

IN THE SUPREME COURT OF THE STATE OF NEVADA

Juhjuan Washington,)	Supreme Court Case No.: 83275
Appellant)	
)	Electronically Filed
vs.)	Nov 14 2021 12:11 p.m.
)	Elizabeth A. Brown
)	Clerk of Supreme Court
The State of Nevada,)	APPELLANT'S APPENDIX INDEX
Respondent,)	Vol. II
)	Pages 251-420
)	

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Las Vegas, Nevada, Tuesday, January 14, 2020

[Hearing began at 9:45 a.m.]

THE COURT CLERK: State of Nevada versus Juhjuan Washington, C333798.

MR. ROWLES: Good Morning, Your Honor, William Rowles on behalf of the State.

THE COURT: Good Morning.

MR. BOLEY: Tom Boley on behalf of Mr. Washington. Apparently, he refused transport.

THE COURT: Any information on why?

THE CORRECTIONS OFFICER: He just refused to come to court, it wasn't medical.

THE COURT: Okay.

MR. ROWLES: May we approach, Your Honor?

MR. BOLEY: Yeah.

THE COURT: Yes.

[Bench Conference]

MR. ROWLES: I'm not sure how this Court wants to proceed. I folded the idea to Mr. Boley yesterday -- half of my witnesses are UNLV Students, and two of them are foreigners, in the sense they don't live in the United States and they have not returned to school yet, but they should be in classes next week.

So, I folded the idea of a joint request to Mr. Boley, and from my understanding he spoke with Mr. Washington on Saturday

1 and had concerns regarding his understanding of it, and then now
2 we have a refusal.

3 MR. BOLEY: Yeah.

4 MR. ROWLES: So, State can be ready; we anticipate these
5 girls being back in classes, they're enrolled, we know their class
6 schedule. They're just -- one is in Egypt and one is in Russia, so
7 we're having difficulty getting a hold of them, but it also is the first
8 week of classes, so I'm getting a lot of push back from the
9 witnesses saying, this is the first week of college classes, why are
10 we doing this now type stuff, so I'm not sure if the Court wants us
11 to be ready. We can be ready, but with the initial concerns with Mr.
12 Washington, I'm not sure how this Court wants us to proceed, so
13 we're just going to --

14 MR. BOLEY: I'm going to ask if he is incompetent again,
15 but he was acting pretty invisible the last time I saw him, but now
16 he's refused -- so --

17 THE COURT: Is this the toe guy?

18 MR. ROWLES: -- with a 60-day set, you can have him
19 internally evaluated without sending him to Competency Court.

20 MR. BOLEY: Yeah, I can do that.

21 MR. ROWLES: And then that gets us to the middle of the
22 semester for all of our witnesses to be back on their feet, in the
23 swing of things again.

24 THE COURT: Well, I hesitate to do that without him
25 present. I'm not offended by it, as long as he's not on board, but I

1 don't want him coming in -- I can't -- is he invoked? Probably not.

2 MR. ROWLES: No.

3 MR. BOLEY: No. He's been in for two years now. He was
4 comp'd twice, and then there's other delays, just over and over
5 again.

6 THE COURT: Here's my fear, and the reason I want to
7 continue these is because if he's competent [unintelligible], if we
8 wait, and I don't want him to lose confidence, and vicious cycle it.

9 MR. BOLEY: Yeah. It seems like he goes to Competency,
10 he gets better, and then I talk to him right away, and he's okay; and
11 then he's in CCDC -- [unintelligible] --

12 THE COURT: Well, and that's what I'm saying. So, if we
13 kick it 60 days, are we going to end up in that same place in 60
14 days, and then we're going to be running into resetting in the
15 summer, and then we're going to lose --

16 MR. ROWLES: The witnesses again.

17 THE COURT: -- people again. I'm just thinking if we did it
18 a little bit -- maybe -- think about a shorter setting.

19 MR. BOLEY: Okay.

20 THE COURT: What do we have in 30 days from -- are we
21 in civil?

22 THE LAW CLERK: We're in civil.

23 [Colloquy - The Court and the Court Clerk]

24 MR. ROWLES: A week would work too because that gives

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THE COURT: Would that help?

MR. ROWLES: -- yeah.

THE COURT: To get them back here --

MR. ROWLES: Settled.

THE COURT: -- or at least to know --

MR. ROWLES: A week, yeah. So, we could announce ready with a start date of the 27th.

THE COURT: Anticipate ready --

MR. ROWLES: Yeah.

THE COURT: -- just in case something happens, but -- well, let's put it on Thursday and see kind of where we are.

MR. ROWLES: Am I able to tell my investigators that we're not going next week, and possibly the week after, if that's okay with the Court?

MR. BOLEY: I have no objection at all.

THE COURT: Yeah, if he cries about it, I mean, I'll give him the week after --

MR. ROWLES: Yeah.

THE COURT: -- but that's on him. He should've come to court today when he was asked.

MR. ROWLES: Okay.

THE COURT: Okay, well we'll do that. Let's do that.

MR. BOLEY: Are we going to do a calendar call and then trial or --

THE COURT: Yes, we're going to continue it until

1 Thursday and figure out what we're doing.

2 MR. BOLEY: Okay.

3 THE COURT: and assuming everybody can be ready --

4 MR. ROWLES: And Mr. Washington, if he wants to
5 proceed so quickly, we'll start it the week after the 21st.

6 MR. BOLEY: Is it okay if we do the first setting next week
7 for the calendar call because I'll be out of town starting tomorrow. I
8 had everything blocked off, to where I wouldn't have to come to
9 court and then --

10 THE COURT: Yes.

11 MR. BOLEY: -- and then --

12 THE COURT: All right. So, we'll continue calendar call to
13 --

14 MR. BOLEY: Thursday, sorry, not tomorrow.

15 THE COURT: We'll continue calendar call until Tuesday,
16 with the understanding that if this proceeds, it will proceed on the
17 27th.

18 MR. ROWLES: I inherited -- or taken over as primary in
19 this case, and so I believe we represented somewhere near 40
20 witnesses. I've been able to narrow that down to I think around 20,
21 so I think we can get this done in this department in less than two
22 weeks for sure.

23 MR. BOLEY: Okay.

24 THE COURT: Well that's good to know. Are there any
25 negotiations?

1 MR. ROWLES: We've offered 10 to life. I believe he wants
2 a 5 to life, that's not something we're willing to do.

3 MR. BOLEY: I think if he fully wrapped his mind around
4 what's going on, it might be a different story.

5 THE COURT: Work on that.

6 MR. BOLEY: I'm working on it.

7 THE COURT: All right. Thank you.

8 [Bench Conference Concluded]

9 THE COURT: Okay, Mr. Washington refused to join us
10 today, so we're going to continue calendar call until Tuesday, with
11 the understanding that if we proceed to trial, I believe the State at
12 least is ready, it would not start until the 27th.

13 MR. ROWLES: Perfect, Your Honor, thank you.

14 MR. BOLEY: Yes ma'am.

15 THE COURT: Okay.

16 THE COURT CLERK: January 21st at 9 a.m.

17 THE COURT: And Mr. Washington, I would invite by any
18 means necessary, absent if there's something really wrong with
19 him.

20 THE CORRECTIONS OFFICER: Okay, I think you guys have
21 to enter that order.

22 THE COURT: I'm entering the order. I thought -- I didn't
23 realize it was invitation, I thought it was already an order, but -- we
24 are not vacating the trial date. The trial date is just getting moved
25 to the 27th.

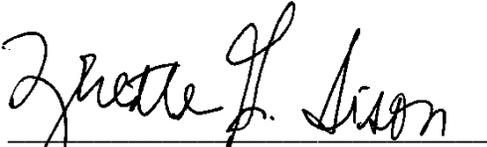
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[Colloquy - The Court and the Court Clerk]

[Hearing concluded at 9:52 a.m.]

* * * * *

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



Yvette G. Sison
Court Recorder

C-18-333798-1 State of Nevada
 vs
 Juhjuan Washington

January 21, 2020 09:00 AM Calendar Call

HEARD BY: Holthus, Mary Kay COURTROOM: RJC Courtroom 03F

COURT CLERK: Yorke, Dara

RECORDER: Sison, Yvette G.

REPORTER:

PARTIES PRESENT:

Juhjuan Washington	Defendant
State of Nevada	Plaintiff
Thomas D Boley	Attorney for Defendant
William C. Rowles	Attorney for Plaintiff

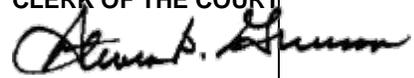
JOURNAL ENTRIES

CONFERENCE AT BENCH. Court indicated parties stipulated to a continuance to be able to follow up with potential negotiations. Statements by Deft. Colloquy between parties. Following colloquy, parties agreed to continue trial. COURT ORDERED, trial VACATED and RESET in 60 days; however, if resolved the matter would be placed on calendar.

CUSTODY

3/17/20 9:00 AM CALENDAR CALL

3/23/20 1:00 PM JURY TRIAL



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RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,
vs.
JUHJUAN WASHINGTON,
Defendant.

CASE#: C-18-333798-1
DEPT. XVIII

BEFORE THE HONORABLE MARY KAY HOLTHUS, DISTRICT COURT JUDGE
TUESDAY, JANUARY 21, 2020

**RECORDER'S TRANSCRIPT OF HEARING:
CALENDAR CALL**

APPEARANCES:

For the State: WILLIAM C. ROWLES, ESQ.
Deputy District Attorney

For the Defendant: THOMAS D. BOLEY, ESQ.

RECORDED BY: YVETTE SISON COURT RECORDER

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Las Vegas, Nevada, Tuesday, January 21, 2020

[Hearing began at 11:57 a.m.]

THE COURT CLERK: State of Nevada versus Juhjuan Washington, C333798.

MR. ROWLES: Good Morning, William Rowles --

THE COURT: Good Morning.

MR. ROWLES: -- on behalf of the State.

MR. BOLEY: Tom Boley on behalf of the Defendant, he's present in custody.

MR. ROWLES: Want to approach?

MR. BOLEY: That's fine, whatever you want to do.

MR. ROWLES: May we approach, Your Honor?

THE COURT: Yes.

[Bench Conference]

MR. ROWLES: So, the State could be ready next week. We also don't want a continuance. If you want one, just to see if you have more time to talk to him.

MR. BOLEY: I think that -- well, we talked about the offer. He has directed me to try and move forward so.

MR. ROWLES: It's up to the Court's discretion.

MR. BOLEY: I think there's something else going on. I think he's falling back into incompetency because clearly today he's not doing so hot.

THE COURT: Well, that's my concern. I mean the reality

1 is your case is never going to change right? Your case is pretty
2 solid, not to pre-judge anything, but I've seen enough of the
3 motions here to kind of --

4 MR. ROWLES: I'm not concerned with a delay,
5 [unintelligible] these witnesses have been [unintelligible] --

6 THE COURT: It's just that -- it would begin if we end up
7 back into Competency Court.

8 MR. ROWLES: So, I know that there's been times when
9 people do an internal evaluation, you don't send him to
10 Competency Court, but doctors can still visit him.

11 MR. BOLEY: Maybe we could do that, I don't know.

12 THE COURT: Do you think -- are you raising concerns
13 regarding his competency right now?

14 MR. BOLEY: The last I talked to him, he's been fine.

15 THE COURT: All right. He seems competent, just
16 belligerent right now.

17 MR. BOLEY: That's probably the best way to describe it.

18 THE COURT: I'm not seeing any signs right now.

19 MR. BOLEY: Okay.

20 THE COURT: So, does he want time to talk about it. Can I
21 get a new offer?

22 MR. BOLEY: If he's -- I think -- Billy is going to go back to -
23 -

24 MR. ROWLES: I would need to talk to Jim and then -- to
25 see if there's something that we can do to modify the current offer,

1 where instead of stipulating time, more of a right to argue type
2 situation, and so.

3 THE COURT: Okay.

4 MR. ROWLES: It's also been unopposed too.

5 MR. BOLEY: Maybe give him some options.

6 MR. ROWLES: I just need to get my boss' permission.

7 THE COURT: Okay, and that's what he wants to do? Is he
8 going to be agreeable to the continuance is my question?

9 MR. BOLEY: I don't know, it's very hard to predict.

10 THE COURT: All right. So, your motion to continue, no
11 objection by you.

12 MR. ROWLES: You can make it a joint request if that
13 works.

14 MR. BOLEY: Sure.

15 THE COURT: Okay, what are you talking?

16 MR. ROWLES: I think 60 days.

17 MR. BOLEY: That's fine.

18 THE COURT: To reset?

19 MR. BOLEY: Yeah, that will give me a pass on the trials I
20 have going on right now.

21 MR. ROWLES: Yeah, in April and May --

22 THE COURT: What's 60 days?

23 [Colloquy - The Court and The Clerk]

24 THE COURT: March 24th -- March 24th is 60, we're going to
25 give you 59 days, because that's how we work around here, very

1 efficient.

2 MR. BOLEY: Okay.

3 MR. ROWLES: That keeps all of our victims who are still
4 in school. They're still in school, so they won't be traveling back
5 home.

6 THE COURT: Okay. Bingo. All right then.

7 [Bench Conference Concluded]

8 THE COURT: All right, based on my -- our conversations
9 at the bench, it's my understanding that the parties are stipulating
10 to a continuance to be able to follow-up on potential negotiations.

11 Mr. Washington, do you understand that? Mr.
12 Washington? My understanding is you've asked your attorney to try
13 and get a particular offer from the State of negotiation, and they --
14 the State needs time to do that. Is that what you want to do?

15 THE DEFENDANT: That's what I been wanting since the
16 beginning of my case, Your Honor.

17 THE COURT: So, this is good right?

18 THE DEFENDANT: Yeah, this is good. I'm just -- I'm just
19 like -- I just feel -- I just been depressed, you know, since I been in
20 custody, you know --

21 THE COURT: I know, I know. We've had some issues.

22 THE DEFENDANT: Hello, can you hear me?

23 THE COURT: I can hear you now.

24 THE DEFENDANT: All right.

25 THE COURT: All right. So, that's what you want to do,

1 and I understand, so your attorney is in conversation with the State,
2 who's in conversation with whoever they have to be in
3 conversation with to see if they can get to where you all can agree
4 on a negotiation. But, they're going to need more time to do that.
5 Are you agreeing to that?

6 THE DEFENDANT: Yes ma'am. What I was going to say
7 was, if they was just going to keep the 10 years on the table, I was
8 going to file a motion for ineffective assistance. This offer has been
9 on the table like since the beginning of my case, the 10 years.

10 THE COURT: Well, your attorney doesn't have anything to
11 do with the offer. That's up to the State, and you can't get the State
12 off, so --

13 THE DEFENDANT: I know I can't get the State off, I know
14 that, it's permanent.

15 THE COURT: Just letting you know. All right, so we're
16 going to go ahead and vacate the trial date --

17 THE DEFENDANT: Uhuh.

18 THE COURT: -- and we're going to reset it in 60 days. Do
19 you guys want a status check negotiations, or do you just want to
20 let us know and put it on if you get it?

21 MR. ROWLES: If it's resolved, we'll put it on calendar,
22 Your Honor.

23 MR. BOLEY: Let's do that, yeah.

24 THE COURT: Okay. All right?

25 THE DEFENDANT: Yep.

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THE COURT: All right, trial date vacated by joint continuance, reset 60 days or whatever that date is, 59 days.

THE COURT CLERK: Calendar call will be March 17th at 9 a.m. Jury trial, March 23rd at 1 p.m.

MR. ROWLES: Thank you, Your Honor.

MR. BOLEY: Thank you, Judge.

THE DEFENDANT: I got a question.

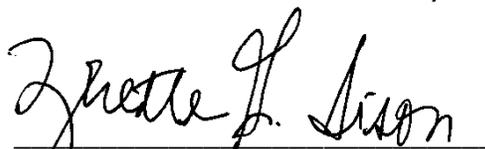
THE COURT: What do you need?

THE DEFENDANT: I was going to see if I -- I'll talk to him.

[Hearing concluded at 12:03 a.m.]

* * * * *

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



Yvette G. Sison
Court Recorder

C-18-333798-1 State of Nevada
 vs
 Juhjuan Washington

March 17, 2020 09:00 AM Calendar Call

HEARD BY: Holthus, Mary Kay COURTROOM: RJC Courtroom 03F

COURT CLERK: Yorke, Dara

RECORDER: Sison, Yvette G.

REPORTER:

PARTIES PRESENT:

Juhjuan Washington	Defendant
State of Nevada	Plaintiff
Thomas D Boley	Attorney for Defendant
William C. Rowles	Attorney for Plaintiff

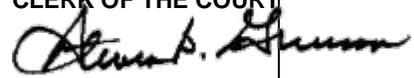
JOURNAL ENTRIES

Thomas Boley, Esq. present via conference call.

Court advised parties jury trials were all suspended for the next 30 days. Mr. Rowles noted at the last status check there was conversation about a modified offer which he spoke to Mr. Boley about. Mr. Rowles indicated Deft. would essentially accept the offer; however, he would be requesting a one to two week status check to see if Deft. was inclined to accept the offer. Mr. Rowles informed the Court the instant trial had been extended too many times; therefore, he would be requesting a firm setting if the instant case was not negotiated. Upon Court's inquiry, Mr. Boley indicated he was aware of the offer; however, he needed to visit Deft. which he believed Deft. would like the offer. Mr. Boley requested matter be continued for one to two weeks. COURT SO ORDERED. Statements by Deft. Court informed parties there were no jury trials at the current time due to the Coronavirus; therefore, trial date would be reset and as soon as Mr. Boley could, he would go to visit Deft. COURT FURTHER ORDERED, trial VACATED and RESET.

CUSTODY

3/31/20 9:00 AM STATUS CHECK: NEGOTIATIONS/ ENTRY OF PLEA/ TRIAL SETTING



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RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,
vs.
JUHJUAN WASHINGTON,
Defendant.

CASE#: C-18-333798-1
DEPT. XVIII

BEFORE THE HONORABLE MARY KAY HOLTHUS, DISTRICT COURT JUDGE
TUESDAY, MARCH 17, 2020

**RECORDER'S TRANSCRIPT OF HEARING:
CALENDAR CALL**

APPEARANCES:

For the State: WILLIAM C. ROWLES, ESQ.
Deputy District Attorney

For the Defendant: THOMAS D. BOLEY, ESQ.
[Present via Conference Call]

RECORDED BY: YVETTE SISON COURT RECORDER

1 Las Vegas, Nevada, Tuesday, March 17, 2020

2
3 [Hearing began at 11:08 a.m.]

4 THE COURT CLERK: State of Nevada versus Juhjuan
5 Washington, C333798.

6 THE COURT: Everybody state your appearances for the
7 record.

8 MR. ROWLES: Good Morning, Your Honor, William
9 Rowles on behalf of the State.

10 THE COURT: Good Morning. Mr. Boley, we have you on
11 the phone?

12 MR. BOLEY: Yes, I do. It's kind of quiet, but yeah, I can
13 hear you.

14 THE COURT: Okay, could you just state your appearance
15 for the record.

16 MR. BOLEY: Yes, Tom Boley #11061 on behalf of Mr.
17 Washington who is present in custody.

18 THE COURT: He is. Obviously, everybody knows that
19 jury trials are all suspended for 30 days, so we can go ahead and
20 reset you at the next stack. Does that work for everybody?

21 MR. ROWLES: Your Honor, the State's request, and I did
22 speak with Mr. Boley, I'm not sure of his opinion; however, at our
23 last status check date, there was conversation regarding a modified
24 offer. I was able to provide Mr. Boley with a modified offer, that I
25 believe Mr. Washington would be more inclined to consider given

1 that it was essentially his ability to ask for five years on the bottom,
2 and based on my current offer, he has the ability to ask for 5 to 15
3 years as a sentence in total, so I would be requesting a one or two-
4 week status check to see if Mr. Washington is inclined to accept
5 that, and then if not, no negotiations will be on the table.

6 I'm doing that because in large part this trial has been
7 continued so many times, every time the State subpoenas it and
8 every time the State contacts witnesses, they believe a little bit
9 more and more that this is just some sort of big hoax and it's never
10 going to go forward. So, I don't want to subpoena a case and then
11 have that negotiated. I just -- I want a firm set if it's not negotiated.

12 THE COURT: Well as much as anything's firm these days
13 but --

14 MR. ROWLES: Yes, Your Honor, I understand.

15 THE COURT: -- all right Mr. Boley, is that correct, you're
16 aware that there's a new offer, a modified offer?

17 MR. BOLEY: Yes, yes, I have received that, and
18 unfortunately, I got it right when they started -- they tightened up
19 how we visit our clients; it was the same day, so I need to go and
20 visit him. From what I have talked to him, I think he's going to want
21 to see the offer, but if not, we can set the trial later, so a status
22 check would work for me.

23 THE COURT: Okay, you want one or two weeks?

24 MR. BOLEY: Two weeks please.

25 THE COURT: Okay.

1 THE DEFENDANT: Can I say something, Your Honor?

2 THE COURT: You may --

3 THE DEFENDANT: Ummm look so --

4 THE COURT: -- although your attorney would probably
5 tell you not to.

6 THE DEFENDANT: -- yeah, you know, I just gotta talk. So,
7 I tried to reach out to my attorney about, you know, the death of my
8 cousin back in January 20th, because I called my mom --

9 MR. BOLEY: [unintelligible] that further --

10 THE COURT: Okay wait Mr. Boley, your client's talking.

11 MR. BOLEY: -- okay.

12 THE DEFENDANT: -- yeah, so I tried to call him to see
13 what was going on with my case and just to inform him that, you
14 know, that I just had found out that my cousin had passed away on
15 the 20th --

16 THE COURT: I'm sorry.

17 THE DEFENDANT: -- yeah, he was shot and killed, and the
18 day that I came into court, we was talking about funerals and stuff,
19 so I didn't -- I didn't find out until the 21st, like after my court date,
20 so I was kind of down and about and everything, almost went into
21 2C because of it, because that was my cousin. We all from
22 California. So ummm --

23 THE COURT: You understand that we're not doing any
24 jury trials right now right?

25 THE DEFENDANT: -- yeah.

1 THE COURT: Because of the Corona virus and what not,
2 so --

3 THE DEFENDANT: Yeah, it's a scary situation.

4 THE COURT: It is scary. We're not bringing in jurors for
5 the next 30 days; but in the meantime, the State -- because of the
6 continuance, and everything else, is making you a modified offer
7 that it sounds like it's something you might want to hear and might
8 want to take.

9 So, we're going to -- we'll reset the trial date as soon as
10 we can, but first they want you to -- Mr. Boley is going to come over
11 and see you and talk to you about the offer.

12 THE DEFENDANT: So, will I get credit for the time that
13 I've been in here?

14 THE COURT: Absolutely, yes.

15 THE DEFENDANT: For the three years I been here?

16 THE COURT: You get credit for whatever time you served.
17 Yes, okay. So, he'll be over in -- to see you within the -- before the
18 next two week.

19 What I would suggest, this is just me throwing it out there,
20 that maybe you do up a guilty plea, so he can take it over, so we
21 can --

22 MR. ROWLES: We've done that already, Your Honor.

23 THE COURT: Okay, perfect.

24 THE DEFENDANT: I'm still learning this whole court
25 situation and stuff, like from Stein and stuff, Lakes Crossing. I still -

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THE COURT: I know. It's confusing, believe me, it's confusing for everybody right now especially. But your attorney is going to come, and it sounds like he's got an offer that you might want to consider, okay.

THE DEFENDANT: All right.

THE COURT: All right. We'll see you in two weeks. We'll put it on for status check negotiations, entry of plea, or resetting of trial date.

MR. ROWLES: Thank you, Your Honor.

THE COURT: Okay. All right Mr. Boley, two weeks.

MR. BOLEY: Thank you, Judge, sounds great.

THE COURT CLERK: March 31st at 9 a.m.

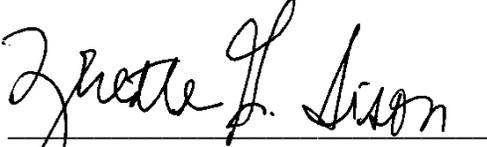
MR. BOLEY: Okay, thank you very much.

THE COURT: And trial date is vacated.

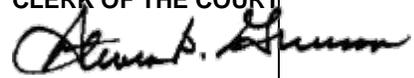
[Hearing concluded at 11:13 a.m.]

* * * * *

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



Yvette G. Sison
Court Recorder



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RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,
vs.
JUHJUAN WASHINGTON,
Defendant.

CASE#: C-18-333798-1
DEPT. XVIII

BEFORE THE HONORABLE MARY KAY HOLTHUS, DISTRICT COURT JUDGE
TUESDAY, MAY 12, 2020

RECORDER'S TRANSCRIPT OF HEARING:
STATUS CHECK: NEGOTIATIONS/ENTRY OF PLEA/TRIAL
SETTING
[ALL PARTIES PRESENT VIA BLUEJEANS VIDEO CONFERENCE]

APPEARANCES:

For the State: WILLIAM C. ROWLES, ESQ.
Deputy District Attorney

For the Defendant: THOMAS D. BOLEY, ESQ.

RECORDED BY: YVETTE SISON COURT RECORDER

1 Las Vegas, Nevada, Tuesday, May 12, 2020

2
3 [Hearing began at 1:31 p.m.]

4 THE COURT CLERK: State of Nevada versus Juhjuan
5 Washington, C333798.

6 THE COURT: Where are we on Mr. Washington?

7 MR. BOLEY: I believe we're just going to ask for a jury
8 trial.

9 THE COURT: Okay. Is that correct, Mr. Washington, you
10 want to set it for trial?

11 THE DEFENDANT: No, I don't want to go to trial, and I'm
12 not taking the deal. I don't want to.

13 THE COURT: Okay, can you hear him Mr. Boley?

14 MR. BOLEY: Yeah, I can hear him.

15 THE COURT: Okay, you only have two options, you either
16 take a deal or you go to trial; well, I suppose three, you could plead
17 guilty to the whole thing.

18 THE DEFENDANT: No, I'm not pleading guilty to any of it.

19 THE COURT: All right. Well, let's just go ahead and set
20 you a trial date, first available. Okay?

21 THE COURT CLERK: Calendar call will be July 7th at 9
22 a.m., Jury trial, July 13th at 1 p.m.

23 MR. ROWLES: Your Honor, William Rowles on behalf of
24 the State. May I make a quick record?

25 THE COURT: Who is this?

1 MS. SCHWARTZ: The State, Billy Rowles.

2 THE COURT: Oh, yes.

3 MR. ROWLES: Good Afternoon, Your Honor, if I just may
4 put the offer on the record for appellate purposes. This is an
5 individual who did confess to his crimes.

6 THE COURT: Okay. Has he been -- go ahead.

7 MR. ROWLES: Your Honor, the State did extend an offer
8 for Mr. Washington to plead guilty to one count of first-degree
9 kidnapping, one count of robbery with use of a deadly weapon, one
10 count of burglary while in possession of a firearm, one count of
11 attempt sexual assault, and one count of open and gross lewdness.

12 From my understanding, he's rejecting that offer. This
13 was exactly what Mr. Washington asked for, so it's going to be
14 revoked after today. He will not be extended another offer.

15 THE COURT: Was that a right to argue or what was that?

16 MR. ROWLES: Full right to argue, Your Honor, yes.

17 THE COURT: Mr. Washington, is that correct? You heard
18 the DA just put the offer that was conveyed to you on the record,
19 and that was your understanding, is that correct?

20 THE DEFENDANT: I never admitted to any of the crimes.

21 THE COURT: Okay, I'm not asking that question; that'll be
22 a trial issue.

23 THE DEFENDANT: But I'm just saying, I never admitted to
24 any of the crimes.

25 THE COURT: All right. Well, we'll see, I guess. My

1 question is, is that the deal as you understood it, and you do not
2 want to take that negotiation, correct?

3 THE DEFENDANT: That's not the exact deal that I
4 completely wanted. He wanted me to be on lifetime supervision,
5 and you want me to do my sentence consecutively, no it's not
6 happening.

7 THE COURT: Okay. Did the way that he gave you the
8 sentencing, is that the way you understood the negotiation --

9 THE DEFENDANT: No.

10 THE COURT: -- and did you have an opportunity to
11 discuss that with your attorney?

12 THE DEFENDANT: I was telling him everything when he
13 came to see me yesterday.

14 THE COURT: Okay, so you discussed it with him, and
15 you've decided you don't want that offer?

16 THE DEFENDANT: No, I don't.

17 THE COURT: Okay. I just want to be clear on that, so that
18 down the road if in fact you were convicted, you're not going to
19 come back and say; nobody told me that was the deal, I would've
20 taken it. You understand that's the deal, and they're withdrawing it
21 today. You understand that as well?

22 THE DEFENDANT: Yes ma'am.

23 THE COURT: Okay. Good enough everybody?

24 MR. ROWLES: Thank you, Your Honor.

25 MR. BOLEY: Yes ma'am.

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THE COURT: Thank you.

THE CORRECTIONS OFFICER: Can I get those court dates again please.

THE MARSHAL: What's the date, Dara?

THE COURT: Trial dates. July 7th and July 13th, I believe.

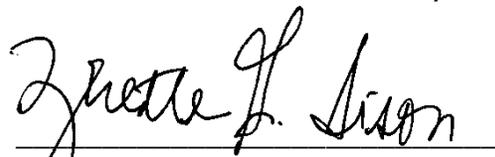
THE COURT CLERK: Yes.

THE COURT: Calendar call the 7th; trial the 13th.

[Hearing concluded at 1:35 a.m.]

* * * * *

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



Yvette G. Sison
Court Recorder

C-18-333798-1 State of Nevada
 vs
 Juhjuan Washington

July 07, 2020 12:00 PM Calendar Call

HEARD BY: Holthus, Mary Kay COURTROOM: RJC Courtroom 03F

COURT CLERK: Hurtado, Ro'Shell; Yorke, Dara

RECORDER: Scott, Deloris

REPORTER:

PARTIES PRESENT:

Juhjuan Washington	Defendant
State of Nevada	Plaintiff
Thomas D Boley	Attorney for Defendant
William C. Rowles	Attorney for Plaintiff

JOURNAL ENTRIES

William Rowles, Esq. and Thomas Boley, Esq. present via Bluejeans video conference.

Mr. Rowles not present. Mr. Boley advised the Court parties were waiting on Mr. Rowles.
MATTER TRAILED.

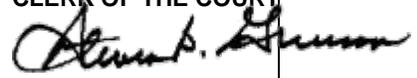
MATTER RECALLED. Mr. Rowles present. Court advised parties there were no jury trials proceeding. Mr. Rowles requested trial be set some time in fall due to the fact he had several international witnesses. Upon Court's inquiry, Mr. Boley noted he hadn't spoke with Deft. since the last court date. Colloquy between parties. Deft. requested to speak with his attorney. MATTER TRAILED for Mr. Boley to speak with Deft.

MATTER RECALLED. Same parties present. Upon Court's inquiry, Counsel indicated Deft. previously waived his right to a speedy trial. COURT ORDERED, trial date VACATED and RESET.

CUSTODY

10/6/20 9:00 AM CALENDAR CALL

10/12/20 1:00 PM JURY TRIAL



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RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,
vs.
JUHJUAN WASHINGTON,
Defendant.

CASE#: C-18-333798-1
DEPT. XVIII

BEFORE THE HONORABLE MARY KAY HOLTHUS, DISTRICT COURT JUDGE
TUESDAY, JULY 7, 2020

RECORDER'S TRANSCRIPT OF HEARING:
CALENDAR CALL
[All Parties Present via BlueJeans Video Conference]

APPEARANCES:

For the State: ELISE CONLIN, ESQ.
STACEY KOLLINS, ESQ.
WILLIAM C. ROWLES, ESQ.
Deputy District Attorneys

For the Defendant: THOMAS D. BOLEY, ESQ.

RECORDED BY: YVETTE SISON COURT RECORDER

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Las Vegas, Nevada, Tuesday, July 7, 2020

[Hearing began at 12:27 p.m.]

THE COURT CLERK: C-18-333798-1, State of Nevada
versus Juhjuan Washington.

THE COURT: Do I have Mr. Washington?

THE DEFENDANT: Yes ma'am.

MR. BOLEY: I think we're waiting for Billy Rowles though
for the State.

THE COURT: Okay, and is he coming to the - he was on
the phone before. Ms. Conlin, do you have the file on this one?

MS. CONLIN: I don't Your Honor, it should be either Mr.
Rowles or Mr. Sweetin.

THE COURT: All right, can you text somebody.

MR. BOLEY: I already talked with -- Mr. Rowles is getting
on ASAP, he'll be here in a bit.

MS. KOLLINS: Excuse me, Stacey Kollins on behalf of the
State, Mr. Rowles is on another appearance in District Court 12, and
he knows he's needed in here.

THE COURT: Okay. It's a calendar call -- well I guess
we'll be here. Mr. Boley, can you hang out?

MR. BOLEY: Yes, no problem.

MS. KOLLINS: He'll be right there.

[Case trailed at 12:28 p.m.]

[Case recalled at 1:18 p.m.]

1 THE COURT: Guys we got 12 minutes or something, so
2 FYI. All right, what did we come up with Mr. Washington?

3 MR. BOLEY: We just need a trial date.

4 THE COURT: Is he waived?

5 MR. ROWLES: Yes, Your Honor.

6 MR. BOLEY: He's waived.

7 THE COURT: Okay. October or January?

8 MR. ROWLES: October would be the preference for the
9 State.

10 THE COURT: Okay.

11 MR. BOLEY: That's fine.

12 THE COURT CLERK: Calendar call will be October 6th at 9
13 a.m., jury trial October 12th at 1 p.m.

14 THE COURT: Mr. Washington, that's your trial date; Mr.
15 Boley will be in touch okay.

16 THE DEFENDANT: All right.

17 [Hearing concluded at 1:20 p.m.]

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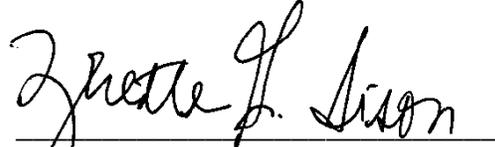
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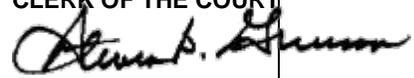
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ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.



Yvette G. Sison
Court Recorder



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RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,
vs.
JUHJUAN WASHINGTON,
Defendant.

CASE#: C-18-333798-1
DEPT. XVIII

BEFORE THE HONORABLE MARY KAY HOLTHUS, DISTRICT COURT JUDGE
TUESDAY, OCTOBER 6, 2020

RECORDER'S TRANSCRIPT OF HEARING:
CALENDAR CALL
[ALL PARTIES PRESENT VIA BLUEJEANS VIDEO CONFERENCE]

APPEARANCES:

For the State: STEVEN ROSE, ESQ.
Deputy District Attorney

For the Defendant: THOMAS D. BOLEY, ESQ.

RECORDED BY: YVETTE SISON COURT RECORDER

1 Las Vegas, Nevada, Tuesday, October 6, 2020

2
3 [Hearing began at 1:05 p.m.]

4 THE COURT CLERK: State of Nevada versus Juhjuan
5 Washington, C333798.

6 THE COURT: Calendar call.

7 MR. BOLEY: Good Afternoon, Judge, Tom Boley on
8 behalf of Mr. Washington. He should be there in custody.

9 THE CORRECTIONS OFFICER: Washington? Hold on one
10 second. Mr. Washington was a medical refusal, Your Honor.

11 MR. BOLEY: Oh.

12 THE COURT: Okay. Mr. Boley, do you know -- were you
13 guys ready to go to trial, not ready to go to trial? Are you on the
14 central calendar?

15 MR. BOLEY: We are not on the central calendar. We
16 would be ready, but there's a new offer I need to discuss with him,
17 and if he is on the medical refusal, that might take a minute, if he's
18 in quarantine or something like that.

19 MR. ROSE: Your Honor, Steven Rose, on behalf of the
20 State covering this for Mr. Rowles with our office. I spoke with Mr.
21 Boley earlier. My request of the Court -- would be to set -- if the
22 Court's okay giving it, with Mr. Washington not here at the
23 moment, I'm going to ask that we set the status check on
24 negotiations perhaps about 30 days, to make sure that Mr.
25 Washington is out of potential medical issues, and also give Mr.

1 Boley some time to talk to him about the offer, that if he and Mr.
2 Rowles can get the case negotiated, that way we're not taking up
3 time or space on the Court's trial settings.

4 MR. BOLEY: That sounds perfect.

5 THE COURT: Well, is your client going to be in agreement
6 with that? Is he invoked?

7 MR. BOLEY: He is not.

8 THE COURT: All right. So you're requesting 30 days for
9 negotiations, is that correct? Are we vacating the trial date as a
10 result of that Mr. Boley?

11 MR. BOLEY: Yes ma'am.

12 THE COURT CLERK: November 3rd at 9 a.m.

13 [Hearing concluded at 1:07 a.m.]

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

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23 Yvette G. Sison
24 Court Recorder
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C-18-333798-1 State of Nevada
 vs
 Juhjuan Washington

November 03, 2020 12:00 PM Status Check: Negotiations/Trial Setting

HEARD BY: Holthus, Mary Kay COURTROOM: RJC Courtroom 03F

COURT CLERK: Yorke, Dara

RECORDER: Michaux, Angelica

REPORTER:

PARTIES PRESENT:

Juhjuan Washington	Defendant
State of Nevada	Plaintiff
Thomas D Boley	Attorney for Defendant
William C. Rowles	Attorney for Plaintiff

JOURNAL ENTRIES

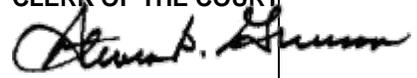
Thomas Boley, Esq. present via Bluejeans video conference; Deft. present via Bluejeans video conference.

Upon Court's inquiry, Mr. Boley indicated the matter was almost resolved, and parties could possibly due a settlement conference. COURT DIRECTED parties to contact Judge Bell to set up a settlement conference. Colloquy between parties. Following colloquy, Mr. Rowles requested a trial date be set in March 2021. Mr. Boley concurred. COURT ORDERED, trial date SET.

CUSTODY

3/16/21 9:00 AM CALENDAR CALL

3/22/21 1:00 PM JURY TRIAL



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RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,
vs.
JUHJUAN WASHINGTON,
Defendant.

CASE#: C-18-333798-1
DEPT. XVIII

BEFORE THE HONORABLE MARY KAY HOLTHUS, DISTRICT COURT JUDGE
TUESDAY, NOVEMBER 3, 2020

**RECORDER'S TRANSCRIPT OF HEARING:
STATUS CHECK: NEGOTIATIONS/TRIAL SETTING**

[THE DEFENDANT IS PRESENT VIA BLUEJEANS VIDEO CONFERENCE]

APPEARANCES:

For the State: WILLIAM C. ROWLES, ESQ.
Deputy District Attorney
[In Person]

For the Defendant: THOMAS D. BOLEY, ESQ.
[Present via BlueJeans Video Conference]

RECORDED BY: YVETTE SISON COURT RECORDER

1 Las Vegas, Nevada, Tuesday, November 3, 2020

2
3 [Hearing began at 12:18 p.m.]

4 THE COURT CLERK: State of Nevada versus Juhjuan
5 Washington, C333798.

6 MR. BOLEY: Good Morning, Judge, Tom Boley on behalf
7 of Mr. Washington. He's present -- I seem right there, in custody.

8 MR. ROWLES: Good Morning, Your Honor, William
9 Rowles on behalf of the State.

10 THE COURT: Where are we on this? This is status check
11 negotiations or trial setting.

12 MR. BOLEY: I think we're almost resolved, Judge. We're
13 real close.

14 THE COURT: Okay.

15 MR. BOLEY: Maybe if we could do a -- I know your Court
16 does settlement conferences, I don't know if we could do one of
17 those, we'd probably would get there.

18 THE COURT: You guys can call Judge Bell, and she'll set
19 it up for you.

20 MR. BOLEY: Okay.

21 MR. ROWLES: Is this court aware of whether she's
22 accepting settlement conferences for waived defendants.

23 THE COURT: I think settlement conferences are for any
24 anybody. I don't know what the wait is on them, but I don't think
25 that's a pre-requisite. If you can't get to central calendar or trial if

1 you're --

2 THE DEFENDANT: Your Honor?

3 THE COURT: Yes.

4 THE DEFENDANT: On that matter, I want to speak to my
5 attorney in private please, Mr. Boley.

6 THE COURT: Mr. Boley, you want him to call you -
7 Officers can he call him -- can Mr. Boley call his client on the phone
8 there?

9 THE CORRECTIONS OFFICER: Yes. Yeah, it's free, Your
10 Honor.

11 THE COURT: Mr. Boley, do you have the number there?

12 MR. BOLEY: I don't.

13 THE MARSHAL: It's 671-5651.

14 MR. BOLEY: I think we're still going to have the same
15 request no matter what, so --

16 THE COURT: Okay, I'll just -- so do you want a status
17 check, or do you want to just reset the trial right now?

18 MR. BOLEY: I don't know, how far are trials out at this
19 point?

20 THE COURT: January 19th is waived.

21 MR. ROWLES: Is there a date sometime or in the middle
22 of what I would call the school year? As the Court is aware most of
23 my witnesses are out-of-state college students and some are out-of-
24 country college students, so January they still may very well be on
25 vacation break, if they're even allowed to come back to the State at

1 that time. So, is March available, I guess, would be my request.

2 THE COURT CLERK: Yes, we can do March 22nd, would
3 that work?

4 MR. ROWLES: If that works for the Department and Mr.
5 Boley, that would be perfect for the State.

6 THE COURT: Mr. Boley, you good?

7 MR. BOLEY: Did you say March 22nd?

8 THE COURT: Yes.

9 MR. BOLEY: Okay, I'm looking here. Yeah, I'd be fine with
10 that.

11 THE COURT: All right, Mr. Washington, you good?

12 THE COURT CLERK: He's on the phone.

13 THE COURT: Oh, he went to the phone. Okay, so we'll go
14 ahead and set it. If we need to recall it, let us know. Otherwise, we
15 won't plan to.

16 MR. BOLEY: Okay, sounds good.

17 THE COURT: And if you get negotiated, just call us, and
18 we'll put it on.

19 MR. ROWLES: And this Court's -- contact Judge Bell's
20 chambers for --

21 THE COURT: You guys have to contact her, yes.

22 MR. ROWLES: Definitely, thank you, Your Honor.

23 MR. BOLEY: No problem.

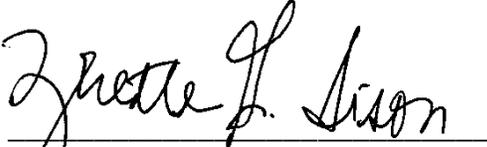
24 THE COURT CLERK: Calendar call will be March 16th at 9
25 a.m., jury trial, March 22nd at 1 p.m.

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[Hearing concluded at 12:21 a.m.]

* * * * *

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



Yvette G. Sison
Court Recorder

C-18-333798-1 State of Nevada
 vs
 Juhjuan Washington

March 16, 2021 01:30 PM Calendar Call

HEARD BY: Clark Newberry, Tara COURTROOM: RJC Courtroom 16C

COURT CLERK: Brown, Kristen

RECORDER: Page, Robin

REPORTER:

PARTIES PRESENT:

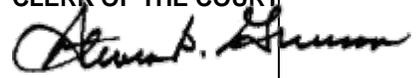
Juhjuan Washington	Defendant
Megan Thomson	Attorney for Plaintiff
State of Nevada	Plaintiff
Thomas D Boley	Attorney for Defendant

JOURNAL ENTRIES

Court noted the Deft. waived his right to a speedy trial and there is a settlement conference date set for March 25, 2021. Ms. Thomson stated instead of setting a new trial date at this time, requested a status check date be set after the settlement conference. COURT ORDERED, Trial VACATED and matter set for a status check.

CUSTODY

3/30/21 1:30 PM STATUS CHECK: TRIAL SETTING



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RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,
vs.
JUHJUAN WASHINGTON,
Defendant.

CASE NO. C-18-333798-1
DEPT. XXI

BEFORE THE HONORABLE TARA CLARK NEWBERRY,
DISTRICT COURT JUDGE
TUESDAY, MARCH 16, 2021

**RECORDER'S TRANSCRIPT OF HEARING RE:
CALENDAR CALL**

APPEARANCES:

For the State: MEGAN S. THOMSON, ESQ.
Chief Deputy District Attorney

For the Defendant: THOMAS D. BOLEY, ESQ.

RECORDED BY: ROBIN PAGE, COURT RECORDER

1 **Las Vegas, Nevada; Tuesday, March 16, 2021**

2 * * * * *

3 [Proceeding commenced at 1:37 p.m.]

4 THE CLERK: Page two, Juhjuan Washington, C333798.

5 MR. BOLEY: Good afternoon, Judge, Tom Boley for
6 Mr. Washington. He's present in custody.

7 THE COURT: Thank you, Counsel.

8 MS. THOMSON: Megan Thomson for the State.

9 THE COURT: All right. This is a calendar call. It appears that
10 there's a settlement conference scheduled for March 25th, 2021. The
11 Defendant has waived. As counsel knows, we are proceeding with
12 criminal jury trials in invocation date order, so this case will not be going
13 to trial in this stack. I would propose moving it to the next reasonable
14 stack where it could go to trial assuming that settlement conference
15 does not result in resolution. We could put it on for --

16 MS. THOMSON: Would the Court be willing to just set a
17 status check after the settlement conference in hopes --

18 THE COURT: Yeah, that's what I was going to suggest
19 because it's quite possible that we will be able to entertain trials in June,
20 I just don't know yet how we're going to proceed. So let's set this for
21 status on the next law and motion date I have after March 25th, Madam
22 Clerk.

23 THE CLERK: Okay. That'll be --

24 THE DEFENDANT: Your Honor, excuse me, Your Honor,
25 may I read you a letter please?

1 THE COURT: No, sir, I'm just setting a calendar call date. If
2 you want to file a motion with the Court, you can contact your counsel.

3 Madam Clerk, can you set the date please?

4 THE CLERK: Sure.

5 THE DEFENDANT: He don't even answer the phone.

6 THE CLERK: March 30th at 1:30.

7 THE COURT: All right. So you're going to come back at
8 March 30th, sir, after your settlement conference, which is March 25th. If
9 there's something you'd like to file with the Court, you certainly can file
10 whatever you think is necessary. Just communicate with Mr. Boley, who
11 is your assigned counsel.

12 THE DEFENDANT: Can I speak with him, like, on the phone?
13 Like, because I've been calling the office; I've been calling the law firm
14 and his secretary ain't been answering the phone even when there's
15 appointments scheduled for me to call, like, at 3:30, you know, when
16 he's not -- and he --

17 THE COURT: Okay. Keep calling. Mr. Boley will communicate
18 with you; he's your assigned counsel.

19 THE DEFENDANT: And he was supposed to come see, he
20 never came and saw me like he told me --

21 THE COURT: I can't order your attorney to come see you on
22 a specific date. If you'd like to speak with him, you can call him on the
23 phone. I'm sure Mr. Boley will reach out to you and communicate with
24 you. If nothing else, you have a settlement conference on March 25th,
25 you'll definitely get to talk to him then, okay.

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THE DEFENDANT: Mr. Boley.

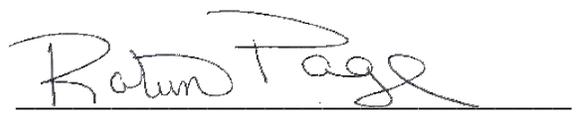
MR. BOLEY: Thank you, Judge.

THE COURT: All right. Next case, please. Have a seat, sir.

[Proceeding concluded at 1:40 p.m.]

* * * * *

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



Robin Page
Court Recorder/Transcriber

C-18-333798-1

IN CUSTODY

05/11/21 1:30 PM SENTENCING

PRINT DATE: 03/25/2021

Page 2 of 2

Minutes Date: March 25, 2021

Bates 300

C-18-333798-1 State of Nevada
 vs
 Juhjuan Washington

March 25, 2021 10:30 AM Settlement Conference

HEARD BY: Thompson, Charles COURTROOM:

COURT CLERK: Kidd, Lauren

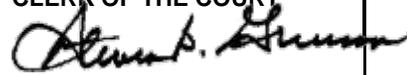
RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

Matter Settled



1 **AIND**
2 **STEVEN B. WOLFSON**
3 **Clark County District Attorney**
4 **Nevada Bar #001565**
5 **WILLIAM CHARLES ROWLES**
6 **Deputy District Attorney**
7 **Nevada Bar #013577**
8 **200 Lewis Avenue**
9 **Las Vegas, Nevada 89155-2212**
10 **(702) 671-2500**
11 **Attorney for Plaintiff**

DISTRICT COURT
CLARK COUNTY, NEVADA

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

11 **-vs-**

12 **JUHJUAN WASHINGTON,**
13 **#8124794**
14 **Defendant.**

CASE NO. C-18-333798-1

DEPT NO. XXI

SECOND AMENDED
INDICTMENT

15 **STATE OF NEVADA** }
16 **COUNTY OF CLARK** } **ss:**

17 The Defendant above named, **JUHJUAN WASHINGTON**, is accused by the Clark
18 County Grand Jury of the crimes of **SECOND DEGREE KIDNAPPING (Category B**
19 **Felony - NRS 200.310, 200.330 - NOC 50075) ROBBERY WITH USE OF A DEADLY**
20 **WEAPON (Category B Felony - NRS 200.380, 193.165 - NOC 50138), ATTEMPT**
21 **SEXUAL ASSAULT (Category B Felony - NRS 200.364, 200.366, 193.330 - NOC 50119),**
22 **and OPEN OR GROSS LEWDNESS (Gross Misdemeanor - NRS 201.210 - NOC 50971),**
23 **committed at and within the County of Clark, State of Nevada, on or between October 13,**
24 **2017 and October 22, 2017, as follows:**

25 **///**
26 **///**
27 **///**
28 **///**

1 COUNT 1 - SECOND DEGREE KIDNAPPING

2 did willfully, unlawfully, and feloniously, seize, inveigle, take, carry
3 away, or kidnap M.M.-B, a human being, against her will, and without her
4 consent, with the intent to keep M.M.-B detained against her will.

5 COUNT 2 – ROBBERY WITH USE OF A DEADLY WEAPON

6 did, on or about October 19, 2017, willfully, unlawfully and feloniously take personal
7 property, to wit: a car and/or keys, from the person of ASHLEY WRIGHT, or in her presence,
8 by means of force or violence, or fear of injury to, and without the consent and against the will
9 of ASHLEY WRIGHT, with use of a deadly weapon, to wit: a firearm.

10 COUNT 3 – ATTEMPT SEXUAL ASSAULT

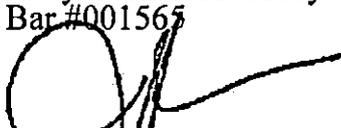
11 did, on or about October 20, 2017, then and there willfully, unlawfully, and feloniously
12 attempt to sexually assault and subject M.M.-B., a female person, to sexual penetration, to wit:
13 fellatio, by attempting to place his penis in or on the mouth of M.M.-B., against her will, or
14 under conditions in which Defendant knew, or should have known, that M.M.-B. was mentally
15 or physically incapable of resisting or understanding the nature of Defendant's conduct.

16 COUNT 4 – OPEN OR GROSS LEWDNESS

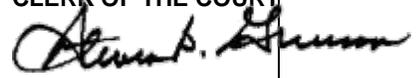
17 did, on or about October 13, 2017, willfully and unlawfully commit an act of open or
18 gross lewdness, by Defendant causing and/or directing and/or encouraging KAYLEE
19 EDWARDS to put her toe(s) and/or feet in Defendant's mouth.

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

23 BY


24 WILLIAM CHARLES ROWLES
25 Deputy District Attorney
26 Nevada Bar #013577

27 18AGJ005X/17F18918X/mlb/SVU
28 LVMPD EV# 1710200829; 1710190557; 1710220808
(TK3)



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RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,
vs.
JUHJUAN WASHINGTON,
Defendant.

CASE NO. C-18-333798-1
DEPT. XXI

BEFORE THE HONORABLE TARA CLARK NEWBERRY,
DISTRICT COURT JUDGE
THURSDAY, MARCH 25, 2021

**RECORDER'S TRANSCRIPT OF HEARING RE:
SETTLEMENT CONFERENCE**

APPEARANCES:

For the State: WILLIAM C. ROWLES, ESQ.
Chief Deputy District Attorney

For the Defendant: THOMAS D. BOLEY, ESQ.

RECORDED BY: ROBIN PAGE, COURT RECORDER

1 **Las Vegas, Nevada; Thursday, March 25, 2021**

2 * * * * *

3 [Proceeding commenced at 12:56 p.m.]

4 THE COURT: This is the State of Nevada versus Juhjuan
5 Washington, Case Number 20-1838065-C [sic].

6 Counsel.

7 MR. BOLEY: Yes, ma'am. So we do have a guilty plea
8 agreement here signed by Mr. Washington and certificate of counsel
9 signed by myself. He is going to plead guilty today to Count 1, second
10 degree kidnapping, a Category B felony; Count 2, robbery with use of a
11 deadly weapon, Category B felony; Count 3, attempt sex assault,
12 Category B felony; and Count 4, open or gross lewdness, a gross
13 misdemeanor.

14 In exchange for his plea, the State is going to retain the right
15 to argue, but for a sentence between 3 years and 65 years and that is
16 interlineated by Mr. Rowles handwriting on the original guilty plea
17 agreement.

18 THE COURT: 3 to 65?

19 MR. BOLEY: 3 to 65. Yes, that's correct.

20 THE COURT: Okay. And the State has acknowledged that?

21 MR. ROWLES: Yes, Your Honor, my initials with the GPA that
22 will be filed after Court have interlineated --

23 THE COURT: Okay.

24 MR. ROWLES: We --

25 MR. BOLEY: Oh, you want to initial it?

1 MR. ROWLES: I already did, I believe so.

2 MR. BOLEY: Nope, not there.

3 THE COURT: I was provided with a draft of the GPA, so I just
4 want to make sure that I'm making the changes on mine as well.

5 MR. ROWLES: And, Your Honor, we also agree not to file
6 charges under Las Vegas Metropolitan Police Department, event
7 number 180606001583, as well as agree not to pursue an investigation
8 into a tip that was received by the Las Vegas Metropolitan Police
9 Department when a press release was done on this matter.

10 THE COURT: All right.

11 MR. BOLEY: Agreed.

12 THE COURT: Is there a forfeiture agreement as well?

13 MR. BOLEY: I don't think there's a forfeiture.

14 MR. ROWLES: Nothing that would require any signatures,
15 Your Honor, nothing was seized.

16 THE COURT: Okay.

17 All right. Mr. Washington, could you please state your full
18 name for the record?

19 THE DEFENDANT: Juhjuan Dayvon Washington.

20 THE COURT: Okay. Did you hear counsel's representation
21 as to the negotiations just now?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: Is that what you want to agree today?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: Okay. All right. We're going to go through a

1 canvas where I'm going to ask you questions to make sure you're
2 making a voluntary plea, okay?

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: All right. So today you participated in a
5 settlement conference with another judge, correct?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: Did you negotiate this case in part because of
8 your participation in the settlement conference?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: Did you voluntarily participate in the settlement
11 conference?

12 THE DEFENDANT: Yes, Your Honor.

13 THE COURT: And did you sign a waiver prior to participating
14 in the settlement conference?

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: All right. The settlement conference was
17 before a different judge that was not me, correct?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: Okay. How old are you, sir?

20 THE DEFENDANT: I'm 24 years old.

21 THE COURT: How far did you get in school?

22 THE DEFENDANT: I haven't graduated yet, I made it to the
23 twelfth grade.

24 THE COURT: Okay.

25 THE DEFENDANT: I still want to graduate.

1 THE COURT: Okay. Do you read, write, and understand the
2 English language?

3 THE DEFENDANT: Very well. I'm, like, yeah, I'm studying
4 some stuff right now, so.

5 THE COURT: Are you currently under the influence of any
6 drug, medication, or alcoholic beverage?

7 THE DEFENDANT: No. Before I was -- before I was, like, on
8 the streets I was.

9 THE COURT: Okay. But you haven't consumed any alcohol
10 or drugs within the past 24 hours, correct?

11 THE DEFENDANT: No, no, of course not. I'm incarcerated.

12 THE COURT: Okay. That's what I would expect, but we still
13 need to make sure you have a clear head this morning. Thank you.

14 THE DEFENDANT: Thank you.

15 THE COURT: All right. Do you understand the proceedings
16 that are happening today?

17 THE DEFENDANT: Yes, Your Honor, I do.

18 THE COURT: Okay. Did you receive a copy of the
19 information or indictment in the charging document in this case?

20 THE DEFENDANT: Yes, Your Honor, I have the copy right
21 here.

22 THE COURT: Okay. And the amended one that was filed -- I
23 believe it was filed today, the second amended indictment that was filed
24 this afternoon relative to the settlement conference. Have you had an
25 opportunity to review that document or have it read to you?

1 THE DEFENDANT: The copy, yeah, I read it.

2 THE COURT: The charging document. It's the second
3 amended indictment and it's indicating the charges that have been
4 amended to show what you're being charged with by the State.

5 THE DEFENDANT: No, I haven't gone over that yet. I don't --

6 THE COURT: Okay. Let me read it to you because I want to
7 make sure the record is clear and that you have an understanding of
8 what the charges are that's been amended by the State. You probably
9 saw the one that was originally filed a long time ago when you were first
10 arrested, but this is the State's amended -- second amended indictment
11 that was filed today.

12 The State of Nevada alleges that the Defendant, that's you,
13 Juhjuan Washington, is accused by the Clark County Grand Jury of the
14 of the crimes of second degree kidnapping, Category B felony; robbery
15 with use of a deadly weapon, a Category B felony; an attempt to sexual
16 assault, Category B felony; and an open or gross lewdness to be treated
17 as a gross misdemeanor was committed at and within the County of
18 Clark, State of Nevada, on or between October 13, 2017, and October
19 22, 2017.

20 Do you understand that those are the charges that you're
21 facing?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: Okay. And do you need me to read the
24 remainder of the indictment as to the facts that are alleged supporting
25 those charges?

1 THE DEFENDANT: No, Your Honor.

2 THE COURT: Okay.

3 THE DEFENDANT: I'm aware.

4 THE COURT: Okay. Do you waive the formal reading of the
5 remainder of the indictment?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: Okay. Do you understand the charges that you
8 -- that are -- have been alleged?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: Did you have an opportunity to discuss those
11 charges in your case with the attorney in this case?

12 THE DEFENDANT: Yes, Your Honor.

13 THE COURT: Okay. And you had all of your questions
14 answered and before you agreed to enter the plea here today, you were
15 satisfied with your counsel's representation of you?

16 THE DEFENDANT: Yes, Your Honor.

17 THE COURT: Okay. As to the charges that are set forth in
18 the indictment, the second amended indictment that I just read to you,
19 how do you plead, guilty or not guilty?

20 THE DEFENDANT: Guilty.

21 THE COURT: Okay. Are you making this plea freely and
22 voluntarily?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: Has anyone forced or threatened you or
25 anyone close to you to get you to enter the plea?

1 THE DEFENDANT: No, Your Honor.

2 THE COURT: Okay. Did anyone, including the settlement
3 judge that assisted you this morning, coerce or force you to accept this
4 negotiation?

5 THE DEFENDANT: No, Your Honor.

6 THE COURT: Has anyone made you a promise other than
7 what's contained in the guilty plea agreement to get you to enter the
8 plea?

9 THE DEFENDANT: No, Your Honor.

10 THE COURT: Okay. And do you understand that if the trial
11 judge is unwilling to follow the stipulations you've agreed to in the
12 settlement conference that either side, whether it's the State or the -- or
13 you, may withdraw the plea agreement; do you understand that?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: Okay. A guilty plea agreement has been or will
16 be filed in your case; I understand you just signed it, correct?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: Okay. Did you physically have the opportunity
19 to sign the guilty plea agreement?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: Okay. Counsel, is the document -- is the
22 version he's signing going to be the one filed?

23 MR. BOLEY: Yes.

24 THE COURT: Okay.

25 MR. BOLEY: With the inter -- the handwrite -- handwritten

1 interlineation is not on his copy, but it is on the one I'm holding up.

2 THE COURT: Okay. We need to make sure that the one that
3 has his signature on it has the lineation of the 3 to 65, correct?

4 MR. BOLEY: Yes, ma'am, it does.

5 THE COURT: Okay. So that's going to happen here this
6 morning before it's filed.

7 MR. BOLEY: Yeah, that's all been --

8 THE COURT: Or this afternoon.

9 MR. BOLEY: -- done.

10 THE COURT: Okay.

11 MR. BOLEY: I'm going to go back to my office and e-File it I
12 guess.

13 THE COURT: Okay. So do you want me to do the
14 Coronavirus precautions then that you're signing on his behalf?

15 MR. BOLEY: He signed it.

16 THE COURT: I understand, but he didn't sign the one that
17 has the delineation in it.

18 MR. BOLEY: He does.

19 THE COURT: So if you're going to file the delineation in court
20 -- in the court's file, that's not going to bear his signature on it.

21 MR. BOLEY: It does actually. I'm sorry. It does. I actually
22 slid it under the door to him; he signed it and slid it back.

23 THE COURT: Okay, great. All right. I want to make sure
24 that's clear on the record, so we will skip over the Coronavirus
25 precautions. All right.

1 Mr. Washington, do you understand that you have
2 constitutional rights that you are giving up by entering this plea of guilt?

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: Okay. Some of those constitutional rights
5 include the right to a jury trial and the right to have the State prove
6 beyond a reasonable doubt that you are in fact guilty of the offenses
7 you've been charged with.

8 Do you wish to waive those rights?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: Okay. Do you understand that there are
11 appellate rights that you're giving up by entering a plea of guilt?

12 THE DEFENDANT: Yes, Your Honor.

13 THE COURT: Do you understand that if you're not a United
14 States citizen that entering a plea of guilt could have immigration
15 consequences including deportation?

16 THE DEFENDANT: Yeah, and I could get extradited, but I'm
17 from America.

18 THE COURT: Okay. We tell everyone that because we don't
19 know your immigration status. All right. While there has been a -- an
20 agreed upon sentence that will be argued, it's important that you
21 understand what each count carries as a form of punishment that you're
22 facing.

23 As to Count 1, you could be facing 2 to 15 years and up to a
24 \$10,000 fine, that's the range of punishment for Count 1. For Count 2, a
25 range of punishment is 2 years and 15 years, plus a consecutive term of

1 not less than 1 year and not more than 15 years for a deadly weapon
2 enhancement. As to Count 2, you also -- I'll get to that in a minute. On
3 Count 3, you could be facing between 2 years and not more than 20
4 years. As to Count 3, you could be facing -- or, all right. As to Count 4,
5 you could be facing up to 364 days and up to a \$2000 fine.

6 Do you understand those are the punishments that you could
7 be facing and with regards to the counts that have been alleged in this
8 case?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: Okay. Do you also understand that as to
11 Count 2, you understand that you're not eligible for probation for the
12 offense to which you're pleading guilty?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: Okay. And with regards to Count 3, there's
15 some other consequences of those charges as well I'm going to go over
16 now. First, is you understand that pursuant to Nevada law that you're
17 pleading guilty to a sexual offense for which the suspension of the
18 sentence or granting of probation may be permitted, but due to Count 2
19 in this case, you're not eligible for probation. Do you understand?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: Okay. You must undergo a psychosexual
22 evaluation as part of your presentence investigation relative to Count 3.
23 Do you understand that?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: Okay. As to --

1 MR. BOLEY: So, Judge --

2 THE COURT: Yes.

3 MR. BOLEY: I think the State is willing to waive the
4 psychosexual.

5 MR. ROWLES: Since when -- I don't think either party
6 anticipates arguing for probation in order to speed up the PSI process
7 time, the State has no objection to waiving the psychosexual since that's
8 something --

9 THE COURT: Okay.

10 MR. ROWLES: -- he'll be required to do in prison before
11 parole anyways.

12 THE COURT: All right. Then the psycho -- okay, so the
13 psychosexual will be waived. It's still indicated though in the guilty plea
14 agreement, but we can address that at sentencing --

15 MR. ROWLES: Yes, Your Honor.

16 THE COURT: -- as far as his understanding of that.

17 With regards to Count 3, pursuant to Nevada law, the Court
18 must include as part of your sentence, in addition to any other penalties
19 provided by law, a special sentence of lifetime supervision commencing
20 after any period of probation or any term of imprisonment and upon your
21 release from parole. Do you understand that?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: Okay. Also, pursuant to your plea of guilt to
24 Count 3, you must register as a sex offender within 48 hours of release
25 from custody, whether it's -- whether you're paroled or not. Do you

1 understand that?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: Okay. All right. Similarly, as to Count 4,
4 there's also a requirement that you register as a sex offender. Do you
5 understand that?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: Okay. All right. I just want to make sure you
8 understand the range of punishment in this case. You understand that
9 sentencing is solely up to the Court, including whether the counts would
10 run consecutive or concurrent?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: And you understand that no one can promise
13 you probation, leniency, or any special treatment?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: Okay. All right. Are you pleading guilty today,
16 Mr. Washington, because in truth and in fact on or about the time period
17 of October 13th of 2017, and October 22nd, 2017, as to Count 1, you
18 willfully, unlawfully, and feloniously seized, took, carried away, or
19 kidnapped a human being identified as M.M.B. against her will, without
20 her consent, with the intent to keep M.M.B. detained against her will?

21 Is that what happened?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: Okay. As to Count 2, robbery with use of a
24 deadly weapon, on or about October 19th, 2017, you willfully, unlawfully,
25 and feloniously took personal property, to wit: a car -- a car and car

1 keys from Ashley Wright, or in her presence, by means of force or
2 violence, or fear of injury to, and without the consent and against the will
3 of Ashley Wright with the use of a deadly weapon, a firearm.

4 Is that what happened that day?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: As to Count 3, attempt sexual assault, you did
7 on or about October 20th of 2017, willfully, unlawfully, and feloniously,
8 attempted to sexually assault and subject M.M.B., a female person, to
9 sexual penetration, to wit: fellatio, by attempting to place your penis in
10 her mouth against her will or under conditions in which you knew or
11 should have known that M.M.B. was mentally or physically incapable of
12 resisting or understanding the nature of your conduct?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: Okay. As to Count 4, open or gross lewdness,
15 you did on or about October 13th, 2017, willfully and unlawfully commit
16 an act of open or gross lewdness by causing and/or directing
17 encouraging Kaylee Edwards to put her toes or feet in your mouth.

18 Is that what happened?

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: All right. Do you have any questions you would
21 like to ask me or your attorney before I accept your plea?

22 THE DEFENDANT: No, Your Honor.

23 THE COURT: Okay. The Court finds the Defendant's plea of
24 guilt's freely and voluntarily made. The Defendant understands that
25 nature of his offense and the consequences of his plea and, therefore,

1 accepts this plea of guilt. This matter is referred to the Department of
2 Parole and Probation for a presentence investigation report and will be
3 set for sentencing on my out -- in-custody calendar.

4 Madam Clerk.

5 THE CLERK: May 11th at 1:30 p.m. in Department 21.

6 MR. ROWLES: Your Honor, there was a status check date --

7 THE COURT: All right, anything else for the record, counsel?

8 MR. ROWLES: Yes, Your Honor, there's a status check date
9 next week, is it possible to vacate that matter?

10 THE COURT: Yes. The status check for next week will be
11 vacated in light of the plea entered today.

12 MR. ROWLES: Thank you, Your Honor.

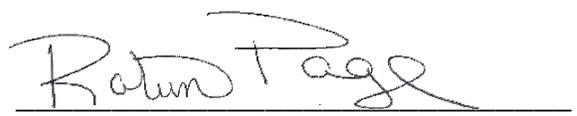
13 MR. BOLEY: Thank you, Judge.

14 THE COURT: All right. Department 21 is in recess.

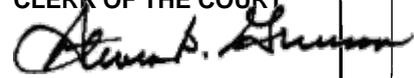
15 [Proceeding concluded at 1:14 p.m.]

16 * * * * *

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20
21 ATTEST: I do hereby certify that I have truly and correctly transcribed
22 the audio/video proceedings in the above-entitled case to the best of my
23 ability.

24 

25 Robin Page
Court Recorder/Transcriber



1 MWPL
2 BOLEY & ALDABBAGH, LTD.
3 THOMAS D. BOLEY, ESQ.
4 Nevada Bar No. 11061
5 1900 E. Bonanza Rd.
6 Las Vegas, NV 89101
7 T: (702) 435-3333
8 F: (702) 475-6567
9 *Attorney for Defendant*

10 **EIGHTH JUDICIAL DISTRICT COURT**
11 **CLARK COUNTY, NEVADA**

12 THE STATE OF NEVADA,

CASE NO: C-18-333798-1

13 Plaintiff,

DEPT NO: 21

14 vs.

15 JUHJUAN WASHINGTON
16 #8124794

17 Defendant.

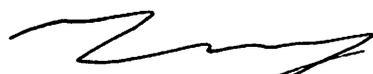
18 **MOTION TO WITHDRAW GUILTY PLEA**

19 Defendant, JUHJUAN WASHINGTON, by and through his counsel, THOMAS D.
20 BOLEY, ESQ., hereby moves to withdraw his guilty plea.

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

24 DATED this 10th day of May 2021.

25 RESPECTFULLY SUBMITTED

26 
27 THOMAS D. BOLEY, Esq.
28 Nevada Bar # 11061

1 1. I am an attorney licensed to practice law in the State of Nevada, appointed
2 by this Court to represent Defendant JUHJUAN WASHINGTON, in the present matter;

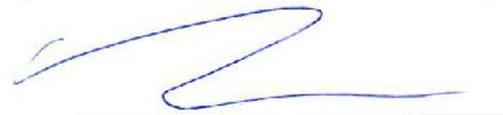
3 2. I make this Declaration in support of Defendant's Motion to Withdraw
4 Guilty Plea;

5 2. I have spoken with Defendant, and he wishes to withdraw his guilty plea;

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

10
11 **I declare under penalty of perjury that the foregoing is true and correct. (NRS 53.045).**

12 EXECUTED this 10th day of May, 2021.



13
14 _____
15 Thomas D. Boley, Esq.

16 **POINTS AND AUTHORITIES – PROCEDURAL HISTORY**

17 Juh'Juan Washington entered his guilty plea on March 25, 2021 in a settlement
18 conference. He now wishes to withdraw that plea.

19 **POINTS AND AUTHORITIES – LEGAL ARGUMENT**

20
21 The question of a defendant's guilt or innocence is not put in issue with a motion to
22 withdraw a guilty plea. *State v. District Court*, 85 Nev. 381, 385 (1969); *Harrove v. State*, 100
23 Nev. 498, 502 (1984); *Kercheval v. United States*, 274 U.S. 220, 224 (1927). The validity of a
24 defendant's guilty plea must be challenged in the first instance in the sentencing court by way of
25 a motion to withdraw the plea or by way of a petition for post conviction relief. *Bryant v. State*,
26 102 Nev. 268, 502 (1986). "[T]he test is essentially factual in nature, and is thus best suited to
27 trial court review in the first instance." *Id.* at 272. The burden is "on the defendant to establish
28

1 that his plea was not entered knowingly and intelligently” or that it was the product of coercion.
2 *Id.*; *Gardner v. State*, 91 Nev. 443, 446-47 (1975). The decision of the trial court to allow a
3 defendant to withdraw his guilty plea “is discretionary and will not be reversed unless there has
4 been a clear abuse of that discretion.” *State v. District Court*, 85 Nev. At 385; *State v. Adams*, 94
5 Nev. 503, 505 (1978); *Bryant*, 102 Nev at 272.

6
7 **ARGUMENT**

8 Defendant Washington is a particularly vulnerable person. He has a long history of
9 mental illness and has been sent to competency court twice during these proceedings. His
10 understanding of the court proceedings has been limited as a result. During the settlement
11 conference, he was allowed to hear the position of the State directly from the prosecutor’s
12 mouth. For many defendants, this would have been helpful, but to Washington, it was coercive.
13

14 Faced with the State’s argument, Washington took a plea he would not normally have
15 taken.

16 **CONCLUSION**

17 WHEREFORE, the defense prays this Honorable Court allow Defendant Washington to
18 withdraw his plea.
19

20 RESPECTFULLY SUBMITTED

21 

22 THOMAS D. BOLEY, Esq.
23 Nevada Bar # 11061
24 1900 E. Bonanza Rd.
25 Las Vegas, Nevada 89101
26 (702) 435-3333
27 *Attorney for Defendant*
28

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NOTICE OF MOTION

TO: CLARK COUNTY DISTRICT ATTORNEY

PLEASE TAKE NOTICE that the undersigned will bring the above and foregoing motion on for hearing before the above-entitled Court on _____ at the hour of _____ in Dept 21, or as soon thereafter as counsel may be heard.

Dated this 10th day of May, 2018.

RESPECTFULLY SUBMITTED



THOMAS D. BOLEY, Esq.
Nevada Bar # 11061
1900 E. Bonanza Rd.
Las Vegas, Nevada 89101
(702) 435-3333
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of May, 2021, I mailed a copy of the foregoing MOTION TO WITHDRAW GUILTY PLEA in a sealed envelope, to the following counsel of record and that postage was fully prepaid thereon **OR** this document was served via E-Service:

District Attorney
motions@clarkcountyda.com

VIA US MAIL ONLY
Juhjuan Washington, ID # 08124794
Clark County Detention Center
330 South Casino Center Boulevard
Las Vegas, Nevada 89101


Employee of Boley & AlDabbagh

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DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

May 11, 2021

C-18-333798-1 State of Nevada
vs
Juhjuan Washington

May 11, 2021 1:30 PM All Pending Motions

HEARD BY: Clark Newberry, Tara COURTROOM: RJC Courtroom 16C

COURT CLERK: Carina Bracamontez-Munguia/cbm

RECORDER: Robin Page

PARTIES

PRESENT:	Boley, Thomas D	Attorney for Defendant
	State of Nevada	Plaintiff
	Thomas, Morgan B.A.	Attorney for Plaintiff
	Washington, Juhjuan	Defendant

JOURNAL ENTRIES

SENTENCING...DEFENDANT'S MOTION TO WITHDRAW GUILTY PLEA

Court noted matter was set for sentencing; however, a Motion to Withdraw Guilty Plea was filed and is set to be heard on May 20, 2021. Upon Court's inquiry, Mr. Boley requested the sentencing be continued beyond the motion date. Colloquy regarding briefing schedule and continuance dates. There being no objection by the State, COURT ORDERED, sentencing CONTINUED; matter SET for Motion to Withdraw Plea and the parties were notified of the following briefing schedule:

State's Opposition DUE by May 25, 2021;
Defendant's Reply DUE by June 1, 2021.

CUSTODY

06-10-2021 01:30 PM MOTION TO WITHDRAW PLEA

06-17-2021 01:30 PM SENTENCING

1 **Las Vegas, Nevada; Tuesday, May 11, 2021**

2 * * * * *

3 [Proceeding commenced at 1:39 p.m.]

4 THE COURT: State of Nevada versus Juhjuan Washington,
5 C-18-333798-1.

6 THE DEFENDANT: Good afternoon, Your Honor.

7 THE COURT: Good afternoon.

8 MR. BOLEY: Good afternoon, Judge, Tom Boley for
9 Mr. Washington.

10 THE COURT: Ms. Thomas.

11 MS. THOMAS: My apologies, I was trying to get a hold of
12 Mr. Dickerson.

13 THE COURT: All right.

14 MS. THOMAS: Morgan Thomas for the State.

15 THE COURT: All right. Thank you. All right. It's my
16 understanding that this is set for sentencing today, but I did see that
17 yesterday a motion to withdraw the plea was filed. So I believe we need
18 to just continue the sentencing to at least the same date as the hearing
19 or beyond. Counsel's preference.

20 MR. BOLEY: I think it would be more appropriate to continue
21 it beyond the hearing, so we can prep either way depending on what
22 happens.

23 THE COURT: All right.

24 Ms. Thomas?

25 MS. THOMAS: That's fine with the State, Your Honor.

1 THE COURT: All right.

2 Madam Clerk, can we get a continuance date for the next
3 criminal calendar that I have available after -- I believe the motion is set
4 for May 20th.

5 THE CLERK: Yes it is, Judge.

6 THE COURT: Okay.

7 THE DEFENDANT: I've got a question, Your Honor.

8 THE COURT: Yes, Mr. Washington.

9 THE DEFENDANT: So we're going to court on the 20th for
10 that motion?

11 THE COURT: That's correct.

12 THE DEFENDANT: So the sentencing got called off today?

13 THE COURT: So what's going to happen is we're going to
14 continue your hearing on sentencing. We're going to continue the
15 sentencing date to a date after the hearing that's currently set for your
16 motion to withdraw your plea, so that's going to be heard on May 20th.
17 And if the May 20th hearing results in your plea being withdrawn, then
18 the sentencing date would be vacated and you'll get a trial date.

19 THE DEFENDANT: Okay.

20 THE COURT: If the motion's not granted, then we'll go
21 forward with the sentencing on the date that the clerk's about to provide,
22 okay?

23 THE DEFENDANT: All right.

24 THE COURT: All right.

25 MS. THOMAS: Your Honor, my apologies. Mr. Rowles is

1 requesting two weeks to file the opposition and I just took a look at the
2 date and the 20th is not two weeks, so if we could maybe get two weeks
3 to reply to -- to file an opposition and then set the sentencing after that.

4 THE COURT: Mr. Boley.

5 MR. BOLEY: That's fine. But if we give the State and
6 opposition date, maybe I can get a chance to reply.

7 THE COURT: Okay. When is the date certain that you can
8 have your opposition submitted, Ms. Thomas?

9 MS. THOMAS: Mr. Rowles is just requesting two weeks.

10 THE COURT: Okay.

11 MR. BOLEY: That's no problem.

12 THE COURT: All right. So two weeks from today, we'll set --
13 the opposition is due from the State to the motion to withdraw the plea.
14 We'll set a reply date then -- how much time will you need to respond,
15 Mr. Boley?

16 MR. BOLEY: One week tops.

17 THE COURT: All right. We'll do one week for a reply and
18 then we will reset the hearing on the motion to withdraw plea the next
19 calendar date I have available.

20 So, Madam Clerk, could you give the date certain for two
21 weeks from today for the opposition, one week from that date for the
22 reply, and then the hearing date for the motion to withdraw plea and then
23 continue sentencing to the next date after that.

24 THE DEFENDANT: May I speak to my attorney on the phone
25 if he can call?

1 THE COURT: He can give you a call, but we're going to get
2 these dates set first, okay.

3 THE DEFENDANT: Okay.

4 THE CLERK: The opposition will be due May 25th; the reply
5 June 1st; the hearing on the motion will be June 10th at 1:30 and
6 sentencing will be continued to June 17th at 1:30.

7 THE COURT: All right. Thank you, Madam Clerk.

8 All right. Mr. Washington, you're requesting that your counsel
9 contact you.

10 Mr. Boley, do you need the number for the jail?

11 MR. BOLEY: You know, unfortunately, I'm in another
12 BlueJeans meeting right now so I can't make --

13 THE COURT: Okay.

14 MR. BOLEY: -- any phone calls.

15 THE COURT: All right. So, Mr. Washington, your counsel will
16 contact you after this hearing, there's numerous ways he can do so.

17 THE DEFENDANT: Okay.

18 THE COURT: All right.

19 THE DEFENDANT: He don't even call me, so, I have to call
20 him.

21 THE COURT: Mr. Boley, could you make sure to contact your
22 client, he's requesting that?

23 MR. BOLEY: Sure.

24 THE COURT: I'm sure that you're able to do so. All right. So
25 he's been made aware of your request, Mr. Washington. We're going to

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move on to another case, okay?

THE DEFENDANT: All right. Thank you.

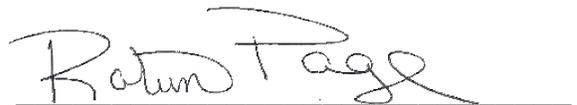
THE COURT: All right. Thank you, sir.

MR. BOLEY: Thank you, Judge.

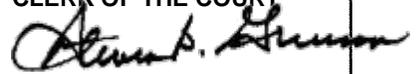
[Proceeding concluded at 1:43 p.m.]

* * * * *

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



Robin Page
Court Recorder/Transcriber



1 **GPA**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 WILLIAM CHARLES ROWLES
6 Deputy District Attorney
7 Nevada Bar #013577
8 200 Lewis Avenue
9 Las Vegas, NV 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

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

9 THE STATE OF NEVADA,
10
11 Plaintiff,

11 -vs-

CASE NO: C-18-333798-1

12 JUHJUAN WASHINGTON,
13 #8124794

DEPT NO: XXI

14 Defendant.

15 **GUILTY PLEA AGREEMENT**

16 I hereby agree to plead guilty to: COUNT 1 – SECOND DEGREE KIDNAPPING
17 (Category B Felony - NRS 200.310, 200.330 - NOC 50075), COUNT 2 – ROBBERY
18 WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.380, 193.165 -
19 NOC 50138), COUNT 3 – ATTEMPT SEXUAL ASSAULT (Category B Felony - NRS
20 200.364, 200.366, 193.330 - NOC 50119), and COUNT 4 – OPEN OR GROSS
21 LEWDNESS (Gross Misdemeanor - NRS 201.210 - NOC 50971), as more fully alleged in
22 the charging document attached hereto as Exhibit "1".

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

*FOR A SENTENCE BETWEEN
3 AND 65 YEARS WA*

25 The parties retain the right to argue at sentencing. The State agrees not to file charges
26 under Las Vegas Metropolitan Police Department event no. 180606001583.

27 I agree to the forfeiture of any and all electronic storage devices, computers, and/or
28 related equipment and/or weapons or any interest in any electronic storage devices, computers

1 and/or related equipment and/or weapons seized and/or impounded in connection with the
2 instant case and/or any other case negotiated in whole or in part in conjunction with this plea
3 agreement.

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

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

15 CONSEQUENCES OF THE PLEA

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

18 As to COUNT 1, I understand that as a consequence of my plea of guilty the Court must
19 sentence me to imprisonment in the Nevada Department of Corrections for a minimum term
20 of not less than TWO (2) years and a maximum term of not more than FIFTEEN (15) years.
21 The minimum term of imprisonment may not exceed forty percent (40%) of the maximum
22 term of imprisonment. I understand that I may also be fined up to \$10,000.00.

23 As to COUNT 2, I understand that as a consequence of my plea of guilty the Court must
24 sentence me to imprisonment in the Nevada Department of Corrections for a minimum term
25 of not less than TWO (2) years and a maximum term of not more than FIFTEEN (15) years,
26 PLUS a consecutive term of not less than ONE (1) year and not more than FIFTEEN (15) years
27 for the deadly weapon enhancement. The minimum term of imprisonment may not exceed
28 forty percent (40%) of the maximum term of imprisonment.

1 Further as to COUNT 2, I understand that I am not eligible for probation for the offense
2 to which I am pleading guilty.

3 As to COUNT 3, I understand that as a consequence of my plea of guilty the Court must
4 sentence me to imprisonment in the Nevada Department of Corrections for a minimum term
5 of not less than TWO (2) years and a maximum term of not more than TWENTY (20) years.
6 The minimum term of imprisonment may not exceed forty percent (40%) of the maximum
7 term of imprisonment.

8 Further as to COUNT 3, I understand that pursuant to NRS 176.139 and my plea of
9 guilty to a sexual offense for which the suspension of sentence or the granting of probation is
10 permitted, P&P shall arrange for a psychosexual evaluation as part of the Division's
11 Presentence Investigation (PSI) Report to the court.

12 Further as to COUNT 3, I understand that I am not eligible for probation pursuant to
13 NRS 176A.110 unless the psychosexual evaluation certifies that I do not represent a high risk
14 to reoffend based upon a currently accepted standard of assessment. I understand that, except
15 as otherwise provided by statute, the question of whether I receive probation is in the discretion
16 of the sentencing judge.

17 Further as to COUNT 3, I understand that before I am eligible for parole a panel
18 consisting of the Administrator of the Mental Health and Developmental Services of the
19 Department of Human Resources or his designee; the Director of the Department of
20 Corrections or his designee; and a psychologist licensed to practice in this state or a psychiatrist
21 licensed to practice medicine in this state certifies that I was under observation while confined
22 in an institution of the department of corrections and that I do not represent a high risk to
23 reoffend based upon a currently accepted standard of assessment.

24 Further as to COUNT 3, I understand that, pursuant to NRS 176.0931, the Court must
25 include as part of my sentence, in addition to any other penalties provided by law, a special
26 sentence of lifetime supervision commencing after any period of probation or any term of
27 imprisonment and period of release upon parole.

28 ///

1 Further as to COUNT 3, I understand that the Court will include as part of my sentence,
2 in addition to any other penalties provided by law, pursuant to NRS 179D.441 to 179D.550,
3 inclusive, I must register as a sex offender within forty-eight (48) hours of release from custody
4 onto probation or parole.

5 As to COUNT 4, I understand that as a consequence of my plea of guilty I may be
6 imprisoned in the Clark County Detention Center for a period of not more than three hundred
7 sixty-four (364) days and that I may be fined up to \$2,000.00.

8 Further as to COUNT 4, I understand that I am not eligible for probation pursuant to
9 NRS 176A.110 unless a psychologist licensed to practice in this State who is trained to conduct
10 psychosexual evaluations or a psychiatrist licensed to practice medicine in this State who is
11 certified by the American Board of Psychiatry and Neurology, Inc., and is trained to conduct
12 psychosexual evaluations certifies in a written report to the court that I do not represent a high
13 risk to reoffend based upon a currently accepted standard of assessment. I understand that,
14 except as otherwise provided by statute, the question of whether I receive probation is in the
15 discretion of the sentencing judge. I understand that my attorney is responsible for obtaining
16 this psychological evaluation and providing it to the Court and the assigned Deputy District
17 Attorney prior to my sentencing.

18 Further as to COUNT 4, I understand that the Court will include as part of my sentence,
19 in addition to any other penalties provided by law, pursuant to NRS 179D.441 to 179D.550,
20 inclusive, I must register as a sex offender within forty-eight (48) hours of release from custody
21 onto probation or parole.

22 I understand that the law requires me to pay an Administrative Assessment Fee.

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

27 I understand that if I am pleading guilty to charges of Burglary, Invasion of the Home,
28 Possession of a Controlled Substance with Intent to Sell, Sale of a Controlled Substance, or

1 Gaming Crimes, for which I have prior felony conviction(s), I will not be eligible for probation
2 and may receive a higher sentencing range.

3 I understand that I must submit to blood and/or saliva tests under the direction of P&P
4 to determine genetic markers and/or secretor status.

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

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

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

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

14 I understand that if the State of Nevada has agreed to recommend or stipulate a
15 particular sentence or has agreed not to present argument regarding the sentence, or agreed not
16 to oppose a particular sentence, such agreement is contingent upon my appearance in court on
17 the initial sentencing date (and any subsequent dates if the sentencing is continued). I
18 understand that if I fail to appear for the scheduled sentencing date or I commit a new criminal
19 offense prior to sentencing the State of Nevada would regain the full right to argue for any
20 lawful sentence.

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

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

- 26 1. The removal from the United States through deportation;
- 27 2. An inability to reenter the United States;
- 28 3. The inability to gain United States citizenship or legal residency;

4. An inability to renew and/or retain any legal residency status; and/or
5. An indeterminate term of confinement, with the United States Federal Government based on my conviction and immigration status.

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

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

WAIVER OF RIGHTS

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

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

challenge my conviction through other post-conviction remedies including a habeas corpus petition pursuant to NRS Chapter 34.

VOLUNTARINESS OF PLEA

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

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

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

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

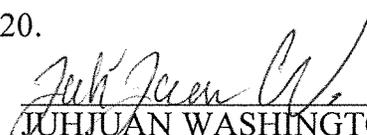
I believe that pleading guilty and accepting this plea bargain is in my best interest, and that a trial would be contrary to my best interest.

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

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

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

DATED this 25th day of March, 2020.



JUJUAN WASHINGTON
Defendant

AGREED TO BY:



WILLIAM CHARLES ROWLES
Deputy District Attorney
Nevada Bar #013577

1 CERTIFICATE OF COUNSEL:

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

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

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

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

29 Dated: This 25th day of March, 2020.


THOMAS BOLEY, ESQ.

30 jg/SVU

1 **AIND**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 WILLIAM CHARLES ROWLES
6 Deputy District Attorney
7 Nevada Bar #013577
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

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

9 THE STATE OF NEVADA,
10 Plaintiff,

11 -vs-

12 **JUHJUAN WASHINGTON,**
13 **#8124794**
14 Defendant.

CASE NO. C-18-333798-1

DEPT NO. XXI

SECOND A M E N D E D
I N D I C T M E N T

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

17 The Defendant above named, **JUHJUAN WASHINGTON**, is accused by the Clark
18 County Grand Jury of the crimes of **SECOND DEGREE KIDNAPPING (Category B**
19 **Felony - NRS 200.310, 200.330 - NOC 50075) ROBBERY WITH USE OF A DEADLY**
20 **WEAPON (Category B Felony - NRS 200.380, 193.165 - NOC 50138), ATTEMPT**
21 **SEXUAL ASSAULT (Category B Felony - NRS 200.364, 200.366, 193.330 - NOC 50119),**
22 **and OPEN OR GROSS LEWDNESS (Gross Misdemeanor - NRS 201.210 - NOC 50971),**
23 committed at and within the County of Clark, State of Nevada, on or between October 13,
24 2017 and October 22, 2017, as follows:

25 ///

26 ///

27 ///

28 ///

EXHIBIT "1"

1 COUNT 1 - SECOND DEGREE KIDNAPPING

2 did willfully, unlawfully, and feloniously, seize, inveigle, take, carry
3 away, or kidnap M.M.-B, a human being, against her will, and without her
4 consent, with the intent to keep M.M.-B detained against her will.

5 COUNT 2 – ROBBERY WITH USE OF A DEADLY WEAPON

6 did, on or about October 19, 2017, willfully, unlawfully and feloniously take personal
7 property, to wit: a car and/or keys, from the person of ASHLEY WRIGHT, or in her presence,
8 by means of force or violence, or fear of injury to, and without the consent and against the will
9 of ASHLEY WRIGHT, with use of a deadly weapon, to wit: a firearm.

10 COUNT 3 – ATTEMPT SEXUAL ASSAULT

11 did, on or about October 20, 2017, then and there willfully, unlawfully, and feloniously
12 attempt to sexually assault and subject M.M.-B., a female person, to sexual penetration, to wit:
13 fellatio, by attempting to place his penis in or on the mouth of M.M.-B., against her will, or
14 under conditions in which Defendant knew, or should have known, that M.M.-B. was mentally
15 or physically incapable of resisting or understanding the nature of Defendant’s conduct.

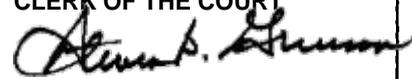
16 COUNT 4 – OPEN OR GROSS LEWDNESS

17 did, on or about October 13, 2017, willfully and unlawfully commit an act of open or
18 gross lewdness, by Defendant causing and/or directing and/or encouraging KAYLEE
19 EDWARDS to put her toe(s) and/or feet in Defendant’s mouth.

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

23 BY 
24 WILLIAM CHARLES ROWLES
25 Deputy District Attorney
26 Nevada Bar #013577

27 18AGJ005X/17F18918X/mlb/SVU
28 LVMPD EV# 1710200829; 1710190557; 1710220808



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

DISTRICT COURT
CLARK COUNTY, NEVADA

12 THE STATE OF NEVADA,
13
14 Plaintiff,

15 -vs-

16 JUHJUAN WASHINGTON,
17 #8124794
18
19 Defendant.

CASE NO: C-18-333798-1

DEPT NO: XXI

20 **STATE'S OPPOSITION TO DEFENDANT'S MOTION**
21 **TO WITHDRAW GUILTY PLEA**

22 DATE OF HEARING: JUNE 10, 2021
23 TIME OF HEARING: 1:30 PM

24 COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County
25 District Attorney, through WILLIAM CHARLES ROWLES, Chief Deputy District Attorney,
26 and hereby submits the attached Points and Authorities in Opposition to Defendant's Motion
27 to Withdraw Guilty Plea.

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

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1 POINTS AND AUTHORITIES

2 STATEMENT OF THE FACTS AND CASE

3 Between October 7, 2017, and October 22, 2017, the Defendant terrorized the UNLV
4 community. Alexandra Tsvitenok was the first of his victims. Alexandra testified that she
5 goes by the nickname Sasha. (GJT, Vol. III, p. 20). Sasha further testified that she was 19
6 years old and attended school at UNLV. (Id.). Sasha testified that on October 7, 2017, at
7 approximately 3:00 a.m., she was walking from the Tonopah dorm to the South Complex dorm
8 when she spotted a guy standing by the building. (Id., at p. 21). The male was black, in his
9 20's and had blond dreads. (Id.). Sasha observed the male to be wearing a black hoodie with
10 pants. (Id.). As Sasha walked past the male, he did not say anything but as she continued
11 walking, he ran up to her and grabbed her, putting a knife to her throat. (Id.). With the knife
12 to her throat, the male asked Sasha for her car keys. (Id.).

13 Sasha testified that she could feel the blade against her skin. (GJT, Vol. III, p. 23).
14 Sasha testified that she feared for her life and thought she was going to die. (Id.). Sasha
15 testified that she told the male that she did not have a car key and described him as being
16 agitated and scared. (GJT, Vol. III, p. 24). Sasha could feel that he was trembling. (Id.). The
17 male forced Sasha to walk a little bit and then forced her down because she tried to run away.
18 (GJT, Vol. III, p. 25). The male told her that his baby had just died, and he just wanted to get
19 away from everything and he was upset. (Id.). The male was holding the knife to Sasha's
20 stomach as she sat on the ground. (Id.). Sasha was scared and crying at that point. (GJT, Vol.
21 III, p. 26).

22 Sasha spotted a person walking and turned her head toward them, at which time the
23 male spotted the person too, and made Sasha get up and walk away. (Id., at p. 26). The male
24 asked Sasha where she was staying, and she showed him the building and he walked her to it.
25 (Id.). The male was holding the knife to Sasha's ribs as they walked away. (Id.). The male
26 was apologizing to Sasha as they were walking. (GJT, Vol. III, p. 27). As they were
27 approaching the building the male told Sasha to stay safe and turned and ran away, while Sasha
28 ran into the building. (Id.). Sasha called the police and reported the incident that same day.

1 (GJT, Vol. III, p. 28).

2 Kaylee Edwards was his next victim. Kaylee testified that she was 19 years old, and
3 her birthday is in June of 1999. (GJT, Vol. III, p. 7). Kaylee further testified that she was a
4 student at UNLV studying mechanical engineering. (Id.). On October 13, 2017, Kaylee was
5 sitting outside the Honors College building waiting for her cousin to text her about a choir
6 performance at Ham Hall. (GJT, Vol. III, p. 8). It was starting to get dark outside, and Kaylee
7 was sitting at a table outside the building. (Id.). Kaylee was approached by an African
8 American male who had dark curly hair that was blond on the ends. (GJT, Vol. III, p. 9).

9 Kaylee was wearing a Foothill High School shirt and the male commented, "Oh
10 Foothill. I went to Foothill too. What a coincidence." (GJT, Vol. III, p. 10). The male stated
11 that he was a reflexology major and had a school project that involved interviewing people
12 about their feet, but he was having trouble getting people to volunteer for his survey. (Id.).
13 The male began by asking Kaylee some questions about her feet but then asked her to take her
14 shoes off which made her feel uneasy. (GJT, Vol. III, pp. 10-11). Kaylee complied and the
15 male asked her to put her feet on his lap so that he could check them, which made her feel
16 weird. (Id., at p. 11). Kaylee testified that her socks were on at that point. (Id.).

17 The male asked Kaylee to take her socks off and she agreed, although she really did not
18 want to. (Id.). The male asked Kaylee if she had ever heard of something called the "scent
19 test" and she said no. (GJT, Vol. III, p. 12). The male stated that he needed to smell Kaylee
20 feet for that, and he did so. (Id.). The male stated that he had to try something called the taste
21 test and put both of her big toes in his mouth, separately. (Id.) Kaylee mentioned that it was
22 not sanitary for him to be doing that stuff and he told her that he would just brush his teeth
23 later and that he did not want to be doing that stuff anymore than she did. (GJT, Vol. III, p.
24 13).

25 The male asked Kaylee if she had ever heard of people that had a foot fetish and she
26 said that she had heard of it. (Id., at p. 13). The male asked how Kaylee felt about it and she
27 indicated that it was their lives and their choice. (Id.). Kaylee testified that she was feeling
28 very uncomfortable after the male put her toes in his mouth. (Id.). Kaylee was on her computer

1 while speaking to this male and sent texts to two of her friends and her mom asking them to
2 call her so that she could walk away from the situation. (GJT, Vol. III, p. 14). Kaylee pulled
3 her phone out to check it and make sure the texts she sent from the computer went through
4 and the male said "Oh, you don't need to call the police." Kaylee's sister called her at which
5 time she told the male that she had to take the phone call and walked away. (GJT, Vol. III, p.
6 15). Shortly thereafter, Kaylee, her sister, and her mother went to the campus police and filled
7 out a report. (Id.).

8 Ashley Wright then fell victim to the Defendant. Ashley testified that on October 19,
9 2017, she was living in Las Vegas, Clark County. (Grand Jury Transcript, Vol. I, hereinafter
10 "GJT", p. 7). During the early morning hours of that day, Ashley was heading to work at
11 Sutherland Global Services. (GJT, Vol. I, pp. 7-8). Ashley described that it was typically still
12 dark out when she went outside to go to work and while she was putting her bags in her car,
13 she heard shuffling very close to her. (GJT, Vol. I, p. 9). Ashley stood up and turned around
14 and there was a man standing 10 to 15 feet away. (Id.). As soon as they made eye contact the
15 man raised his hand and there was a gun in his hand. (Id.). Ashley thought he was going to
16 shoot her, and she screamed as loudly as she could and jumped on the other side of her car.
17 (Id.). The gun appeared to be silver or metallic in color and looked to be a semi-automatic.
18 (GJT, Vol. I, pp. 10-11).

19 While she was on the other side of the car, Ashley did not hear anything, so she opened
20 her eyes to peer over to the other side, when she noticed the man was standing right in front
21 of her. (Id., p. 12). Ashley gave the man her keys and told him to take the car and whatever
22 he wanted inside of it. (Id.). Ashley described the man as a black male. The man asked her,
23 "Did you think that I was going to shoot you?" He further stated that he was not going to
24 shoot her and that he needed a ride to the hospital because he had just been kicked out of his
25 house and that he got raped. (Id.).

26 Ashley told the man that he did not need to pull a gun out if all he needed was a ride to
27 the hospital. (Id. at p. 13). The man asked her again about going to the hospital and she agreed
28 to take him to the hospital. (Id.). Ashley told the man that if someone refuses to take him to

1 the hospital when he asked, he should ask the next person, without pulling a gun out on them.
2 (Id.). Ashley testified that she did not want to take the man to the hospital, but he still had the
3 gun, and she was concerned about the gun. (GJT, Vol. I, p. 14).

4 After getting into the car, Ashley drove, and the man sat in the passenger seat. (GJT,
5 Vol. I, p. 15). The man told Ashley to hurry up and pull off because she had screamed. (Id.).
6 He then asked her where her phone was, and she told him that it was in her bag in the back
7 seat. (Id.). The man asked Ashley where she was headed, and she told him that she was going
8 to work and later to school. (Id.). Ashley testified that he told her that he had a baby mother
9 who had just given birth and she was in the hospital. (Id.).

10 While driving on Lake Mead to get to the freeway, the man asked Ashley to take them
11 someplace dark, to talk because she was nice, and he liked her. (GJT, Vol. I, p. 18). Ashley
12 testified that the man still had the gun resting between his legs and her anxiety was very high.
13 (Id.). Ashley told the man that she was not going to take him someplace dark; that he could
14 have her keys, her car, and everything in it, but she did not want to go with him wherever he
15 was going. (GJT, Vol. I, p. 19). The man pulled out the gun, put it to Ashley's side, and told
16 her that she was going to do what he told her, or he was going to "blow her fucking brains
17 out." (Id.).

18 The man told Ashley to continue driving and to do the speed limit to avoid suspicion.
19 (GJT, Vol. I, p. 21). The man finally told Ashley to pull over, which she did, at which time
20 he told her to give him her keys and her phone. (Id.). Ashley put the car in park and stood
21 outside of the car with her thermos cup. (Id.). Ashley grabbed the bags from the back seat
22 because she was going to give the man her phone. (GJT, Vol. I, p. 22). As she grabbed the
23 bags, the man hopped into the driver's seat and drove away. (Id.). Before driving away, the
24 man told Ashley that he would shoot her if she started screaming, and that he would come
25 back and kill her if he could hear her scream after he left. (Id.).

26 Not done yet, the Defendant then victimized Maricella Mojaddidi-Brambila. Maricella
27 testified that she attended school at UNLV and that she was 20 years old. In October 2017, at
28 approximately 6:00-6:30 a.m., Maricella was at the Cottage Grove parking garage at UNLV,

1 parking her car. (GJT, Vol. II, p. 9). Maricella got out of her vehicle and was getting her
2 backpack out of the backseat, when she noticed an African American male approaching from
3 the upper-level stairs. (Id.).

4 Maricella described the male as being in his early 20's, wearing some jeans and a navy
5 hoodie. (GJT, Vol. II, p. 10). The male had medium dreadlock hair with blond tips. (Id.). As
6 the man walked toward Maricella, the way he looked at her seemed suspicious causing her to
7 get back into her car. (GJT, Vol. II, p. 11). As Maricella was trying to close her door, the man
8 pulled a silver gun out from his pocket and pointed it at her face. (Id.). The man told Maricella
9 to unlock the passenger door and let him into the car, which she did. (GJT, Vol. II, p. 12). The
10 man got into the passenger seat, put the gun to Maricella's head and told her to drive out of
11 the garage. (Id.). The man was telling Maricella that he was having problems with his pregnant
12 girlfriend and that she cheated on him. (Id.). The man told Maricella to drive him to the
13 mountain so that he could shoot himself there. (Id.). Maricella told the man that there were
14 other ways to solve things. (Id.).

15 Maricella was near tears and trying to stay calm while driving out of the parking garage
16 toward Cambridge and Katie. (GJT, Vol. II, p. 13). The man had Maricella stop the car at an
17 elementary school, in the parking lot. (Id.). The man put the gun away and told Maricella to
18 take her shoes and socks off, which she did. (Id.). The man pulled down his pants down. (Id.)

19 While they were driving the man mentioned to Maricella that he had a foot fetish and
20 asked her if she knew what a foot job was. (GJT, Vol. II, p. 15). Maricella did not know
21 exactly what it was but had a mental image of what it could be. (Id.). Maricella was in fear at
22 this point because of the gun. (Id.). Maricella sat with her back toward the door and put her
23 feet on the man's lap, where he observed her toes, telling her that he liked natural toes and
24 noting that she did not have nail polish, before sucking the big toe of her right foot. (Id.). The
25 male then placed Maricella's feet on his penis, in an inward position. (GJT, Vol. II, p. 16).
26 The male began moving Maricella's feet up and down against his penis. (GJT, Vol. II, p. 17).
27 Maricella testified that the Defendant had her change positions so that she was facing the
28 driver's side window, on her hands and knees, with her feet still on the male's lap. (GJT, p.

1 18). The male grabbed her feet and moved them up and down on his penis. (GJT, Vol. II, p.
2 19). The male instructed Maricella to turn around and face him and to move her feet up and
3 down on his penis and not to stop. (Id.).

4 At some point kids and adults begin to walk by and the male took the gun back out and
5 instructed Maricella to drive off the parking lot. (GJT, Vol. II, p. 20). Maricella drove to a
6 small apartment complex down the street from UNLV. (Id.). The male instructed Maricella
7 to park all the way in the back by the dumpsters. (Id.). The male then told Maricella to continue
8 what she had been doing, rubbing her feet up and down on his penis, while facing him. (GJT,
9 Vol. II, p. 21). The male instructed Maricella to shift into the position where her back was
10 toward him and she continued to rub his penis with her feet. (GJT, Vol. II, p. 22). The male
11 asked Maricella for her phone because he wanted to record what he was doing. (Id.). Maricella
12 was afraid that the male would hurt her if she did not comply, and she gave him her phone.
13 (Id.).

14 The male recorded the incident and ejaculated into Maricella's feet after placing them
15 in a bowl like position. (GJT, Vol. II, pp. 23-24). The male asked Maricella if she wanted to
16 give him a blow job and she told him that she did not know how. (GJT, Vol. II, p. 25). The
17 male told Maricella that he could teach her, but then he observed that she did not really want
18 to and did not push it. (Id.).

19 Maricella testified that the male used napkins from a compartment in her car to wipe
20 off her feet and her car seat. (GJT, Vol. II, p. 26). The male then threw the napkins out window.
21 (Id.). The male instructed Maricella to put her shoes and socks back on and take him to the
22 mountain on Fort Apache. (Id.). Maricella opened her car door a bit to put her shoes and socks
23 back on and the male took the gun back out and put it on his left thigh. (GJT, Vol. II, p. 27).
24 Maricella snatched the gun and pointed it at the male and told him to get out of her car. (GJT,
25 Vol. II, p. 28). The male looked scared and grabbed his backpack telling her to give him the
26 gun back. (Id.). Maricella screamed "No". (Id.). Maricella's phone fell from the male's
27 pocket onto the car seat he had been sitting in, at which time she picked it up and tried to take
28 a picture of him. (Id.). Maricella was shaking so bad the camera would not focus and she

1 called the police. (Id.).

2 While she was on the phone with the police, Maricella was chasing after the male, who
3 was running away and got away. (GJT, Vol. II, p. 29). Maricella was able to flag down a
4 police car by waving the gun in the air. (GJT, Vol. II, p. 30). As soon as they stepped out of
5 the car, Maricella threw the gun on the floor. (Id.).

6 As a result of his conduct, the Defendant was charged with assault with a deadly
7 weapon, attempt robbery with use of a deadly weapon, first degree kidnapping with use of a
8 deadly weapon, open or gross lewdness, burglary while in possession of a firearm, coercion
9 with use of a deadly weapon, robbery with use of a deadly weapon, grand larceny auto, and
10 attempt destruction of evidence. On March 25, 2021, the Defendant pleaded guilty to second
11 degree kidnapping, robbery with use of a deadly weapon, attempt sexual assault, and open and
12 gross lewdness.

13 On May 10, 2021, the Defendant filed the instant motion. The State responds as
14 follows.

15 ARGUMENT

16 A plea of guilty is presumptively valid. Jeziarski v. State, 107 Nev. 395, 397, 812 P.2d
17 355, 356 (1991). Indeed, entry of a guilty plea is a solemn act that is not lightly accepted.
18 United States v. Ensminger, 567 F.3d 587, 592–93 (9th Cir. 2009). Nonetheless, a defendant
19 may move to withdraw a guilty plea before sentencing for any substantial reason that is fair
20 and just. See State v. Bernardelli, 85 Nev. 381, 385 (1969); NRS 176.165. It is within this
21 Court’s discretion to determine whether permitting withdrawal of the guilty plea would be fair
22 and just after considering the totality of the circumstances. See Stevenson v. State, 131 Nev.
23 598 (2015). When determining whether a defendant has shown such a substantial reason that
24 it is fair and just to allow the privilege of withdrawing the guilty plea, this Court looks at the
25 totality of the circumstances, including whether the plea was entered knowingly and
26 voluntarily. Id. Although a defendant may withdraw his plea for a substantial reason that is
27 fair and just, “[o]nce the plea is accepted, permitting withdrawal is, as it ought to be, the
28 exception, not an automatic right.” Ensminger, 567 F.3d at 593.

1 Defendant advances the proposition that he was coerced by the State's argument during
2 the settlement conference; however, his argument is belied by the record and his motion must
3 be denied. From the outset, the defendant fails to provide this Court with any relevant legal
4 authority outside of stock citations to case law. The failure to support an argument with
5 relevant authority is fatal and it is not the responsibility of the State to develop legal arguments
6 for the Defendant to respond to them. See Edwards v. Emperor's Garden Rest., 122 Nev. 317,
7 330, n. 38 (2006) (court need not consider claims unsupported by relevant authority); Maresca
8 v. State, 103 Nev. 669, 673 (1987) (noting that issues not adequately presented need not be
9 addressed). As such, this claim should be denied on this basis alone.

10 In any event, the Defendant admitted that the plea bargain was in his best interest. See
11 GPA at 7. The Defendant admitted that going to trial would be contrary to his best interest.
12 Id. The Defendant admitted that his plea was voluntarily. That he was not under duress, that
13 he was not coerced, and that he was not under the influence. Id. In addition to these signed
14 statements in his GPA, the Defendant then participated in a canvass with this Court. At no
15 point in time did the Defendant bring any of these concerns to the Court.

16 This is entirely consistent with the settlement conference—something he had to agree
17 to do before. During the settlement conference, the Defendant and the State went back and
18 forth several times discussing offers. Terms of years were discussed, ranges were discussed,
19 and ultimately a decision was made to accept the offer when the State agreed to a potential
20 bottom of 3 years. Indeed, the Defendant and the State went back forth on whether to name a
21 potential victim—with the State ultimately agreeing to the Defendant's request. One cannot
22 be coerced into a plea that he bargained for himself.

23 Additionally, the procedural history supports that the Defendant was not coerced into
24 accepting negotiations. This matter was not resolved at a calendar call with the State
25 threatening to “pull the deal.” This matter was not resolved at the start of a trial with the jury
26 outside. This matter was resolved during a settlement conference that was agreed to by the
27 Defendant. During the conference, the State agreed to several demands of the Defendant.
28 There was a “meeting of the minds” between the two parties that ultimately resulted in a deal.

1 This is not the State taking advantage of a defendant with threats and mind games, this is
2 buyer's remorse from a Defendant who knows he is guilty and is unhappy that his is being
3 held responsible for sexually abusing members of our community. As such, his motion must
4 be denied.

5 **CONCLUSION**

6 DATED this 20th day of May, 2021.

7 Respectfully submitted,

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

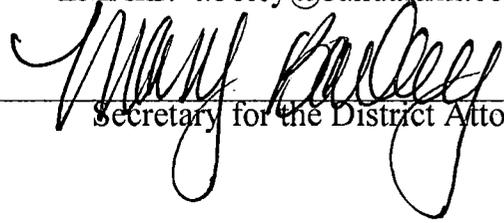
10 BY 

11 WILLIAM CHARLES ROWLES
12 Chief Deputy District Attorney
13 Nevada Bar #13577

14 **CERTIFICATE OF FACSIMILE TRANSMISSION**

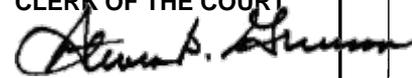
15 I hereby certify that service of State's Opposition To Defendant's Motion To
16 Withdraw Guilty Plea, was made this 20th day of May, 2021, by facsimile transmission to:

17 THOMAS BOLEY, ESQ.
18 EMAIL: t.boleyn@bandafirm.com

19 BY 

20 Secretary for the District Attorney's Office

21
22
23
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27
28 17F18918X/WR/mlb/SVU



1 RIS
2 BOLEY & ALDABBAGH, LTD.
3 THOMAS D. BOLEY, ESQ.
4 Nevada Bar No. 11061
5 1900 E. Bonanza Rd.
6 Las Vegas, NV 89101
7 T: (702) 435-3333
8 F: (702) 475-6567
9 *Attorney for Defendant*

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

9 THE STATE OF NEVADA,
10
11 Plaintiff,
12
13 vs.
14 JUHJUAN WASHINGTON
15 #8124794
16 Defendant.

CASE NO: C-18-333798-1

DEPT NO: 21

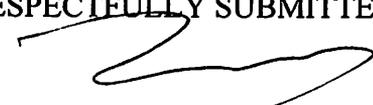
16 **REPLY IN SUPPORT OF MOTION TO WITHDRAW GUILTY PLEA**

17 Defendant, JUHJUAN WASHINGTON, by and through his counsel, THOMAS D.
18 BOLEY, ESQ., and hereby submits this reply.

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

22 DATED this 15th day of June 2021.

25 RESPECTFULLY SUBMITTED

26
27 
28 THOMAS D. BOLEY, Esq.
Nevada Bar # 11061

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DECLARATION

THOMAS D. BOLEY, ESQ. makes the following declaration:

1. I am an attorney licensed to practice law in the State of Nevada, appointed by this Court to represent Defendant JUHJUAN WASHINGTON, in the present matter;

2. I make this Declaration in support of Defendant's Motion to Withdraw Guilty Plea;

2. I have spoken with Defendant, and he wishes to withdraw his guilty plea;

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

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

EXECUTED this 15th day of June, 2021.



Thomas D. Boley, Esq.

POINTS AND AUTHORITIES – PROCEDURAL HISTORY

Juh'Juan Washington entered his guilty plea on March 25, 2021 in a settlement conference. He now wishes to withdraw that plea.

ARGUMENT

The State spends a lot of their opposition focused on the grim facts contained in the accusations against this Defendant. That is irrelevant when it comes to withdrawal of plea. Whether or not Mr. Washington withdraws his plea, it is likely that he will remain in custody awaiting trial. The State retains their ability to protect the community at-large by taking Mr. Washington to trial in-custody.

1 Not surprisingly, Defense and State agree on the basic governing law in this situation. A
2 plea of guilty is presumptively valid. *Jeziarski v. State*, 107 Nev. 395, 397, 812 P.2d 355, 356
3 (1991). But, a defendant may move to withdraw a guilty plea before sentencing for any
4 substantial reason that is fair and just. *See State v. Bernadelli*, 85 Nev. 381, 385 (1969); NRS
5 176.165.
6

7 So the question we must ask ourselves is what is fair and just in this scenario. Juh'Juan
8 Washington is a twenty-five year old man. He was incarcerated most of his young life and has
9 been in Clark County Detention Center since August 29, 2019. Washington has been in
10 psychiatric treatment almost his entire life. He has been diagnosed with different mental
11 disorders at different times in his young life.
12

13 In the onset of this case, Mr. Washington was represented by the Special Public
14 Defender's office. During that time, Mr. Washington was sent to competency for a period of
15 time. The undersigned was appointed in 2019. Mr. Washington was sent again to competency,
16 and was found incompetent to stand trial. He was later returned to competency and set for trial.
17

18 Mr. Washington has good days and bad days. Sometimes, he is lucid and reasonable.
19 Others, he is not. The undersigned sought an opinion on the best representation of Mr.
20 Washington, due to his swings in mental health. The State Bar of Nevada instructed, while
21 representing a borderline mentally ill client, to have as normal of lawyer/client relationship as
22 possible. Needless to say, this can be a challenge.
23

24 Much of what the State said is true about what occurred during the guilty plea. But
25 mental health can be a moving target in many ways, and it always calls into question the ability
26 to make lucid decisions. A settlement conference can be a useful tool to resolve criminal cases.
27
28

1 Sometimes, even letting the State directly address the defendant, within strict limitations, can be
2 a useful exercise to make the defendant understand the position he is in.

3 Here, a settlement conference was coercive. Mr. Washington has a reduced ability to
4 understand the consequences of his decision. The undersigned is charged with proceeding in the
5 most normal way possible, allowing Mr. Washington to participate in the normal way, as long as
6 he is competent. But that does not mean he had the wherewithal to enter this guilty plea at the
7 time.
8

9 **CONCLUSION**

10 WHEREFORE, the defense prays this Honorable Court allow Defendant Washington to
11 withdraw his plea.
12

13 RESPECTFULLY SUBMITTED

14 
15 THOMAS D. BOLEY, Esq.
16 Nevada Bar # 11061
17 1900 E. Bonanza Rd.
18 Las Vegas, Nevada 89101
19 (702) 435-3333
20 *Attorney for Defendant*

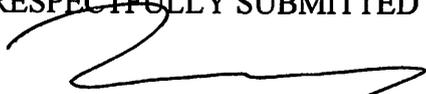
21 **NOTICE OF MOTION**

22 TO: CLARK COUNTY DISTRICT ATTORNEY

23 PLEASE TAKE NOTICE that the undersigned will bring the above and foregoing
24 motion on for hearing before the above-entitled Court on _____ at the
25 hour of _____ in Dept 21, or as soon thereafter as counsel may be heard.

26 Dated this 15th day of JUNE, 2018.

27 RESPECTFULLY SUBMITTED

28 
THOMAS D. BOLEY, Esq.
Nevada Bar # 11061
1900 E. Bonanza Rd

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of June, 2021, I mailed a copy of the foregoing REPLY IN SUPPORT OF MOTION TO WITHDRAW GUILTY PLEA in a sealed envelope, to the following counsel of record and that postage was fully prepaid thereon **OR** this document was served via E-Service:

District Attorney
motions@clarkcountyda.com

VIA US MAIL ONLY
Juhjuan Washington, ID # 08124794
Clark County Detention Center
330 South Casino Center Boulevard
Las Vegas, Nevada 89101



Employee of Boley & AlDabbagh

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AOR
Thomas
Boley

MDC

Name: JUHUAN WASHINGTON
Address: 330 SOUTH CASTRO CENTER BLVD
City/State/Zip: LAS VEGAS NV, 89101
Phone: _____

DEFENDANT IN PROPER PERSON

FILED

JUN - 8 2021

Thomas A. Boley
CLERK OF COURT

EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA

Plaintiff,

vs.

Case No.: C-18-333798-1

Dept. No.: 21

JUHUAN WASHINGTON

Defendant

Hearing: 6/29/2021
Time: 1:30 pm

MOTION TO DISMISS COUNSEL AND APPOINT ALTERNATE COUNSEL

COMES NOW, the Defendant JUHUAN WASHINGTON and moves this Honorable Court to dismiss Defendant's counsel, THOMAS BOLEY, and appoint alternate counsel to represent Defendant.

This Motion is based upon all papers, pleadings, and documents on file.

POINTS AND AUTHORITIES

It is respectfully requested of this court to grant this Motion to Dismiss Counsel and Appoint Alternate Counsel for the reasons listed below: Defendant, JuJuan Washington, wishes to dismiss counsel. conflict of interest.

RECEIVED
MAY 26 2021
CLERK OF THE COURT

I. PROCEDURAL BACKGROUND AND FACTUAL SUMMARY

Since THOMAS BOLEY was appointed as counsel on APRIL 2018, Defendant

has been prejudiced and suffered manifest injustice based on counsel's refusal or failure to:

VIOLATED THE NEVADA RULES OF PROFESSIONAL CONDUCT,

RULE 1.1 - DUTY OF COMPETENCE

RULE 1.4 DUTY TO COMMUNICATE,

RULE 8.4 MISCONDUCT,

RULE 1.16 - DECLINING OR TERMINATING REPRESENTATION.

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II. ARGUMENT

Defendant, WASHINGTON asserts that he/she is being denied his/her right to effective representation due to wholly inadequate actions of his/her court-appointed counsel. Further, counsel's actions constitute a violation of the Defendant's due process rights under the following cases, statutes, and/or rules of professional conduct:

IN YOUNG V. STATE THIS ALSO WAS AN ISSUE WHERE COUNSEL DID NOT VISIT CLIENT ENOUGH IN JAIL, 120 NEV. 963 (2004)

- MR. BOLEY HAS FAILED TO ADEQUATELY PROVIDE EFFECTIVE ASSISTANCE TO THE DEFENDANT AND THERE HAS BEEN AN BREAK DOWN IN THE ATTORNEY AND CLIENT RELATIONSHIP AND SUBSTITUTION IS WARRANTED.

A DENIAL OF THIS MOTION WOULD RESULT IN A VIOLATION OF THE 6th AMENDMENT, "RIGHT TO THE EFFECTIVE ASSISTANCE OF COUNSEL."

WHEREFORE, the undersigned prays that the court grant Defendant's Motion to Dismiss Counsel and Appoint Alternate Counsel.

DATED THIS 20 day of May, 2021.

Respectfully submitted,


Defendant

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 10, 2021

C-18-333798-1 State of Nevada
vs
Juhjuan Washington

June 10, 2021 1:30 PM All Pending Motions

HEARD BY: Clark Newberry, Tara **COURTROOM:** RJC Courtroom 16C

COURT CLERK: Carina Bracamontez-Munguia/cbm

RECORDER: Robin Page

PARTIES

PRESENT:	Boley, Thomas D	Attorney for Defendant
	Rowles, William C.	Attorney for Plaintiff
	State of Nevada	Plaintiff
	Washington, Juhjuan	Defendant

JOURNAL ENTRIES

DEFENDANT'S MOTION TO WITHDRAW GUILTY PLEA

Court noted matter was on for Defendant's Motion to Withdraw Guilty Plea, however, noted there was also a future setting for Defendant's Motion to Dismiss Counsel and Appoint Alternate Counsel. Therefore, Court inquired if counsel wished to advance the motion to dismiss counsel prior to sentencing. Mr. Boley submitted to the Court. Upon Court's inquiry, Mr. Rowles noted the State did not intend to respond. Arguments by Mr. Boley and Mr. Rowles regarding the merits of and opposition to Defendant's Motion to Withdraw Guilty Plea. Deft. requested to make a statement. Court Advised Deft. anything he said would not be protected by any type of privilege as he was represented by counsel. Mr. Boley Advised Deft. not to add anything. COURT ORDERED, MATTER TRAILED for Deft. to speak to Mr. Boley.

MATTER RECALLED. Mr. Boley noted he had advised Deft. not to make statement but it was ultimately his decision. Statement by Defendant. Upon further arguments by counsel, COURT STATED ITS FINDINGS and ORDERED, motion DENIED. Colloquy sentencing proceedings, victim speakers, and the pending motion. COURT FURTHER ORDERED, Defendant's Motion to Dismiss

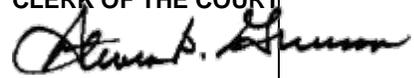
Counsel and Appoint Alternate Counsel ADVANCED and MATTER TRAILED for the State and the Court to review Deft's motion.

DEFENDANT'S MOTION TO DISMISS COUNSEL AND APPOINT ALTERNATE COUNSEL

MATTER RECALLED. Upon Court's inquiry, Mr. Rowles noted it had reviewed the motion and submitted to the Court's discretion. Arguments by Defendant and Mr. Boley. Colloquy regarding communications between Mr. Boley and Deft. Upon further arguments, COURT STATED ITS FINDINGS and ORDERED, motion DENIED; Mr. Boley DIRECTED to prepare the order.

CUSTODY

06-22-2021 01:30 PM SENTENCING



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RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,
vs.
JUHJUAN WASHINGTON,
Defendant.

CASE NO. C-18-333798-1
DEPT. XXI

BEFORE THE HONORABLE TARA CLARK NEWBERRY,
DISTRICT COURT JUDGE
THURSDAY, JUNE 10, 2021

**RECORDER'S TRANSCRIPT OF HEARING RE:
DEFENDANT'S MOTION TO WITHDRAW GUILTY PLEA**

APPEARANCES:

For the State: WILLIAM C. ROWLES, ESQ.
Deputy District Attorney

For the Defendant: THOMAS D. BOLEY, ESQ.

RECORDED BY: ROBIN PAGE, COURT RECORDER

1 **Las Vegas, Nevada; Thursday, June 10, 2021**

2 * * * * *

3 [Proceeding commenced at 1:42 p.m.]

4 THE CLERK: Calling page 4, Juhjuan Washington, C333798.

5 THE COURT: All right. Counsel for the Defendant.

6 MR. BOLEY: Yes, Judge, Tom Boley on behalf of
7 Mr. Washington, he's present in custody.

8 THE COURT: All right. For the State?

9 [Colloquy between the Court and Staff]

10 MR. ROWLES: William Rowles on behalf of the State. Sorry,
11 Your Honor.

12 THE COURT: Okay. All right. Thank you. All right.

13 This appears to be Defendant's motion to withdraw guilty plea.
14 I also see there is a future setting for a Defendant's motion to dismiss
15 counsel and appoint alternate counsel. The -- at this time, we'll be -- I'll
16 be making a determination as to the motion to withdraw plea. And I will
17 note that sentencing is set for June 22nd.

18 So, Counsel, first from a housekeeping perspective, do you
19 wish to advance the Defendant's motion to dismiss counsel prior to the
20 sentencing?

21 MR. BOLEY: I know he filed it without me, of course, so I'm
22 not sure. Whatever the Court would prefer, I guess.

23 THE COURT: I guess -- is the State intending to respond to
24 that motion?

25 MR. ROWLES: No, Your Honor.

1 THE COURT: Okay. All right. The Defendant's motion to
2 withdraw the guilty plea.

3 Mr. Boley, go ahead.

4 MR. BOLEY: Thank you, Judge.

5 So you know, I think that both me and the State have cited
6 vaguely the same set of legal, you know, legal treatise here that the
7 burden does shift to the Defendant to show that there's some cause of
8 justice to be able to withdraw a plea. However, that burden is not the
9 same, as say the burden of proof placed on the State, in trying to prove
10 guilt or innocence -- or excuse me, guilt in a jury trial, you know, beyond
11 a reasonable doubt. There is a burden though, so we have to show
12 some just reason.

13 I think that specifically here, we have a Defendant who has
14 been incarcerated for the majority of his life and he's exhibited many
15 signs of mental illness. He's been diagnosed with schizophrenia; he's
16 been diagnosed with ADHD and a myriad of other things. He --

17 THE COURT: I'm going to stop you. Mr. Boley, I'm having a
18 hard time hearing you. There's some background noise, I don't know if
19 it's coming from somebody within the --

20 THE RECORDER: It's the jail.

21 THE COURT: It's the jail.

22 Okay, if you could speak up a little bit, Mr. Boley, or get closer
23 to your microphone. It's really hard to hear you. Go ahead, sir.

24 MR. BOLEY: Okay. So do you want me to start over?

25 THE COURT: No, continue. I heard most of it; it just was

1 getting kind of difficult.

2 MR. BOLEY: Okay.

3 THE COURT: Go ahead.

4 MR. BOLEY: So basically you've got a young man here, he's
5 24-years-old, he's spent most of his life in custody or incarcerated on
6 some level and he does -- he's been diagnosed with many mental
7 illnesses, including schizophrenia, ADHD, learning disabilities. He's now
8 been sent to competency twice in this case. And, you know, he comes
9 and goes as far as ability to communicate with me and previous counsel.

10 So it's hard for us to just -- I don't think necessarily a
11 settlement conference -- we're not asking the Court to address that a
12 settlement conference is somehow coercive. It is proper on some level
13 where the State is allowed to sort of lay out their case in the settlement
14 conference so that the Defendant understands what they're facing.

15 But his specific case, and it wasn't intentional and I'm not just
16 saying the State did this intentionally, but you know, because of his
17 mental illness status, this specific thing was coercive. So I think the
18 interest of justice is fairly easily shown here when you look at this
19 particular defendant. And of course, you know when he is lucid and he
20 comes back and says, okay, I don't want to accept this plea, I want to
21 withdraw it.

22 And one of the things that I did specifically for this Defendant
23 because he has, kind of, gone back and forth so many times, is I
24 consulted the state bar and said, hey, you know, what duties do I have
25 here as his attorney. And I think that's very important, you know, to note

1 that. And you know, we went through some analysis, I had a long
2 discussion and basically my job sort of remains the same no matter
3 what, that when he is lucid, I need to be as normal as possible with him
4 and have the most traditional attorney/client relationship as I can.

5 So when he wishes to withdraw his plea, here we are. I need
6 to try to help him withdraw his plea. So I would so move. Thank you.

7 THE DEFENDANT: Your Honor, if I may say something if
8 that's okay with you.

9 THE COURT: First I -- you are represented by counsel and
10 anything that you're saying, you know, we have not reached a decision
11 as to whether this plea could be withdrawal or sentencing, so anything
12 that you say is not going to be protected by any type of privilege, so it's
13 important that before you speak that you confer with your counsel as to
14 what you're going to say and whether or not it's appropriate at this time.

15 Have you had an opportunity to speak to Mr. Boley today?

16 THE DEFENDANT: No, not today.

17 THE COURT: Okay.

18 THE DEFENDANT: Not today.

19 THE COURT: Before I allow you to speak, Mr. Boley, do you
20 wish to consult with your client before he speaks to the Court?

21 MR. BOLEY: Mr. Washington, I'd advise you to just not add
22 anything.

23 THE DEFENDANT: So you advise me not to add anything --
24 I'm just -- I don't know, man, there's just -- there's just a lot going on.
25 Like I said, we spoke yesterday, you and I, and I agreed to work with you

1 more often so that's -- that's the plan, so.

2 THE COURT: Okay. If at a certain point at the -- while this --
3 we're going to hear from the State as to their argument. If you wish to
4 pause the proceeding to speak to your counsel, I'm going to give you an
5 opportunity to do that, okay.

6 All right. I'll hear from the State.

7 MR. ROWLES: Yes, Your Honor.

8 I am going to be asking you to deny Mr. Washington's motion.
9 In the State's opinion, the crux of the argument is that he was forced into
10 accepting this resolution because of what he believes to be a coercive
11 aspect of the settlement conference. But I believe that claim is belied by
12 the record. As noted in the State's opposition, Mr. Washington had to
13 agree to a settlement conference. He was canvased prior to him
14 entering into talks of negotiations by the settlement conference judge
15 that he wanted to be there, that he understood the purpose of what this
16 settlement conference was about.

17 And additionally, Mr. Boley paints this as some sort of
18 coercive settlement conference, but in the large part of the settlement
19 conference, the State was outside of the room. And all the State did
20 was present to Mr. Washington the ample amounts of evidence that they
21 had against him, including the video recovered of the sexual abuse,
22 including his confession, including all of the evidence, forensic including.
23 So there wasn't nothing coercive about this, the State is nearly
24 explaining all the witnesses they would present at trial. And I think his
25 claims belied by the record as the State notes in its opposition because

1 there were several times me, personally, and Mr. Washington,
2 personally, went back and forth and discussed negotiations with the
3 State conceding multiple requests of Mr. Washington.

4 First we agreed not to specifically name a particular victim
5 because Mr. Washington felt that he did not commit those crimes
6 against her, but committed the crimes against the other individuals. The
7 State agreed to that. Second, Your Honor, Mr. Washington wanted
8 three years on the bottom, he wanted -- he didn't want a stipulation of a
9 time that the State was asking for, he was asking for three years and
10 once the State agreed to three years on the bottom for his minimum
11 possible sentence that he could face, if this judge was so inclined or if
12 this Court was so inclined, he'd agreed to that.

13 So there were two separate requests, not put forth by
14 Mr. Boley, his attorney, but specifically put forth by Mr. Washington not
15 to have a specific named victim and to make sure that he gets a chance
16 for parole at three years, which would essentially be credit for time
17 served. So the settlement conference wasn't coercive, it was essentially
18 exactly what it was supposed to do. It was a meeting of the minds, so to
19 speak, between me and Mr. Washington, to come to a resolution that he
20 was comfortable with and that I was comfortable with.

21 Additionally, Your Honor, I'd ask this Court to review the JAVS
22 because I believe you took the plea on the day of the settlement
23 conference. Not a single thing was mentioned at that time that he felt
24 pressured. You canvased him, you saw his demeanor in Court, he did
25 not bring this to the Court's attention during the canvas, he did not bring

1 this to the Court's attention when he signed the guilty plea agreement
2 despite being asked.

3 This is an individual who essentially has buyer's remorse
4 because he committed severe conduct and he faces 75 years in prison.
5 All of his claims are belied by the record. An evidentiary hearing is not
6 needed because his claims are not supported with specific evidence
7 because we know exactly what happened during the settlement
8 conference and we know exactly what happened during the canvas.

9 If the Court has any other questions, I'd be happy to answer
10 them, but I'll submit on that, Your Honor.

11 THE DEFENDANT: Your Honor, can I say something please?
12 Because, like, I, like -- and, Mr. Boley, I feel like you should object to this
13 because one, he --

14 THE COURT: Mr. Washington, I'm going to give your counsel
15 a chance to speak.

16 THE DEFENDANT: Okay.

17 THE COURT: Let's let him have a chance to speak. And then
18 if you think anything needs to be added, I'm going to give you a chance
19 to talk to Mr. Boley outside of the ears of the Court. And then if you
20 strongly feel you need to make a record then I'll -- we'll go there.

21 Mr. Boley, go ahead.

22 MR. BOLEY: Sorry, I was muted.

23 THE COURT: That's okay.

24 MR. BOLEY: Specifically, you know, I appreciate Mr. Rowles'
25 position, but there are evidentiary problems with this case and I think

1 that's what Mr. Washington wants to hear and wants to add. Yeah, you
2 know, they agreed not to include one of the victims and that victim can't
3 identify Mr. Washington, so it's possible that he just didn't do it, you
4 know. There are incidents in these things that sometimes, you know,
5 people are charged with things that they didn't do. So there was some --
6 there were some concession made by the State absolutely. And I think
7 if -- saying, you know, saying this plea was withdrawn, we went to trial,
8 you know, those issues, the same issues would come up that have been
9 coming up over and over again.

10 And I think in the plea bargaining that that was sort of
11 considered as well, but you know it's difficult and I think coercive when
12 you have a mentally ill guy here who -- it's difficult especially for me to
13 say hey he's lucid today or he's not. So that's really the crux of my
14 argument is it's not necessarily across the board that what we did in that
15 settlement conference would be coercive, but just for Mr. Washington.
16 I'll submit.

17 THE COURT: All right.

18 Mr. Boley, I guess that's the Court's question is that on the
19 date -- I agree with the State that I do recall the canvas and it seemed to
20 me that Mr. Washington, based on his response to those questions and
21 his demeanor that day, was lucid and sure of his decision making.

22 Did you form the opinion that he was not lucid that day?

23 MR. BOLEY: You know, I don't think I'm this level of expert to
24 tell. He's got a very complex set of mental illnesses. You know, there
25 have been times where I've looked at Mr. Washington and said, yeah,

1 he can't participate in his defense and I personally sent him to
2 competency court as a result of that. And there has been times where
3 he's been very lucid and such.

4 Unfortunately, during that particular settlement conference,
5 you know, if he was behind glass, I wasn't able to sit next to him and sort
6 of have the normal attorney/client conversation, but even if I could, you
7 know, I'm not a shrink, I'm not, you know, I don't know the symptoms
8 unless they're just obvious. And I think there's enough nuance here that
9 it could have been something that I didn't see.

10 THE COURT: Okay. Thank you. I appreciate your candor.

11 Mr. Washington, I know you strongly would like to say
12 something today. Do you still wish to make a statement and if so I'm
13 going to pause the proceedings and allow you to have an opportunity to
14 consult with Mr. Boley on the phone?

15 THE DEFENDANT: Yes, ma'am.

16 THE COURT: All right.

17 THE DEFENDANT: I mean, yes, Your Honor.

18 THE COURT: Okay. All right.

19 Can I get the number for the jail?

20 THE CORRECTIONS OFFICER: 8332.

21 THE COURT: 8332. Okay, Mr. Boley, could you please call
22 Mr. Washington and then we will trail this -- the remainder of the
23 proceeding.

24 MR. BOLEY: Yes, ma'am.

25 THE COURT: Thank you.

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[Matter trailed]

[Matter recalled at 2:09 p.m.]

THE CLERK: Recalling page 4, Juhjuan Washington, C333798.

THE COURT: All right.

Mr. Boley, how are we proceeding at this time?

MR. BOLEY: Your Honor, I have advised Mr. Washington not to make a statement, but it is ultimately up to him.

THE COURT: All right.

Go ahead, Mr. Washington.

THE DEFENDANT: Your Honor, during the settlement conference, Mr. Rowles -- well, my attorney, Mr. Boley, he was, you know, they was informing -- informing what the settlement conference was about and I -- I -- some parts I didn't understand about it. And, you know, when we proceeded, Mr. Rowles, you know, did stated that if I don't negotiate today that I will most definitely go to trial and lose and be convicted of all 24 counts. And I felt pressured, you know, into signing this deal, so it was either go to trial and be convicted of 24 counts or settle and sign a deal.

So I was honestly scared and I feel like that I lied to you when you had asked me was I threatened or was I coerced or was I promised anything and I told you, no, Your Honor. And I do have a learning disability and I do have, like, schizophrenia and I have paranoia, I have depression, I have anxiety and I do have severe suicidal ideations, too, Your Honor.

1 THE COURT: Okay. Is there anything else you'd like to say,
2 Mr. Washington?

3 THE DEFENDANT: No, that would be it, Your Honor.

4 THE COURT: All right.

5 Based on that, does the State have anything else to add?

6 MR. ROWLES: Yes, Your Honor.

7 The only thing I would like to note is that the entire time the
8 settlement conference is happening there was a neutral arbitrator who's
9 present in the courtroom in the form of a senior judge. If the senior
10 judge felt that the State did anything coercive or participated in any
11 misconduct, he would have stopped that. I believe this is just buyer's
12 remorse for Mr. Washington and he's playing games with this Court at
13 this time and I ask that you deny his motion.

14 THE COURT: All right. And since I did allow the State
15 another opportunity, Mr. Boley, I'll give you the final word.

16 MR. BOLEY: You know, I think, it's the totality of the
17 circumstances here because, you know, you can kind of take all sides of
18 the story and see how, you know, there was a mutual arbitrator there
19 that oversaw the settlement conference. And there were a lot of things
20 back and forth said about, you know, different sentences and things like
21 that. And, you know, there again, just natural settlement discussions,
22 they're not coercive in general, but like I'm saying, specific of this
23 Defendant.

24 This Defendant, he latches on to big numbers as opposed to
25 small numbers and understanding the nuance of sentencing in a moving

1 environment like that, it might be overwhelming to him and it would serve
2 justice to let him withdraw his plea. Thank you.

3 THE COURT: All right.

4 THE DEFENDANT: Please.

5 THE COURT: Based on the argument today and the briefing
6 that's been provided to the Court, I do not find a compelling basis to
7 demonstrate where coercion, in a legal sense, occurred; understanding
8 that there may be some reflection after the fact where the Defendant is
9 perhaps, as the term that the State used, buyer's remorse or regretful or
10 something along those lines, but I certainly don't believe it rises to the
11 level of coercion by the State. And without that basis being set forth, the
12 Court doesn't have a -- the Court doesn't feel as though a withdrawal of
13 a guilty plea agreement can be allowed at this time without sufficient
14 evidence to show and demonstrate that coercion occurred.

15 Therefore, the Court will deny the Defendant's motion to
16 withdraw the guilty plea. This is still set for sentencing on the 22nd. And
17 the hearing currently for the Defendant's motion to dismiss counsel and
18 appoint alternate counsel is currently set after the fact for the 29th.
19 Based on the State's representation that they don't intend to oppose that
20 motion, the Court's inclined to advance the motion set for the 29th to the
21 22nd so that it could be decided prior to the rendition of sentencing.

22 THE DEFENDANT: Your Honor, will this mean I'm going to
23 prison for the rest of my life?

24 THE COURT: Mr. Washington, at this point, you're not going
25 to be allowed to withdraw your guilty plea. I am going to hear your

1 motion to dismiss counsel on the 22nd before the rendition of sentencing.
2 If your motion to dismiss counsel is granted, and I'm not going to give
3 you an advisory or advance opinion, if that motion is granted, then the
4 sentencing will be postponed and you'll have an opportunity to explore
5 those options. If the motion is denied, we will proceed with sentencing
6 at that time.

7 THE DEFENDANT: Okay.

8 THE COURT: All right.

9 MR. ROWLES: And, Your Honor, if [audio distortion] asked, I
10 know that the State has noticed four victim speakers. Is there any
11 possibility that we might be able to have a decision on that motion prior
12 to that date so they all do not arrive to speak at that time just to be
13 postponed again if that's okay with the Court.

14 THE COURT: I understand that and the problem is I'm dark
15 next week. I could advance it to the 15th, but it would be heard by a
16 senior judge and that's if I have room on the calendar.

17 MR. ROWLES: I understand, Your Honor, if it's postponed for
18 sentencing, I'll make sure that they return as well.

19 MR. BOLEY: Judge, I don't know, I read what was filed by
20 Mr. Washington, I would have no objection to it being heard right now if
21 Your Honor's so inclined.

22 THE COURT: We could advance it if you're -- if satisfied that
23 -- Mr. Washington, do you want to advance your motion to dismiss
24 counsel to today?

25 THE DEFENDANT: Yes, ma'am.

1 THE COURT: All right.

2 THE DEFENDANT: Yes, ma'am.

3 THE COURT: Give me a second to review the motion in full.
4 We'll trail this and allow the State to do the same and we'll recall you
5 momentarily.

6 THE DEFENDANT: All right. And if I may, Your Honor, will I
7 be able to read the letter on that motion's behalf?

8 THE COURT: The motion that you filed, you need a copy of
9 it?

10 THE DEFENDANT: No, no, no, I -- yeah, I'm going to need a
11 copy of that and I got a letter that goes with that motion. I didn't know if I
12 was supposed to send my letter with the motion or if it was gonna get
13 read in court, so if I could read it when you all come back.

14 THE COURT: Oh, well, you -- yes, you'll have an opportunity
15 to speak on your own behalf relative to that motion, yes, of course.

16 THE DEFENDANT: Thank you, Your Honor.

17 THE COURT: All right.

18 [Colloquy between the Court and Clerk]

19 THE COURT: I'll read your motion and then we'll recall it.

20 THE DEFENDANT: Okay.

21 [Matter trailed]

22 [Matter recalled at 2:19 p.m.]

23 THE CLERK: Recalling page 4, Juhjuan Washington,
24 C333798.

25 THE COURT: All right.

1 Mr. Washington, I had an opportunity to review the motion that
2 you filed, it was four pages.

3 Has the State had an opportunity to review it as well?

4 MR. ROWLES: I have, Your Honor, and we'll submit to your
5 discretion.

6 THE COURT: All right. And, Mr. Boley, have you had an
7 opportunity to review it?

8 MR. BOLEY: Yes, I did.

9 THE COURT: Okay. All right. We'll proceed.

10 Go ahead, Mr. Washington, with your argument and basis for
11 why you believe Mr. Boley should be disqualified as your counsel.

12 THE DEFENDANT: Thank you, Your Honor.

13 Dear, Judge Newberry, Your Honor, I Juhjuan Washington
14 and am writing you in regards for speaking up for myself, if I may bring a
15 few things to your attention please. Your Honor, there has been a
16 conflict of interest and here is why. One, my lawyer does not
17 communicate with me properly. Two, my lawyer has been very
18 disrespectful towards me and we have had many verbal altercations
19 because Mr. Boley failed to explain to me in details, he failed to talk to
20 me, so I have a better understanding of my case. I need a new attorney;
21 I also filed a motion to get a new one.

22 My lawyer has been forcing and pressuring me into signing
23 deals that I do not want to sign, that includes a 10 to life, a 5 to 15 and a
24 3 to 65. He failed to explain any stipulations to me in any details. Your
25 Honor, I have had a learning disability, which require me to be in special

1 education classes since kindergarten. I also have a long mental health
2 history dealing with depression, schizophrenia, effective disorder
3 anxiety, drug use and alcohol use. I'm also dealing with PTSD and I
4 take medication to help me sleep properly. I've been in psych housing
5 for four -- for three-and-a-half years in CCDC and now I made it general
6 population.

7 I have had multiple suicide attempts in the past. I also -- I also
8 have witnessed a traumatic experience from Route 67 Country Music
9 Festival on October 1st, 2017. I'm also adopted, Your Honor, and I don't
10 have a strong support system. I barely have any family support. Your
11 Honor, I would like to address some concerns regarding my case. I
12 don't understand what a suspended sentence is because my attorney
13 did not explain to me.

14 Judge, can you explain my -- can you explain sentence and a
15 suspended sentence because I don't understand what a 3 to 65 means
16 or if the sentence was suspended, my attorney failed to even provide
17 information. It's been going on almost four years that I've been in
18 custody. I spent three years in psych and now I'm finally in general pop
19 once again.

20 I need help from another attorney, other than Mr. Boley
21 continuing to handle my case. I would like to know about probation, I
22 don't have an address or a family to report to and if there is a halfway
23 house, I maybe go to, if granted house arrest or probation. Is going
24 almost four years and I'd like to get back on the right track. Thank you,
25 Your Honor. My apologizes for the inconvenience, Juhjuan Washington.

1 THE COURT: All right.

2 Mr. Washington, first the Court has not sentenced you, so the
3 majority of those questions that you're asking are relevant to the
4 sentencing phase. And that's not happening until June 22nd. So the
5 Court can't advise you or explain something to you that hasn't happened
6 yet.

7 THE DEFENDANT: Okay.

8 THE COURT: As far as the advice of counsel, I'm going to let
9 your counsel address what you just stated.

10 Go ahead, Mr. Boley.

11 MR. BOLEY: Judge, I mean, it's very difficult for me to say
12 anything without violating attorney/client privilege at this point because
13 there has been a ton of communication with Mr. Washington.

14 THE DEFENDANT: No there hasn't. No there hasn't.

15 THE COURT: Mr. Washington, you had your opportunity.
16 Let's be polite and give Mr. Boley an --

17 THE DEFENDANT: Yes -- yes, Your Honor.

18 THE COURT: -- opportunity to respond to what you have
19 stated.

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: Go ahead, Mr. Boley.

22 MR. BOLEY: There has been issues, no doubt. But, you
23 know, I went as far as to consult not only Mr. Christensen, but the State
24 Bar of Nevada as to where I should go with this Defendant. And, you
25 know, maybe he doesn't like the outcome today, but frankly, it is a legal

1 outcome, you know, declared by a Court and not me. So beyond that, it
2 would be difficult to go into anything that we haven't already talked
3 about. Clearly, there is a mental illness issue which makes the
4 attorney/client relationship challenging. I have gone what I believe
5 above and beyond to remedy that.

6 THE COURT: Without disclosing any of those confidences --

7 MR. BOLEY: I'll submit it to your --

8 THE COURT: -- I'm sorry --

9 MR. BOLEY: I'm sorry.

10 THE COURT: -- without disclosing -- without disclosing any
11 confidences, Mr. Boley, as to the lack of communication, could you at
12 least apprise the Court of how frequently you have spoken to or visited
13 Mr. Washington while he's been incarcerated or held on the charge.

14 MR. BOLEY: Sure, sure. Every single hearing that he's gone
15 to he has requested to speak to me on the phone, so we've talked every
16 time that way. Every single hearing, we've had at least one visit whether
17 in person or on video during the virus. There was a period of time where
18 I did not enter CCDC because of the lockdowns, so it was nearly
19 impossible.

20 And, you know, I do sympathize with the fact he has been
21 incarcerated a long time awaiting trial, but unfortunately a lot of people
22 are in his boat. I could go back to my timesheet, but I've represented
23 Mr. Washington for, I guess, as long as -- almost as long as he's been
24 incarcerated for this crime, I took over very early in the case. So how
25 many times I've communicated with him, probably more than I can

1 count.

2 THE COURT: Okay.

3 THE DEFENDANT: Your Honor --

4 THE COURT: All right.

5 Mr. Washington, I'll give you a chance to respond, but I'm just
6 going to advise you that there should be no personal attacks and it
7 needs to be factually based, but you can respond as well.

8 THE DEFENDANT: Yes, Your Honor. My apologies.

9 Your Honor, like, when I come to court for, like, hearings
10 before, like, you took over on my case when Judge Holthus had my
11 case, we had everything hearing and before Mr. Rose, like, took over my
12 case. There was a DA named Mr. Sweeten, I don't know if he's retired
13 or if there's been negligence in my case, but Mr. Boley had failed to
14 object to some prejudice comments about -- in court about me and my
15 case. And he failed to object that.

16 And as far as the communication between him and I, when I
17 call his office, he's -- when I call his office, his secretary tells me that, oh,
18 he's not in the office or anything. But -- and then when I get scheduled
19 for a call, you know, for like appointment to, you know, speak with
20 Mr. Boley personally, when I call there is like -- he doesn't answer the
21 phone. And then -- and when I do -- when -- like -- it's like he don't --
22 when he said that he comes visit me, he don't even come visit me.

23 Like, he came once in a long time, which was yesterday. And
24 when -- then when he came when I had got my PSI, he came that time
25 to tell me that why have I been refusing to not come see nor interview

1 with the parole board.

2 THE COURT: Okay. Mr. Washington, I'm just going to
3 caution you because there hasn't been sentencing yet and I don't want
4 you to disclose some of those communications. So the contents -- I
5 understand that you have a difference of opinion, but I do acknowledge
6 and agree with Mr. Boley that due to the COVID shutdown, he's been
7 precluded and prevented from visiting you in the normal and ordinary
8 course as has every other defense counsel regardless of whether
9 they're appointed counsel or private counsel. Those restrictions have
10 been in place where the defendants have not been able to have those
11 physical visits with their counsel because of COVID, certainly not
12 because counsel was not willing to come and visit. They were
13 precluded.

14 So I just want to make sure you understand and we put that
15 on the record, so that you understand that prior to the closures
16 commencing in March of 2020, prior to that it appears that Mr. Boley
17 came to see you with some regularity, correct?

18 THE DEFENDANT: That was on video. It was on video and
19 that, you know, Your Honor, it was twice. That was for, like, to go over
20 the PSI with me and then yesterday and it's like he wants to --

21 THE COURT: So you're talking about since May 20th is when
22 your guilty plea agreement was put on the record. So you're saying
23 between May 20th and the present, this is the time period that you're
24 grievance is; is that correct?

25 THE DEFENDANT: Yes, Your Honor.

1 THE COURT: Okay.

2 THE DEFENDANT: That's absolutely correct.

3 THE COURT: All right.

4 THE DEFENDANT: Yes, Your Honor. And it's like I got -- I
5 also got, like, papers from him coming from his office that if, like, -- if I
6 don't, like, -- he strongly urged me to reconsider my 3 -- my 3 to 65 deal,
7 like, he was sending me, like, papers -- he even sent me a letter from
8 the victim, from one of my victims. And he told me, like, if I -- how
9 strongly to, like, reconsider, so it's like a lot of pressure on me, like, that I
10 have to reconsider, like, just going with the 3 to 65.

11 THE COURT: Okay. I understand. You really don't need to
12 get into the confidences of your communication with your counsel and
13 I'm urging you not to.

14 THE DEFENDANT: Okay.

15 THE COURT: I understand that your period of time in which
16 you believe he failed to communicate with you in the manner in which
17 you would prefer was between May 20th and the present, so after the
18 guilty plea agreement was entered; is that correct?

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: All right.

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: Sentencing isn't scheduled to take place until
23 the 22nd and it sounds like he's been sending you documents, he has
24 communicated with you. And while there's been some disagreement
25 and some issues relevant to the motion to withdraw -- I'm sorry, the

1 motion to withdraw your plea, I understand all of that. But essentially
2 when in review of your motion to dismiss your counsel or disqualify your
3 counsel and appoint new counsel, the legal basis hasn't been set forth.

4 There's not sufficient evidence that you stated in your motion
5 nor in your argument today where the Court believes that there's any
6 conflict of interest between you and Mr. Boley. And it doesn't appear --
7 since the timeframe is after the guilty plea agreement was entered, there
8 hasn't been any -- it seems that there's been meaningful and sufficient
9 contact from Mr. Boley and it appears that he has been communicating
10 and providing to you the documents that he's receiving from the State,
11 which his job -- is to -- anything that he receives is to give it to you and
12 discuss it with you. And it sounds like he's been doing that.

13 So at this time the motion is denied. I don't find a basis. You
14 have a right to have counsel appointed, but it's not counsel of your
15 choosing and it's a high threshold you have to meet in order to have a
16 defense attorney dismissed from your case that's appointed. You
17 certainly have a right to hire private counsel of your choosing, but the
18 Court doesn't find a reason to disqualify Mr. Boley from representation of
19 you in this case. So the motion's denied.

20 Mr. Boley, will you please prepare an order for the Court?

21 MR. BOLEY: Yes, Your Honor.

22 THE DEFENDANT: So you denied both of my motions today
23 because the -- I don't understand because -- I don't understand.

24 THE COURT: I -- you haven't met the legal threshold to
25 disqualify or dismiss your appointed counsel, so I'm denying the motion.

1 Mr. Boley --

2 THE DEFENDANT: I have more letters --

3 THE COURT: -- Mr. Boley will remain your counsel -- your
4 appointed counsel at this time. And sentencing --

5 THE DEFENDANT: Your Honor --

6 THE COURT: -- will proceed -- sentencing will proceed on
7 June 22nd of 2021, at 1:30.

8 THE DEFENDANT: Your Honor, I have more letters that I --
9 he has a letter that supposedly that you had -- that I had sent to the --

10 THE COURT: Mr. Washington.

11 THE DEFENDANT: -- Court --

12 THE DEFENDANT: Mr. Washington.

13 THE DEFENDANT: -- and it got directly sent back to --

14 THE COURT: Mr. Washington.

15 THE DEFENDANT: -- sent back to --

16 THE COURT: Mr. Washington, I've made my decision. And
17 Mr. Boley is going to remain your counsel and we'll see you on the 22nd
18 for sentencing.

19 THE DEFENDANT: So you're going to send me to prison for
20 the rest of my life, that's what you're telling me.

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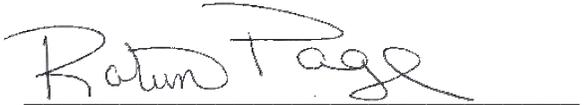
THE COURT: Mr. Washington, please have a seat.

MR. ROWLES: Thank you, Your Honor.

[Proceeding concluded at 2:32 p.m.]

* * * * *

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability. Please note: Technical glitches in the BlueJeans audio/video which resulted in distortion and/or audio cutting out completely were experienced and are reflected in the transcript.



Robin Page
Court Recorder/Transcriber

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 22, 2021

C-18-333798-1 State of Nevada
vs
Juhjuan Washington

June 22, 2021 1:30 PM Sentencing

HEARD BY: Clark Newberry, Tara **COURTROOM:** RJC Courtroom 16C

COURT CLERK: Carina Bracamontez-Munguia/cbm

RECORDER: Robin Page

PARTIES

PRESENT:	Boley, Thomas D	Attorney for Defendant
	Rowles, William C.	Attorney for Plaintiff
	State of Nevada	Plaintiff
	Washington, Juhjuan	Defendant

JOURNAL ENTRIES

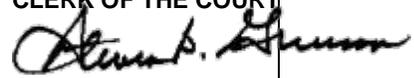
Upon Court's inquiry, Ms. Boley Advised there were no issues with the Pre-Sentence Investigation (PSI) report. DEFT. WASHINGTON ADJUDGED GUILTY as to COUNT 1 - SECOND DEGREE KIDNAPPING (F), COUNT 2 - ROBBERY WITH USE OF A DEADLY WEAPON (F), COUNT 3 - ATTEMPT SEXUAL ASSAULT (F), and COUNT 4 - OPEN OR GROSS LEWDNESS (GM). Mr. Rowles indicated there was to be a victim speaker present and reserved the right for the victim speaker to speak last or in the alternative for the victim impact statement to be read into the record. Argument by Mr. Rowles. Statement by Defendant. Argument by Mr. Boley. Victim Impact Statement of M.M.E. PRESENTED by Mr. Rowles. Victim Speaker A.W. SWORN and TESTIFIED. Victim Impact Statement of A.T. PRESENTED by Mr. Rowles. COURT ORDERED, in addition to the \$25.00 Administrative Assessment Fee, \$10,000.00 Fine as to COUNT 1, a \$150.00 DNA Analysis Fee, including testing to determine genetic markers, and a \$3.00 DNA Collection Fee, Deft. SENTENCED as follows: COUNT 1 a MINIMUM SEVENTY-TWO (72) MONTHS and a of MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC); COUNT 2 - a MINIMUM of SEVENTY-TWO (72) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in NDC, plus a CONSECUTIVE term of a MINIMUM of SEVENTY-TWO (72) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in NDC for the Use of a Deadly

Weapon, CONSECUTIVE to COUNT 1; to the Nevada Department of Corrections; COUNT 3 a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS with a MINIMUM parole eligibility of NINETY-SIX (96) MONTHS, CONSECUTIVE to COUNTS 1 and 2 to the Nevada Department of Corrections; COUNT 4 THREE HUNDRED SIXTY FOUR (364) DAYS in the Clark County Detention Center (CCDC), CONCURRENT with all COUNTS; with ONE THOUSAND ONE HUNDRED THIRTY-NINE (1,139) DAYS credit for time served. The AGGREGATE TOTAL sentence being a MINIMUM of THREE HUNDRED TWELVE (312) MONTHS and a MAXIMUM of SEVEN HUNDRED EIGHTY (780) MONTHS.

COURT FURTHER ORDERED, a SPECIAL SENTENCE of LIFETIME SUPERVISION is imposed to commence upon release from any term of imprisonment, probation or parole. In addition, before the Defendant is eligible for parole, a panel consisting of the Administrator of the Mental Health and Development Services of the Department of Human Resources or his designee; the Director of the Department of corrections or his designee; and a psychologist licensed to practice in this state; or a psychiatrist licensed to practice medicine in Nevada must certify that the Defendant does not represent a high risk to re-offend based on current accepted standards of assessment.

COURT ADDITIONALLY ORDERED Deft. to REGISTER as a sex offender in accordance with NRS 179D.460 within FORTY-EIGHT (48) HOURS after any release from custody.

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DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,
vs.
JUHJUAN WASHINGTON,
Defendant.

CASE NO. C-18-333798-1
DEPT. XXI

BEFORE THE HONORABLE TARA CLARK NEWBERRY,
DISTRICT COURT JUDGE
THURSDAY, JUNE 22, 2021

**RECORDER'S TRANSCRIPT OF HEARING RE:
SENTENCING**

APPEARANCES:

For the State: WILLIAM C. ROWLES, ESQ.
Chief Deputy District Attorney
For the Defendant: THOMAS D. BOLEY, ESQ.
Also Present: ASHLEY WRIGHT
Victim Impact Speaker

RECORDED BY: ROBIN PAGE, COURT RECORDER

1 **Las Vegas, Nevada; Tuesday, June 22, 2021**

2 * * * * *

3 [Proceeding commenced at 2:43 p.m.]

4 THE CLERK: Calling page 7, Juhjuan Washington, C333798.

5 THE COURT: All right.

6 MR. ROWLES: Good morning, Your Honor, William Rowles
7 on behalf of the State.

8 THE COURT: All right.

9 Mr. Boley.

10 MR. BOLEY: Tom Boley for Mr. Washington.

11 THE COURT: All right. Let the record reflect the Defendant's
12 present via BlueJeans, CCDC, in custody.

13 Counsel, are we ready to proceed with sentencing today?

14 MR. BOLEY: Yes, Your Honor.

15 THE COURT: All right, any issues with the Presentence
16 Investigation Report?

17 MR. BOLEY: No, except that it sounds like he was not
18 interviewed in person because of his housing status at CCDC.

19 THE COURT: All right. Are there any corrections or errors
20 with regards to the investigation by Probation and Parole?

21 MR. BOLEY: No.

22 THE COURT: Okay. All right.

23 Mr. Washington, by virtue of your plea of guilt, you're hereby
24 adjudged guilty of the offense of Count 1, second degree kidnapping;
25 Count 2, robbery with the use of a deadly weapon; Count 3, attempt

1 sexual assault; and Count 4, open or gross lewdness, gross
2 misdemeanor.

3 Does the State wish to make an argument?

4 MR. ROWLES: Yes, Your Honor.

5 The first thing I'd like to mention for the record is that I do
6 believe that there should be a victim speaker on BlueJeans, Ashley
7 Wright. I'm just not sure if she's present if the Court may inquire as to
8 whether she's listening right.

9 THE COURT: All right. Ms. Wright, are you present on
10 BlueJeans?

11 THE RECORDER: Ms. Wright.

12 THE COURT: JR, can you announce in the hallway just in
13 case?

14 THE MARSHAL: Yes, Your Honor.

15 THE COURT: Thank you.

16 THE MARSHAL: No one's present out there, Your Honor.

17 THE COURT: Thank you.

18 State.

19 MR. ROWLES: And, yes, Your Honor, I do believe the other
20 victim speaker had to leave prior to 2:30, but she submitted a letter to
21 this Court to read and I believe her request was to have it read into the
22 record or the Clerk of your Court informed me that that was something
23 this Court would do. I'd ask that that be done after the presentation of all
24 arguments.

25 THE COURT: All right.

1 MR. ROWLES: And, Your Honor, today I'm going to be
2 asking you to sentence Mr. Washington on Count 1, to 6 to 15 years in
3 Nevada Department of Corrections. On Count 2, 6 to 15, plus an
4 additional 6 to 15 because of the use of a deadly weapon, to run it
5 consecutive to Count 1; on Count 3, 8 to 20 years in the Nevada
6 Department of Corrections to run consecutive to Count 2; and for Count
7 4, 364 days to run concurrent for an aggregate sentence of 26 to 65
8 years in the Nevada Department of Corrections.

9 And, Your Honor, the State's in sort of an unusual situation
10 here. The entire time I've been a prosecutor, I'm usually allowed to
11 speak last in rebuttal and so I'm going to begin go guess as what
12 Mr. Boley might suggest as mitigation factors for Mr. Washington. And I
13 apologize if this is not where his argument's going.

14 But I've been on this case for several years now and I believe
15 this Court has had its experiences with Mr. Washington and I believe
16 Mr. Boley is going to make an argument with regards to Mr. Washington's
17 upbringing, Mr. Washington's mental stability, all as forms of mitigation
18 towards this sentence. And I only bring that to this Court's attention
19 because I do believe there are certain crimes and I do believe there are
20 certain conduct that an individual commits that it doesn't really matter, that
21 those mitigation factors, although we can be sympathetic towards them.

22 At some point in time, a person crosses the line. And some
23 point in time, in all reality, the only thing left to do is to punitively punish
24 Mr. Washington for the conduct that he's occurred. And I believe that this
25 is an appropriate situation because we know exactly who Mr. Washington

1 is and that's reflected in what he's done in his entire life.

2 In 2011, Your Honor, he was arrested for kidnapping with use
3 of a deadly weapon when he was a child. He was arrested for battery
4 with intent to commit sexual assault resulting in substantial bodily harm
5 or strangulation. He was arrested for sexually assaulting a child; he was
6 arrested for using a deadly weapon to do so. Now, because of his age,
7 he was committed to, I believe, to juvenile services. And he was given
8 the chance to, essentially, rehabilitate down in our juvenile system.

9 Now, I've been on the sexual assault team for several years,
10 Your Honor, and a lot of individuals when they commit sexual assaults at
11 that age, they do make great strides through those programs because I
12 don't think there's anything wrong to say that, generally, victimhood is a
13 result of a person being victimized themselves. But he was given that
14 opportunity to be rehabilitated in juvenile court. But what did he do?

15 In 2011, while I believe under formal supervision of the
16 juvenile system, he sexually assaulted his roommate while being taken
17 care of, while being attempted to be rehabilitated. So we have an
18 individual who throughout his childhood is sexually assaulting other
19 individuals, both boys and females, which the State's submits to you is a
20 true sign of a sexual predator, when someone does not differentiate
21 between genders. But this was an individual who commits sexual
22 assaults when he was younger. While under formal supervision, he
23 committed an additional sexual assault.

24 Now, the PSI shows that he was discharged at the end of
25 2014. Only two and-a-half years; two years, ten months, prior to him

1 being discharged formerly from supervision in the juvenile system in
2 Kansas is when we have this sort of spree of terror. It started on
3 October 7th, Your Honor, and it ended, I believe, on October 22nd. And
4 that's the second reason as to why I think all of these charges deserve
5 to be ran consecutive because when you take into consideration what he
6 -- what -- the types of crimes he committed as a child, the type of crime
7 he committed when he was under supervision. And you look at what
8 happened in this particular situation only a few mere years removed
9 from that supervision, every single time he terrorized a member of the
10 UNLV community, his behavior escalated.

11 Now, in October 7th, his first victim was Alexandra. Now, in that
12 particular situation, he brings weapon to that encounter, only a knife, but
13 still a deadly weapon. Now, he doesn't sexually abuse Alexandra on this
14 occasion, but the State submits to you that was because an individual
15 walked by. A passerby was able to sort of stop this encounter. But as
16 Alexander's victimhood was not anything less just because she was not
17 sexually abused at the hands of Mr. Washington. Mr. Washington still
18 placed a knife to her throat.

19 And she testified at the Grand Jury -- excuse me real quick.
20 She testified at the Grand Jury when describing these incident that she
21 could feel the blade against her skin. She feared for her life and thought
22 she was going to die. Now, she also told members of the Grand Jury
23 that she tried to get away and it was Mr. Washington who stopped her
24 and then forced her to the ground, continuing to place that blade against
25 her skin, continuing to cause that fear that she described earlier. And

1 only the State submits to this Court because of that passerby was
2 Alexandra able to get away. Now, that's the first incident that happens
3 in the UNLV community because unfortunately Mr. Washington did not
4 stop there.

5 His next encounter was with an individual by the name of
6 Kaylee Edwards. And now, on this situation, he escalates his behavior
7 to sexual abuse. He runs in to Kaylee when she's at the UNLV campus
8 and she starts -- he approaches her and begins to strike up a
9 connection, suggesting that they went to the same high school, sort of,
10 to ease her nerves in the State's opinion. He starts talking about foot
11 fetishes, a foot test, a foot study.

12 Now, unfortunately Kaylee in that position continued to go
13 along with Defendant's demands and she eventually removes her socks
14 and her shoes and allows the Defendant to suck on her big toes
15 separately. But Kaylee testified that she felt uncomfortable, she felt
16 nervous; she didn't really know what to do. And thankfully Kaylee had
17 the wherewithal to send a sort of a fake text to be able to get out of that
18 situation. But now that behavior escalated from violence to sexual
19 abuse, the true definition of who Mr. Washington is, a sexual predator,
20 because on the third occasion, we have a situation that runs into Ashley.

21 Now, Ashley was not sexually abused as well, but only, the
22 State submits, because of her, sort of, intelligence to sort of get out of
23 this situation here. But Ashley, she testified at the Grand Jury that she
24 was heading to work and that's when she sees the Defendant. She said
25 as soon as they made eye contact, the Defendant raised his hand and

1 there was a gun there. She said she screamed and jumped loudly into
2 the car, but the Defendant eventually made his way into the car and he
3 gives up this story, this sort of elaborate idea that he just needs a ride to
4 a hospital or his baby mama's in trouble.

5 But we all know that that's a ruse because what happens
6 when she eventually agrees to give this man a ride at gunpoint is he
7 asks her to go down Lake Mead and take her to a dark place because
8 she nice and wants to talk. Now, the State submits Mr. Washington had
9 no intention of just talking to Ashley on that occasion. But Ashley, being
10 the person that she is, tells that man that she's not going to take him
11 some place dark.

12 And it's on this particular situation where Mr. Washington
13 refuses to accept that answer and he pulls that gun, puts it on Ashley's
14 sides and tells her that if she's not going to do what he tells her to do
15 then he is going -- and excuse my words, this here is a quote from
16 Ashley, but Mr. Washington said that he's going to blow her fucking
17 brains out. The Defendant then continues to tell Ashley to drive the
18 speed limit to avoid suspicion. Eventually, Ashley is able to get away of
19 the situation before Mr. Washington drives off with her car.

20 Now, the State wishes they could stand here and submit to
21 this Court that that was the end of his, sort of, reign of terror on the
22 UNLV campus in October of 2017, but that's not because Maricella was
23 another victim, I believe his last victim. And a similar situation when
24 she's walking to the car, she sees the Defendant and he brandishes a
25 firearm, makes his way into her vehicle where they drive to several

1 locations. Now, it's on this particular situation that he sexually abuses
2 this victim.

3 This is where his escalation of violence and sexual predator, it
4 just culminates. Now, the State submits to this Court that when we
5 recovered the sexual abuse from the video that Mr. Washington had, this
6 man had the audacity to videotape Maricella giving him a foot job at
7 gunpoint on her own phone. He had the audacity to screenshot as her
8 wallpaper a clip of that foot job where he ejaculates all over her at
9 gunpoint.

10 This is a situation where it's everybody's worst nightmare.
11 She's going to school, a man with a gun forces his way inside her car
12 and then she's sexually abused. Thankfully, I believe, Maricella is also
13 able to get away from the situation and pulls the firearm on
14 Mr. Washington himself as he runs away from it with only essentially a
15 foot job being the sexual abuse that happened despite repeated
16 requests from Mr. Washington.

17 I know this Court has read the factual situation in this situation
18 given the pleadings that have occurred during this encounter, but I think
19 it's important to stress that each of these ladies, each of these females,
20 these girls at UNLV, they were living their lives. And there was a letter
21 and I know this Court's going to read into it that Alexander wrote where
22 she thought that crime only occurred in the movies, that victims were
23 only something she saw on the screen. And that when had his gun or
24 his knife against her all she wanted to do was hug her parents.

25 This is a man who has been sexually preying on vulnerable

1 members of not just our community, but other communities, his entire
2 life. I'm sympathetic towards Mr. Washington's upbringing; I'm
3 sympathetic towards Mr. Washington's mental capabilities. But there
4 comes a point in time when you had your chance and now it's -- the only
5 thing left to do is to serve time.

6 And I believe that consecutive treatment maxed out is
7 appropriate for all four of these victims because I believe it's appropriate
8 -- excuse me -- for the victims, for each and every single one of them to
9 know that there's a particular sentence that is directly for them. That
10 Ashley's horror story isn't wrapped up with Alexanders or that Maricella's
11 horror story isn't wrapped up with Kaylee's. I think each one of these
12 victims deserves to know that this man is behind bars for as long as
13 possible.

14 And on that I'll submit, Your Honor.

15 THE COURT: Thank you, Counsel. Do you reserve the
16 reading of the victim letters until the conclusion?

17 MR. ROWLES: Please, Your Honor. And I'm double
18 checking with my staff to see if there's a way we can get Ashley back
19 online.

20 THE COURT: All right. If so, she'll certainly have an
21 opportunity to speak and if not then I would expect Counsel to read
22 those letters into the record.

23 MR. ROWLES: And you had the opportunity to read
24 Maricella's letter or would you like me to read that into the record.

25 THE COURT: I -- you can read them all into the record at the

1 conclusion --

2 MR. ROWLES: Thank you, Your Honor.

3 THE COURT: -- of the Defendant's mitigation.

4 All right, Mr. Washington, you have an opportunity to make a
5 statement to the Court on your own behalf if you choose to do so.

6 You're not required to do so and, regardless, your counsel will speak
7 after you. Do you wish to make a statement to the Court at this time?

8 THE DEFENDANT: After my attorney, Your Honor.

9 THE COURT: Mr. Washington, do you wish to make a
10 statement?

11 THE DEFENDANT: After my attorney, Your Honor.

12 THE COURT: No, you're to speak now if you want to make a
13 statement.

14 THE DEFENDANT: I just wanted to say, Your Honor, that I
15 don't have an adult -- I've never been convicted as a adult felony. I
16 completed juvenile treatment twice, successfully. And at the time of my
17 crimes when I was a juvenile, this -- the sexual assault, the kidnapping
18 one, that happened with a girlfriend that was the same age as I, we were
19 both 15 at the time. And it's just a lot on me right now and -- it's just a lot
20 that's on my mind right now, Your Honor. It's just a lot.

21 THE COURT: All right.

22 Mr. Boley.

23 MR. BOLEY: Yes, ma'am. So I know this Court has some
24 experience with Mr. Washington. I've represented Mr. Washington for
25 more than three years at this point. Let me rewind all the way to

1 Mr. Washington's childhood. In fact, it's difficult to say that
2 Mr. Washington did have a childhood. So Mr. Rowles is correct and
3 knew exactly how I'm going to ask this Court to mitigate some of the
4 things that happened here. And it's no doubt that what happened was
5 terrible, but how does one get into that kind of sexual proclivity?

6 Upon investigating this case, it was found that Mr. Washington
7 was abused sexually with feet. That's why this very specific sexual
8 proclivity has come up later in life. And then he was, you know,
9 eventually he was in the juvenile system, which is rehabilitative in
10 nature, more than the adult system. And he did successfully complete
11 the program, get out. And then ultimately he was arrested and put in jail
12 for these crimes.

13 Now, I know, and my heart goes out to the victims here, but
14 just because somebody has admitted to some pretty terrible things,
15 doesn't mean that they're a lost cause. And I have a lot of experience
16 with Mr. Washington here; I know that he's got some issues, specifically,
17 mental health. So he's been diagnosed with -- I've got a list here,
18 ADHD, ADD, paranoia, depression, bipolar disorder, schizophrenia. And
19 in my time representing him -- well, actually once before I represented
20 him, when he was represented by the Special Public Defender's Office,
21 he was sent up to competency. And I sent him up to competency once
22 after that.

23 Now, I've seen both sides of Mr. Washington where he's having
24 bad days and good days. And he responds very well when he's in
25 competency and he is receiving the kind of treatment that he really needs.

1 So what I would say, you know, both sides of Mr. Washington, I've see
2 him lash out and then apologize for it many times. I know that there's an
3 element, while we didn't necessarily pursue this as a defense, there is an
4 element of this kind of impulse that's beyond Mr. Washington's control
5 because I think on some level when all is said and done he does regret
6 his actions.

7 Also, one of the things that I find that is helpful here is that his
8 mother Denise is actually -- I think she's on BlueJeans somewhere.

9 And, you know, we spoke with her and she's very supportive of
10 Mr. Washington. She knows, you know, some bad things happened, but
11 she's definitely willing to support him. You know he's been incarcerated
12 for a while, I think she's online if she's listening or wants to add anything.

13 Also, one of the things that I'd like to point out and I know kidnapping
14 and robbery and things like that are very serious things.

15 But with the conduct -- with the three instances of conduct that
16 Mr. Washington has pled to now, none of them actually were completed
17 sexual assaults. Because of the nature of them, they were the most
18 serious was charged as attempt sexual assault. And also I know the
19 State has several theories, but when Mr. Washington pled guilty in this
20 case, he still denies to this day Alexandra Tsvitenok. He pled to the
21 other cases and admitted fault, but during Alexandra's case, she did not
22 identify Mr. Washington as her attacker and he did not plead to any
23 counts that mentioned her.

24 So I would ask the Court to take that with a grain of salt
25 because it's very possible that Mr. Washington, while he did these other

1 things, actually wasn't the attacker in Alexandra's case. So given --
2 what I would the Court to do is look at -- look at the rehabilitative nature
3 of the criminal justice system a little bit. Because I do believe that
4 Mr. Washington is rehabilitatable on some level. I think he does
5 understand what is right and wrong and I think he does regret his
6 actions. I would ask for the Court to be lenient and possibly even
7 sentence him to the minimum term which is 3 to 8 in Nevada
8 Department of Corrections. Thank you.

9 THE COURT: All right. Thank you, Counsel.

10 State, you may proceed with your victim witnesses.

11 MR. ROWLES: And just for the Court's information. I believe
12 we're trying to sort out Ashley Wright with technical matters right now, if I
13 may proceed with the letters and read them into the record.

14 THE COURT: Yes. Please go ahead.

15 MR. ROWLES: Thank you, Your Honor. The first one would
16 be from Maricella Brambila.

17 Dear, Judge, I was severely impacted by this horrible crime
18 that happened to me. I was in much better mental state prior to this
19 incident -- incident -- excuse me. Now, I suffer from severe PTSD and
20 depression. I was diagnosed by my therapist at UNLV. I was seeing a
21 therapist because I cannot cope with the trauma. And even after seeing
22 my therapist, I felt like it really did not help me much.

23 To this day, I'm always so scared to be left alone, I have so
24 much trauma. I can't mentally function properly on most days because
25 all I ever think about is, is he out to get me and kill me. Someone is

1 going to kidnap and murder me. I get these dark thoughts and the
2 image of that day plays in my head over and over and over and over,
3 again and again. It haunts me so much. I can never sleep at night
4 because I am so paranoid thinking someone is going to break into the
5 house and kill us all. Someone is going to come in here to rape and
6 murder me. I hardly ever get any sleep. I feel like I can't sleep because
7 someone will break into the home.

8 I've developed all of that since that happened to me. I can't
9 seem to find happiness in my life anymore like I did before. Life seems
10 so scary to me now and living in fear with all those thoughts just isn't the
11 way to live. I want to live happy -- I want to live a happy life where I do
12 not think about things like this. And I want to not, I want to have that
13 sense of feeling safe and not fearing my life and thinking someone is
14 after me or that someone is going to kill me.

15 I have traumatic flashbacks to that horrifying moment in my life
16 and I play the what if game in my head. I question if I would have
17 handled the situation differently if I were to even be alive right this
18 second. I also think of the numerous ways this incident could have gone
19 and I developed these extreme vivid thoughts as if I were reliving it again
20 and again. When I take a shower, I am freaking out because I think
21 someone is going to break into the house and shoot and kill me in my
22 shower. Sometimes my grandma will sit in the bathroom as I am
23 showering talking to me to kind of distract my mind.

24 When I am driving in my car alone I am always so paranoid
25 since this is where it all happened. I collect all of these frightening vivid

1 images and I panic because I always think there is someone in my
2 backseat that is going to shoot me. I did not get to have a wonderful
3 experience in college since this happened to me in the beginning of my
4 freshman year. The rest of my college career has been very difficult. I
5 have almost dropped out so many times, but I keep pushing myself not
6 to. I am so close to graduating and in doing so I will be the first of my
7 family to accomplish this.

8 I fear for my life every time I have to step foot on campus. I
9 always thought he would be there to kill me even though I know he was
10 in jail. I did not have the college experience that I thought I would have;
11 it was by far the most difficult of my life. I never in a million years
12 thought something like this would ever happen to me and I fear for any
13 other people that could go through this horrific experience like these.
14 Sometimes I can't take anymore and I just cry for hours and think to
15 myself that this is not the way I want to live my life.

16 I just want to be happy and get all these scary thoughts out of
17 my head because these are really harming my mental health and they
18 are getting in the way of me being able to live a happy life. I have so
19 many goals in life that I want to achieve and I have so many things
20 planned out that I want to do in my lifetime. We are all here on this earth
21 once and I just want to do some amazing things in life without all of this
22 trauma that I am suffering with. Thank you for taking the time to read my
23 letter, I appreciate it.

24 And the next one, Your Honor, would be from Alexandra.
25 Excuse me while I pull it up. I apologize for being on my phone. And,

1 Your Honor, I believe Ashley might -- Ashley Wright is online.

2 THE COURT: All right.

3 THE WITNESS: Yes.

4 [Colloquy between the Court and Recorder]

5 THE COURT: Ms. Wright.

6 THE WITNESS: Can you hear me?

7 THE COURT: Yes, ma'am. You can proceed with the
8 statement that you wish to make to the Court in contemplation of
9 sentencing after my clerk swears you in.

10 [Colloquy between the Court and Clerk]

11 **ASHLEY WRIGHT**

12 [having been called as a speaker and being first duly sworn, testified as
13 follows:]

14 THE CLERK: And then please just state your name for the
15 record and spell it please.

16 THE SPEAKER: Ashley Wright. A-S-H-L-E-Y, W-R-I-G-H-T.

17 THE CLERK: Thank you.

18 THE COURT: Go ahead, Ms. Wright.

19 **VICTIM IMPACT STATEMENT OF ASHLEY WRIGHT**

20 THE SPEAKER: Okay. I remember the incident that
21 happened to me and to be here today and, you know, looking at this
22 individual who did something so egregious. Looking back at that time, I
23 saw someone asking for help, okay. This individual walked up to me
24 and said that they had suffered something traumatic. I don't know if it
25 was drugs, I don't know what was wrong with this person, but I know that

1 we all suffer something, but what you don't do is go up and try and take
2 something from someone else. We work hard for it.

3 I've had things happen to me in my life that I've had to get
4 over and work through. I've been in a homeless shelter; I've struggled
5 my way from there to where I needed to be. I was in school at the time
6 this person walked up to me as I was putting my belongings in my car
7 and they had a gun on me. Got in my car and forced me to drive
8 somewhere where I didn't want to me. Then they took my car from me,
9 my personal property from me. I don't know -- I don't know what goes
10 through the mind of anyone like this.

11 You know, I'm here today and I'm very -- I'm very happy that I
12 am here. And I feel bad for this person because I know that there's so
13 many people out here who want to protect what they have and he's
14 lucky to be here today, okay, because people work hard for what they
15 have. And they don't want someone just walking up like a free-for-all for
16 something that they didn't work to deserve, to take. You know me as a
17 woman, I will definitely work harder to protect myself and I won't allow
18 any individual ever to walk up on me again like that.

19 And so I appreciate the Court's and all that they are doing to
20 keep people like this away from us and try and, you know, give them an
21 opportunity to work for their own belongings. So I have learned from
22 that, I'm a stronger person and I wish this person the same.

23 THE COURT: All right. Thank you, Ms. Wright.

24 THE SPEAKER: You're welcome.

25 MR. ROWLES: If I may read the last letter, Your Honor.

1 THE COURT: Yes.

2 And, Ms. Wright, you can remain on the line until the sentence
3 is pronounced if you choose to, but you're also able to leave if you
4 choose to.

5 Go ahead, Counsel.

6 THE SPEAKER: Okay.

7 MR. ROWLES: And this one is from Alexandra, Your Honor. I
8 never thought that something like this could happen to me. I only saw
9 crimes in movies before and I always wondered how the victims felt
10 after. Unfortunately, that night, I got to find out for myself. I was a child,
11 a college student that finally got away from her parents and wanted to do
12 everything possible. I had ambition and a heart full of desire to try new
13 things and adventure.

14 However, when that blade appeared in front of my throat, the
15 only thought I had in my head was how I wanted to hug my parents one
16 more time. In that moment, I was sure I wasn't going to live. I was sure
17 that this were -- that this was the last seconds that I had in my life. I
18 never understand what drives peoples like that, what makes them want
19 to hurt complete strangers. And I never will, but every chance I get now,
20 I try to help everyone because I never want anyone to go through what I
21 went through.

22 It was horrifying, my heart dropped and all my thoughts were
23 scattered. This stranger that I only saw for a total of maybe 20 minutes
24 changed me forever. I am now more reserved, less outgoing. I try to
25 stay away from people and generally he took all the fun out of me when

1 he had absolutely no right to. He doomed me to a life full of fear and I
2 hope that the time he gets will be enough for him to know how much
3 pain he has caused.

4 Thank you, Judge.

5 THE COURT: Any other victims that wish to be heard prior to
6 the pronouncement of sentence?

7 MR. ROWLES: I believe only Kaylee Edwards and she had
8 declined to make a comment, Your Honor.

9 THE COURT: All right. Thank you, Counsel.

10 All right. Mr. Washington, in accordance with the laws in the
11 State of Nevada, and this Court having found you guilty on all four
12 counts -- and let me say this, this case is quite disturbing to the Court,
13 Mr. Washington. I understand that your childhood was far less than
14 ideal and I certainly empathize with your victimization.

15 However, you were given multiple opportunities to rehabilitate
16 as a juvenile and while you said you successfully completed those
17 programs, the fact that you continue to offend means they weren't
18 successful. And so given the egregiousness, the repetitiveness, and
19 what you've taken from these women, the Court has no option other
20 than to impose a maximum sentence on all counts.

21 You're hereby sentenced on Count 1, 72 to 180 months in the
22 Nevada Department of Corrections.

23 As to Count 2, you're sentenced 72 to 180 months on the
24 underlying charge of robbery with use of a deadly weapon to run
25 consecutive to Count 1. You're also sentenced 72 to 180 months on the

1 weapon enhancement, relative to Count 2 -- as to count -- to run
2 consecutive to Count 2 as well as Count 1.

3 Count 3, attempt sexual assault, you are hereby sentenced 96
4 to 240 months in the Nevada Department of Corrections consecutive to
5 Count 1, Count 2, and the weapon enhancement.

6 As to Count 4, open or gross lewdness, you're sentenced to
7 364 days in the Nevada -- in the Clark County Detention Center.
8 However, that is to run concurrent with all other counts.

9 The aggregate therefore is 312 months to 364 -- or I'm sorry,
10 312 months to 780 months in the Nevada Department of Corrections.
11 You have a credit for time served.

12 Counsel, do we have an updated calculation for that? I show
13 -- I think we were at nine something.

14 THE DEFENDANT: Your Honor, if I may say something.

15 MR. BOLEY: I don't have an updated number; all I have is
16 what was written in the PSI.

17 THE COURT: All right. Let's get the appropriate calculation,
18 Counsel for the State.

19 MR. ROWLES: I did the calculation, Your Honor, but for some
20 reason I only got to 666 days, I think I'm missing some time. Oh, 1097,
21 so the additional days will be 20 days for the rest of May and 22 days for
22 June, so 42 days, 3, 39, 1139 days.

23 THE COURT: 1139. Mr. Boley, can you check the math on
24 that please?

25 MR. BOLEY: It appears to be correct.

1 THE COURT: All right. Credit for time served will reflect
2 1,139 days. The balance of the aggregate sentence, which is to be
3 served at the Nevada Department of Correction, is imposed.

4 In addition to that and accordance with Nevada Law,
5 NRS 176.0931, a special sentence is imposed of lifetime supervision
6 commencing after a term of imprisonment and/or release upon parole.

7 Mr. Washington, you are serving a lifetime of supervision and
8 you are required to register as a sex offender within 48 hours of your
9 release to parole or upon the completion of your sentence in accordance
10 with NRS 179D.441 to 179D.550.

11 The following assessments are imposed as well. There will be
12 a \$25 Administrative Assessment Fee; a \$150 DNA Fee; the Defendant
13 is also ordered to submit for DNA genetic marker testing; \$3 DNA
14 Administrative Assessment Fee. I'm also going to impose a fine of
15 \$10,000 relative to Count 1.

16 THE DEFENDANT: How you gonna make me do all of this if
17 you're sending me to prison for the rest of my life?

18 THE COURT: Anything else for the record, Counsel?

19 THE DEFENDANT: And then on --

20 MR. ROWLES: No, Your Honor, thank you.

21 THE DEFENDANT: Can you -- Your Honor, if I may say
22 something. When this --

23 THE COURT: You already had you opportunity to speak,
24 Mr. Washington, the sentence has been pronounced. If you have any
25 questions relative to the amount of time or the conditions of your

1 incarceration, you can contact Mr. Boley for that information and he can
2 explain it to you.

3 THE DEFENDANT: Can my attorney call me now?

4 THE COURT: That's up to Mr. Boley.

5 MR. BOLEY: Yeah, I can't right, you can call my office though
6 if you want.

7 THE DEFENDANT: Is my mom with you?

8 MR. BOLEY: She is not, she's on BlueJeans.

9 THE DEFENDANT: Okay.

10 THE COURT: All right. That concludes our 1:30 calendar.
11 We need to move on to our 3 o'clock calendar.

12 MR. ROWLES: Thank you, Your Honor.

13 THE COURT: Thank you.

14 MR. BOLEY: Thank you, Judge.

15 [Proceeding concluded at 3:20 p.m.]

16 * * * * *

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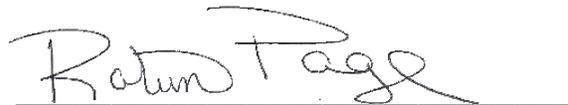
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20

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

23



24

Robin Page
Court Recorder/Transcriber

25

1 JOCP

2
3
4 DISTRICT COURT
5 CLARK COUNTY, NEVADA
6

7 THE STATE OF NEVADA,

8 Plaintiff,

9 -vs-
10

CASE NO. C-18-333798-1

DEPT. NO. XXI

11 JUHJUAN WASHINGTON
12 #8124794

13 Defendant.
14

15 JUDGMENT OF CONVICTION
16 (PLEA OF GUILTY)
17

18 The Defendant previously appeared before the Court with counsel and entered a plea of
19 guilty to the crimes of COUNT 1 – SECOND DEGREE KIDNAPPING (Category B Felony)
20 in violation of NRS 200.310, 200.330; COUNT 2 – ROBBERY WITH USE OF A DEADLY
21 WEAPON (Category B Felony) in violation of NRS 200.380, 193.165; COUNT 3 –
22 ATTEMPT SEXUAL ASSAULT (Category B Felony) in violation of NRS 200.364, 200.366,
23 193.330; COUNT 4 – OPEN OR GROSS LEWDNESS (Gross Misdemeanor) in violation of
24 NRS 201.210; thereafter, on the 22nd day of June, 2021, the Defendant was present in court for
25 sentencing with counsel THOMAS D. BOLEY, ESQ., via Blue jeans, and good cause
26 appearing,
27
28

1 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offenses and, in addition
2 to the \$25.00 Administrative Assessment Fee, \$10,000.00 Fine as to COUNT 1 and \$150.00
3 DNA Analysis Fee including testing to determine genetic markers plus \$3.00 DNA Collection
4 Fee, the Defendant is sentenced as follows: **COUNT 1** – a MAXIMUM of ONE HUNDRED
5 EIGHTY (180) MONTHS with a MINIMUM parole eligibility of SEVENTY-TWO (72)
6 MONTHS to the Nevada Department of Corrections; **COUNT 2** - a MAXIMUM of ONE
7 HUNDRED EIGHTY (180) MONTHS with a MINIMUM parole eligibility of SEVENTY-
8 TWO (72) MONTHS plus a CONSECUTIVE term of ONE HUNDRED EIGHTY (180)
9 MONTHS with a MINIMUM parole eligibility of SEVENTY-TWO (72) MONTHS for the
10 Use of a Deadly Weapon, CONSECUTIVE to COUNTS 1; to the Nevada Department of
11 Corrections; **COUNT 3** – a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS with
12 a MINIMUM parole eligibility of NINETY-SIX (96) MONTHS, CONSECUTIVE to
13 COUNTS 1 and 2 to the Nevada Department of Corrections; **COUNT 4** – THREE HUNDRED
14 SIXTY FOUR (364) DAYS in the Clark County Detention Center (CCDC), CONCURRENT
15 with all COUNTS; with ONE THOUSAND ONE HUNDRED THIRTY-NINE (1,139) DAYS
16 credit for time served. The AGGREGATE TOTAL sentence is SEVEN HUNDRED EIGHTY
17 (780) MONTHS MAXIMUM with a MINIMUM of THREE HUNDRED TWELVE (312)
18 MONTHS.
19
20
21
22

23 FURTHER ORDERED, a SPECIAL SENTENCE of LIFETIME SUPERVISION is
24 imposed to commence upon release from any term of imprisonment, probation or parole. In
25 addition, before the Defendant is eligible for parole, a panel consisting of the Administrator of
26 the Mental Health and Development Services of the Department of Human Resources or his
27 designee; the Director of the Department of corrections or his designee; and a psychologist
28

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 State of Nevada

CASE NO: C-18-333798-1

7 vs

DEPT. NO. Department 21

8 Juhjuan Washington

9
10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 6/25/2021

15 Thomas Boley

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16 Department Court Recorder

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17 Department Law Clerk

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9 *Attorney for Defendant Juh'Juan Washington*

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

10 THE STATE OF NEVADA,
11
12 Plaintiff,

13 vs.

14 JUHJUAN WASHINGTON
15 #8124794

16 Defendant.

Case No. C-18-333798-1

Dept. 21

17 **ORDER**

18 Defendant's Motion to Withdraw Plea and his Motion to Dismiss Counsel was heard on June
19 10th, 2021. Present were counsel for Defendant, Thomas Boley, Esq. and counsel for the State, William
20 Rowles, Esq. Defendant was present in custody.

21 AND after this Court reviewed the briefing in this matter and heard argument of counsel and
22 now being fully advised in the premise.

23 NOW, THEREFORE, the Court decides the subject Motion as follows:

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ORDER OF THE COURT

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IT IS HEREBY ORDERED, ADJUDGED, AND DECREED as follows:

IT IS ORDERED that Defendant’s Motion to Withdraw Plea is denied

FURTHERMORE, IT IS ORDERED that Defendant’s Motion to Dismiss Counsel is DENIED.

Dated this _____ day of June 2021.

Dated this 29th day of June, 2021



JUDGE TARA CLARK NEWBERRY
DISTRICT COURT JUDGE
8CB 2CA 65C1 1208
Tara Clark Newberry
District Court Judge

SUBMITTED BY

 /s/Thomas Boley
THOMAS BOLEY
NV Bar # 11061
1900 East Bonanza Road
Las Vegas, NV 89101
Attorney for Defendants

1 CSERV

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

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6 State of Nevada

CASE NO: C-18-333798-1

7 vs

DEPT. NO. Department 21

8 Juhjuan Washington
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10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 6/29/2021

15 Thomas Boley

t.boleym@bandafirm.com

16 Department Court Recorder

sisony@clarkcountycourts.us

17 Department Law Clerk

dept18lc@clarkcountycourts.us

18 James Sweetin

james.sweetin@clarkcountyda.com

19 William Rowles

william.rowles@clarkcountyda.com

20 Thomas Boley

t.boleym@bandafirm.com

21 dept lc

dept21lc@clarkcountycourts.us

23

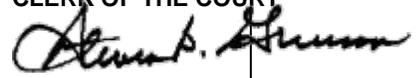
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1 NOA
2 NEVADA APPEAL GROUP, LLC
3 Kelsey Bernstein, Esq.
4 Nevada Bar No. 13825
5 714 S. Fourth Street
6 Las Vegas, Nevada 89101
7 Telephone: (702) 988-2600
8 Kbernstein.esq@gmail.com
9 Attorney for Defendant
10 Juhjuan Washington

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

9 State of Nevada,) Case No.: C-18-333798-1
10 Plaintiff,) Dept. No: XXI
11 vs.) **NOTICE OF APPEAL**
12)
13 Juhjuan Washington,)
14 Defendant.)

15
16 COMES NOW, Defendant Juhjuan Washington, by and through his attorney of record,
17 KELSEY BERNSTEIN, ESQ. of the firm Nevada Appeal Group, LLC, hereby appeals to the
18 Nevada Supreme Court the Judgment of Conviction, entered in this action on the 25th day of
19 June, 2021.

20
21 DATED this 21 day of July, 2021.

22 By:
23 NEVADA APPEAL GROUP, LLC

24
25 By: /s/ Kelsey Bernstein
26 Kelsey Bernstein, Esq.
27 Nevada Bar No. 13825
28

1 **CERTIFICATE OF SERVICE**

2 I HEREBY CERTIFY that on the 21 day of July, 2021 I served a true and correct copy
3 of the foregoing NOTICE OF APPEAL, upon each of the parties by electronic service through
4 Wiznet, the Eighth Judicial District Court’s e-filing/e-service system, pursuant to N.E.F.C.R.9;
5 and by depositing a copy of the same in a sealed envelope in the United States mail, Postage
6 Pre-Paid, addressed as follows:

7 Clark County District Attorney’s Office
8 200 Lewis Ave., 3rd Floor
9 Las Vegas, NV 89155
10 motions@clarkcountyda.com
11 pdmotions@clarkcountyda.com

12 /s/ Kelsey Bernstein
13 An Employee of NEVADA APPEAL GROUP, LLC
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