

1 LOUIS RANDOLPH, a.k.a.,
2 CLYDE LEWIS #48875
3 P.O. BOX 650-H.D.S.P.
4 Indian Springs, Nev. 89070

FILED

FEB 23 2022

Electronically Filed
Feb 25 2022 03:53 p.m.
CLERK OF COURT
Elizabeth A. Brown
Nevada Supreme Court

5 EIGHTH JUDICIAL DISTRICT COURT
6 CLARK COUNTY, NEVADA

8 THE STATE OF NEVADA,)
9 Plaintiff,)

10 v.)

11 LOUIS RANDOLPH,
12 a.k.a., CLYDE LEWIS,
13 Defendant.)

CASE NO: 94C120857-2

DEPT. NO: XXIV

15 NOTICE OF APPEAL
16 (2nd REQUEST)

18 Notice is hereby given that Louis Randolph, Defen-
19 dant in Pro Per, hereby Appeals to the Nevada Sup-
20 reme Court from the District Court's Final Jud-
21 gment / Order Denying Defendant's Pro Per Mo-
22 tion to Vacate Illegal Sentence, on the 13th
23 day of January, 2022; without conducting
24 the scheduled Hearing, and Ordering Defen-
25 dant's presence.

Dated this 11th day of February, 2022.

Louis Randolph
LOUIS RANDOLPH
Appellant / Defendant
P.O. Box 650-H.D.S.P.
Indian Springs, NV. 89070

RECEIVED

FEB 22 2022

CLERK OF THE COURT

CERTIFICATE OF SERVICE

I, LOUIS RANDOLPH, hereby certify pursuant to Rule 4(b) of the NRCF, that on this 11th day of February, 2022, I served a true and correct copy of the above entitled "NOTICE OF APPEAL", by placing such document in the (H.D.-S.P.'s mailroom) prisons mail box, 1st Class U.S. Postage prepaid to the following address:

(Steven D. Grierson, Clerk)
(Eighth Judicial Dist. Court)
(200 Lewis Ave., 3rd Floor)
(Las Vegas, Nev. 89155-1160)

Dated this 11th day of February, 2022.

Louis Randolph

AFFIRMATION

I, Louis Randolph, further certify pursuant to NRS 239 B.030, that the following legal document (Notice of Appeal "2nd Request") filed in the EJDC, case NO: 94 CI20857-2, does not contain the Social Security Number of any person.

Dated this 11th day of February, 2022.

By: Louis Randolph
Louis Randolph #48875

P.O. Box 650 - H.D.S.P.
Indian Springs, NV. 89070

CLYDE LEWIS #48875
P.O. BOX 650 - H.D. S.P.
Indian Springs, Nevada.
89070

~~CONFIDENTIAL~~
~~LEGAL MAIL~~

TO: Steven D. Grierson, Clerk
Eighth Judicial Dist. Court
200 LEWIS AVE., 3rd Floor
Las Vegas, Nev. 89155-1160

quadrant

FIRST-CLASS MAIL

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1 ASTA

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

10 STATE OF NEVADA,

11 Plaintiff(s),

12 vs.

13 LOUIS RANDOLPH aka CLYDE LEWIS,

14 Defendant(s),
15

Case No: 94C120857-2

Dept No: XXIV

16
17 **CASE APPEAL STATEMENT**
18

19 1. Appellant(s): Louis Randolph aka Clyde Lewis

20 2. Judge: Erika Ballou

21 3. Appellant(s): Louis Randolph aka Clyde Lewis

22 Counsel:

23 Louis Randolph aka Clyde Lewis #48875
24 P.O. Box 650
Indian Springs, NV 89070

25 4. Respondent: The State of Nevada

26 Counsel:

27 Steven B. Wolfson, District Attorney
28 200 Lewis Ave.
Las Vegas, NV 89101

1 (702) 671-2700

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

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

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

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

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

9 9. Date Commenced in District Court: June 13, 1994

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

11 Type of Judgment or Order Being Appealed: Misc. Order

12 11. Previous Appeal: Yes

13 Supreme Court Docket Number(s): 30567, 33145, 55843, 60522, 64309, 65186, 73706,
14 74478, 78451, 84269

15 12. Child Custody or Visitation: N/A

16 Dated This 24 day of February 2022.

17 Steven D. Grierson, Clerk of the Court

18
19 /s/ Heather Ungermann

20 Heather Ungermann, Deputy Clerk
21 200 Lewis Ave
22 PO Box 551601
23 Las Vegas, Nevada 89155-1601
24 (702) 671-0512

25 cc: Louis Randolph aka Clyde Lewis
26
27
28

CASE SUMMARY**CASE NO. 94C120857-2****The State of Nevada vs Clyde Lewis**

§	Location:	Department 24
§	Judicial Officer:	Ballou, Erika
§	Filed on:	06/13/1994
§	Case Number History:	
§	Cross-Reference Case	C120857
§	Number:	
§	Defendant's Scope ID #:	1356378
§	Lower Court Case # Root:	93F09838
§	Lower Court Case Number:	93F09838B
§	Supreme Court No.:	60522
§		64309
§		65186
§		73706
§		74478
§		78451
§		84269

CASE INFORMATION

Offense	Statute	Deg	Date	Case Type:	Felony/Gross Misdemeanor
1. BURGLARY	205.060	F	01/01/1900		
2. ROBBERY WITH USE OF A DEADLY WEAPON	200.380*165	F	01/01/1900	Case Status:	03/31/2017 Closed
3. BATTERY WITH USE OF A DEADLY WEAPON	200.481-2D	F	01/01/1900		
4. MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY WEAPON	200.010*165	F	01/01/1900		

Related Cases

94C120857-1 (Multi-Defendant Case)

Statistical Closures

03/31/2017	Other Manner of Disposition - Criminal
03/27/2012	Jury Trial - Conviction - Criminal
06/24/2010	USJR Reporting Statistical Closure
06/08/1997	USJR Reporting Statistical Closure
03/22/2005	USJR Reporting Statistical Closure

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

Case Number	94C120857-2
Court	Department 24
Date Assigned	01/04/2021
Judicial Officer	Ballou, Erika

PARTY INFORMATION

Defendant	Randolph, Louis	<i>Lead Attorneys</i>
		Pro Se
Plaintiff	State of Nevada	Wolfson, Steven B 702-671-2700(W)

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

06/13/1994




















Criminal Bindover

[1]

Index #1

CASE SUMMARY

CASE NO. 94C120857-2


















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06/27/1994	 Notice of Intent to Seek Death Penalty [7]	Index #7
07/06/1994	 Reporters Transcript [274] Transcript of Hearing Held on June 20, 1994	Index #274
07/15/1994	 Order Appointing Counsel [292]	Index #292
08/09/1994	 Stipulation [10] Stipulation for Late Filing of Pretrial Writ of Habeas Corpus and Order	Index #10
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08/16/1994	 Stipulation [12] Stipulation for Late Filing of Pretrial Writ of Habeas Corpus and Order	Index #12
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10/21/1994	 Reporters Transcript [28] <i>Transcript of Hearing Held on September 29, 1994</i>	Index #28
11/01/1994	 Filed Under Seal [29] <i>Ex Parte Motion to Provide Funds for Expert Psychological Assistance (Filed Under Seal) (Sealed)</i>	Index #29
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CASE SUMMARY**CASE NO. 94C120857-2**

















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CASE SUMMARY**CASE NO. 94C120857-2***Defendant was Convicted of Battery with use of a Deadly Weapon*

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03/10/1997	 Verdict <i>[190]</i>	<i>Index #190</i>
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06/09/1997	 Case Appeal Statement <i>[199]</i>	<i>Index #199</i>
06/09/1997	 Notice of Appeal (Criminal) <i>[200] Notice of Appeal</i>	<i>Index #200</i>
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CASE SUMMARY

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07/25/1997	 Reporters Transcript <i>[218] Transcript of Hearing Held on June 7, 1995</i>	Index #218
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02/24/1998	 Reporters Transcript <i>[227] Transcript of Hearing Held on September 19, 1995</i>	Index #227
04/03/1998	 Reporters Transcript <i>[228] Transcript of Hearing Held on October 19, 1994</i>	Index #228
04/03/1998	 Certificate <i>[229] Certificate Acknowledging Delivery of Certified Transcript to the Clerk of the Supreme Court and Certificate Acknowledging Delivery of Certified Copies of Transcript to Counsel</i>	Index #229
















CASE SUMMARY

CASE NO. 94C120857-2





05/21/1998	 Reporters Transcript <i>[230] Transcript of Hearing Held on March 3, 1997</i>	Index #230
05/21/1998	 Certificate <i>[273] Certificate Acknowledging Transmittal of Certified Transcript to the Clerk of the Supreme Court</i>	Index #273
07/10/1998	 Petition for Writ of Habeas Corpus <i>[231] Petition for Writ of Habeas Corpus (Post-Conviction)</i>	Index #231
07/21/1998	 Brief <i>[232] Brief in Support of Petition for Writ of Habeas Corpus (Post-Conviction)</i>	Index #232
07/21/1998	 Receipt of Copy <i>[233]</i>	Index #233
07/27/1998	 Opposition <i>[234] Opposition to Defendant's Petition for Writ of Habeas Corpus (Post-Conviction Relief)</i>	Index #234
09/04/1998	 Reply to Opposition <i>[235] Reply to State's Opposition to Brief in Support of Petition for Petition for Writ of Habeas Corpus (Post-Conviction)</i>	Index #235
09/08/1998	 Receipt of Copy <i>[236]</i>	Index #236
10/05/1998	 Notice of Appeal (Criminal) <i>[239] Notice of Appeal</i>	Index #239
10/05/1998	 Case Appeal Statement <i>[240]</i>	Index #240
10/09/1998	 Order <i>[241] Order for Transcript</i>	Index #241
10/16/1998	 Reporters Transcript <i>[242] Transcript of Hearing Held on October 5, 1998</i>	Index #242
11/17/1998	 Findings of Fact, Conclusions of Law and Order <i>[243]</i>	Index #243
11/17/1998	 Notice of Entry of Order <i>[244]</i>	Index #244
06/27/2001	 Motion <i>[245] Motion to Place on Calendar</i>	Index #245
07/31/2001	 Order Granting <i>[246] Order Granting Attorney's Fees in Excess of the Statutory Limit</i>	Index #246
02/21/2002	 NV Supreme Court Clerks Certificate/Judgment - Affirmed	Index #247

CASE SUMMARY















CASE NO. 94C120857-2

	<i>[247] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed; Rehearing Denied</i>	
02/21/2002	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>[248] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed; Rehearing Denied</i>	Index #248
09/26/2002	 Reporters Transcript <i>[249] Transcript of Hearing Held on July 14, 1994</i>	Index #249
10/29/2002	 Reporters Transcript <i>[250] Transcript of Hearing Held on October 17, 1995</i>	Index #250
04/16/2004	 Motion to Correct Sentence <i>[251] Motion to Modify Correct or Reduce Sentence Pursuant to NRS 193.165 (3)</i>	Index #251
04/16/2004	 Motion <i>[293] Motion for Leave to File Motion to Modify Correct, or Reduce Sentence</i>	Index #293
04/28/2004	 Opposition to Motion <i>[253] State's Opposition to Defendant's Motion to Modify, Correct or Reduce Sentence</i>	Index #253
06/07/2004	 Reporters Transcript <i>[255] Transcript of Hearing Held on May 26, 2004</i>	Index #255
06/10/2004	 Order <i>[256] Order for Transcripts</i>	Index #256
06/28/2004	 Findings of Fact, Conclusions of Law and Order <i>[257]</i>	Index #257
07/06/2004	 Notice of Entry of Decision and Order <i>[258]</i>	Index #258
12/16/2009	 Writ of Habeas Corpus <i>[259] Original Writ of Habeas Corpus, or in the Alternative Petition for Writ of Habeas Corpus (Post-Conviction), or in the Alternative Petition for Writ of Mandamus, or in the Alternative Petition for Declaratory Judgment.</i>	Index #259
12/16/2009	 Writ of Habeas Corpus <i>[260] Original Writ of Habeas Corpus, or in the Alternative Petition for Writ of Habeas Corpus (Post-Conviction), or in the Alternative Petition for Writ of Mandamus, or the Alternative Petition for Declaratory Judgment</i>	Index #260
01/12/2010	 Order for Petition for Writ of Habeas Corpus <i>[262]</i>	Index #262
02/16/2010	 Response <i>[263] State's Response and Motion to Dismiss Defendant's Petition for Writ of Habeas Corpus (Post-Conviction)</i>	Index #263
03/05/2010	 Decision <i>[265]</i>	Index #265

CASE SUMMARY**CASE NO. 94C120857-2**

03/11/2010	 Reporters Transcript <i>[268] Transcript of Hearing Held on March 3, 2010</i>	<i>Index #268</i>
03/12/2010	 Notice of Entry of Decision and Order <i>[267]</i>	<i>Index #267</i>
04/14/2010	 Notice of Appeal (Criminal) <i>[269] Notice of Appeal</i>	<i>Index #269</i>
04/18/2010	 Case Appeal Statement <i>[270]</i>	<i>Index #270</i>
11/22/2011	 Petition for Writ of Habeas Corpus Filed by: Defendant Randolph, Louis <i>[275] Petition for Writ of Habeas Corpus (Post-Conviction)</i>	<i>Index #275</i>
12/05/2011	 Order for Petition for Writ of Habeas Corpus <i>[276]</i>	<i>Index #276</i>
01/19/2012	 Motion Filed By: Defendant Randolph, Louis <i>[277] Motion and Order for Transportation of Inmate for Court Appearance or, in the Alternative, for Appearance by Telephone or Video Conference</i>	<i>Index #277</i>
01/27/2012	 Opposition to Motion Filed By: Plaintiff State of Nevada <i>[278] State's Opposition to Defendant's Motion for Transport or Appearance by Telephonic or Video Conference</i>	<i>Index #278</i>
01/31/2012	 Response Filed by: Plaintiff State of Nevada <i>[279] State's Response to Defendant's Petition for Writ of Habeas Corpus and Motion to Dismiss</i>	<i>Index #279</i>
02/08/2012	 Order Denying Motion <i>[280] Order Denying Defendant's Motion for Transport or Appearance by Telephonic or Video Conference</i>	<i>Index #280</i>
02/15/2012	 Reply Filed by: Defendant Randolph, Louis <i>[281] Petitioner's Reply to State's Response to Petition for Writ of Habeas Corpus Post-Conviction</i>	<i>Index #281</i>
02/16/2012	 Notice of Rescheduling <i>[282] Notice Resetting Date and Time of Hearing</i>	<i>Index #282</i>
02/27/2012	 Recorders Transcript of Hearing Party: Plaintiff State of Nevada <i>[283] Transcript of Hearing Held on January 30, 2012</i>	<i>Index #283</i>
03/19/2012	 Order Denying Filed By: Plaintiff State of Nevada <i>[284] Order Denying Defendant's Petition for Writ of Habeas Corpus</i>	<i>Index #284</i>

CASE SUMMARY**CASE NO. 94C120857-2**

03/22/2012	 Notice of Appeal (Criminal) Party: Defendant Randolph, Louis <i>[285] Notice of Appeal</i>	<i>Index #285</i>
03/22/2012	 Case Appeal Statement Filed By: Defendant Randolph, Louis <i>[286]</i>	<i>Index #286</i>
03/23/2012	 Case Appeal Statement <i>[287]</i>	<i>Index #287</i>
03/23/2012	 Notice of Entry of Decision and Order <i>[288]</i>	<i>Index #288</i>
04/10/2012	 Criminal Order to Statistically Close Case <i>[289]</i>	<i>Index #289</i>
07/06/2012	 Reporters Transcript Filed By: Plaintiff State of Nevada <i>[297] Transcript of Hearing Held on March 5, 2012</i>	<i>Index #297</i>
01/15/2013	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>[298] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed</i>	<i>Index #298</i>
07/29/2013	 Notice of Motion Filed By: Defendant Randolph, Louis <i>[299] Notice of Motion and Motion to Appoint Counsel</i>	<i>Index #299</i>
07/29/2013	 Motion Filed By: Defendant Randolph, Louis <i>[300] Accused Motion to Dismiss for Lack of Subject Matter Jurisdiction</i>	<i>Index #300</i>
07/29/2013	 Document Filed Filed by: Defendant Randolph, Louis <i>[301] Caveat</i>	<i>Index #301</i>
07/29/2013	 Errata Filed By: Defendant Randolph, Louis <i>[302] Errata to Accused Motion to Dismiss for Lack of Subject Matter Jurisdiction/Motion for Show of Proof</i>	<i>Index #302</i>
08/09/2013	 Opposition to Motion <i>[303] State's Opposition to Defendant's Pro Per Motion to Dismiss for Lack of Subject Matter Jurisdiction, "Errata to Accused Motion to Dismiss for Lack of Subject Matter Jurisdiction/Motion for Show of Proof," "Caveat," and Motion to Appoint Counsel</i>	<i>Index #303</i>
09/09/2013	 Notice of Motion <i>[304]</i>	<i>Index #304</i>
09/09/2013	 Notice of Motion <i>[305]</i>	<i>Index #305</i>














CASE SUMMARY

CASE NO. 94C120857-2

09/09/2013	 Supplemental <i>[306] Accused Supplemental to his Motion for Rehearing/and/or Reply to States Oppositions and or Courts Denial of Accused Filed Motion for Lack of Subject Matter Jurisdiction and Accused Motion to Strike States Opposition for Good Legal Cause Showing</i>	Index #306
09/09/2013	 Motion <i>[307] Accused Motion for Rehearing</i>	Index #307
09/09/2013	 Request <i>[308] Accused Request for Leave to File Motion for Rehearing Based Upon State and Federal Constitutional Deprivation in Prior Proceedings</i>	Index #308
09/23/2013	 Order Denying Motion Filed By: Plaintiff State of Nevada <i>[309] Order Denying Defendant's Pro Per Motion to Dismiss for Lack of Subject Matter Jurisdiction, "Errata to Accused Motion to Dismiss for Lack of Subject Matter Jurisdiction/Motion for Show of Proof, "Caveat" Order Denying Defendant's Pro Per Motion to Appoint Counsel</i>	Index #309
09/24/2013	 Opposition Filed By: Plaintiff State of Nevada <i>[310] State's Opposition to Defendant's Pro Per Request for Leave to File Motion for Rehearing, Motion for Rehearing, and "Accused Supplemental to His Motion for Rehearing/and/or Reply to State's Opposition and/or Court's Denial of Accused Filed Motion for Lack of Subject Matter Jurisdiction and Accused Motion to Strike State's Opposition for Good Legal Cause Showing"</i>	Index #310
10/17/2013	 Reply to Opposition Filed by: Defendant Randolph, Louis <i>[311] Accused Reply to State's Opposition to Accused Request for Leave to File Motion for Rehearing, Motion for Rehearing, and "Accused Supplemental to His Motion for Rehearing</i>	Index #311
10/22/2013	 Order Denying Filed By: Plaintiff State of Nevada <i>[312] Order Denying Defendant's Pro Per Notice of Motion on Motion for Rehearing on Motion to Dismiss Lack of Subject Matter Jurisdiction (Errata) Show of Cause Hearing Discovery Motion Order Denying Defendant's Pro Per Notice of Motion on Request for Leave of the Court to File Motion for Rehearing</i>	Index #312
10/29/2013	 Notice of Appeal (Criminal) Party: Defendant Randolph, Louis <i>[313] Notice of Appeal</i>	Index #313
10/29/2013	 Designation of Record on Appeal Filed By: Defendant Randolph, Louis <i>[314]</i>	Index #314
10/30/2013	 Case Appeal Statement Filed By: Defendant Randolph, Louis <i>[315]</i>	Index #315
12/02/2013	 Petition for Writ of Habeas Corpus Filed by: Defendant Randolph, Louis <i>[316] Petition for Writ of Habeas Corpus (Post-Conviction); Evidentiary Hearing Requested</i>	Index #316
12/02/2013	 Motion for Appointment of Attorney	Index #317











CASE SUMMARY

CASE NO. 94C120857-2

	Filed By: Defendant Randolph, Louis <i>[317] Motion to Appoint Counsel</i>	
12/02/2013	 Application to Proceed in Forma Pauperis Filed By: Defendant Randolph, Louis <i>[318] Application to Proceed Informa Pauperis (Confidential)</i>	Index #318
12/02/2013	 Certificate <i>[319] Financial Certificate (on Motion for Leave to Proceed in Forma Pauperis) (Confidential)</i>	Index #319
12/05/2013	 Order for Petition for Writ of Habeas Corpus <i>[320]</i>	Index #320
12/05/2013	 Notice of Hearing <i>[321]</i>	Index #321
12/17/2013	 NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>[322] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed</i>	Index #322
01/15/2014	 Response Filed by: Plaintiff State of Nevada <i>[323] State's Response and Motion to Dismiss Defendant's Pro Per Petition for Writ of Habeas Corpus (Post-Conviction), Opposition to Defendant's Pro Per Motion to Appoint Counsel and Opposition to Defendant's Pro Per Request for an Evidentiary Hearing</i>	Index #323
02/11/2014	 Reply Filed by: Defendant Randolph, Louis <i>[324] Petitioner's Reply to State's Response to Petition for Writ of Habeas Corpus Post-Conviction</i>	Index #324
03/10/2014	 Notice of Appeal (Criminal) Party: Defendant Randolph, Louis <i>[325] Notice of Appeal</i>	Index #325
03/10/2014	 Designation of Record on Appeal Filed By: Defendant Randolph, Louis <i>[326]</i>	Index #326
03/11/2014	 Case Appeal Statement Filed By: Defendant Randolph, Louis <i>[327]</i>	Index #327
03/13/2014	 Findings of Fact, Conclusions of Law and Order Filed By: Plaintiff State of Nevada <i>[328]</i>	Index #328
03/17/2014	 Notice of Entry Filed By: Plaintiff State of Nevada <i>[329] Notice of Entry of Findings of Fact, Conclusions of Law and Order</i>	Index #329
08/26/2014	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>[330] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed</i>	Index #330










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12/27/2016	 Filed Under Seal Filed By: Defendant Randolph, Louis <i>[331] Motion for Leave to Proceed in Forma Pauperis (Sealed)</i>	Index #331
12/27/2016	 Filed Under Seal <i>[332] Financial Certificate on a Motion to Proceed in Forma Pauperis (Sealed)</i>	Index #332
12/28/2016	 Motion for Appointment of Attorney Filed By: Defendant Randolph, Louis <i>[333] Motion for the Appointment of Counsel; Request for Evidentiary Hearing</i>	Index #333
12/28/2016	 Motion to Correct Sentence Filed by: Defendant Randolph, Louis <i>[334] Motion to Correct an Illegal Sentence NRS 176.555</i>	Index #334
01/13/2017	 Opposition to Motion Filed By: Plaintiff State of Nevada <i>[335] State's Opposition to Defendant's Motion to Correct Illegal Sentence, Motion for Appointment of Attorney, and Request for Evidentiary Hearing</i>	Index #335
01/17/2017	 Affidavit in Support of Application Proceed Forma Pauperis Filed By: Defendant Randolph, Louis <i>[336] Affidavit in Support of Motion to Proceed in Forma Pauperis (Sealed)</i>	Index #336
02/14/2017	 Reply to Opposition Filed by: Defendant Randolph, Louis <i>[337] Defendant's Reply to State's Opposition to Motion to Correct an Illegal Sentence; Motion for Appointment of Counsel; and, Request for an Evidentiary Hearing</i>	Index #337
03/09/2017	 Order Denying Motion Filed By: Plaintiff State of Nevada <i>[338] Order Denying Defendant's Pro Per Motion to Correct an Illegal Sentence NRS 176.555 Order Denying Defendant's Pro Per Motion for the Appointment of Counsel Order Granting Defendant's Pro Per Motion for Leave to Proceed in Forma Pauperis (Sealed)</i>	Index #338
03/31/2017	 Criminal Order to Statistically Close Case <i>[339]</i>	Index #339
04/19/2017	 Motion for Leave to Proceed in Forma Pauperis Filed By: Defendant Randolph, Louis <i>[340] Motion for Leave to Proceed in Forma Pauperis (Confidential)</i>	Index #340
04/19/2017	 Affidavit in Support of Application Proceed Forma Pauperis Filed By: Defendant Randolph, Louis <i>[341] Affidavit in Support of Motion for Leave to Proceed in Forma Pauperis (Confidential)</i>	Index #341
04/22/2017	 Ex Parte Motion Filed By: Defendant Randolph, Louis <i>[342] Ex Parte Motion for Appointment of Counsel and Request for Evidentiary Hearing</i>	Index #342
04/22/2017	 Petition for Writ of Habeas Corpus Filed by: Defendant Randolph, Louis <i>[343] Petition for Writ of Habeas Corpus (Post Conviction) (Non Death)</i>	Index #343

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CASE NO. 94C120857-2

05/03/2017	 Order for Petition for Writ of Habeas Corpus [344]	Index #344
05/03/2017	 Notice of Hearing Filed By: Defendant Randolph, Louis [345]	Index #345
05/05/2017	 Certificate Filed By: Defendant Randolph, Louis [346] Financial Certificate on a Motion to Proceed in Forma Pauperis (Confidential)	Index #346
05/10/2017	 Motion Filed By: Defendant Randolph, Louis [347] Motion to Extend Prison Copywork Limit	Index #347
05/22/2017	 Order Denying Application to Proceed in Forma Pauperis Denied as to: Defendant Randolph, Louis [348] Order Denying Application to Proceed in Forma Pauperis (Confidential)	Index #348
06/01/2017	 Notice of Change of Address [349] Change of Address Notice.	Index #349
06/19/2017	 Response Filed by: Plaintiff State of Nevada [350] State's Response to, and Motion to Dismiss, Defendant's Petition for Writ of Habeas Corpus (Post-Conviction)	Index #350
06/30/2017	 Motion Filed By: Defendant Randolph, Louis [351] Motion for Extension of Time	Index #351
06/30/2017	 Motion Filed By: Defendant Randolph, Louis [352] Motion and Order for Transportation of Inmate for Court Appearance or, in the Alternative, for Appearance by Telephone or Video Conference	Index #352
07/13/2017	 Reply Filed by: Defendant Randolph, Louis [353] Petitioner's Reply to State's Response to Petition for Writ of Habeas Corpus (Post-Conviction)	Index #353
07/27/2017	 Order [354]	Index #354
08/07/2017	 Notice of Appeal (Criminal) Party: Defendant Randolph, Louis [355] Notice of Appeal	Index #355
08/09/2017	 Case Appeal Statement [356]	Index #356
08/10/2017	 Motion to Correct Sentence Filed by: Defendant Randolph, Louis [357] Motion to Correct Illegal Sentence (NRS 176.555)	Index #357









CASE SUMMARY**CASE NO. 94C120857-2**

09/01/2017	 Findings of Fact, Conclusions of Law and Order Filed By: Plaintiff State of Nevada <i>[358]</i>	<i>Index #358</i>
09/01/2017	 Opposition to Motion Filed By: Plaintiff State of Nevada <i>[359] State's Opposition to Defendant's Motion to Correct Illegal Sentence</i>	<i>Index #359</i>
09/05/2017	 Notice of Entry <i>[360] Notice of Entry of Findings of Fact, Conclusions of Law and Order</i>	<i>Index #360</i>
09/28/2017	 Order Denying Motion Filed By: Plaintiff State of Nevada <i>[361] Order Denying Defendant's Pro Per Motion to Correct Illegal Sentence</i>	<i>Index #361</i>
10/04/2017	 Motion to Reconsider <i>[362] Motion for Reconsideration to Denial of Motion to Correct Illegal Sentence Leave of Court</i>	<i>Index #362</i>
11/13/2017	 Notice of Appeal (Criminal) Party: Defendant Randolph, Louis <i>[363] Notice of Appeal</i>	<i>Index #363</i>
11/15/2017	 Case Appeal Statement <i>[364]</i>	<i>Index #364</i>
12/12/2017	 Order Denying Motion Filed By: Plaintiff State of Nevada <i>[365] Order Denying Defendant's Pro Per Motion for Reconsideration to Denial of Motion to Correct Illegal Sentence Leave of Court</i>	<i>Index #365</i>
12/29/2017	 Motion to Correct Sentence Filed by: Defendant Randolph, Louis <i>[366] Motion to Correct Illegal Sentence NRS.176.555</i>	<i>Index #366</i>
02/01/2018	 Response <i>[367] State's Response to Motion to Correct Illegal Sentence</i>	<i>Index #367</i>
02/21/2018	 Motion Filed By: Defendant Randolph, Louis <i>[368] Motion for Extension of Time</i>	<i>Index #368</i>
02/22/2018	 NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>[369] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed</i>	<i>Index #369</i>
03/27/2018	 Motion Filed By: Defendant Randolph, Louis <i>[370] Motion for Extension of Time</i>	<i>Index #370</i>
04/06/2018	 Decision and Order <i>[371]</i>	<i>Index #371</i>

CASE SUMMARY**CASE NO. 94C120857-2**

04/11/2018	 Opposition Filed By: Defendant Randolph, Louis <i>[372] "Defendants Opposition to Plaintiffs Response of February 1st 2018"</i>	<i>Index #372</i>
06/15/2018	 Supplement to Opposition Filed By: Defendant Randolph, Louis <i>[373] Supplement to "Defendants Opposition to Plaintiffs Response of February 1st 2018"</i>	<i>Index #373</i>
07/13/2018	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>[374] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed</i>	<i>Index #374</i>
02/05/2019	 Petition for Writ of Mandamus Filed by: Defendant Randolph, Louis <i>[375] Petition for Writ of Mandamus / Prohibition (NRS 34.150 thru 34.320)</i>	<i>Index #375</i>
02/05/2019	 Notice of Motion Filed By: Defendant Randolph, Louis <i>[376] Notice of Petition</i>	<i>Index #376</i>
02/13/2019	 Opposition <i>[377] State's Opposition to Defendant's Petition for Writ of Mandamus / Prohibition</i>	<i>Index #377</i>
02/15/2019	 Notice of Rescheduling <i>[378] Notice Resetting Date and Time of Hearing</i>	<i>Index #378</i>
02/27/2019	 Recorders Transcript of Hearing <i>[379] Transcript of Hearing Held on February 25, 2019</i>	<i>Index #379</i>
03/25/2019	 Notice of Appeal (Criminal) Party: Defendant Randolph, Louis <i>[380] "Notice of Appeal"</i>	<i>Index #380</i>
03/26/2019	 Case Appeal Statement Filed By: Defendant Randolph, Louis <i>[381]</i>	<i>Index #381</i>
04/12/2019	 Order Denying Filed By: Plaintiff State of Nevada <i>[382] Order Denying Defendant's Petition for Writ of Mandamus / Prohibition</i>	<i>Index #382</i>
01/28/2020	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>[383] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed</i>	<i>Index #383</i>
01/04/2021	Case Reassigned to Department 24 <i>Judicial Reassignment to Judge Erika D. Ballou</i>	
12/16/2021	 Motion to Vacate Sentence Filed by: Defendant Randolph, Louis <i>[384] Motion to Vacate Illegal Sentence</i>	<i>Index #384</i>
12/16/2021	 Notice of Motion Filed By: Defendant Randolph, Louis <i>[385]</i>	<i>Index #385</i>

CASE SUMMARY**CASE NO. 94C120857-2**

12/16/2021	 Affidavit Filed By: Defendant Randolph, Louis [386]	<i>Index #386</i>
12/21/2021	 Opposition to Motion Filed By: Plaintiff State of Nevada [387] <i>State's Opposition to Defendant's Motion to Vacate Illegal Sentence</i>	<i>Index #387</i>
01/13/2022	 Order Filed By: Plaintiff State of Nevada [388] <i>Order Denying Defendant's Motion to Vacate Illegal Sentence</i>	<i>Index #388</i>
01/13/2022	 Reply to Opposition Filed by: Defendant Randolph, Louis [389] <i>Reply to Opposition to Defendant's Motion to Vacate Illegal Sentence</i>	<i>Index #389</i>
02/17/2022	 Notice of Appeal (Criminal) [390] <i>Notice of Appeal</i>	<i>Index #390</i>
02/18/2022	 Case Appeal Statement [391] <i>Case Appeal Statement</i>	<i>Index #391</i>
02/23/2022	 Notice of Appeal (Criminal) [392] <i>Notice of Appeal</i>	<i>Index #392</i>
02/24/2022	 Case Appeal Statement <i>Case Appeal Statement</i>	<i>Index #393</i>
<u>DISPOSITIONS</u>		
01/01/1900	Plea (Judicial Officer: User, Conversion) 1. BURGLARY Not Guilty PCN: Sequence:	
01/01/1900	Plea (Judicial Officer: User, Conversion) 2. ROBBERY WITH USE OF A DEADLY WEAPON Not Guilty PCN: Sequence:	
01/01/1900	Plea (Judicial Officer: User, Conversion) 3. BATTERY WITH USE OF A DEADLY WEAPON Not Guilty PCN: Sequence:	
01/01/1900	Plea (Judicial Officer: User, Conversion) 4. MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY WEAPON Not Guilty PCN: Sequence:	
11/20/1995	Disposition (Judicial Officer: User, Conversion) 3. BATTERY WITH USE OF A DEADLY WEAPON Guilty	

CASE SUMMARY**CASE NO. 94C120857-2**

PCN: Sequence:

11/20/1995

Disposition (Judicial Officer: User, Conversion)

11/20/1995

Adult Adjudication (Judicial Officer: User, Conversion)

3. BATTERY WITH USE OF A DEADLY WEAPON

01/01/1900 (F) 200.481-2D (200.481-2D)

PCN: Sequence:

Converted Disposition:

Sentence# 0001:

Minimum 8 Years to Maximum 8 Years

Placement: NSP

Converted Disposition:

Sentence# 0002: FINE

Amount: \$5000.00

Converted Disposition:

Sentence# 0003: CREDIT FOR TIME SERVED

Minimum 481 Days to Maximum 481 Days

Converted Disposition:

Sentence# 0004: ADMINISTRATION FEE

Amount: \$25.00

04/29/1997

Disposition (Judicial Officer: User, Conversion)

1. BURGLARY

Guilty

PCN: Sequence:

04/29/1997

Disposition (Judicial Officer: User, Conversion)

04/29/1997

Disposition (Judicial Officer: User, Conversion)

2. ROBBERY WITH USE OF A DEADLY WEAPON

Guilty

PCN: Sequence:

04/29/1997

Disposition (Judicial Officer: User, Conversion)

04/29/1997

Disposition (Judicial Officer: User, Conversion)

4. MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY WEAPON

Guilty

PCN: Sequence:

04/29/1997

Disposition (Judicial Officer: User, Conversion)

04/29/1997

Adult Adjudication (Judicial Officer: User, Conversion)

1. BURGLARY

01/01/1900 (F) 205.060 (205.060)

PCN: Sequence:

Converted Disposition:

Sentence# 0001:

Minimum 10 Years to Maximum 10 Years

Placement: NSP

Cons/Conc: Consecutive

w/Charge Item: 0003

and Sentence#: 0001

Converted Disposition:

Sentence# 0002: CREDIT FOR TIME SERVED

Minimum 523 Days to Maximum 523 Days

CASE SUMMARY

CASE NO. 94C120857-2

04/29/1997

Converted Disposition:
Sentence# 0003: CREDIT FOR TIME SERVED
Minimum 500 Days to Maximum 500 Days
Converted Disposition:
Sentence# 0004: ADMINISTRATION FEE
Amount: \$25.00

Adult Adjudication (Judicial Officer: User, Conversion)
2. ROBBERY WITH USE OF A DEADLY WEAPON
01/01/1900 (F) 200.380*165 (200.380-165)
PCN: Sequence:

Converted Disposition:
Sentence# 0001:
Minimum 15 Years to Maximum 15 Years
Placement: NSP
Cons/Conc: Consecutive
w/Charge Item: 0003
and Sentence#: 0001
Converted Disposition:
Sentence# 0002:
Minimum 15 Years to Maximum 15 Years
Placement: NSP
Cons/Conc: Consecutive
w/Charge Item: 0002
and Sentence#: 0001

04/29/1997

Adult Adjudication (Judicial Officer: User, Conversion)
4. MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY WEAPON
01/01/1900 (F) 200.010*165 (200.010*165)
PCN: Sequence:

Converted Disposition:
Sentence# 0001: LIFE WITH POSSIBILITY OF PAROLE
Cons/Conc: Consecutive
w/Charge Item: 0003
and Sentence#: 0001
Converted Disposition:
Sentence# 0002: LIFE WITH POSSIBILITY OF PAROLE
Cons/Conc: Consecutive
w/Charge Item: 0004
and Sentence#: 0001

HEARINGS

06/20/1994

Initial Arraignment (9:00 AM)
*INITIAL ARRAIGNMENT Court Clerk: JULIE HALL Reporter/Recorder: CONNIE MILLER
Heard By: A. William Maupin*
Matter Heard; INITIAL ARRAIGNMENT Court Clerk: JULIE HALL Reporter/Recorder:
CONNIE MILLER Heard By: A. William Maupin
Journal Entry Details:
*Def. STRATTON ARRAIGNED, PLED NOT GUILTY TO ALL COUNTS and WAIVED the 60-
day rule. COURT ORDERED, matter set for trial. CUSTODY 9/21/94 9 AM CALENDAR
CALL 9/26/94 10 AM JURY TRIAL ;*

06/29/1994

Request (9:00 AM)
*AT REQUEST OF DISTRICT ATTORNEY ANNOUNCE INTENTION TO SEEK DEATH
PENALTY Court Clerk: JULIE HALL Reporter/Recorder: CONNIE MILLER Heard By:
MAUPIN, A. WILLIAM*
Matter Continued; AT REQUEST OF DISTRICT ATTORNEY ANNOUNCE INTENTION
TO SEEK DEATH PENALTY Court Clerk: JULIE HALL Reporter/Recorder: CONNIE
MILLER Heard By: MAUPIN, A. WILLIAM
Journal Entry Details:
In absence of Mr. Tilman, COURT ORDERED, matter continued. CUSTODY CLERK'S

CASE SUMMARY

CASE No. 94C120857-2

NOTE: The trial date in this case 9/26/94 is currently set for the third week of a criminal stack. If the State is going to be seeking the Death Penalty, parties to consider moving the trial to the first week of the same stack (9/12/94) allowing two full weeks for the trial. ;

07/08/1994

Request (9:00 AM)

AT REQUEST OF DISTRICT ATTORNEY ANNOUNCE INTENTION TO SEEK DEATH PENALTY Court Clerk: JULIE HALL Reporter/Recorder: PATSY SMITH Heard By: MAUPIN, A. WILLIAM

Matter Continued; AT REQUEST OF DISTRICT ATTORNEY ANNOUNCE INTENTION TO SEEK DEATH PENALTY Court Clerk: JULIE HALL Reporter/Recorder: PATSY SMITH Heard By: MAUPIN, A. WILLIAM

Journal Entry Details:

In the absence of the deft. and counsel and due to the nature of the State's intent, Court felt a continuance was in order. Colloquy regarding Mr. Tilman as counsel. Ms. Robinson advised he was appointed in Justice Court. COURT ORDERED, matter continued and APPOINTED Ms. Laura Melia as co-counsel. Both attorneys to be present at the next hearing. CUSTODY CLERK'S NOTE: Mr. Tilman and Ms. Melia notified of continuance date. ;

07/18/1994

Request (9:00 AM)

AT REQUEST OF DISTRICT ATTORNEY ANNOUNCE INTENTION TO SEEK DEATH PENALTY Court Clerk: JULIE HALL Reporter/Recorder: PATSY SMITH Heard By: MAUPIN, A. WILLIAM

Matter Continued; AT REQUEST OF DISTRICT ATTORNEY ANNOUNCE INTENTION TO SEEK DEATH PENALTY Court Clerk: JULIE HALL Reporter/Recorder: PATSY SMITH Heard By: MAUPIN, A. WILLIAM

Journal Entry Details:

Mr. Mel Harmon present from the D.A.'s office and Ms. Laura Melia present. Conference at the bench. In the absence of Mr. Tilman, COURT ORDERED, matter continued and counsel to be confirmed. LATER: Mr. Tilman appeared and was notified of the continuance date. CUSTODY 7/20/94 9 AM AT REQUEST OF D.A. ANNOUNCE INTENTION TO SEEK DEATH PENALTY AND CONFIRMATION OF COUNSEL ;

07/20/1994

Request (9:00 AM)

AT REQUEST OF DISTRICT ATTORNEY ANNOUNCE INTENTION TO SEEK DEATH PENALTY Court Clerk: JULIE HALL Reporter/Recorder: CONNIE MILLER

07/20/1994

Motion for Confirmation of Counsel (9:00 AM)

CONFIRMATION OF COUNSEL Heard By: A. William Maupin

07/20/1994

All Pending Motions (9:00 AM)

ALL PENDING MOTIONS 7-20-94 Court Clerk: JULIE HALL Reporter/Recorder: PATSY SMITH Heard By: A. William Maupin

Matter Heard; ALL PENDING MOTIONS 7-20-94 Court Clerk: JULIE HALL Reporter/Recorder: PATSY SMITH Heard By: A. William Maupin

Journal Entry Details:

AT REQUEST OF DISTRICT ATTORNEY: ANNOUNCE INTENTION TO SEEK DEATH PENALTY ... CONFIRMATION OF COUNSEL Conference at the bench. Ms. Melia confirmed as counsel. COURT FOUND Ms. Melia, based on prior experience, to be competent and fully qualified to handle all proceedings in this case. Ms. Melia requested a continuance in the trial date as the State is just announcing to seek the Death Penalty and the trial is schedule for September. COURT ORDERED, trial date vacated and reset. CUSTODY 11/30/94 9 AM CALENDAR CALL 12/5/94 9 AM JURY TRIAL ;

08/31/1994

Petition for Writ of Habeas Corpus (9:00 AM)

Events: 08/16/1994 Petition for Writ of Habeas Corpus

PETITION FOR WRIT OF HABEAS CORPUS Court Clerk: JULIE HALL Relief Clerk: NANCY MILLER/nm Reporter/Recorder: CONNIE MILLER Heard By: MAUPIN, A. WILLIAM

Matter Continued; PETITION FOR WRIT OF HABEAS CORPUS Court Clerk: JULIE HALL Relief Clerk: NANCY MILLER/nm Reporter/Recorder: CONNIE MILLER Heard By: MAUPIN, A. WILLIAM

Journal Entry Details:

Ms. Robinson advised Mr. Roger responded to the Writ of Habeas Corpus and requested a continuance for Mr. Roger to be present. Ms. Melia advised the State did not have a copy of

CASE SUMMARY

CASE NO. 94C120857-2

the transcript and she had provided one to him this week. COURT ORDERED, CONTINUED. CUSTODY ;

09/12/1994	Petition for Writ of Habeas Corpus (9:00 AM) <i>PETITION FOR WRIT OF HABEAS CORPUS Court Clerk: JULIE HALL Reporter/Recorder: PATSY SMITH Heard By: A. William Maupin</i> Denied; PETITION FOR WRIT OF HABEAS CORPUS Court Clerk: JULIE HALL Reporter/Recorder: PATSY SMITH Heard By: A. William Maupin Journal Entry Details: <i>Arguments by counsel. COURT ORDERED, Petition is DENIED; FURTHER, Ms. Melia's request to strike portion of the language in the information is DENIED. CUSTODY ;</i>
09/21/1994	CANCELED Calendar Call (9:00 AM) <i>Vacated</i>
09/26/1994	CANCELED Jury Trial (10:00 AM) <i>Vacated</i>
10/17/1994	Initial Arraignment (9:00 AM) <i>INITIAL ARRAIGNMENT Court Clerk: JULIE HALL Reporter/Recorder: PATSY SMITH Heard By: MAUPIN, A. WILLIAM</i> Matter Continued; INITIAL ARRAIGNMENT Court Clerk: JULIE HALL Reporter/Recorder: PATSY SMITH Heard By: MAUPIN, A. WILLIAM Journal Entry Details: <i>In absence of Mr. McDonald, COURT ORDERED, matter continued. Clerk to phone counsel. CUSTODY ;</i>
10/19/1994	Initial Arraignment (9:00 AM) <i>INITIAL ARRAIGNMENT Court Clerk: JULIE HALL Reporter/Recorder: PATSY SMITH Heard By: A. William Maupin</i> Matter Heard; INITIAL ARRAIGNMENT Court Clerk: JULIE HALL Reporter/Recorder: PATSY SMITH Heard By: A. William Maupin Journal Entry Details: <i>Mr. Pat McDonald present. Mr. McDonald advised he was appointed in Justice Court to represent this deft. SO NOTED. DEFT. RANDOLPH ARRAIGNED, PLED NOT GUILTY AS CHARGED. Mr. McDonald advised if the deft. wishes to invoke the 60-day rule, he can no longer represent him due to his current schedule. Colloquy regarding co-deft's trial date. Deft. advised he would like to invoke the 60-day rule. COURT ORDERED, MATTER SET FOR TRIAL WITH CO-DEFT.; FURTHER, MR. CHARLES WATERMAN is APPOINTED as counsel. Matter set for confirmation of counsel. Mr. McDonald to be present also. CUSTODY 10/26/94 9 AM CONFIRMATION OF COUNSEL 11/30/94 9 AM CALENDAR CALL 12/5/94 10 AM JURY TRIAL ;</i>
10/26/1994	Motion for Confirmation of Counsel (9:00 AM) <i>CONFIRMATION OF COUNSEL Court Clerk: JULIE HALL Reporter/Recorder: PATSY SMITH Heard By: A. William Maupin</i> Granted; CONFIRMATION OF COUNSEL Court Clerk: JULIE HALL Reporter/Recorder: PATSY SMITH Heard By: A. William Maupin Journal Entry Details: <i>Mr. Waterman CONFIRMED as counsel for deft. Randolph. Defense has 21 days from today to file a Writ. CUSTODY ;</i>
11/14/1994	Motion to Withdraw as Counsel (9:00 AM) Events: 11/08/1994 Motion to Withdraw As Counsel <i>DEFENDANT'S MOTION TO WITHDRAW AS COUNSEL Heard By: A. William Maupin</i>
11/14/1994	Conversion Hearing Type (9:00 AM) <i>STATE'S MOTION TO ENDORSE NAMES ON INFORMATION Heard By: A. William Maupin</i>
11/14/1994	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS 11-14-94 Court Clerk: JULIE HALL Reporter/Recorder: CONNIE MILLER Heard By: A. William Maupin</i>

CASE SUMMARY

CASE No. 94C120857-2

Granted; ALL PENDING MOTIONS 11-14-94 Court Clerk: JULIE HALL Reporter/Recorder: CONNIE MILLER Heard By: A. William Maupin

Journal Entry Details:

THEODORE MANOS AND ASSOCIATES' MOTION TO WITHDRAW AS ATTORNEY OF RECORD ... STATE'S MOTION TO ENDORSE NAMES ON INFORMATION Mr. Tilman requested he be allowed to withdraw as counsel. Ms. Melia advised she has spoken with Mr. Langford and he would oppose the motion if it means a continuance in the trial. Further, Ms. Melia advised the Court that Mr. Tom Michaelides from her office has been working with her during the preparation and could be ready; therefore, a continuance would not be necessary. COURT ORDERED, Motion to Withdraw is GRANTED; Mr. Michaelides is APPOINTED AND THE TRIAL DATE WILL STAND. FURTHER, Motion to Endorse Names is GRANTED, given the appropriate discovery. CUSTODY ;

11/28/1994	<p>Motion (9:00 AM) Events: 11/16/1994 Notice of Motion <i>DEFENDANT'S MOTION FOR DISCLOSURE OF TIBOR LAKICEVIC'S POLYGRAPH TEST</i> Heard By: A. William Maupin</p>
11/28/1994	<p>Motion to Sever (9:00 AM) Events: 11/16/1994 Notice of Motion <i>DEFENDANT'S MOTION TO SEVER</i> Heard By: A. William Maupin</p>
11/28/1994	<p>Motion (9:00 AM) Events: 11/16/1994 Notice of Motion <i>DEFT'S MOTION CHALLENGING COMPOSITION OF PETIT JURY FOR UNDER REPRESENTATION</i> Heard By: A. William Maupin</p>
11/28/1994	<p>Motion (9:00 AM) Events: 11/16/1994 Notice of Motion <i>DEFT'S MOTION TO INTERVIEW STATE'S WITNESS</i> Heard By: A. William Maupin</p>
11/28/1994	<p>Motion (9:00 AM) Events: 11/16/1994 Notice of Motion <i>DEFT'S MOTION FOR IN CAMERA REVIEW OF PRESENTENCE REPORTS</i> Heard By: A. William Maupin</p>
11/28/1994	<p>Motion to Suppress (9:00 AM) Events: 11/16/1994 Notice of Motion <i>DEFENDANT'S MOTION TO SUPPRESS STATEMENTS</i> Heard By: A. William Maupin</p>
11/28/1994	<p>Motion to Extend Discovery (9:00 AM) Events: 11/16/1994 Notice of Motion <i>DEFENDANT'S MOTION FOR DISCOVERY OF BRADY AND GIGLIO MATERIALS</i> Heard By: A. William Maupin</p>
11/28/1994	<p>Motion to Strike (9:00 AM) Events: 11/18/1994 Notice of Motion <i>DEFT'S MOTION TO STRIKE AGGRAVATING CIRCUMSTANCE BASED UPON FELONY OF ROBBERY</i> Heard By: A. William Maupin</p>
11/28/1994	<p>All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS 11-28-94</i> Court Clerk: JULIE HALL Reporter/Recorder: PATSY SMITH Heard By: A. William Maupin Matter Heard; ALL PENDING MOTIONS 11-28-94 Court Clerk: JULIE HALL Reporter/Recorder: PATSY SMITH Heard By: A. William Maupin Journal Entry Details: <i>DEFT'S MOTION CHALLENGING THE COMPOSITION OF THE PETIT JURY FOR UNDER REPRESENTATION OF COGNIZABLE GROUPS DEFT'S MOTION TO INTERVIEW STATE'S WITNESS DEFT'S MOTION FOR IN-CAMERA REVIEW OF PRESENTENCE REPORTS DEFT'S MOTION TO SUPPRESS STATEMENTS DEFT'S MOTION FOR DISCLOSURE OF TIBOR LAKICEVIC'S POLYGRAPH TEST QUESTIONS AND THE TEST RESULTS DEFT'S MOTION TO SEVER DEFT'S MOTION FOR DISCOVERY OF BRADY AND GIGLIO MATERIALS DEFT'S MOTION TO STRIKE</i></p>

CASE SUMMARY

CASE No. 94C120857-2

AGGRAVATING CIRCUMSTANCES BASED UPON FELONY OF ROBBERY AND BURGLARY Colloquy regarding pending motions. In the absence of Ms. Melia, COURT ORDERED, pre-trial Motions are continued. Calendar call date stands. CUSTODY ;

11/30/1994	Calendar Call (9:00 AM) <i>CALENDAR CALL</i>
11/30/1994	Motion to Sever (9:00 AM) <i>DEFENDANT'S MOTION TO SEVER Heard By: A. William Maupin</i>
11/30/1994	Motion to Compel (9:00 AM) Events: 11/17/1994 Motion to Compel <i>DEFENDANT'S MOTION TO COMPEL DISCLOSURE OF DOCUMENTS MAINTAINED BY LVMPD Heard By: A. William Maupin</i>
11/30/1994	Motion for Judgment Notwithstanding the Verdict (9:00 AM) <i>DEFT'S MOTION FOR JURY QUESTIONNAIRE Heard By: A. William Maupin</i>
11/30/1994	Conversion Hearing Type (9:00 AM) Events: 11/29/1994 Motion <i>STATE'S MOTION TO ENDORSE NAMES ON INFORMATION Heard By: A. William Maupin</i>
11/30/1994	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS 11-30-94 Court Clerk: JULIE HALL Reporter/Recorder: PATSY SMITH Heard By: A. William Maupin</i> Matter Heard; ALL PENDING MOTIONS 11-30-94 Court Clerk: JULIE HALL Reporter/Recorder: PATSY SMITH Heard By: A. William Maupin Journal Entry Details: <i>DEFT'S MOTION CHALLENGING THE COMPOSITION OF THE PETIT JURY FOR UNDER- REPRESENTATION OF COGNIZABLE GROUPS DEFT'S MOTION TO INTERVIEW STATE'S WITNESS DEFT'S MOTION FOR IN-CAMERA REVIEW OF PRESENTENCE REPORTS DEFT'S MOTION TO SUPPRESS STATEMENTS DEFT'S MOTION FOR DISCLOSURE OF TIBOR LAKICEVIC'S POLYGRAPH TEST QUESTIONS AND TEST RESULTS DEFT'S MOTION TO SEVER DEFT'S MOTION FOR DISCOVERY OF BRADY AND GIGILO MATERIALS DEFT'S MOTION TO STRIKE AGGRAVATING CIRCUMSTANCES BASED UPON FELONY OF ROBBERY AND BURGLARY DEFT'S MOTION TO COMPEL DISCLOSURE OF DOCUMENTS MAINTAINED BY THE LVMPD RECORDS SECTION DEFT'S MOTION FOR JURY QUESTIONNAIRE STATE'S MOTION TO ENDORSE NAMES ON INFORMATION CALENDAR CALL AS TO THE MOTION TO ENDORSE NAMES ON INFORMATION: There being no opposition, COURT ORDERED, Motion to Endorse is GRANTED, given full discovery. Counsel agreed to the Motion for Jury Questionnaire, therefore, COURT ORDERED, Motion is GRANTED. Ms. Melia advised, once the State reviews the questionnaire, she will provide Jury Services with it. AS TO THE MOTION TO SEVER: Court took oral argument. Mr. Waterman advised he joins in Ms. Melia Motion. Arguments by all counsel. Mr. Waterman advised he cannot possibly be ready to proceed to trial with deft. RANDOLPH. Opposition by Mr. Langford. Based on Mr. Waterman's position, COURT ORDERED Motion to Sever is GRANTED. Deft. RANDOLPH WAIVED the 60-DAY RULE. Deft. RANDOLPH'S trial will be reset. State's Answer to Motion to Sever FILED IN OPEN COURT. AS TO THE PETITION FOR WRIT OF HABEAS CORPUS: Return to the Writ FILED IN OPEN COURT. Due to the continuance granted, parties agreed to argue any pre-trial motions for deft. Randolph and the pending Writ at a future time. COURT ORDERED, matter set for oral argument on any pre-trial motions and the Writ of Habeas Corpus. Briefing schedule set. Colloquy regarding deft's STRATTON'S trial proceedings. With agreement by all parties, COURT ORDERED, further argument on the remaining motions will be held on Monday at 11 AM. The Jury panel will be given the questionnaires Monday morning; then excused. Counsel can review the questionnaires that afternoon and evening. Jury selection will begin on Tuesday at 10:30 AM. Trial will proceed on STRATTON only. CUSTODY (BOTH) 12/5/94 11 AM PENDING PRE-TRIAL MOTIONS (STRATTON) 12/6/94 10:30 AM JURY TRIAL (STRATTON) 2/3/95 9 AM ORAL ARGUMENT PRE-TRIAL MOTIONS (RANDOLPH) AND WRIT OF HABEAS CORPUS 5/17/95 9 AM CALENDAR CALL (RANDOLPH) 5/22/95 10 AM JURY TRIAL (RANDOLPH) ;</i>
11/30/1994	Motion (11:00 AM)

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CASE No. 94C120857-2

	<i>DEFENDANT'S MOTION FOR DISCLOSURE OF TIBOR LAKICEVIC'S POLYGRAPH TEST</i> <i>Heard By: A. William Maupin</i>
11/30/1994	Motion (11:00 AM) <i>DEFT'S MOTION CHALLENGING COMPOSITION OF PETIT JURY FOR UNDER REPRESENTATION</i> <i>Heard By: A. William Maupin</i>
11/30/1994	Motion (11:00 AM) <i>DEFT'S MOTION TO INTERVIEW STATE'S WITNESS</i> <i>Heard By: A. William Maupin</i>
11/30/1994	Motion (11:00 AM) <i>DEFT'S MOTION FOR IN CAMERA REVIEW OF PRESENTENCE REPORTS</i> <i>Heard By: A. William Maupin</i>
11/30/1994	Motion to Suppress (11:00 AM) <i>DEFENDANT'S MOTION TO SUPPRESS STATEMENTS</i> <i>Heard By: A. William Maupin</i>
11/30/1994	Motion to Extend Discovery (11:00 AM) <i>DEFENDANT'S MOTION FOR DISCOVERY OF BRADY AND GIGLIO MATERIALS</i> <i>Heard By: A. William Maupin</i>
11/30/1994	Motion to Strike (11:00 AM) <i>DEFT'S MOTION TO STRIKE AGGRAVATING CIRCUMSTANCE BASED UPON FELONY OF ROBBERY</i> <i>Heard By: A. William Maupin</i>
12/02/1994	Motion for Judgment Notwithstanding the Verdict (9:00 AM) Events: 11/21/1994 Motion <i>DEFT'S MOTION FOR JURY QUESTIONNAIRE</i> <i>Heard By: A. William Maupin</i>
12/05/1994	Motion (11:00 AM) <i>DEFENDANT'S MOTION FOR DISCLOSURE OF TIBOR LAKICEVIC'S POLYGRAPH TEST</i> <i>Heard By: A. William Maupin</i>
12/05/1994	Motion (11:00 AM) <i>DEFT'S MOTION CHALLENGING COMPOSITION OF PETIT JURY FOR UNDER REPRESENTATION</i> <i>Heard By: A. William Maupin</i>
12/05/1994	Motion (11:00 AM) <i>DEFT'S MOTION TO INTERVIEW STATE'S WITNESS</i> <i>Heard By: A. William Maupin</i>
12/05/1994	Motion (11:00 AM) <i>DEFT'S MOTION FOR IN CAMERA REVIEW OF PRESENTENCE REPORTS</i> <i>Heard By: A. William Maupin</i>
12/05/1994	Motion to Suppress (11:00 AM) <i>DEFENDANT'S MOTION TO SUPPRESS STATEMENTS</i> <i>Heard By: A. William Maupin</i>
12/05/1994	Motion to Extend Discovery (11:00 AM) <i>DEFENDANT'S MOTION FOR DISCOVERY OF BRADY AND GIGLIO MATERIALS</i> <i>Heard By: A. William Maupin</i>
12/05/1994	Motion to Compel (11:00 AM) <i>DEFENDANT'S MOTION TO COMPEL DISCLOSURE OF DOCUMENTS MAINTAINED BY LVMPD</i> <i>Heard By: A. William Maupin</i>
12/05/1994	Motion to Strike (11:00 AM) <i>DEFT'S MOTION TO STRIKE AGGRAVATING CIRCUMSTANCE BASED UPON FELONY OF ROBBERY</i> <i>Heard By: A. William Maupin</i>
12/05/1994	Hearing (11:00 AM) <i>ARGUMENT ON PENDING PRETRIAL MOTIONS</i> <i>Heard By: A. William Maupin</i>

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12/05/1994

All Pending Motions (11:00 AM)

ALL PENDING MOTIONS 12-5-94 Court Clerk: JULIE HALL Reporter/Recorder: PATSY SMITH Heard By: A. William Maupin

Matter Heard; ALL PENDING MOTIONS 12-5-94 Court Clerk: JULIE HALL Reporter/Recorder: PATSY SMITH Heard By: A. William Maupin

Journal Entry Details:

DEFT'S MOTION CHALLENGING THE COMPOSITION OF THE PETIT JURY FOR UNDER- REPRESENTATION OF COGNIZABLE GROUPS DEFT'S MOTION TO INTERVIEW STATE'S WITNESS DEFT'S MOTION FOR IN-CAMERA REVIEW OF PRESENTENCE REPORTS DEFT'S MOTION TO SUPPRESS STATEMENTS DEFT'S MOTION FOR DISCLOSURE OF TIBOR LAKICEVIC'S POLYGRAPH TEST QUESTIONS AND TEST RESULTS DEFT'S MOTION FOR DISCOVERY OF BRADY AND GIGLIO MATERIALS DEFT'S MOTION TO STRIKE AGGRAVATING CIRCUMSTANCES BASED UPON FELONY OF ROBBERY AND BURGLARY DEFT'S MOTION TO COMPEL DISCLOSURE OF DOCUMENTS MAINTAINED BY THE LVMPD RECORDS SECTION AS TO THE DEFT'S MOTION CHALLENGING THE COMPOSITION OF THE PETIT JURY FOR UNDER-REPRESENTATION OF COGNIZABLE GROUPS: Counsel submitted the matter. COURT ORDERED, Motion is DENIED. AS TO DEFT'S MOTION TO INTERVIEW STATE'S WITNESS: Arguments by counsel. COURT ORDERED, Motion is GRANTED; interview will take place with the witnesses' attorney, Mr. Archie or Mr. Walton. The State does not need to be present. Additional argument. Ruling stands. AS TO DEFT'S MOTION FOR IN-CAMERA REVIEW OF PRESENTENCE REPORTS: Arguments by counsel. COURT ORDERED, Motion is GRANTED; the Court will review any PSI records of the co-defendants, if necessary. AS TO DEFT'S MOTION TO SUPPRESS STATEMENTS: Arguments by counsel. COURT ORDERED, Motion, without further information from the Police Officer is DENIED; however, the COURT WILL ALLOW a 15 minute offer of proof prior to the trial. AS TO DEFT'S MOTION FOR DISCLOSURE OF TIBOR LAKICEVIC'S POLYGRAPH TEST QUESTIONS AND TEST RESULTS: Arguments by counsel. COURT ORDERED, Motion is GRANTED; the information will come in, but polygraph will not be mentioned. AS TO DEFT'S MOTION FOR DISCOVERY OF BRADY AND GIGLIO MATERIALS: Counsel submitted the matter with the exception that any other cases which were to be dismissed pursuant to negotiations be provided to Ms. Melia. COURT ORDERED, Motion is MOOT with the exception as stated. DEFT'S MOTION TO STRIKE AGGRAVATING CIRCUMSTANCES BASED UPON FELONY OF ROBBERY AND BURGLARY: Arguments by counsel. COURT ORDERED, Motion is DENIED WITHOUT PREJUDICE, as the issue may be revisited at the time of jury instructions. DEFT'S MOTION TO COMPEL DISCLOSURE OF DOCUMENTS MAINTAINED BY THE LVMPD RECORDS SECTION: Counsel advised the motion may be MOOT with the exception of Mr. Bush and a prior conviction. COURT ORDERED, it will allow the material regarding Mr. Bush to be produced in chambers. Court will decide if any briefing is necessary. Ms. Melia advised the DR # is 1228-1493, dated November 28, 1992. Mr. Harmon advised an Amended Information has been prepared and requested it be filed in open Court. There being no objection, AMENDED INFORMATION FILED IN OPEN COURT. Colloquy regarding the scheduling of the trial and the penalty phase. Court advised it's intention was to try the case in the next two week, through its conclusion. Opposition by Ms. Melia. Court advised Ms. Melia she can raise her objection prior to the penalty phase. Trial date stands. CUSTODY 12/6/94 10:30 AM JURY TRIAL ;

12/06/1994

Jury Trial (10:30 AM)

TRIAL BY JURY Court Clerk: JULIE HALL Reporter/Recorder: PATSY SMITH Heard By: A. William Maupin

Matter Heard; TRIAL BY JURY Court Clerk: JULIE HALL Reporter/Recorder: PATSY SMITH Heard By: A. William Maupin

Journal Entry Details:

Mr. Tom Michaelides present for the defense. Counsel advised the matter is resolved. SECOND AMENDED INFORMATION AND GUILTY PLEA MEMORANDUM filed in open Court. DEFT. STRATTON ARRAIGNED AND PLED GUILTY TO CT. IV OF THE SECOND AMENDED INFORMATION CHARGING "MURDER OF THE 1ST DEGREE WITH USE OF A DEADLY WEAPON (F). NEGOTIATIONS: Deft. is to enter a plea of guilty to Ct. IV, State will make a recommendation of Life with the Possibility of Parole and recommend the deft. serve his prison time in the State of Oregon. Further, Mr. Harmon advised the request for the death penalty is being dropped, and the remaining counts will be dismissed after sentence is rendered. Deft. advised his true name being FREDRICK LEON STRATTON, COURT AMENDED the Second Amended Information to so reflect. FURTHER ACCEPTED the plea as binding and referred the matter to P&P. Matter set for sentencing. CUSTODY 1/9/95 9 AM SENTENCING CT. IV / DISMISS REMAINING ;

CASE SUMMARY

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01/09/1995	<p>Sentencing (9:00 AM) <i>SENTENCING (CT.IV) Court Clerk: JULIE HALL Reporter/Recorder: PATSY SMITH Heard By: A. William Maupin</i></p> <p>MINUTES Granted; SENTENCING (CT.IV) Court Clerk: JULIE HALL Reporter/Recorder: PATSY SMITH Heard By: A. William Maupin Journal Entry Details: <i>Ms. Joy Mundy Neal present for P&P. Conference at the bench. COURT ADJUDGED DEFT. STRATTON GUILTY TO CT. IV - MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY WEAPON (F). Statements by Ms. Irene Moden and in mitigation of sentencing by counsel. COURT ORDERED, pursuant to the binding negotiations in this matter and in addition to a \$25 Assessment Fee, deft. STRATTON is SENTENCED to LIFE IN THE NEVADA DEPARTMENT OF PRISONS WITH THE POSSIBILITY OF PAROLE and a CONSECUTIVE LIFE WITH THE POSSIBILITY OF PAROLE for the enhancement. FURTHER ORDERED, deft. to pay \$4,499.90 in restitution and given 252 days credit for time served. Remaining Counts are DISMISSED. CUSTODY ;</i></p>
02/03/1995	<p>Hearing (9:00 AM) <i>ARGUMENT ON PRETRIAL MOTIONS & PETITIONFOR WRIT OF HABEAS CORPUS (RANDOLPH) Heard By: A. William Maupin</i></p>
02/10/1995	<p>Hearing (9:00 AM) <i>ARGUMENT ON PRETRIAL MOTIONS & PETITIONFOR WRIT OF HABEAS CORPUS (RANDOLPH) Court Clerk: LARRY SNYDER Reporter/Recorder: PATSY SMITH Heard By: MAUPIN, A. WILLIAM</i> Matter Continued; ARGUMENT ON PRETRIAL MOTIONS & PETITIONFOR WRIT OF HABEAS CORPUS (RANDOLPH) Court Clerk: LARRY SNYDER Reporter/Recorder: PATSY SMITH Heard By: MAUPIN, A. WILLIAM Journal Entry Details: <i>Mr. Waterman advised he has talked with Mr. Harmon, and an offer has been made in this matter. Mr. Waterman requested a continuance to review the offer with the Deft. There being no objection from the State, COURT ORDERED, this matter CONTINUED, and also SET for a Status Check on Possible Negotiations. CUSTODY 2/15/95 9:00 AM ARGUMENT ON PRETRIAL MOTIONS AND PETITION FOR WRIT OF HABEAS CORPUS...STATUS CHECK: POSSIBLE NEGOTIATIONS ;</i></p>
02/15/1995	<p>Hearing (9:00 AM) <i>ARGUMENT ON PRETRIAL MOTIONS & PETITIONFOR WRIT OF HABEAS CORPUS (RANDOLPH) Heard By: A. William Maupin</i></p>
02/15/1995	<p>Status Check (9:00 AM) <i>STATUS CHECK: POSSIBLE NEGOTIATIONS</i></p>
02/15/1995	<p>All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS (2/15/95) Court Clerk: LARRY SNYDER Reporter/Recorder: PATSY SMITH Heard By: A. William Maupin</i> Matter Heard; ALL PENDING MOTIONS (2/15/95) Court Clerk: LARRY SNYDER Reporter/Recorder: PATSY SMITH Heard By: A. William Maupin Journal Entry Details: <i>ARGUMENT ON PRETRIAL MOTIONS AND PETITION FOR WRIT OF HABEAS CORPUS... STATUS CHECK: POSSIBLE NEGOTIATIONS Mr. Waterman advised the Deft. has refused the negotiations offered by the State, and noted he is prepared to go forward at this time and argue the Writ Of Habeas Corpus. Arguments by Counsel. COURT ORDERED, the Court concludes from the transcripts and briefs there is probable cause to bind the Deft. over on all charges, and substantial evidence to prove the Deft. was a principal. COURT FURTHER ORDERED, Petition For Writ Of Habeas Corpus is DENIED, and future Calendar Call date of 5/17/95 and Trial date of 5/22/95 STAND. Mr. Harmon informed Mr. Waterman and the Deft. the State's offer will remain in effect until the date of the Calendar Call. CUSTODY 5/17/95 9:00 AM CALENDAR CALL 5/22/95 10:00 AM JURY TRIAL ;</i></p>
05/17/1995	<p>Calendar Call (9:00 AM) <i>CALENDAR CALL Heard By: A. William Maupin</i></p>

CASE SUMMARY

CASE NO. 94C120857-2

05/17/1995	<p>Conversion Hearing Type (9:00 AM) <i>STATE'S MOTION TO ENDORSE NAMES ON INFORMATION</i> Heard By: A. William Maupin</p>
05/17/1995	<p>All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS (5/17/95) Court Clerk: LARRY SNYDER Reporter/Recorder: PATSY SMITH</i> Heard By: A. William Maupin Matter Heard; <i>ALL PENDING MOTIONS (5/17/95) Court Clerk: LARRY SNYDER Reporter/Recorder: PATSY SMITH</i> Heard By: A. William Maupin Journal Entry Details: <i>STATE'S MOTION TO ENDORSE NAMES ON INFORMATION...CALENDAR CALL</i> Counsel announced ready for Trial; matter should take approximately one week with two or three out of State witnesses. Conference at the Bench between Court and Counsel. <i>COURT ORDERED</i>, Trial will commence at 11:00 AM Monday morning depending on Mr. Waterman's health. <i>COURT FURTHER ORDERED</i>, State's Motion To Endorse Names On Information and the Motion In Limine to be heard at 9:00 AM on the Monday morning Calendar. <i>CUSTODY 5/22/95 9:00 AM</i> State's Motion To Endorse Names On Information...<i>Motion In Limine 5/22/95 11:00 AM JURY TRIAL</i> ;</p>
05/22/1995	<p>All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS (5/22/95) Court Clerk: LARRY SNYDER Reporter/Recorder: PATSY SMITH</i> Heard By: A. William Maupin Matter Heard; <i>ALL PENDING MOTIONS (5/22/95) Court Clerk: LARRY SNYDER Reporter/Recorder: PATSY SMITH</i> Heard By: A. William Maupin Journal Entry Details: <i>STATE'S MOTION TO ENDORSE NAMES ON INFORMATION...DEFT.'S MOTION IN LIMINE</i> Mr. Waterman not present. Court advised Counsel need to address issues applicable to the Guy decision, and the issue of flight. Mr. Harmon noted he will be filing a Motion To Amend The Information. <i>COURT ORDERED</i>, these matters <i>CONTINUED. CUSTODY 5/23/95 10:45 AM</i> <i>STATE'S MOTION TO ENDORSE NAMES ON INFORMATION...STATE'S MOTION TO AMEND INFORMATION...DEFT.'S MOTION IN LIMINE 5/23/95 11:00 AM JURY TRIAL</i> ;</p>
05/23/1995	<p>Conversion Hearing Type (9:00 AM) <i>STATE'S MOTION TO ENDORSE NAMES ON INFORMATION</i> Heard By: A. William Maupin</p>
05/23/1995	<p>Motion in Limine (10:45 AM) <i>MOTION IN LIMINE</i> Heard By: A. William Maupin</p>
05/23/1995	<p>Motion to Amend (10:45 AM) Events: 05/22/1995 Notice of Motion <i>STATE'S MOTION TO AMEND INFORMATION</i> Heard By: A. William Maupin</p>
05/23/1995	<p>All Pending Motions (10:45 AM) <i>ALL PENDING MOTIONS (5/23/95) Court Clerk: LARRY SNYDER Relief Clerk: LORI BROWN/LB Reporter/Recorder: PATSY SMITH</i> Heard By: A. William Maupin Matter Heard; <i>ALL PENDING MOTIONS (5/23/95) Court Clerk: LARRY SNYDER Relief Clerk: LORI BROWN/LB Reporter/Recorder: PATSY SMITH</i> Heard By: A. William Maupin Journal Entry Details: <i>STATE'S MOTION TO ENDORSE NAMES ON INFORMATION...DEFT'S MOTION IN LIMINE... STATE'S MOTION TO AMEND INFORMATION</i> Upon inquiry of the court, counsel stipulated to waive the presence of Def. Randolph. Due to health reasons, Mr. Waterman requested that the Calendar Call and Jury Trial be <i>CONTINUED</i>, and there being no opposition, by the COURT, <i>SO ORDERED</i>. The court noted for the record that the State was ready to proceed in this matter. <i>CUSTODY 6-7-95 9:00 A.M. STATE'S MOTION TO ENDORSE NAMES ON INFORMATION...MOTION IN LIMINE...STATE'S MOTION TO AMEND INFORMATION</i> ;</p>
05/23/1995	<p>CANCELED Jury Trial (11:00 AM) Vacated</p>

CASE SUMMARY

CASE NO. 94C120857-2

06/07/1995	<p>Conversion Hearing Type (9:00 AM) <i>STATE'S MOTION TO ENDORSE NAMES ON INFORMATION</i> Heard By: A. William Maupin</p>
06/07/1995	<p>Motion in Limine (9:00 AM) <i>MOTION IN LIMINE</i> Heard By: A. William Maupin</p>
06/07/1995	<p>Motion to Amend (9:00 AM) <i>STATE'S MOTION TO AMEND INFORMATION</i> Heard By: A. William Maupin</p>
06/07/1995	<p>All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS (6/06/95) Court Clerk: LARRY SNYDER Reporter/Recorder: PATSY SMITH</i> Heard By: A. William Maupin Matter Heard; ALL PENDING MOTIONS (6/06/95) Court Clerk: LARRY SNYDER Reporter/Recorder: PATSY SMITH Heard By: A. William Maupin Journal Entry Details: <i>STATE'S MOTION TO ENDORSE NAMES ON INFORMATION...DEFT.'S MOTION IN LIMINE... STATE'S MOTION TO AMEND INFORMATION</i> Arguments by Counsel. <i>State's Motion To Endorse Names On Information is GRANTED. COURT FURTHER ORDERED, Weapons portion of the Motion In Limine is MOOT, and noted the Court will DEFER RULING on the Deft.'s Motion In Limine. COURT ADDITIONALLY ORDERED, State's Motion To Amend Information is CONTINUED. CUSTODY 7/03/95 9:00 AM STATE'S MOTION TO AMEND INFORMATION 8/16/95 9:00 AM CALENDAR CALL 8/21/95 10:00 AM JURY TRIAL ;</i></p>
07/03/1995	<p>Motion to Amend (9:00 AM) <i>STATE'S MOTION TO AMEND INFORMATION</i> Relief Clerk: LORI BROWN Reporter/Recorder: PATSY SMITH Heard By: MAUPIN, A. WILLIAM Matter Continued; STATE'S MOTION TO AMEND INFORMATION Relief Clerk: LORI BROWN Reporter/Recorder: PATSY SMITH Heard By: MAUPIN, A. WILLIAM Journal Entry Details: <i>COURT ORDERED, this matter CONTINUED. CUSTODY ;</i></p>
07/05/1995	<p>Motion to Amend (9:00 AM) <i>STATE'S MOTION TO AMEND INFORMATION</i> Relief Clerk: LORI BROWN Reporter/Recorder: PATSY SMITH Heard By: A. William Maupin Matter Continued; STATE'S MOTION TO AMEND INFORMATION Relief Clerk: LORI BROWN Reporter/Recorder: PATSY SMITH Heard By: A. William Maupin Journal Entry Details: <i>Arguments of counsel. COURT ORDERED, State's Motion to Amend Information is GRANTED. Order signed in open court this date. Amended Information FILED IN OPEN COURT. CUSTODY ;</i></p>
08/16/1995	<p>Calendar Call (9:00 AM) <i>CALENDAR CALL</i> Court Clerk: LORI BROWN Reporter/Recorder: PATSY SMITH Heard By: A. William Maupin Matter Heard; CALENDAR CALL Court Clerk: LORI BROWN Reporter/Recorder: PATSY SMITH Heard By: A. William Maupin Journal Entry Details: <i>Counsel advised the court that they were ready to proceed to trial, and expect it to last approximately one week. COURT ORDERED, trial to begin Wednesday. CUSTODY 8-23-95 11:00 A.M. JURY TRIAL ;</i></p>
08/21/1995	<p>CANCELED Jury Trial (10:00 AM) <i>Vacated</i></p>
08/23/1995	<p>Jury Trial (11:00 AM) <i>TRIAL BY JURY</i> Court Clerk: CINDY HORTON Reporter/Recorder: JANIE OLSEN Heard By: LOEHRER, SALLY Matter Continued; TRIAL BY JURY Court Clerk: CINDY HORTON Reporter/Recorder: JANIE OLSEN Heard By: LOEHRER, SALLY Journal Entry Details: <i>Outside the presence of the jury, Upon inquiry by the Court, counsel requested that the deft be</i></p>

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referred to as Clyde Lewis. COURT ORDERED, WHEN THE INFORMATION IS READ, THE DEFT WILL BE REFERRED TO AS CLYDE LEWIS ONLY. Jury panel administered the Vior Dire oath at 10:30. COURT ORDERED, NOON RECESS AT 12:10. Vior Dire resumed at 1:00. Twelve Jurors and two alternates sworn at 6:00. Court admonished jury and ORDERED, TRIAL CONTINUED TO AUGUST 24, 1995 AT 10:30. CUSTODY ;

08/24/1995

Jury Trial (8:00 AM)

TRIAL BY JURY Court Clerk: CINDY HORTON Reporter/Recorder: JANIE OLSEN Heard By: LOEHRER, SALLY

Matter Continued; TRIAL BY JURY Court Clerk: CINDY HORTON Reporter/Recorder: JANIE OLSEN Heard By: LOEHRER, SALLY

Journal Entry Details:

Counsel stipulated as to the presense of the jury at 10:40. Court advised the jury of the proceedure the trial will take, information read to the jury. State invoked the exclusionary rule. Opening statement by Mr. Harmon. Opening statement by Mr. Waterman. COURT ORDERED, NOON RECESS AT 12:00, jury admonished and advised to return as 1:30. Counsel stipulated as to the presence of the jury at 1:30, testimony and exhibits per attached worksheet. COURT ORDERED, TRIAL RECESSED FOR THE DAY AT 5:10, jury admonished and advised to return on August 25, 1995 at 8:00 a.m. Outside the presence of the jury, Mr. Waterman requested witness Barker be given a drug test as he believes the witness is under the influence. Response by Mr., Mueller. Court advised does not know if this Court has the authority to order the witness be drug tested. Conference at the bench. Upon inquiry by the Court, Ms. Barker advised she is willing to take a drug test. Mr. Harmon stated for the record that Ms. Barker may be willing to take the test but there is no basis for this in the record and there is no cause to subject the witness to a drug test because of the defense counsel's opinion and the State objects. Mr. Waterman stipulated that if the test comes back dirty, it will only be hald against the witness as to her testimony here today. CUSTODY 8/28/95 1:30 PM JURY TRIAL ;

08/25/1995

Jury Trial (1:30 PM)

TRIAL BY JURY Court Clerk: CINDY HORTON Reporter/Recorder: JANIE OLSEN Heard By: LOEHRER, SALLY

Matter Continued; TRIAL BY JURY Court Clerk: CINDY HORTON Reporter/Recorder: JANIE OLSEN Heard By: LOEHRER, SALLY

Journal Entry Details:

Counsel stipulated as to the presence of the jury at 8:05. Testimony and exhibits per attached worksheet. AT 9:00, COURT ORDERED A BRIEF RECESS for Mr. Waterman to make appearance in Dept VIII & XIV, jury admonished and advised to return at 9:15. Counsel stipulated as to the presence of the jury at 9:30, testimony and exhibits per attached worksheet. COURT ORDERED, TRIAL RECESSED FOR THE DAY AT 12:20, jury admonished and advised to return on Monday, August 28, 1995 at 1:30 p.m. Outside the presence of the jury, colloquy between Court and counsel regarding trial schedule. CUSTODY 8/28/95 1:30 PM JURY TRIAL CONTINUED ;

08/28/1995

Jury Trial (10:30 AM)

TRIAL BY JURY Court Clerk: CINDY HORTON Reporter/Recorder: MARY BETH COOK Heard By: LOEHRER, SALLY

Matter Continued; TRIAL BY JURY Court Clerk: CINDY HORTON Reporter/Recorder: MARY BETH COOK Heard By: LOEHRER, SALLY

Journal Entry Details:

Counsel stipulated as to the presence of the jury at 1:35. Testimony and exhibits per attached worksheet. Brief recesses taken at 3:13 p.m. and 5:05 p.m. COURT ORDERED, TRIAL RECESSED FOR THE DAY AT 7:20, jury admonished and adviesd to return on 8/29/95 at 10:30 a.m. CUSTODY ;

08/29/1995

Jury Trial (9:00 AM)

TRIAL BY JURY Court Clerk: CINDY HORTON Reporter/Recorder: MARY BETH COOK Heard By: LOEHRER, SALLY

Matter Continued; TRIAL BY JURY Court Clerk: CINDY HORTON Reporter/Recorder: MARY BETH COOK Heard By: LOEHRER, SALLY

Journal Entry Details:

Counsel stipulated as to the presence of the jury at 10:35, testimony and exhibits per attached worksheet. COURT ORDERED, NOON RECESS AT 11:55, jury admonished and advised to return at 1:30. Counsel stipulated as to the presence of the jury at 1:34, testimony and exhibits per attached worksheet. Jury excused from the Courtroom at 2:30. Outside the presence of the

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jury, Mr. Waterman presented motion as to testimony of the State's next witness, Bert Gutierrez regarding remoteness in time and prejudicial effects. Response by State. Officer Gutierrez brought into Courtroom and sworn and testified. COURT ORDERED, TESTIMONY AS TO THE GUN BEING STOLEN WILL BE SUPRESSED AND THE BALANCE OF THE TESTIMONY WILL BE ALLOWED. Upon inquiry by the Court, Officer Gutierrez advised when the officer knocked on the deft's door he identified himself as police. Counsel stipulated as to the presence of the jury at 2:50. Outside the presence of the jury, Mr. Waterman moved for a mistrial pursuant to testimony of State's witness Gutierrez. Response by State. COURT ORDERED, MOTION FOR MISTRIAL DENIED and advised the jury will be instructed to disregard the witnesses comments about the motel. Jury present in Courtroom. Court advised the jury to disregard the discription of the lodge given by the witness. COURT ORDERED, AFTERNOON RECESS AT 3:15, jury admonished and advised to return at 3:30. Outside the presence of the jury, Court advised the Court has been faxed eighteen pages medical documents for the deft at the request of Mr. Waterman. Copies of documents provided to both counsel. Counsel stipulated as to the presence of the jury at 4:00, testimony and exhibits per attached worksheet. COURT ORDERED, TRIAL RECESSED FOR THE DAY AT 5:10, jury admonished and advised to return on 8/30/95 at 10:00 a.m. Outside the presence of the jury, Court advised the deft of his right to testify or not to testify. Court requested counsel be present at 9:45 to go over jury instructions. CUSTODY 8/30/95 10 AM JURY TRIAL CONTINUED ;

08/30/1995

Jury Trial (10:30 AM)

TRIAL BY JURY Court Clerk: CINDY HORTON Reporter/Recorder: MARY BETH COOK
Heard By: LOEHRER, SALLY

Matter Continued; TRIAL BY JURY Court Clerk: CINDY HORTON Reporter/Recorder:
MARY BETH COOK Heard By: LOEHRER, SALLY

Journal Entry Details:

Outside the presence of the jury, Mr. Waterman advised he was not able to serve Dr. Seip as he was no able to serve a subpeona. Mr. Waterman further advised he was not advised the the deft's physical affirmaties until the first day of trial. COURT ORDERED, MEDICAL RECORDS ADMITTED AS COURT'S EXHIBIT #1. Counsel stipulated as to the presence of the jury at 10:35. State rest. Testimony and exhibits per attached worksheet. COURT ORDERED, NOON RECESS AT 11:55, jury admonished and advised to return at 1:30. Outside the presence of the jury, jury instructions settled. Counsel stipulated as to the presence of the jury at 2:30. Defense rest. Rebuttal testimony by the State. Jury instructions read to the jury. Closing argument by counsel. Bailiff and Secretary sworn to take charge of the jury and alternates at 5:00. Jury stopped deliberating for the day at 5:30, Deliberation to resume on 8/31/95 at 8:45. CUSTODY ;

08/31/1995

Jury Trial (9:00 AM)

TRIAL BY JURY Court Clerk: CINDY HORTON Reporter/Recorder: JANIE OLSEN Heard
By: LOEHRER, SALLY

Matter Continued; TRIAL BY JURY Court Clerk: CINDY HORTON Reporter/Recorder:
JANIE OLSEN Heard By: LOEHRER, SALLY

Journal Entry Details:

Jury resumed deliberating at 8:45. At 4:45, pursuant to a note from the jury, Court, Counsel and all officer of the Court present and the Court reread instructions 24 and 25 to the jury. Court explained the instructions pursuant to conference between Court and counsel in chambers. Mr. Waterman waived the presence of the deft for this proceeding. Jury resumed deliberating at 5:00. Jury left for the day at 5:20, to resume on 9/1/95 at 9:00 a.m. CUSTODY ;

09/01/1995

Jury Trial (9:00 AM)

TRIAL BY JURY Court Clerk: CINDY HORTON Reporter/Recorder: MARY BETH COOK
Heard By: LOEHRER, SALLY

Matter Continued; TRIAL BY JURY Court Clerk: CINDY HORTON Reporter/Recorder:
MARY BETH COOK Heard By: LOEHRER, SALLY

Journal Entry Details:

Jury resumed deliberating at 9:00 a.m. Jury brough into the Courtroom at 4:55, Judge A. Willaim Maupin presiding, all officers of the Court present. Court advised understands the jury has not been able to reach a verdict as to Counts I, II & IV. Court read a new instruction to the jury as to deliberation. COURT ORDERED, JURY EXCUSED FOR THE WEEKEND, Jury admonished and advised to return on Tuesday, September 5 at 9:00 a.m. Outside the presence of the jury, Mr. Waterman objected to the Court bringing the jury back on Tuesday. Court advised counsel with jury will be allowed to continue deliberations until mid-afternoon

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and if at that time the Jury has not reached a decision as to Counts I, II & IV, the Court will declare a mistrial as to those counts. CUSTODY ;

09/05/1995

Jury Trial (9:00 AM)

TRIAL BY JURY Court Clerk: CINDY HORTON Reporter/Recorder: MARY BETH COOK

Heard By: A. William Maupin

Matter Heard; TRIAL BY JURY Court Clerk: CINDY HORTON Reporter/Recorder: MARY

BETH COOK Heard By: A. William Maupin

Journal Entry Details:

Jury resumed deliberating at 9:00 a.m. Jury returned into the Courtroom at 2:00, Judge A. William Maupin presiding and all officers of the Court present. Jury Foreperson advised the jury only reach a verdict as to Court III. All members of the jury concurred. COURT ORDERED, MISTRIAL DECLARED AS TO COUNTS I, II & IV AND DEFT FOUND GUILTY OF COUNT III - BATTERY WITH USE OF A DEADLY WEAPON (F). COURT FURTHER ORDERED, MATTER CONTINUED TO RESET TRIAL AS TO COUNTS I, II & III AND MATTER REFERRED TO PAROLE AND PROBATION FOR PSI AND SET OVER FOR SENTENCING AS TO COUNT III. Court thanked and excused the jury. CUSTODY 9/19/95 9 AM TRIAL SETTING AS TO COUNTS I, II & IV...10/10/95 9 AM SENTENCING COUNT III ;

09/19/1995

Conversion Hearing Type (9:00 AM)

TRIAL SETTING AS TO COUNTS I,II & IV Court Clerk: CINDY HORTON

Reporter/Recorder: JANIE OLSEN Heard By: Sally Loehrer

Matter Heard; TRIAL SETTING AS TO COUNTS I,II & IV Court Clerk: CINDY HORTON

Reporter/Recorder: JANIE OLSEN Heard By: Sally Loehrer

Journal Entry Details:

Mr. Waterman requested trail be set in the ordinary course. Deft requested a speedy trial. Mr. Waterman advised since the jury verdict found the deft guilty of one count of battery, the jury did not specify on who the battery was committed and believes it is a lesser included for murder. State requested matter be passed to Thursday to set trial date if there is an issue. COURT ORDERED, MATTER SET FOR TRIAL IN THE ORDINARY COURSE. Mr. Waterman advised he may have a motion prior to sentencing on Count III regarding the deft being adjudged guilty of a felony and being able to take the stand in pending trial. Court advised sentencing date will stand at this time. CUSTODY 1/11/96 9 AM CALENDAR CALL...1/16/96 9:30 AM JURY TRIAL COUNTS I, II & III ;

10/10/1995

Sentencing (9:00 AM)

SENTENCING Court Clerk: CINDY HORTON Reporter/Recorder: MARY BETH COOK

Heard By: LOEHRER, SALLY

Matter Continued; SENTENCING Court Clerk: CINDY HORTON Reporter/Recorder:

MARY BETH COOK Heard By: LOEHRER, SALLY

Journal Entry Details:

Mr. Laurent advised this is Mr. Harmon's case and he requested a continuance and believes Mr. Harmon contacted Mr. Waterman who has no objection to a continuance. COURT ORDERED, SENTENCING CONTINUED FOR ONE WEEK. CUSTODY ;

10/17/1995

Sentencing (9:00 AM)

SENTENCING Court Clerk: CINDY HORTON Reporter/Recorder: MARY BETH COOK

Heard By: LOEHRER, SALLY

Matter Continued; SENTENCING Court Clerk: CINDY HORTON Reporter/Recorder:

MARY BETH COOK Heard By: LOEHRER, SALLY

Journal Entry Details:

Peggy Coleman of Parole and Probation present. DEFT LEWIS ADJUDGED GUILTY OF COUNT III - BATTERY WITH USE OF A DEADLY WEAPON, PURSUANT TO JURY VERDICT. Mr. Waterman requested he be allowed to withdraw from the case as he has developed antipathy for the deft and cannot say one good thing about him. COURT ORDERED, ORAL MOTION TO WITHDRAW IS GRANTED AND THE STATE PUBLIC DEFENDER'S OFFICE IS APPOINTED AS COUNSEL. J. Savage of the SPD'S Office present in Court and advised can confirm as counsel. COURT ORDERED, STATE PUBLIC DEFENDER'S OFFICE CONFIRMED AS COUNSEL, TRIAL DATE ON REMAINING COUNTS STANDS AND SENTENCING AS TO COUNT III CONTINUED FOR TWO WEEKS. CUSTODY ;

11/02/1995

Sentencing (9:00 AM)

SENTENCING Court Clerk: LARRY SNYDER/LS Reporter/Recorder: KIT MACDONALD

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CASE NO. 94C120857-2

Heard By: MCGROARTY, JOHN S.

Matter Continued; SENTENCING Court Clerk: LARRY SNYDER/LS Reporter/Recorder: KIT MACDONALD Heard By: MCGROARTY, JOHN S.

Journal Entry Details:

COURT ORDERED, this matter CONTINUED to be heard by Judge Loehrer. CUSTODY ;

11/07/1995

Sentencing (9:00 AM)

SENTENCING Heard By: Sally Loehrer

11/21/1995

Sentencing (9:00 AM)

SENTENCING Court Clerk: CINDY HORTON Reporter/Recorder: JANIE OLSEN Heard By: LOEHRER, SALLY

Matter Continued; SENTENCING Court Clerk: CINDY HORTON Reporter/Recorder: JANIE OLSEN Heard By: LOEHRER, SALLY

Journal Entry Details:

Officer McKenzie of Parole and Probation present. Upon inquiry by the Court, deft advised the no one from the State Public Defender's Office has been to see him regarding the PSI report. COURT ORDERED, SENTENCING CONTINUED FOR ONE WEEK and requested the Clerk contact the State Public Defender's Office regarding this matter. CUSTODY ;

11/28/1995

Sentencing (9:00 AM)

SENTENCING Court Clerk: CINDY HORTON Reporter/Recorder: MARY BETH COOK Heard By: LOEHRER, SALLY

Matter Continued; SENTENCING Court Clerk: CINDY HORTON Reporter/Recorder: MARY BETH COOK Heard By: LOEHRER, SALLY

Journal Entry Details:

John Delvillan of Parole and Probation present. Court advised met in chambers with Mr. Jackson and Mr. Rogers and indicated this is the third time the State Public Defender has moved to continue sentencing. Court further advised understands that the SPD just received the deft's file this morning and the deft would like to discuss the PSI with counsel. Mr. LaPorta concurred and advised spoke with Mr. Harmon and he has no objection to a short continuance. COURT ORDERED, SENTENCING CONTINUED ONE LAST TIME TO THURSDAY, NOVEMBER 30 AT 9:00 AM. CUSTODY ;

11/30/1995

Sentencing (9:00 AM)

SENTENCING Court Clerk: CINDY HORTON Reporter/Recorder: MARY BETH COOK Heard By: Sally Loehrer

Matter Continued; SENTENCING Court Clerk: CINDY HORTON Reporter/Recorder: MARY BETH COOK Heard By: Sally Loehrer

Journal Entry Details:

Thomas Ely of Parole and Probation present. Pursuant to jury verdict, DEFT LEWIS ADJUDGED GUILTY OF COUNT III- BATTERY WITH USE OF A DEADLY WEAPON (F). Argument by State requesting ten years. Statement by deft stating he would like to appeal this case and inquired when he would be getting appeal counsel. Court advised deft he has counsel, however the appeal process does not begin until the Judgment of Conviction is filed. Mr. LaPorta stated he has advised his client to make no further statement because of pending trial on remaining counts in this case. COURT ORDERED, in addition to the \$25.00 Administrative Assessment Fee, Deft. SENTENCED to Nevada Department of Prisons for EIGHT (8) YEARS with 481 DAYS Credit For Time Served and Deft. is Assessed a \$5,000 FINE. Court advised the deft is not to be released to the State Prison system as trial is scheduled on 1/11/96. Mr. LaPorta advised he has a trial scheduled for 1/16/96 in Dept. V. Court advised will reset trial date, however, Mr. Harmon has to be present with his trial schedule. COURT ORDERED, 1/16/96 TRIAL AND 1/11/96 CALENDAR CALL VACATED AND MATTER CONTINUED TO TUESDAY TO RESET TRIAL DATE. CUSTODY 12/5/95 9 AM RESET TRIAL DATE ;

12/05/1995

Motion to Set Trial Date (9:00 AM)

RESET TRIAL DATE Heard By: A. William Maupin

MINUTES

Matter Heard; RESET TRIAL DATE Heard By: A. William Maupin

12/07/1995

Motion to Set Trial Date (9:00 AM)

RESET TRIAL DATE Court Clerk: CINDY HORTON Reporter/Recorder: JANIE OLSEN

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CASE No. 94C120857-2

Heard By: Sally Loehrer

MINUTES

Matter Heard; RESET TRIAL DATE Court Clerk: CINDY HORTON Reporter/Recorder: JANIE OLSEN Heard By: Sally Loehrer

Journal Entry Details:

COURT ORDERED, MATTER SET FOR TRIAL. Deft requested he be allowed to return to the State prison. COURT ORDERED, DEFT ALLOWED TO RETURN TO STATE PRISON PENDING TRIAL, HOWEVER, IT IS COUNSEL'S RESPONSIBILITY TO MAINTAIN COMMUNICATION WITH DEFT. CUSTODY 6/20/96 9 AM CALENDAR CALL...6/24/96 9:30 AM JURY TRIAL ;

01/11/1996 **CANCELED Calendar Call (9:00 AM)**
Vacated

01/16/1996 **CANCELED Jury Trial (9:30 AM)**
Vacated

06/20/1996 **Calendar Call (9:00 AM)**
CALENDAR CALL Court Clerk: JUDY NORMAN Reporter/Recorder: HELENE KARP Heard By: Sally Loehrer
Matter Heard; CALENDAR CALL Court Clerk: JUDY NORMAN Reporter/Recorder: HELENE KARP Heard By: Sally Loehrer
Journal Entry Details:
Mr. Roger advised not ready for Trial as three criminologists are not available and moved for an oral Hill Motion to continue. There being no objection, COURT ORDERED, TRIAL DATE VACATED AND RESET. NDP 9/26/96 9:00 AM CALENDAR CALL 9/30/96 9:30 AM JURY TRIAL ;

06/24/1996 **CANCELED Jury Trial (9:30 AM)**
Vacated

09/24/1996 **Motion to Continue (9:00 AM)**
DEFT'S MOTION TO CONTINUE JURY TRIAL Court Clerk: JUDY NORMAN Reporter/Recorder: MARGIE CARLSON Heard By: Sally Loehrer
Granted; DEFT'S MOTION TO CONTINUE JURY TRIAL Court Clerk: JUDY NORMAN Reporter/Recorder: MARGIE CARLSON Heard By: Sally Loehrer
Journal Entry Details:
The Court noted counsel had indicated ready for Trial. Ms. Lempke advised because of the McKenna Trial, she was not ready at this time and requested a continuance. Further, had spoken with Defendant and, in light of the circumstances, he did not have a problem with it. COURT ORDERED, TRIAL DATE VACATED AND RESET. NDP 2/27/97 9:00 AM CALENDAR CALL 3/3/97 9:30 AM JURY TRIAL ;

09/26/1996 **CANCELED Calendar Call (9:00 AM)**
Vacated

09/30/1996 **CANCELED Jury Trial (9:30 AM)**
Vacated

02/27/1997 **Calendar Call (9:00 AM)**
CALENDAR CALL

02/27/1997 **Motion to Compel (9:00 AM)**
Events: 02/24/1997 Motion to Compel
DEFT'S MOTION TO COMPEL PRODUCTION OF RAP SHEETS Heard By: Sally Loehrer

02/27/1997 **Motion to Compel (9:00 AM)**
Events: 02/24/1997 Motion to Compel
DEFT'S MOTION TO COMPEL DISCLOSURE OF PRESENTENCE REPORTS Heard By: Sally Loehrer

02/27/1997 **Motion in Limine (9:00 AM)**

CASE SUMMARY

CASE No. 94C120857-2

	Events: 02/24/1997 Motion in Limine <i>DEFT'S MOTION IN LIMINE TO PRECLUDE EVIDENCE</i> Heard By: Sally Loehrer
02/27/1997	Motion to Strike (9:00 AM) Events: 02/24/1997 Motion to Strike <i>DEFT'S MOTION TO STRIKE DEADLY WEAPON ALLEGATION</i> Heard By: Sally Loehrer
02/27/1997	Motion to Compel (9:00 AM) <i>DEFT'S MOTION TO COMPEL DISLCOSURE OF EXISTENCE OF BENEFITS OF COOPERATION</i> Heard By: Sally Loehrer
02/27/1997	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS FOR 2/27/97 Court Clerk: CINDY HORTON Reporter/Recorder: MARGIE CARLSON</i> Heard By: Sally Loehrer
	MINUTES Matter Heard; ALL PENDING MOTIONS FOR 2/27/97 Court Clerk: CINDY HORTON Reporter/Recorder: MARGIE CARLSON Heard By: Sally Loehrer Journal Entry Details: <i>CALENDAR CALL...DEFT'S MOTION TO STRIKE DEADLY WEAPON ALLEGATIONS...DEFT'S MOTION TO COMPEL PRODUCTION OF RAP SHEETS...DEFT'S MOTION TO COMPEL DISCLOSURE OF PRESENTENCE REPORTS...DEFT'S MOTION TO COMPEL DISCLOSURE OF EXISTENCE OF BENEFITS OF COOPERATION...DEFT'S MOTION IN LIMINE TO PRECLUDE EVIDENCE</i> Ms. Lemcke filed <i>DEFT'S MOTION TO SUPPRESS IDENTIFICATIONS OF DEFT IN OPEN COURT</i> . State advised has an investigator working on this matter and would request pre-trial motions be contined. <i>COURT ORDERED, ALL PRE-TRIAL MOTIONS AND CALENDAR CONTINUED TO FRIDAY, FEBRUARY 28 AT 3:00 PM</i> . Upon inquiry by the Court, counsel advised trial will take approximately one week, trial counsel will be M. O'Callaghan for the State and Ms. Lemcke and Mr. Palma for the defense. State advised if case comes to a penalty phase would have no problem with the Court handling that phase. Court advised that is up to the deft if convicted. Ms. Lemcke advised would like the opportunity to discuss this matter with client and co-counsel. Court advised counsel this trial will be #1 to go on Monday. At the request of Ms. Lemcke, <i>COURT ORDERED, DEFT TO BE HELD AT THE CLARK COUNTY DETENTION CENTER THROUGH HIS TRIAL. CUSTODY 2/28/97 3:00 PM CALENDAR CALL CONTINUED AND ALL PRE-TRIAL MOTIONS. 3/3/97 9:30 JURY TRIAL ;</i>
02/28/1997	Calendar Call (3:00 PM) <i>CALENDAR CALL</i>
02/28/1997	Motion to Compel (3:00 PM) <i>DEFT'S MOTION TO COMPEL PRODUCTION OF RAP SHEETS</i> Heard By: Sally Loehrer
02/28/1997	Motion to Compel (3:00 PM) <i>DEFT'S MOTION TO COMPEL DISCLOSURE OF PRESENTENCE REPORTS</i> Heard By: Sally Loehrer
02/28/1997	Motion in Limine (3:00 PM) <i>DEFT'S MOTION IN LIMINE TO PRECLUDE EVIDENCE</i> Heard By: Sally Loehrer
02/28/1997	Motion to Strike (3:00 PM) <i>DEFT'S MOTION TO STRIKE DEADLY WEAPON ALLEGATION</i> Heard By: Sally Loehrer
02/28/1997	Motion to Compel (3:00 PM) <i>DEFT'S MOTION TO COMPEL DISLCOSURE OF EXISTENCE OF BENEFITS OF COOPERATION</i> Heard By: Sally Loehrer
02/28/1997	Motion (3:00 PM) Events: 02/27/1997 Motion to Suppress <i>DEFT'S MOTION TO SUPPRESS IDENTIFICATIONOF DEFT</i> Heard By: Sally Loehrer
02/28/1997	All Pending Motions (3:00 PM) <i>ALL PENDING MOTIONS FOR 2/28/97 Court Clerk: CINDY HORTON Reporter/Recorder:</i>

CASE SUMMARY

CASE No. 94C120857-2

MARGIE CARLSON Heard By: Sally Loehrer

MINUTES

Matter Heard; ALL PENDING MOTIONS FOR 2/28/97 Court Clerk: CINDY HORTON
Reporter/Recorder: MARGIE CARLSON Heard By: Sally Loehrer

Journal Entry Details:

DEFT'S MOTION O STRIKE DEADLY WEAPON ALLEGATION...DEFT'S MOTION TO COMPEL PRODUCTION OF RAP SHEETS...DEFT'S MOTION TO COMPEL DISCLOSURE OF PRESENTENCE REPORTS...DEFT'S MOTION TO COMPEL DISCLOSURE OF EXISTENCE OF BENIFITS OF COOPERATION. DEFT'S MOTION IN LIMINE TO PRECLUDE EVIDENCE... DEFT'S MOTION TO SUPPRESS IDENTIFIVATION OF DEFT...CALENDAR CALL Upon inquiry by the Court, State advised believes ready for trial, however, Ms. Atkins will be in trial in Reno and believes can pick a jury on Monday. State further advised is having trouble locating the victims spouse and would request if she is not available that the previous deposition be used. COURT ORDERED, TRIAL STANDS AS #1 ON 3/3/97 AT 9:30 AM. As to DEFT'S MOTION TO STRIKE DEADLY WEAPON ALLEGATION, COURT ORDERED, MOTION GRANTED, THE WORDS "OR HAMMER" ON LINE 14 WILL BE STRICKEN. Following arugment by counsel, COURT ORDERED, DEFT'S MOTION TO COMPEL PRODUCTION OF RAP SHEETS GRANTED in that the DA's Staff will run NCIC on names provided by defense counsel and the information will be provided by the DA by Tuesday. As to Deft motion to compel disclosure of presentence report, Court inquired how may witnesses in this case have been convicted in this jurisdiction where a PSI is available. State advised does not know if will be calling the co-deft. Case numbers of possible witnesses with cases in the system provided and will be made available to counsel to review if appropriate. COURT ORDERED, DEFT'S MOTION TO COMPEL DISCLOSURE OF PRESENCE REPORTS GRANTED. As to DEFT'S MOTION TO COMPEL DISCLOSURE OF EXISTENCE OF BENEFITS OF COOPERATION, COURT ORDERED, MOTION GRANTED as the PSI report can be reviewed. Argument by counsel regarding the deft's motion in limine to preclude evidence. COURT ORDERED, MOTION TO PRECLUDE EVIDENCE DENIED UNLESS THE DEFT TAKES THE STAND. Response by Ms. Lemcke. Court advised will allow a certified JOC if deft says was not there for impeachment purposes. As to Deft's motion to suppress identification of deft, photo of line-up provided to the Court. Court advised does not find anything suggestive in the photo. Ms. Lemcke requested the State be precluded from from bringing up the line-up photo at time of direct. Objection by the State. COURT ORDERED, MOTION TO SUPPRESS IDENTIFICATION OF DEFT DENIED. ;

03/03/1997

Jury Trial (9:30 AM)

TRIAL BY JURY Court Clerk: JUDY NORMAN Reporter/Recorder: MARY BETH COOK
Heard By: LOEHRER, SALLY

Matter Continued; TRIAL BY JURY Court Clerk: JUDY NORMAN Reporter/Recorder:
MARY BETH COOK Heard By: LOEHRER, SALLY

Journal Entry Details:

Mr. Palma requested Defendant referred to as Clyde Lewis for purposes of Trial. COURT SO ORDERED. Jury Panel given voir dire oath at 9:45 AM. Noon recess at 12:00 PM. Jury selection resumed at 1:35 PM. Jury excused at 5:10 PM. Outside the presence of the Jury, Mr. Palma moved for mistrial. Arguments by Mr. O'Callaghan. COURT ORDERED, DENIED. CUSTODY ;

03/04/1997

Jury Trial (9:30 AM)

TRIAL BY JURY Court Clerk: JUDY NORMAN Reporter/Recorder: JOANN ORDUNA Heard
By: LOEHRER, SALLY

Matter Continued; TRIAL BY JURY Court Clerk: JUDY NORMAN Reporter/Recorder:
JOANN ORDUNA Heard By: LOEHRER, SALLY

Journal Entry Details:

Outside the presence of the Jury, Mr. O'Callaghan requested witness testify prior to openings as had to leave today at 3:00 PM. Objections by Mr. Palma. Mr. Palma advised would stipulate that bullet was taken from body and given to someone else. Jury sworn to hear the case at 11:20 AM. Opening statement by Mr. O'Callaghan at 11:25 AM. Opening statement by Mr. Palma at 11:40 AM. Witnesses sworn and testified. Exhibits per attached worksheet. Noon recess at 12:10 PM. Counsel stipulated to the presence of the Jury at 1:35 PM. Witnesses sworn and testified. Exhibits per attached worksheet. Exclusionary rule invoked at 1:50 PM. Outside the presence of the Jury, the Court advised Mr. Ford would prepare a new Exhibit I as there are other marks from prior Trial on the exhibit. Arguments by Mr. O'Callaghan. The Court gave Exhibit I to Mr. Ford who will return tomorrow with new diagram. Evening recess at 5:15 PM. CUSTODY ;

CASE SUMMARY

CASE NO. 94C120857-2

03/05/1997	<p>Jury Trial (10:30 AM) <i>TRIAL BY JURY Court Clerk: JUDY NORMAN Reporter/Recorder: MARY BETH COOK Heard By: LOEHRER, SALLY</i> Matter Continued; TRIAL BY JURY Court Clerk: JUDY NORMAN Reporter/Recorder: MARY BETH COOK Heard By: LOEHRER, SALLY Journal Entry Details: <i>Counsel stipulated to the presence of the Jury at 9:55 AM. Witnesses sworn and testified. Exhibits per attached worksheet. Noon recess at 11:50 AM. Counsel stipulated to the presence of the Jury at 1:40 PM. Witnesses sworn and testified. Exhibits per attached worksheet. Outside the presence of the Jury, Ms. Lemcke took witness McIntyre on voir dire. Counsel stipulated to the presence of the Jury at 2:20 PM. Outside the presence of the Jury, Ms. Lemcke moved for mis Trial. COURT FINDS objection was not lodged timely and, ORDERED, MOTION DENIED. Counsel stipulated to the presence of the Jury at 3:25 PM. Witnesses sworn and testified. Exhibits per attached worksheet. Evening recess at 5:05 PM. CUSTODY ;</i></p>
03/06/1997	<p>Jury Trial (9:00 AM) <i>TRIAL BY JURY Court Clerk: JUDY NORMAN Reporter/Recorder: MARGIE CARLSON Heard By: LOEHRER, SALLY</i> Matter Continued; TRIAL BY JURY Court Clerk: JUDY NORMAN Reporter/Recorder: MARGIE CARLSON Heard By: LOEHRER, SALLY Journal Entry Details: <i>Counsel stipulated to the presence of the Jury at 10:40 AM. Witnesses sworn and testified. Exhibits per attached worksheet. Noon recess 12:25 PM. Counsel stipulated to the presence of the Jury at 1:50 PM. Witnesses sworn and testified. Exhibits per attached worksheet. Evening recess at 5:10 PM. CUSTODY ;</i></p>
03/07/1997	<p>Jury Trial (8:30 AM) <i>TRIAL BY JURY Court Clerk: JUDY NORMAN Reporter/Recorder: MARY BETH COOK Heard By: LOEHRER, SALLY</i> Matter Continued; TRIAL BY JURY Court Clerk: JUDY NORMAN Reporter/Recorder: MARY BETH COOK Heard By: LOEHRER, SALLY Journal Entry Details: <i>Counsel stipulated to the presence of the Jury at 9:35 AM. Witnesses sworn and testified. Exhibits per attached worksheet. Noon recess at 12:00 AM. Counsel stipulated to the presence of the Jury at 1:35. Witnesses sworn and testified. Exhibits see attached worksheet. Evening recess at 5:25. CUSTODY ;</i></p>
03/10/1997	<p>Jury Trial (8:30 AM) <i>TRIAL BY JURY Court Clerk: JUDY NORMAN Reporter/Recorder: MARGIE CARLSON Heard By: Sally Loehrer</i> Matter Heard; TRIAL BY JURY Court Clerk: JUDY NORMAN Reporter/Recorder: MARGIE CARLSON Heard By: Sally Loehrer Journal Entry Details: <i>Outside the presence of the Jury, the Court advised Defendant of his right to testify. Counsel stipulated to the presence of the Jury at 9:45 AM. Exhibits see attached worksheet. State rested at 9:50 AM. Defendant rested at 9:55 AM. The Court instructed the Jury at 9:56 AM. Closing arguments by Ms. Lemcke at 10:20 AM. Closing arguments by Mr. Palma at 11:00 AM. Closing arguments by Mr. O'Callaghan at 11:50 AM. Bailiff and Court's secretary sworn to take charge of the Jury at 1:25 PM. The Jury returned with a verdict at 4:45 PM. DEFENDANT, LEWIS FOUND GUILTY OF COUNT I-BURGLARY, COUNT II-ROBBERY WITH USE OF A DEADLY WEAPON, COUNT IV-MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY WEAPON. The Court thanked and excused the Jury. COURT ORDERED, SET FOR SENTENCING CUSTODY 4/8/97 9:00 AM SENTENCING ;</i></p>
04/08/1997	<p>Sentencing (9:00 AM) <i>SENTENCING Court Clerk: CINDY HORTON Reporter/Recorder: MARGIE CARLSON Heard By: LOEHRER, SALLY</i> Matter Continued; SENTENCING Court Clerk: CINDY HORTON Reporter/Recorder: MARGIE CARLSON Heard By: LOEHRER, SALLY Journal Entry Details: <i>Mr. Palma advised he and Ms. Lemcke have not been able to go over the PSI with the deft and would request a ten day continuance so Ms. Lemcke could be present. State advised defense has been put on notice that the State has victim speakers present. Court advised will allow</i></p>

CASE SUMMARY

CASE No. 94C120857-2

speakers to make statements to the Court today and will continue formal sentencing. Irene Moden and Eric Moden sworn and made statements to the Court. COURT ORDERED, SENTENCING CONTINUED. CUSTODY ;

04/29/1997

Sentencing (9:00 AM)

SENTENCING Court Clerk: CINDY HORTON Reporter/Recorder: MARY BETH COOK Heard By: Sally Loehrer

Matter Continued; SENTENCING Court Clerk: CINDY HORTON Reporter/Recorder: MARY BETH COOK Heard By: Sally Loehrer

Journal Entry Details:

Angela Lorence of Parole and Probation present. DEFT LEWIS ADJUDGED GUILTY OF COUNT I - BURGLARY (F), COUNT II - ROBBERY WITH USE OF A DEADLY WEAPON (F) AND COUNT IV - MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY WEAPON (F) PURSUANT TO JURY VERDICT. (DEFT FOUND GUILTY OF COUNT III BATTERY WITH USE OF A DEADLY WEAPON ON 9/5/95 AND SENTENCED AS TO TIME TO EIGHT (8) YEARS IN THE NEVADA DEPT OF PRISONS. Statements in mitigation of sentencing. Deft requested counsel for appeal on all counts. Court advised the deft the SPD will be representing him on these convictions and believes the time may have run on the previous conviction of count III and therefore will Order the SPD to represent on post conviction relief as to count III. Conference at the bench. COURT ORDERED, L. MELIA APPOINTED AS COUNSEL TO REPRESENT DEFT ON DIRECT APPEAL AS TO CONVICTIONS ON COUNTS I, II AND IV AND FOR POST CONVICTION RELIEF AS TO COUNT III. Further statements in mitigation of sentencing. COURT ORDERED, IN ADDITION TO THE \$25 ADMINISTRATIVE ASSESSMENT FEE, DEFT SENTENCED AS TO COUNT I - TEN (10) YEARS IN THE NEVADA DEPT OF PRISONS CONSECUTIVE TO COUNT III, AS TO COUNT II - DEFT SENTENCED TO FIFTEEN (15) YEARS IN THE NEVADA DEPT OF PRISONS PLUS AN EQUAL AND CONSECUTIVE FIFTEEN (15) YEARS PENALTY ENHANCEMENT CONSECUTIVE TO COUNTS I AND III, AS TO COUNT IV - DEFT SENTENCED TO LIFE IN THE NEVADA DEPT OF PRISONS WITH THE POSSIBILITY OF PAROLE PLUS AN EQUAL AND CONSECUTIVE LIFE WITH THE POSSIBLITY OF PAROLE PENALTY ENHANCEMENT CONSECUTIVE TO COUNTS I, II AND III WITH 1023 DAYS CREDIT FOR TIME SERVED. COURT FURTHER ORDERED, MATTER CONTINUED TO THURSDAY FOR L. MELIA TO CONFIRM AS COUNSEL. CUSTODY 5/1/97 9 AM CONFIRMATION OF COUNSEL (L. MELIA) ;

05/01/1997

Motion for Confirmation of Counsel (9:00 AM)

CONFIRMATION OF COUNSEL (L. MELIA) Court Clerk: CINDY HORTON Reporter/Recorder: MARY BETH COOK Heard By: Sally Loehrer

Matter Heard; CONFIRMATION OF COUNSEL (L. MELIA) Court Clerk: CINDY HORTON Reporter/Recorder: MARY BETH COOK Heard By: Sally Loehrer

Journal Entry Details:

C. Oram, Esq. present as the Court's request. Court advised L. Melia was appointed, however previously represented the co-deft in this case, therefore, the Court contacted Mr. Oram and requested he be present today. Upon inquiry by the Court, Mr. Oram advised he can confirm as counsel. COURT ORDERED, C. ORAM APPOINTED AND CONFIRMED AS COUNSEL FOR DEFT LEWIS. CUSTODY ;

12/29/1997

Motion (9:00 AM)

DEFT'S MOTION FOR CLARIFICATION OF THE RECORD Relief Clerk: LINDA SKINNER Reporter/Recorder: JAMES HELLESO Heard By: Pavlikowski, Joseph S.

Matter Continued; DEFT'S MOTION FOR CLARIFICATION OF THE RECORD Relief Clerk: LINDA SKINNER Reporter/Recorder: JAMES HELLESO Heard By: Pavlikowski, Joseph S.

Journal Entry Details:

Since Mr. Oram is not present, COURT ORDERED, matter OFF CALENDAR. MATTER RECALLED WITH MR. ORAM PRESENT: Mr. Oram advised that he was in Dept. XV as Judge Loehrer heard both of the trials and Mr. Oram needs a transcript from the first trial. Colloquy between Court and counsel. Counsel advised that all of Dept. XV criminal cases were sent to Dept. XVI. COURT ORDERED, matter CONTINUED and SENT TO DEPT. XVI. NDP ;

01/05/1998

Motion (8:45 AM)

DEFT'S MOTION FOR CLARIFICATION OF THE RECORD Court Clerk: DENISE TRUJILLO Reporter/Recorder: KIT MacDONALD Heard By: McGroarty, John S.

Matter Continued; DEFT'S MOTION FOR CLARIFICATION OF THE RECORD Court

CASE SUMMARY

CASE No. 94C120857-2

Clerk: DENISE TRUJILLO Reporter/Recorder: KIT MacDONALD Heard By: McGroarty, John S.

Journal Entry Details:

Mr. Oram advised of history and requested transcript of deft's first trial. Mr. Hartsell advised he does not have the file as this is a major violator case. COURT ORDERED, matter CONTINUED for DA from the MJ unit to be present. CUSTODY ;

01/07/1998

Motion (8:45 AM)

DEFT'S MOTION FOR CLARIFICATION OF THE RECORD Court Clerk: DENISE TRUJILLO Reporter/Recorder: KIT MacDONALD Heard By: John McGroarty

Matter Continued; DEFT'S MOTION FOR CLARIFICATION OF THE RECORD Court Clerk: DENISE TRUJILLO Reporter/Recorder: KIT MacDONALD Heard By: John McGroarty

Journal Entry Details:

Mr. Oram advised he is requesting transcript from deft's first trial. There being no opposition, COURT SO ORDERED. Mr. Oram to prepare the order. CUSTODY ;

08/04/1998

Petition for Writ of Habeas Corpus (8:30 AM)

Events: 07/10/1998 Petition for Writ of Habeas Corpus

DEFT'S PETITION FOR WRIT OF HABEAS CORPUS POST-CONVICTION Court Clerk: CAROL GREEN Relief Clerk: ROSA ARDESCH/RA Reporter/Recorder: JAMES HELLESO Heard By: Pavlikowski, Joseph S.

Matter Continued; DEFT'S PETITION FOR WRIT OF HABEAS CORPUS POST-CONVICTION Court Clerk: CAROL GREEN Relief Clerk: ROSA ARDESCH/RA Reporter/Recorder: JAMES HELLESO Heard By: Pavlikowski, Joseph S.

Journal Entry Details:

Mr. Oram advised Deft. is in Ely State Penitentiary, and requested 30 days to supplement the petition. COURT ORDERED supplement to be filed by 9/4/98 at 5:00 PM. Ms. Krisko requested 3 weeks to file reply. COURT ORDERED, for status check and to set time for hearing. NDP ;

09/18/1998

Request of Court (8:30 AM)

AT THE REQUEST OF THE COURT Court Clerk: CAROL GREEN/CG Relief Clerk: DENISE HUSTED Reporter/Recorder: JAMES HELLESO Heard By: Joseph Pavlikowski

Matter Heard; AT THE REQUEST OF THE COURT Court Clerk: CAROL GREEN/CG Relief Clerk: DENISE HUSTED Reporter/Recorder: JAMES HELLESO Heard By: Joseph Pavlikowski

Journal Entry Details:

Mr. Brown advised that he has a note requesting one week. COURT ORDERED, matter will be heard next week. NDP 9/25/98 DEFT'S PETITION FOR WRIT OF HABEAS CORPUS - POST CONVICTION ;

09/25/1998

Petition for Writ of Habeas Corpus (8:30 AM)

DEFT'S PETITION FOR WRIT OF HABEAS CORPUS POST-CONVICTION Court Clerk: LINDA SKINNER Relief Clerk: PAULA GOODELL Reporter/Recorder: JAMES HELLESO Heard By: Joseph Pavlikowski

Matter Heard; DEFT'S PETITION FOR WRIT OF HABEAS CORPUS POST-CONVICTION Court Clerk: LINDA SKINNER Relief Clerk: PAULA GOODELL Reporter/Recorder: JAMES HELLESO Heard By: Joseph Pavlikowski

Journal Entry Details:

Court noted Deft. is in Nevada Department of Prisons and ORDERED, matter TRANSFERRED TO DEPARTMENT XV and set for status check. NDP 10/5/98 9:00 AM STATUS CHECK (DEPT XV) ;

10/05/1998

Status Check (9:00 AM)

STATUS CHECK (DEPT XV) Court Clerk: CINDY HORTON Reporter/Recorder: JOY HINCK Heard By: Sally Loehrer

Denied; STATUS CHECK (DEPT XV) Court Clerk: CINDY HORTON Reporter/Recorder: JOY HINCK Heard By: Sally Loehrer

Journal Entry Details:

Upon inquiry by the Court, State advised does not believe an evidentiary hearing is necessary as it is a legal argument. Mr. Oram concurred as long as the Court does not establish who should have filed the notice. State advised believes everything should be up on appeal at one time, however, that is now what happened and now there are seperate issues. COURT

CASE SUMMARY

CASE No. 94C120857-2

ORDERED, MATTER CONTINUED TO 10:30 FOR HEARING. MATTER RECALLED, all parties present as before. Mr. Oram presented petition for post conviction relief on the charge of battery with use of a deadly weapon. Response by State referring to 174.015. Reply by Mr. Oram. Court advised as to the charges in count III, Mr. Waterman, the deft's attorney at that time, is very competent trial attorney. Court further finds that 174.015 does apply in this case and was waived as to double jeopardy was only charged with murder as to Molden and therefore would never has been double jeopardy and as to failure to effect appeal time, Mr. Waterman was not responsible for filing appeal. Court further finds there was no ineffective assistance of counsel for not perfecting appeal believes the Supreme Court should look at appealable issue. Mr. Oram requested pursuant to Lazado that his client be released for the record and moved for dismissal of the case. Court advised believes the remedy would be another trial. State advised believes there should be consolidation. Court advised finds no ineffective assistance of counsel for failure to perfect appeal and DENIED PETITION FOR POST CONVICTION RELIEF because has already been on direct appeal on other charges and does not believe it will effect prison time. Court further advised finds there is nothing wrong with the say count III is pled. At the request of Mr. Oram. COURT ORDERED, C. ORAM APPOINTED COUNSEL FOR THE PURPOSE OF THE APPEAL OF DENIAL OF POST CONVICTION RELIEF. NDP ;

07/09/2001

Motion (8:30 AM)

Events: 06/27/2001 Motion

DEFT'S MOTION TO PLACE ON CALENDAR Court Clerk: THERESA LEE/TL Relief Clerk: APRIL WATKINS Reporter/Recorder: MARCIA HARNESS Heard By: Loehrer, Sally Matter Continued; DEFT'S MOTION TO PLACE ON CALENDAR Court Clerk: THERESA LEE/TL Relief Clerk: APRIL WATKINS Reporter/Recorder: MARCIA HARNESS Heard By: Loehrer, Sally

Journal Entry Details:

Upon Court's inquiry, Mr. Oram stated he calendared this matter so that he can get paid on everything. He was appointed to do the second appeal on the second trial. The first trial was not appealed, Deft. was convicted of battery of several people. The Court appointed the Public Defender to do the writ. The Public Defender did not file one. That is why he filed the writ on behalf of the Deft. The Supreme Court ordered him to file an appeal on the second trial, but informed them he needed to consolidate the issues and bring a writ from the first trial. He appealed the writ after the Court denied it, the issues were consolidated, filed a reply brief and everything has now been denied and is being sent back down. Mr. Oram requested to be paid for the entire bill. Mr. Pace stated Art Noxon of his office needs a copy of Mr. Oram's itemized statement. Mr. Oram stated he submitted one. COURT ORDERED, Mr. Oram to submit another statement and ORDERED, matter CONTINUED one week. NDC ;

07/16/2001

Motion (8:30 AM)

DEFT'S MOTION TO PLACE ON CALENDAR Relief Clerk: KEITH REED

Reporter/Recorder: MARCIA HARNESS Heard By: Sally Loehrer

Matter Heard; DEFT'S MOTION TO PLACE ON CALENDAR Relief Clerk: KEITH REED

Reporter/Recorder: MARCIA HARNESS Heard By: Sally Loehrer

Journal Entry Details:

Mr. Oram stated he faxed a copy of the bill to Mr. Noxon has not received any response. COURT ORDERED, bill is APPROVED; counsel to submit order. NDP ;

04/26/2004

Motion to Modify Sentence (8:30 AM)

Events: 04/16/2004 Motion to Correct Sentence

DEFT'S PRO PER MTN TO MODIFY/76 Court Clerk: Theresa Lee Reporter/Recorder: Julie Lever Heard By: Loehrer, Sally

Matter Continued; DEFT'S PRO PER MTN TO MODIFY/76 Court Clerk: Theresa Lee Reporter/Recorder: Julie Lever Heard By: Loehrer, Sally

Journal Entry Details:

State requested one week to file a response, by 5/3/04. Mr. Erickson present in the courtroom on another matter, advised the Court Ms. Melia moved to California. COURT ORDERED, Laura Melia is allowed to WITHDRAW from this case, and the Court will put deft in PRO PER status. COURT ORDERED, State will have one week to respond by 5/3/04, and send a copy of same to deft in prison, and deft will have until 5/13/04 to file his reply. Upon Court's inquiry, Ms. Palmer stated she does not believe deft's motion has merit. The Court was trying to determine if deft should be transported. The Court will make a decision on 5/26/04 without argument. NDC 5/26/04 8:30 A.M. (SAME)...DECISION. ;

05/26/2004

Motion to Modify Sentence (8:30 AM)

CASE SUMMARY

CASE No. 94C120857-2

DEFT'S PRO PER MTN TO MODIFY/76 Heard By: Sally Loehrer

05/26/2004

Decision (8:30 AM)

DECISION Heard By: Sally Loehrer

05/26/2004

All Pending Motions (8:30 AM)

ALL PENDING MOTIONS (5/26/04) Court Clerk: Theresa Lee Reporter/Recorder: Mary Beth Cook Heard By: Sally Loehrer

Matter Heard; ALL PENDING MOTIONS (5/26/04) Court Clerk: Theresa Lee Reporter/Recorder: Mary Beth Cook Heard By: Sally Loehrer

Journal Entry Details:

Court stated for the record, Deft was found guilty of murder in the first degree in 1995. Deft. received a sentence of Life With the possibility of parole and a consecutive Life With the possibility of parole for Use of a Deadly Weapon. Deft. filed a motion indicating he has an illegal sentence because he believes the Use of a Deadly Weapon was part of the murder, therefore, unlawful to impose an equal and consecutive sentence. Court noted, Deft. misapprehends the Law and Statutes in the State of Nevada. If the deft committed the murder with his hands, by way of strangulation or beating, then he would have received a first degree murder without the enhancement and received one life sentence. The Legislature in the State of Nevada says the use of a deadly weapon is to be discouraged and is not acceptable behavior. The Legislature has stated, the penalty is doubled for the use of a deadly weapon. Therefore, IT IS HEREBY ORDERED, Deft's Pro Per Motion to Correct or Reduce Sentence is DENIED. Mr. Knapp to prepare the Order and Findings. NDC CLERK'S NOTE: A copy of this minute order was placed in the U.S. Mail to deft at ID#45193, Lovelock Correctional Center, P.O. BOX 359, Lovelock, NV 89419 ;

03/03/2010

Petition for Writ of Habeas Corpus (11:00 AM)

PTN FOR WRIT OF HABEAS CORPUS

03/03/2010

Motion (11:00 AM)

Events: 02/16/2010 Response

STATE'S RSPNSE & MTN TO DISMISS PTN FOR WRIT

03/03/2010

All Pending Motions (11:00 AM)

ALL PENDING MOTIONS (3/3/10) Court Clerk: Larry Snyder Reporter/Recorder: Dalyne Easley Heard By: Stefany Miley

Matter Heard; ALL PENDING MOTIONS (3/3/10) Court Clerk: Larry Snyder

Reporter/Recorder: Dalyne Easley Heard By: Stefany Miley

Journal Entry Details:

PETITION FOR WRIT OF HABEAS CORPUS...STATE'S RESPONSE AND MOTION TO DISMISS DEFENDANT'S PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION). Defendant Stratton not present. Court NOTED, Defendant not transported for the purpose of this Hearing. Court FURTHER NOTED, it will not entertain oral argument. COURT ORDERED, matter taken UNDER ADVISEMENT. Court ADVISED, it will render a written Decision, and will provide copies to the Defendant and State. NDC UNDER ADVISEMENT ;

03/04/2010

Minute Order (9:00 AM)

MINUTE ORDER RE: COURT'S DECISION Court Clerk: Larry Snyder Heard By: Stefany Miley

Matter Heard; MINUTE ORDER RE: COURT'S DECISION Court Clerk: Larry Snyder Heard By: Stefany Miley

Journal Entry Details:

oThis matter was last before the Court on March 3, 2010 pursuant to Defendant's Petition for Writ of Habeas Corpus or in the Alternative Petition for Writ of Mandamus or in the Alternative Petition for Declaratory Judgment and the State's Response and Motion to Dismiss Defendant's petition for Writ of Habeas Corpus (Post-Conviction). Defendant was not transported for purposes of this hearing as the Court did not entertain oral argument. On January 9, 1995, Defendant was sentenced by the District Court to a sentence of Life with the Possibility of Parole, plus an equal and consecutive term for Defendant's use of a deadly weapon. The Judgment of Conviction was filed on January 20, 1995. Defendant did not file a direct appeal. Defendant's instant motion was filed on December 16, 2009. Defendant alleged the Nevada Court lacked jurisdiction over him due to the absence of enacting clauses in the Nevada Revised Statutes. Furthermore, Defendant alleged the deadly weapon enhancement

CASE SUMMARY**CASE NO. 94C120857-2**

was unconstitutional and violated his constitutional rights. The State disputed the Defendant's contentions alleging his claims were time barred as the Judgment of Conviction was filed over 14 years ago and the Defendant did not take a direct appeal. Additionally, the State alleged the Defendant failed to show good cause for the delay in order to overcome the strictly construed time bar. The State also alleged the Defendant's arguments regarding the enacting clause were not sufficient to demonstrate good cause. The State argued that while it is well established that the laws of Nevada must include an enacting clause, the Nevada Revised Statutes do not have the same requirement, as they are not laws enacted by the legislature. Rather, the Nevada Revised Statutes consist of previously enacted laws which have been classified, codified, and annotated by the Legislative Counsel. See NRS 220.120. Thus, the lack of an enacting clause in the Nevada Revised Statutes does not render them unconstitutional. Furthermore, the State argued that the deadly weapon enhancement has previously been found constitutional by the Nevada Supreme Court. Lastly, the State alleged laches should apply because of the excessive time delay between the filing of the judgment of conviction and the instant motion. **COURT FINDS**, Defendant's Motion is time barred pursuant to NRS 34.726 as it was not filed until nearly fourteen (14) years after the one year deadline. Furthermore, **COURT FINDS**, Defendant has failed to demonstrate good cause for failing to file his Petition within the required statutory time frame. Also, **COURT FINDS**, the Nevada Supreme Court has previously addressed the constitutionality of the deadly weapon enhancement per NRS 193.165 thus Defendant's claims are without merit. Lastly, **COURT FINDS**, Defendant's claims are barred by the doctrine of laches. As discussed above, over fourteen years elapsed between the filing of the Judgment of Conviction and Defendant's instant motion. The extensive time lapse is prejudicial to the State. **COURT ORDERS** Defendant's Petition **DENIED**. ;

01/30/2012

**Motion** (9:30 AM) (Judicial Officer: Miley, Stefany)

Events: 01/19/2012 Motion

Motion and Order for Transportation of Inmate for Court Appearance or, in the Alternative, for Appearance by Telephone or Video Conference

Denied; Motion and Order for Transportation of Inmate for Court Appearance or, in the Alternative, for Appearance by Telephone or Video Conference

Journal Entry Details:

Michael Radovic, Deputy District Attorney, present for State Deft. not present. Court advised an opposition was filed by State and ORDERED Deft's motion DENIED. Court further stated it is not entertaining oral argument, Deft was not transported, and the post conviction petition is set for February 22, 2012. Court further stated that if oral argument is needed, Deft. will be transported. State to prepare the Order. NDC ;

02/22/2012

CANCELED Petition for Writ of Habeas Corpus (11:00 AM) (Judicial Officer: Miley, Stefany)

*Vacated***DUPLICATE ENTRY**

03/05/2012

**Petition for Writ of Habeas Corpus** (11:00 AM) (Judicial Officer: Miley, Stefany)

Events: 11/22/2011 Petition for Writ of Habeas Corpus

Motion Denied;

Journal Entry Details:

Robert Stephens, Deputy District Attorney, present for the State of Nevada. Deft. not present. Court noted this is post conviction and Deft. was not transported as it is not entertaining oral argument. Upon Court's inquiry, Mr. Stephens advised the State's response was filed 1/27/12. COURT ORDERED, Motion DENIED as time barred advising Deft. was sentenced on 4/29/97, District Court filed the Judgment of Conviction (JOC) on 5/23/97 and the Deft. didn't file a direct appeal. Court further advised Deft. filed a post conviction Writ on 7/10/98 saying he was denied the right to timely and direct appeal and the Court doesn't show anything after that. COURT FINDS it is time barred in as more than one year after the JOC and the Doctrine of Laches, as pled by the State, applies; there is a presumption of prejudice given the number of years that have passed. State to prepare an order consistent with the Court's findings. NDC CLERK'S NOTE: A copy of this Minute Order was mailed to: Clyde Lewis #48875, P.O. Box 650 [HDSP], Indian Springs, NV 89018. anm/3/8/12 ;




08/19/2013

Motion (9:30 AM) (Judicial Officer: Miley, Stefany)*Defendant's Pro Per Notice of Motion and Motion to Appoint Counsel*

Motion Denied;



CASE SUMMARY

CASE No. 94C120857-2

08/19/2013	<p>Motion to Dismiss (9:30 AM) (Judicial Officer: Miley, Stefany) <i>Defendant's Pro Per Accused Motion to Dismiss for Lack of Subject Matter Jurisdiction</i> Motion Denied;</p>
08/19/2013	<p> All Pending Motions (9:30 AM) (Judicial Officer: Miley, Stefany) Matter Heard; Journal Entry Details: <i>DEFENDANT'S PRO PER ACCUSED MOTION TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION ... DEFENDANT'S PRO PER NOTICE OF MOTION AND MOTION TO APPOINT COUNSEL Defendant not present. Court NOTED, it is not entertaining oral arguments and it is adopting the judicial history filed by the State. COURT STATED ITS FINDINGS, and ORDERED, Motions DENIED as they are without merit. State to prepare a proposed Order including finding of facts and conclusion of law. NDC CLERK'S NOTE: The above minute order has been distributed via U.S. Mail to Defendant: Louis Randolph, aka, Clyde Lewis #48875 Southern Desert Correctional Center 20825 Cold Creek Rd. P.O. Box 208 Indian Springs, NV 89070 - YP 8/19/13;</i></p>
09/30/2013	<p>Motion to Rehear (9:30 AM) (Judicial Officer: Miley, Stefany) <i>Defendant's Pro Per Notice of Motion on Motion for Rehearing on Motion to Dismiss Lack of Subject Matter Jurisdiction (Errata) Show of Cause Hearing Discovery Motion</i> Motion Denied;</p>
09/30/2013	<p>Motion for Leave (9:30 AM) (Judicial Officer: Miley, Stefany) <i>Defendant's Pro Per Notice of Motion on Request for Leave of the Court to File Motion for Rehearing</i> Motion Granted;</p>
09/30/2013	<p> All Pending Motions (9:30 AM) (Judicial Officer: Miley, Stefany) Matter Heard; Journal Entry Details: <i>Leah Beverly, Deputy District Attorney, present for the State of Nevada. DEFT'S PRO PER NOTICE OF MOTION ON MOTION FOR REHEARING ON MOTION TO DISMISS LACK OF SUBJECT MATTER JURISDICTION (ERRATA) SHOW OF CAUSE HEARING DISCOVERY MOTION...DEFT'S PRO PER NOTICE OF MOTION ON REQUEST FOR LEAVE OF THE COURT TO FILE MOTION FOR REHEARING Deft. not present. Court noted Deft. wasn't transported as it is not entertaining oral argument. COURT ADOPTED the procedural history as set forth in the State's Opposition, stated its FINDINGS, and ORDERED, Motions DENIED. State to prepare the order with findings of fact and conclusions of law. NDC CLERK'S NOTE: A copy of this Minute Order was mailed to: Louis Randolph #48875 S.D.C.C. P.O. Box 208 Indian Springs, NV 89070. anm/10/1/13 ;</i></p>
11/13/2013	<p>CANCELED Motion (9:30 AM) (Judicial Officer: Miley, Stefany) <i>Vacated</i> <i>Accused Reply to State's Opposition to Accused Request for Leave to File Motion for Rehearing, Motion for Rehearing, and "Accused Supplemental to His Motion for Rehearing</i></p>
02/10/2014	<p> All Pending Motions (9:30 AM) (Judicial Officer: Miley, Stefany) Matter Heard; Journal Entry Details: <i>Giancarlo Pesci, Deputy District Attorney, present for the State of Nevada. DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)...DEFT'S PRO PER MOTION TO APPOINT COUNSEL...STATE'S RESPONSE AND MOTION TO DISMISS DEFENDANT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION), OPPOSITION TO DEFT'S PRO PER MOTION TO APPOINT COUNSEL AND OPPOSITION TO DEFT'S PRO PER REQUEST FOR AN EVIDENTIARY HEARING Deft. not present. Court noted Deft. wasn't transported as it is not entertaining oral argument. COURT ADOPTED the Procedural History as set forth by the State FINDING it is an accurate recitation of the case. COURT stated its FINDINGS and ORDERED, Motions DENIED. State to prepare the order. NDC CLERK'S NOTE: A copy of this Minute Order was mailed to: Louis Randolph #1356378 SDCC P.O. Box 208 Indian Springs, NV 89070. anm/2/13/14 ;</i></p>




CASE SUMMARY

CASE NO. 94C120857-2

02/10/2014	<p>Petition for Writ of Habeas Corpus (11:00 AM) (Judicial Officer: Miley, Stefany) Events: 12/02/2013 Petition for Writ of Habeas Corpus <i>Defendant's Pro Per Petition for Writ of Habeas Corpus (Post-Conviction)</i> Denied;</p>
02/10/2014	<p>Motion for Appointment of Attorney (11:00 AM) (Judicial Officer: Miley, Stefany) <i>Defendant's Pro Per Motion to Appoint Counsel</i> Motion Denied;</p>
02/10/2014	<p>Response and Countermotion (11:00 AM) (Judicial Officer: Miley, Stefany) <i>State's Response And Motion To Dismiss Defendant's Pro Per Petition For Writ Of Habeas Corpus (Post-Conviction), Opposition To Defendant's Pro Per Motion To Appoint Counsel And Opposition To Defendant's Pro Per Request For An Evidentiary Hearing</i> Matter Heard;</p>
01/18/2017	<p>Petition to Proceed in Forma Pauperis (9:30 AM) (Judicial Officer: Miley, Stefany) Events: 12/27/2016 Filed Under Seal <i>Defendant's Motion for Leave to Proceed in Forma Pauperis</i> Granted;</p>
01/18/2017	<p>Motion for Appointment of Attorney (9:30 AM) (Judicial Officer: Miley, Stefany) <i>Defendant's Pro Per Motion for the Appointment of Counsel</i> Denied;</p>
01/18/2017	<p>Motion to Correct Sentence (9:30 AM) (Judicial Officer: Miley, Stefany) <i>Defendant's Pro Per Motion to Correct an Illegal Sentence NRS 176.555</i> Denied;</p>
01/18/2017	<p> All Pending Motions (9:30 AM) (Judicial Officer: Miley, Stefany) <i>Defendant's Motion for Leave to Proceed in Forma Pauperis; Defendant's Pro Per Motion for the Appointment of Counsel; Defendant's Pro Per Motion to Correct an Illegal Sentence NRS 176.555</i> Decision Made; Defendant's Motion for Leave to Proceed in Forma Pauperis; Defendant's Pro Per Motion for the Appointment of Counsel; Defendant's Pro Per Motion to Correct an Illegal Sentence NRS 176.555 Journal Entry Details: <i>Court noted Deft. was not transported as no oral argument was needed. As to Deft's Motion to Correct an Illegal Sentence: Court FINDS no legal basis and noted if seen as a Habeas Corpus it would be time-barred and ORDERED, motion DENIED as no good cause provided to get past procedural time bars and noted more than five years since filing of remittitur; As to Deft's Motion for the Appointment of Counsel: COURT ORDERED, motion DENIED as there is no merit; and as to Deft's Motion for Leave to Proceed in Forma Pauperis (original scheduled to be heard on January 23, 2017): COURT ORDERED, motion GRANTED. State to prepare the Order. NDC CLERK'S NOTE: The above minute order has been distributed to: Clyde Lewis #48875 c/o Ely State Prison, P.O. Box 1989, Ely, NV 89301. 02/07/17 kls;</i></p>
05/31/2017	<p> Motion (9:30 AM) (Judicial Officer: Miley, Stefany) 05/31/2017, 07/10/2017 <i>Defendant's Pro Per Motion to Extend Prison Copywork Limit</i> Matter Continued; Defendant's Pro Per Motion to Extend Prison Copywork Limit Denied; Matter Continued; Defendant's Pro Per Motion to Extend Prison Copywork Limit Denied; Journal Entry Details: <i>Court noted Deft. was transported as no oral argument was needed, pointed out the Deft. needed to serve the Attorney General's Office and ORDERED, matter CONTINUED. Clerk to notify the Attorney General. NDC 07-10-17 9:30 AM DEFT'S PRO PER MOTION TO EXTEND PRISON COPYWORK LIMIT CLERK'S NOTE: The above minute order has been distributed via e-mail to: Allison Herr, D.A.G. CLERK'S NOTE: The above minute order has been distributed to: Clyde Lewis #48875 c/o Ely State Prison, P.O. Box 1989, Ely, NV 89301. 06/14/17 kls;</i></p>

CASE SUMMARY

CASE NO. 94C120857-2

07/10/2017	<p>Petition for Writ of Habeas Corpus (9:30 AM) (Judicial Officer: Miley, Stefany) Events: 05/03/2017 Order for Petition for Writ of Habeas Corpus <i>Defendant's Pro Per Petition for Writ of Habeas Corpus (Post Conviction)</i> Denied;</p>
07/10/2017	<p>Motion (9:30 AM) (Judicial Officer: Miley, Stefany) Events: 04/22/2017 Ex Parte Motion <i>Defendant's Pro Per Ex Parte Motion for Appointment of Counsel and Request for Evidentiary Hearing</i> Denied;</p>
07/10/2017	<p> All Pending Motions (9:30 AM) (Judicial Officer: Miley, Stefany) <i>Defendant's Pro Per Petition for Writ of Habeas Corpus (Post Conviction); Deft's Pro Per Ex Parte Motion for Appointment of Counsel and Request for Evidentiary Hearing; Deft's Pro Per Motion to Extend Prison Copywork Limit</i> Denied; Defendant's Pro Per Petition for Writ of Habeas Corpus (Post Conviction); Deft's Pro Per Ex Parte Motion for Appointment of Counsel and Request for Evidentiary Hearing; Deft's Pro Per Motion to Extend Prison Copywork Limit Journal Entry Details: <i>Court noted Deft. was transported as no oral argument is needed. Court ADOPTED the State's Procedural History as it is accurate. COURT ORDERED, Deft's Petition for Writ of Habeas Corpus is DENIED as untimely, FINDS it successive as this is the fourth writ to be filed. Court FURTHER FINDS there being no good cause shown on how to overcome procedural time bar. LASTLY, Court FINDS Laches does apply and would prejudice the State. ADDITIONALLY, there being no legal basis, Deft's Pro Per Motion for Appointment of Counsel and Request for Evidentiary Hearing and Deft's Pro Per Motion to Extend Prison Copywork Limit are DENIED. State to prepare the Order as to the petition and motion for appointment of counsel. Court to prepare Order regarding motion to extend. NDC CLERK'S NOTE: The above minute order has been distributed to: Clyde Lewis #48875 c/o Southern Desert Correctional Center, P.O. Box 208, Indian Springs, NV 89070. 07/20/17 kls;</i></p>
07/10/2017	<p>CANCELED Petition for Writ of Habeas Corpus (11:00 AM) (Judicial Officer: Miley, Stefany) <i>Vacated - Duplicate Entry</i></p>
07/24/2017	<p>Motion (9:30 AM) (Judicial Officer: Miley, Stefany) <i>Defendant's Pro Per Motion for Extension of Time</i> Denied;</p>
07/24/2017	<p>Motion (9:30 AM) (Judicial Officer: Miley, Stefany) <i>Defendant's Pro Per Motion and Order for Transportation of Inmate for Court Appearance or, in the Alternative, for Appearance by Telephone or Video Conference</i> Denied;</p>
07/24/2017	<p> All Pending Motions (9:30 AM) (Judicial Officer: Miley, Stefany) <i>Defendant's Pro Per Motion for Extension of Time; Defendant's Pro Per Motion and Order for Transportation of Inmate for Court Appearance or, in the Alternative, for Appearance by Telephone or Video Conference</i> Denied; Defendant's Pro Per Motion for Extension of Time; Defendant's Pro Per Motion and Order for Transportation of Inmate for Court Appearance or, in the Alternative, for Appearance by Telephone or Video Conference Journal Entry Details: <i>Court noted Deft. was not transported as no oral argument was needed. COURT ORDERED, motions are DENIED as Moot as there are no pending motions or upcoming court dates. State to prepare the Order. NDC CLERK'S NOTE: The above minute order has been distributed to: Clyde Lewis #48875 c/o Southern Desert Correctional Center, P.O. Box 208, Indian Springs, NV 89070. 07/28/17 kls;</i></p>
09/06/2017	<p> Motion to Correct Sentence (9:30 AM) (Judicial Officer: Miley, Stefany) <i>Defendant's Pro Per Motion to Correct Illegal Sentence (NRS 176.555)</i> Motion Denied; Defendant's Pro Per Motion to Correct Illegal Sentence (NRS 176.555) Journal Entry Details:</p>

CASE SUMMARY

CASE NO. 94C120857-2

Court noted Deft. was not transported as no oral argument is needed. Court ADOPTED the State's Procedural History and ORDERED, motion DENIED. Court FINDS sentence imposed is not illegal, noted motion is procedurally incorrect as it should have been filed as a Habeas Corpus, pointed out there is no good cause for delay of one year and further noted it had been more than five years since remittitur. State to prepare Findings of Fact/Conclusions of Law. NDC CLERK'S NOTE: The above minute order has been distributed to: Clyde Lewis (aka Louis Randolph) #48875 c/o Southern Desert Correctional Center, P.O. Box 208, Indian Springs, NV 89070. 09/14/17 kls;

10/25/2017



Motion (9:30 AM) (Judicial Officer: Miley, Stefany)

Defendant's Pro Per Motion for Reconsideration to Denial of Motion to Correct Illegal Sentence Leave of Court

Motion Denied; Defendant's Pro Per Motion for Reconsideration to Denial of Motion to Correct Illegal Sentence Leave of Court

Journal Entry Details:

Court noted Deft. not transported as no oral argument is needed and inquired whether the State is filing an Opposition. Statement by Mr. LoGrippe advising of notes from Appellant Division. Court agreed with the Appellant Division in regards to matter being time-barred, noted no new issues were present and ORDERED, motion DENIED. State to prepare the Order. NDC CLERK'S NOTE: The above minute order has been distributed to: Clyde Lewis #48875 c/o Southern Desert Correctional Center, P.O. Box 208, Indian Springs, NV 89070. 11/7/17 kls;

02/05/2018



Motion to Correct Sentence (9:30 AM) (Judicial Officer: Miley, Stefany)

02/05/2018, 02/25/2019

Defendant's Pro Per Motion to Correct Illegal Sentence NRS 176.555

Off Calendar; Defendant's Pro Per Motion to Correct Illegal Sentence NRS 176.555

Denied;

Off Calendar; Defendant's Pro Per Motion to Correct Illegal Sentence NRS 176.555

Denied;

Journal Entry Details:

Court noted Deft. was not transported as no oral argument was needed. COURT ORDERED, matter OFF CALENDAR due to pending appeal and this Court having no jurisdiction. NDC CLERK'S NOTE: The above minute order has been distributed to: Clyde Lewis #48875 c/o Southern Desert Correctional Center, P.O. Box 208, Indian Springs, NV 89070. 02/05/18 kls;

03/14/2018



Motion (9:30 AM) (Judicial Officer: Miley, Stefany)

Defendant's Pro Per Motion for Extension of Time

Motion Granted; Defendant's Pro Per Motion for Extension of Time

Journal Entry Details:

Court noted Deft. was not transported as no oral argument was needed. Court pointed out Deft. had filed a Motion to Correct Sentence, however, there is a pending appeal and ORDERED, ruling DEFERRED. Court advised a decision via a minute order will be provided once appeal is concluded. NDC CLERK'S NOTE: The above minute order has been distributed to: Clyde Lewis #48875 c/o Southern Desert Correctional Center, P.O. Box 208, Indian Springs, NV 89070. 03/19/18 kls;

04/18/2018

CANCELED Motion (9:30 AM) (Judicial Officer: Miley, Stefany)

Vacated

Defendant's Motion for Extension of Time

02/25/2019

Petition for Writ of Mandamus (9:30 AM) (Judicial Officer: Miley, Stefany)

Denied;

02/25/2019



All Pending Motions (9:30 AM) (Judicial Officer: Miley, Stefany)

Petition for Writ of Mandamus; Defendant's Pro Per Motion to Correct Illegal Sentence NRS 176.555

Denied; Petition for Writ of Mandamus; Defendant's Pro Per Motion to Correct Illegal Sentence NRS 176.555


Journal Entry Details:

Court noted Deft. was not transported as no oral argument was needed. As to Deft's Pro Per

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE No. 94C120857-2

01/10/2022	<p><i>Motion to Correct Illegal Sentence NRS 176.555: COURT ORDERED, motion DENIED as the sentence imposed complies with the statute; and As to Petition for Writ of Mandamus: COURT ORDERED, writ DENIED as Court's jurisdiction had been addressed in Deft's three previous writs of habeas corpus. State to prepare the order(s). NDC CLERK'S NOTE: The above minute order has been distributed to: Clyde Lewis #48875 c/o Southern Desert Correctional Center, P.O. Box 208, Indian Springs, NV 89070. 03/05/19 kls;</i></p> <p> Motion to Vacate Sentence (8:30 AM) (Judicial Officer: Ballou, Erika)</p> <p><i>Motion to Vacate Illegal Sentence</i></p> <p>Denied;</p> <p>Journal Entry Details:</p> <p><i>Deft. not present. COURT ORDERED, Motion to Vacate Illegal Sentence DENIED for all the reasons in opposition; DIRECTED The State to prepare the order. NDC CLERK'S NOTE: This Minute Order was electronically filed by Courtroom Clerk, Ro'Shell Hurtado, to all registered parties for Odyssey File & Serve: Mailed to: Lewis Clyde, P.O.Box 208, Indian Springs, NV, 89070.//rh01.12.22;</i></p>	
DATE	FINANCIAL INFORMATION	
	<p>Defendant Randolph, Louis</p> <p>Total Charges</p> <p>Total Payments and Credits</p> <p>Balance Due as of 2/24/2022</p>	<p>5,050.00</p> <p>1,302.72</p> <p>3,747.28</p>

ORDR
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
ANN DUNN
Deputy District Attorney
Nevada Bar #14511
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-

LOUIS RANDOLPH, aka
Clyde Lewis, #1356378

Defendant.

CASE NO: 94C120857-2

DEPT NO: XXIV

ORDER DENYING DEFENDANT'S MOTION TO VACATE ILLEGAL SENTENCE

DATE OF HEARING: January 10, 2022
TIME OF HEARING: 8:30 A.M.

THIS MATTER was to have come on for hearing before the above-entitled Court on the 10th day of January, 2022, the Defendant not being present, IN PROPER PERSON, the Plaintiff being represented by STEVEN B. WOLFSON, District Attorney, through ANN DUNN, Deputy District Attorney, not being present. This Honorable Court took the matter under advisement and issued its ruling based on the pleadings and good cause appearing therefor,

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///

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///

1 IT IS HEREBY ORDERED that the Defendant's Motion to Vacate Illegal Sentence,
2 shall be, and it is DENIED for all the reasons in State's Opposition.

3
4 Dated this 13th day of January, 2022

5 

6 279 7F9 AD08 8027
7 Erika Ballou
District Court Judge

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

10 BY /s/ ANN DUNN
11 ANN DUNN
12 Deputy District Attorney
Nevada Bar #14511

13
14 CERTIFICATE OF SERVICE

15 I certify that on the 13th day of January, 2022, I mailed a copy of the foregoing Order
16 to:

17 LOUIS RANDOLPH, aka
18 CLYDE LEWIS, BAC #48875
P. O. BOX 650
19 INDIAN SPRINGS, NEVADA 89070-0650

20 BY /s/ J. HAYES
21 Secretary for the District Attorney's Office

22
23
24
25
26
27
28 93F09838AB/jh/MVU

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 The State of Nevada vs Clyde
Lewis

CASE NO: 94C120857-2

7 DEPT. NO. Department 24

8
9 **AUTOMATED CERTIFICATE OF SERVICE**

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

13 Service Date: 1/13/2022

14 Dept 23 Law Clerk

dept23lc@clarkcountycourts.us

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****June 20, 1994**

94C120857-2

The State of Nevada vs Clyde Lewis

June 20, 1994**9:00 AM****Initial Arraignment****INITIAL
ARRAIGNMENT
Court Clerk: JULIE
HALL
Reporter/Recorder:
CONNIE MILLER
Heard By: A. William
Maupin****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Owens, Steven S.

Attorney

JOURNAL ENTRIES

- Deft. STRATTON ARRAIGNED, PLED NOT GUILTY TO ALL COUNTS and WAIVED the 60- day rule. COURT ORDERED, matter set for trial.

CUSTODY

9/21/94 9 AM CALENDAR CALL

9/26/94 10 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****June 29, 1994**

94C120857-2

The State of Nevada vs Clyde Lewis

June 29, 1994**9:00 AM****Request****AT REQUEST OF
DISTRICT
ATTORNEY
ANNOUNCE
INTENTION TO
SEEK DEATH
PENALTY Court
Clerk: JULIE HALL
Reporter/Recorder:
CONNIE MILLER
Heard By: MAUPIN,
A. WILLIAM****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Noxon, Arthur G.

Attorney

JOURNAL ENTRIES

- In absence of Mr. Tilman, COURT ORDERED, matter continued.

CUSTODY

CLERK'S NOTE: The trial date in this case 9/26/94 is currently set for the third week of a criminal stack. If the State is going to be seeking the Death Penalty, parties to consider moving the trial to the first week of the same stack (9/12/94) allowing two full weeks for the trial.

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****July 08, 1994**

94C120857-2

The State of Nevada vs Clyde Lewis

July 08, 1994**9:00 AM****Request****AT REQUEST OF
DISTRICT
ATTORNEY
ANNOUNCE
INTENTION TO
SEEK DEATH
PENALTY Court
Clerk: JULIE HALL
Reporter/Recorder:
PATSY SMITH
Heard By: MAUPIN,
A. WILLIAM****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Robinson, Lynn M.

Attorney

JOURNAL ENTRIES

- In the absence of the deft. and counsel and due to the nature of the State's intent, Court felt a continuance was in order. Colloquy regarding Mr. Tilman as counsel. Ms. Robinson advised he was appointed in Justice Court. COURT ORDERED, matter continued and APPOINTED Ms. Laura Melia as co-counsel. Both attorneys to be present at the next hearing.

CUSTODY**CLERK'S NOTE:** Mr. Tilman and Ms. Melia notified of continuance date.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****July 18, 1994**

94C120857-2

The State of Nevada vs Clyde Lewis

July 18, 1994**9:00 AM****Request**

**AT REQUEST OF
DISTRICT
ATTORNEY
ANNOUNCE
INTENTION TO
SEEK DEATH
PENALTY Court
Clerk: JULIE HALL
Reporter/Recorder:
PATSY SMITH
Heard By: MAUPIN,
A. WILLIAM**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- Mr. Mel Harmon present from the D.A.'s office and Ms. Laura Melia present. Conference at the bench. In the absence of Mr. Tilman, COURT ORDERED, matter continued and counsel to be confirmed. LATER: Mr. Tilman appeared and was notified of the continuance date.

CUSTODY

7/20/94 9 AM AT REQUEST OF D.A. ANNOUNCE INTENTION TO SEEK DEATH PENALTY
AND CONFIRMATION OF COUNSEL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****July 20, 1994**

94C120857-2

The State of Nevada vs Clyde Lewis

July 20, 1994**9:00 AM****All Pending Motions****ALL PENDING
MOTIONS 7-20-94****Court Clerk: JULIE
HALL****Reporter/Recorder:
PATSY SMITH****Heard By: A. William
Maupin****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Harmon, Melvyn T.

Attorney

JOURNAL ENTRIES

- AT REQUEST OF DISTRICT ATTORNEY: ANNOUNCE INTENTION TO SEEK DEATH PENALTY
.. . CONFIRMATION OF COUNSEL

Conference at the bench. Ms. Melia confirmed as counsel. COURT FOUND Ms. Melia, based on prior experience, to be competent and fully qualified to handle all proceedings in this case. Ms. Melia requested a continuance in the trial date as the State is just announcing to seek the Death Penalty and the trial is schedule for September. COURT ORDERED, trial date vacated and reset.

CUSTODY

11/30/94 9 AM CALENDAR CALL

12/5/94 9 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 31, 1994

94C120857-2

The State of Nevada vs Clyde Lewis

August 31, 1994

9:00 AM

Petition for Writ of Habeas
Corpus

**PETITION FOR
WRIT OF HABEAS
CORPUS Court
Clerk: JULIE HALL
Relief Clerk: NANCY
MILLER/nm
Reporter/Recorder:
CONNIE MILLER
Heard By: MAUPIN,
A. WILLIAM**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Robinson, Lynn M.

Attorney

JOURNAL ENTRIES

- Ms. Robinson advised Mr. Roger responded to the Writ of Habeas Corpus and requested a continuance for Mr. Roger to be present. Ms. Melia advised the State did not have a copy of the transcript and she had provided one to him this week. COURT ORDERED, CONTINUED.
CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****September 12, 1994**

94C120857-2

The State of Nevada vs Clyde Lewis

September 12, 1994 9:00 AM**Petition for Writ of Habeas
Corpus****PETITION FOR
WRIT OF HABEAS
CORPUS Court
Clerk: JULIE HALL
Reporter/Recorder:
PATSY SMITH
Heard By: A. William
Maupin****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Roger, David J.

Attorney

JOURNAL ENTRIES

- Arguments by counsel. COURT ORDERED, Petition is DENIED; FURTHER, Ms. Melia's request to strike portion of the language in the information is DENIED.
CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 17, 1994**

94C120857-2

The State of Nevada vs Clyde Lewis

October 17, 1994**9:00 AM****Initial Arraignment**

**INITIAL
ARRAIGNMENT
Court Clerk: JULIE
HALL
Reporter/Recorder:
PATSY SMITH
Heard By: MAUPIN,
A. WILLIAM**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Barker, David B.
Lewis, Clyde

Attorney
Defendant

JOURNAL ENTRIES

- In absence of Mr. McDonald, COURT ORDERED, matter continued. Clerk to phone counsel.
CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 19, 1994**

94C120857-2

The State of Nevada vs Clyde Lewis

October 19, 1994**9:00 AM****Initial Arraignment**

**INITIAL
ARRAIGNMENT
Court Clerk: JULIE
HALL
Reporter/Recorder:
PATSY SMITH
Heard By: A. William
Maupin**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Barker, David B.
Lewis, Clyde

Attorney
Defendant

JOURNAL ENTRIES

- Mr. Pat McDonald present. Mr. McDonald advised he was appointed in Justice Court to represent this deft. SO NOTED. DEFT. RANDOLPH ARRAIGNED, PLED NOT GUILTY AS CHARGED. Mr. McDonald advised if the deft. wishes to invoke the 60-day rule, he can no longer represent him due to his current schedule. Colloquy regarding co-deft's trial date. Deft. advised he would like to invoke the 60-day rule. COURT ORDERED, MATTER SET FOR TRIAL WITH CO-DEFT.; FURTHER, MR. CHARLES WATERMAN is APPOINTED as counsel. Matter set for confirmation of counsel. Mr. McDonald to be present also.

CUSTODY

10/26/94 9 AM CONFIRMATION OF COUNSEL

11/30/94 9 AM CALENDAR CALL

12/5/94 10 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 26, 1994**

94C120857-2

The State of Nevada vs Clyde Lewis

October 26, 1994**9:00 AM****Motion for Confirmation of
Counsel****CONFIRMATION
OF COUNSEL Court
Clerk: JULIE HALL
Reporter/Recorder:
PATSY SMITH
Heard By: A. William
Maupin****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Lewis, Clyde

Defendant

Robinson, Lynn M.

Attorney

Waterman, Charles

Attorney

JOURNAL ENTRIES

- Mr. Waterman CONFIRMED as counsel for deft. Randolph. Defense has 21 days from today to file a Writ.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 14, 1994

94C120857-2

The State of Nevada vs Clyde Lewis

November 14, 1994

9:00 AM

All Pending Motions

**ALL PENDING
MOTIONS 11-14-94
Court Clerk: JULIE
HALL
Reporter/Recorder:
CONNIE MILLER
Heard By: A. William
Maupin**

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:

Barker, David B.

Attorney

JOURNAL ENTRIES

- THEODORE MANOS AND ASSOCIATES' MOTION TO WITHDRAW AS ATTORNEY OF
RECORD ... STATE'S MOTION TO ENDORSE NAMES ON INFORMATION

Mr. Tilman requested he be allowed to withdraw as counsel. Ms. Melia advised she has spoken with Mr. Langford and he would oppose the motion if it means a continuance in the trial. Further, Ms. Melia advised the Court that Mr. Tom Michaelides from her office has been working with her during the preparation and could be ready; therefore, a continuance would not be necessary. COURT ORDERED, Motion to Withdraw is GRANTED; Mr. Michaelides is APPOINTED AND THE TRIAL DATE WILL STAND. FURTHER, Motion to Endorse Names is GRANTED, given the appropriate discovery.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 28, 1994

94C120857-2

The State of Nevada vs Clyde Lewis

November 28, 1994

9:00 AM

All Pending Motions

**ALL PENDING
MOTIONS 11-28-94
Court Clerk: JULIE
HALL
Reporter/Recorder:
PATSY SMITH
Heard By: A. William
Maupin**

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Langford, Robert L.

Attorney

JOURNAL ENTRIES

- DEFT'S MOTION CHALLENGING THE COMPOSITION OF THE PETIT JURY FOR UNDER
REPRESENTATION OF COGNIZABLE GROUPS DEFT'S MOTION TO INTERVIEW STATE'S
WITNESS DEFT'S MOTION FOR IN-CAMERA REVIEW OF PRESENTENCE REPORTS DEFT'S
MOTION TO SUPPRESS STATEMENTS DEFT'S MOTION FOR DISCLOSURE OF TIBOR
LAKICEVIC'S POLIGRAPH TEST QUESTIONS AND THE TEST RESULTS DEFT'S MOTION TO
SERVER DEFT'S MOTION FOR DISCOVERY OF BRADY AND GIGLIO MATERIALS DEFT'S
MOTION TO STRIKE AGGRAVATING CIRCUMSTANCES BASED UPON FELONY OF ROBBERY
AND BURGLARY

Colloquy regarding pending motions. In the absence of Ms. Melia, COURT ORDERED, pre-trial
Motions are continued. Calendar call date stands.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****November 30, 1994**

94C120857-2

The State of Nevada vs Clyde Lewis

November 30, 1994**9:00 AM****All Pending Motions**

**ALL PENDING
MOTIONS 11-30-94
Court Clerk: JULIE
HALL
Reporter/Recorder:
PATSY SMITH
Heard By: A. William
Maupin**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Harmon, Melvyn T.
Langford, Robert L.
Lewis, Clyde
Waterman, Charles

Attorney
Attorney
Defendant
Attorney

JOURNAL ENTRIES

- DEFT'S MOTION CHALLENGING THE COMPOSITION OF THE PETIT JURY FOR UNDER-
REPRESENTATION OF COGNIZABLE GROUPS DEFT'S MOTION TO INTERVIEW STATE'S
WITNESS DEFT'S MOTION FOR IN-CAMERA REVIEW OF PRESENTENCE REPORTS DEFT'S
MOTION TO SUPPRESS STATEMENTS DEFT'S MOTION FOR DISCLOSURE OF TIBOR
LAKICEVIC'S POLYGRAPH TEST QUESTIONS AND TEST RESULTS DEFT'S MOTION TO SEVER
DEFT'S MOTION FOR DISCOVERY OF BRADY AND GIGILO MATERIALS DEFT'S MOTION TO
STRIKE AGGRAVATING CIRCUMSTANCES BASED UPON FELONY OF ROBBERY AND
BURGLARY DEFT'S MOTION TO COMPEL DISCLOSURE OF DOCUMENTS MAINTAINED BY
THE LVMPD RECORDS SECTION DEFT'S MOTION FOR JURY QUESTIONNAIRE STATE'S
MOTION TO ENDORSE NAMES ON INFORMATION CALENDAR CALL

AS TO THE MOTION TO ENDORSE NAMES ON INFORMATION: There being no opposition, COURT ORDERED, Motion to Endorse is GRANTED, given full discovery.

Counsel agreed to the Motion for Jury Questionnaire, therefore, COURT ORDERED, Motion is GRANTED. Ms. Melia advised, once the State reviews the questionnaire, she will provide Jury Services with it.

AS TO THE MOTION TO SEVER: Court took oral argument. Mr. Waterman advised he joins in Ms. Melia Motion. Arguments by all counsel. Mr. Waterman advised he cannot possibly be ready to proceed to trial with deft. RANDOLPH. Opposition by Mr. Langford. Based on Mr. Waterman's position, COURT ORDERED Motion to Sever is GRANTED. Deft. RANDOLPH WAIVED the 60-DAY RULE. Deft. RANDOLPH'S trial will be reset. State's Answer to Motion to Sever FILED IN OPEN COURT.

AS TO THE PETITION FOR WRIT OF HABEAS CORPUS: Return to the Writ FILED IN OPEN COURT. Due to the continuance granted, parties agreed to argue any pre-trial motions for deft. Randolph and the pending Writ at a future time. COURT ORDERED, matter set for oral argument on any pre-trial motions and the Writ of Habeas Corpus. Briefing schedule set.

Colloquy regarding deft's STRATTON'S trial proceedings. With agreement by all parties, COURT ORDERED, further argument on the remaining motions will be held on Monday at 11 AM. The Jury panel will be given the questionnaires Monday morning; then excused. Counsel can review the questionnaires that afternoon and evening. Jury selection will begin on Tuesday at 10:30 AM. Trial will proceed on STRATTON only.

CUSTODY (BOTH)

12/5/94 11 AM PENDING PRE-TRIAL MOTIONS (STRATTON)

12/6/94 10:30 AM JURY TRIAL (STRATTON)

2/3/95 9 AM ORAL ARGUMENT PRE-TRIAL MOTIONS (RANDOLPH) AND WRIT OF HABEAS CORPUS

5/17/95 9 AM CALENDAR CALL (RANDOLPH)

5/22/95 10 AM JURY TRIAL (RANDOLPH)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****December 05, 1994**

94C120857-2

The State of Nevada vs Clyde Lewis

December 05, 1994**11:00 AM****All Pending Motions**

**ALL PENDING
MOTIONS 12-5-94
Court Clerk: JULIE
HALL
Reporter/Recorder:
PATSY SMITH
Heard By: A. William
Maupin**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Harmon, Melvyn T.
Langford, Robert L.

Attorney
Attorney

JOURNAL ENTRIES

- DEFT'S MOTION CHALLENGING THE COMPOSITION OF THE PETIT JURY FOR UNDER-REPRESENTATION OF COGNIZABLE GROUPS DEFT'S MOTION TO INTERVIEW STATE'S WITNESS DEFT'S MOTION FOR IN-CAMERA REVIEW OF PRESENTENCE REPORTS DEFT'S MOTION TO SUPPRESS STATEMENTS DEFT'S MOTION FOR DISCLOSURE OF TIBOR LAKICEVIC'S POLYGRAPH TEST QUESTIONS AND TEST RESULTS DEFT'S MOTION FOR DISCOVERY OF BRADY AND GIGLIO MATERIALS DEFT'S MOTION TO STRIKE AGGRAVATING CIRCUMSTANCES BASED UPON FELONY OF ROBBERY AND BURGLARY DEFT'S MOTION TO COPEL DISCLOSURE OF DOCUMENTS MAINTAINED BY THE LVMPD RECORDS SECTION
AS TO THE DEFT'S MOTION CHALLENGING THE COMPOSITION OF THE PETIT JURY FOR UNDER-REPRESENTATION OF COGNIZABLE GROUPS: Counsel submitted the matter. COURT ORDERED, Motion is DENIED.

AS TO DEFT'S MOTION TO INTERVIEW STATE'S WITNESS: Arguments by counsel. COURT ORDERED, Motion is GRANTED; interview will take place with the witnesses' attorney, Mr. Archie or Mr. Walton. The State does not need to be present. Additional argument. Ruling stands.

AS TO DEFT'S MOTION FOR IN-CAMERA REVIEW OF PRESENTENCE REPORTS: Arguments by counsel. COURT ORDERED, Motion is GRANTED; the Court will review any PSI records of the co-defendants, if necessary.

AS TO DEFT'S MOTION TO SUPPRESS STATEMENTS: Arguments by counsel. COURT ORDERED, Motion, without further information from the Police Officer is DENIED; however, the COURT WILL ALLOW a 15 minute offer of proof prior to the trial.

AS TO DEFT'S MOTION FOR DISCLOSURE OF TIBOR LAKICEVIC'S POLYGRAPH TEST QUESTIONS AND TEST RESULTS: Arguments by counsel. COURT ORDERED, Motion is GRANTED; the information will come in, but polygraph will not be mentioned.

AS TO DEFT'S MOTION FOR DISCOVERY OF BRADY AND GIGLIO MATERIALS: Counsel submitted the matter with the exception that any other cases which were to be dismissed pursuant to negotiations be provided to Ms. Melia. COURT ORDERED, Motion is MOOT with the exception as stated.

DEFT'S MOTION TO STRIKE AGGRAVATING CIRCUMSTANCES BASED UPON FELONY OF ROBBERY AND BURGLARY: Arguments by counsel. COURT ORDERED, Motion is DENIED WITHOUT PREJUDICE, as the issue may be revisited at the time of jury instructions.

DEFT'S MOTION TO COMPEL DISCLOSURE OF DOCUMENTS MAINTAINED BY THE LVMPD RECORDS SECTION: Counsel advised the motion may be MOOT with the exception of Mr. Bush and a prior conviction. COURT ORDERED, it will allow the material regarding Mr. Bush to be produced in chambers. Court will decide if any briefing is necessary. Ms. Melia advised the DR # is 1228-1493, dated November 28, 1992.

Mr. Harmon advised an Amended Information has been prepared and requested it be filed in open Court. There being no objection, AMENDED INFORMATION FILED IN OPEN COURT. Colloquy regarding the scheduling of the trial and the penalty phase. Court advised it's intention was to try the case in the next two week, through its conclusion. Opposition by Ms. Melia. Court advised Ms. Melia she can raise her objection prior to the penalty phase. Trial date stands.

CUSTODY

12/6/94 10:30 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****December 06, 1994**

94C120857-2

The State of Nevada vs Clyde Lewis

December 06, 1994**10:30 AM****Jury Trial****TRIAL BY JURY****Court Clerk: JULIE
HALL****Reporter/Recorder:
PATSY SMITH****Heard By: A. William
Maupin****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Harmon, Melvyn T.
Langford, Robert L.Attorney
Attorney**JOURNAL ENTRIES**

- Mr. Tom Michaelides present for the defense. Counsel advised the matter is resolved. SECOND AMENDED INFORMATION AND GUILTY PLEA MEMORANDUM filed in open Court. DEFT. STRATTON ARRAIGNED AND PLED GUILTY TO CT. IV OF THE SECOND AMENDED INFORMATION CHARGING "MURDER OF THE 1ST DEGREE WITH USE OF A DEADLY WEAPON (F). NEGOTIATIONS: Deft. is to enter a plea of guilty to Ct. IV, State will make a recommendation of Life with the Possibility of Parole and recommend the deft. serve his prison time in the State of Oregon. Further, Mr. Harmon advised the request for the death penalty is being dropped, and the remaining counts will be dismissed after sentence is rendered. Deft. advised his true name being FREDRICK LEON STRATTON, COURT AMENDED the Second Amended Information to so reflect. FURTHER ACCEPTED the plea as binding and referred the matter to P&P. Matter set for sentencing.

CUSTODY

1/9/95 9 AM SENTENCING CT. IV / DISMISS REMAINING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 09, 1995**

94C120857-2

The State of Nevada vs Clyde Lewis

January 09, 1995**9:00 AM****Sentencing**

**SENTENCING
(CT.IV) Court Clerk:
JULIE HALL
Reporter/Recorder:
PATSY SMITH
Heard By: A. William
Maupin**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Harmon, Melvyn T.

Attorney

JOURNAL ENTRIES

- Ms. Joy Mundy Neal present for P&P. Conference at the bench. COURT ADJUDGED DEFT. STRATTON GUILTY TO CT. IV - MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY WEAPON (F). Statements by Ms. Irene Moden and in mitigation of sentencing by counsel. COURT ORDERED, pursuant to the binding negotiations in this matter and in addition to a \$25 Assessment Fee, deft. STRATTON is SENTENCED to LIFE IN THE NEVADA DEPARTMENT OF PRISONS WITH THE POSSIBILITY OF PAROLE and a CONSECUTIVE LIFE WITH THE POSSIBILITY OF PAROLE for the enhancement. FURTHER ORDERED, deft. to pay \$4,499.90 in restitution and given 252 days credit for time served. Remaining Counts are DISMISSED.
CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 10, 1995**

94C120857-2

The State of Nevada vs Clyde Lewis

February 10, 1995**9:00 AM****Hearing**

**ARGUMENT ON
PRETRIAL
MOTIONS &
PETITIONFOR
WRIT OF HABEAS
CORPUS
(RANDOLPH) Court
Clerk: LARRY
SNYDER
Reporter/Recorder:
PATSY SMITH
Heard By: MAUPIN,
A. WILLIAM**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Harmon, Melvyn T.
Lewis, Clyde
Waterman, Charles

Attorney
Defendant
Attorney

JOURNAL ENTRIES

- Mr. Waterman advised he has talked with Mr. Harmon, and an offer has been made in this matter. Mr. Waterman requested a continuance to review the offer with the Deft. There being no objection from the State, COURT ORDERED, this matter CONTINUED, and also SET for a Status Check on Possible Negotiations.

CUSTODY

2/15/95 9:00 AM ARGUMENT ON PRETRIAL MOTIONS AND PETITION FOR WRIT OF HABEAS CORPUS...STATUS CHECK: POSSIBLE NEGOTIATIONS

PRINT DATE: 02/24/2022

Page 20 of 107

Minutes Date: June 20, 1994

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 15, 1995**

94C120857-2

The State of Nevada vs Clyde Lewis

February 15, 1995**9:00 AM****All Pending Motions**

**ALL PENDING
MOTIONS (2/15/95)
Court Clerk: LARRY
SNYDER
Reporter/Recorder:
PATSY SMITH
Heard By: A. William
Maupin**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Harmon, Melvyn T.
Lewis, Clyde
Waterman, Charles

Attorney
Defendant
Attorney

JOURNAL ENTRIES

- ARGUMENT ON PRETRIAL MOTIONS AND PETITION FOR WRIT OF HABEAS CORPUS...
STATUS CHECK: POSSIBLE NEGOTIATIONS

Mr. Waterman advised the Deft. has refused the negotiations offered by the State, and noted he is prepared to go forward at this time and argue the Writ Of Habeas Corpus. Arguments by Counsel. COURT ORDERED, the Court concludes from the transcripts and briefs there is probable cause to bind the Deft. over on all charges, and substantial evidence to prove the Deft. was a principal. COURT FURTHER ORDERED, Petition For Writ Of Habeas Corpus is DENIED, and future Calendar Call date of 5/17/95 and Trial date of 5/22/95 STAND. Mr. Harmon informed Mr. Waterman and the Deft. the State's offer will remain in effect until the date of the Calendar Call.

CUSTODY

5/17/95 9:00 AM CALENDAR CALL

94C120857-2

5/22/95 10:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 17, 1995**

94C120857-2

The State of Nevada vs Clyde Lewis

May 17, 1995**9:00 AM****All Pending Motions**

**ALL PENDING
MOTIONS (5/17/95)
Court Clerk: LARRY
SNYDER
Reporter/Recorder:
PATSY SMITH
Heard By: A. William
Maupin**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Harmon, Melvyn T.
Lewis, Clyde
Waterman, Charles

Attorney
Defendant
Attorney

JOURNAL ENTRIES

- STATE'S MOTION TO ENDORSE NAMES ON INFORMATION...CALENDAR CALL
Counsel announced ready for Trial; matter should take approximately one week with two or three out of State witnesses. Conference at the Bench between Court and Counsel. COURT ORDERED, Trial will commence at 11:00 AM Monday morning depending on Mr. Waterman's health. COURT FURTHER ORDERED, State's Motion To Endorse Names On Information and the Motion In Limine to be heard at 9:00 AM on the Monday morning Calendar.
CUSTODY

5/22/95 9:00 AM State's Motion To Endorse Names On Information...Motion In Limine

5/22/95 11:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 22, 1995**

94C120857-2

The State of Nevada vs Clyde Lewis

May 22, 1995**9:00 AM****All Pending Motions**

**ALL PENDING
MOTIONS (5/22/95)
Court Clerk: LARRY
SNYDER
Reporter/Recorder:
PATSY SMITH
Heard By: A. William
Maupin**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Harmon, Melvyn T.
Lewis, Clyde

Attorney
Defendant

JOURNAL ENTRIES

- STATE'S MOTION TO ENDORSE NAMES ON INFORMATION...DEFT.'S MOTION IN LIMINE
Mr. Waterman not present. Court advised Counsel need to address issues applicable to the Guy
decision, and the issue of flight. Mr. Harmon noted he will be filing a Motion To Amend The
Information. COURT ORDERED, these matters CONTINUED.

CUSTODY

5/23/95 10:45 AM STATE'S MOTION TO ENDORSE NAMES ON INFORMATION...STATE'S
MOTION TO AMEND INFORMATION...DEFT.'S MOTION IN LIMINE

5/23/95 11:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 23, 1995**

94C120857-2

The State of Nevada vs Clyde Lewis

May 23, 1995**10:45 AM****All Pending Motions**

**ALL PENDING
MOTIONS (5/23/95)
Court Clerk: LARRY
SNYDER Relief
Clerk: LORI
BROWN/LB
Reporter/Recorder:
PATSY SMITH
Heard By: A. William
Maupin**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Harmon, Melvyn T.
Mueller, Craig
Waterman, Charles

Attorney
Attorney
Attorney

JOURNAL ENTRIES

- STATE'S MOTION TO ENDORSE NAMES ON INFORMATION...DEFT'S MOTION IN LIMINE...
STATE'S MOTION TO AMEND INFORMATION

Upon inquiry of the court, counsel stipulated to waive the presence of Deft. Randolph. Due to health reasons, Mr. Waterman requested that the Calendar Call and Jury Trial be CONTINUED, and there being no opposition, by the COURT, SO ORDERED. The court noted for the record that the State was ready to proceed in this matter.

CUSTODY

6-7-95 9:00 A.M. STATE'S MOTION TO ENDORSE NAMES ON INFORMATION...MOTION IN
LIMINE...STATE'S MOTION TO AMEND INFORMATION

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 07, 1995**

94C120857-2

The State of Nevada vs Clyde Lewis

June 07, 1995**9:00 AM****All Pending Motions**

**ALL PENDING
MOTIONS (6/06/95)
Court Clerk: LARRY
SNYDER
Reporter/Recorder:
PATSY SMITH
Heard By: A. William
Maupin**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Harmon, Melvyn T.
Lewis, Clyde
Waterman, Charles

Attorney
Defendant
Attorney

JOURNAL ENTRIES

- STATE'S MOTION TO ENDORSE NAMES ON INFORMATION...DEFT.'S MOTION IN LIMINE...
STATE'S MOTION TO AMEND INFORMATION

Arguments by Counsel. State's Motion To Endorse Names On Information is GRANTED. COURT
FURTHER ORDERED, Weapons portion of the Motion In Limine is MOOT, and noted the Court will
DEFER RULING on the Deft.'s Motion In Limine. COURT ADDITIONALLY ORDERED, State's
Motion To Amend Information is CONTINUED.

CUSTODY

7/03/95 9:00 AM STATE'S MOTION TO AMEND INFORMATION

8/16/95 9:00 AM CALENDAR CALL

8/21/95 10:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****July 03, 1995**

94C120857-2

The State of Nevada vs Clyde Lewis

July 03, 1995**9:00 AM****Motion to Amend**

**STATE'S MOTION
TO AMEND
INFORMATION
Relief Clerk: LORI
BROWN
Reporter/Recorder:
PATSY SMITH
Heard By: MAUPIN,
A. WILLIAM**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Harmon, Melvyn T.
Lewis, Clyde
Waterman, Charles

Attorney
Defendant
Attorney

JOURNAL ENTRIES

- COURT ORDERED, this matter CONTINUED.
CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****July 05, 1995**

94C120857-2

The State of Nevada vs Clyde Lewis

July 05, 1995**9:00 AM****Motion to Amend****STATE'S MOTION
TO AMEND
INFORMATION
Relief Clerk: LORI
BROWN
Reporter/Recorder:
PATSY SMITH
Heard By: A. William
Maupin****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Harmon, Melvyn T.
Lewis, Clyde
Waterman, CharlesAttorney
Defendant
Attorney**JOURNAL ENTRIES**

- Arguments of counsel. COURT ORDERED, State's Motion to Amend Information is GRANTED.
Order signed in open court this date. Amended Information FILED IN OPEN COURT.
CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****August 16, 1995**

94C120857-2

The State of Nevada vs Clyde Lewis

August 16, 1995**9:00 AM****Calendar Call****CALENDAR CALL****Court Clerk: LORI
BROWN****Reporter/Recorder:
PATSY SMITH****Heard By: A. William
Maupin****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Harmon, Melvyn T.
Lewis, Clyde
Waterman, CharlesAttorney
Defendant
Attorney**JOURNAL ENTRIES**

- Counsel advised the court that they were ready to proceed to trial, and expect it to last approximately one week. COURT ORDERED, trial to begin Wednesday.

CUSTODY

8-23-95 11:00 A.M. JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****August 23, 1995**

94C120857-2

The State of Nevada vs Clyde Lewis

August 23, 1995**11:00 AM****Jury Trial****TRIAL BY JURY****Court Clerk: CINDY
HORTON****Reporter/Recorder:
JANIE OLSEN****Heard By: LOEHRER,
SALLY****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Harmon, Melvyn T.
Lewis, Clyde
Waterman, CharlesAttorney
Defendant
Attorney**JOURNAL ENTRIES**

- Outside the presence of the jury, Upon inquiry by the Court, counsel requested that the deft be referred to as Clyde Lewis. COURT ORDERED, WHEN THE INFORMATION IS READ, THE DEFT WILL BE REFERRED TO AS CLYDE LEWIS ONLY. Jury panel administered the Vior Dire oath at 10:30. COURT ORDERED, NOON RECESS AT 12:10. Vior Dire resumed at 1:00. Twelve Jurors and two alternates sworn at 6:00. Court admonished jury and ORDERED, TRIAL CONTINUED TO AUGUST 24, 1995 AT 10:30.
CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****August 24, 1995**

94C120857-2

The State of Nevada vs Clyde Lewis

August 24, 1995**8:00 AM****Jury Trial****TRIAL BY JURY****Court Clerk: CINDY
HORTON****Reporter/Recorder:
JANIE OLSEN****Heard By: LOEHRER,
SALLY****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Harmon, Melvyn T.

Attorney

Lewis, Clyde

Defendant

Mueller, Craig

Attorney

Waterman, Charles

Attorney

JOURNAL ENTRIES

- Counsel stipulated as to the presense of the jury at 10:40. Court advised the jury of the proceedure the trial will take, information read to the jury. State invoked the exclusionary rule. Opening statement by Mr. Harmon. Opening statement by Mr. Waterman. COURT ORDERED, NOON RECESS AT 12:00, jury admonished and advised to return as 1:30. Counsel stipulated as to the presence of the jury at 1:30, testimony and exhibits per attached worksheet. COURT ORDERED, TRIAL RECESSED FOR THE DAY AT 5:10, jury admonished and advised to return on August 25, 1995 at 8:00 a.m. Outside the presence of the jury, Mr. Waterman requested witness Barker be given a drug test as he believes the witness is under the influence. Response by Mr., Mueller. Court advised does not know if this Court has the authority to order the witness be drug tested. Conference at the bench. Upon inquiry by the Court, Ms. Barker advised she is willing to take a drug test. Mr. Harmon stated for the record that Ms. Barker may be willing to take the test but there is no

basis for this in the record and there is no cause to subject the witness to a drug test because of the defense counsel's opinion and the State objects. Mr. Waterman stipulated that if the test comes back dirty, it will only be held against the witness as to her testimony here today.

CUSTODY

8/28/95 1:30 PM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****August 25, 1995**

94C120857-2

The State of Nevada vs Clyde Lewis

August 25, 1995**1:30 PM****Jury Trial****TRIAL BY JURY****Court Clerk: CINDY
HORTON****Reporter/Recorder:
JANIE OLSEN****Heard By: LOEHRER,
SALLY****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Harmon, Melvyn T.

Attorney

Lewis, Clyde

Defendant

Mueller, Craig

Attorney

Waterman, Charles

Attorney

JOURNAL ENTRIES

- Counsel stipulated as to the presence of the jury at 8:05. Testimony and exhibits per attached worksheet. AT 9:00, COURT ORDERED A BRIEF RECESS for Mr. Waterman to make appearance in Dept VIII & XIV, jury admonished and advised to return at 9:15. Counsel stipulated as to the presence of the jury at 9:30, testimony and exhibits per attached worksheet. COURT ORDERED, TRIAL RECESSED FOR THE DAY AT 12:20, jury admonished and advised to return on Monday, August 28, 1995 at 1:30 p.m. Outside the presence of the jury, colloquy between Court and counsel regarding trial schedule.

CUSTODY

8/28/95 1:30 PM JURY TRIAL CONTINUED

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****August 28, 1995**

94C120857-2

The State of Nevada vs Clyde Lewis

August 28, 1995**10:30 AM****Jury Trial****TRIAL BY JURY****Court Clerk: CINDY
HORTON****Reporter/Recorder:
MARY BETH COOK****Heard By: LOEHRER,
SALLY****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Harmon, Melvyn T.

Attorney

Lewis, Clyde

Defendant

Mueller, Craig

Attorney

Waterman, Charles

Attorney

JOURNAL ENTRIES

- Counsel stipulated as to the presence of the jury at 1:35. Testimony and exhibits per attached worksheet. Brief recesses taken at 3:13 p.m. and 5:05 p.m. COURT ORDERED, TRIAL RECESSED FOR THE DAY AT 7:20, jury admonished and adviesd to return on 8/29/95 at 10:30 a.m.
CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****August 29, 1995**

94C120857-2

The State of Nevada vs Clyde Lewis

August 29, 1995**9:00 AM****Jury Trial****TRIAL BY JURY****Court Clerk: CINDY
HORTON****Reporter/Recorder:****MARY BETH COOK****Heard By: LOEHRER,
SALLY****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Harmon, Melvyn T.

Attorney

Lewis, Clyde

Defendant

Mueller, Craig

Attorney

Waterman, Charles

Attorney

JOURNAL ENTRIES

- Counsel stipulated as to the presence of the jury at 10:35, testimony and exhibits per attached worksheet. COURT ORDERED, NOON RECESS AT 11:55, jury admonished and advised to return at 1:30. Counsel stipulated as to the presence of the jury at 1:34, testimony and exhibits per attached worksheet. Jury excused from the Courtroom at 2:30. Outside the presence of the jury, Mr. Waterman presented motion as to testimony of the State's next witness, Bert Gutierrez regarding remoteness in time and prejudicial effects. Response by State. Officer Gutierrez brought into Courtroom and sworn and testified. COURT ORDERED, TESTIMONY AS TO THE GUN BEING STOLEN WILL BE SUPRESSED AND THE BALANCE OF THE TESTIMONY WILL BE ALLOWED. Upon inquiry by the Court, Officer Gutierrez advised when the officer knocked on the deft's door he identified himself as police. Counsel stipulated as to the presence of the jury at 2:50. Outside the presence of the jury, Mr. Waterman moved for a mistrial pursuant to testimony of State's witness Gutierrez.

Response by State. COURT ORDERED, MOTION FOR MISTRIAL DENIED and advised the jury will be instructed to disregard the witnesses comments about the motel. Jury present in Courtroom. Court advised the jury to disregard the discription of the lodge given by the witness. COURT ORDERED, AFTERNOON RECESS AT 3:15, jury admonished and advised to return at 3:30. Outside the presence of the jury, Court advised the Court has been faxed eighteen pages medical documents for the deft at the request of Mr. Waterman. Copies of documents provided to both counsel. Counsel stipulated as to the presence of the jury at 4:00, testimony and exhibits per attached worksheet. COURT ORDERED, TRIAL RECESSED FOR THE DAY AT 5:10, jury admonished and advised to return on 8/30/95 at 10:00 a.m. Outside the presence of the jury, Court advised the deft of his right to testify or not to testify. Court requested counsel be present at 9:45 to go over jury instructions. CUSTODY
8/30/95 10 AM JURY TRIAL CONTINUED

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 30, 1995

94C120857-2

The State of Nevada vs Clyde Lewis

August 30, 1995

10:30 AM

Jury Trial

TRIAL BY JURYCourt Clerk: CINDY
HORTON

Reporter/Recorder:

MARY BETH COOK

Heard By: LOEHRER,
SALLY**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Harmon, Melvyn T.

Attorney

Lewis, Clyde

Defendant

Mueller, Craig

Attorney

Waterman, Charles

Attorney

JOURNAL ENTRIES

- Outside the presence of the jury, Mr. Waterman advised he was not able to serve Dr. Seip as he was no able to serve a subpoena. Mr. Waterman further advised he was not advised the the deft's physical affirmaties until the first day of trial. COURT ORDERED, MEDICAL RECORDS ADMITTED AS COURT'S EXHIBIT #1. Counsel stipulated as to the presence of the jury at 10:35. State rest. Testimony and exhibits per attached worksheet. COURT ORDERED, NOON RECESS AT 11:55, jury admonished and advised to return at 1:30. Outside the presence of the jury, jury instructions settled. Counsel stipulated as to the presence of the jury at 2:30. Defense rest. Rebuttal testimony by the State. Jury instructions read to the jury. Closing argument by counsel. Bailiff and Secretary sworn to take charge of the jury and alternates at 5:00. Jury stopped deliberating for the day at 5:30, Deliberation to resume on 8/31/95 at 8:45.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****August 31, 1995**

94C120857-2

The State of Nevada vs Clyde Lewis

August 31, 1995**9:00 AM****Jury Trial****TRIAL BY JURY****Court Clerk: CINDY
HORTON****Reporter/Recorder:
JANIE OLSEN****Heard By: LOEHRER,
SALLY****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Harmon, Melvyn T.

Attorney

Lewis, Clyde

Defendant

Mueller, Craig

Attorney

Waterman, Charles

Attorney

JOURNAL ENTRIES

- Jury resumed deliberating at 8:45. At 4:45, pursuant to a note from the jury, Court, Counsel and all officer of the Court present and the Court reread instructions 24 and 25 to the jury. Court explained the instructions pursuant to conference between Court and counsel in chambers. Mr. Waterman waived the presence of the deft for this proceeding. Jury resumed deliberating at 5:00. Jury left for the day at 5:20, to resume on 9/1/95 at 9:00 a.m.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****September 01, 1995**

94C120857-2

The State of Nevada vs Clyde Lewis

September 01, 1995**9:00 AM****Jury Trial****TRIAL BY JURY****Court Clerk: CINDY
HORTON****Reporter/Recorder:
MARY BETH COOK****Heard By: LOEHRER,
SALLY****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Harmon, Melvyn T.

Attorney

Lewis, Clyde

Defendant

Mueller, Craig

Attorney

Waterman, Charles

Attorney

JOURNAL ENTRIES

- Jury resumed deliberating at 9:00 a.m. Jury brought into the Courtroom at 4:55, Judge A. Willaim Maupin presiding, all officers of the Court present. Court advised understands the jury has not been able to reach a verdict as to Counts I, II & IV. Court read a new instruction to the jury as to deliberation. COURT ORDERED, JURY EXCUSED FOR THE WEEKEND, Jury admonished and advised to return on Tuesday, September 5 at 9:00 a.m. Outside the presence of the jury, Mr. Waterman objected to the Court bringing the jury back on Tuesday. Court advised counsel with jury will be allowed to continue deliberations until mid-afternoon and if at that time the Jury has not reached a decision as to Counts I, II & IV, the Court will declare a mistrial as to those counts.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****September 05, 1995**

94C120857-2

The State of Nevada vs Clyde Lewis

September 05, 1995**9:00 AM****Jury Trial****TRIAL BY JURY****Court Clerk: CINDY
HORTON****Reporter/Recorder:
MARY BETH COOK****Heard By: A. William
Maupin****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Harmon, Melvyn T.

Attorney

Lewis, Clyde

Defendant

Waterman, Charles

Attorney

JOURNAL ENTRIES

- Jury resumed deliberating at 9:00 a.m. Jury returned into the Courtroom at 2:00, Judge A. William Maupin presiding and all officers of the Court present. Jury Foreperson advised the jury only reach a verdict as to Court III. All members of the jury concurred. COURT ORDERED, MISTRIAL DECLARED AS TO COUNTS I, II & IV AND DEFT FOUND GUILTY OF COUNT III - BATTERY WITH USE OF A DEADLY WEAPON (F). COURT FURTHER ORDERED, MATTER CONTINUED TO RESET TRIAL AS TO COUNTS I, II & III AND MATTER REFERRED TO PAROLE AND PROBATION FOR PSI AND SET OVER FOR SENTENCING AS TO COUNT III. Court thanked and excused the jury.

CUSTODY

9/19/95 9 AM TRIAL SETTING AS TO COUNTS I, II & IV...10/10/95 9 AM SENTENCING COUNT III

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****September 19, 1995**

94C120857-2

The State of Nevada vs Clyde Lewis

September 19, 1995	9:00 AM	Conversion Hearing Type	TRIAL SETTING AS TO COUNTS I,II & IV Court Clerk: CINDY HORTON Reporter/Recorder: JANIE OLSEN Heard By: Sally Loehrer
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HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

PRESENT:	Lewis, Clyde	Defendant
	Rehfeldt, Laura C.	Attorney
	Waterman, Charles	Attorney

JOURNAL ENTRIES

- Mr. Waterman requested trial be set in the ordinary course. Deft requested a speedy trial. Mr. Waterman advised since the jury verdict found the deft guilty of one count of battery, the jury did not specify on who the battery was committed and believes it is a lesser included for murder. State requested matter be passed to Thursday to set trial date if there is an issue. COURT ORDERED, MATTER SET FOR TRIAL IN THE ORDINARY COURSE. Mr. Waterman advised he may have a motion prior to sentencing on Count III regarding the deft being adjudged guilty of a felony and being able to take the stand in pending trial. Court advised sentencing date will stand at this time. CUSTODY

1/11/96 9 AM CALENDAR CALL...1/16/96 9:30 AM JURY TRIAL COUNTS I, II & III

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****October 10, 1995**

94C120857-2

The State of Nevada vs Clyde Lewis

October 10, 1995**9:00 AM****Sentencing****SENTENCING****Court Clerk: CINDY
HORTON****Reporter/Recorder:
MARY BETH COOK****Heard By: LOEHRER,
SALLY****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Laurent, Christopher J.
Lewis, ClydeAttorney
Defendant**JOURNAL ENTRIES**

- Mr. Laurent advised this is Mr. Harmon's case and he requested a continuance and believes Mr. Harmon contacted Mr. Waterman who has no objection to a continuance. COURT ORDERED, SENTENCING CONTINUED FOR ONE WEEK.
CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 17, 1995**

94C120857-2

The State of Nevada vs Clyde Lewis

October 17, 1995**9:00 AM****Sentencing****SENTENCING****Court Clerk: CINDY
HORTON****Reporter/Recorder:
MARY BETH COOK****Heard By: LOEHRER,
SALLY****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Harmon, Melvyn T.

Attorney

Lewis, Clyde

Defendant

Waterman, Charles

Attorney

JOURNAL ENTRIES

- Peggy Coleman of Parole and Probation present. DEFT LEWIS ADJUDGED GUILTY OF COUNT III - BATTERY WITH USE OF A DEADLY WEAPON, PURSUANT TO JURY VERDICT. Mr. Waterman requested he be allowed to withdraw from the case as he has developed antipathy for the deft and cannot say one good thing about him. COURT ORDERED, ORAL MOTION TO WITHDRAW IS GRANTED AND THE STATE PUBLIC DEFENDER'S OFFICE IS APPOINTED AS COUNSEL. J. Savage of the SPD'S Office present in Court and advised can confirm as counsel. COURT ORDERED, STATE PUBLIC DEFENDER'S OFFICE CONFIRMED AS COUNSEL, TRIAL DATE ON REMAINING COUNTS STANDS AND SENTENCING AS TO COUNT III CONTINUED FOR TWO WEEKS.
CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****November 02, 1995**

94C120857-2

The State of Nevada vs Clyde Lewis

November 02, 1995**9:00 AM****Sentencing****SENTENCING****Court Clerk: LARRY
SNYDER/LS****Reporter/Recorder:
KIT MACDONALD****Heard By:
MCGROARTY,
JOHN S.****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Harmon, Melvyn T.
Lemcke, Nancy L.
Lewis, ClydeAttorney
Attorney
Defendant**JOURNAL ENTRIES**

- COURT ORDERED, this matter CONTINUED to be heard by Judge Loehrer.
CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****November 21, 1995**

94C120857-2

The State of Nevada vs Clyde Lewis

November 21, 1995**9:00 AM****Sentencing****SENTENCING****Court Clerk: CINDY
HORTON****Reporter/Recorder:
JANIE OLSEN****Heard By: LOEHRER,
SALLY****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Lewis, Clyde

Defendant

Mueller, Craig

Attorney

JOURNAL ENTRIES

- Officer McKenzie of Parole and Probation present. Upon inquiry by the Court, deft advised the no one from the State Public Defender's Office has been to see him regarding the PSI report. COURT ORDERED, SENTENCING CONTINUED FOR ONE WEEK and requested the Clerk contact the State Public Defender's Office regarding this matter.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****November 28, 1995**

94C120857-2

The State of Nevada vs Clyde Lewis

November 28, 1995**9:00 AM****Sentencing****SENTENCING****Court Clerk: CINDY
HORTON****Reporter/Recorder:
MARY BETH COOK****Heard By: LOEHRER,
SALLY****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

LaPorta, Peter R.

Attorney

Lewis, Clyde

Defendant

Porterfield Jr, Owen W.

Attorney

JOURNAL ENTRIES

- John Delvillan of Parole and Probation present. Court advised met in chambers with Mr. Jackson and Mr. Rogers and indicated this is the third time the State Public Defender has moved to continue sentencing. Court further advised understands that the SPD just received the debt's file this morning and the debt would like to discuss the PSI with counsel. Mr. LaPorta concurred and advised spoke with Mr. Harmon and he has no objection to a short continuance. COURT ORDERED, SENTENCING CONTINUED ONE LAST TIME TO THURSDAY, NOVEMBER 30 AT 9:00 AM. CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****November 30, 1995**

94C120857-2

The State of Nevada vs Clyde Lewis

November 30, 1995**9:00 AM****Sentencing****SENTENCING****Court Clerk: CINDY
HORTON****Reporter/Recorder:
MARY BETH COOK****Heard By: Sally
Loehrer****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

LaPorta, Peter R.

Attorney

Lewis, Clyde

Defendant

Porterfield Jr, Owen W.

Attorney

JOURNAL ENTRIES

- Thomas Ely of Parole and Probation present. Pursuant to jury verdict, DEFT LEWIS ADJUDGED GUILTY OF COUNT III- BATTERY WITH USE OF A DEADLY WEAPON (F). Argument by State requesting ten years. Statement by deft stating he would like to appeal this case and inquired when he would be getting appeal counsel. Court advised deft he has counsel, however the appeal process does not begin until the Judgment of Conviction is filed. Mr. LaPorta stated he has advised his client to make no further statement because of pending trial on remaining counts in this case. COURT ORDERED, in addition to the \$25.00 Administrative Assessment Fee, Deft. SENTENCED to Nevada Department of Prisons for EIGHT (8) YEARS with 481 DAYS Credit For Time Served and Deft. is Assessed a \$5,000 FINE. Court advised the deft is not to be released to the State Prison system as trial is scheduled on 1/11/96. Mr. LaPorta advised he has a trial scheduled for 1/16/96 in Dept. V. Court advised will reset trial date, however, Mr. Harmon has to be present with his trial schedule. COURT ORDERED, 1/16/96 TRIAL AND 1/11/96 CALENDAR CALL VACATED AND MATTER

CONTINUED TO TUESDAY TO RESET TRIAL DATE.
CUSTODY
12/5/95 9 AM RESET TRIAL DATE

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 07, 1995

94C120857-2

The State of Nevada vs Clyde Lewis

December 07, 1995

9:00 AM

Motion to Set Trial Date

RESET TRIAL DATE

Court Clerk: CINDY
HORTON

Reporter/Recorder:

JANIE OLSEN

Heard By: Sally
Loehrer

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Harmon, Melvyn T.

Attorney

LaPorta, Peter R.

Attorney

Lewis, Clyde

Defendant

JOURNAL ENTRIES

- COURT ORDERED, MATTER SET FOR TRIAL. Deft requested he be allowed to return to the State prison. COURT ORDERED, DEFT ALLOWED TO RETURN TO STATE PRISON PENDING TRIAL, HOWEVER, IT IS COUNSEL'S RESPONSIBILITY TO MAINTAIN COMMUNICATION WITH DEFT.

CUSTODY

6/20/96 9 AM CALENDAR CALL...6/24/96 9:30 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****June 20, 1996**

94C120857-2

The State of Nevada vs Clyde Lewis

June 20, 1996**9:00 AM****Calendar Call****CALENDAR CALL****Court Clerk: JUDY
NORMAN****Reporter/Recorder:
HELENE KARP****Heard By: Sally
Loehrer****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Lemcke, Nancy L.
Lewis, Clyde
Roger, David J.Attorney
Defendant
Attorney**JOURNAL ENTRIES**

- Mr. Roger advised not ready for Trial as three criminologists are not available and moved for an oral Hill Motion to continue. There being no objection, COURT ORDERED, TRIAL DATE VACATED AND RESET.

NDP

9/26/96 9:00 AM CALENDAR CALL

9/30/96 9:30 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****September 24, 1996**

94C120857-2

The State of Nevada vs Clyde Lewis

September 24, 1996**9:00 AM****Motion to Continue****DEFT'S MOTION
TO CONTINUE
JURY TRIAL Court
Clerk: JUDY
NORMAN
Reporter/Recorder:
MARGIE CARLSON
Heard By: Sally
Loehrer****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Lemcke, Nancy L.

Attorney

O'Callaghan, Michael N.

Attorney

JOURNAL ENTRIES

- The Court noted counsel had indicated ready for Trial. Ms. Lempke advised because of the McKenna Trial, she was not ready at this time and requested a continuance. Further, had spoken with Defendant and, in light of the circumstances, he did not have a problem with it. COURT ORDERED, TRIAL DATE VACATED AND RESET.

NDP

2/27/97 9:00 AM CALENDAR CALL

3/3/97 9:30 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 27, 1997

94C120857-2

The State of Nevada vs Clyde Lewis

February 27, 1997

9:00 AM

All Pending Motions

**ALL PENDING
MOTIONS FOR
2/27/97 Court Clerk:
CINDY HORTON
Reporter/Recorder:
MARGIE CARLSON
Heard By: Sally
Loehrer**

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Lemcke, Nancy L.

Attorney

Lewis, Clyde

Defendant

O'Callaghan, Michael N.

Attorney

JOURNAL ENTRIES

- CALENDAR CALL...DEFT'S MOTION TO STRIKE DEADLY WEAPON ALLEGATIONS...DEFT'S MOTION TO COMPEL PRODUCTION OF RAP SHEETS...DEFT'S MOTION TO COMPEL DISCLOSURE OF PRESENTENCE REPORTS...DEFT'S MOTION TO COMPEL DISCLOSURE OF EXISTENCE OF BENEFITS OF COOPERATION...DEFT'S MOTION IN LIMINE TO PRECLUDE EVIDENCE

Ms. Lemcke filed DEFT'S MOTION TO SUPPRESS IDENTIFICATIONS OF DEFT IN OPEN COURT. State advised has an investigator working on this matter and would request pre-trial motions be continued. COURT ORDERED, ALL PRE-TRIAL MOTIONS AND CALENDAR CONTINUED TO FRIDAY, FEBRUARY 28 AT 3:00 PM. Upon inquiry by the Court, counsel advised trial will take approximately one week, trial counsel will be M. O'Callaghan for the State and Ms. Lemcke and Mr. Palma for the defense. State advised if case comes to a penalty phase would have no problem with

the Court handling that phase. Court advised that is up to the deft if convicted. Ms. Lemcke advised would like the opportunity to discuss this matter with client and co-counsel. Court advised counsel this trial will be #1 to go on Monday. At the request of Ms. Lemcke, COURT ORDERED, DEFT TO BE HELD AT THE CLARK COUNTY DETENTION CENTER THROUGH HIS TRIAL. CUSTODY

2/28/97 3:00 PM CALENDAR CALL CONTINUED AND ALL PRE-TRIAL MOTIONS.

3/3/97 9:30 JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 28, 1997**

94C120857-2

The State of Nevada vs Clyde Lewis

February 28, 1997**3:00 PM****All Pending Motions**

**ALL PENDING
MOTIONS FOR
2/28/97 Court Clerk:
CINDY HORTON
Reporter/Recorder:
MARGIE CARLSON
Heard By: Sally
Loehrer**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Lemcke, Nancy L.

Attorney

Lewis, Clyde

Defendant

O'Callaghan, Michael N.

Attorney

Palma, Richard

Attorney

JOURNAL ENTRIES

- DEFT'S MOTION TO STRIKE DEADLY WEAPON ALLEGATION...DEFT'S MOTION TO COMPEL PRODUCTION OF RAP SHEETS...DEFT'S MOTION TO COMPEL DISCLOSURE OF PRESENTENCE REPORTS...DEFT'S MOTION TO COMPEL DISCLOSURE OF EXISTENCE OF BENEFITS OF COOPERATION. DEFT'S MOTION IN LIMINE TO PRECLUDE EVIDENCE... DEFT'S MOTION TO SUPPRESS IDENTIFICATION OF DEFT...CALENDAR CALL

Upon inquiry by the Court, State advised believes ready for trial, however, Ms. Atkins will be in trial in Reno and believes can pick a jury on Monday. State further advised is having trouble locating the victims spouse and would request if she is not available that the previous deposition be used.

COURT ORDERED, TRIAL STANDS AS #1 ON 3/3/97 AT 9:30 AM. As to DEFT'S MOTION TO STRIKE DEADLY WEAPON ALLEGATION, COURT ORDERED, MOTION GRANTED, THE

WORDS "OR HAMMER" ON LINE 14 WILL BE STRICKEN. Following arugment by counsel, COURT ORDERED, DEFT'S MOTION TO COMPEL PRODUCTION OF RAP SHEETS GRANTED in that the DA's Staff will run NCIC on names provided by defense counsel and the information will be provided by the DA by Tuesday. As to Deft motion to compel disclosure of presentence report, Court inquired how many witnesses in this case have been convicted in this jurisdiction where a PSI is available. State advised does not know if will be calling the co-deft. Case numbers of possible witnesses with cases in the system provided and will be made available to counsel to review if appropriate. COURT ORDERED, DEFT'S MOTION TO COMPEL DISCLOSURE OF PRESENCE REPORTS GRANTED. As to DEFT'S MOTION TO COMPEL DISCLOSURE OF EXISTENCE OF BENEFITS OF COOPERATION, COURT ORDERED, MOTION GRANTED as the PSI report can be reviewed. Argument by counsel regarding the deft's motion in limine to preclude evidence. COURT ORDERED, MOTION TO PRECLUDE EVIDENCE DENIED UNLESS THE DEFT TAKES THE STAND. Response by Ms. Lemcke. Court advised will allow a certified JOC if deft says was not there for impeachment purposes. As to Deft's motion to suppress identification of deft, photo of line-up provided to the Court. Court advised does not find anything suggestive in the photo. Ms. Lemcke requested the State be precluded from bringing up the line-up photo at time of direct. Objection by the State. COURT ORDERED, MOTION TO SUPPRESS IDENTIFICATION OF DEFT DENIED.

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****March 03, 1997**

94C120857-2

The State of Nevada vs Clyde Lewis

March 03, 1997**9:30 AM****Jury Trial****TRIAL BY JURY****Court Clerk: JUDY
NORMAN****Reporter/Recorder:****MARY BETH COOK****Heard By: LOEHRER,
SALLY****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Lemcke, Nancy L.

Attorney

Lewis, Clyde

Defendant

O'Callaghan, Michael N.

Attorney

Palma, Richard

Attorney

JOURNAL ENTRIES

- Mr. Palma requested Defendant referred to as Clyde Lewis for purposes of Trial. COURT SO ORDERED. Jury Panel given voir dire oath at 9:45 AM. Noon recess at 12:00 PM. Jury selection resumed at 1:35 PM. Jury excused at 5:10 PM. Outside the presence of the Jury, Mr. Palma moved for mistrial. Arguments by Mr. O'Callaghan. COURT ORDERED, DENIED.
CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 04, 1997**

94C120857-2

The State of Nevada vs Clyde Lewis

March 04, 1997**9:30 AM****Jury Trial****TRIAL BY JURY****Court Clerk: JUDY
NORMAN****Reporter/Recorder:
JOANN ORDUNA****Heard By: LOEHRER,
SALLY****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Lemcke, Nancy L.

Attorney

Lewis, Clyde

Defendant

O'Callaghan, Michael N.

Attorney

Palma, Richard

Attorney

JOURNAL ENTRIES

- Outside the presence of the Jury, Mr. O'Callaghan requested witness testify prior to openings as had to leave today at 3:00 PM. Objections by Mr. Palma. Mr. Palma advised would stipulate that bullet was taken from body and given to someone else. Jury sworn to hear the case at 11:20 AM. Opening statement by Mr. O'Callaghan at 11:25 AM. Opening statement by Mr. Palma at 11:40 AM. Witnesses sworn and testified. Exhibits per attached worksheet. Noon recess at 12:10 PM. Counsel stipulated to the presence of the Jury at 1:35 PM. Witnesses sworn and testified. Exhibits per attached worksheet. Exclusionary rule invoked at 1:50 PM. Outside the presence of the Jury, the Court advised Mr. Ford would prepare a new Exhibit I as there are other marks from prior Trial on the exhibit. Arguments by Mr. O'Callaghan. The Court gave Exhibit I to Mr. Ford who will return tomorrow with new diagram. Evening recess at 5:15 PM.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 05, 1997**

94C120857-2

The State of Nevada vs Clyde Lewis

March 05, 1997**10:30 AM****Jury Trial****TRIAL BY JURY****Court Clerk: JUDY
NORMAN****Reporter/Recorder:
MARY BETH COOK****Heard By: LOEHRER,
SALLY****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Lemcke, Nancy L.

Attorney

Lewis, Clyde

Defendant

O'Callaghan, Michael N.

Attorney

Palma, Richard

Attorney

JOURNAL ENTRIES

- Counsel stipulated to the presence of the Jury at 9:55 AM. Witnesses sworn and testified. Exhibits per attached worksheet. Noon recess at 11:50 AM. Counsel stipulated to the presence of the Jury at 1:40 PM. Witnesses sworn and testified. Exhibits per attached worksheet. Outside the presence of the Jury, Ms. Lemcke took witness McIntyre on voir dire. Counsel stipulated to the presence of the Jury at 2:20 PM. Outside the presence of the Jury, Ms. Lemcke moved for mis Trial. COURT FINDS objection was not lodged timely and, ORDERED, MOTION DENIED. Counsel stipulated to the presence of the Jury at 3:25 PM. Witnesses sworn and testified. Exhibits per attached worksheet. Evening recess at 5:05 PM.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****March 06, 1997**

94C120857-2

The State of Nevada vs Clyde Lewis

March 06, 1997**9:00 AM****Jury Trial****TRIAL BY JURY****Court Clerk: JUDY
NORMAN****Reporter/Recorder:
MARGIE CARLSON****Heard By: LOEHRER,
SALLY****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Lemcke, Nancy L.

Attorney

Lewis, Clyde

Defendant

O'Callaghan, Michael N.

Attorney

Palma, Richard

Attorney

JOURNAL ENTRIES

- Counsel stipulated to the presence of the Jury at 10:40 AM. Witnesses sworn and testified. Exhibits per attached worksheet. Noon recess 12:25 PM. Counsel stipulated to the presence of the Jury at 1:50 PM. Witnesses sworn and testified. Exhibits per attached worksheet. Evening recess at 5:10 PM.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 07, 1997**

94C120857-2

The State of Nevada vs Clyde Lewis

March 07, 1997**8:30 AM****Jury Trial****TRIAL BY JURY****Court Clerk: JUDY
NORMAN****Reporter/Recorder:****MARY BETH COOK****Heard By: LOEHRER,
SALLY****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Lemcke, Nancy L.

Attorney

Lewis, Clyde

Defendant

O'Callaghan, Michael N.

Attorney

Palma, Richard

Attorney

JOURNAL ENTRIES

- Counsel stipulated to the presence of the Jury at 9:35 AM. Witnesses sworn and testified. Exhibits per attached worksheet. Noon recess at 12:00 AM. Counsel stipulated to the presence of the Jury at 1:35. Witnesses sworn and testified. Exhibits see attached worksheet. Evening recess at 5:25.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 10, 1997**

94C120857-2

The State of Nevada vs Clyde Lewis

March 10, 1997**8:30 AM****Jury Trial****TRIAL BY JURY****Court Clerk: JUDY
NORMAN****Reporter/Recorder:
MARGIE CARLSON****Heard By: Sally
Loehrer****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Lemcke, Nancy L.

Attorney

Lewis, Clyde

Defendant

O'Callaghan, Michael N.

Attorney

Palma, Richard

Attorney

JOURNAL ENTRIES

- Outside the presence of the Jury, the Court advised Defendant of his right to testify. Counsel stipulated to the presence of the Jury at 9:45 AM. Exhibits see attached worksheet. State rested at 9:50 AM. Defendant rested at 9:55 AM. The Court instructed the Jury at 9:56 AM. Closing arguments by Ms. Lemcke at 10:20 AM. Closing arguments by Mr. Palma at 11:00 AM. Closing arguments by Mr. O'Callaghan at 11:50 AM. Bailiff and Court's secretary sworn to take charge of the Jury at 1:25 PM. The Jury returned with a verdict at 4:45 PM. DEFENDANT, LEWIS FOUND GUILTY OF COUNT I-BURGLARY, COUNT II-ROBBERY WITH USE OF A DEADLY WEAPON, COUNT IV-MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY WEAPON. The Court thanked and excused the Jury. COURT ORDERED, SET FOR SENTENCING CUSTODY

4/8/97 9:00 AM SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****April 08, 1997**

94C120857-2

The State of Nevada vs Clyde Lewis

April 08, 1997**9:00 AM****Sentencing****SENTENCING****Court Clerk: CINDY
HORTON****Reporter/Recorder:
MARGIE CARLSON****Heard By: LOEHRER,
SALLY****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Lewis, Clyde

Defendant

O'Callaghan, Michael N.

Attorney

Palma, Richard

Attorney

JOURNAL ENTRIES

- Mr. Palma advised he and Ms. Lemcke have not been able to go over the PSI with the deft and would request a ten day continuance so Ms. Lemcke could be present. State advised defense has been put on notice that the State has victim speakers present. Court advised will allow speakers to make statements to the Court today and will continue formal sentencing. Irene Moden and Eric Moden sworn and made statements to the Court. COURT ORDERED, SENTENCING CONTINUED. CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****April 29, 1997**

94C120857-2

The State of Nevada vs Clyde Lewis

April 29, 1997**9:00 AM****Sentencing****SENTENCING****Court Clerk: CINDY
HORTON****Reporter/Recorder:
MARY BETH COOK****Heard By: Sally
Loehrer****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Hehn, William A.

Attorney

Lemcke, Nancy L.

Attorney

Lewis, Clyde

Defendant

Palma, Richard

Attorney

JOURNAL ENTRIES

- Angela Lorence of Parole and Probation present. DEFT LEWIS ADJUDGED GUILTY OF COUNT I - BURGLARY (F), COUNT II - ROBBERY WITH USE OF A DEADLY WEAPON (F) AND COUNT IV - MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY WEAPON (F) PURSUANT TO JURY VERDICT. (DEFT FOUND GUILTY OF COUNT III BATTERY WITH USE OF A DEADLY WEAPON ON 9/5/95 AND SENTENCED AS TO TIME TO EIGHT (8) YEARS IN THE NEVADA DEPT OF PRISONS. Statements in mitigation of sentencing. Deft requested counsel for appeal on all counts. Court advised the deft the SPD will be representing him on these convictions and believes the time may have run on the previous conviction of count III and therefore will Order the SPD to represent on post conviction relief as to count III. Conference at the bench. COURT ORDERED, L. MELIA APPOINTED AS COUNSEL TO REPRESENT DEFT ON DIRECT APPEAL AS TO CONVICTIONS ON COUNTS I, II AND IV AND FOR POST CONVICTION RELIEF AS TO COUNT III. Further

statements in mitigation of sentencing. COURT ORDERED, IN ADDITION TO THE \$25 ADMINISTRATIVE ASSESSMENT FEE, DEFT SENTENCED AS TO COUNT I - TEN (10) YEARS IN THE NEVADA DEPT OF PRISONS CONSECUTIVE TO COUNT III, AS TO COUNT II - DEFT SENTENCED TO FIFTEEN (15) YEARS IN THE NEVADA DEPT OF PRISONS PLUS AN EQUAL AND CONSECUTIVE FIFTEEN (15) YEARS PENALTY ENHANCEMENT CONSECUTIVE TO COUNTS I AND III, AS TO COUNT IV - DEFT SENTENCED TO LIFE IN THE NEVADA DEPT OF PRISONS WITH THE POSSIBILITY OF PAROLE PLUS AN EQUAL AND CONSECUTIVE LIFE WITH THE POSSIBILITY OF PAROLE PENALTY ENHANCEMENT CONSECUTIVE TO COUNTS I, II AND III WITH 1023 DAYS CREDIT FOR TIME SERVED. COURT FURTHER ORDERED, MATTER CONTINUED TO THURSDAY FOR L. MELIA TO CONFIRM AS COUNSEL. CUSTODY
5/1/97 9 AM CONFIRMATION OF COUNSEL (L. MELIA)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 01, 1997**

94C120857-2

The State of Nevada vs Clyde Lewis

May 01, 1997**9:00 AM****Motion for Confirmation of
Counsel**

**CONFIRMATION
OF COUNSEL (L.
MELIA) Court Clerk:
CINDY HORTON
Reporter/Recorder:
MARY BETH COOK
Heard By: Sally
Loehrer**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Hehn, William A.

Attorney

JOURNAL ENTRIES

- C. Oram, Esq. present as the Court's request. Court advised L. Melia was appointed, however previously represented the co-deft in this case, therefore, the Court contacted Mr. Oram and requested he be present today. Upon inquiry by the Court, Mr. Oram advised he can confirm as counsel. COURT ORDERED, C. ORAM APPOINTED AND CONFIRMED AS COUNSEL FOR DEFT LEWIS.
CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****December 29, 1997**

94C120857-2

The State of Nevada vs Clyde Lewis

December 29, 1997**9:00 AM****Motion****DEFT'S MOTION
FOR
CLARIFICATION
OF THE RECORD
Relief Clerk: LINDA
SKINNER
Reporter/Recorder:
JAMES HELLESO
Heard By:
Pavlikowski, Joseph
S.****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Krisko, Susan R.

Attorney

JOURNAL ENTRIES

- Since Mr. Oram is not present, COURT ORDERED, matter OFF CALENDAR.

MATTER RECALLED WITH MR. ORAM PRESENT: Mr. Oram advised that he was in Dept. XV as Judge Loehrer heard both of the trials and Mr. Oram needs a transcript from the first trial. Colloquy between Court and counsel. Counsel advised that all of Dept. XV criminal cases were sent to Dept. XVI. COURT ORDERED, matter CONTINUED and SENT TO DEPT. XVI.
NDP

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****January 05, 1998**

94C120857-2

The State of Nevada vs Clyde Lewis

January 05, 1998**8:45 AM****Motion****DEFT'S MOTION
FOR
CLARIFICATION
OF THE RECORD
Court Clerk: DENISE
TRUJILLO
Reporter/Recorder:
KIT MacDONALD
Heard By:
McGroarty, John S.****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Hartsell, James B.

Attorney

Oram, Christopher R.

Attorney

JOURNAL ENTRIES

- Mr. Oram advised of history and requested transcript of deft's first trial. Mr. Hartsell advised he does not have the file as this is a major violator case. COURT ORDERED, matter CONTINUED for DA from the MJ unit to be present.
CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****January 07, 1998**

94C120857-2

The State of Nevada vs Clyde Lewis

January 07, 1998**8:45 AM****Motion****DEFT'S MOTION
FOR
CLARIFICATION
OF THE RECORD
Court Clerk: DENISE
TRUJILLO
Reporter/Recorder:
KIT MacDONALD
Heard By: John
McGroarty****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Guymon, Gary L.

Attorney

Lewis, Clyde

Defendant

Oram, Christopher R.

Attorney

JOURNAL ENTRIES

- Mr. Oram advised he is requesting transcript from deft's first trial. There being no opposition,
COURT SO ORDERED. Mr. Oram to prepare the order.
CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****August 04, 1998**

94C120857-2

The State of Nevada vs Clyde Lewis

August 04, 1998**8:30 AM****Petition for Writ of Habeas
Corpus****DEFT'S PETITION
FOR WRIT OF
HABEAS
CORPUS POST-
CONVICTION
Court Clerk: CAROL
GREEN Relief Clerk:
ROSA
ARDESCH/RA
Reporter/Recorder:
JAMES HELLESO
Heard By:
Pavlikowski, Joseph
S.****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Krisko, Susan R.

Attorney

Lewis, Clyde

Defendant

Oram, Christopher R.

Attorney

JOURNAL ENTRIES

- Mr. Oram advised Deft. is in Ely State Penitentiary, and requested 30 days to supplement the petition. COURT ORDERED supplement to be filed by 9/4/98 at 5:00 PM. Ms. Krisko requested 3 weeks to file reply. COURT ORDERED, for status check and to set time for hearing.

NDP

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****September 18, 1998**

94C120857-2

The State of Nevada vs Clyde Lewis

September 18, 1998**8:30 AM****Request of Court****AT THE REQUEST
OF THE COURT
Court Clerk: CAROL
GREEN/CG Relief
Clerk: DENISE
HUSTED
Reporter/Recorder:
JAMES HELLESO
Heard By: Joseph
Pavlikowski****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Brown, Philip H.

Attorney

JOURNAL ENTRIES

- Mr. Brown advised that he has a note requesting one week. COURT ORDERED, matter will be heard next week.

NDP

9/25/98 DEFT'S PETITION FOR WRIT OF HABEAS CORPUS - POST CONVICTION

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****September 25, 1998**

94C120857-2

The State of Nevada vs Clyde Lewis

September 25, 1998 8:30 AM**Petition for Writ of Habeas
Corpus****DEFT'S PETITION
FOR WRIT OF
HABEAS
CORPUS POST-
CONVICTION
Court Clerk: LINDA
SKINNER Relief
Clerk: PAULA
GOODELL
Reporter/Recorder:
JAMES HELLESO
Heard By: Joseph
Pavlikowski****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Lalli, Christopher J.

Attorney

Oram, Christopher R.

Attorney

JOURNAL ENTRIES

- Court noted Deft. is in Nevada Department of Prisons and ORDERED, matter TRANSFERRED TO DEPARTMENT XV and set for status check.

NDP

10/5/98 9:00 AM STATUS CHECK (DEPT XV)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 05, 1998

94C120857-2

The State of Nevada vs Clyde Lewis

October 05, 1998

9:00 AM

Status Check

STATUS CHECK
(DEPT XV) Court
Clerk: CINDY
HORTON
Reporter/Recorder:
JOY HINCK Heard
By: Sally Loehrer

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

O'Callaghan, Michael N.

Attorney

Oram, Christopher R.

Attorney

JOURNAL ENTRIES

- Upon inquiry by the Court, State advised does not believe an evidentiary hearing is necessary as it is a legal argument. Mr. Oram concurred as long as the Court does not establish who should have filed the notice. State advised believes everything should be up on appeal at one time, however, that is now what happened and now there are seperate issues. COURT ORDERED, MATTER CONTINUED TO 10:30 FOR HEARING. MATTER RECALLED, all parties present as before. Mr. Oram presented petition for post conviction relief on the charge of battery with use of a deadly weapon. Response by State referring to 174.015. Reply by Mr. Oram. Court advised as to the charges in count III, Mr. Waterman, the deft's attorney at that time, is very competent trial attorney. Court further finds that 174.015 does apply in this case and was waived as to double jeopardy was only charged with murder as to Molden and therefore would never has been double jeopardy and as to failure to effect appeal time, Mr. Waterman was not responsible for filing appeal. Court further finds there was no ineffective assistance of counsel for not perfecting appeal believes the Supreme Court should look at appealable issue. Mr. Oram requested pursuant to Lazado that his client be

released for the record and moved for dismissal of the case. Court advised believes the remedy would be another trial. State advised believes there should be consolidation. Court advised finds no ineffective assistance of counsel for failure to perfect appeal and DENIED PETITION FOR POST CONVICTION RELIEF because has already been on direct appeal on other charges and does not believe it will effect prison time. Court further advised finds there is nothing wrong with the say count III is pled. At the request of Mr. Oram. COURT ORDERED, C. ORAM APPOINTED COUNSEL FOR THE PURPOSE OF THE APPEAL OF DENIAL OF POST CONVICTION RELIEF. NDP

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****July 09, 2001**

94C120857-2

The State of Nevada vs Clyde Lewis

July 09, 2001**8:30 AM****Motion**

**DEFT'S MOTION
TO PLACE ON
CALENDAR Court
Clerk: THERESA
LEE/TL Relief Clerk:
APRIL WATKINS
Reporter/Recorder:
MARCIA HARNESS
Heard By: Loehrer,
Sally**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Oram, Christopher R.
Pace, Barter G.

Attorney
Attorney

JOURNAL ENTRIES

- Upon Court's inquiry, Mr. Oram stated he calendared this matter so that he can get paid on everything. He was appointed to do the second appeal on the second trial. The first trial was not appealed, Deft. was convicted of battery of several people. The Court appointed the Public Defender to do the writ. The Public Defender did not file one. That is why he filed the writ on behalf of the Deft. The Supreme Court ordered him to file an appeal on the second trial, but informed them he needed to consolidate the issues and bring a writ from the first trial. He appealed the writ after the Court denied it, the issues were consolidated, filed a reply brief and everything has now been denied and is being sent back down. Mr. Oram requested to be paid for the entire bill. Mr. Pace stated Art Noxon of his office needs a copy of Mr. Oram's itemized statement. Mr. Oram stated he submitted one. COURT ORDERED, Mr. Oram to submit another statement and ORDERED, matter

94C120857-2

CONTINUED one week.
NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****July 16, 2001**

94C120857-2

The State of Nevada vs Clyde Lewis

July 16, 2001**8:30 AM****Motion**

**DEFT'S MOTION
TO PLACE ON
CALENDAR Relief
Clerk: KEITH REED
Reporter/Recorder:
MARCIA HARNESS
Heard By: Sally
Loehrer**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Oram, Christopher R.
Pace, Barter G.

Attorney
Attorney

JOURNAL ENTRIES

- Mr. Oram stated he faxed a copy of the bill to Mr. Noxon has not received any response. COURT ORDERED, bill is APPROVED; counsel to submit order.
NDP

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****April 26, 2004**

94C120857-2

The State of Nevada vs Clyde Lewis

April 26, 2004**8:30 AM****Motion to Modify Sentence**

**DEFT'S PRO PER
MTN TO
MODIFY/76 Court
Clerk: Theresa Lee
Reporter/Recorder:
Julie Lever Heard
By: Loehrer, Sally**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Palmer, Raelene K.

Attorney

JOURNAL ENTRIES

- State requested one week to file a response, by 5/3/04. Mr. Erickson present in the courtroom on another matter, advised the Court Ms. Melia moved to California. COURT ORDERED, Laura Melia is allowed to WITHDRAW from this case, and the Court will put deft in PRO PER status. COURT ORDERED, State will have one week to respond by 5/3/04, and send a copy of same to deft in prison, and deft will have until 5/13/04 to file his reply. Upon Court's inquiry, Ms. Palmer stated she does not believe deft's motion has merit. The Court was trying to determine if deft should be transported. The Court will make a decision on 5/26/04 without argument.

NDC

5/26/04 8:30 A.M. (SAME)...DECISION.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 26, 2004

94C120857-2

The State of Nevada vs Clyde Lewis

May 26, 2004

8:30 AM

All Pending Motions

**ALL PENDING
MOTIONS (5/26/04)**
**Court Clerk: Theresa
Lee**
**Reporter/Recorder:
Mary Beth Cook**
**Heard By: Sally
Loehrer**

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:

Knapp, Gregory D.

Attorney

JOURNAL ENTRIES

- Court stated for the record, Deft was found guilty of murder in the first degree in 1995. Deft. received a sentence of Life With the possibility of parole and a consecutive Life With the possibility of parole for Use of a Deadly Weapon. Deft. filed a motion indicating he has an illegal sentence because he believes the Use of a Deadly Weapon was part of the murder, therefore, unlawful to impose an equal and consecutive sentence. Court noted, Deft. misapprehends the Law and Statutes in the State of Nevada. If the deft committed the murder with his hands, by way of strangulation or beating, then he would have received a first degree murder without the enhancement and received one life sentence. The Legislature in the State of Nevada says the use of a deadly weapon is to be discouraged and is not acceptable behavior. The Legislature has stated, the penalty is doubled for the use of a deadly weapon. Therefore, IT IS HEREBY ORDERED, Deft's Pro Per Motion to Correct or Reduce Sentence is DENIED. Mr. Knapp to prepare the Order and Findings.

NDC

CLERK'S NOTE: A copy of this minute order was placed in the U.S. Mail to deft at ID#45193,

94C120857-2

Lovelock Correctional Center, P.O. BOX 359, Lovelock, NV 89419

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 03, 2010**

94C120857-2

The State of Nevada vs Clyde Lewis

March 03, 2010**11:00 AM****All Pending Motions****ALL PENDING
MOTIONS (3/3/10)****Court Clerk: Larry
Snyder****Reporter/Recorder:****Dalyne Easley Heard****By: Stefany Miley****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Ponticello, Frank M.

Attorney

JOURNAL ENTRIES

- PETITION FOR WRIT OF HABEAS CORPUS...STATE'S RESPONSE AND MOTION TO DISMISS
DEFENDANT'S PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION).

Defendant Stratton not present. Court NOTED, Defendant not transported for the purpose of this
Hearing. Court FURTHER NOTED, it will not entertain oral argument.

COURT ORDERED, matter taken UNDER ADVISEMENT. Court ADVISED, it will render a written
Decision, and will provide copies to the Defendant and State.

NDC

UNDER ADVISEMENT

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 04, 2010

94C120857-2

The State of Nevada vs Clyde Lewis

March 04, 2010

9:00 AM

Minute Order

**MINUTE ORDER
RE: COURT'S
DECISION Court
Clerk: Larry Snyder
Heard By: Stefany
Miley**

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- o1is matter was last before the Court on March 3, 2010 pursuant to Defendant s Petition for Writ of Habeas Corpus or in the Alternative Petition for Writ of Mandamus or in the Alternative Petition for Declaratory Judgment and the State s Response and Motion to Dismiss Defendant s petition for Writ of Habeas Corpus (Post-Conviction). Defendant was not transported for purposes of this hearing as the Court did not entertain oral argument.

On January 9, 1995, Defendant was sentenced by the District Court to a sentence of Life with the Possibility of Parole, plus an equal and consecutive term for Defendant s use of a deadly weapon. The Judgment of Conviction was filed on January 20, 1995. Defendant did not file a direct appeal. Defendant s instant motion was filed on December 16, 2009. Defendant alleged the Nevada Court lacked jurisdiction over him due to the absence of enacting clauses in the Nevada Revised Statutes. Furthermore, Defendant alleged the deadly weapon enhancement was unconstitutional and violated his constitutional rights.

The State disputed the Defendant s contentions alleging his claims were time barred as the Judgment of Conviction was filed over 14 years ago and the Defendant did not take a direct appeal. Additionally, the State alleged the Defendant failed to show good cause for the delay in order to

overcome the strictly construed time bar. The State also alleged the Defendant's arguments regarding the enacting clause were not sufficient to demonstrate good cause. The State argued that while it is well established that the laws of Nevada must include an enacting clause, the Nevada Revised Statutes do not have the same requirement, as they are not laws enacted by the legislature. Rather, the Nevada Revised Statutes consist of previously enacted laws which have been classified, codified, and annotated by the Legislative Counsel. See NRS 220.120. Thus, the lack of an enacting clause in the Nevada Revised Statutes does not render them unconstitutional. Furthermore, the State argued that the deadly weapon enhancement has previously been found constitutional by the Nevada Supreme Court. Lastly, the State alleged laches should apply because of the excessive time delay between the filing of the judgment of conviction and the instant motion.

COURT FINDS, Defendant's Motion is time barred pursuant to NRS 34.726 as it was not filed until nearly fourteen (14) years after the one year deadline. Furthermore, COURT FINDS, Defendant has failed to demonstrate good cause for failing to file his Petition within the required statutory time frame. Also, COURT FINDS, the Nevada Supreme Court has previously addressed the constitutionality of the deadly weapon enhancement per NRS 193.165 thus Defendant's claims are without merit. Lastly, COURT FINDS, Defendant's claims are barred by the doctrine of laches. As discussed above, over fourteen years elapsed between the filing of the Judgment of Conviction and Defendant's instant motion. The extensive time lapse is prejudicial to the State. COURT ORDERS Defendant's Petition DENIED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 30, 2012**

94C120857-2

The State of Nevada vs Clyde Lewis

January 30, 2012**9:30 AM****Motion****Motion and Order for
Transportation of
Inmate for Court
Appearance or, in the
Alternative, for
Appearance by
Telephone or Video
Conference****HEARD BY:** Miley, Stefany**COURTROOM:** RJC Courtroom 12C**COURT CLERK:** Anntoinette Naumec-Miller
Christine Erickson**RECORDER:** Maria Garibay**REPORTER:****PARTIES
PRESENT:**

JOURNAL ENTRIES

- Michael Radovcic, Deputy District Attorney, present for State

Deft. not present. Court advised an opposition was filed by State and ORDERED Deft's motion DENIED. Court further stated it is not entertaining oral argument, Deft was not transported, and the post conviction petition is set for February 22, 2012. Court further stated that if oral argument is needed, Deft. will be transported. State to prepare the Order.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****March 05, 2012**

94C120857-2

The State of Nevada vs Clyde Lewis

March 05, 2012**11:00 AM****Petition for Writ of Habeas
Corpus****HEARD BY:** Miley, Stefany**COURTROOM:** RJC Courtroom 12C**COURT CLERK:** Anntoinette Naumec-Miller**RECORDER:** Maria Garibay**REPORTER:****PARTIES****PRESENT:****JOURNAL ENTRIES**

- Robert Stephens, Deputy District Attorney, present for the State of Nevada.

Deft. not present. Court noted this is post conviction and Deft. was not transported as it is not entertaining oral argument. Upon Court's inquiry, Mr. Stephens advised the State's response was filed 1/27/12. COURT ORDERED, Motion DENIED as time barred advising Deft. was sentenced on 4/29/97, District Court filed the Judgment of Conviction (JOC) on 5/23/97 and the Deft. didn't file a direct appeal. Court further advised Deft. filed a post conviction Writ on 7/10/98 saying he was denied the right to timely and direct appeal and the Court doesn't show anything after that. COURT FINDS it is time barred in as more than one year after the JOC and the Doctrine of Laches, as pled by the State, applies; there is a presumption of prejudice given the number of years that have passed. State to prepare an order consistent with the Court's findings.

NDC

CLERK'S NOTE: A copy of this Minute Order was mailed to: Clyde Lewis #48875, P.O. Box 650 [HDSP], Indian Springs, NV 89018. anm/3/8/12

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****August 19, 2013**

94C120857-2

The State of Nevada vs Clyde Lewis

August 19, 2013**9:30 AM****All Pending Motions****HEARD BY:** Miley, Stefany**COURTROOM:** RJC Courtroom 12C**COURT CLERK:** Ying Pan**RECORDER:** Maria Garibay**REPORTER:****PARTIES****PRESENT:**State of Nevada
Wiborg, Erika L.Plaintiff
Attorney**JOURNAL ENTRIES**

- DEFENDANT'S PRO PER ACCUSED MOTION TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION ... DEFENDANT'S PRO PER NOTICE OF MOTION AND MOTION TO APPOINT COUNSEL

Defendant not present.

Court NOTED, it is not entertaining oral arguments and it is adopting the judicial history filed by the State. COURT STATED ITS FINDINGS, and ORDERED, Motions DENIED as they are without merit. State to prepare a proposed Order including finding of facts and conclusion of law.

NDC

CLERK'S NOTE: The above minute order has been distributed via U.S. Mail to Defendant:

Louis Randolph, aka, Clyde Lewis #48875

Southern Desert Correctional Center

20825 Cold Creek Rd.

P.O. Box 208

Indian Springs, NV 89070

- YP 8/19/13

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 30, 2013

94C120857-2

The State of Nevada vs Clyde Lewis

September 30, 2013 9:30 AM

All Pending Motions

HEARD BY: Miley, Stefany

COURTROOM: RJC Courtroom 12C

COURT CLERK: Anntoinette Naumec-Miller

RECORDER: Maria Garibay

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Leah Beverly, Deputy District Attorney, present for the State of Nevada.

DEFT'S PRO PER NOTICE OF MOTION ON MOTION FOR REHEARING ON MOTION TO DISMISS LACK OF SUBJECT MATTER JURISDICTION (ERRATA) SHOW OF CAUSE HEARING DISCOVERY MOTION...DEFT'S PRO PER NOTICE OF MOTION ON REQUEST FOR LEAVE OF THE COURT TO FILE MOTION FOR REHEARING

Deft. not present. Court noted Deft. wasn't transported as it is not entertaining oral argument. COURT ADOPTED the procedural history as set forth in the State's Opposition, stated its FINDINGS, and ORDERED, Motions DENIED. State to prepare the order with findings of fact and conclusions of law.

NDC

CLERK'S NOTE: A copy of this Minute Order was mailed to:

Louis Randolph #48875

S.D.C.C.

P.O. Box 208

Indian Springs, NV 89070. anm/10/1/13

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 10, 2014**

94C120857-2

The State of Nevada vs Clyde Lewis

February 10, 2014**9:30 AM****All Pending Motions****HEARD BY:** Miley, Stefany**COURTROOM:** RJC Courtroom 12C**COURT CLERK:** Anntoinette Naumec-Miller**RECORDER:** Maria Garibay**REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- Giancarlo Pesci, Deputy District Attorney, present for the State of Nevada.

DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)...DEFT'S PRO PER MOTION TO APPOINT COUNSEL...STATE'S RESPONSE AND MOTION TO DISMISS DEFENDANT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION), OPPOSITION TO DEFT'S PRO PER MOTION TO APPOINT COUNSEL AND OPPOSITION TO DEFT'S PRO PER REQUEST FOR AN EVIDENTIARY HEARING

Deft. not present. Court noted Deft. wasn't transported as it is not entertaining oral argument. COURT ADOPTED the Procedural History as set forth by the State FINDING it is an accurate recitation of the case. COURT stated its FINDINGS and ORDERED, Motions DENIED. State to prepare the order.

NDC

CLERK'S NOTE: A copy of this Minute Order was mailed to:

Louis Randolph #1356378

SDCC

P.O. Box 208

Indian Springs, NV 89070. anm/2/13/14

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 18, 2017**

94C120857-2

The State of Nevada vs Clyde Lewis

January 18, 2017**9:30 AM****All Pending Motions**

**Defendant's Motion
for Leave to Proceed
in Forma Pauperis;
Defendant's Pro Per
Motion for the
Appointment of
Counsel; Defendant's
Pro Per Motion to
Correct an Illegal
Sentence NRS
176.555**

HEARD BY: Miley, Stefany**COURTROOM:** RJC Courtroom 12C**COURT CLERK:** Katherine Streuber**RECORDER:** Maria Garibay**REPORTER:****PARTIES****PRESENT:**

Burton, Chris
State of Nevada

Attorney
Plaintiff

JOURNAL ENTRIES

- Court noted Deft. was not transported as no oral argument was needed. As to Deft's Motion to Correct an Illegal Sentence: Court FINDS no legal basis and noted if seen as a Habeas Corpus it would be time-barred and ORDERED, motion DENIED as no good cause provided to get past procedural time bars and noted more than five years since filing of remittitur; As to Deft's Motion for the Appointment of Counsel: COURT ORDERED, motion DENIED as there is no merit; and as to Deft's Motion for Leave to Proceed in Forma Pauperis (original scheduled to be heard on January 23, 2017): COURT ORDERED, motion GRANTED. State to prepare the Order.

NDC

CLERK'S NOTE: The above minute order has been distributed to: Clyde Lewis #48875 c/o Ely State Prison, P.O. Box 1989, Ely, NV 89301. 02/07/17 kls

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

94C120857-2

The State of Nevada vs Clyde Lewis

May 31, 2017**9:30 AM****Motion**

**Defendant's Pro Per
Motion to Extend
Prison Copywork
Limit**

HEARD BY: Miley, Stefany**COURTROOM:** RJC Courtroom 12C**COURT CLERK:** Katherine Streuber**RECORDER:** Maria Garibay**REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- Court noted Deft. was transported as no oral argument was needed, pointed out the Deft. needed to serve the Attorney General's Office and ORDERED, matter CONTINUED. Clerk to notify the Attorney General.

NDC

07-10-17 9:30 AM DEFT'S PRO PER MOTION TO EXTEND PRISON COPYWORK LIMIT

CLERK'S NOTE: The above minute order has been distributed via e-mail to: Allison Herr, D.A.G.

CLERK'S NOTE: The above minute order has been distributed to: Clyde Lewis #48875 c/o Ely State Prison, P.O. Box 1989, Ely, NV 89301. 06/14/17 kls

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****July 10, 2017**

94C120857-2

The State of Nevada vs Clyde Lewis

July 10, 2017**9:30 AM****All Pending Motions**

**Defendant's Pro Per
Petition for Writ of
Habeas Corpus (Post
Conviction); Deft's
Pro Per Ex Parte
Motion for
Appointment of
Counsel and Request
for Evidentiary
Hearing; Deft's Pro
Per Motion to Extend
Prison Copywork
Limit**

HEARD BY: Miley, Stefany**COURTROOM:** RJC Courtroom 12C**COURT CLERK:** Katherine Streuber**RECORDER:** Maria Garibay**REPORTER:****PARTIES****PRESENT:**

Graham, Elana L.
State of Nevada

Attorney
Plaintiff

JOURNAL ENTRIES

- Court noted Deft. was transported as no oral argument is needed. Court ADOPTED the State's Procedural History as it is accurate. COURT ORDERED, Deft's Petition for Writ of Habeas Corpus is DENIED as untimely, FINDS it successive as this is the fourth writ to be filed. Court FURTHER FINDS there being no good cause shown on how to overcome procedural time bar. LASTLY, Court FINDS Laches does apply and would prejudice the State. ADDITIONALLY, there being no legal basis, Deft's Pro Per Motion for Appointment of Counsel and Request for Evidentiary Hearing and Deft's Pro Per Motion to Extend Prison Copywork Limit are DENIED. State to prepare the Order as to the petition and motion for appointment of counsel. Court to prepare Order regarding motion to

PRINT DATE: 02/24/2022

Page 98 of 107

Minutes Date: June 20, 1994

extend.

NDC

CLERK'S NOTE: The above minute order has been distributed to: Clyde Lewis #48875 c/o Southern Desert Correctional Center, P.O. Box 208, Indian Springs, NV 89070. 07/20/17 kls

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

94C120857-2

The State of Nevada vs Clyde Lewis

July 24, 2017**9:30 AM****All Pending Motions**

**Defendant's Pro Per
Motion for Extension
of Time; Defendant's
Pro Per Motion and
Order for
Transportation of
Inmate for Court
Appearance or, in the
Alternative, for
Appearance by
Telephone or Video
Conference**

HEARD BY: Miley, Stefany**COURTROOM:** RJC Courtroom 12C**COURT CLERK:** Katherine Streuber**RECORDER:** Maria Garibay**REPORTER:****PARTIES****PRESENT:**

Smith, Tyler D.

Attorney

State of Nevada

Plaintiff

JOURNAL ENTRIES

- Court noted Deft. was not transported as no oral argument was needed. COURT ORDERED, motions are DENIED as Moot as there are no pending motions or upcoming court dates. State to prepare the Order.

NDC

CLERK'S NOTE: The above minute order has been distributed to: Clyde Lewis #48875 c/o Southern Desert Correctional Center, P.O. Box 208, Indian Springs, NV 89070. 07/28/17 kls

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****September 06, 2017**

94C120857-2

The State of Nevada vs Clyde Lewis

**September 06, 2017 9:30 AM Motion to Correct Sentence Defendant's Pro Per
Motion to Correct
Illegal Sentence
(NRS 176.555)**

HEARD BY: Miley, Stefany**COURTROOM:** RJC Courtroom 12C**COURT CLERK:** Katherine Streuber**RECORDER:** Maria Garibay**REPORTER:****PARTIES**

PRESENT: State of Nevada Plaintiff
 Turner, Robert B. Attorney

JOURNAL ENTRIES

- Court noted Deft. was not transported as no oral argument is needed. Court ADOPTED the State's Procedural History and ORDERED, motion DENIED. Court FINDS sentence imposed is not illegal, noted motion is procedurally incorrect as it should have been filed as a Habeas Corpus, pointed out there is no good cause for delay of one year and further noted it had been more than five years since remittitur. State to prepare Findings of Fact/Conclusions of Law.

NDC

CLERK'S NOTE: The above minute order has been distributed to: Clyde Lewis (aka Louis Randolph) #48875 c/o Southern Desert Correctional Center, P.O. Box 208, Indian Springs, NV 89070.
09/14/17 kls

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 25, 2017**

94C120857-2

The State of Nevada vs Clyde Lewis

October 25, 2017**9:30 AM****Motion**

**Defendant's Pro Per
Motion for
Reconsideration to
Denial of Motion to
Correct Illegal
Sentence Leave of
Court**

HEARD BY: Miley, Stefany**COURTROOM:** RJC Courtroom 12C**COURT CLERK:** Katherine Streuber**RECORDER:** Maria Garibay**REPORTER:****PARTIES****PRESENT:**

LoGrippo, Frank R.
State of Nevada

Attorney
Plaintiff

JOURNAL ENTRIES

- Court noted Deft. not transported as no oral argument is needed and inquired whether the State is filing an Opposition. Statement by Mr. LoGrippo advising of notes from Appellant Division. Court agreed with the Appellant Division in regards to matter being time-barred, noted no new issues were present and ORDERED, motion DENIED. State to prepare the Order.

NDC

CLERK'S NOTE: The above minute order has been distributed to: Clyde Lewis #48875 c/o Southern Desert Correctional Center, P.O. Box 208, Indian Springs, NV 89070. 11/7/17 kls

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 05, 2018**

94C120857-2

The State of Nevada vs Clyde Lewis

February 05, 2018**9:30 AM****Motion to Correct Sentence****Defendant's Pro Per
Motion to Correct
Illegal Sentence NRS
176.555****HEARD BY:** Miley, Stefany**COURTROOM:** RJC Courtroom 12C**COURT CLERK:** Katherine Streuber**RECORDER:** Maria Garibay**REPORTER:****PARTIES****PRESENT:**Smith, Tyler D.
State of NevadaAttorney
Plaintiff**JOURNAL ENTRIES**

- Court noted Deft. was not transported as no oral argument was needed. COURT ORDERED, matter OFF CALENDAR due to pending appeal and this Court having no jurisdiction.

NDC

CLERK'S NOTE: The above minute order has been distributed to: Clyde Lewis #48875 c/o Southern Desert Correctional Center, P.O. Box 208, Indian Springs, NV 89070. 02/05/18 kls

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 14, 2018**

94C120857-2

The State of Nevada vs Clyde Lewis

March 14, 2018**9:30 AM****Motion****Defendant's Pro Per
Motion for Extension
of Time****HEARD BY:** Miley, Stefany**COURTROOM:** RJC Courtroom 12C**COURT CLERK:** Katherine Streuber**RECORDER:** Maria Garibay**REPORTER:****PARTIES****PRESENT:**

State of Nevada

Plaintiff

Turner, Robert B.

Attorney

JOURNAL ENTRIES

- Court noted Deft. was not transported as no oral argument was needed. Court pointed out Deft. had filed a Motion to Correct Sentence, however, there is a pending appeal and ORDERED, ruling DEFERRED. Court advised a decision via a minute order will be provided once appeal is concluded.

NDC

CLERK'S NOTE: The above minute order has been distributed to: Clyde Lewis #48875 c/o Southern Desert Correctional Center, P.O. Box 208, Indian Springs, NV 89070. 03/19/18 kls

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 25, 2019**

94C120857-2

The State of Nevada vs Clyde Lewis

February 25, 2019**9:30 AM****All Pending Motions**

**Petition for Writ of
Mandamus;
Defendant's Pro Per
Motion to Correct
Illegal Sentence NRS
176.555**

HEARD BY: Miley, Stefany**COURTROOM:** RJC Courtroom 12C**COURT CLERK:** Katherine Streuber**RECORDER:** Maria Garibay**REPORTER:****PARTIES****PRESENT:**

Albright, Brandon B.
State of Nevada

Attorney
Plaintiff

JOURNAL ENTRIES

- Court noted Deft. was not transported as no oral argument was needed. As to Deft's Pro Per Motion to Correct Illegal Sentence NRS 176.555: COURT ORDERED, motion DENIED as the sentence imposed complies with the statute; and As to Petition for Writ of Mandamus: COURT ORDERED, writ DENIED as Court's jurisdiction had been addressed in Deft's three previous writs of habeas corpus. State to prepare the order(s).

NDC

CLERK'S NOTE: The above minute order has been distributed to: Clyde Lewis #48875 c/o Southern Desert Correctional Center, P.O. Box 208, Indian Springs, NV 89070. 03/05/19 kls

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 10, 2022**

94C120857-2

The State of Nevada vs Clyde Lewis

January 10, 2022**8:30 AM****Motion to Vacate Sentence****HEARD BY:** Ballou, Erika**COURTROOM:** RJC Courtroom 12C**COURT CLERK:** Ro'Shell Hurtado**RECORDER:** Susan Schofield**REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- Deft. not present.

COURT ORDERED, Motion to Vacate Illegal Sentence DENIED for all the reasons in opposition;
DIRECTED The State to prepare the order.

NDC

CLERK'S NOTE: This Minute Order was electronically filed by Courtroom Clerk, Ro'Shell Hurtado,
to all registered parties for Odyssey File & Serve: Mailed to: Lewis Clyde, P.O.Box 208, Indian
Springs, NV, 89070.//rh01.12.22

CASE NO.

OFFERED ADMITTED

[illegible]

OFFERED ADMITTED

26	Photo	Victim	<input checked="" type="checkbox"/>	10/28/17	<input checked="" type="checkbox"/>	8-28
27	"	Gun	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
28	"	Victim	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
29	"		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
30	"		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
31	"		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
32	"	Victim	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
33	"		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
34	"		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
35	"	Dresser	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
36	"	Gun	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
37	"	Bed.	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
38	"	Scene	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
39	"	Scene	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
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41	"	Gun	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
42	"	Gun	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
43	"	Scene	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
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47	"	Scene	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
48	"	Scene	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
49	"	Scene	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
50	"	Scene	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	

	OFFERED	ADMITTED
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✓ 52 - " Keyp	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
✓ 53 - " Keyp	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
✓ 54 - " }	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
✓ 55 - " } Car.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
✓ 56 - " }	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
✓ 57 - " }	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
✓ 58 - " }	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> 8-28
✓ 59 - " } Danny Bush	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
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✓ 61 - " }	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> 8-28
✓ 62 - " } Warren Johnson	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
✓ 63 - " }	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
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✓ 65 - " }	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
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✓ 67 - " } Car	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
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✓ 70 - " }	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
✓ 71 - " }	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
✓ 72 - " Car interior	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
✓ 73 - " }	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> 8-28
✓ 74 - " } Victim	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
✓ 75 - " }	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

OFFERED ADMITTED

76- Photo	<input checked="" type="checkbox"/>	NO OBJ	<input checked="" type="checkbox"/>	8-28
77- Photo	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	1
78- Photo	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	1
79- UMC records DANIEL BUSH	<input checked="" type="checkbox"/>	NO OBJ	<input checked="" type="checkbox"/>	8-24
80- UMC records Heather Barker	<input checked="" type="checkbox"/>	NO OBJ	<input checked="" type="checkbox"/>	8-24
81- UMC records Warren Johnson	<input checked="" type="checkbox"/>	NO OBJ	<input checked="" type="checkbox"/>	8-25
82- Diagram (Street Location)	<input checked="" type="checkbox"/>	NO OBJ	<input checked="" type="checkbox"/>	8-29
83- Carriage Car Corp Purchase Order	<input checked="" type="checkbox"/>	NO OBJ	<input checked="" type="checkbox"/>	8-29
84- Copy Bay View Check \$6,169	<input checked="" type="checkbox"/>	1	<input checked="" type="checkbox"/>	1
85- Impound Report 931207-1476 ^{5 pages}	<input checked="" type="checkbox"/>	NO OBJ	<input checked="" type="checkbox"/>	8-28
86- Impound Report 931207-1476 ^{1 page}	<input type="checkbox"/>		<input type="checkbox"/>	
87- Vehicle Registration	<input checked="" type="checkbox"/>	NO OBJ	<input checked="" type="checkbox"/>	8-29
88- Line-up Schedule	<input checked="" type="checkbox"/>	NO OBJ	<input checked="" type="checkbox"/>	8-25
88-A - Lineup Photo	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
88-B - Lineup Photo	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
88-C - Lineup Photo	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
88-D - Lineup Photo	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
89- Photo Display Folder	<input type="checkbox"/>		<input type="checkbox"/>	
90- Photo lineup record ¹²⁻¹⁵⁻⁹³	<input type="checkbox"/>		<input type="checkbox"/>	
91- Photo lineup record ¹²⁻¹⁴⁻⁹³	<input type="checkbox"/>		<input type="checkbox"/>	
92- Photo Display Folder (Copy) ^{#1}	<input type="checkbox"/>		<input type="checkbox"/>	
93- Photo Display Folder ^{lineup #2}	<input type="checkbox"/>		<input type="checkbox"/>	
94- Evidence Envelope	<input checked="" type="checkbox"/>	NO OBJ	<input checked="" type="checkbox"/>	8-28
94-A 45 auto Case	<input checked="" type="checkbox"/>	1	<input checked="" type="checkbox"/>	1
95- Evidence Envelope	<input checked="" type="checkbox"/>	NO OBJ	<input checked="" type="checkbox"/>	8-28
95-A Vial Containing Bullet	<input checked="" type="checkbox"/>	1	<input checked="" type="checkbox"/>	1

OFFERED ADMITTED

✓96- Evidence Bag	<input checked="" type="checkbox"/>	100 OBT	<input checked="" type="checkbox"/>	8-28
96-A- Hammer	<input checked="" type="checkbox"/>	✓	<input checked="" type="checkbox"/>	✓
✓97- Evidence Box	<input checked="" type="checkbox"/>	100 OBT	<input checked="" type="checkbox"/>	8-28
97 A- Evidence Bag	<input checked="" type="checkbox"/>	✓	<input checked="" type="checkbox"/>	✓
✓97-B- Lorciv Pistol	<input checked="" type="checkbox"/>	✓	<input checked="" type="checkbox"/>	✓
97-B- Magazine	<input checked="" type="checkbox"/>	✓	<input checked="" type="checkbox"/>	✓
97-D-	<input type="checkbox"/>		<input type="checkbox"/>	
✓98- Evidence Box	<input checked="" type="checkbox"/>	100 OBT	<input checked="" type="checkbox"/>	8-28
✓98-A - Evidence Bag	<input checked="" type="checkbox"/>	✓	<input checked="" type="checkbox"/>	✓
✓98-B- Revolver	<input checked="" type="checkbox"/>	✓	<input checked="" type="checkbox"/>	✓
✓99- Evidence Box	<input checked="" type="checkbox"/>	100 OBT	<input checked="" type="checkbox"/>	8-28
99 A Evidence Bag	<input checked="" type="checkbox"/>	✓	<input checked="" type="checkbox"/>	✓
99 B- 380 Auto (Gun)	<input checked="" type="checkbox"/>	✓	<input checked="" type="checkbox"/>	✓
99 A ^B - 380 Auto Cartridge	<input checked="" type="checkbox"/>	✓	<input checked="" type="checkbox"/>	✓
99 D ^{B-2} - 380 Auto Cartridge	<input checked="" type="checkbox"/>	✓	<input checked="" type="checkbox"/>	✓
✓100- Evidence Bag	<input type="checkbox"/>		<input type="checkbox"/>	
✓100-A - Black Knit Hat	<input type="checkbox"/>		<input type="checkbox"/>	
✓101- Evidence Bag	<input type="checkbox"/>		<input type="checkbox"/>	
✓101-A Black Ballcap	<input type="checkbox"/>		<input type="checkbox"/>	
✓102- Evidence Envelope	<input checked="" type="checkbox"/>	100 OBT	<input checked="" type="checkbox"/>	8-28
102 A-Sm Envelope <small>Ct= Jacket projectile fragments</small>	<input checked="" type="checkbox"/>	✓	<input checked="" type="checkbox"/>	✓
✓103- Evidence Box	<input checked="" type="checkbox"/>	100 OBT	<input checked="" type="checkbox"/>	8-28
✓103-A- Evidence Envelope	<input checked="" type="checkbox"/>	✓	<input checked="" type="checkbox"/>	✓
103 A-1 - 2 empty Bags	103A-1	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	✓
103 A-2- Gun	103A-2	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	✓
103 A-2-A- Clip	103A-2A	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	✓
103 A-2-B- Baggie w/5 Bullets	103A-2B	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	✓

PLAINTIFF'S EXHIBITS

CASE NO. C120857OFFERED ADMITTED

01) Diagrams - Apt	<input checked="" type="checkbox"/>	<input type="checkbox"/>
02) Booking Photo 20-18-14	3/7 <input checked="" type="checkbox"/> ^{no} obj	<input checked="" type="checkbox"/> 3/7
03) " " 19-28-97	" <input checked="" type="checkbox"/> " <input checked="" type="checkbox"/>	" <input checked="" type="checkbox"/> "
04) " " 11-97-04	3/7 <input checked="" type="checkbox"/> ^{no} obj	<input checked="" type="checkbox"/> 3/7
05) Photo	3/4 <input checked="" type="checkbox"/> ^{no} obj	<input checked="" type="checkbox"/> 3/4
06) "	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
07) "	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
08) "	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
09) "	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
010) "	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
011) "	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
012) " SCENE	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
013) "	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
014) "	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
015) "	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
016) "	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
017) "	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
018) "	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
019) "	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
020) "	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
021) " casing	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
022) " Ring	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
023) " Hammer	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
024) " } Victim	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
025) " }	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

OFFERED ADMITTED

026) Photo	victim	2/4 <input checked="" type="checkbox"/>	^{NO} obj <input type="checkbox"/>	3/4 <input checked="" type="checkbox"/>
027)	Gun	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
028)	victim	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
029)	} victim	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
030)		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
031)		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
032)		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
033)		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
034)	DRESSER	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
035)	Gun	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
036)	BED	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
037)	} Scene	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
038)		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
039)		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
040)	} Gun	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
041)		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
042)	} Scene	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
043)		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
044)		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
045)		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
046)		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
047)		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
048)		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
049)		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
050)		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

PLAINTIFF'S EXHIBITS

CASE NO. C120857

OFFERED ADMITTED

051)	Photo	Scene	3/4	<input checked="" type="checkbox"/>	No obj	<input checked="" type="checkbox"/>	3/4
052)	"	Keys		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
053)	"	Keys		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
054)	"			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
055)	"		3/4	<input checked="" type="checkbox"/>	No obj	<input checked="" type="checkbox"/>	3/4
056)	"	car	"	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
057)	"		"	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
058)	"		3/4	<input checked="" type="checkbox"/>	No obj	<input checked="" type="checkbox"/>	3/4
059)		Danny Bush		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
060)				<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
061)				<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
062)		Warren Johnson		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
063)				<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
064)			3/4	<input checked="" type="checkbox"/>	No obj	<input checked="" type="checkbox"/>	3/4
065)				<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
066)				<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
067)		car		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
068)				<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
069)				<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
070)				<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
071)				<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
072)		car interior		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
073)	"		3/4	<input checked="" type="checkbox"/>	No obj	<input checked="" type="checkbox"/>	3/4
074)	"	victim		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
075)	"			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	

PLAINTIFF'S EXHIBITS

CASE NO. C120857

OFFERED ADMITTED

076) Photo	3/4	<input checked="" type="checkbox"/>	no obj	<input checked="" type="checkbox"/>	3/4
077) " }	1	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	1
078) " }	1	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	1
079) UMC RECORDS DANIEL BUSH	3/7	<input checked="" type="checkbox"/>	no obj	<input checked="" type="checkbox"/>	3/7
080) " " HEATHER BARKER	3/7	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
081) " " WARREN JOHNSON	3/7	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
082) Diagram (Street Location)	3/6	<input checked="" type="checkbox"/>	obj	<input type="checkbox"/>	
083) Carriage Car Corp Purchase ORDER	3/7	<input checked="" type="checkbox"/>	no obj	<input checked="" type="checkbox"/>	3/7
084) Copy Bay View Check \$6,169	3/7	<input checked="" type="checkbox"/>	no obj	<input checked="" type="checkbox"/>	3/7
085) Impound Report 5 PAGES 931207-1476	3/4	<input checked="" type="checkbox"/>	no obj	<input checked="" type="checkbox"/>	3/4
086) " " 1 PAGE 931207-1476		<input type="checkbox"/>		<input type="checkbox"/>	
087) Vehicle Registration	3/10	<input checked="" type="checkbox"/>	no obj	<input checked="" type="checkbox"/>	3/10
088) Line Up Schedule	3/7	<input checked="" type="checkbox"/>	no obj	<input checked="" type="checkbox"/>	3/7
o 88A - Line Up Photo		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
o 88B - " " "		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
o 88C - " " "		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
o 88D - " " "		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
089) Photo Display Folder		<input type="checkbox"/>		<input type="checkbox"/>	
090) Photo Line Up Record 12/15/93		<input type="checkbox"/>		<input type="checkbox"/>	
091) " " " " 12/14/93		<input type="checkbox"/>		<input type="checkbox"/>	
092) Photo Display Folder (copy) #		<input type="checkbox"/>		<input type="checkbox"/>	
093) " " " Lineup #2		<input type="checkbox"/>		<input type="checkbox"/>	
094) Evidence Envelope	3/4	<input checked="" type="checkbox"/>	no obj	<input checked="" type="checkbox"/>	3/4
o 94A 45 auto case		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
095) Evidence Envelope		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
o 95A Vial containing Bullet		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	

PLAINTIFF'S EXHIBITS

CASE NO. C120857

OFFERED ADMITTED

96) EVIDENCE Bag	3/4	<input checked="" type="checkbox"/>	NO obj	<input checked="" type="checkbox"/>	3/4
96A - Hammer	"	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
97) EVIDENCE Box	3/4	<input checked="" type="checkbox"/>	NO obj	<input checked="" type="checkbox"/>	3/4
97A - EVIDENCE Bag		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
97B - LORAIN Pistol		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
97B(1) - MAGAZINE		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
98) EVIDENCE Box		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
98A - EVIDENCE Bag		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
98B - REVOLVER		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
99) EVIDENCE Box		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
99A - EVIDENCE Bag		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
99B - 380 Auto (Gun)		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
99B(1) - 380 Auto Cartridge		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
99B(2) - " " "		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
100) EVIDENCE Bag		<input type="checkbox"/>		<input type="checkbox"/>	
100A - Black knit Hat		<input type="checkbox"/>		<input type="checkbox"/>	
101) EVIDENCE Bag		<input type="checkbox"/>		<input type="checkbox"/>	
101A - Black Ballcap		<input type="checkbox"/>		<input type="checkbox"/>	
102) EVIDENCE ENVELOPE	3/4	<input checked="" type="checkbox"/>	NO obj	<input checked="" type="checkbox"/>	3/4
102A - Sm Envelope ^{cl. Jacket} PROJECTIVE _{FRAGMENTS}	"	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
103) EVIDENCE Box	3/4	<input checked="" type="checkbox"/>	obj	<input checked="" type="checkbox"/>	3/5
103A - EVIDENCE Envelope	3/5	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
103A(1) - 2 empty Bags	"	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
103A(2) - Gun	3/5	<input checked="" type="checkbox"/>	NO obj	<input checked="" type="checkbox"/>	3/5
103A(2)A - Clip	"	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
103A(2)B - Baggie w/5 Bullets	"	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"

PLAINTIFF'S EXHIBITS

CASE NO. C120857

[illegible]

□ 104) EVIDENCE ENVELOPE

□ 104A - Keys on Ring

□ 105) Diagram of Scene 4-20-94

106) Report by Officer Hamley

0107) Transcript of Warren Johnson

9108) Photo (marijuana)

9108A) " victim

0108B) " "

0108C) " "

0108D)" BED

0108 E) " "

0108/F) " DRESSER

01086) " closet

^{108}H is $\beta\epsilon\text{D}$

2

DEFENDANT'S EXHIBITS:

CASE NO. C120857

OFFERED ADMITTED

0 A. <u>Tox Report of Heather Barker</u>	3/10 <input checked="" type="checkbox"/> ¹⁰ obj	<input checked="" type="checkbox"/> 3/10
0 B. <u>Photo Line Up</u>	3/3 <input checked="" type="checkbox"/> ^{NO} obj	<input checked="" type="checkbox"/> 3/3
0 C. <u>Photo Line Up (close Up)</u>	3/3 <input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/> 3/3
0 D. <u>Copies from D. Bush's Daytimer</u>	<input type="checkbox"/>	<input type="checkbox"/>
E. _____	<input type="checkbox"/>	<input type="checkbox"/>
F. _____	<input type="checkbox"/>	<input type="checkbox"/>
G. _____	<input type="checkbox"/>	<input type="checkbox"/>
H. _____	<input type="checkbox"/>	<input type="checkbox"/>
I. _____	<input type="checkbox"/>	<input type="checkbox"/>
J. _____	<input type="checkbox"/>	<input type="checkbox"/>
K. _____	<input type="checkbox"/>	<input type="checkbox"/>
L. _____	<input type="checkbox"/>	<input type="checkbox"/>
M. _____	<input type="checkbox"/>	<input type="checkbox"/>
N. _____	<input type="checkbox"/>	<input type="checkbox"/>
O. _____	<input type="checkbox"/>	<input type="checkbox"/>
P. _____	<input type="checkbox"/>	<input type="checkbox"/>
Q. _____	<input type="checkbox"/>	<input type="checkbox"/>
R. _____	<input type="checkbox"/>	<input type="checkbox"/>
S. _____	<input type="checkbox"/>	<input type="checkbox"/>
T. _____	<input type="checkbox"/>	<input type="checkbox"/>
U. _____	<input type="checkbox"/>	<input type="checkbox"/>
V. _____	<input type="checkbox"/>	<input type="checkbox"/>
W. _____	<input type="checkbox"/>	<input type="checkbox"/>
X. _____	<input type="checkbox"/>	<input type="checkbox"/>
Y. _____	<input type="checkbox"/>	<input type="checkbox"/>
Z. _____	<input type="checkbox"/>	<input type="checkbox"/>

DEFENDANT'S EXHIBITS:

CASE NO. 0120857

OFFERED ADMITTED

A.	<u>Tox Rept of Heather Barker.</u>	<input checked="" type="checkbox"/> <u>Stip</u>	<input checked="" type="checkbox"/> <u>8-30</u>
B.	_____	<input type="checkbox"/>	<input type="checkbox"/>
C.	_____	<input type="checkbox"/>	<input type="checkbox"/>
D.	_____	<input type="checkbox"/>	<input type="checkbox"/>
E.	_____	<input type="checkbox"/>	<input type="checkbox"/>
F.	_____	<input type="checkbox"/>	<input type="checkbox"/>
G.	<u>Count's Exhibits</u>	<input type="checkbox"/>	<input type="checkbox"/>
H.	<u>#1 - Medical Records of</u>	<input type="checkbox"/>	<input type="checkbox"/>
I.	<u>Clyde News.</u>	<input type="checkbox"/>	<input type="checkbox"/>
J.	<u>#2 - Note from Jury.</u>	<input type="checkbox"/>	<input type="checkbox"/>
K.	_____	<input type="checkbox"/>	<input type="checkbox"/>
L.	_____	<input type="checkbox"/>	<input type="checkbox"/>
M.	_____	<input type="checkbox"/>	<input type="checkbox"/>
N.	_____	<input type="checkbox"/>	<input type="checkbox"/>
O.	_____	<input type="checkbox"/>	<input type="checkbox"/>
P.	_____	<input type="checkbox"/>	<input type="checkbox"/>
Q.	_____	<input type="checkbox"/>	<input type="checkbox"/>
R.	_____	<input type="checkbox"/>	<input type="checkbox"/>
S.	_____	<input type="checkbox"/>	<input type="checkbox"/>
T.	_____	<input type="checkbox"/>	<input type="checkbox"/>
U.	_____	<input type="checkbox"/>	<input type="checkbox"/>
V.	_____	<input type="checkbox"/>	<input type="checkbox"/>
W.	_____	<input type="checkbox"/>	<input type="checkbox"/>
X.	_____	<input type="checkbox"/>	<input type="checkbox"/>
Y.	_____	<input type="checkbox"/>	<input type="checkbox"/>
Z.	_____	<input type="checkbox"/>	<input type="checkbox"/>



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT

LOUIS RANDOLPH aka CLYDE LEWIS #48875
P.O. BOX 650
INDIAN SPRINGS, NV 89070

DATE: February 24, 2022
CASE: 94C120857-2

RE CASE: STATE OF NEVADA vs. LOUIS RANDOLPH aka CLYDE LEWIS

NOTICE OF APPEAL FILED: February 23, 2022

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

☐

Case Appeal Statement

- NRAP 3 (a)(1), Form 2

☐

Order

☒

Notice of Entry of Order

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. **The district court clerk shall apprise appellant of the deficiencies in writing**, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (g) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL (2ND REQUEST); CASE APPEAL STATEMENT;
DISTRICT COURT DOCKET ENTRIES; ORDER DENYING DEFENDANT'S MOTION TO
VACATE ILLEGAL SENTENCE; DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF
DEFICIENCY

STATE OF NEVADA,

Plaintiff(s),

vs.

LOUIS RANDOLPH aka CLYDE LEWIS,

Defendant(s).

Case No: 94C120857-2

Dept No: XXIV

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 24 day of February 2022.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk