SR.
CLARK County Detention Center
330 S. Casino Center Blvd
LAS VEGAS, Nevada 89101
(North Valley Complex (NVC) Unit 1H Cell 24)

Eighth Judicial District Court
CLARK County, Nevada

State of Nevada
Plaintiff,

VS

C-20-348182-1
CASE Number

Dept. #3

Anthony Odell Longstreet, SR.
Defendant.

Memorandum OF LAW In Support
OF Motion In Limine

Now come defendant, Anthony Odell Longstreet, SR.,
PRO-PER, coming in support of his Motion In Limine stating
the following below:

A.
FACTS

1.) On December 06, 2019 Defendant Longstreet went into
Dotty's Casino to purchase some food while intoxicated off
A Pint of SEAGREAM Gin And Orange Juice. Defendant went
into Dotty's with Eight dollars in singles. His order of food was
NINE dollars and some change. Defendant was going to use his
Debit CARD to pay the balance.

2.) Defendant Longstreet, while under an inebriated state,
and out of ignorance to the fact that the victim took money out
his own wallet and placed it on the counter and then took it back,
accused the victim of taking his money. Then out of ignorance
threatened the victim and then walked away from the victim.

3.) The victim, being 61 years old at the time at the time
thought about what he wanted to do after being threatened
by defendant, did walk over to where the defendant was
standing and consented to fight defendant. Implied consent
is consent that is found to exist solely because certain actions

OR signs would lead A REASONABLE Person to believe that consent is Present, whether OR NOT that consent is EVEN Specifically Expressed.

4.) The Fact that Defendant Longstreet had Just threatened the victim and then walked AWAY From the victim WAS indication that defendant Longstreet had NO intent to CARRY out the THREAT.

5.) But when the victim thought about what he wanted to do And then walked over to where defendant Longstreet WAS standing. Defendant Longstreet took the victim sudden move AS A THREAT and took the victim down, BECAUSE AT THAT POINT the victim WAS considered the Aggressor.

6.) AFTER the Fight WAS Broke up and Defendant Longstreet began to explain to the crowd what WAS going on. Defendant Longstreet, while under AN inebriate state, unconsciously went BACK to where the victim WAS laying on the ground and began to Punch and Kick the victim some more NOT Realizing the victim WASN'T getting BACK up to Fight.

7.) when the Defendant Longstreet came to Realize that the victim WASN'T getting BACK up to Fight BACK Defendant Longstreet walked off and GRABbed his Debit CARD From one of the Employees and walked out the CASINO to his CAR and drove off without his Food.

8.) Under these conditions All Persons ARE liable For Punishment Pursuant to NRS 194.010 EXCEPT those Belonging to the Following CLASSES:

5) Persons who committed the Act OR Made the Omission charged under AN ignorance OR Mistake OF FACT, which disproves ANY criminal intent, where A specific intent is REQUIRED to constitute the offense.

6.) Persons who committed the Act charged without being conscious thereof.

1 9.) On April 16, 2020 the Chief Deputy District Attorney
2 Ms. Alicia Albritton Amended her information complaint
3 charging Defendant Longstreet with Battery that resulted
4 in Substantial Bodily Harm to A Person 60 years old OR
5 Order OR who was considered vulnerable pursuant to
6 NRS 200.481(A)(2)(B) and NRS 193.167(1)(F); Burglary
7 pursuant to 205.060(1) and Attempt Robbery pursuant to
8 NRS 200.380(1) and NRS 193.330(A)(2) and said she intend
9 to seek the Habitual Criminal to increase the sentence
10 because of Pass Felony convictions pursuant to NRS 207.010
11 (1)(A) and NRS 207.016(1).

12 10) NRS 193.167 and NRS 207.010 ARE considered
13 Accessory Sentencing Penalty statutes that ARE used to
14 INCREASE the sentence AFTER being convicted and sentence
15 FOR A PRIMARY criminal offense. For example: Burglary
16 that results in unlawful entry that results in A Battery
17 that resulted in Substantial Bodily Harm is A Category
18 B Felony. The Minimum Penalty is 1 to 6 years. AFTER A
19 Person is convicted with the 1 to 6 years NRS 193.167
20 Allows A Person to receive An Additional Penalty Ran con-
21 secutive to the 1 to 6 years. MAKING the Penalty dis-
22 proportionate. which is 1 to 15 years.

23 11.) Defendant Longstreet is A United States Citizen who
24 moved to the state of Nevada in LAS VEGAS JUNE 09, 2014
25 with Felony convictions in his Background from other states
26 (No Felony convictions in Nevada) exercising his 14th
27 Amendment Right, As A United States Citizen, to Life, Liberty
28 And Property For the Pursuit of Happiness with A wife
And infant child to Attend A vocational Truck Driving
School called The American Institute of Trucking (A.I.T.)
to become An OVER the ROAD (O.T.R.) Truck Driver. He
Attended And Graduated From September 2014 to April
of 2015.

12.) Since defendant Longstreet WAS exercising A con-
stitutional Right As A United States Citizen with A Felony
Background under the 14th Amendment and the state
WANTS to use defendant Felony convictions from other states
to sentence Defendant under the Habitual Criminal statute
using his Felony convictions from other states. Defendant
Longstreet ~~is~~ invokes his sovereignty As A United
States Citizen to keep this Pass Felony convictions from

Other states from being used to sentence Defendant Longstreet under Nevada Habitual Criminal Accessory statute pursuant to NRS 207.010(1)(A) and NRS 207.016(1)(5). To do so would be unconstitutional. Last Felony conviction was in May of 2008.

(B.)

NRS 193.167 And NRS 207.010 should be Excluded During Sentencing As Accessory Statutes Being Applied As statutes imposing disproportionate Penalties

13.) A sentence under NRS 193.167 And NRS 207.010 operates only to increase, not reduce, the sentence provided by law under a Principal Criminal statute like Battery that results in Substantial Bodily Harm, Burglary and Robbery. And where a court has Jurisdiction of the Person and the Offense, the imposition of a sentence in excess of what the law permits on a Principal Criminal statute does not render the legal and authorized portion of the sentence void, but only leave such portion of the sentence as may be in excess open to questions and attack.

14.) In RE GRAHAM 138 U.S. 461, it was recognized to be the general rule that a judgment rendered by a court in a criminal case must conform strictly to the statute, and that any variation from its provisions, either in the character or the extent of punishment inflicted, renders the judgment absolutely void. WEEMS VS. United States, 217 U.S. 349, 302, 30 S.Ct. 544, 54 L.Ed 793 (1910)

15.) The inhibition of the Eighth Amendment of the United States Constitution is directed against all Punishments which by their excessive length or severity are greatly disproportionate to the offense charged. O'Neil v. Vermont, 144 U.S. 323, 340, 12 S.Ct. 693, 700, 36 L.Ed. 450 (1892).

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(C.)

Defendant Longstreet Pass Felony Convictions
From Other States Should Be Excluded
Because to Use Such Conviction Would
Violate Defendant 14th Amendment Right As
A United States Citizen And His Sovereignty.

16.) The defendant Longstreet is A United States Citizen Born in this country August 15, 1968 in the state of Illinois. He moved to LAS VEGAS, Nevada June 01, 2014 And Registered with the state of Nevada June 23, 2014 with the Metropolitan Police Department AS An Ex-Felon. (According to his scope)

17.) Defendant Longstreet moved to the state of Nevada with A wife and toddler Baby Girl Exercising his 14th Amendment Constitutional Right to Life, Liberty and Property For the Pursuit of Happiness AS A United States Citizen with Felony convictions in his Background.

18.) Defendant Longstreet moved to the city of LAS VEGAS, Nevada to pursue A Vocational Education with the American Institute of Trucking (A.I.T.) to become A OVER THE ROAD TRUCK (O.R.T.) driver. He started school in September of 2014 and completed April of 2015.

19.) On December 06, 2019 Defendant Longstreet got into A Physical Altercation in A casino. And was charged with BATTERY that resulted in substantial Bodily harm. If convicted the District Attorney is seeking to use Defendant Longstreet Pass Felony conviction from other states to increase defendant sentence under Nevada Habitual Criminal Statute pursuant to NRS 209.010(1)(A) and NRS 209.016(1)(5).

20.) Defendant Longstreet invokes his sovereignty AS A United States Citizen to stop the state from using his PASS Felony Convictions from other states. According to McCulloch v. Maryland, 17 U.S. 316, 418, 4 L.Ed. 579 (1819) (Justice Marshall) said:

Pg. 7 of 9

1 "The Good sense of The Public has Pronounced,
2 Without Hesitation, that the Power of
3 Punishment Appertains to Sovereignty, And
4 MAY Be Exercised whenever the Sovereign
5 has A Right to Act, As incidental to his
6 Constitutional Power. It is A MEANS FOR
7 CARRYING INTO Execution All SOVEREIGN
8 POWER, And MAY Be Used, Although Not
9 indispensably NECESSARY. It is A Right
10 incidental to the POWER, And conducive to
11 its Beneficial Exercise." (Chief Justice MARSHALL)

12 21.) Under the Confederation, it was expressly
13 stipulated, "That no imposition, duties, or restrictions,
14 should be 'laid by Any state on the Property of the United
15 States. The Constitution, therefore, declares, that the
16 Constitution itself, And the LAWS PASSED in PURSUANCE
17 of its PROVISIONS, shall be the SUPREME LAW of the
18 Land, And shall control All state legislation And state
19 constitutions, which may Be incompatible therewith;
20 And it confides to the United States SUPREME COURT the
21 Ultimate POWER of deciding All QUESTIONS ARISING under
22 the Constitution And LAWS of the United States. The LAWS
23 of the United States, then, MADE in PURSUANCE of the
24 Constitution, ARE to be the SUPREME LAW of the Land,
25 And Anything in the LAWS of Any state to the contrary
26 Notwithstanding."

27 22.) Defendant LONGSTREET WAS BORN in the United
28 States And is therefore "Property" of the United States.

29 23.) The Citizen of Each state shall be entitled
30 to All the "Privileges and Immunities" of Citizens of
31 several States. SLAUGHTER HOUSE, 83 U.S. 36, 73, 21
32 L. Ed. 394, 1872 U.S. Lexis 1139.

33 24.) All Persons BORN OR NATURALIZED in the United
34 States, And subject to the Jurisdiction thereof, ARE
35 Citizens of the United States And of the State
36 wherein they Reside. 83 U.S. 36, 69, 21 L. Ed. 394 (1872)

1 25) And NO state shall MAKE OR ENFORCE ANY
2 LAW which shall Abridge the "Privileges And Immunities"
3 of Citizens of the United States. 83 U.S. 36, 71.

4 26) Defendant Longstreet "Freedom" is his Property.
5 And if the State of Nevada is using Defendant Longstreet
6 PASS Felony convictions to say that his Freedom should
7 Be Stripped From him with the Use of the Habitual
8 Criminal statute Because he has MORE than 5 OR MORE
9 than 7 Felony convictions in his Background. This would
10 constitute discrimination under color of LAW in violation
11 of Title 42 U.S.C. § 1981 and 1982, And The EQUAL Protection
12 Clause of the 14th Amendment of the United States Con-
stitution. And NO state shall MAKE OR ENFORCE ANY LAW
which shall Abridge the Immunities of Citizens of the
United States. JONES V. ALFRED H. MAYER CO., 392 U.S.
409, 436, 88 S.Ct. 2186 (1968)

13 27.) Its considered discrimination Because the
14 Habitual Criminal statute is only Being Applied to those
15 with 5 OR MORE Felony convictions. And not to Anyone with
A Felony conviction. (ARE Felony conviction illegal in Nevada ??)

16 28) By LAW state Judges cannot impose the
17 Habitual Criminal statute if it is Being imposed in
18 A discriminated Fashion. Article 6, Clause #2 of the
19 United States Constitution Bound Every state Judge not to
impose An Habitual Criminal sentence if its Being
imposed discriminatively.

20 29.) Defendant Longstreet invoke his sovereignty as
21 A United States Citizen with A Felony Background Because of
22 his Sovereignty Power under the Tenth Amendment of the
23 United States Constitution ~~Because~~ he is Immuned From
24 Being discriminated Against As A United States Citizen
25 with A Felony conviction Background Pursuant to Title 42
U.S.C. § 1981 and 1982 of the Civil Rights Act. Therefore,
Defendant Felony conviction Background should Be excluded
During sentencing.

26 Wherefore, Defendant Pray this court GRANT this
27 Motion Excluding NRS 207.010, 193.167.

28 Respectfully Submitted
Anthony D. Longstreet, SR.
Minister

August 15, 2020

My Birthday Pg. 9 of 9

Anthony O. Longstreet, SR. #6028264
CLARK County Detention Center
330 S. Casino Center Blvd
LAS VEGAS, Nevada 89101
(North Valley Complex (NVC) Unit 1H cell 24)

August 06, 2020
Date

CLERK OF COURT
To: Steven D. Grierson
8th Judicial District Court
200 Lewis Avenue/3rd Floor
LAS VEGAS, Nevada 89155

C-20-348182-1
Case Number

3
Department #

Notice of Filing

DEAR CLERK OF COURT

PLEASE Find the original Motion IN Limine For
Filing. Your consideration in this matter will be appreciated.

Respectfully Submitted
Anthony O. Longstreet, SR.
Minister/Defendant

Certificate of Service

I, Anthony O. Longstreet, SR., depose and state under Penalty of
Perjury Pursuant to NRS 53.250 to NRS 53.390 under the LAWS OF NEVADA
that I have served a copy of the Attached Motion IN Limine with
Memorandum of Law to the following Below:

Seth Gutierrez
Assistant Public Defender
309 S. 3rd Street/Rm 309
LAS VEGAS, Nevada 89101

Ms. Alicia Albritton
Chief Deputy District Attorney
200 Lewis Avenue
LAS VEGAS, Nevada 89155

By Depositing A copy in the Mailbox on August 21, - 2020.

Respectfully Submitted
Anthony O. Longstreet, SR.
Minister

RECEIVED

AUG 31 2020

CLERK OF THE COURT

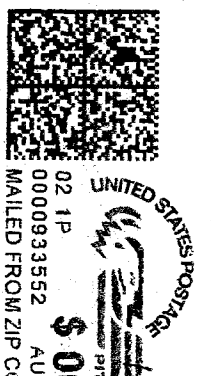
Anthony O. Longstreet, SR. #6028264
Clark County Detention Center
330 S. Casino Center Blvd.
LAS VEGAS, Nevada 89101
(North Valley Complex (NVC) Unit 1 H cell 24)

LEGAL

SENT FROM CCDC

Clerk of Court
To: Steven D. Grierson
8th Judicial District Court
200 Lewis Avenue
LAS VEGAS, Nevada 89155
(3rd Floor)

129



PP
DA
PD

Electronically Filed
09/21/2020

Heather J. Hume
CLERK OF THE COURT

Anthony Odell Longstreet, SR. #6028264
CLARK County Detention Center
330 S. Casino Center Blvd
LAS VEGAS, Nevada 89101

Eighth Judicial District Court
CLARK County, Nevada

The State of Nevada
Plaintiff,

Vs.

Anthony Odell Longstreet, SR.
Defendant.

C-20-348182-1
CASE Number

Dept. #3

10/13/20

3:30 p.m.

Motion To Discharge Public Defender

Now come defendant, Anthony Odell Longstreet, SR., Pro Per,
And Pursuant to NRS 175.383 Moving this Court For An Order
discharging the Public Defender Office From this CASE DUE to
ineffective Assistance of counsel in violation of the sixth
Amendment of the United States Constitution And Article 1, section
8 of Nevada Constitution. And In support, Defendant Attaches
A MEMORANDUM OF LAW with supporting Exhibits.

Wherefore, defendant pray this court GRANT this motion.

Respectfully Submitted

Anthony O. Longstreet, SR.
Minister/Defendant

August 29, 2020
Date

RECEIVED

SEP 9 2020

CLERK OF THE COURT

Pg. 1 of 9

1 Anthony Odell Longstreet, SR. #6028264
2 CLARK County Detention Center
3 330 S. Casino Center Blvd.
4 LAS VEGAS, Nevada 89101

5 Eighth Judicial District Court
6 CLARK County, Nevada

7 The State of Nevada

8 Plaintiff,

9 Vs.

C-20-348182-1

CASE Number

Dept. #3

10 Anthony Odell Longstreet, SR.
11 Defendant.

12 Memorandum of Law In Support of
13 Motion To Discharge The Public Defender

14 * Now come defendant, Anthony Odell Longstreet, SR., Pro-Per,
15 in Support of his Motion To Discharge The Public Defender,
16 stating the following Below:

17 A.
18 FACTS

19 1.) On MARCH 02, 2020 Defendant Longstreet was charged in the
20 Justice Court of the Northern Township of LAS VEGAS FOR BATTERY
21 WITH SUBSTANTIAL BODILY HARM TO A VICTIM OVER 60 PURSUANT TO
22 NRS 200.481(A)(2)(B) AND NRS 193.167(1)(d)(2)(4)(A)(B). This is
23 A CATEGORY "C" Felony that carry 1 to 5 Years with a enhance-
24 ment Not to Exceed the sentence imposed For the Battery that
25 Resulted in Substantial Bodily Harm Pursuant to NRS 193.167(4)(A)
26 (B) Ran consecutive to the Battery sentence.

27 2.) On MARCH 03, 2020 the CASE WAS set For Probable Cause
28 determination. But on MARCH 05, 2020 the HEARING WAS vacated
BECAUSE OF A INCORRECT COURT DATE. And A Preliminary Hearing
WAS scheduled For MARCH 12, 2020 in Front of Judge Chris
LEE. But ARRAIGNMENT HEARING WAS held MARCH 05, 2020
And the Public Defender Office WAS Appointed to Represent
Defendant LONGSTREET.

3.) CASE WAS then set For Preliminary Hearing For MARCH
19, 2020. Assistant Public Defender Seth Gutierrez Requested
A Continuance Because he needed Additional discovery And

Pg. 2 of 9

1 Recorded interview that Defendant Longstreet had with
2 Detective David Wells without court authorization in violation
3 of NRS 179.475 and NRS 179.485 and Katz v. United States
389 U.S. 347, 357, 88 S.Ct. 507, 19 L.Ed.2d 576.

4 4.) CASE WAS set For status check For April 02, 2020. On April
5 02, 2020 Judge Chris Lee granted Defendant Longstreet leave to
6 proceed pro-se. But the Judge left the Public Defender on the case
7 to assist Defendant Longstreet with the preparation for his preliminary
8 hearing. And the case was continued until April 16, 2020.

9 5.) On April 16, 2020 Chief Deputy District Attorney Alicia
10 Albritton Filed An Amended Complaint Adding two (2) more
11 charges to the Battery. She Added Burglary Pursuant to
12 NRS 205.060(1) and Attempted Robbery Pursuant to NRS 193.
13 330(1)(A)(2) and NRS 200.380(1)(A).

14 6.) On April 16, 2020 Chief Deputy District Attorney Alicia
15 Albritton Also stated on record that she was unable to play the
16 video footage and explained in detail what the video depicted.
17 She said the video shows Defendant walking into Dotty's, went to
18 the cashier. While standing there the victim walks up. Takes
19 money out his wallet, places the money on the counter by
20 the defendant. The defendant moves the money by the cash
21 register. The victim reaches and takes the money back. The
22 defendant says something and walks away. Shortly
23 thereafter, the victim walks over to where the defendant
24 is standing. The victim and defendant is standing face to
25 face. Then the defendant hits the victim and the victim goes
26 down to the floor. The defendant is then seen talking to
27 the people standing around waving his hands in the air,
28 and then all of a sudden defendant goes back over to
where the victim is laying on the floor and began to hit
and kick the victim. Then the defendant stops and walks
out the casino and leaves.

7.) Defendant Longstreet Requested Again to see the
Discovery and view the video April 16, 2020 after the
District Attorney depicted what the video would show.

8.) Judge Chris Lee denied defendant Longstreet motion
to Dismiss for Lack of Jurisdiction Basing his decision on the
fact Defendant is not the victim. The motion was denied
without an Evidentiary Hearing and no reply from the state.

9.) April 23, 2020 Defendant Longstreet Appeared in court
And deputy Public Defender Carl Segerblom stated on record

1 that he forgot his laptop and therefore was unable to
2 show Defendant Longstreet the video Footage. Defendant
3 Longstreet also stated on record that he did not receive the
4 Victim Emergency Room Lab Records and transcripts of his
5 statement given to Detective David Wells. Case continued
6 to April 27, 2020 so Defendant Longstreet can see the video
7 Footage.

8 10.) On April 27, 2020 defendant Longstreet appeared in
9 court again in front of Judge Chris Lee. to view the video.
10 Deputy Public Defender Seth Gutierrez appears back in
11 court and shows Defendant Longstreet a small piece of the
12 video footage on his cell phone showing the victim walking
13 up on the right side of Defendant Longstreet, pulled out his
14 wallet, pulled out some money, places the money on the
15 counter next to Defendant. The Defendant moves the money
16 over by the cash register to indicate to the victim hes next
17 after Defendant. Victim then reaches and take the money
18 back. That was all the video showed on the cell phone.
19 And the video kept repeating itself.

20 11.) Defendant Longstreet felt like he was being denied
21 the right to view the full video, and accepted the PLEA
22 Agreement: That if he PLEAD Guilty the state would
23 drop all charges except BATTERY that resulted in
24 substantial Bodily Harm, that the state wouldnt seek
25 the Habitual. But they wanted to Reserve the right to
26 Argue.

27 12.) Defendant Longstreet was asked to waive his
28 Preliminary in order for Judge Lee to accept his Guilty PLEA.
29 Defendant waived his Preliminary Hearing on conditions
30 of his PLEA Agreement. And the Judge accepted the PLEA
31 And the Case was Bonded over to the District Court in
32 front of Judge Cristina D. Silva.

33 13.) On May 13, 2020, Defendant Longstreet appeared
34 in court in front of Judge Cristina Silva for the PLEA he
35 entered with Judge Chris Lee. Assistant Public Defender
36 Brian Cox appeared and handed Defendant Longstreet a
37 written PLEA Agreement that was wrote up by chief
38 Deputy District Attorney Alicia Albritton.

1 14.) On May 13, 2020, Deputy Public Defender Bryan Cox
2 handed Defendant Longstreet a Guilty Plea Agreement wrote
3 By Chief District Attorney Alicia Albritton. The Plea Agree-
4 ment had incorporated that Defendant would also agree
5 to pay full restitution. This was not apart of the original
6 Plea Agreement. There was never any mention of a
7 Restitution in the original Plea Agreement. And when
8 Defendant Longstreet brought this issue to Judge Silva
9 attention about there not being a dollar amount. She
10 stated on record that when P & P (Parole & Probation)
11 interview defendant and submit there recommendation
12 if there is a Restitution the dollar amount will be on
13 there report.

14 15.) The Fact that the victim came over to where
15 Defendant was standing was considered "Implied Consent"
16 to a fight that resulted in the victim injuries. Therefore
17 the victim "Is Not" entitled to Restitution.

18 16.) Defendant Longstreet then took issue with a
19 statement in the Guilty Plea Agreement wherein he
20 was being asked to waive his right to challenge the
21 legality of these proceedings and that he believed it
22 violated his First Amendment right to redress the
23 government in a grievance. Thus resulting in a
24 procedural default if he ~~waived~~ WAIVE his direct appeal
25 to challenge the legality of the proceedings by post
26 conviction or Habeas Corpus.

27 17.) Judge Cristina D. Silva didn't want to answer
28 any questions put to her about the constitutionality
of the waiver and said the defendant can take it as
it is or he can reject it. Defendant Longstreet seeing
that the Judge refusing to answer any questions
about the constitutionality of the waiver "Plead Guilty"
under duress.

18.) The Judge, while being a motor mouth, didn't
hear defendant Plea under duress. And chief Deputy
District Attorney Sarah overly interrupted the Judge
and said, "Your honor I think I heard ~~defendant~~ MR.
Longstreet say he Plead Guilty under duress."

1 19.) The Judge then turned to Address Longstreet
2 By Asking him if he said that. And defendant Replied,
3 "Yes". So the Judge turned the HEARING into AN
4 ARRAIGNMENT And defendant PLEAD Not Guilty and invoked
5 his sixty (60) day Rule. And she Refused to Accept the
6 Guilty PLEA.

7 20.) July 09, 2020 defendant Longstreet Appeared in
8 Court in Front of Judge Douglas W. Herndon still under
9 the impression he's Acting As his own counsel. When
10 Deputy Public Defender Seth Gutierrez Appeared on
11 Behalf of Defendant Longstreet, Defendant stated that
12 he didn't understand why Mr. Gutierrez WAS Appearing
13 on his Behalf, Because he, defendant, had been
14 GRANTED LEAVE to Represent himself in the Justice court.

15 21.) Judge Douglas W. Herndon stated if ~~the~~ the
16 Motion to Proceed PRO-SE WAS Filed in the ~~the~~ Justice
17 Court it would need to be Re-Filed in the District
18 Court. Defendant then invoked his Right to Proceed
19 PRO-SE And the Judge said Defendant didn't have to
20 File A written motion. And set the CASE FOR July 21, 2020
21 on Defendant ORAL motion to Proceed PRO-SE FOR A
22 FARETTA CANVASS.

23 22.) On July 21, 2020 Defendant Longstreet Appeared
24 in Court in Front of Judge Herndon, to be CANVANCED
25 Pursuant to FARETTA V. CALIFORNIA. The Judge CANVANCED
26 Defendant Longstreet And it BECAME humiliating in violation
27 of NEVADA Supreme Court Rule 253. The Judge got upset
28 And ACCUSED defendant of continuing to disrupt him
during the CANVANCING And denied Defendant motion to
Proceed PRO-SE. And FORCED the Attorney on Defendant.

23 23.) Defendant Longstreet Filed A Petition for Writ
24 of Mandamus Asking the Nevada Supreme Court to
25 Compel the Eighth Judicial District Court Judge to Allow
26 Defendant the Right to Represent himself in compliance
27 with Title 28 U.S.C. § 1654 and Nevada Supreme Court
28 Rule 44(1). (CASE Number 81621)

24.) The Nevada Supreme Court Justices Pickering,
Hardesty And stiglich Denied the Petition August 26, 2020
claiming defendant has not Established that An

1 Eventual Appeal does Not Afford An Adequate legal
2 Remedy And declined to Exercise there Original
3 Jurisdiction in this matter And consented to the Eighth
4 Judicial District Court Judge denying Defendant the
5 Right to Act As his own counsel, consenting to counsel
6 Being Forced on Defendant Longstreet.

7 25) While the Mandamus was Pending in the
8 Nevada Supreme Court defendant Longstreet Attempted
9 to File two (2) motions in the Eighth Judicial District
10 Court. And Both Motions were Received and copies were
11 sent to the Public Defenders Office for consideration
12 By the Public Defender Office as they deem appropriate.
13 (Ex. #1 Attached)

14 26) One Motion was A Motion to Dismiss and the
15 other Motion was A Motion to Disqualify the Judge. The
16 Public Defender Office has Not Acknowledge the motions
17 And ARE waiting to Appear in court to talk about what
18 they ARE going to do.

19 27) Defendant Moves to Proceed in Pro-Per due to
20 ineffective Assistance of counsel for Failure to keep him
21 informed about the status of this Prosecution.

22 B.
23 Counsel Failure to keep Defendant Informed of
24 The Prosecution Denies Effective Assistance of
25 Counsel in violation of The 6th Amendment
26 And Article 1 section 8 of Nevada Constitution

27 28)

28 According to Strickland v. Washington, 466 U.S. 668, 104
S.Ct. 2052, 80 L.Ed. 2d 674, 694 the United States Supreme
Court said:

"Representation of A criminal defendant
entails certain Basic Duties. Counsel's Function
is to Assist the defendant, And hence counsel
owes the Client A duty of Loyalty, A duty
to Avoid conflicts of Interest. From counsel's
Function As Assistant to the defendant
derives the Overarching duty to Advocate
the defendants Cause And the More Particular
duties to consult with the defendant on
important decisions And to keep the defendant
informed of Important developments in

1 the PROSECUTION, Counsel Also HAS A duty
2 to bring to BEAR such skill and knowledge
3 AS will Render the TRIAL A Reliable ADVERSARIAL
testing PROCESS."

4 29.) According to FARETTA V. CALIFORNIA, 422 U.S. 806,
5 45 S.Ct. 2525, 2534, 45 L.Ed.2d 562 the United States
6 Supreme Court said:

7 "To thrust counsel upon the ACCUSED,
8 AGAINST his considered wish, thus
9 violates the logic of the Amendment.
10 In such A CASE, counsel is NOT AN
11 ASSISTANT, BUT A MASTER, AND the
12 Right to make A defense is STRIPPED
13 of the PERSONAL CHARACTER upon which
14 the Amendment insists. IT IS TRUE
15 that when A defendant chooses to
16 HAVE A LAWYER MANAGE AND PRESENT
17 his CASE, LAW and TRADITION MAY
18 ALLOCATE to the counsel the POWER to
19 MAKE Binding decisions of TRIAL
20 STRATEGY in MANY AREAS. . . . The
21 Defense Presented is NOT the defense
22 GUARANTEED him by the constitution,
23 FOR, in A VERY REAL sense, it is NOT
24 his defense."

25 The sixth Amendment, when NATURALLY READ, thus
26 implies A Right of Self-Representation. This is why the
27 Congress made it A statutory Right under Title 28 U.S.C. §
28 1654 FOR A PERSON to ACT AS his own counsel. And NEVADA
CREATED THAT SAME Right under NEVADA Supreme Court
General Provision Rule 44(1). Defendant LONGSTREET there
FOR MOVE to ACT AS his own counsel.

29 30.) Defendant LONGSTREET CANNOT PURSUE Any of his
30 Pre-trial Motions with counsel standing in the way. De-
31 fendant needs to conduct his own JURY trial, AND PURSUE
32 his own Pre-trial and Post trial Motions AND Brief his
33 OWN APPEAL, if there is to Be one.

1 31.) Wherefore, defendant PRAY this court
2 direct the Public Defender Office to withdraw off this
3 CASE and direct the Clerk of Court to Remove there
4 NAME off the Records so that defendant can file his
5 motions with the Clerk of Court.

6 Respectfully Submitted
7 Anthony Q. Longstreet, Sr
8 Defendant/Minister

9 August 29, 2020
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Pg. 9 of 9



**EIGHTH JUDICIAL DISTRICT COURT
CLERK OF THE COURT**

REGIONAL JUSTICE CENTER
200 LEWIS AVENUE, 3rd FL.
LAS VEGAS, NEVADA 89155-1160
(702) 671-4554

Steven D. Grierson
Clerk of the Court

Anntoinette Naumec-Miller
Court Division Administrator

August 17, 2020

Attorney: Public Defender
Clark County Public Defender
309 S 3rd Street Suite #2
Las Vegas NV 89101

Case Number: C-20-348182-1
Department: Department 3

Defendant: Anthony Odell Longstreet

Attached are pleadings received by the Office of the District Court Clerk which are being forwarded to your office pursuant to Rule 3.70.

Pleadings: **Motion To Disqualify Judge; Motion To Dismiss**

Rule 3.70. Papers which May Not be Filed

Except as may be required by the provisions of NRS 34.730 to 34.830, inclusive, all motions, petitions, pleadings or other papers delivered to the clerk of the court by a defendant who has counsel of record will not be filed but must be marked with the date received and a copy forwarded to the attorney for such consideration as counsel deems appropriate. This rule does not apply to applications made pursuant to Rule 7.40(b)(2)(ii).

Cordially yours,
DC Criminal Desk # 7
Deputy Clerk of the Court

(Exhibit #1)

Anthony Longstreet SR. #6028264
Clark County District Court
330 S. Casino Center Blvd
LAS VEGAS, Nevada 89101

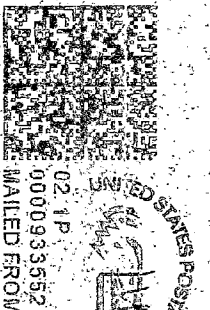
SENT FROM CODC

LEGAL

Clerk of Court

To, Steven D. Grierson

8th Judicial District Court
200 LEWIS AVENUE/3rd Floor
LAS VEGAS, Nevada 89155



Anthony D. Longstreet, Sr.
CLERK OF THE COURT

Anthony Odell Longstreet, Sr. #6028264
CLARK County Detention Center
330 S. Casino Center Blvd
LAS VEGAS, Nevada 89101

PP
DA
PD

September 03, 2020

CLERK of COURT

To. Steven D. GRIERSON

8th Judicial District Court
200 Lewis Avenue/3rd Floor
LAS VEGAS, Nevada 89155

C-20-348182-7
CASE Number
Dept. #3

10/13/20
3:30 p.m.

Notice of Filing

DEAR CLERK of COURT

PLEASE find the ORIGINAL Motion to Discharge Public Defender for Filing. Your consideration in this matter will be appreciated.

Respectfully Submitted
Anthony O. Longstreet, Sr.
Minister

Certificate of Service

I, Anthony Odell Longstreet, Sr., depose and state that I have served a copy of the Attached Motion to discharge Public Defender with Memorandum of Law and Exhibit to the following below:

Seth Gutierrez
Deputy Public Defender
309 S. 3rd Street
LAS VEGAS, NV 89101

Alicia Albritton
Deputy District Attorney
200 Lewis Avenue
LAS VEGAS, Nevada 89155

By depositing a copy in the mailbox on 09/03 2020.

Respectfully Submitted
Anthony O. Longstreet, Sr.
Minister

RECEIVED

SEP - 9 2020

CLERK OF THE COURT

Heather L. Linn
CLERK OF THE COURT

ORDR

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
ALICIA ALBRITTON
Chief Deputy District Attorney
Nevada Bar #09492
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-

ANTHONY ODELL LONGSTREET,
#6028264

Defendant.

CASE NO. C-20-348182-1

DEPT NO. III

**ORDER RELEASING CERTIFIED MEDICAL RECORDS AND
AUTHORIZATION FOR RELATED WITNESS TESTIMONY**

Upon the ex parte application and representation of STEVEN B. WOLFSON, Clark County District Attorney, by and through ALICIA ALBRITTON, Chief Deputy District Attorney, that certain medical records containing protected health information are necessary for the prosecution of the above-captioned criminal case are being held in the custody of CULINARY HEALTH CENTER; that said information is relevant and material to a legitimate law enforcement inquiry; that the application was specific and limited in scope to the extent reasonably practicable in light of the purpose for which the information is sought; and that de-identified information could not reasonably be used;

NOW THEREFORE, pursuant to 45CFR164.512(f), and GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that CULINARY HEALTH CENTER shall release to a representative of the DISTRICT ATTORNEY'S OFFICE, any and all medical

1 records, to include a certificate of custodian of records, concerning diagnosis, prognosis,
2 and/or treatment of JOSE VERDUZCO-ZAMBRANO, whose date of birth is 12/10/1957,
3 which were prepared on or after 12/6/2019 to present date, and relate to injuries sustained on
4 or about said date.

5 IT IS FURTHER ORDERED that any and all medical personnel referenced in the
6 foregoing medical records shall be authorized to appear for pre-trial conferences and pursuant
7 to subpoena to testify regarding their treatment of JOSE VERDUZCO-ZAMBRANO at all
8 court proceedings.


9 DATED this _____ day of September, 2020.

Dated this 6th day of October, 2020

11 
12 _____
13 DISTRICT JUDGE

E0B B28 24A4 F9AC
Douglas W. Herndon
District Court Judge

14 STEVEN B. WOLFSON
15 Clark County District Attorney
16 NEVADA BAR #001565

17 BY  10/93 for
18 ALICIA ALBRITTON
19 Chief Deputy District Attorney
20 Nevada Bar #09492

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1 **EXMT**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 ALICIA ALBRITTON
6 Chief Deputy District Attorney
7 Nevada Bar #09492
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

8 DISTRICT COURT
9 CLARK COUNTY, NEVADA

10 THE STATE OF NEVADA,

11 Plaintiff,

12 -vs-

CASE NO. C-20-348182-1

13 ANTHONY ODELL LONGSTREET,
14 #6028264

DEPT NO. III

15 Defendant.

16
17 **EX PARTE MOTION FOR RELEASE OF CERTIFIED MEDICAL**
18 **RECORDS AND AUTHORIZATION FOR RELATED WITNESS**
19 **TESTIMONY**

20 COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County
21 District Attorney, through ALICIA ALBRITTON, Chief Deputy District Attorney, and moves
22 this Honorable Court for an Order releasing evidence which includes protected health
23 information being held by CULINARY HEALTH CENTER, consisting of any and all medical
24 records, to include a certificate of custodian of records, for patient: JOSE VERDUZCO-
25 ZAMBRANO, DOB: 12/10/1957, concerning diagnosis, prognosis and/or treatment given or
26 provided on or after 12/6/2019 to present date, which relate to injuries sustained on or about
27 said date, to be released to a representative of the DISTRICT ATTORNEY'S OFFICE, and
28 authorizing the appearance and testimony from any and all medical personnel referenced in
the foregoing medical records at pre-trial conferences and all court proceedings, for the

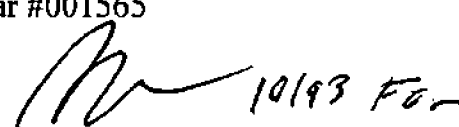
1 purpose of prosecuting the above referenced case charging the crime of BATTERY
2 RESULTING IN SUBSTANTIAL BODILY HARM, VICTIM 60 YEARS OF AGE OR
3 OLDER (Category C Felony - NRS 200.481, 193.167 - NOC 50216) ATTEMPT ROBBERY
4 (Category B Felony - NRS 200.380, 193.330 - NOC 50144) and BURGLARY (Category B
5 Felony - NRS 205.060 - NOC 50424)

6 Pursuant to 45CFR164.512(f), Movant represents that the information sought is
7 relevant and material to a legitimate law enforcement inquiry; that the request is specific and
8 limited in scope to the extent reasonably practicable in light of the purpose for which the
9 information is sought; and that de-identified information could not reasonably be used.

10 DATED this 24 day of September, 2020.

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

14 BY

 10/93 For
15 ALICIA ALBRITTON
16 Chief Deputy District Attorney
17 Nevada Bar #09492
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28 c/L-5

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 State of Nevada

CASE NO: C-20-348182-1

7 vs

DEPT. NO. Department 3

8 Anthony Longstreet
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Order was served via the court's electronic eFile system to all
13 recipients registered for e-Service on the above entitled case as listed below:

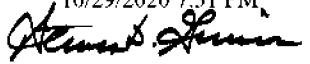
14 Service Date: 10/6/2020

15 Carl Segerblom

Carl.Segerblom@ClarkCountyNV.gov

16 Public Defender

pdclerk@clarkcountynv.gov


CLERK OF THE COURT

EXMT
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
ALICIA ALBRITTON
Chief Deputy District Attorney
Nevada Bar #09492
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-

ANTHONY ODELL LONGSTREET,
#6028264

Defendant.

CASE NO. C-20-348182-1

DEPT NO. III

**EX PARTE MOTION FOR RELEASE OF CERTIFIED MEDICAL
RECORDS AND AUTHORIZATION FOR RELATED WITNESS
TESTIMONY**

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through ALICIA ALBRITTON, Chief Deputy District Attorney, and moves this Honorable Court for an Order releasing evidence which includes protected health information being held by CULINARY HEALTH CENTER, consisting of any and all medical records, to include a certificate of custodian of records, for patient: JESUS VERDUZCO-ZAMBRANO, DOB: 12/10/1957, concerning diagnosis, prognosis and/or treatment given or provided on or after 12/6/2019 to present date, which relate to injuries sustained on or about said date, to be released to a representative of the DISTRICT ATTORNEY'S OFFICE, and authorizing the appearance and testimony from any and all medical personnel referenced in the foregoing medical records at pre-trial conferences and all court proceedings, for the


1 purpose of prosecuting the above referenced case charging the crime of BATTERY
2 RESULTING IN SUBSTANTIAL BODILY HARM, VICTIM 60 YEARS OF AGE OR
3 OLDER (Category C Felony - NRS 200.481, 193.167 - NOC 50216) ATTEMPT ROBBERY
4 (Category B Felony - NRS 200.380, 193.330 - NOC 50144) and BURGLARY (Category B
5 Felony - NRS 205.060 - NOC 50424)

6 Pursuant to 45CFR164.512(f), Movant represents that the information sought is
7 relevant and material to a legitimate law enforcement inquiry; that the request is specific and
8 limited in scope to the extent reasonably practicable in light of the purpose for which the
9 information is sought; and that de-identified information could not reasonably be used.

10 DATED this _____ day of October, 2020.

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

14 BY


15 ALICIA ALBRITTON
16 Chief Deputy District Attorney
17 Nevada Bar #09492
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28 cl/L-5

1 **ORDR**

2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 ALICIA ALBRITTON
6 Chief Deputy District Attorney
7 Nevada Bar #09492
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

12 **DISTRICT COURT**
13 **CLARK COUNTY, NEVADA**

14 THE STATE OF NEVADA,

15 Plaintiff,

16 -vs-

17 ANTHONY ODELL LONGSTREET,
18 #6028264

19 Defendant.

CASE NO. C-20-348182-1

DEPT NO. III

20 **ORDER RELEASING CERTIFIED MEDICAL RECORDS AND**
21 **AUTHORIZATION FOR RELATED WITNESS TESTIMONY**

22 Upon the ex parte application and representation of STEVEN B. WOLFSON, Clark
23 County District Attorney, by and through ALICIA ALBRITTON, Chief Deputy District
24 Attorney, that certain medical records containing protected health information are necessary
25 for the prosecution of the above-captioned criminal case are being held in the custody of
26 CULINARY HEALTH CENTER; that said information is relevant and material to a legitimate
27 law enforcement inquiry; that the application was specific and limited in scope to the extent
28 reasonably practicable in light of the purpose for which the information is sought; and that de-
identified information could not reasonably be used;

NOW THEREFORE, pursuant to 45CFR164.512(f), and GOOD CAUSE
APPEARING, IT IS HEREBY ORDERED that CULINARY HEALTH CENTER shall
release to a representative of the DISTRICT ATTORNEY'S OFFICE, any and all medical

1 records, to include a certificate of custodian of records, concerning diagnosis, prognosis,
2 and/or treatment of JESUS VERDUZCO-ZAMBRANO, whose date of birth is 12/10/1957,
3 which were prepared on or after 12/6/2019 to present date, and relate to injuries sustained on
4 or about said date.

5 IT IS FURTHER ORDERED that any and all medical personnel referenced in the
6 foregoing medical records shall be authorized to appear for pre-trial conferences and pursuant
7 to subpoena to testify regarding their treatment of JESUS VERDUZCO-ZAMBRANO at all
8 court proceedings.

9 DATED this _____ day of October, 2020.

Dated this 29th day of October, 2020


11 
12 DISTRICT JUDGE

13 279 83F 817C 9F48
14 Douglas W. Herndon
15 District Court Judge

ak

14 STEVEN B. WOLFSON
15 Clark County District Attorney
16 NEVADA BAR #001565

17 BY


18 ALICIA ALBRITTON
19 Chief Deputy District Attorney
20 Nevada Bar #09492

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28 cl/L-5

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 State of Nevada

CASE NO: C-20-348182-1

7 vs

DEPT. NO. Department 3

8 Anthony Longstreet
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Ex Parte Motion was served via the court's electronic eFile system to
13 all recipients registered for e-Service on the above entitled case as listed below:

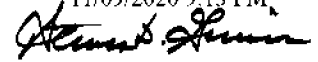
14 Service Date: 10/29/2020

15 Carl Segerblom

Carl.Segerblom@ClarkCountyNV.gov

16 Public Defender

pdclerk@clarkcountynv.gov


CLERK OF THE COURT

ORDR
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
ASHLEY A LACHER
Deputy District Attorney
Nevada Bar #14560
200 Lewis Avenue
Las Vegas, NV 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-vs-

ANTHONY ODELL LONGSTREET,
#6028264

Defendant.

CASE NO: C-20-348182-1

DEPT NO: III

**ORDER DENYING DEFENDANT'S PRO PER MOTION TO DISCHARGE
PUBLIC DEFENDER**

DATE OF HEARING: October 15, 2020
TIME OF HEARING: 3:30 P.M.

THIS MATTER having come on for hearing before the above entitled Court on the 15th day of October, 2020, the Defendant being present, represented by SETH GUTIERREZ, ESQ., the Plaintiff being represented by STEVEN B. WOLFSON, District Attorney, through ASHLEY A. LACHER, Deputy District Attorney, and the Court having heard the arguments of counsel, based on the pleadings and good cause appearing therefor,

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///

1 IT IS HEREBY ORDERED that the Defendant's Motion, shall be, and it is Denied.

2 DATED this _____ day of November, 2020.


3 Dated this 9th day of November, 2020

4 
DISTRICT JUDGE

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

8 5BB 7BF D465 EC2A
9 Douglas W. Herndon
10 District Court Judge

ak

11 BY 
12 ASHLEY A LACHER
13 Deputy District Attorney
14 Nevada Bar #14560

15 **CERTIFICATE OF SERVICE**

16 I certify that on the 2nd day of NOVEMBER, 2020, I mailed a copy of the foregoing
17 Order to:

18 ANTHONY ODELL LONGSTREET, SR.
19 #6028264
20 CCDC
21 330 S. CASINO CENTER BLVD.
22 LAS VEGAS, NV 89101

23 BY /s/ Kristin B.
24 Kristin B.
25 Secretary for the District Attorney's Office

26 kb/20FN0563X/L-5

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 State of Nevada

CASE NO: C-20-348182-1

7 vs

DEPT. NO. Department 3

8 Anthony Longstreet
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Order was served via the court's electronic eFile system to all
13 recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 11/9/2020

15 Carl Segerblom

Carl.Segerblom@ClarkCountyNV.gov

16 Public Defender

pdclerk@clarkcountynv.gov



MOT
DARIN F. IMLAY, PUBLIC DEFENDER
NEVADA BAR NO. 5674
SETH GUTIERREZ DEPUTY PUBLIC DEFENDER
NEVADA BAR NO. 12974
PUBLIC DEFENDERS OFFICE
309 South Third Street, Suite 226
Las Vegas, Nevada 89155
Telephone: (702) 455-4685
Attorneys for Defendant

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,)	
)	
Plaintiff,)	CASE NO. C-20-348182-1
)	
v.)	DEPT. NO. III
)	
ANTHONY ODELL LONGSTREET,)	
)	
Defendant,)	DATE: December 1, 2020
)	TIME: 3:30 p.m.

MOTION TO COMPEL PRODUCTION OF DISCOVERY & BRADY MATERIAL

Defendant, ANTHONY ODELL LONGSTREET, through counsel, CARL SEGERBLOM, Deputy Public Defender, hereby requests this Honorable Court to order the State of Nevada to produce the discovery and Brady material discussed herein **at least 30 days before trial** pursuant to NRS 174.235; NRS 174.285; Kyles v. Whitley, 514 U.S. 419 (1995); Brady v. Maryland, 373 U.S. 83 (1963) (and their progeny).

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

DATED this 19th day of November, 2020.

DARIN F. IMLAY
CLARK COUNTY PUBLIC DEFENDER

By: /s/Seth Gutierrez
SETH GUTIERREZ, #12974
Deputy Public Defender

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SETH GUTIERREZ makes the following declaration:

1. I am an attorney licensed to practice law in the State of Nevada and I am a Deputy Public Defender for the Clark County Public Defender's Office, counsel of record for Defendant ANTHONY ODELL LONGSTREET, in the present matter;

2. I make this Declaration in support of Mr. Longstreet's Motion for Production of Discovery & Brady material;

3. I am more than 18 years of age and am competent to testify as to the matters stated herein. I am familiar with the procedural history of the case and the substantive allegations made by The State of Nevada. I also have personal knowledge of the facts stated herein or I have been informed of these facts and believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct. (NRS 53.045).

EXECUTED this 19th day of November, 2020.

SETH GUTIERREZ

ARGUMENT

Prior to trial, prosecutors are required to disclose both inculpatory and exculpatory information within their actual or constructive possession.

I. Prosecutors must Disclose *Inculpatory* Evidence

NRS 174.235 requires prosecutors to disclose evidence “within the possession, custody or control of the state, the existence of which is known, or by the exercise of due diligence may become known,” including:

- The defendant’s written or recorded statements or confessions,
- Any witness’s written or recorded statements the prosecuting attorney intends to call during the witness during the State’s case in chief,
- Results or reports of physical or mental examinations, scientific tests or scientific experiments made in connection with the particular case,¹ and
- Books, papers, documents, tangible objects, or copies thereof, which the prosecuting attorney intends to introduce during the State’s case in chief.

NRS 174.235(1)(a)-(c).

A. Prosecutors must disclose all inculpatory evidence, regardless of whether the material is intended for use in the government’s case in chief

Prosecutors may not lawfully withhold inculpatory information from the defense simply because they do not intend to present the information in the government’s case-in-chief. State v. Harrington, 9 Nev. 91, 94 (1873); People v. Carter, 312 P.2d 665, 675 (Cal.1957); People v. Bunyard, 756 P.2d 795, 809 (Cal. 1988). Any holding to the contrary would allow prosecutors to engage in unfair surprise by withholding inculpatory material from the government’s case-in-chief, only to surprise the defense by using it in rebuttal. Thus, prosecutors must disclose all

¹ This includes medical data, imaging, films, reports and slides, histological, colposcopic, or otherwise. The right to counsel guaranteed by the Sixth Amendment obligates defense counsel to conduct “an adequate pre-trial investigation into . . . medical evidence.” Gersten v. Senkowski, 426 F.3d 588, 605 (2d Cir. 2005). This duty includes obtaining and reviewing pertinent medical imaging even if the testing reveals no significant findings. Id. at 605, 607-10 (discussing the exculpatory nature of “normal” medical examinations in cases in which a complainant alleges physical harm). Thus, the discovery obligations set forth in NRS 174.235(2) require prosecutors to disclose physical imaging and testing.

1 inculpatory evidence of which they are actually or constructively aware, including material not
2 necessarily intended for introduction in the prosecution's case-in-chief.

3 B. Fundamental fairness requires that NRS 174.235 be interpreted to encompass all
4 statements made by a defendant, regardless of whether they are reduced to writing or
5 recorded

6 While NRS 174.235 obligates prosecutors to disclose a defendant's written or recorded
7 statements, fundamental fairness requires disclosure of unrecorded statements and statements for
8 which a defendant can be held vicariously liable.² Courts have recognized the fundamental
9 fairness involved in "granting the accused equal access to his own words, no matter how the
10 government came by them." U.S. v. Caldwell, 543 F.2d 1333, 1353 (D.D.C. 1974). This
11 includes allowing an accused access to his unrecorded words, including adoptive or vicarious
12 admissions. Since these admissions are admissible at trial whether recorded or not, NRS
13 174.235 must be construed to require pretrial disclosure of any unrecorded statements or
14 admissions, including those for which the defendant can be held vicariously liable.

15 **II. Prosecutors Must Disclose Exculpatory Evidence as Required by the U.S. and** 16 **Nevada Constitutions**

17 The United States and Nevada Constitutions require prosecutors to disclose all
18 exculpatory information of which they are actually or constructively aware. U.S. Const. Amend.
19 V, VI, XIV; Nev. Const. Art. 1, Sect. 8; Brady v. Maryland, 373 U.S. 83 (1963); Kyles v.
20 Whitley, 514 U.S. 419, (1995). A prosecutor's failure to disclose exculpatory evidence violates
21 the Due Process Clause. Jimenez v. State, 112 Nev. 610, 618 (1996). A due process violation
22 occurs when exculpatory evidence is withheld, regardless of the prosecution's motive. Jimenez,
23 112 Nev. 610.

24 ///

25 ///

26 ///

27 ² NRS 51.035(3)(a)-(e) provides that a defendant can be held vicariously liable for
28 statements made by third parties. See also Fields v. State, 129 Nev. 785 (2009) (finding
evidence of defendant's silence following wife's complaint that she was in jail because of his
conduct admissible as an adoptive admission).

1 A. Brady Places Broad Disclosure Obligations on Prosecutors, Questions About Which Must
2 Be Resolved In Favor Of Disclosure

3 Exculpatory evidence is information favorable to the defendant that is material to the
4 issue of guilt or punishment. U.S. v. Bagley, 473 U.S. 667, 675 (1985). Evidence is material
5 and favorable to the accused if its non-disclosure undermines confidence in the outcome of the
6 trial. Kyles, 514 U.S. at 434-35. This evidence must be disclosed even in the absence of a Brady
7 request.³ Bagley, 473 U.S. at 680-82.

8 Ultimately, prosecutors are tasked with a “broad duty of disclosure.” Strickler, 527 U.S.
9 at 281; cf. U.S. v. Agurs, 427 U.S. 97, 108 (1976) (holding that “the prudent prosecutor will
10 resolve doubtful questions in favor of disclosure”). As the Nevada Supreme Court has
11 explained:

12 Due process does not require simply the disclosure of “exculpatory” evidence.
13 Evidence also must be disclosed if it provides grounds for the defense to attack the
14 reliability, thoroughness, and good faith of the police investigation, to impeach the
15 credibility of the state’s witnesses, or to bolster the defense case against
 prosecutorial attacks. Furthermore, “discovery in a criminal case is not limited to
 investigative leads or reports that are admissible in evidence.” Evidence “need not
 have been independently admissible to have been material.”

16 Mazzan v. Warden, 116 Nev. 48, 67 (2000) (internal citations omitted). Thus, any question as to
17 whether certain material, information, or evidence falls within the purview of Brady should be
18 resolved in favor of disclosure. Agurs, 427 U.S. at 108; see also Kyles, 514 U.S. at 439 (“a
19 prosecutor anxious about tacking too close to the wind will disclose a favorable piece of
20 evidence.”).

21 ///

22 ///

23 ³ However, a specific Brady request changes the standard of review on appeal. When a
24 defendant makes a specific request, a reversal is warranted when “there exists a reasonable
25 *possibility* that the claimed evidence would have affected the judgment of the trier of fact.”
26 Jimenez, 112 Nev. 619; State v. Bennett, 119 Nev. 589 (2003). However, absent a specific
27 request, reversal is warranted, “if there exists a reasonable *probability* that, had the evidence
28 been disclosed, the result of the proceeding would have been different.” Bagley, 473 U.S. at
667, 682, 685; Pennsylvania v. Ritchie, 480 U.S. 39, 57 (1986). A reasonable probability is a
probability sufficient to undermine confidence in the outcome. Bagley, 473 U.S. at 678, 685;
Ritchie, 480 U.S. at 57.

1 B. Favorable Evidence Includes Impeachment Information

2 The Due Process Clause of the Fifth and Fourteenth Amendments requires prosecutors to
3 disclose “any information about its witnesses that could cast doubt on their credibility.” U.S. v.
4 Jennings, 960 F.2d 1488, 1490 (9th Cir. 1992). A witness can be attacked by “revealing possible
5 biases, prejudices, or ulterior motives of the witnesses as they may relate directly to issues or
6 personalities in the case at hand. The partiality of a witness is . . . always relevant [to]
7 discrediting the witness and affecting the weight of his testimony.” Davis, 415 U.S. at 316; see
8 also Lobato v. State, 120 Nev. 512 (2004) (discussing the nine basic modes of impeachment).
9 Accordingly, favorable evidence includes impeachment information pertaining to all government
10 witnesses. Giglio v. U.S., 405 U.S. 150, 154 (1972); Youngblood v. West Virginia, 547 U.S.
11 867 (2006); U.S. v. Bagley, 473 U.S. at 676 (requiring disclosure of all impeachment evidence).

12 *1. Impeachment information includes cooperation agreements and benefits*

13 Impeachment information includes all cooperation agreements between a government
14 witness and prosecutors. Giglio v. U.S., 405 U.S. 150, 154 (1972) (requiring disclosure of
15 cooperation agreement between government witness and prosecutors). It also includes benefits
16 provided to a government witness, regardless of whether an explicit deal is outlined. Browning
17 v. State, 120 Nev. 347, 369 (2004). It is the witness’s own anticipation of reward, not the intent
18 of the prosecutor, which gives rise to the required disclosure. Moore v. Kemp, 809 F.2d 702,
19 726, 729-30 (11th Cir. 1987); Duggan v. State, 778 S.W.2d 465, 468 (Tex. Crim. App. 1989)
20 (noting that agreements need not be express or formal arrangements, and recognizing favorable
21 treatment that is merely implied, suggested, insinuated, or inferred to be of possible benefit to a
22 witness constitutes proper material for impeachment).

23 Notably, benefits are not limited to agreements made in relation to the case in which they
24 are sought. Jimenez, 112 Nev. at 622-23. Benefits include evidence that a witness acted as a
25 paid informant on one or more occasions. State v. Bennett, 119 Nev. 589, 603 (2003).
26 Additionally, benefits include travel and lodging compensation, immigration assistance of any
27 kind, whether actual or anticipatory, as well as counseling, treatment, or other assistance
28

1 provided to any witness. These benefits are relevant to issues regarding possible bias,
2 credibility, and motive to lie, all of which constitute impeachment evidence. Davis v. Alaska,
3 415 U.S. 308 (1974).

4 *2. A witness's criminal history constitutes impeachment information*

5 Impeachment information includes evidence relating to a witness's criminal history.
6 Briggs v. Raines, 652 F.2d 862, 865-66 (9th Cir. 1981). Under Brady, prosecutors must produce
7 criminal histories useful to demonstrating a witness's history of, or propensity for, a relevant
8 character trait. Id. Prosecutors must also produce criminal histories disclosing a witness's bias,
9 prejudice or motive to lie. Davis, 415 U.S. at 354.

10 A witness's entire criminal record should be disclosed, even if it is more than ten years
11 old. Moore, 809 F.2d 702. Prosecutors are often under the mistaken impression that they must
12 disclose only felony convictions within the last ten years that can be utilized for impeachment
13 under NRS 50.095. However, in Davis, the U.S. Supreme Court found that a witness can be
14 attacked by "revealing possible biases, prejudices, or ulterior motives The partiality of a
15 witness is . . . always relevant [to] discrediting the witness and affecting the weight of his
16 testimony." 415 U.S. at 354 (internal quotations omitted). The Davis Court found that the
17 policy interest in protecting offender records must yield to the defendant's right to cross-examine
18 as to bias. Id. at 356; see also Lobato v. State, 120 Nev. 512 (2004), discussing the "nine basic
19 modes of impeachment." Therefore, even juvenile records, misdemeanors, and older criminal
20 records may yield information relevant to many forms of impeachment other than that outlined in
21 NRS 50.095.

22 Prosecutors must also produce criminal history information maintained by law
23 enforcement agencies other than the North Las Vegas Police Department, such as the federal
24 government's National Crime Information Center ("NCIC") database.⁴ "[K]nowledge [of the

25 ⁴ Federal law permits disclosure of NCIC information under circumstances such as those
26 here. 28 C.F.R. Chapter 1 addresses the U.S. Dept. of Justice and Criminal Justice Information
27 Systems. 28 C.F.R. Sec. 20.33 sets forth the instances in which NCIC information may be
28 disclosed. It provides for NCIC disclosure "(1) To criminal justice agencies for criminal justice
purposes" 28 C.F.R. Sec. 20.3(g) defines criminal justice agencies as *inter alia* courts.
Additionally, 28 C.F.R. Sec. 20.3 defines the "[a]dministration of criminal justice" to include the

1 NCIC database] may be imputed to the prosecutor, or a duty to search may be imposed, in cases
2 where a search for readily available background information is routinely performed, such as
3 routine criminal background checks of witnesses.” Odle v. Calderon, 65 F. Supp. 2d 1065, 1072
4 (N.D. Cal. 1999), rev’d on other grounds by Odle v. Woodford, 238 F.3d 1084 (9th Cir. 2001).
5 A prosecutor’s lack of knowledge regarding a witness’s criminal history does not relieve the
6 prosecutorial obligation to obtain and produce that information. Martinez v. Wainwright, 621
7 F.2d 184, 187-89 (5th Cir. 1980) (defendant entitled to criminal records of state-government
8 witnesses, including data obtainable from the FBI; prosecutor’s lack of awareness of alleged
9 victim’s criminal history did not excuse duty to obtain and produce rap sheet).

10 Requiring prosecutors to run background checks on their witnesses is not a novel
11 proposition. See U.S. v. Perdomo, 929 F.2d 967 (3d Cir. 1991) (adopting 5th Circuit’s rationale
12 in requiring government to obtain complete criminal history on prosecution witnesses). It is the
13 prosecutor’s “obligation to make a thorough inquiry of all enforcement agencies that had a
14 potential connection with the witnesses” U.S. v. Thornton, 1 F.3d 149 (3d Cir. 1993). If the
15 witness has no criminal history, the prosecutor is not required to produce the NCIC printout, as it
16 need not disclose a lack of criminal history. U.S. v. Blood, 435 F.3d 612, 627 (6th Cir. 2006).
17 Thus, prosecutors must run a thorough background check on every witness they intend to call,
18 and produce all criminal history information to the defense.

19 *3. Impeachment information includes evidence contradicting a government witness’s*
20 *statement*

21 Impeachment evidence encompasses prior inconsistent statements and other evidence that
22 contradicts government witnesses. Accordingly, prosecutors must disclose prior inconsistent
23 statements by prosecution witnesses. Lay v. State, 116 Nev. 1185, 1199 (2000). Prosecutors
24 must also disclose other evidence contradicting the testimony of government witnesses. Rudin v.
25 State, 120 Nev. 121, 139 (2004).

26 “performance of any of the following activities . . . adjudication” Therefore, the C.F.R.
27 authorizes prosecutors to access and disclose NCIC data pursuant to Court order as part of a
28 criminal case adjudication.

1 4. *Confidential records must be disclosed if they contain impeachment information*

2 Impeachment evidence can derive from privileged or confidential material. When this
3 occurs, the privileged or confidential nature of the material at issue must yield to a defendant's
4 constitutionally secured right to confront and cross-examine those who testify against him.
5 Davis, 415 U.S. at 356 (finding the State's interest in maintaining confidentiality of juvenile
6 records must yield to defendant's right to cross-examine as to bias); see also U.S. v. Nixon, 418
7 U.S. 683, 713 (1974) (generalized assertion of privilege must yield to demonstrated, specific
8 need for evidence in a pending criminal case). Thus, prosecutors must obtain and disclose
9 privileged and confidential records when the records contain information bearing on witness
10 credibility.⁵

11 This includes mental health records. U.S. v. Lindstrom, 698 F.2d 1154, 1166-67 (11th
12 Cir. 1983); U.S. v. Robinson, 583 F.3d 1265, 1271-74 (10th Cir. 2009); Wyman v. State, 125
13 Nev. 592, 607-08 (2009). It also includes Child Protective Services (or the functional
14 equivalent) and school records. See Pennsylvania v. Ritchie, 480 U.S. 39, 60 (1987) (defendant
15 entitled to *in camera* review of Child and Youth Services records⁶); and State v. Cardall, 982
16 P.3d 79, 86 (Utah 1999) (defendant entitled to complainant's school psychological records
17 indicating she had propensity to lie and had fabricated prior rape allegations). It further includes
18 adult and juvenile parole, probation, jail, and prison records. U.S. v. Striffler, 851 F.2d 1197,
19 1201 (9th Cir. 1988); Carriger v. Stewart, 132 F.3d 463, 479-82 (9th Cir. 1997) (requiring
20 production of Department of Corrections file on principle government witness); Davis, 415 U.S.
21 at 356; see also Bennett, 119 Nev. at 603 (2003) (failure to disclose co-conspirator's juvenile
22 records in penalty hearing amounted to Brady violation). Thus, prosecutors cannot refuse

23
24 ⁵ At a minimum, otherwise confidential or privileged material must be submitted to the
25 Court for an *in camera* review to determine materiality. Pennsylvania v. Ritchie, 480 U.S. 39, 60
(1987).

26 ⁶ The Ritchie Court held that the State cannot claim privilege to refuse disclosure of CPS
27 records, unless there is a statutory scheme that forbids any use, including disclosure to a
28 prosecutor, of such records. Ritchie, 480 U.S. at 57-58. NRS 432B.290 allows for disclosure of
such records to the prosecutor and to the court for *in camera* review.

1 disclosure of impeachment information on the basis that the information is privileged or
2 confidential.

3 *5. Impeachment Information Includes Prior Allegations of Sexual Misconduct and Prior*
4 *Sexual Knowledge*

5 Under Nevada law, prior false allegations of sexual misconduct amount to an exception
6 to rape shield laws. Miller v. State 105 Nev. 497 (1989). Accordingly, Nevada law authorizes
7 disclosure of prior false allegations, including those made by juvenile complainants. NRS
8 432B.290(3) specifically authorizes child welfare agencies to disclose “the identity of a person
9 who makes a report or otherwise initiates an investigation . . . if a court, after reviewing the
10 record *in camera* and determining that there is reason to believe that the person knowingly made
11 a false report, orders the disclosure.” Similarly, the Ninth Circuit recognizes it is error to
12 exclude evidence of minor’s prior false sexual assault allegations as this evidence “might
13 reasonably have influenced the jury’s assessment of [the complainant’s] reliability or credibility .
14 . . .” Fowler v. Sacramento Co. Sheriff’s Dept., 421 F.3d 1027, 1032-33; 1040 (9th Cir. 2005).

15 Impeachment evidence in sexual misconduct cases further includes evidence of a
16 complainant’s prior sexual conduct to show sexual knowledge. Summitt v. State, 101 Nev. 159
17 (1985); see also Holley v. Yarborough, 568 F.3d 1091, 1099-1100 (9th Cir. 2009) (finding it was
18 error to exclude evidence that complainant made comments to friends regarding a prior sexual
19 encounter and claimed other boys expressed a desire to engage in sexual acts with her, as this
20 evidence revealed complainant’s active sexual imagination, and may have altered jury’s
21 perception of the complainant’s credibility and reliability of her claims). Thus, prosecutors must
22 disclose evidence of a complainant’s prior accusations of sexual misconduct as well as evidence
23 of a complainant’s prior sexual conduct in cases where such evidence bears on the charged
24 crimes.

25 *6. Law enforcement personnel files may contain impeachment information*

26 Under U.S. v. Henthorn, 931 F.2d 29, 31 (9th Cir. 1991), prosecutors must examine law
27 enforcement personnel files upon defense request. See also U.S. v. Cadet, 727 F.2d 1453 (9th
28

1 Cir. 1984). A defendant is not required to make an initial showing of materiality before
2 prosecutors must examine the files—the examination obligation arises solely from the
3 defendant’s request. Henthorn, 931 F.2d at 31. “Absent such an examination, [the State] cannot
4 ordinarily determine whether it is obligated to turn over the files.” Id. Once examined,
5 prosecutors must “disclose information favorable to the defense that meets the appropriate
6 standard of materiality If the prosecution is uncertain about the materiality of the
7 information within its possession, it may submit the information to the trial court for an in
8 camera inspection and evaluation” Henthorn, 931 F.2d at 30-31 (quoting Cadet, 727 F.2d at
9 1467-68). Thus, if requested to do so by the defense, the prosecution must canvass relevant law
10 enforcement personnel files for information material to the case.

11 C. Favorable Evidence Includes Witnesses with Exculpatory Information

12 Prosecutors must disclose the identity of witnesses possessing exculpatory information,
13 as no legitimate interest is served by precluding the defense from calling such witnesses for trial.
14 U.S. v. Eley, 335 F.Supp. 353 (N.D. Ga. 1972); U.S. v. Houston, 339 F.Supp. 762 (N.D. GA
15 1972).

16 D. Favorable Evidence Includes Evidence of Third-Party Guilt

17 The U.S. Constitution guarantees a criminal defendant the right to present evidence of
18 third-party guilt. See Holmes v. South Carolina, 547 U.S. 319 (2006) (holding that refusal to
19 allow defendant to present evidence of third party guilt deprives him of a meaningful right to
20 present a complete defense under the Sixth and Fourteenth Amendments to the U.S.
21 Constitution). Under Brady, prosecutors must disclose all evidence suggesting another
22 perpetrator committed the charged crimes. Lay, 116 Nev. at 1195-96. This includes evidence
23 that another individual was arrested in connection with the charged crime. Banks v. Reynolds,
24 54 F.3d 1508, 1518 n.21 (10th Cir. 1995). It also includes evidence of investigative leads
25 pointing to other suspects. Jimenez, 112 Nev. at 622-23 (withholding evidence of investigative
26 leads to other suspects, regardless of admissibility, constitutes Brady violation).

1 Additionally, prosecutors must provide the actual documents, evidence, and reports
2 pertaining to evidence of third-party guilt; it is not enough for prosecutors to provide the defense
3 with a summary of the information relating to other suspects. Mazzan, 116 Nev. at 69 (summary
4 of prosecutor's perspective on written reports relating to potential suspects were constitutionally
5 inadequate; actual reports should have been disclosed pursuant to Brady); Bloodworth v. State,
6 512 A.2d 1056, 1059-60 (Md. 1986). Thus, prosecutors must disclose any information or
7 evidence indicating someone other than the instant defendant committed the charged crimes.

8 E. Favorable Evidence Includes All Evidence that May Mitigate a Defendant's Sentence

9 Favorable evidence also includes evidence which could serve to mitigate a defendant's
10 sentence upon conviction. Jimenez, 112 Nev. 610. Accordingly, prosecutors must disclose any
11 evidence tending to mitigate punishment in the instant matter.

12 **III. The Disclosure Obligations Conferred by NRS 174.235 and Brady Include Rough**
13 **Notes**

14 Raw notes made by any law enforcement officer or other prosecution agent in connection
15 with the investigation of instant matter must be disclosed to the defense. See, e.g., State v.
16 Banks, 2014 WL 7004489 (Nev. S.Ct. Dec. 10, 2014) (unpublished) (court did not take issue
17 with lower court's order requiring preservation and disclosure of police officer's rough notes);
18 see also U.S. v. Clark, 385 F.3d 609, 619 (6th Cir. 2004) (finding rough notes discoverable under
19 F.R.C.P. 16); U.S. v. Molina-Guevara, 96 F.3d 698, 705 (3d Cir. 1996) (remanding on other
20 grounds but noting that, on remand, production of rough notes required under F.R.C.P. 16); U.S.
21 v. Harris, 543 F.2d 1247 (9th Cir. 1976) (noting as important, and requiring preservation of, law
22 enforcement rough notes). Notably, this does not include information amounting to work
23 product.

24 In Hickman v. Taylor, 329 U.S. 495, 508-11 (1947), the U.S. Supreme Court recognized
25 the privileged nature of discussions relating to the preparation of a case for trial.⁷ The work

26 ⁷ "In performing his various duties, however, it is essential that a lawyer work with a
27 certain degree of privacy, free from unnecessary intrusion by opposing parties and their
28 counsel... Proper preparation of a client's case demands that he assemble information, sift what
 he considers to be the relevant from the irrelevant facts, prepare his legal theories and plan his

product doctrine announced in Hickman shelters not only material generated by an attorney in preparation for trial, but by his agent, as well:

At its core, the work product doctrine shelters the mental processes of the attorney, providing a privileged area within which he can analyze and prepare his client's case. But the doctrine is an intensely practical one, grounded in the realities of litigation in our adversary system. One of those realities is that attorneys often must rely on the assistance of investigators and other agents in preparation for trial. It is therefore necessary that the doctrine protect material prepared by agents for the attorney as well as those prepared by the attorney himself. Moreover, the concerns reflected in the work-product doctrine do not disappear once trial has begun

U.S. v. Nobles, 422 U.S. 225, 238-39 (1975). Codifying this, NRS 174.235(2) exempts from discovery:

1. An internal report, document or memorandum that is prepared by or on behalf of the prosecuting attorney in connection with the investigation or prosecution of the case.
2. A statement, report, book, paper, document, tangible object or any other type of item or information that is privileged or protected from disclosure or inspection pursuant to the constitution or laws of this state or the Constitution of the United States.

Accordingly, only raw notes generated by, or on behalf of, the prosecutor are exempted from disclosure under the work product doctrine. Any other raw notes compiled during the investigation of this matter must be turned over pursuant to the disclosure obligations imposed by NRS 174.235 and Brady.

IV. The Disclosure Obligations Set Forth Above Extend to All Material in the Prosecutors Actual or Constructive Possession

Prosecutors must turn over all material related to the case in the possession, control and custody of any government agent or agency. See U.S. v. Blanco, 392 F.3d 382, 388 (9th Cir.

strategy without undue and needless interference... This work is reflected, of course, in interviews, statements, memoranda, correspondence, briefs, mental impressions, personal beliefs, and countless other tangible and intangible ways – aptly... termed... as the ‘work product of the lawyer.’ Were such materials open to opposing counsel on mere demand, much of what is now put down in writing would remain unwritten. An attorney’s thoughts, heretofore inviolate, would not be his own. Inefficiency, unfairness and sharp practices would inevitably develop in the giving of legal advice and in the preparation of cases for trial. The effect on the legal profession would be demoralizing. And the interests of clients and the cause of justice would be poorly served.” Id.

1 2004). Prosecutors are responsible for disclosing evidence in their possession as well as
2 evidence held or maintained by other government agents, as “it is appropriate to charge the State
3 with constructive knowledge” of evidence held by any investigating agency. Bennett, 119 Nev.
4 at 603.

5 This constructive possession rule applies to evidence that is *withheld* by other agencies.
6 Bennett, 119 Nev. at 603. Even if investigating officers withhold reports without the
7 prosecutor’s knowledge, “the state attorney is *charged with constructive knowledge and*
8 *possession of evidence withheld by other state agents*, such as law enforcement officers.” Id.
9 (internal quotations and citation omitted) (emphasis added). “Exculpatory evidence cannot be
10 kept out of the hands of the defense just because the prosecutor does not have it, where an
11 investigative agency does.” U.S. v. Zuno-Arce, 44 F.3d 1420, 1427 (9th Cir. 1995). “It is a
12 violation of due process for the prosecutor to withhold exculpatory evidence, and his motive for
13 doing so is immaterial.” Jimenez, 112 Nev. at 618.

14 In fact, a prosecutor has an *affirmative obligation* to obtain Brady material and provide it
15 to the defense, *even if the prosecutor is initially unaware of its existence*. “The prosecution’s
16 affirmative duty to disclose evidence favorable to a defendant can trace its origins to early 20th
17 century strictures against misrepresentation and is of course most prominently associated with
18 this Court’s decision in Brady” Kyles, 514 U.S. at 432. This obligation exists even where
19 the defense does not make a request for such evidence. Id. As the U.S. Supreme Court
20 explained:

21 This in turn means that the individual prosecutor *has a duty to learn* of any
22 favorable evidence known to the others acting on the government’s behalf in the
23 case, including the police. But whether the prosecutor succeeds or fails in meeting
24 this obligation (whether, that is, a failure to disclose is in good faith or bad faith),
25 the prosecution’s responsibility for failing to disclose known, favorable evidence
26 rising to a material level of importance is inescapable. . . . Since then, the
27 prosecutor has the means to discharge the government’s Brady responsibility if he
28 will, any argument for excusing a prosecutor from disclosing what he does not
happen to know about boils down to a plea to substitute the police for the
prosecutor, and even for the courts themselves, as the final arbiters of the
government’s obligation to ensure fair trials.

1 Kyles, 514 U.S. at 437-38 (emphasis added) (citations and footnotes omitted); see also Carriger,
2 132 F.3d at 479-82 (holding that “the prosecution has a duty to learn of any exculpatory evidence
3 known to others acting on the government’s behalf. *Because the prosecution is in a unique*
4 *position to obtain information known to other agents of the government, it may not be excused*
5 *from disclosing what it does not know but could have learned.*” (citations omitted) (emphasis
6 added). Thus, the disclosure obligations outlined above extend not only to material directly in
7 the possession of prosecutors, but material prosecutors constructively possess, as well.

8 **V. An “Open File” Policy Does Not Obviate the Disclosure Obligations Outlined Above**

9 Historically, the Clark County District Attorney’s Office (CCDA) has employed an open
10 file policy in which prosecutors allow defense counsel to review the discovery contained in the
11 government’s trial file. While the CCDA currently may not be adhering to this practice, it is
12 worth noting that an open file policy does not vitiate above-referenced disclosure obligations.
13 Strickler, 527 U.S. at 283 (holding that a prosecutor’s open file policy does not in any way
14 substitute for or diminish the State’s obligation to turn over Brady material). “If a prosecutor
15 asserts that he complies with Brady through an open file policy, defense counsel may reasonably
16 rely on that file to contain all materials the State is constitutionally obligated to disclose under
17 Brady.” Strickler, 527 U.S. at 283, n.23.; see also Amando v. Gonzalez, 758 F.3d 1119, 1136
18 (9th Cir. 2014); McKee v. State, 112 Nev. 642, 644 (1996) (reversing a judgment of conviction
19 based on prosecutorial misconduct where the prosecutor did not make available all relevant
20 inculpatory and exculpatory evidence consistent with the county district attorney’s open file
21 policy); see also Furbay v. State, 116 Nev. 481 (2000) (discussing prosecution’s duty to provide
22 all evidence in its possession where it has promised to do so). Accordingly, if the defense relies
23 on the government’s assurance of an open file policy, the defense is not required to hunt down
24 information otherwise obtained and maintained pursuant to that policy.

25 ///

26 ///

27 ///

1 **VI. Adjudication of the Instant Motion is Necessary for Preservation of Issues Relating**
2 **to Discovery Disclosures**

3 NRS 174.235 requires disclosure of (1) written and recorded statements of a defendant or
4 any witness the prosecutor intends to call in his case-in-chief; (2) results and reports of any
5 examinations or tests conducted in connection with the case at bar; and (3) any document or
6 tangible object the prosecutor intends to introduce in his case in chief—upon the request of the
7 defense. Additionally, constitutional jurisprudence requires disclosure of any evidence tending
8 to exculpate the accused. The instant Motion is brought, *inter alia*, to ensure the availability of
9 appropriate sanctions should later discovery issues arise. This requires a Court Order compelling
10 the production of the information and material sought herein. Donovan v. State, 94 Nev. 671
(Nev. 1978).

11 A. Nevada Law Provides for Judicial Oversight of the State's Discovery Obligations

12 Eighth Judicial District Court Rule (EDCR) 3.24 governs discovery motions in local
13 criminal practice. It states:

14 (a) Any defendant seeking a court order for discovery pursuant to the provisions of
15 NRS 174.235 or NRS 174.245 may make an oral motion for discovery at the
16 time of initial arraignment. The relief granted for all oral motions for discovery
will be as follows:

- 17 (1) That the State of Nevada furnish copies of all written or recorded
18 statements or confessions made by the defendant which are within the
19 possession, custody or control of the State, the existence of which is
known or by the exercise of due diligence may become known to the
district attorney.
- 20 (2) That the State of Nevada furnish copies of all results or reports of
21 physical or mental examinations, and of scientific tests or experiments
22 made in connection with this case which are within the possession,
23 custody or control of the State, the existence of which is known or by
24 the exercise of due diligence may become known to the district
attorney.
- 25 (3) That the State of Nevada permit the defense to inspect and copy or
26 photograph books, papers, documents, tangible objects, buildings,
27 places, or copies or portions thereof, which are within the possession,
28 custody or control of the State, provided that the said items are material
to the preparation of the defendant's case at trial and constitute a
reasonable request.

1 (b) Pursuant to NRS 174.255, the court may condition a discovery order upon a
2 requirement that the defendant permit the State to inspect and copy or
3 photograph scientific or medical reports, books, papers, documents, tangible
4 objects, or copies or portions thereof, which the defendant intends to produce at
the trial and which are within the defendant's possession, custody or control
provided the said items are material to the preparation of the State's case at trial
and constitute a reasonable request.

5 Thus, EDCR 3.24 specifically provides for the discovery motion brought in the instant matter.

6 Not surprisingly, the Nevada Supreme Court has held that a discovery motion and
7 corresponding order is a prerequisite to obtaining relief under NRS 174.295⁸ for later discovery
8 violations:

9 Although NRS 174.295 provides relief for a prosecutor's failure to notify defense
10 counsel of all discoverable material, that statute is only operative in situations
11 where a previous defense motion has been made and a court order issued. That
12 provision is not applicable to any informal arrangements that are made, as here
between counsel without benefit of court sanction.

13 Donovan, 94 Nev. 671 (internal citations omitted).

14 This comports with other portions of NRS 174, which, by implication, suggests criminal
15 discovery is a matter that must be pursued by way of motion rather than a simple written or oral
16 request. For example, NRS 174.285 states that "a request made pursuant to NRS 174.235 or
17 174.245 may be made only within 30 days after arraignment or at such reasonable time *as the*
18 *court may permit*. A party shall comply with a request made pursuant to NRS 174.235 or
19 174.245 not less than 30 days before trial or at such reasonable later time *as the court may*
20 *permit*." (Emphasis added). The judicial permission required for late discovery requests and late
21 compliance contemplates judicial oversight of discovery matters.

22 Similarly, NRS 174.125 contemplates discovery requests via written motion. NRS
23 174.125 requires that, any motion "which by [its] nature, if granted, delay[s] or postpone[s] the
24 time of trial must be made before trial, unless an opportunity to make such a motion before trial
25 did not exist or the moving party was not aware of the grounds for the motion before trial." A
26 discovery request, depending on the timing and nature of the request, may necessarily cause a

27 ⁸ NRS 174.295 sets forth sanctions for discovery violations, such as inspection of
28 material not properly disclosed, trial continuance, or exclusion of the undisclosed material.

1 trial delay. Accordingly, under NRS 174.125, discovery requests should be made via motion
2 prior to trial. Id.

3 Thus, the statutorily-based discovery requests set forth herein are properly brought before
4 this Honorable Court and must be adjudicated. Refusal to adjudicate the instant Motion obviates
5 Mr. Longstreet's statutorily created liberty interest in (1) ensuring access to the discoverable
6 material covered by NRS 174 and (2) ensuring application of the enforcement and sanction
7 provisions outlined in NRS 174. Such an arbitrary deprivation of a state-created liberty interest
8 violates the Due Process Clause. See Hicks v. Oklahoma, 447 U.S. 343, 346 (1980) (arbitrary
9 deprivation of state-created liberty interest amounts to Due Process violation).

10 B. Brady Material and Relevant Authority

11 Brady and related authority also contemplate pre-trial regulation and adjudication of
12 prosecutorial disclosures. Brady is not a discovery rule but a rule of fairness and minimum
13 prosecutorial obligation. Curry v. U.S., 658 A.2d 193, 197 (D.C. 1995) (internal quotations and
14 citations omitted). It does not require the production of specific documents. It requires the
15 production of information. This prosecutorial obligation is non delegable—it is not contingent
16 on, nor is the defense required to make, specific Brady requests. See Strickler, 527 U.S. at 281-
17 82 (setting forth the elements of a Brady claim and clarifying that there is no requirement that
18 defense make request).⁹

19 However, to prevail on a Brady claim, should one arise, a defendant must establish that
20 (1) the prosecution was in actual or constructive possession of favorable information; (2) the
21 prosecution failed to disclose this information to the defense in a timely fashion or at all; and (3)
22 the withheld information was material to the outcome of the trial. Strickler, 527 U.S. at 281-82.
23 The standard for determining materiality depends upon whether defense counsel requested the

24 ⁹ Any argument by prosecutors that “the defense is able to independently seek out any
25 discovery which they desire . . . it is not the State’s responsibility to perform investigations or
26 inquiries on behalf of the defense,”—common responses to defense discovery motions—is
27 patently wrong. Strickler, 527 U.S. at 281-82 (rejecting the argument that defense counsel
28 should have uncovered Brady information); Banks v. Dretke, 540 U.S. 668, 695-98 (2004) (“A
rule thus declaring ‘prosecutor may hide, defendant must seek’ is not tenable in a system
constitutionally bound to accord defendants due process.”).

1 information at issue and, if a request was made, whether the request was specific or general in
2 nature. “If a defendant makes no request or only a general request for information, the evidence
3 is material when a reasonable *probability* exists that the result would have been different had it
4 been disclosed.” Bennett, 119 Nev. at 600 (emphasis added). Yet, “if the defense request is
5 specific, the evidence is material upon the lesser showing that a reasonable *possibility* exists of a
6 different result had there been disclosure.” Id. (emphasis added) Accordingly, the fact and
7 nature of a Brady request is critical to later adjudication of alleged Brady violations.

8 Defense counsel enjoys to the right to pursue Brady requests—and thereby construct the
9 record on them—in the manner counsel sees fit. The best way to ensure that the record
10 adequately reflects the nature and scope of a Brady request is via pre-trial discovery motion—a
11 motion, as set forth above, specifically provided for by Nevada law.¹⁰ See Myles v. State, 127
12 Nev. 1161 (2011) (unpublished) (no discovery violation where undisclosed photo not requested
13 as part of discovery motion).

14 A cursory review of federal discovery jurisprudence reveals the broad authority with
15 which trial courts are vested to regulate pretrial Brady disclosures and thereby ensure that this
16 constitutional rule—which exists to prevent a miscarriage of justice—works as it should.
17 Bagley, 473 U.S. at 675; U.S. v. Odom, 930 A.2d 157, 158 (D.C. 2007); see also U.S. v. W.R.
18 Grace, 526 F.3d 499, 509 (9th Cir. 2008) (affirming trial court’s order requiring government to
19 disclose its finalized witness list a year prior to trial as an exercise of the court’s inherent
20 authority to manage its docket”); U.S. v. Coppa, 267 F.3d 132, 146 (2d Cir. 2001)
21 (acknowledging trial court’s discretion to order pretrial disclosures as a matter of sound case
22 management); U.S. v. Rigas, 779 F. Supp. 408, 414 (M.D. Pa. 2011 (recognizing authority of
23 trial court to order pretrial disclosure of Brady material to ensure effective administration of
24 criminal justice system); U.S. v. Cerna, 633 F. Supp. 2d 1053, 1057 (N.D. Cal. 2009) (exercising
25 power to issue Brady order); U.S. v. Thomas, 2006 WL 3095956 (D.N.J. 2006) (issuing pretrial
26 order regulating, *inter alia*, Brady disclosures).

27 ¹⁰ This is especially true given the absence of compelling Nevada or other authority
28 recognizing an informal Brady request as sufficient to preserve the record on this critical issue.

1 Indeed, trial courts must, as a constitutional matter, exercise this oversight power. Boyd
2 v. U.S., 908 A.2d 39, 61 (D.C. 2006) (“courts have the obligation to assure that [prosecutorial
3 discretion] is exercised in a manner consistent with the right of the accused to a fair trial”); see
4 also Smith v. U.S., 665 A.2d 962 (D.C. 2008) (abuse of discretion for court to refuse to review a
5 transcript *in camera* where prosecution concede there were “minor inconsistencies in the
6 testimony as to how the shooting happened”). As such, judicial oversight of Brady disclosures is
7 commonplace in federal criminal prosecutions. See, e.g., U.S. v. Johnson, 2010 WL 322143
8 (W.D. Pa. 2010) (trial court ordering government to disclose all Brady material, including
9 impeachment material no later than ten days prior to trial); U.S. v. Lekhtman 2009 WL 5095379
10 at 1 (E.D.N.Y. 2009) (ordering disclosure of Brady material as it is discovered and Giglio
11 material two weeks before commencement of trial); U.S. v. Rodriguez, 2009 WL 2569116 at 12
12 S.D.N.Y. 2009) (ordering government to turn over Brady material as it is discovered and Giglio
13 material twenty-one days before trial); U.S. v. Libby, 432 F. Supp. 2d 81, 86-87 (D.D.C. 2006)
14 (ordering immediate production of all Brady material); U.S. v. Thomas, 2006 CR 553, 2006 WL
15 3095956 (D.N.J. 2006) (unpublished) (ordering disclosure of “[a]ny material evidence favorable
16 to the defense related to issues of guilt, lack of guilt, or punishment . . . within the purview of
17 Brady and its progeny” within ten days of order). Thus, the constitutionally-based Brady
18 requests set forth herein are properly brought before this Honorable Court and must be
19 adjudicated to preserve Mr. Longstreet’s rights.

20 **VII. The Court Must Adjudicate the Instant Motion Regardless of Whether a Discovery** 21 **Dispute Exists**

22 A dispute over the discoverability of certain material is not a prerequisite to compelling
23 production of discovery and exculpatory information. This is because such disputes rarely occur.
24 With the exception of records that are otherwise privileged (such as CPS or medical records),
25 prosecutors typically do not inform defense counsel of material they intend to withhold from the
26 defense. They simply keep the information hidden. The withheld information is later discovered
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1 by the defense either through subsequent defense investigation, fortuitous circumstances, or
2 during the post-conviction discovery process.

3 Recognizing this, the U.S. Supreme Court has not required defense counsel to divine (and
4 bring to the Court's attention) particular information within the government's file that is being
5 shielded from defense view:

6 We rejected a similar argument in Strickler. There, the State contended that
7 examination of a witness's trial testimony, alongside a letter the witness published
8 in a local newspaper, should have alerted the petitioner to the existence of
9 undisclosed interviews of the witness by the police. We found this contention
10 insubstantial. In light of the State's open file policy, we noted, 'it is especially
11 unlikely that counsel would have suspected that additional impeaching evidence
must scavenge for hints of undisclosed Brady material when the prosecution
represents that all such material has been disclosed. As we observed in Strickler,
defense counsel has no 'procedural obligation to assert constitutional error on the
basis of mere suspicion that some prosecutorial misstep may have occurred.

12 Banks, 540 U.S. at 695-96 (internal citations omitted). Thus, a dispute need not exist over the
13 discoverability of a particular piece of information in order for this Court to entertain motions
14 such as that brought here and enforce the government's discovery obligations. Accordingly, Mr.
15 Longstreet respectfully requests that this Honorable Court adjudicate his Motion to Compel
16 Production of Discovery.

17 **VIII. Prosecutors Must Oppose or Concede Each Discovery Request; and the Court Must**
18 **Adjudicate Each Request**

19 Prosecutors often respond to discovery requests some combination of the following: (1) the
20 government is aware of its discovery obligation and will act accordingly; (2) the government has
21 complied with the requests or will facilitate review of discovery as needed; or (3) the request is
22 objectionable as overbroad, immaterial, or not authorized by law. Only the last of these is
23 responsive to a particular request; the first two are not. Each request needs to be opposed or
24 conceded. Saying "we have complied" or "we are aware of our discovery obligations" or "we
25 will facilitate a review of detective notebooks" is nothing more than attempt to subvert a ruling
26 enforcing the discovery provisions mandated by state and federal law. It is a way to goad the
27 court into believing the issue is moot. Discovery is a continuing obligation. A criminal
28

1 defendant is entitled to an order enforcing the discovery provisions outlined by state and federal
2 law, regardless of whether the prosecutor has already provided certain requested material, is
3 aware of pertinent discovery rules, and is willing to facilitate further discovery review. The
4 prosecutor needs to oppose or concede each request. The Court needs to rule on each request,
5 accordingly.¹¹

6 **IX. Defendant's Specific Discovery Requests**

7 Based upon the foregoing, Mr. Longstreet requests that this Honorable Court enter an
8 order directing prosecutors to provide the following related to this case:¹²

9 **General Discovery**

10 **1. Defendant's Statements and Any Potential Co-Defendants' Statements**

11 All statements made by the defendant and any co-defendants, regardless of whether
12 the statements were written or recorded, including but not limited to:

- 13 • Comments made at the time of arrest or during transport to the detention center,
- 14 • All conversations, telephonic or otherwise, intercepted by any law enforcement
15 agencies, including federal authorities, and
- 16 • The substance of any statements, conversations, or correspondence overheard or
17 intercepted by any jail personnel or other inmates which have not been recorded
or memorialized.

18 **2. Potential Witnesses' Statements**

19 All written or recorded statements of witnesses and potential witnesses, including, but
20 not limited to:

- 21 • Audio and video recording in any form collected by investigating officers or any
22 other law enforcement agent as part of the investigation of this matter, as well as
any related matters,
- 23 • Notes of interviews, such as notes of patrol officers, or notes of phone calls made
24 to potential witnesses, or attempts to contact such witnesses, and

25 ¹¹ Combination responses, which contain conciliatory language in conjunction with some
26 form of opposition, must be treated as an opposition to a particular request, thereby warranting
adjudication by this Honorable Court.

27 ¹² Significantly, this request is not in any way intended to be a substitute for the
28 generalized duties described above.

- Interviews of the following individuals: Shirleesha, and any other witness or investigative official involved in the instant matter and any related matter.

3. Records Related to Investigation

All records of the North Las Vegas Police Department and any other law enforcement agencies involved in the investigation of this or any related matter, including, but not limited to:

- Copies of handwritten or other notes,
- Investigative leads that were not followed up on,
- Any other matter bearing on the credibility of any State witness,
- Information pertaining to this case or any witnesses in this case, no matter what the form or title of the report, including:
 - “Case Monitoring Forms,”
 - Use of Force reports,
 - 911 recordings,
 - Dispatch logs, and
 - Information regarding leads or tips provided to law enforcement or a crime tip organization such as Crime Stoppers, including any reward or benefit received for such tip.

4. Crime Scene Analysis, Evidence Collection, and Forensic Testing

All requests, results, reports, and bench notes pertaining to all crime scene analysis, evidence collection and forensic testing performed in this case,¹³ including, but not limited to:

- Photographic, video, and audio recordings of evidence collection and testing,
- Fingerprint Evidence: All latent prints recovered in the instant matter, regardless of their value for identification, as well as exemplars compiled in connection with the investigation of this matter, including:
 - photographs, reports, and recordings related to collecting and testing of fingerprints,

¹³ This is required under NRS 171.1965(1)(b) and NRS 174.235(1)(b).

- Results of fingerprint collection and comparison, and
- Automated Fingerprint Identification System (AFIS) searches and results,
- DNA Evidence: DNA testing, raw data and Combined DNA Index System (CODIS) searches and results,
- Scientific Evidence: toxicological, chemical, biochemical, laboratory, and other laboratory or forensic analyses, including trace evidence analyses, crime scene reconstruction or blood spatter analysis, and
- Forensic Analysis: reports and notes related to any forensic analysis and requests for forensic analysis, regardless of the outcome of such request.

5. Medical Records

All records, including photos, reports, imaging studies, test results, and notes pertaining to:

- Any alleged victim generated pursuant to treatment provided in connection with the instant matter; including, without limitation, all emergency medical, fire department, hospital, or other medical care provider records, including all relevant prior medical records,
- All pathological, neuropathological, toxicological, or other medical evaluations, including all relevant prior medical records and
- The name and badge number of any paramedics who responded to the scene, and all documentation, notes, reports, charts, conclusions, or other diagnostic, prognostic, or treatment information pertaining to any person evaluated, assessed, treated, or cleared by a paramedic at the scene, or transported to a hospital from the scene.

6. Preservation of and Access to Raw Evidence

Access to and preservation of all material collected in the investigation of this case to include but not limited to:

- forensic material, raw data, biological samples and toxicological samples; and
- video surveillance, photographic negatives, and digital negatives.

7. Electronic Communications and Associated Warrants

All intercepted communications, whether electronic oral or otherwise, as well as communications sent to and from a handset, telephone, or computer obtained by any law enforcement agency, including federal authorities via subpoena, interception, or

other means, pertaining to the instant matter or any related matter, including but not limited to:

- Audio, Push to Talk, Data, and Packet Data
- Electronic messaging such as: Global System for Mobile Communications (GSM), Short Message Service (SMS), Multimedia Messaging Service (MMS), and Internet Relay Chat,
- File Transfer Protocol (FTP), Internet Protocol (IP), Voice Over Internet Protocol (VOIP), Transmission Control Protocol (TCP), and
- Electronic mail or other internet based communications.

8. Law Enforcement Video or Audio Recordings

All video and audio recordings obtained by the North Las Vegas Police Department recording device, including but not limited to:

- Dashboard cameras,
- Body-mounted officer cameras,
- Any other recording equipment operational during the investigation of this case.

9. Non-Activated Body Camera

The name and “P#” of any officer present for North Las Vegas Police Department and any related or connected Event Number who is required by department policy to wear, but did not activate his body-worn camera.

10. Monitoring, Tracking, and Associated Warrants

All data, recordings, reports, and documentation of the following: voice monitoring devices, geographic tracking devices, pen registers, trap and trace devices installed pursuant to interception, warrant, or other means, obtained by law enforcement pertaining to the instant matter or any related matter.

11. 911 and 311 Calls

Any and all 911 and 311 recordings to include, but not limited to:

- Car-to-car audio communications,
- Car-to-dispatch radio communications, and

- Unit Log incident print out related to the event.

12. Chain of Custody

All relevant chain of custody reports, including reports showing the destruction of any evidence in the case.¹⁴

13. Witness Contact Information

All updated witness contact information, including last known addresses and phone numbers. This includes the names and contact information for witnesses who may have information tending to exculpate Mr. Longstreet.

14. Information Obtained from Confidential Informants

All information obtained from confidential informants for any aspect of the investigation of this case. This includes, but is not limited to, informants who purportedly obtained information about this case while incarcerated, whether the information came from Mr. Longstreet, a co-defendant, unindicted co-conspirator, or another source, regardless of whether prosecutors intend to use the informant-related information at the upcoming trial of this matter.

Exculpatory Evidence

15. Alternative Suspects

All information which shows that Mr. Longstreet did not commit the crimes alleged, or which shows the possibility of another perpetrator, co-conspirator, aider and abettor, or accessory after the fact, including the names of those individuals. This includes, but is not limited to, any information concerning the arrest of any other individual for the charged crimes and any information suggesting that someone other than Mr. Longstreet perpetrated one or more of the charged crimes.

16. Identification and Mis-Identification

¹⁴ Destruction of evidence can result in dismissal of the case or a jury instruction stating such evidence is presumed favorable to the accused. Crockett v. State, 95 Nev. 859, 865 (1979); Sparks v. State, 104 Nev. 316, 319 (1988); Sanborn v. State, 107 Nev. 399, 409 (1991).

1 All statements of identification associated with this case, including any information
2 concerning witnesses who did not identify Mr. Longstreet as the perpetrator of the
3 alleged crimes. This request includes:

- 4 • Statements identifying another person as the perpetrator of this offense,
- 5 • Prior non-identifications by eyewitnesses now identifying Mr. Longstreet as the
6 perpetrator, and
- 7 • Color copies of all photographic lineups shown to any witness (including lineups
8 created without Mr. Longstreet) as well as any other identification procedures
9 used to identify suspects including show-ups, lineups, photo-array lineups, single
10 photo show-ups, photo compilations and composite drawings. This request
11 includes:
 - 12 ○ The identification of each witness who was shown an identification procedure,
 - 13 ○ The date and time such procedures occurred,
 - 14 ○ The names of all persons who were present when the procedures took place,
 - 15 ○ Instructions given to the witnesses prior to the procedure,
 - 16 ○ The results of the procedure, including an accounting of each witness's
17 statements before, during and after the identification procedure; the amount of
18 time taken by each witness to make an identification; and any hesitancy or
19 uncertainty of each witness in making an identification, and
 - 20 ○ Whether officers informed any witness that he identified the suspect officers
21 believed committed the crime.

22 **17. General Exculpatory Evidence Request**

23 All information which shows that Anthony Odell Longstreet did not commit this
24 crime or acted in self-defense. This includes any evidence, in the form other records,
25 witness interviews, or other information bearing on the charge(s) at issue herein.

26 **General Impeachment**

27 **18. Witness Benefits**

28 Disclosure of all express or implied compensation, promises of favorable treatment or
leniency, or any other benefit that any of the State's witnesses received in exchange
for their cooperation with this or any related prosecution. This includes, but is not
limited to:

- Records and notes from the CCDA Victim Witness Office, including records of any expectation of any benefit or assistance to be received, or already received by any witness in this case,
- Monetary benefits received as well as any express or implied promises made to any witness to provide counseling, treatment, or immigration assistance as a result of the witness's participation in this case,
- Names of all agencies, workers or other referrals that were given to any witness or his family member, relative, or guardian in connection with this case or any related matter, and
- Estimate of future benefits to be received by any witness during or after the trial, including travel expenses.

19. Prior Witness Statements

Disclosure of any and all statements, tangible or intangible, recorded or unrecorded, made by any witness that are in any manner inconsistent with the written or recorded statements previously provided to the defense. This includes oral statements made to an employee or representative of the CCDA or any other government employee, local or federal, during pre-trial conferences or other investigative meetings.

20. Law Enforcement Impeachment Information—Henthorn Request

Mr. Longstreet hereby requests the prosecutor review the personnel files of each officer involved in this case. After review, the prosecutor must disclose all impeachment information located in the personnel files of any police witness called to testify at trial or any pretrial hearing in this matter, including, but not limited to, any Statement of Complaint regarding the witness or this investigation, any Employee Notice of Internal Investigation, any Internal Affairs Investigative Report of Complaint, any witness statement, any Bureau Investigation Supervisory Intervention, and any other document maintained or generated by the Office of Internal Affairs, Critical Incident Review Panel, or other investigative agency.

21. Criminal History Information

Criminal history information on any actual or potential witness, showing specific instances of misconduct, instances from which untruthfulness may be inferred or instances which could lead to the discovery of admissible evidence. To this end, the

1 defense requests that, in addition to any other lay witnesses the State intends to call at
2 trial or upon whose testimony or statements the State will rely, the CCDA provide
3 NCIC reports on the following individuals: alleged victim and witnesses. The
4 defense further requests that the NCIC information be provided to defense counsel as
5 soon as possible and that prosecutors identify those individuals for whom no NCIC
6 information is found. While the defense is not insisting that prosecutors run NCICs
7 on expert or law enforcement witnesses, the defense requests that the State be ordered
8 to comply with its Brady obligations with respect to these witnesses. The instant
9 criminal history request includes, but is not limited to:

- 10 • Juvenile records,
- 11 • Misdemeanors,
- 12 • Out-of-state arrests and convictions,
- 13 • Outstanding arrest warrants or bench warrants,
- 14 • Cases which were dismissed or not pursued by the prosecuting agency, and
- 15 • Any other information that would go to the issues of credibility or bias, or lead to
16 the discovery of information bearing on credibility or bias, regardless of whether
17 the information is directly admissible by the rules of evidence.

18 Catch-all request

19 **70. Contacting Other Agencies**

20 Finally, the defendant requests that this Court order the prosecution to contact other
21 agencies or agents acting on behalf of or working with the prosecution, or in any
22 other way a part of the prosecution team, and initiated to ascertain whether any of
23 those agencies or agents possess or know of any material information that would tend
24 to exculpate Mr. Longstreet, impeach a prosecution witness, or mitigate Mr.
25 Longstreet's possible punishment.

26 **IX. Request for Timely Disclosure**

1 NRS 174.285(1) requires that any discovery request pursuant to NRS 174.235 be made
2 “within 30 days after arraignment or at such reasonable later time as the court may permit.”
3 NRS 174.285(2) mandates that “A party shall comply with a request made pursuant to NRS
4 174.235 . . . not less than 30 days before trial or at such reasonable later time as the court may
5 permit.” Accordingly, Mr. Longstreet requests that this Honorable Court enter an order directing
6 prosecutors to provide the discovery sought herein within a reasonable time in advance of trial so
7 as to enable counsel to effectively prepare. Further, Mr. Longstreet requests that this Honorable
8 Court order that prosecutors be precluded from admitting at trial any discovery or evidence not
9 timely produced. See NRS 174.295 (“If at any time during the course of the proceedings it is
10 brought to the attention of the court that a party has failed to comply with the provisions of NRS
11 174.235 to 174.295, inclusive, the court may order the party to permit the discovery or inspection
12 of materials not previously disclosed, grant a continuance, or *prohibit the party from introducing*
13 *in evidence the material not disclosed*, or it may enter such other order as it deems just under the
14 circumstances.”) (emphasis added).

15 CONCLUSION

16 Based on the foregoing, Mr. Longstreet, respectfully requests that this Honorable Court
17 grant the instant motion, and order the timely disclosure of the material sought herein. NRS
18 174.235; Brady v. Maryland, 373 U.S. 83 (1963); U.S.C.A. V, VI, XIV; and Nev. Const. Art. 1 §
19 8.

20 DATED this 19th day of November, 2020.

21 DARIN F. IMLAY
22 CLARK COUNTY PUBLIC DEFENDER

23 By: /s/Seth Gutierrez
24 SETH GUTIERREZ, #12974
25 Deputy Public Defender
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YOU WILL PLEASE TAKE NOTICE that the Public Defender's Office will bring the foregoing Motion on for hearing before the Court on the 1st day of December, 2020 at 3:30 p.m.

DARIN F. IMLAY
CLARK COUNTY PUBLIC DEFENDER

CERTIFICATE OF ELECTRONIC SERVICE

By: /s/ Gerardo J Zazueta
An employee of the
Clark County Public Defender's Office



1 **GPA**
2 **STEVEN B. WOLFSON**
3 **Clark County District Attorney**
4 **Nevada Bar #001565**
5 **ALICIA A. ALBRITTON**
6 **Chief Deputy District Attorney**
7 **Nevada Bar #009492**
8 **200 Lewis Avenue**
9 **Las Vegas, NV 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 **ANTHONY ODELL LONGSTREET,**
13 **#6028264**

14 **Defendant.**

CASE NO: C-20-348182-1

DEPT NO: III

15 **GUILTY PLEA AGREEMENT**

16 I hereby agree to plead guilty to: **BATTERY WITH SUBSTANTIAL BODILY**
17 **HARM (Category C Felony - NRS 200.481 - NOC 50214),** as more fully alleged in the
18 charging document attached hereto as Exhibit "1".

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

21 The State will retain the right to argue at sentencing. Additionally, the State agrees not
22 to seek habitual criminal treatment. I agree to pay full restitution.

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

26 I understand and agree that, if I fail to interview with the Department of Parole and
27 Probation, fail to appear at any subsequent hearings in this case, or an independent magistrate,
28 by affidavit review, confirms probable cause against me for new criminal charges including

1 reckless driving or DUI, but excluding minor traffic violations, the State will have the
2 unqualified right to argue for any legal sentence and term of confinement allowable for the
3 crime(s) to which I am pleading guilty, including the use of any prior convictions I may have
4 to increase my sentence as an habitual criminal to five (5) to twenty (20) years, life without
5 the possibility of parole, life with the possibility of parole after ten (10) years, or a definite
6 twenty-five (25) year term with the possibility of parole after ten (10) years.

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

9 CONSEQUENCES OF THE PLEA

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

12 I understand that as a consequence of my plea of guilty the Court must sentence me to
13 imprisonment in the Nevada Department of Corrections for a minimum term of not less than
14 ONE (1) year and a maximum term of not more than FIVE (5) years. The minimum term of
15 imprisonment may not exceed forty percent (40%) of the maximum term of imprisonment. I
16 understand that I may also be fined up to \$10,000.00. I understand that the law requires me to
17 pay an Administrative Assessment Fee.

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

22 I understand that I am eligible for probation for the offense to which I am pleading
23 guilty. I understand that, except as otherwise provided by statute, the question of whether I
24 receive probation is in the discretion of the sentencing judge.

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

27 ///

28 ///

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

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

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

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

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

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

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

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

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

28 ///

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

8 WAIVER OF RIGHTS

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

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

25 VOLUNTARINESS OF PLEA

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

28 ///

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

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

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

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

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

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

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

17 DATED this 30 day of ^{NOW}~~May~~, 2020.

18
19 ANTHONY LONGSTREET
20 ANTHONY ODELL LONGSTREET
21 Defendant

22 SIGNATURE AFFIXED BY

23 SETH GUTIERREZ

24 AGREED TO BY:

25 AT THE DIRECTION OF

26 Alicia A. Albritton
27 ALICIA A. ALBRITTON
28 Chief Deputy District Attorney
Nevada Bar #009492

ANTHONY LONGSTREET

1 CERTIFICATE OF COUNSEL:

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

- 4 1. I have fully explained to the Defendant the allegations contained in the
5 charge(s) to which guilty pleas are being entered.
6 2. I have advised the Defendant of the penalties for each charge and the restitution
7 that the Defendant may be ordered to pay.
8 3. I have inquired of Defendant facts concerning Defendant's immigration status
9 and explained to Defendant that if Defendant is not a United States citizen any
10 criminal conviction will most likely result in serious negative immigration
11 consequences including but not limited to:
12 a. The removal from the United States through deportation;
13 b. An inability to reenter the United States;
14 c. The inability to gain United States citizenship or legal residency;
15 d. An inability to renew and/or retain any legal residency status; and/or
16 e. An indeterminate term of confinement, by with United States Federal
17 Government based on the conviction and immigration status.

18 Moreover, I have explained that regardless of what Defendant may have been
19 told by any attorney, no one can promise Defendant that this conviction will not
20 result in negative immigration consequences and/or impact Defendant's ability
21 to become a United States citizen and/or legal resident.

- 22 4. All pleas of guilty offered by the Defendant pursuant to this agreement are
23 consistent with the facts known to me and are made with my advice to the
24 Defendant.
25 5. To the best of my knowledge and belief, the Defendant:
26 a. Is competent and understands the charges and the consequences of
27 pleading guilty as provided in this agreement,
28 b. Executed this agreement and will enter all guilty pleas pursuant hereto
voluntarily, and
c. Was not under the influence of intoxicating liquor, a controlled
substance or other drug at the time I consulted with the Defendant as
certified in paragraphs 1 and 2 above.

Dated: This 30 day of ~~May~~^{Nov}, 2020.


ATTORNEY FOR DEFENDANT

erg/L-5

Steven D. Grierson

1 INFM
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 ALICIA A. ALBRITTON
6 Chief Deputy District Attorney
7 Nevada Bar #009492
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

12 I.A. 5/6/20
13 8:00 A.M.
14 PD

15 THE STATE OF NEVADA,
16
17 Plaintiff,

CASE NO: C-20-348182-1

DEPT NO: III

18 -vs-

19 ANTHONY ODELL LONGSTREET,
20 #6028264

21 Defendant.

INFORMATION.

22 STATE OF NEVADA }
23 COUNTY OF CLARK } ss.

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

26 That ANTHONY ODELL LONGSTREET, the Defendant(s) above named, having
27 committed the crime of **BATTERY WITH SUBSTANTIAL BODILY HARM (Category**
28 **C Felony - NRS 200.481 - NOC 50214)**, on or about the 6th day of December, 2019, within
the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such
cases made and provided, and against the peace and dignity of the State of Nevada, did

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EXHIBIT "I"

Case Number: C-20-348182-1

1 willfully, unlawfully, and feloniously use force or violence upon the person of another, to wit:
2 JESUS ZAMBRANO, by punching and/or kicking the said JESUS ZAMBRANO in the face
3 and/or head, resulting in substantial bodily harm to JESUS ZAMBRANO.

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

7 BY


ALICIA A. ALBRITTON
Chief Deputy District Attorney
Nevada Bar #009492

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28 NLVPD EV#1924241
(TK)



**EIGHTH JUDICIAL DISTRICT COURT
CLERK OF THE COURT**

REGIONAL JUSTICE CENTER
200 LEWIS AVENUE, 3rd Fl.
LAS VEGAS, NEVADA 89155-1160
(702) 671-4554

Steven D. Grierson
Clerk of the Court

Anntoinette Naumec-Miller
Court Division Administrator

December 15, 2020

Attorney: Public Defender
Clark County Public Defender
309 S 3rd Street Suite #2
Las Vegas NV 89101

Case Number: C-20-348182-1
Department: Department 3

Defendant: Anthony Odell Longstreet

Attached are pleadings received by the Office of the District Court Clerk which are being forwarded to your office pursuant to Rule 3.70.

Pleadings: **Motion To Withdraw Guilty Plea**

Rule 3.70. Papers which May Not be Filed

Except as may be required by the provisions of NRS 34.730 to 34.830, inclusive, all motions, petitions, pleadings or other papers delivered to the clerk of the court by a defendant who has counsel of record will not be filed but must be marked with the date received and a copy forwarded to the attorney for such consideration as counsel deems appropriate. This rule does not apply to applications made pursuant to Rule 7.40(b)(2)(ii).

Cordially yours,
DC Criminal Desk # 7
Deputy Clerk of the Court

Anthony O. Longstreet, SR #6028264
CLARK County Detention Center
330 S. Casino Center Blvd
Las Vegas, Nevada 89101

Eighth Judicial District Court
CLARK County, Nevada

The State of Nevada
Plaintiff,

VS.

C-20-348182-1
CASE Number

Anthony O. Longstreet, SR.
Defendant.

Motion To Withdraw Guilty PLEA

Now come defendant, Anthony O. Longstreet, SR., Pro-Per,
Moving this Court pursuant to NRS 176.165 to withdraw
Guilty PLEA. And in support, defendant states the following
below:

1.) When court appointed Attorney Seth Gutierrez came
to visit defendant Longstreet to get Longstreet permission to
sign the PLEA Agreement offered by the Deputy District Attorney
he did not advise defendant about the consequences of
accepting a unstipulated category "C" 1 to 5 Felony for
Battery that resulted in substantial Bodily harm.

2.) Defendant Longstreet was never told in the PLEA Agreement
wrote by the Deputy District Attorney Alicia Albritton that by
going into a unstipulated PLEA Agreement with the state
reserving the right to argue at sentencing that they could
use defendant pass Felony Background to ask for a sentence
outside the 1 to 5 year category "C" Felony conviction to
deviate outside the one to five years. And court appointed
Attorney Seth Gutierrez knew this could happen. But never
told his client, in violation of Nevada Rules of Professional conduct, Rule 2.1.

3.) Unless the state stipulate to the 1 to 5 category "C"
as part of the PLEA negotiation. Defendant Longstreet
respectfully wish to withdraw his PLEA. (NRS 176.165)

Respectfully Submitted
Anthony O. Longstreet
Defendant

December 06, 2020
Date

December 06, 2020
DATE

Anthony O. Longstreet, SR. 6028264
CLARK County Detention Center
330 S. Casino Center Blvd.
LAS VEGAS, Nevada 89101

CLERK of COURT
To: Steven D. Grierson
Eighth Judicial District Court
200 Lewis Avenue / 3rd Floor
LAS VEGAS, Nevada 89155

C-20-348182-7
CASE Number
NRS 175.383

Notice of Filing

DEAR CLERK of COURT

PLEASE find the ORIGINAL Motion for Ineffective
Assistance of Counsel with Memorandum of Law with A
Motion to Withdraw Guilty PLEA (NRS 176.165).

Respectfully Submitted
Anthony O. Longstreet, SR.
Defendant

Certificate of Service

I, Anthony O. Longstreet, SR., depose and state that I HAVE
FORWARDED A COPY of the Attached Motion for Ineffective
Assistance of Counsel with Memorandum of Law with A Motion
to Withdraw Guilty PLEA, to the following Below:

Seth Gutierrez
Deputy Public Defender
309 S. 3rd Street / Room 306
LAS VEGAS, Nevada 89101

Alicia Albritton
Chief Deputy District Attorney
200 Lewis Avenue / 3rd Floor
LAS VEGAS, Nevada 89155

By Depositing A copy in the United States Mailbox on
December 06, 2020.

Respectfully Submitted

RECEIVED
DEC 10 2020

Anthony O. Longstreet, SR.
Defendant

CLERK OF THE COURT

Anthony Longstreet, SR. #6028264
Clark County Detention Center
330 S. Casino Center Blvd
Las Vegas, Nevada 89101

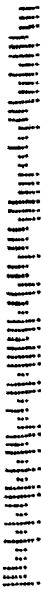
LEGAL
MAIL

Clerk of Court
To: Steven D. Grierson
Eighth Judicial District Court
200 Lewis Avenue / 3rd Floor
Las Vegas, Nevada 89155
(3rd Floor)

LEGAL
MAIL

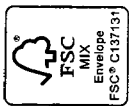


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THIS ENVELOPE IS RECYCLABLE AND MADE WITH 30% POST CONSUMER CONTENT



1 Anthony O. Longstreet, SR. #6088264

2 Clark County Detention Center

3 330 S. Casino Center Blvd

4 LAS VEGAS, Nevada 89101

FILED

DEC 15 2020

5 Eighth Judicial District Court
6 CLARK County, Nevada

Ann L. Blum
CLERK OF COURT

7 The State of Nevada

8 Plaintiff,

9 Vs.

C-20-348182-1

CASE Number

NRS 175.383

10 Anthony Odell Longstreet, SR.
11 Defendant.

12 Memorandum of LAW In Support of Motion
13 For Ineffective Assistance of Counsel And to
14 Appoint An Alternative Counsel

15 Now come defendant Anthony O. Longstreet, SR., Pro-Per,
16 in support of his motion FOR Ineffective Assistance of Counsel
17 And to Appoint An Alternative Counsel stating the following
18 Below: (Nevada Supreme Court Rule 46)

19 (A.)

20 FACT(S)

21 1.) On November 24, 2020, defendant Longstreet Accepted the
22 chief Deputy District Attorney PLEA Agreement. The Agreement WAS
23 THAT if defendant PLEAD Guilty to A 1 to 5 YEAR Category "C"
24 Felony the state would:

25 A) Dismiss the BURGLARY

26 B) Dismiss the Attempt Robbery

27 C) NOT SEEK the Habitual

28 D) Drop the Enhancement off the BATTERY that
Resulted in Substantial Bodily Harm to A
Victim 60 YEARS old or older.

E) And wanted to Reserve the Right to ARGUE
At Sentencing.

2) Defendant Longstreet's Court Appointed Attorney Failed to
Ask that the Agreement be A stipulated PLEA Agreement due
to Defendant Longstreet PASS Felony Criminal conviction

1 BACKGROUND THAT MAKES LONGSTREET ELIGIBLE FOR A SENTENCE BEYOND
2 A 1 TO 5 YEARS, BECAUSE OF THE PLEA AGREEMENT NOT BEING A
3 STIPULATED 1 TO 5 YEARS.

4 3.) ON NOVEMBER 25, 2020 COURT APPOINTED ATTORNEY SETH
5 GUTIERREZ CAME TO VISIT DEFENDANT LONGSTREET AT CLARK COUNTY
6 DETENTION CENTER TO READ OVER THE STATES PLEA AGREEMENT TO HIS
7 CLIENT. AND DURING THE PROCESS OF READING THE PLEA AGREEMENT
8 IT WAS NEVER STATED IN THAT PLEA AGREEMENT THAT EVEN THOUGH
9 THE STATE WAS DROPPING THE BURGLARY, THE ATTEMPT ROBBERY, THE
10 ENHANCEMENT AND NOT SEEKING THE HABITUAL THAT BASED ON
11 DEFENDANT LONGSTREET PASS FELONY CONVICTIONS THE STATE CAN
12 ARGUE FOR MORE THAN A 1 TO 5 YEAR SENTENCE BECAUSE OF THE
13 STATE RESERVING THE RIGHT TO ARGUE AT SENTENCING.

14 4.) COUNSEL SETH GUTIERREZ FAILURE TO INFORM HIS CLIENT OF
15 THE CONSEQUENCES OF ENTERING INTO THAT PLEA AGREEMENT WITHOUT IT
16 BEING STIPULATED RESULTED IN INEFFECTIVE ASSISTANCE OF COUNSEL
17 IN VIOLATION OF ARTICLE 1, SECTION 8 OF NEVADA CONSTITUTION AND
18 THE SIXTH AMENDMENT OF THE UNITED STATES CONSTITUTION.

19 5.) COUNSEL SETH GUTIERREZ SHOULD BE REMOVED FROM THIS
20 CASE AND THE PLEA SHOULD BE WITHDRAWN AND AN ALTERNATIVE
21 COUNSEL SHOULD BE APPOINTED TO RE-DO THE PLEA NEGOTIATION.

22 (B.)

23 ARGUMENT

24 COUNSEL FAILURE TO INFORM HIS CLIENT
25 OF THE CONSEQUENCES OF A UNSTIPULATED
26 AGREEMENT CONSTITUTE INEFFECTIVE
27 INEFFECTIVE ASSISTANCE

28 6.) COUNSEL SETH GUTIERREZ FAILURE TO INFORM HIS CLIENT OF
THE CONSEQUENCES OF ENTERING INTO A UNSTIPULATED CATEGORY "C"
1 TO 5 YEAR PLEA AGREEMENT THAT GIVES THE STATE ROOM TO ARGUE
FOR A SENTENCE BEYOND 1 TO 5 YEARS BECAUSE OF DEFENDANT
LONGSTREET PASS CRIMINAL HISTORY RECORD RESULTED IN INEFFECTIVE
ASSISTANCE OF COUNSEL. (NEVADA RULE OF PROFESSIONAL CONDUCT, RULE 1.3)

7.) ACCORDING TO STRICKLAND V. WASHINGTON, 466 U.S. 668, 104
S. CT. 2052, 80 L. ED. 2D 674, 694 THE UNITED STATES SUPREME
COURT SAID:

♦ REPRESENTATION OF A CRIMINAL DEFENDANT
ENTAILS CERTAIN BASIC DUTIES. COUNSEL'S FUNCTION
IS TO ASSIST THE DEFENDANT, AND HENCE
COUNSEL OWES THE CLIENT A DUTY OF LOYALTY,
A DUTY TO AVOID CONFLICTS OF INTEREST.

Pg. 3 of 4

1 From counsel's Function AS ASSISTANT to
2 the defendant derives the OVERARCHING
3 duty to Advocate the defendants CAUSE And
4 the MORE PARTICULAR duties to consult with
5 the defendant on important decisions And
6 to keep the defendant informed of Important
7 developments in the Prosecution. Counsel Also
8 has A duty to bring to BEAR such skill And
9 Knowledge AS will Render the trial A reliable
10 Adversarial testing Process."

11 8.) On October 15, 2020 Judge Douglas Herndon FORCED this
12 Attorney on defendant Longstreet. And this Attorney still Refuse
13 to Act in defendant Longstreet best interest.

14 9.) On November 25, 2020 And December 01, 2020 defendant
15 Longstreet Requested A copy of the PLEA Agreement and the
16 Petition that WAS SEEKING the HABITUAL FEE from Seth Gutierrez
17 And defendant still has not been provided that information.
18 BUFFALO V. STATE, 111 Nev. 1139, 901 P.2d 647, 111 Nev. Adv. Rep. 127,
19 1995 Nev. Lexis 125 (NEV. 1995).

20 WHEREFORE, defendant Pray this court GRANT this Motion.

21 Respectfully Submitted
22 Anthony O. Longstreet, SR.
23 Defendant

24 (Note: SEE Nevada Rules of Professional Conduct, Rule 3.8 For special
25 Responsibilities of A Prosecutor.)

26 Pg. 4 of 4

Anthony Odell Longstreet, SR. #6028264
CLARK County Detention Center
330 S. Casino Center Blvd
LAS VEGAS, Nevada 89101

FILED

DEC 15 2020

Ann L. Blum
CLERK OF COURT

Eighth Judicial District Court
CLARK County, Nevada

THE State of Nevada
Plaintiff,

Vs.

C-20-348182-1
CASE NUMBER

NRS 175.383

Anthony O. Longstreet, SR.
Defendant.

January 7, 2021
9:00 AM

Motion For Ineffective Assistance of Counsel
And Appoint An Alternative Counsel

Now come defendant, Anthony O. Longstreet, SR., Pro-Per,
Moving this court for an order discharging Deputy Public
Defender Seth Gutierrez due to ineffective Assistance of Counsel
in violation of defendant's Sixth Amendment Right of the United
States Constitution and Article 1, section 8 of Nevada Constitution.
And In support, Defendant Attaches A Memorandum of Law.

WHEREFORE, defendant Pray this court GRANT this Motion.
(NEVADA SUPREME COURT Rule 46)

Respectfully submitted

Anthony O. Longstreet, SR.
Defendant

December 07, 2020
Date

**THIS SEALED
DOCUMENT,
NUMBERED PAGE(S)
202 - 209
WILL FOLLOW VIA
U.S. MAIL**



1 NOCH

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

5 ****

6 State of Nevada

Case No.: C-20-348182-1

7 vs

Department 23

8 Anthony Longstreet
9

10 **NOTICE OF CHANGE OF HEARING**

11 The hearing on the Motion, presently set for January 07, 2021, at 9:00 AM, has been moved
12 to the 11th day of January, 2021, at 11:00 AM and will be heard by Judge Jasmin Lilly-
13 Spells.
14

15 STEVEN D. GRIERSON, CEO/Clerk of the Court

16 By: /s/ Kathryn Hansen-McDowell

17 Kathryn Hansen-McDowell

18 Deputy Clerk of the Court
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CERTIFICATE OF SERVICE

I hereby certify that this 5th day of January, 2021

☒ The foregoing Notice of Change of Hearing was electronically served to all registered parties for case number C-20-348182-1.

☐ I mailed, via first-class, postage fully prepaid, the foregoing Clerk of the Court, Notice of Change of Hearing to:

Steven B Wolfson
Clark County District Attorney
200 Lewis Avenue 3rd Floor
Las Vegas NV 89155

☐ I placed a copy of the foregoing Notice of Change of Hearing in the appropriate attorney folder located in the Clerk of the Court's Office:

Alicia A. Albritton
Jacob J. Villani
Steven B Wolfson
Ashley A. Lacher
Public Defender
Seth Gutierrez

/s/ Kathryn Hansen-McDowell

Kathryn Hansen-McDowell
Deputy Clerk of the Court

Heather L. Smith

CLERK OF THE COURT

JOCP

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

ANTHONY ODELL LONGSTREET
#6028264

Defendant.

CASE NO. C-20-348182-1

DEPT. NO. XXIII

JUDGMENT OF CONVICTION


(PLEA OF GUILTY)

The Defendant previously appeared before the Court with counsel and entered a plea of guilty to the crime of BATTERY WITH SUBSTANTIAL BODILY HARM (Category C Felony) in violation of NRS 200.481; thereafter, on the 27th day of January, 2021, the Defendant was present in court for sentencing with counsel SHANNON L. PHENIX, Deputy Public Defender, and good cause appearing,

THE DEFENDANT IS HEREBY ADJUDGED guilty of said offense and, in addition to the \$25.00 Administrative Assessment Fee and \$150.00 DNA Analysis Fee including testing to determine genetic markers plus \$3.00 DNA Collection Fee, the

1 Defendant is sentenced as follows: a MAXIMUM of FORTY-EIGHT (48) MONTHS
2 with a MINIMUM parole eligibility of NINETEEN (19) MONTHS in the Nevada
3 Department of Corrections (NDC); with THREE HUNDRED THIRTY-FOUR (334)
4 DAYS credit for time served.
5
6

7 Dated this 7th day of February, 2021

8 
9

10 DISTRICT JUDGE

11 CB9 A64 F0A4 D5D9
12 Jasmin Lilly-Spells
13 District Court Judge
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1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 State of Nevada

CASE NO: c-20-348182-1

7 vs

DEPT. NO. Department 23

8 Anthony Longstreet
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Judgment of Conviction was served via the court's electronic eFile
13 system to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 2/7/2021

15 Dept 03 Law Clerk

Dept03LC@clarkcountycourts.us

16 Seth Gutierrez

Seth.Gutierrez@clarkcountynv.gov

17 Gerardo Zazueta

gerardo.zazueta@clarkcountynv.gov

18 Public Defender

pdclerk@clarkcountynv.gov

19 D A

20 motions@clarkcountyda.com
21
22
23
24
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26
27
28



**EIGHTH JUDICIAL DISTRICT COURT
CLERK OF THE COURT**

REGIONAL JUSTICE CENTER
200 LEWIS AVENUE, 3rd FL.
LAS VEGAS, NEVADA 89155-1160
(702) 671-4554

Steven D. Grierson
Clerk of the Court

Anntoinette Naumec-Miller
Court Division Administrator

February 24, 2021

Attorney: Public Defender
Clark County Public Defender
309 S 3rd Street Suite #2
Las Vegas NV 89101

Case Number: C-20-348182-1
Department: Department 23

Defendant: Anthony Odell Longstreet

Attached are pleadings received by the Office of the District Court Clerk which are being forwarded to your office pursuant to Rule 3.70.

Pleadings: **Motion For Sentence Modification**

Rule 3.70. Papers which May Not be Filed

Except as may be required by the provisions of NRS 34.730 to 34.830, inclusive, all motions, petitions, pleadings or other papers delivered to the clerk of the court by a defendant who has counsel of record will not be filed but must be marked with the date received and a copy forwarded to the attorney for such consideration as counsel deems appropriate. This rule does not apply to applications made pursuant to Rule 7.40(b)(2)(ii).

Cordially yours,

DC Criminal Desk # 7

Deputy Clerk of the Court

February 11, 2021

Anthony O. Longstreet, SR. #6028264
CLARK County Detention Center
330 S. CASINO Center Blvd
LAS VEGAS, NEVADA 89101

CLERK OF COURT
To: Steven D. Grierson
Eighth Judicial Court
200 LEWIS AVENUE
LAS VEGAS, NEVADA 89155

C-20-348182-1
CASE Number
Jasmin Lilly-Spells
Presiding Judge

Notice of Filing

DEAR CLERK OF COURT

PLEASE Find the ORIGINAL Motion For Sentence
Modification BASED on JUDICIAL ERROR And Ineffective Assistance
of Counsel BASED on A conflict of Interest For Filing.

Respectfully Submitted
Anthony O. Longstreet, SR.
Defendant

Certificate of Service

I, Anthony O. Longstreet, SR., depose and state that I HAVE SERVED A
COPY OF THE ATTACHED Motion For Sentence Modification BASED on JUDICIAL
ERROR And ineffective ASSISTANCE of Counsel to the Following Below:

Seth Gutierrez
Deputy Public Defender
309 S. Third Street/RM 226
LAS VEGAS, NV 89155

Alicia Albritton
Chief Deputy District Attorney
200 Lewis Avenue/3rd Floor
LAS VEGAS, NEVADA 89155

By Depositing A copy in the mailbox on February 11, 2021

Respectfully Submitted
Anthony O. Longstreet, SR.
Defendant

1 Anthony O. Longstreet, SR. #6028264
2 Clark County Detention Center
3 330 S. Casino Center Blvd
4 LAS VEGAS, Nevada 89101

5 Eighth Judicial District Court
6 Clark County, Nevada

7 The State of Nevada

8 Plaintiff,

9 vs.

10 Anthony O. Longstreet, SR.

11 Defendant.

C-20-348182-1

CASE Number

Jasmin Lilly-Spells

Presiding Judge

12 Motion For Sentence Modification Based on
13 Judicial Error And Ineffective Assistance of
14 Counsel Based on Conflict of Interest

15 Now come defendant, Anthony Odell Longstreet, SR.,
16 PRO-SE And moving this Court Pursuant to NRS 176.565 to
17 Modify the sentence on this CASE FROM PRISON TIME to
18 TIME SERVED BASED on ineffective assistance of counsel And A
19 Conflict of Interest. And in support of this Motion For
20 Sentence Modification Based on Judicial Error And In-
21 Effective Assistance of Counsel. Defendant Longstreet
22 Attaches A Memorandum of LAW supported by Affidavit.

23 WHEREFORE, defendant Pray this motion is Granted.

24 Respectfully Submitted

25 Anthony O. Longstreet, SR.
26 PRO-SE Defendant

27 February 11, 2021
28 DATE

Pg. 1 of 10

RECEIVED

FEB 17 2021

CLERK OF DISTRICT COURT

Anthony O. Longstreet, SR #6028264
Clark County Detention Center
330 S. Casino Center Blvd.
LAS VEGAS, Nevada 89101

Eighth Judicial District Court
Clark County, Nevada

The State of Nevada

Plaintiff,

vs.

Anthony O. Longstreet, SR
Defendant.

C-20-348182-1
CASE Number

Jasmin Lilly-Spells
Presiding Judge

Memorandum of LAW In Support
OF Motion For Sentence Modification
BASED on JUDICIAL ERROR And
INEFFECTIVE Assistance of Counsel
BASED on A conflict of Interest

Now come defendant, Anthony Odell Longstreet, SR., Acting PRO-SE And Comming in support of his Motion For Sentence Modification BASED on JUDICIAL ERROR and Ineffective Assistance of Counsel BASED on A conflict of Interest Stating the Following Below:

(A)
FACTS

1.) Your honor, on December 06, 2019, Defendant Longstreet WAS called by A Female Friend to come give her A ride to Hollywood And Lake MEAD And in Exchanged she WAS going to Pay Defendant Longstreet \$10.00 For GAS. But when he had ARRIVED At her Apartment to Pick her up she only GAVE him \$8.00 And asked him to wait on her, And she went back into her Apartment to Finish Getting dressed.

2.) While defendant Longstreet WAS PARKED in her PARKING lot waiting he decided to drive to the LIQUOR STORE And use the \$8.00 to PURCHASE A Pint of SEAGRAM Gin. Then he drove BACK to his Passenger house and sat in her PARKING lot And continued to wait on his Passenger while he dranked up his Gin.

3.) Defendant Longstreet spent the \$8.00 dollars because his intent was to use his Direct Express Master Card to buy him some Food From Dotties Across the street from his Passengers Place of Residence to feed the Alcohol so he wouldn't get drunk while transporting his Passenger. That's why there's a written statement from a witness NAME Consuelo Jordan-Sosa saying she saw defendant drop his debit card during the Altercation with the victim. (see Attached Exhibit) (Voluntary Statement For Witness Attached)

4.) When the Passenger got into Defendant Longstreet CAR he drove directly across the street to Dottie's Casino to purchase him some chicken wings and French fries so he could feed the Alcohol and not become drunk while transporting his Passenger. But by the time he reached the counter to make the purchase with his debit card the effects of the Alcohol hit him along with the heat from the casino and he became drunk, and forgot that he spent the cash and was going to use the debit card to pay for the food.

5.) On April 27, 2020 Defendant saw a portion of the video footage on Deputy Public Defender Seth Gutierrez cell phone that he realized he made a mistake and misconceived what had occurred on December 06, 2019 that night when defendant had mistakenly accused the victim of taking his money off the counter. Indicating defendant was drunk.

6.) According to the video footage, on December 06, 2019 Defendant Longstreet walked into Dottie's and stopped at the counter and made a purchase for food. While standing there waiting on the lady to come back from checking the freezer for chicken and French fries, the victim walks up and pulls a wallet out and places money on the counter next to the defendant. And the defendant politely moves the money over by the cash register indicating to the victim that the victim was next after defendant.

7.) The video footage then shows the victim reach Pass Defendant and pulls the money back towards him. The cashier lady then comes out the back and ask the victim if he needs anything. And the victim says cigarettes. And once given the cigarettes the victim pays with \$7.00 dollars. When it came time for defendant Longstreet to pay for his food he accused the victim of taking his money and forgot he was paying for his food with a debit card.

8) Defendant Longstreet then stops the Victim and tells the Victim he (the victim) took his money off the counter of the counter and threatens the Victim and walks away to the middle of the Casino Floor trying to Figure out what happened to the money.

9) The Victim waited A while and thought about what he wanted to do and then walks over to where defendant was standing to confront defendant and they both stood face to face. Defendant then felt threatened by the Victim implied consent to A Fight and A Fight unfolded, until security came and Broke the Fight up. By this time the victim was on the Floor.

10) Video Footage Goes on to show Defendant trying to explain to the People watching what just happened between him and the Victim. And out of know where defendant goes back to where the Victim was laying on the Floor and while under the influence of Alcohol unconsciously began to hit and kick the victim some more while the victim was on the Floor and then walks out Grabbing his Debit Card As he left.

11) It wasn't until "April 16, 2020" when Chief Deputy District Attorney Ms. Alicia Albright summarized what the video showed in the Justice Court that defendant Longstreet realized what took place. He had no idea that he went back to where the victim was laying on the Floor and started hitting and kicking the victim because during the incident defendant was drunk and was unaware that he had made A mistake. (see Attached Exhibit)

12) It wasn't until "April 27, 2020" when Deputy Public Defender Seth Gutierrez had showed defendant A Portion of the video that he realized he had made A mistake and Accused the victim of taking his money. (see Attached Exhibit dated 4/27/20)

13) On "JANUARY 27, 2021" Judge Jasmin Lilly-Spells stated on Record that defendant Longstreet could give A statement before she sentence him. But during the course of defendant Longstreet Giving his statement the Proceedings was interrupted so the Bailiff could show the Judge some of the video Footage. And when she came BACK on Record she didn't Allow defendant to Finish his statement and sentenced defendant Longstreet to A minimum of 19 months and A Maximum of 48 months that was Recommended by Defendant Attorney who created A conflict of Interest by Asking for 19 to 48 months when his client was Asking for

1 time served based on the fact that defendant was intoxicated
2 at the time he committed his offense.

3 14) Your honor a person acts "Willful" if they act
4 "Intentional". This signifies that an act was done with a
5 bad purpose. There's no clear and convincing evidence
6 submitted by the state that will give this court reason
7 to believe that defendant intentionally went into Doty's
8 casino with the intent to commit a crime while under the
9 influence of alcohol.

10 15) A person under the influence of alcohol cannot act
11 intentional because alcohol incapacitates the inhibitory center
12 in the brain which causes a person to indulge in behavior
13 that is completely uncharacteristic. Which means people who
14 are in an inebriated state of mind usually do not understand
15 what they are doing is wrong nor do they remember
16 what they did after the fact.

17 16.) If the act that was used to commit a battery was
18 due to the act of "Violence" that means that the person who
19 committed the battery that resulted in the substantial bodily
20 harm to the victim knew what he was doing and desired the
21 consequences of his or her act. Which would mean defendant
22 Longstreet would have had the intent to break the law
23 without any concern for the consequences or dangers of
24 his act. Which would mean defendant Longstreet had a
25 reckless disregard for the personal safety of the victim.
26 And that's not the case here.

27 17.) The state reserved the right to argue and did not
28 introduce any clear and convincing evidence that would give
this court a reason to punish defendant Longstreet by
sending him to prison. And the court, Judge Jasmin Lilly-
spells said on record January 27, 2021, that she was sending
defendant to prison because the crime was a violent crime.
And it is a "Judicial Error". Defendant Longstreet should have
been given time served under the present law pursuant to
NRS 194.010 (5) (6) and (8).

18 18.) And because counsel Seth Gutierrez did not argue
19 for time served. But asked the court for a minimum of
20 19 and a maximum of 48 months prison time showed
21 ineffective assistance of counsel and a conflict of interest.

(B.)

Sentence of Imprisonment is NOT
Supported by the Facts of this
CASE. Defendant should have been
Given Time Served

19.) The Judge Ms. Jasmin Lilly - Spells based her decision to sentence Defendant Longstreet Prison on the fact that the crime was "violent." This means the Judge is saying that defendant Longstreet knew what he was doing at the time of the commission of the battery and that he desired the consequences of his act, giving her reason to disregard NRS 194.010 (5)(6)(8) to punish defendant.

20.) Your honor in Nevada v. Lewis, 20 Nev. 333, 351, 22 P. 241, 247 (1889) Nevada Supreme Court said:

" IF A MAN HAS CAPACITY AND REASON sufficient to enable him to distinguish Right from wrong as to the PARTICULAR Act in Question, And has knowledge And consciousness that the Act he is doing is wrong And will deserve Punishment, he is, in the eye of the Law, of sound mind And memory And should be held criminally Responsible for his Acts."

21.) Its impossible for Defendant Longstreet to have known what he was doing at the time of his offense because the video footage clearly show that defendant Accused the victim of taking his money and the victim took the money out his pocket Right in front of Defendant. Which means And indicate that defendant was drunk and was not conscious of what he was doing.

22.) Even when the victim was on the floor and defendant Longstreet went back over to where the victim was laying And began kicking and hitting the victim defendant acted unconsciously Pursuant to NRS 194.010(6).

23.) Defendant Longstreet was not aware that he went back over to where the victim was laying And began hitting And kicking the victim until "April 16, 2020" when chief Deputy District Attorney Alicia Albritton summarized what she saw on the video in open court in the Justice Court. And there was no clear and convincing evidence to prove that

1 Defendant Longstreet knew what he was doing and desired
2 the consequences of his Act to WARRANT being punished with
3 imprisonment. Pursuant to NRS 193.220 the Judge took the
4 Fact that defendant Longstreet was intoxicated At the time of
5 the offense. But sentenced defendant Longstreet to imprisonment
6 because the offense was violent. But her decision to dis-
7 Regard NRS 194.010 And send defendant Longstreet to Prison
8 WAS NOT BASED ON ANY Motive, Purpose OR intent Pursuant to
9 NRS 193.220. Therefore, defendant Longstreet should have been
10 given time served. To send defendant Longstreet Prison under
11 these circumstances constitute A Judicial ERROR.

8 24.) A Judicial ERROR is AN ERROR MADE in the Exercise of
9 Judgement. The Judgment should have been time served, Not
10 imprisonment.

11 (C.)

12 Counsel WAS ineffective At
13 Sentencing by Arguing Prison time
14 And Not Time Served Which Resulted
15 in A Conflict of Interest

15 25.) On JANUARY 27, 2021, Deputy Public Defender Seth
16 Gutierrez Failed to show up At sentencing and the Assistant
17 Public Defender sitting in For Seth Gutierrez stated on
18 Record that Seth Gutierrez Recommendation to the court
19 WAS that defendant Longstreet Receive A Minimum of 19
20 months imprisonment and A Maximum of 48 months
21 imprisonment.

20 26.) Defendant Longstreet WAS Asking For time serve
21 BASED on the Facts in this MEMORANDUM OF LAW, Which MEANS
22 the Public Defender Office and defendant Longstreet WAS Not on
23 the SAME goal. Which Resulted in A conflict of Interest.

23 27.) There has been An ongoing Practice of Ineffective
24 Assistance of Counsel on this CASE that Resulted in An induce
25 PLEA Agreement. And Even At sentencing on this CASE
26 defendant WAS still denied the Right to Act As his own
27 Counsel.

History of This Case

28.) Your honor on April 27, 2020, in the Justice Court in front of Judge Chris Lee defendant Longstreet waived his Preliminary Probable Cause Examination to Accept A 1 to 5 YEAR sentence on A Battery that resulted in Substantial Bodily Harm if the state drop the Burglary, Attempt Robbery, The Enhancement under NRS 193.167(1), (d) (2) And the Habitual with the Right to ARGUE At sentencing.

29.) The CASE WAS then Bonded over to the Eighth Judicial District Court in front of Judge Cristina Silva. On May 13, 2020 the Guilty PLEA WAS Aborted And Judge Cristina Silva set A date FOR trial AFTER calling defendant Longstreet to PLEAD. (see Attached Exhibit dated May 13, 2020)

30.) But According to STURROCK V. STATE OF NEVADA, 95 Nev. 938, 604 P.2d 341 (1979) NEVADA Supreme Court said that when such An Agreement is not consummated, the validity of the WAIVER is vitiated (Void), And it is incumbent upon the district court to Absolve (Pardon) defendant of the Adverse consequences of the Aborted PLEA bargain. And that the court is thus obligated to inform defendant of his statutory Right to A preliminary Examination "before" Permitting defendant to Enter A PLEA.

31.) Your honor on "October 15, 2020," Defendant Longstreet had A Motion FOR ineffective Assistance of Counsel because Counsel Seth Gutierrez Refused to File A Motion to Dismiss the charges because defendant Longstreet WAS being held in custody without A Preliminary Hearing on the charges And WAS being illegally confined. Judge Douglas W. Herndon Refused to Allow defendant Longstreet the Right to Represent himself Because Seth Gutierrez said the Motion to Dismiss would be Frivolous. (see Exhibit)

32.) Because the CASE WAS NOT Remanded For A Preliminary Probable Cause Examination on the Battery, Attempt Robbery And Burglary defendant Longstreet For Approximately Ten (10) months without A Preliminary Probable Cause Hearing while being Denied Effective Assistance of Counsel, By Seth Gutierrez.

33.) IF this CASE had been Remanded back For A Preliminary Probable Cause Examination the District Attorney would had been Required to File An Affidavit

1 An Affidavit in support of its criminal complaint in com-
2 pliance with NRS 173.035(2).

3 34.) According to Nicholas Cipriano v. State of Nevada,
4 Ill Nev. 534, 894 P.2d 347 (1995) Nevada Supreme Court said that
5 the statutory language under NRS 173.035(2) requires the
6 prosecutor to support its criminal complaint with an
7 Affidavit of a competent trial witness who have knowledge
8 of the alleged crimes.

9 35.) HOWEVER, since Deputy Public Defender Seth Gutierrez
10 refused to move to dismiss the charges because of a denial
11 of a statutory right to a preliminary probable cause
12 examination on the battery, burglary and attempt
13 robbery charges. The state was able to circumvent the
14 pretrial charging process through the ineffective
15 assistance of Seth Gutierrez to induce a guilty plea
16 negotiation.

17 36.) After the motion to discharge the public defenders
18 office was denied October 15, 2020, Defendant Longstreet
19 asked to take the plea agreement to avoid being held in
20 custody illegally and to avoid going to trial with that
21 attorney. (See attached exhibit dated October 15, 2020)

22 37.) On November 24, 2020, Defendant Longstreet agreed
23 to take the plea negotiation. And on December 01, 2020,
24 Defendant Longstreet asked for a copy of the plea
25 agreement that he signed and a copy of the notice
26 of habitual. Seth Gutierrez said on record his secretary
27 was going to send defendant a copy. (See attached exhibit dated
28 November 24, 2020)

38.) On December 15, 2020 Defendant Longstreet filed a
motion for ineffective assistance of counsel again asking to
represent himself at sentencing and that counsel Seth
Gutierrez was refusing to provide him a copy of the
plea agreement and the notice of habitual.

39.) On January 11, 2021 Defendant Longstreet appeared
in court in front of Judge Jasmin Lilly-Spells who directed
Seth Gutierrez to mail defendant Longstreet a copy of his
plea agreement and the notice to file habitual criminal
treatment. And Seth Gutierrez was forced on defendant
Longstreet at sentencing. And motion to act as his own
counsel was denied, January 25, 2021.

Pg. 9 of 10

40.) On JANUARY 25, 2021, Defendant Longstreet went to court And his Request to Act As his own counsel was denied And the CASE Proceeded to sentencing. Seth Gutierrez Recommended 19 to 48 month imprisonment And Defendant Longstreet was Asking For time served. This was A conflict of Interest.

41) Not only WAS Seth Gutierrez Not Prepared to Argue For time served. But his ARGUMENT WAS Not BASED on any of the Facts that defendant Longstreet was intoxicated. And that time served should be granted based on NRS 194.010(5)(6)(8).

42.) No WHERE in the state Right to Argue does the state Put Forth any CLEAR and convincing Evidence to Justify sending Defendant Longstreet to Prison. WHERE is the Evidence from the state that would convince the Judge that the violence that was shown on video Footage was An Act that defendant Longstreet KNEW WAS WRONG And desired the consequences of his Act Warranting imprisonment???

43.) WHERE is the Motive, Intent or Purpose Evidence As Proscribed in NRS 193.220 that was Relied upon to send defendant Longstreet to Prison to Justify disregarding NRS 194.010(5)(6)(8)???

44.) Defendant Longstreet should had been given time served. Not sent to Prison And punished For the Battery offense. The 19 to 48 months imprisonment WAS BASED on A Recommendation of Deputy Public Defender Seth Gutierrez. Which constituted A conflict of Interest because defendant Longstreet Argument WAS that he be given time served. Not Prison confinement. Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052, 80 L.Ed. 2d 674, 694, has been violated, because counsel owed A duty to Avoid conflicts of Interest. (Nevada Rule of Professional conduct, Rule 1.3)

45.) Defendant Longstreet is Asking that counsel be Removed From his CASE and that he be GRANTED LEAVE to Act As his own Counsel.

February 11, 2021

Respectfully Submitted
Anthony D. Longstreet, Sr.
Defendant/

Case #

NORTH LAS VEGAS POLICE DEPARTMENT
VOLUNTARY STATEMENT

Crime: <u>ATT</u>	Location: <u>DOFT-4 #111</u>
Name: <u>Consuelo Jordan</u>	D.O.B. <u></u> SS# <u></u>
Address: <u></u>	
DL#/State: <u></u>	Ht.: <u></u> Wt.: <u></u> Hair: <u></u> Eyes: <u></u>
Cell #: <u></u>	Contact #: <u></u> Home #: <u></u>
Employer: <u></u>	Work #: <u></u>
Facebook: <u></u>	Twitter: <u></u>
EMAIL address: <u></u>	

Details: I saw the guy screaming in the cashier asking for his \$7.00 he was hit the corner top twice in front of me. He said that the guy ^{shook his money} then he hit in his face, that he took the money that he put in the corner top. This guy was so aggressive, he drove his visa car I am not sure was from him I gave it to the lady that work here and he said "thats mine". I took a video and said it to the officer and the name is W. Bull. This guy hit me in the car a many time when I was in the car he kick in his face the old guy hit 20 his hand and he don't said anything to him. This guy needs to be in jail say.

(If necessary, continue detail narrative on reverse side.)

I have read this statement consisting of 1 pages and affirm to the truth and accuracy of the facts contained herein. This statement was completed at (location):

Date and time of statement: 12/06/2019 - 02:00

Name of person writing statement if different from above:

O.R.W. Bull #2506

#2506
Officer Signature


[Signature]
Signature of Person Giving Statement

JUSTICE COURT. NORTH LAS VEGAS TOWNSHIP
CLARK COUNTY, NEVADA
DOCKET SHEET...CRIMINAL

CASE # 20CRN000570-0000 20FN0563X

State LONGSTREET, ANTHONY O

6028264 (SCOPE)

DATE, JUDGE, OFFICERS OF COURT PRESENT	PROCEEDINGS APPEARANCES - HEARING	EVENTS
<p>April 16, 2020</p> <p>C. Lee, JP A. Albritton, DDA C. Segerblom, DPD M. Rehagen, CLK</p> <p> →</p>	<p>PRELIMINARY HEARING CONTINUED - PROSECUTION REQUEST</p> <p>THIS IS THE TIME SET FOR PRELIMINARY HEARING Defendant PRESENT in CCDC custody Amended Criminal Complaint Filed in Open Court. Motion to Dismiss due to Lack of Jurisdiction by Defendant. Per Court, the Defendant is not the victim in this case. Motion denied. <u>Per Defense, the Defendant wishes to represent himself. Defense will act as standby counsel.</u> Per State, they sent the victims medical records to the Defense last week: <u>State is unable to play the Defendant the video this morning. State explains in detail what is depicted in the video.</u> <u>Defendant wants to see the discovery and view the video.</u> Defense will mail the discovery to the Defendant. State notes their witness was ready to testify this morning. PRELIMINARY HEARING DATE SET PASSED for Defendant to view the video. CCDC/\$20,000 total bail</p> <p>SET FOR COURT APPEARANCE Event: STATUS CHECK NLV Date: 04/23/2020 Time: 8:30 am Judge: LEE, CHRIS Location: DEPARTMENT 3</p> <p>SET FOR COURT APPEARANCE Event: PRELIMINARY HEARING NLV Date: 04/30/2020 Time: 9:00 am Judge: LEE, CHRIS Location: DEPARTMENT 3</p> <p>Result: HEARING VACATED</p>	

JUSTICE COURT. NORTH LAS VEGAS TOWNSHIP
CLARK COUNTY, NEVADA
DOCKET SHEET...CRIMINAL

CASE # 20CRN000570-0000 20FN0563X

State LONGSTREET, ANTHONY O

6028264 (SCOPE)

DATE, JUDGE, OFFICERS OF COURT PRESENT	PROCEEDINGS APPEARANCES - HEARING	EVENTS
<p>April 23, 2020 C. Lee, JP V. Villegas, DDA C. Segerblom, DPD M. Rehagen, CLK</p>	<p>HEARING VACATED The following event: PRELIMINARY HEARING NLV scheduled for 04/30/2020 at 9:00 am has been resulted as follows: Result: HEARING VACATED Judge: LEE, CHRIS Location: DEPARTMENT 3</p> <p>SET FOR COURT APPEARANCE Event: STATUS CHECK NLV Date: 04/27/2020 Time: 8:30 am Judge: LEE, CHRIS Location: DEPARTMENT 3</p> <p>STATUS CHECK - HELD Defendant PRESENT in CCDC custody Defense sent discovery to the Defendant. However, he forgot his laptop this morning and is unable to show the Defendant the video. Defendant states he is still missing the victim's medical records and the transcript of his own statement to police. Preliminary hearing date vacated. PASSED for status check on discovery, Defendant to view the video and status check if Defendant wishes to go forward with a preliminary hearing. CCDC/\$20,000 total bail</p>	
<p>April 27, 2020 C. Lee, JP A. Albritton, DDA S. Gutierrez, DPD M. Rehagen, CLK</p> <p>TRACK 11 ★ →</p>	<p>SET FOR COURT APPEARANCE Event: DISTRICT COURT ARRAIGNMENT NLV Date: 05/06/2020 Time: 10:00 am Judge: Location: DISTRICT COURT ARRAIGNMENT</p> <p>HEARING HELD Defendant PRESENT in CCDC custody Per Negotiations: Defendant <u>UNCONDITIONALLY WAIVED Preliminary Hearing.</u> Thereupon Court ORDERS Defendant held to answer to said charge(s) in the Eighth Judicial District Court. CCDC/\$20,000 total bail</p>	<p>DISTRICT COURT ARRAIGNMENT NLV Date: May 06, 2020 Time: 10:00 am Location: DISTRICT COURT ARRAIGNMENT</p>

CASE SUMMARY

CASE NO. C-20-348182-1

State's Notice of Witnesses and/or Expert Witnesses

07/10/2020



Amended Information

Filed By: Plaintiff State of Nevada

Amended Information

07/13/2020



Amended Information

Filed By: Plaintiff State of Nevada

Second Amended Information

HEARINGS



05/06/2020



Initial Arraignment (8:00 AM) (Judicial Officer: Silva, Cristina D.)

Matter Heard:

Journal Entry Details:

Madilyn Cole, Dep DA, present on behalf of the State; Lynn Avants, Dep PD, present on behalf of Deft. Longstreet, who is also present. This is the time set for the Initial Arraignment. Mr. Avants advised that Guilty Plea Agreement needs to be reviewed with the Deft. prior to his entry of plea; therefore, he would request that the matter be CONTINUED so the assigned Deputy can meet with the Deft. Upon Court's inquiry, the Deft. stated that he does not have an attorney and he has already been granted leave to represent himself. Mr. Avants discussed the Justice Court proceedings; the Deft. unconditionally WAIVED out of Justice Court; Seth Gutierrez, Dep PD, was present. According to Mr. Avants' notes, it does not appear that the Deft. has been canvassed with regard to self-representation. The Deft. then stated that he filed a formal motion but there is no record of that. Therefore, COURT ORDERED, matter set for Continued Arraignment. If the Deft. still wants to represent himself, he needs to speak with counsel first. CUSTODY 05/13/20 8:00 AM ARRAIGNMENT CONTINUED;



05/13/2020



Arraignment Continued (8:00 AM) (Judicial Officer: Silva, Cristina D.)

Plea Entered:

Journal Entry Details:

Sarah Overly, Chf Dep DA, present on behalf of the State; Bryan Cox, Dep PD, appearing on behalf of Deft. Longstreet, who is also present. This is the time set for the Continued Arraignment. A Guilty Plea Agreement (GPA) was e-filed on May 12, 2020. During the plea canvass, the Deft. stated that he does not have any attorney, he is representing himself because he filed a Motion on April 2 and it has been granted. Therefore, Mr. Cox is just assisting him. Court noted that there is no record of the Deft.'s Motion in Odyssey; colloquy. In light of the filed GPA, Mr. Cox inquired as to whether the Deft. wanted to continue with the plea colloquy. The Deft. stated that he would go forward but he wanted the Court to understand that Mr. Cox is just assisting him. The Deft. then took issue with a statement in the GPA wherein he WAIVES his right to challenge the legality of these proceedings; he believes that is a violation of his rights. The Court advised the offer from the State is as stated in the GPA, the Deft. can take it as it is or he can reject it. If the offer is rejected, the Court cannot proceed with the plea canvass this morning. The Deft. stated he would accept the offer under duress. The COURT advised that it would NOT accept the Deft.'s guilty plea this morning but instead would enter a plea of NOT GUILTY on his behalf and INVOKE THE SIXTY (60)-DAY RULE. COURT ORDERED, matter set for trial. CUSTODY 07/09/20 9:00 AM CALENDAR CALL (DC3) 07/13/20 10:00 AM JURY TRIAL (DC3);

07/09/2020



Calendar Call (3:30 PM) (Judicial Officer: Hemdon, Douglas W.)

Hearing Set:

Journal Entry Details:

Mr. Gutierrez indicated the State e-mailed him a copy of the Amended Information they filed, which reflects everything that was original charges in Justice Court. Ms. Albritton stated the document has not been filed yet, and she was requesting leave of the Court to file it. COURT SO ORDERED. Defendant stated he wanted to represent himself. COURT ADVISED there has not been any Motions filed to represent himself, adding if the documents were filed in Justice Court, they need to be re-filed in District Court. Colloquy regarding trial dates. COURT FURTHER ORDERED, trial date VACATED; Faretta Canvass SET. CUSTODY 7/21/2020 3:30 P.M. FARETTA CANVASS;

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****October 15, 2020**

C-20-348182-1 State of Nevada
 vs
 Anthony Longstreet

October 15, 2020 03:30 PM Defendant's Pro Per Motion to Discharge Public Defender

HEARD BY: Herndon, Douglas W. **COURTROOM:** RJC Courtroom 16C

COURT CLERK: Schlitz, Kory

RECORDER: Ray, Stacey

REPORTER:

PARTIES PRESENT:

Anthony Odell Longstreet	Defendant
Ashley A. Lacher	Attorney for Plaintiff
Seth Gutierrez	Attorney for Defendant
State of Nevada	Plaintiff

JOURNAL ENTRIES

Mr. Gutierrez stated he spoke with the Defendant last night, and the Defendant is not happy with him, as the Defendant does not like me, and he does not feel there is any basis for it, other than the fact that he will not file a frivolous motion on behalf of the Defendant. Mr. Gutierrez stated he has also spoke with Ms. Albrittion, and is prepared to proceed to trial, explained to the Defendant the consequences of what could happen if the matter does proceed to trial, adding the Defendant has requested to represent himself, and the Faretta Canvas has been done twice. Mr. Gutierrez further stated if the Court would allow the Defendant to represent himself, he would be fine sitting as stand by counsel during trial. Upon Court's inquiry, Defendant stated Mr. Gutierrez has not file any Motion, and he has been denied the right to see the video tape, and he is not prepared to proceed to trial. Mr. Gutierrez stated he did show the Defendant the video prior to waiving up, and it was on his cell phone while parties were on a video conference. Defendant stated he cannot go to trial with Mr. Gutierrez. COURT STATED the trial is still a month away, and there is a lot that gets completed right before trial, and the Court understands the Defendant's frustration regarding no Motions being filed, however the Attorney's have autonomy on their on to make a decision on whether a Motion is good to file, or a frivolous Motion, and they have an obligation to not file frivolous Motions. COURT ADDITIONALLY STATED when the matter reaches calendar call, and the Defendant still feels he cannot work with his attorney, then the Court can readdress the appointment of new counsel, and right now as of everything the Court has reviewed there is no basis to remove Mr. Gutierrez as counsel of record. COURT ORDERED, Motion to Discharge Public Defender DENIED. Mr. Gutierrez stated the most recent offer for the record.

CUSTODY

11/24/2020 3:30 P.M. CALENDAR CALL

11/30/2020 10:00 A.M. JURY TRIAL

C-20-348182-1

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 24, 2020

C-20-348182-1 State of Nevada
 vs
 Anthony Longstreet

November 24, 2020 03:30 PM Calendar Call

HEARD BY: Herndon, Douglas W. **COURTROOM:** RJC Courtroom 16C

COURT CLERK: Schlitz, Kory

RECORDER: Ray, Stacey

REPORTER:

PARTIES PRESENT:

Alicia A. Albritton	Attorney for Plaintiff
Anthony Odell Longstreet	Defendant
Seth Gutierrez	Attorney for Defendant
State of Nevada	Plaintiff

JOURNAL ENTRIES

Mr. Gutierrez informed the Court the Defendant wants to go forward with the negotiations that were previously offered. COURT ORDERED, trial date VACATED, entry of plea SET and DIRECTED Mr. Gutierrez to meet with the Defendant to review the plea.

CUSTODY

12/01/2020 3:30 P.M. ENTRY OF PLEA... DEFENDANT'S MOTION TO COMPEL
PRODUCTION OF DISCOVERY AND BRAD MATERIAL...

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

December 01, 2020

C-20-348182-1 State of Nevada
 vs
 Anthony Longstreet

December 01, 2020 03:30 PM All Pending Motions

HEARD BY: Herndon, Douglas W. COURTROOM: RJC Courtroom 16C

COURT CLERK: Schlitz, Kory

RECORDER: Ray, Stacey

REPORTER:

PARTIES PRESENT:

Alicia A. Albritton	Attorney for Plaintiff
Anthony Odell Longstreet	Defendant
Seth Gutierrez	Attorney for Defendant
State of Nevada	Plaintiff

JOURNAL ENTRIES

DEFENDANT'S MOTION TO COMPEL PRODUCTION OF DISCOVERY AND BRADY
MATERIAL... ENTRY OF PLEA...

Mr. Gutierrez informed the Court he filed the Guilty Plea Agreement (GPA). NEGOTIATIONS are as contained in the Guilty Plea Agreement PREVIOUSLY FILED. DEFENDANT LONGSTREET ARRAIGNED AND PLED GUILTY TO BATTERY WITH SUBSTANTIAL BODILY HARM (F). Court ACCEPTED plea, and, ORDERED, matter referred to the Division of Parole and Probation (P & P) and SET for sentencing.

MATTER RECALLED. Defendant not present. Ms. Albritton requested the Second Amended Information filed on July 13, 2020, and the Amended Information filed on July 10, 2020 be stricken. COURT ORDERED, Second Amended Information filed on July 13, 2020, and the Amended Information filed on July 10, 2020 be STRICKEN as the matter will proceed on the Information filed April 30, 2020. COURT FURTHER ORDERED, Defendant's Motion to Compel Production of Discovery and brady Material MOOT.

CUSTODY

1/26/2021 9:00 A.M. SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 11, 2021

C-20-348182-1	State of Nevada
	vs
	Anthony Longstreet

January 11, 2021 11:00 AM Motion

HEARD BY: Lilly-Spells, Jasmin

COURTROOM: RJC Courtroom 12D

COURT CLERK:

Grecia Snow

RECORDER: Maria Garibay

PARTIES

PRESENT:	Gutierrez, Seth	Attorney
	Longstreet, Anthony Odell	Defendant
	State of Nevada	Plaintiff
	Villegas, Victoria A.	Attorney

JOURNAL ENTRIES

- Upon Court's inquiry, Deft. stated his concerns were that he did not have a copy of the Guilty Plea Agreement, copy of the State's Notice to File Habitual Criminal treatment, and did not want to be treated as a habitual criminal. State advised they were not going forward with habitual treatment and no certified Judgment of Convictions had been filed. Upon Court's inquiry, Deft. stated that he would like to represent himself to argue his case during sentencing. Mr. Gutierrez advised they disagreed with the most beneficial way to argue the merits of the case.

Court DIRECTED Mr. Gutierrez to mail a copy of the Guilty Plea Agreement, State's Notice to File Habitual by January 13, 2021, and to meet with Deft. by phone or video to discuss how to proceed during sentencing. Court advised it needed to review why the Motion was previously denied and ORDERED, matter CONTINUED.

CUSTODY

1/25/21 11:00 AM - MOTION FOR INEFFECTIVE ASSISTANCE OF COUNSEL AND APPOINT AN

PRINT DATE: 01/22/2021

Page 1 of 2

Minutes Date: January 11, 2021

C-20-348182-1

ALTERNATIVE COUNSEL

PRINT DATE: 01/22/2021

Page 2 of 2

Minutes Date: January 11, 2021

Anthony Longstreet, SR. # 60000264
Clark County Detention Center
330 S. Casino Center Blvd
Las Vegas, Nevada 89101



RECEIVED
FEB 17 2014

CLERK OF DISTRICT COURT

LEGAL

To,

Steven D. Grierson

Clerk of Court

200 Lewis Avenue
Las Vegas, Nevada 89155

February 20, 2021

Anthony O. Longstreet, SR. #1242017
High Desert State Prison
P. O. Box 650
Indian Wells, NV 89070
Electronically Filed
03/04/2021

Steven D. Grierson

CLERK OF THE COURT

CASE NO. C-20-348182-1

To: Steven D. Grierson
Eighth Judicial District Court
200 LEWIS AVENUE/3RD FLOOR
LAS VEGAS, NEVADA 89155

Notice of Change of Address

DEAR CLERK OF COURT

On February 12, 2021, I mailed you a motion for sentence modification based on ~~inadequate~~ judicial error and ineffective assistance of counsel while I was at the Clark County Detention Center. And I haven't received a copy of my motion back with my court date. So I'm sending you this notice of my change of address so I can receive my copy of the motion where I am presently confined. Can you please forward my copy to me at the address above. Thank you.

Respectfully submitted
Anthony O. Longstreet, SR
Defendant

RECEIVED

FEB 25 2021

CLERK OF THE COURT

LAS VEGAS NV 890
23 FEB 2021 PM 3 L

RECEIVED

FEB 25 2021

WAKE

2503

To Steven D. Erickson

Clark of Court

Eighty, Judicial District of Court
2800 Lewis Avenue / 2nd fl 1008
Las Vegas, Nevada 89155 1166

[illegible][illegible]

HIGH DESERT STATE PRISON
FEB 21 2021
UNIT 1 A/B



**EIGHTH JUDICIAL DISTRICT COURT
CLERK OF THE COURT**

REGIONAL JUSTICE CENTER
200 LEWIS AVENUE, 3rd FL.
LAS VEGAS, NEVADA 89155-1160
(702) 671-4554

Steven D. Grierson
Clerk of the Court

Anntoinette Naumec-Miller
Court Division Administrator

May 03, 2021

Attorney: Public Defender
Clark County Public Defender
309 S 3rd Street Suite #2
Las Vegas NV 89101

Case Number: C-20-348182-1
Department: Department 23

Defendant: Anthony Odell Longstreet

Attached are pleadings received by the Office of the District Court Clerk which are being forwarded to your office pursuant to Rule 3.70.

Pleadings: **Motion To Modify Sentence**

Rule 3.70. Papers which May Not be Filed

Except as may be required by the provisions of NRS 34.730 to 34.830, inclusive, all motions, petitions, pleadings or other papers delivered to the clerk of the court by a defendant who has counsel of record will not be filed but must be marked with the date received and a copy forwarded to the attorney for such consideration as counsel deems appropriate. This rule does not apply to applications made pursuant to Rule 7.40(b)(2)(ii).

Cordially yours,
DC Criminal Desk # 7
Deputy Clerk of the Court

April 19, 2021
DATE

Anthony O. Longstreet, SR. #1242017
High Desert State Prison
22010 Cold Creek Road
Indian Spring, Nevada 89070
(702) 879-6667

To: Steven D. Grierson
Clerk of Court
Eighth Judicial District
200 Lewis Avenue / 3rd Floor
LAS VEGAS, NEVADA 89155

C-20-348182
CASE Number
RJC Courtroom: 12D
Judge Jasmin Lilly-Spells

Notice of Filing

DEAR Clerk of Court

PLEASE Find the ORIGINAL And two(2) copies of A Motion to Modify Sentence "And" Motion For Ineffective Assistance of Counsel. PLEASE Stamp A copy and FORWARD it to me For my Records. Your consideration in this Matter will be Appreciated.

Respectfully Submitted
Anthony O. Longstreet, SR.
PRO-SE Defendant

Certificate of Service

Now come defendant Anthony Longstreet stating that I served A copy of the Attached motion to the following Below:

Seth Gutierrez
Deputy Public Defender
309 S. 3rd Street / Room 226
LAS VEGAS, NEVADA 89101

Ms. Alicia Albritton
Chief Deputy District Attorney
P.O. Box 552212
LAS VEGAS, NEVADA 89155-2212

By depositing A copy in the United States MailBox on 4/19 2021.

Respectfully Submitted
Anthony O. Longstreet, SR.
Defendant/Minister/PARALEGAL

Anthony Odell Longstreet, SR. #1242017
High Desert State Prison
22010 Cold Creek Road
Indian Spring, Nevada 89070
(702) 879-6667

Eighth Judicial District Court
Clark County, Nevada

State of Nevada

Plaintiff

vs.

C-20-348182-1

CASE Number

RJC Court Room #12D

Judge: Jasmin Lilly-Spells

Anthony O. Longstreet, SR.
Respondent.

Motion To Modify Sentence BASED on Conflict in the
Statutory Provision And Motion For Ineffective Assistance
OF Counsel BASED on A Conflict of Interest.

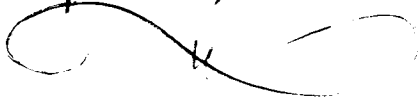
Now come defendant, Anthony O. Longstreet, SR., Pursuant to PART III of Nevada Supreme Court Rule 44(c) moving this court for an order to modify sentence from imprisonment to time served due to a conflict in statutory provisions and ineffective assistance of counsel. And in support, defendant states the following below supported by Memorandum of Law:

1.) Judge Jasmin Lilly-Spells, on January 27, 2021, sentenced Defendant Longstreet to a minimum of 19 months and a maximum of 48 months imprisonment pursuant to NRS 193.033(1)(B) and NRS 193.130(2)(C) and the statutes are in conflict with NRS 194.010(5)(6) and (7), which do not require imprisonment as a punishment. And the Judge should apply the rules of statutory construction to resolve the conflict in the two (2) statutory provisions to see if defendant is entitled to time served pursuant to NRS 194.010(5)(6) and (7).

2.) Deputy Public Defender Seth Gutierrez was ineffective at sentencing for two (2) reasons: (1) he wasn't prepared to litigate a defense January 25, 2021 by arguing for 19 to 48 months imprisonment, and (2) he represented a conflict of interest by recommending imprisonment when his client was asking for time served under NRS 194.010(5)(6) and (7). And afterwards failed to appeal the sentence pursuant to NRS 197.025 based on a question of law in the two (2) conflicts in the statutory provisions under NRS 193.033(1)(B), NRS 193.130(2)(C) and 194.010(5)(6) and (7), resulting in an appeal time bar.

In support of these two (2) Grounds Raised in this motion, defendant ATTACHES A MEMORANDUM OF LAW WITH A STATEMENT OF FACTS SUPPORTED BY RECORDS ON JANUARY 25, 2021 AND JANUARY 27, 2021.

WHEREFORE, defendant PRAY this COURT GRANT this motion AND Modify his sentence to REFLECT TIME SERVED.

April 05, 2021


Respectfully Submitted

Anthony O. Longstreet, SR
PRO-SE Defendant

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**PLEADING
CONTINUES
IN NEXT
VOLUME**