

IN THE SUPREME COURT OF THE STATE OF NEVADA

JASON JEROME BOLEN, A/K/A
JASON J. BOLDEN,
Appellant(s),

vs.

THE STATE OF NEVADA,
Respondent(s),

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Elizabeth A. Brown
Clerk of Supreme Court

Case No: C-18-334635-1
Related Case A-21-842092-W
Docket No: 84293

RECORD ON APPEAL VOLUME 1

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1 **MOT**

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FILED

SEP 05 2018

John B. Williams
CLERK OF COURT

8 DISTRICT COURT
9 CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

11 -vs-

12 JASON BOLDEN, aka,
13 Jason Jerome Bolen
14 #1891927

14 Defendant.

CASE NO:

C-18-334635-1

DEPT NO:

XXI

15 **NOTICE OF MOTION AND MOTION FOR LEAVE TO**
16 **AMEND INFORMATION BY AFFIDAVIT**

17 DATE OF HEARING: _____
18 TIME OF HEARING: _____

18 COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District
19 Attorney, through JORY SCARBOROUGH, Deputy District Attorney, and files this Notice Of Motion
20 And Motion For Leave To Amend Information By Affidavit.

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

24 //

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RECEIVED

SEP 05 2018

CLERK OF THE COURT

C-18-334635-1
MOT
Motion
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DATED this 5th day of September, 2018.

BY

STATEMENT OF THE CASE

2

1 AIRCRAFT, OR WATERCRAFT (Category B Felony - NRS 202.285); Count 10 - DISCHARGING
2 FIREARM AT OR INTO OCCUPIED STRUCTURE, VEHICLE, AIRCRAFT, OR WATERCRAFT
3 (Category B Felony - NRS 202.285); Count 11 - DISCHARGING FIREARM AT OR INTO
4 OCCUPIED STRUCTURE, VEHICLE, AIRCRAFT, OR WATERCRAFT (Category B Felony -
5 NRS 202.285); Count 12 DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE,
6 VEHICLE, AIRCRAFT, OR WATERCRAFT (Category B Felony - NRS 202.285); Count 13-
7 DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE, VEHICLE, AIRCRAFT, OR
8 WATERCRAFT (Category B Felony - NRS 202.285); and Count 14- DISCHARGING FIREARM
9 AT OR INTO OCCUPIED STRUCTURE, VEHICLE, AIRCRAFT, OR WATERCRAFT (Category
10 B Felony - NRS 202.285); and Count 15 – BATTERY WITH USE OF A DEADLY WEAPON
11 (Category B Felony – NRS 200.481).

12 On July 25, 2018, Defendant was arraigned in Justice Court, and a preliminary hearing
13 was scheduled for August 8, 2018. The preliminary hearing was ultimately continued to
14 August 22, 2018.

15 On August 22, 2018, a preliminary hearing was held before Judge Diana Sullivan.
16 Following the hearing, the State amended the complaint and struck Count 4 – Attempted
17 Murder with use of Deadly Weapon and Count 14 – Discharging Firearm at or into Occupied
18 Structure. After defense counsel submitted to the Court on all but two (2) counts of Attempted
19 Murder, the Court heard argument from the state and dismissed all fourteen (14) remaining
20 counts against the Defendant. The State now files the instant motion to file an Information by
21 Affidavit.

22 STATEMENT OF FACTS

23 **a. Testimony at the Preliminary Hearing.**

24 On July 1st, 2018, Brenton Martinez was with his brother Bryson Martinez at Brandi
25 Coleman's residence located at 2883 Wheelwright Drive. See Preliminary Hearing Transcript
26 "PHT" page 6, lines 7 -10. Brandi Coleman is Bryson's ex-girlfriend. PHT, page 27 lines 21-
27 25. Brandi had a four year old daughter named Sanyleh Bolen who was also present at the
28 residence that day. PHT page 28, lines 10-14.

1 Brenton testified that he was outside of the house on the porch when a male approached
2 the house. PHT page 7, lines 12-15. While Brenton and Bryson were outside, Brenton got in
3 a verbal dispute with that male. Brenton stated, that a gun was pulled, that multiple shots were
4 fired, and that he was shot in his side. PHT page 7-8, lines 23-25 & lines 1 -10. When asked
5 if the person who shot him was in court that day, Brenton stated that he wasn't sure. PHT page
6 7, lines 16-22. The State confronted Brenton with a previous out of court identification that
7 he made to a police officer shortly after the shooting. PHT page 11, lines 7-14. When asked if
8 Brenton remembered being shown a picture, Brenton stated that he could have been shown a
9 picture, but doesn't remember because he was being treated with pain medication for his
10 wounds after the shooting. Id.

11 Ultimately Brenton did not make an in-court identification of Defendant Jason Bolen
12 as the shooter. As such, the State then called to the stand the metro officer that Brenton
13 identified the shooter too right after the shooting, Officer Jegge.

14 Officer Jegge testified that he interacted with Brenton right after the shooting. PHT
15 page 20, lines 21-25. Officer Jegge testified that he presented a photo to Brenton and asked
16 Brenton if this was the person who shot him and fired those additional shots into the apartment
17 on that day. PHT page 21, lines 9-16. Officer Jegge testified that Brenton identified the man
18 in the picture as the shooter. PHT page 22, lines 5 -8. That exact picture was authenticated by
19 Officer Jegge and introduced into evidence as State's exhibit one. PHT page 21, lines 20-25.

20 After the State finished its line of questioning to Officer Jegge, Defense counsel cross
21 examined Officer Jegge as to the coherency of Brenton's faculties during the identification.
22 PHT page 24, lines 13-15. Officer Jegge affirmed that Brenton was coherent while making
23 the identification and that his recollection was not substantially impaired because of the
24 medical treatment Brenton was receiving. Id. Additionally, Judge Sullivan herself asked
25 further questions as to the coherency of Brenton during the identification. PHT page 25, lines
26 14 -24. Every question concerning Brenton's awareness and cognitive ability were answered
27 by Office Jegge confirming that Brenton had his sense about him and that he was able to make
28 a solid identification. Id.

1 For its third witness, the State called Bryson Martinez. Bryson is the listed victim in
2 Count 2- Attempted Murder, and was in custody on unrelated charges. Bryson testified that he
3 was inside the apartment the entire time and that he never saw the person who fired the
4 multiple shots and who shot his brother. PHT page 36, lines 12-15. Bryson testified that his
5 brother Brenton, Bryson's girlfriend Brandi Coleman, and Brandi's daughter Sanyleh was
6 present at the house during the shooting. PHT page 28. Bryson testified that he was inside the
7 apartment multiple bullets penetrated the window leading to the living room. PHT page 21,
8 lines 21-23. Bryson also testified that he dropped to the floor to avoid the bullets and that he
9 saw. Brandi Coleman drop to the floor as well. PHT page 29, lines 1 -9. Bryson further testified
10 that he had to grab the four (4) year old Sanyleh and push her to the ground to avoid the bullet
11 paths. Id. at line 20.

12 Although Bryson denied seeing the shooter, Bryson gave a taped statement in which
13 he describes physical characteristics of the shooter. The State confronted Bryson with the
14 transcription of his taped statement and specifically confronted Bryson about the descriptors
15 he used to describe the shooter. PHT page 33, lines 1-18. While denying other aspects of the
16 description, Bryson admitted to giving a description as to the shooters hair type. PHT page 34,
17 lines 8-15. After confirming he gave those descriptors, Bryson then claimed that he lied about
18 the entire description he gave because he felt that he was coerced by police to give a
19 description in order to see his brother. PHT page 33, lines 1-18. Bryson also claimed that he
20 was smoking marijuana and drinking before the entire incident. The State then called Detective
21 Krmpotich to impeach Bryson about his statements describing the shooter.

22 Detective Krmpotich was the last witness to take the stand for the state. After testifying
23 to the bullet impacts into the apartment and the physical evidence of the shooting, Detective
24 Krmpotich was shown that same picture of the person that Officer Jegge showed Brenton to
25 identify the shooter. PHT page 46, lines 16-25. Detective Krmpotich testified that he has seen
26 the man in the picture personally, that the descriptors given by Bryson matched the man in the
27 picture, and that the man in the picture is Defendant Jason Bolen. Id. More importantly, when
28 asked if Jason Bolen was in the courtroom that day, Detective Krmpotich unequivocally stated

1 yes. Id. At that point, Defendant Jason Bolen was identified in court as the man who pulled
2 the trigger that day.

3 **b. Argument and the Court's Reasoning and Ruling.**

4 After the State finished its line of questioning to Detective Krmpotich defense counsel cross
5 examined Detective Krmpotich as to the coherency of Bryson's faculties during the taped
6 interview. Like Officer Jegge did for Brenton, Detective Krmpotich confirmed that Bryson
7 was coherent while describing the events that took place. For a second time, Judge Sullivan
8 herself asked further questions as to the coherency of Bryson during the interview. And again,
9 every question concerning Bryson's awareness and cognitive ability were answered by
10 Detective Krmpotich confirming that Bryson had his senses about him and that he was able
11 to accurately describe the events that took place. PHT page 60, lines 14-18.

12 Detective Krmpotich's testimony concluded the states presentation of testimonial
13 evidence. The state presented two judgment of convictions to support the possession of
14 prohibited person charge, struck Count 4- Attempted Murder naming victim Shakesha Geter
15 and Count 14 – Discharging at or into Occupied Structure, and rested its case.¹

16 At the conclusion of the preliminary hearing, defense counsel submitted to the Court
17 on all but two (2) counts of Attempted Murder. Defense argued that no evidence showed that
18 Defendant attempted to kill Brandi Coleman or her four year old daughter Sanyleh Bolen.

19 In response to Defense counsel's arguments, the Court shifted the focus from the
20 specific attempted murder counts to the issue of the lack of an in-court identification of the
21 Defendant.

22 During argument, the Court questioned whether or not the Court should believe the
23 witnesses as they testified in court, or as they reported the information to the police on the day
24 of the shooting. The Court found discrepancies between Brenton and Bryson's testimony in
25 court and found that that each witness's testimony was not a reliable presentation of the facts

27 ¹ The state chose to strike Count 3- Attempted Murder naming Shakiesha Geter because no witness testified to her
28 presence during the incident. The state chose to strike Count 14- Discharging Firearm at or Into Occupied structure
because the testimony at prelim only accounted for seven (7) bullet impacts into the apartment alleged in the complaint.
Count 14 was the eighth Discharging count.

1 in the case. Moreover, the Court specifically asked the State if the State believed that the
2 witnesses were lying on stand.

3 The State refused to concede that the witnesses were lying. The State argued that the
4 victims were being evasive as to their in-court identification because the victims were scared.
5 The State argued that the State correctly and sufficiently impeached the witnesses as to their
6 identification of the Defendant as the shooter and argued that enough evidence was presented
7 to show that a crime was committed and that the Defendant, Jason Bolen, committed the crime.

8 Nonetheless, the Court dismissed the entire case against the defendant. The Court held
9 that both victim's recollection of the events at the time they reported them were unreliable due
10 to the victims being under the influence of pain medicine and/or illicit drugs. Furthermore, the
11 Court held that the victim's in court testimony was unreliable because the victim's had to be
12 impeached to identify the defendant.

13 LEGAL ARGUMENT

14 If upon the preliminary examination the accused has been discharged, the District
15 Attorney may file an information upon affidavit of any person who had knowledge of the
16 commission of an offense, setting forth the offense and the name of the person charged with
17 the commission of the crime. NRS 173.035. The District Attorney may only file an
18 Information in this manner upon leave of the Court. NRS 73.035(2). Filing of an Information
19 by affidavit after dismissal at the preliminary hearing should only be granted where the State
20 files within fifteen (15) days and where the magistrate committed egregious error in not
21 holding the Defendant to answer after the preliminary hearing. Caprin v. State, 111 Nev. 534,
22 894 P.2d 347 (1995). The purpose of NRS 173.035 is to safeguard against egregious error by
23 the magistrate in determining probable cause. Cranford v. Smart, 92 Nev. 89, 545 P.2d 1162
24 (1976); Feole v. State, 113 Nev. 628, 631, 939 P.2d 1061 (1997). In cases where the Defendant
25 has been bound over to appear after preliminary hearing, no affidavit need be filed. NRS
26 173.035(2).

27 Here, the magistrate committed egregious error in not holding the Defendant to answer
28 after the preliminary hearing because the State introduced slight or marginal evidence that

1 Defendant committed the crimes and the court improperly considered the credibility of the
2 witnesses as a basis for dismissal.

3 The sole function of a preliminary hearing is to determine whether all of the evidence
4 established probable cause to believe that an offense has been committed and the defendant
5 committed it. Sheriff v. Hodes, 96 Nev. 184 (1980).

6 The sole function of a preliminary hearing is to determine whether all of the evidence
7 established probable cause to believe that an offense has been committed and the defendant
8 committed it. Sheriff v. Hodes, 96 Nev. 184 (1980). The burden of the State at preliminary
9 hearing is to establish facts which would lead to a reasonable inference of guilt. While the
10 inference drawn need not be a necessary inference, it still remains that the inference must be
11 reasonable, not unreasonable or so remote as to be unwarranted. State v. Von Brincken, 86
12 Nev. 769 (1970).

13 In determining whether the quantum of proof adduced at the hearing was sufficient to
14 create such an inference, the Nevada Supreme Court has stated, "The finding of probable cause
15 may be based on slight even 'marginal' evidence." Sheriff v. Badillo, 95 Nev. 593 (1979);
16 Perkins v. Sheriff, 92 Nev. 180 (1976). This is the standard because the determination of the
17 existence of probable cause does not involve a determination of the guilt or innocence of an
18 accused. See Kinsey v. Sheriff, 87 Nev. 361 (1971); Hodes, 96 Nev. at 186. The Court need
19 not consider whether the evidence presented in the record may, by itself, sustain a conviction,
20 since the State at a preliminary hearing need not produce the quantum of proof required to
21 establish guilt of the accused beyond a reasonable doubt. Sheriff v. Hodes, *supra*; Miller v.
22 Sheriff, 95 Nev. 255 (1979); McDonald v. Sheriff, 89 Nev. 326 (1973); Kinsey v. Sheriff, 87
23 Nev. 361 (1971).

24 Essentially, the degree of proof at a preliminary hearing need not be as great as at trial.
25 Lamb v. Cree, 86 Nev. 179, 182, 466 P.2d 660 (1970). This means that many issues at trial,
26 such as the ultimate question of credibility of witnesses must be left to the trier of fact and not
27 the magistrate. Wrenn v. Sheriff, 87 Nev. 85, 482 P.2d (1971).

1 In determining whether the quantum of proof adduced at the hearing was sufficient to
2 create such an inference, the Nevada Supreme Court has stated, "The finding of probable cause
3 may be based on slight even 'marginal' evidence." Sheriff v. Badillo, 95 Nev. 593 (1979);
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6 accused. See Kinsey v. Sheriff, 87 Nev. 361 (1971); Hodes, 96 Nev. at 186. The Court need
7 not consider whether the evidence presented in the record may, by itself, sustain a conviction,
8 since the State at a preliminary hearing need not produce the quantum of proof required to
9 establish guilt of the accused beyond a reasonable doubt. Sheriff v. Hodes, *supra*; Miller v.
10 Sheriff, 95 Nev. 255 (1979); McDonald v. Sheriff, 89 Nev. 326 (1973); Kinsey v. Sheriff, 87
11 Nev. 361 (1971).

12 Here, there was sufficiency legal evidence presented at the preliminary hearing to show
13 that Defendant Jason Bolen was identified as the shooter that day. Under Crowley v. State,
14 120 Nev. 30, 35 (2004), when a trial witness fails, for whatever reason to remember a previous
15 statement made by that witness, the failure of recollection constitutes a denial of the prior
16 inconsistent statement pursuant to NRS 51.035(2)(a). As such, the previous state is not hearsay
17 and may be admitted both substantively and for impeachment. Id.

18 The State asked Brenton Martinez,

19 Q: "Where you spoken to by officers at the hospital?"

20 A: "Yes."

21 Q: "Were you shown a picture of somebody?"

22 A: "I can't recall. I probably was. I was under some drugs."

23 After being confronted with the photograph, Brenton Martinez was asked,

24 Q: "Is this the photo that you were shown?"

25 A: "I'm not sure. Could have been."

26 Q: And is the person in this photo someone that you pointed out as the shooter?"

27 A: "I'm not sure I don't remember"
28

1 After the witness again failed to remember being shown a picture and failed to remember that
2 he identified the person he believed to be the shooter in that picture, the state then exact procedure and
3 admitted Brenton's prior inconsistent statement through Officer Jegge's testimony.

4 Officer Jegge was asked,

5 STATE: "Were you able to secure a photo of someone or of a suspect you believed to be
6 involved in that shooting?"

7 OFFICER JEGGE: "Yes."

8 STATE: "And at some point did you present that singular phot to Mr. Martinez?"

9 OFFICER JEGGE: "Yes."

10 STATE: "When you showed this to the victim was the victim able to positively ID this person
11 as someone who was the shooter."

12 OFFICER: "Yes."

13 See PHT, page 20, lines 24-25, page 21, lines 3 -5, page 22, lines 5-8.

14 After successfully and properly impeaching Brenton Martinez's testimony with extrinsic
15 evide4nce of his inconsistent statement, the Court specifically inquired into Officer Jegge's
16 perceptions of the Brenton's lucidity during the identification.

17 The Court asked,

18 THE COURT: "When you spoke to the victim in the hospital, I know Mr. Nadig was asking
19 about him being under the influence or not, but did he appear to be coherent to you?"

20 OFFICER JEGGE: "Yes"

21 THE COURT: "Did he appear to be lucid to you?"

22 OFFICER JEGGE: "Yes."

23 See PHT, page 25, lines 18-24.

24 This substantive evidence of Brenton's inconsistent statements was admitted properly
25 into evidence as to the identification of Defendant as the shooter. Moreover, that same
26 photograph was shown to Detective Krympotich, and the Defendant was identified as the man
27 in the photograph and as the man who was sitting in court that day.

28 STATE: "What is this person's name in the photo?"

1 DETECTIVE K.: "Jason Bolen."

2 STATE: "And do you see Jason Bolen here in the courtroom today?"

3 DETECTIVE K.: "Yes."

4 STATE: "Can you please point to that person and identify for the record?"

5 DETECTIVE K.: "Sure. He's sitting in the defendant table with the dark blue shirt on>

6 STATE: "The record reflect the identification of the defendant Mr. Bolen."

7 THE COURT: "Yes."

8 See PHT, page 47, lines 4-15.

9
10 Regardless of whether or not the evidence of the Defendant's identification was
11 introduced through impeachment testimony by both officers, at this point, the State presented
12 evidence of a shooting, and presented evidence that the Defendant, Jason Bolen, was the man
13 identified by Brenton Martinez as the shooter that day. However, in the Courts reasoning after
14 argument, the Court stated:

15 "I understand slight or marginal evidence, but at some point there
16 got to be some credible evidence that this gentlemen is the one that
17 shot the gun. And I'm struggling with the credible evidence,
because frankly it's not very credible on the day it went down and
it's not credible today because he's saying, I can't say that that's
the guy who shot me."

18 The Court went on to reason, right before dismissal,

19 "It may very well have been, but I just – I cant frankly make heads or tails out of their
20 testimony, whether it be on the day of the incident or today. Are they being evasive? Probably.
21 But could they still – was it a great possibility that they were still stoned, high, and under the
22 influence? The one guy was under influence of pain medication. He's the only one that ID'd
23 him, so he's not even credible on that day. So we can chalk it up to they are not credible today
24 or we can chalk it up to they weren't credible on the day of the shooting. So the case is
25 dismissed.

26 It is abundantly clear that the Court, heavily and singularly relied on the credibility of
27 the victim and lay witness in terms of their testimony in court and in terms of their statements
28

1 to police on the day of the shooting. Case law has firmly established that credibility issues are
2 not to be weighed at the preliminary hearing, but rather, for a fact finding jury at trial. The
3 State is not required to establish, bolster or rebut any negative issues as to the witness's
4 credibility at the preliminary hearing state because the preliminary hearing is only used to
5 determine probable cause. Here, the State absolutely introduced enough evidence to establish
6 by a slight or marginal basis that a shooting occurred and that Defendant Jason Bolen was the
7 identified shooter.

8 The Court's reliance on the witness's credibility was improper, and the Court's holding
9 that the State failed to introduce any credible evidence is entirely misguided. The State
10 established probable cause for the Defendant to be held to answer on the charges in the
11 amended criminal complaint and respectfully requests the Court to grant the instant motion.

12 **CONCLUSION**

13 Judge Sullivan committed egregious error by misapplying the law and improperly
14 relying on the credibility of the witness to dismiss the entire case. Accordingly, the State
15 requests leave to file an Amended Information to include all the charges alleged in the
16 amended criminal complaint attached as Exhibit 2.

17 DATED this 5th day of September, 2018.

18 STEVEN B. WOLFSON
19 Clark County District Attorney
Nevada Bar #001565

20 BY 

21 JORY SCARBOROUGH
22 Deputy District Attorney
23 Nevada Bar #14265

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CERTIFICATE OF ELECTRONIC MAIL

I hereby certify that service of Notice of Motion and Motion for Leave to Amend Information
by Affidavit was made this 5th day of September, 2018, by e-mail to:

BEN NADIG, ESQ.,
E-Mail: ben@lasvegasdefenselawfirm.com

BY: 
J. ROBERTSON
Secretary for the District Attorney's Office

JC/jr/L-1

EXHIBIT “1”

COPY

IN THE JUSTICE COURT OF LAS VEGAS TOWNSHIP
COUNTY OF CLARK, STATE OF NEVADA

STATE OF NEVADA,

Plaintiff,

vs.

Case No. 18F12217X

JASON J. BOLDEN,

Defendant.

REPORTER'S TRANSCRIPT
OF
PRELIMINARY HEARING

BEFORE THE HONORABLE DIANA L. SULLIVAN
JUSTICE OF THE PEACE

TAKEN ON WEDNESDAY, AUGUST 22, 2018
AT 9:30 A.M.

APPEARANCES:

For the State: JORY SCARBOROUGH
Deputy District Attorney

For the Defendant: BENJAMIN J. NADIG

Reported by: Gerri De Luca, C.C.R. #82
Official Court Reporter

EXHIBITSADMITTED

State's Exhibit 1:

22

State's Exhibits 2 and 3:

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LAS VEGAS, NEVADA, WEDNESDAY, AUGUST 22, 2018

* * * * *

THE COURT: Jason Bolden, 18F12217.

Today is the date and time set for
the preliminary hearing.

Is this going forward?

MR. NADIG: It is, your Honor.

THE COURT: How many witnesses is the
State going to have?

MR. SCARBOROUGH: Potentially --

MR. NADIG: At least three.

MR. SCARBOROUGH: Yes, thank you.

THE COURT: Mr. Scarborough, you can call
your first witness.

MR. SCARBOROUGH: State calls Brenton
Martinez.

MR. NADIG: And, your Honor, just for the
record, I would invoke the exclusionary rule.

THE COURT: If you're not Brenton
Martinez and you're scheduled to -- subpoenaed to
testify in this preliminary hearing either for the
State or the defense, please step outside until my
marshal calls your name.

THE CLERK: Please have a seat.

9
1 witness using his right hand pointed to the back
2 right side, I would say upper rib cage.

3 Fair to say?

4 MR. NADIG: I have no objection for the
5 record.

6 THE COURT: Okay.

7 BY MR. SCARBOROUGH:

8 Q. And what happened after you were shot?

9 A. I went in the house and told my brother
10 to call an ambulance.

11 Q. When you said you had went into the
12 house, did other people go into the house with you?

13 A. Just my brother went in before me and I
14 went in after him.

15 Q. When the subject started shooting were
16 you outside of the house or inside of the house?

17 A. Outside.

18 Q. How many people were outside of the house
19 with you when the subject started shooting?

20 A. Two.

21 Q. How many shots do you recall being fired?

22 A. I can't remember. Maybe about two.

23 Q. Safe to say more than one?

24 A. Right.

25 Q. When you went into the house what

11
1 THE COURT: Mm-hmm.

2 MR. SCARBOROUGH: -- as State's Proposed

3 1.

4 May I approach?

5 THE COURT: Yes.

6 BY MR. SCARBOROUGH:

7 Q. Showing the witness what's marked as
8 State's Proposed 1.

9 Is that the photo that you were
10 shown?

11 A. I'm not sure. Could have been.

12 Q. And is the person in this photo someone
13 that you pointed out as the shooter?

14 A. I'm not sure. I don't remember.

15 Q. Okay. So after you were shown this photo
16 what did you do next?

17 A. I guess I just laid in the bed. I
18 couldn't do nothing.

19 Q. Do you recall giving a taped interview to
20 detectives?

21 A. No.

22 Q. You don't recall being recorded and
23 relaying the facts of the events to detectives?

24 A. No.

25 Q. Just for reiteration who -- I'm sorry?

10
1 happened next?

2 A. I just laid on the floor and told my
3 brother to call an ambulance.

4 Q. And then what happened after that?

5 A. The police came. I crawled outside to
6 the police and they took me to the hospital.

7 Q. When you were taken to the hospital what
8 was the nature of your injuries.

9 A. Gunshot wound I guess through and
10 through, say grazed my liver so I had to sit there
11 for a minute.

12 Q. And you received treatment for your
13 wounds?

14 A. Mm-hmm. Yes.

15 Q. Were you spoken to by officers at the
16 hospital?

17 A. Yes.

18 Q. Were you shown a picture of somebody?

19 A. I can't recall. I probably was. I was
20 under some drugs.

21 Q. So at the hospital you are saying that
22 you probably were shown a picture of someone.

23 MR. SCARBOROUGH: Showing defense counsel
24 what's -- may I approach to mark this exhibit, your
25 Honor, I apologize --

11
1 A. It could have happened, but I don't
2 remember.

3 Q. So just for reiteration who was all there
4 that day?

5 A. The day of what?

6 Q. July 1, the day of the shooting.

7 A. Me, my brother, my brother girlfriend. I
8 think my brother girlfriend daughter and maybe her
9 cousin or something like that.

10 Q. So I want the names of those people.

11 You said your brother is Bryston?

12 A. Right, my brother is Bryston, his
13 girlfriend is Brandi, and I don't know no other
14 names. I don't know the kid or the cousin.

15 Q. The four year-old daughter you don't
16 know?

17 A. I don't know her name. I just met her.

18 Q. And so they were all present at the time
19 of the shooting?

20 THE COURT: Is that a yes?

21 THE WITNESS: Yes.

22 MR. SCARBOROUGH: Sorry, your Honor.

23 BY MR. SCARBOROUGH:

24 Q. They ran into the house with you?

25 A. No, they was already in the house.

1 wasn't all there?

2 A. Right, correct.

3 Q. And so you don't recall what exactly
4 happened on that day other than being shot?

5 A. Correct.

6 Q. Okay. The gentleman sitting at the table
7 next to me, ever seen him before?

8 A. No.

9 MR. NADIG: Nothing further.

10 THE COURT: Redirect.

11 MR. SCARBOROUGH: Yes.

12 REDIRECT EXAMINATION

13 BY MR. SCARBOROUGH:

14 Q. So you're saying that day it's your
15 testimony on July 1 that at the hospital you were not
16 shown a picture by an officer it's your testimony
17 today?

18 MR. NADIG: And I'm going to object to
19 that.

20 THE WITNESS: No, I'm not saying --

21 THE COURT: Hold on.

22 MR. NADIG: That misstates the testimony.
23 What he said is he couldn't recall, he could have
24 been I believe was the direct statement.
25

1 please.

2 THE WITNESS: Alexander Jegg,

3 A-l-e-x-a-n-d-e-r, J-e-g-g.

4 THE COURT: Thank you.

5 You can proceed.

6 A L E X A N D E R J E G G, having been first duly
7 sworn to testify to the truth, the whole truth, and
8 nothing but the truth, testified as follows:

9 DIRECT EXAMINATION

10 BY MR. SCARBOROUGH:

11 Q. What do you do for a living?

12 A. Police officer for the Las Vegas
13 Metropolitan Police Department.

14 Q. How long have you been so employed?

15 A. One year four months.

16 Q. I want to direct your attention to
17 July 1, 2018. Were you on duty that day?

18 A. Yes.

19 Q. Were you called to respond to an incident
20 that brings you to court today?

21 A. Yes.

22 Q. And what was the nature of that?
23
24
25

1 THE COURT: Sustained.

2 MR. SCARBOROUGH: Brief indulgence.

3 BY MR. SCARBOROUGH:

4 Q. So it's also your testimony today that
5 you don't recall giving a taped statement of the
6 events?

7 A. I don't recall. It could have happened,
8 but I don't recall it.

9 MR. SCARBOROUGH: Court's brief
10 indulgence, your Honor.

11 THE COURT: Mm-hmm.

12 MR. SCARBOROUGH: At this point we're
13 going to pass the witness.

14 THE COURT: Any recross on him?

15 MR. NADIG: No, your Honor.

16 THE COURT: All right. Thank you very
17 much, sir. Appreciate your time today, Mr. Martinez.

18 (Witness excused)

19 Next witness.

20 MR. SCARBOROUGH: Officer Jegg.

21 THE CLERK: Please have a seat.

22 State your first and last name for
23 the record and then spell your first and last name,
24
25

1 A. It was a shooting call. I was one of the
2 responders.

3 Q. What did you do when you responded to the
4 scene?

5 A. I accompanied the victim to the hospital.

6 Q. And who is -- what's the victim's name?

7 A. It is Brenton Martinez.

8 Q. When you accompanied the victim to the
9 hospital did you speak with the victim?

10 A. Yes.

11 THE COURT: Hold on.

12 (Discussion off the record.)

13 Okay, you can proceed.

14 Did you say Brenton Martinez,
15 that's who you accompanied?

16 THE WITNESS: Yes.

17 THE COURT: Thank you.

18 BY MR. SCARBOROUGH:

19 Q. And I had asked, you had communicated
20 with Brenton Martinez, correct?

21 A. Yes.

22 Q. At some point were you able to secure a
23 photo of someone or of a suspect believed to be
24
25

25
1 it's Metro's policy to provide a six-pack of an
2 individual; is that a fair statement?

3 A. Correct.

4 Q. But on this day you provided one photo,
5 correct?

6 A. Yes.

7 Q. And that was the photo that was admitted
8 into evidence?

9 A. Yes.

10 Q. And you were directed to show this to
11 Mr. Martinez?

12 A. Yes.

13 MR. NADIG: Nothing further, your Honor.

14 THE COURT: I have a couple questions.

15
16 EXAMINATION

17 BY THE COURT:

18 Q. When you spoke with the victim in the
19 hospital, I know Mr. Nadig was asking about him being
20 under the influence or not, but did he appear to be
21 coherent to you?

22 A. Yes.

23 Q. Did he appear to be lucid to you?

24 A. Yes.

25 THE COURT: Redirect.

27
1 THE COURT: Thank you so much.

2 MR. SCARBOROUGH: May I proceed?

3 THE COURT: Yes.

4 MR. SCARBOROUGH: Thank you, your Honor.

5
6
7 B R Y S T O N M A R T I N E Z, having been first
8 duly sworn to testify to the truth, the whole truth,
9 and nothing but the truth, testified as follows:

10
11 DIRECT EXAMINATION

12 BY MR. SCARBOROUGH:

13 Q. So safe to say you are currently in
14 custody at CCDC, correct?

15 A. Yes, sir.

16 Q. And you are in custody right now on
17 unrelated charges to this event, correct?

18 A. Yes, sir.

19 Q. I want to direct your attention to
20 July 1, 2018. Where were you that day?

21 A. At my ex-girlfriend's house.

22 Q. And who is your ex-girlfriend?

23 A. Brandi.

24 Q. Brandi what?

25 A. Coleman.

26
1 MR. SCARBOROUGH: None at this time, your
2 Honor.

3 THE COURT: Any recross based upon my
4 questions?

5 MR. NADIG: No, your Honor.

6 THE COURT: Thank you very much, sir.
7 Appreciate your time today.

8
9 (Witness excused)

10
11 Next witness.

12 MR. SCARBOROUGH: State calls a person in
13 custody, Bryston Martinez.

14 THE CLERK: Please have a seat.

15 State your first and last name for
16 the record and then spell your first and last name,
17 please.

18 THE WITNESS: Bryston Martinez,
19 B-r-y-s-t-o-n, M-a-r-t-i-n-e-z.

20 THE COURT: Thank you. You can have a
21 seat.

22 Speak clearly and into the
23 microphone because everything we're saying is being
24 taken down by our court reporter.

25 THE WITNESS: Yes, ma'am.

28
1 Q. And on that day when you were with Brandi
2 was there anyone else at the home?

3 A. My brother, her daughter. I think her
4 cousin. I don't know her cousin's name.

5 Q. So your brother. What's your brother's
6 name?

7 A. Brenton.

8 Q. Brenton what?

9 A. Martinez.

10 Q. What is -- you mentioned her daughter.
11 Who's her?

12 A. Samylah.

13 Q. Samylah is the daughter?

14 A. Yes.

15 Q. And that would be whose daughter?

16 A. Brandi's.

17 Q. So on that day did you eventually -- did
18 something happen to bring you into court today?

19 A. My brother got shot.

20 Q. And your brother being?

21 A. Brenton.

22 Q. How do you know your brother got shot?

23 A. He walked in the house holding his
24 stomach.

25 Q. Can you describe the events leading up to

33
1 taped -- or a transcribed or taped statement to
2 detectives on this incident?

3 A. Yeah, I did, but I told you I told them
4 anything to get to my brother. They made me give a
5 statement.

6 Q. What do you mean by they made you give a
7 statement?

8 A. They would not let me leave to go see my
9 brother unless I gave some type of statement.

10 Q. And so now in that statement do you
11 recall giving descriptors of the person that you
12 believe was the shooter?

13 A. What do you mean by that?

14 Q. Do you recall giving the detective
15 physical descriptors of the person that you believe
16 is the shooter?

17 A. Yeah, something I made up at the time;
18 yeah, I did.

19 Q. You made up the description is your
20 testimony?

21 A. Yes, sir.

22 Q. Did you ever tell detectives that at the
23 time?

24 A. No.

25 Q. That you were making it up?

35
1 that at the time after you were giving a thorough
2 description of this person?

3 MR. NADIG: I'm going to object to the
4 use of the word thorough.

5 MR. SCARBOROUGH: Withdrawn. Understand.

6 THE WITNESS: No.

7 MR. SCARBOROUGH: Brief indulgence.

8 Nothing further.

9 THE COURT: Cross-examination.

10 MR. NADIG: Thank you, your Honor.

11 CROSS-EXAMINATION

12 BY MR. NADIG:

13 Q. So, Bryston, you had been drinking and
14 smoking with your brother that day?

15 A. Yeah, since 6:00 in the morning.

16 Q. Now, and it was roughly 8 or 9 in the
17 morning when this happened?

18 A. I believe so. I can't tell you exact
19 time.

20 Q. Now, just to be specific, when you say
21 smoking, I'm going to assume you mean smoking
22 marijuana; is that a fair statement?

23 A. Yes, sir.

24 Q. So you were both drunk and high at that
25

34
1 A. No. Just like I gave them a fake name at
2 the time too because I know I had warrants and I
3 didn't feel like coming to jail which I'm here now
4 anyways.

5 Q. So do you recall giving a height
6 description?

7 A. No, not really.

8 Q. Do you recall giving a description as in
9 terms of hairstyle?

10 A. Yeah.

11 Q. You do?

12 A. Yeah.

13 Q. And what was that?

14 A. Medium braids, like small braids. That
15 can be anybody in the world.

16 Q. Okay. Do you recall giving the
17 description of the person's race?

18 A. No.

19 Q. What about clothing?

20 A. Something I made up again.

21 Q. And so again it's your testimony today
22 that the description that you gave to detectives was
23 entirely made up?

24 A. Yes, sir.

25 Q. And one more time, do you recall saying

36
1 time?

2 A. Yes, sir.

3 Q. And it's your testimony today that when
4 your brother was shot you believe you were walking
5 out of the bathroom?

6 A. Yes.

7 Q. And when you walked out of the bathroom
8 you didn't count the shots, but you believe it was
9 two or three; is that a fair statement?

10 Okay. So more than one, less than
11 five?

12 A. Yes.

13 Q. And the gentleman sitting next to me,
14 have you ever seen him before?

15 A. No.

16 Q. And when you -- when your brother was
17 shot you gave the police a fake name?

18 A. Yes, sir.

19 Q. And the reason you gave them a fake name
20 is because you had warrants?

21 A. Yes, sir.

22 Q. And the police said they wouldn't even
23 let you see your brother until you gave a statement?

24 A. Yes, sir.

25 Q. And it's your statement here today that

41
1 of the -- it's a two-story. There's a breezeway in
2 the middle of four sets of apartments, two on each
3 side. So when we walked in there I could walk
4 towards the breezeway down the sidewalk. There's a
5 breezeway there and then the bottom apartment is
6 where the shooting had taken place, but it started
7 over towards the breezeway and came across to the
8 apartment.

9 Q. And migrated towards the apartment?

10 A. Yes, sir.

11 Q. Do you recall the locations roughly of
12 the bullet holes in the apartment?

13 A. Yes. There was -- in the breezeway there
14 was a stairwell that goes up. I think there were two
15 on the apartment here that kind of hit the wall of
16 the apartment. Then one that might have come close
17 to the door. And then it was on the apartment A,
18 which was almost kind of like as if someone was
19 tracing someone or following someone.

20 Q. With your fingers you're kind of making a
21 direct line?

22 A. Yeah, it was more like kind of up and
23 down, but it was kind of a spray to the left.

24 Q. And what -- do you recall what surface of
25 the house those bullet holes were in?

42
1 A. The window and in stucco, like a stucco,
2 the outside, it went through the outside.

3 Is that what you're asking me?

4 Q. Exactly.

5 Do you recall how many bullet
6 holes were in the window?

7 A. I do not.

8 Q. Now, as you saw the apartment that day
9 looking at the window where in the house is that
10 window overlooking?

11 A. It overlooks a small dining area and
12 kitchen area.

13 Q. Now, as you remember the layout of the
14 home, safe to say if someone goes through the front
15 door, are they in the path of that window?

16 A. Yes.

17 Q. Now, moving on from the scene, the bullet
18 holes, you also continued your investigation,
19 correct?

20 A. Yes, sir.

21 Q. Were you charged or tasked with taking
22 statements from some people involved in the
23 investigation?

24 A. Yes, sir.

25 Q. Do you recall taking a statement from a

43
1 person named Bryston Martinez?

2 A. Yes.

3 Q. In that statement did you ask about the
4 potential shooter?

5 A. Yes.

6 Q. And in that statement did you ask for a
7 description?

8 A. Yes.

9 Q. And did Bryston Martinez end up giving
10 you a description of who he believed to be the
11 shooter?

12 A. Yes.

13 Q. At any point during that statement --

14 MR. NADIG: And, your Honor, I'm going to
15 object to this as for foundational purposes.
16 Specifically when was the interview given.

17 THE COURT: Okay, that's fair.

18 MR. SCARBOROUGH: That's fair.

19 THE COURT: Sustained.

20 MR. SCARBOROUGH: Sorry, your Honor.

21 BY MR. SCARBOROUGH:

22 Q. So do you recall when you took this
23 interview?

24 A. It was that day of the shooting out on
25 the scene.

44
1 Q. And that day meaning July 1, 2018?

2 A. Yes, sir.

3 Q. You said it was on scene?

4 A. Yes, sir.

5 Q. Now, when you spoke to Mr. Martinez, we
6 had just covered what you ended up talking about,
7 correct?

8 A. Yes.

9 Q. Is it true that Mr. Bryston Martinez
10 actually gave you a false name?

11 A. Yes, he did.

12 Q. And at any point did he tell you while he
13 was giving the statements that he was completely
14 lying about the description that he was giving you?

15 A. No, sir.

16 Q. At any point did you coerce him into
17 giving you a statement by saying that you're not
18 allowed to see your brother until you give me some
19 form of statement?

20 A. No, sir.

21 MR. SCARBOROUGH: Brief indulgence.

22 BY MR. SCARBOROUGH:

23 Q. Did he ever give his real name to you?

24 A. He did not give it to me, no.

25 Q. But you ended up subsequently finding out

49
1 A. The breezeway is where the victim and the
2 victim's brother were sitting, smoking.

3 Q. But that was outside, correct?

4 A. Outside; yes, sir. It is -- well, yeah,
5 it's part of the structure, but not part of the
6 apartment.

7 Q. It was not part of the apartment where
8 people were present?

9 A. Yes, sir.

10 Q. Sorry, that's my fault.

11 And so the other -- you said how
12 many bullets were in the window, if you recall?

13 A. I do not recall how many bullets were in
14 the window, sir.

15 Q. So you don't recall how many, and there
16 was one kind of by the doorframe, if you recall?

17 A. It was on the other apartment, so A, the
18 one that was on the bottom floor to the right if
19 you're facing the apartment. There was a bullet hole
20 I found in the stucco there and then one that was
21 closer to the door area.

22 Q. So there were four bullets that were not
23 directed at the actual apartment where -- that was
24 the subject of the investigation; that's your
25 statement?

50
1 A. No. Well, the two bullets where -- in
2 the area of where my victim got shot, where he was
3 standing in that direction. So if he was standing
4 there and he fired as he took off running there's the
5 rounds going like that I guess is how --

6 Q. And I understand what you're saying, but
7 I'm saying as to the actual apartment where the
8 ladies were and where the gentlemen eventually ended
9 up, there were three bullet holes in that area, in
10 the window and such, but there were four that were
11 not directed at that apartment?

12 A. I don't know how many were exactly in the
13 apartment. I would say probably the five were in the
14 apartment because we had seven bullet holes, so two
15 were in the apartment to the right, the bottom stairs
16 apartment, and then the rest were into the apartment.

17 Q. I'm going to stay with this because I'm
18 still confused.

19 A. I'm getting confused too.

20 Q. There were two definitely in a separate
21 apartment; fair statement?

22 A. Yes.

23 Q. So that leaves about five left, correct?

24 A. Yes.

25 Q. One went into a person?

51
1 A. Yes.

2 Q. And so that one was not directed at the
3 apartment where they fled to; is that a fair
4 statement?

5 A. Yes.

6 Q. And then I believe another one was in the
7 breezeway; am I incorrect in that assumption?

8 A. There was breezeway on the apartment that
9 had the two bullet holes in it?

10 Q. Yes.

11 A. Yes.

12 Q. So that's four bullets, the one in the
13 individual, and then the three in the separate
14 apartment?

15 A. Right.

16 Q. So that's four, so that means at most
17 there were three directed towards the subject
18 apartment; is that a fair statement?

19 A. Yes. Three were one in the victim, two
20 in the other apartment.

21 Q. And then so -- but you don't know when
22 those bullets entered that apartment; you believe you
23 know, but you don't know for certain when those
24 bullets entered that apartment; is that a fair
25 statement?

52
1 A. It was during the shooting.

2 Q. That's fair enough.

3 And you know that at least one
4 went in the window?

5 A. At least one. I think I remember at
6 least seeing two in the window, but unless I look at
7 the pictures to be exact.

8 (Overlapping speakers)

9 I do a lot of these.

10 (Overlapping speakers)

11 Q. But and so describe where the window is
12 in terms of height; is this three feet off the
13 ground?

14 A. It is a -- it's a decent size window. I
15 couldn't tell you how far it was off the ground
16 exactly, but it seemed to be maybe a foot or two.
17 Well, maybe two or three feet off the ground. I'm
18 not -- to be exact I can't.

19 Q. And then were these shots -- and you said
20 it's a fairly big window, so like a 3-foot by 4-foot
21 window, something like that?

1 that went into the victim is included in one of these
2 seven holes?

3 A. There was a total, from reading the CSI
4 report, there was a total of 10 rounds, two live
5 rounds were there at the scene, and then there were
6 seven spent shell casings.

7 Q. Okay.

8 A. And I could explain how that happened if
9 you want to know that.

10 Q. Please do.

11 A. From doing the interviews that we learned
12 about he walked up and wanted to know who her new
13 nigga was.

14 THE COURT: Okay, that I don't --

15 MR. NADIG: And, your Honor, just for the
16 record, I do object to --

17 THE COURT: Yeah, no, no, I agree.

18 MR. NADIG: -- him testifying to the
19 knowledge of the CSA things.

20 THE WITNESS: Okay, that's fine.

21 BY THE COURT:

22 Q. Okay. Just tell me what you know about
23 the rounds and about the holes and . . .

24 A. Okay. So there were two rounds of spent
25 shell casings, and then there were seven other shell

1 casing is, and then another one that was just behind
2 there by the door from what I remember.

3 Q. So not towards the particular apartment?

4 A. No.

5 Q. So two were not towards the particular
6 apartment?

7 A. No.

8 Q. What about the other five?

9 A. The other ones were in the apartment
10 that -- where the people were running to.

11 Q. Whether it be in the window or in the
12 walls, you said as almost like a tracking pattern?

13 A. Yes.

14 Q. The stucco?

15 A. Yes.

16 Q. That's all -- wait. I do have another
17 question.

18 You said that you interviewed
19 Bryston, right?

20 A. Yes.

21 Q. How long after you got there did you
22 interview him?

23 A. I would have to go back and look at our
24 time that I did the interview and the time of my
25 arrival on our CAD.

1 casings that were there on the scene. Seven bullet
2 holes in the building.

3 Q. Now, let's break down those seven.

4 Two, it's my understanding from
5 your testimony, I'm not trying to put words in your
6 mouth --

7 A. No.

8 Q. -- two were in the breezeway, I'm
9 suspecting they're in some sort of wall; I mean what
10 were they -- what was the hole in? The breezeway to
11 me is an open area.

12 A. No, it's not an open area. I think what
13 it is, it's an entranceway. It's got a stairwell
14 that goes up, and from what I remember there's a wall
15 on the back of the breezeway. So it's an opening
16 that separates an apartment door here, an apartment
17 door here, the stairs to go upstairs to the second
18 apartment, if that makes sense.

19 Q. Okay.

20 A. And then --

21 Q. So where were those two that you were
22 referencing?

23 A. Those are -- if you're coming down the
24 stairs here, I think one was right here by the
25 stairs, like just in that area of where the stair

1 Q. Can you give me a fair estimate, like
2 under an hour or over five?

3 MR. NADIG: And, your Honor, just for the
4 record, he has the transcript, so he can refresh as
5 to when the interview was given.

6 MR. SCARBOROUGH: As to the time.

7 THE COURT: Well, it's not helpful unless
8 it says when he got there.

9 MR. SCARBOROUGH: Fair enough.

10 THE WITNESS: It was within an hour.

11 BY THE COURT:

12 Q. So it was within an hour?

13 A. Yeah.

14 Q. Did he seem impaired at all; drunk, high,
15 stoned, anything like that?

16 A. I did smell booze on his breath.

17 Q. Did he seem impaired?

18 A. No.

19 THE COURT: Redirect.

20 MR. SCARBOROUGH: Based on your
21 questioning; no, your Honor, we're fine.

22 THE COURT: Anything based on my
23 questions, Mr. Nadig?

24 MR. NADIG: There's one question I forgot
25 to ask.

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1 the two counts of attempt murder as to the female
2 individuals listed in Counts 3 and 5 should --

3 THE COURT: 3 and 5 and they dismissed 4.

4 MR. NADIG: Correct, they struck 4
5 themselves.

6 And beyond that, your Honor, I
7 will say that the identification is suspect, but I
8 believe under the slight or marginal standard it
9 probably has been met. So I'll submit with the
10 exception of 3 and 5 I believe should be stricken for
11 lack of evidence and I'll submit it.

12 THE COURT: Mr. Scarborough.

13 MR. SCARBOROUGH: Thank you for your
14 patience, your Honor. I just want to let you gather
15 your thoughts, so I will address, unless your Honor
16 has other concerns, I'm going to singularly address
17 what Mr. Nadig did not submit on, which is Count 3
18 and Count 5.

19 In terms of evidence of the
20 attempted murder for Brandi Coleman, we heard
21 testimony that she was present that day. We also
22 heard testimony that multiple shots were fired into
23 that building where both witnesses testified all the
24 parties ran into.

25 When I asked Detective Kmpotich

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1 through the window, seeing where they were at.

2 I would also note that Bryston's
3 testimony said that he heard shots and he also
4 testified that Brandi and Sanylah, who was four years
5 old at the time, was dragged to the ground. So I
6 would submit that with respect to just to Count 3 the
7 defendant did see and was aiming that firearm,
8 discharging multiple shots into an area where he
9 could blatantly see where the people are at, at a
10 level, critical mass level to attempt to take their
11 lives.

12 THE COURT: Wait. Can I ask about that?

13 MR. SCARBOROUGH: Absolutely.

14 THE COURT: Bryston testified that he was
15 not even outside, that he was coming out of the
16 bathroom when the shots rang out.

17 MR. SCARBOROUGH: Correct.

18 THE COURT: So --

19 MR. SCARBOROUGH: If I misphrased that, I
20 apologize, if I said he was outside before.

21 THE COURT: I don't know because their
22 testimony's all over the board, but you quoted
23 Bryston testimony about something about Brandi.

24 MR. SCARBOROUGH: Yes, that him and
25 Brandi were inside the house while the shots were

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1 about the window where the bullet holes were noted to
2 be tracing people, I asked from his recollection of
3 the apartment does the window look over or into the
4 living room where people could be inside after they
5 run through that front door. He definitively said
6 yes.

7 And, your Honor, I want to place
8 particular emphasis on just the amount of shots that
9 were shot through the window and the fact that
10 Detective Kmpotich also noted a following pattern.
11 That was the subject of a little bit of lengthy
12 testimony between defense counsel and the detective.

13 I would note and argue that
14 because it was in a window, knowing the surface is
15 easily penetrable, and I would argue that the
16 defendant while discharging those guns knew where he
17 was shooting at and saw the people go inside the
18 house.

19 Detective Kmpotich also testified
20 that -- I believe defense counsel made a clear record
21 of the pathway of the bullet about two to three feet
22 above the ground or around mid level, if I'm correct,
23 that's what Mr. Kmpotich said in terms of a pathway
24 of the bullets. So I would argue that the defendant
25 followed these people inside the apartment, shot

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1 going off.

2 THE COURT: Right. And he pulled Brandi
3 down or --

4 MR. NADIG: Sanylah.

5 MR. SCARBOROUGH: He pulled Sanylah down.

6 THE COURT: Sanylah, exactly.

7 MR. SCARBOROUGH: And then I asked him,
8 if you can recall, what was Brandi doing, what was
9 everyone else doing. He said Brandi hit the ground
10 as well.

11 THE COURT: Right, okay.

12 MR. SCARBOROUGH: So she was inside that
13 house, and based on the circumstances of the open
14 window, the multiple bullet holes in the window, it
15 indicates and through the testimony that there seemed
16 to be a following path. It indicates that the
17 defendant could clearly see inside the apartment, saw
18 the multiple people that were inside that apartment
19 at the time, and he kept discharging multiple rounds.

20 For attempt murder you look at all
21 the circumstances surrounding the attempt to take
22 someone's life. You look at the deadly weapon used,
23 the manner of its use. And in this case you see
24 multiple shots fired into the apartment building,
25 specifically multiple shots fired into the window

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1 that all in all given the nature of the case it's a
2 gang case, you heard him elicit that. You heard --

3 THE COURT: Who?

4 MR. SCARBOROUGH: You heard defense
5 counsel elicit that the detective was at one time a
6 gang detective.

7 THE COURT: Correct.

8 MR. SCARBOROUGH: Your Honor, I
9 personally think that I know that these are gang
10 involved people. I think that in terms of the ID, I
11 think they were trying to be evasive. I don't think
12 that they're lying about anything. I think he was
13 trying to be evasive as to the description.

14 THE COURT: This is what we have. We
15 have one person that ID'd this gentleman, according
16 to him, at the time he was in the hospital after
17 being shot, after being, according to his brother,
18 drunk and high, who identified the defendant on that
19 day, under those circumstances, under painkillers,
20 under weed, under alcohol, who identified him, who
21 today says, I don't remember doing that. I don't
22 remember this gentleman right here shooting me, and I
23 don't know who that person is.

24 That's what I'm struggling with.
25 I'll be honest. I mean submitting or not submitting,

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1 like they were able to coherently talk, communicate,
2 and ID somebody.

3 Now, in terms of suggestiveness of
4 IDs, that is a trial issue or a writ issue that I
5 would submit for your Honor to --

6 THE COURT: So I don't understand that
7 comment, but -- I lost my train of thought.

8 MR. SCARBOROUGH: We were on the subject
9 of IDs.

10 THE COURT: He ID'd him that day.
11 Brenton ID'd him in the photo.

12 MR. SCARBOROUGH: Yes.

13 THE COURT: And Brenton today doesn't
14 remember doing that. We can agree with that.

15 MR. SCARBOROUGH: I mean that was him
16 saying that, correct.

17 THE COURT: Right, but I just asked you
18 if you believed your witnesses were lying today and
19 you said no. Now you seem like you believe they're
20 lying today.

21 MR. SCARBOROUGH: No no no.

22 THE COURT: I'm trying to figure out when
23 to believe them. Do I believe them on the day of the
24 incident or do I believe them today. I don't know
25 when I'm supposed to believe them because frankly I

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1 I understand slight or marginal evidence, but at some
2 point there's got to be some credible evidence that
3 this gentleman is the one that shot the gun. And I'm
4 struggling with the credible evidence, because
5 frankly it's not very credible on the day it went
6 down and it's not credible today because he's saying,
7 I can't say that that's the guy who shot me.

8 MR. SCARBOROUGH: That's fair enough.
9 And your Honor actually specifically inquired into
10 multiple witnesses asking did he seem impaired, did
11 he seem like he was inebriated, did he seem
12 functional, and both officers looked at you and
13 testified yes. And I understand --

14 THE COURT: The two separate gentlemen I
15 asked him about, right.

16 MR. SCARBOROUGH: Correct. So you did.
17 You asked him, okay, were they under the influence,
18 did they appear under the influence. Defense counsel
19 even specifically asked about did these people seem
20 coherent, did they seem so under the influence as to
21 really just reject the reliability of the
22 identification outright.

23 And that was not elicited at all.
24 All the officer said specifically, yes, they seemed
25 coherent. They were engaging with me. They seemed

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1 don't believe them at all.

2 MR. SCARBOROUGH: Well, what I was
3 saying --

4 THE COURT: They're not credible.
5 They're not credible, and no disrespect to them,
6 they're not credible from the day of the incident and
7 they're not credible today. The day of the incident
8 they're not credible because -- well, for various
9 reasons. I can go on and on, but one of them didn't
10 even give his real name to the officer.

11 And then the other one said, I
12 gave -- one of them said, I gave a fake description.
13 The one that did ID him said, I don't even remember
14 doing that. I was -- I don't remember giving a
15 statement. I don't remember looking at the picture.

16 Now, if you don't believe that,
17 right, if we think he's lying today because of
18 apprehension or something, well, then we think he's
19 lying today, but I can't -- it's hard for me to say,
20 well, I think he's telling the truth today or he's
21 not telling the truth today.

22 He's telling the truth today, and
23 I'm supposed to believe him today, and he doesn't
24 remember any of that. He doesn't know who this
25 person is and he can't sit here right now and say

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1 MR. NADIG: Thank you, your Honor.

2 ---o0o---

3 ATTEST: Full, true and accurate transcript of

4 proceedings.

5 /s/GERRI DE LUCCA

6 GERRI DE LUCCA, C.C.R. NO. 82

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2 ATTEST: I further certify that I am not interested

3 in the events of this action.

4

5 /s/GERRI DE LUCCA

6 GERRI DE LUCCA, C.C.R. NO. 82

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1 IN THE JUSTICE COURT OF LAS VEGAS TOWNSHIP

2 COUNTY OF CLARK, STATE OF NEVADA

3

4 STATE OF NEVADA,

5 Plaintiff,

6 vs. Case No. 18F12217X

7 JASON J. BOLDEN, ATTEST RE: NRS 239B.030

8 Defendant.

9

10

11 STATE OF NEVADA } SS

12 COUNTY OF CLARK }

13

14 I, Gerri De Lucca, a Certified Shorthand

15 Reporter within and for the County of Clark and the

16 State of Nevada, do hereby certify:

17 That REPORTER'S TRANSCRIPT OF PROCEEDINGS

18 was reported in open court pursuant to NRS 3.360

19 regarding the above proceedings in Las Vegas Justice

20 Court, 200 Lewis Avenue, Las Vegas, Nevada.

21 That said TRANSCRIPT:

22 X Does not contain the Social Security

23 number of any person.

24 _____ Contains the Social Security number

25 of a person.

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55/4	55/18	57/20 59/16 61/1	56/21	58/3	58/21 58/23 62/4			41/2
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32/5	40/5	41/3 41/5 41/13 41/13	79/20					80/20
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58/1	59/2	59/21 60/8 68/15 69/5	37/4	38/11	47/7 61/15 72/24			85/14
69/22	71/6	71/18 78/20 79/17	73/21	74/6	75/13 75/18 75/20			85/15
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35/2	35/18	38/6 43/15 43/22	39/5	39/5	39/6 69/16 76/20			85/49
47/4	50/17	52/16 53/15 53/15	76/21	76/22	77/2			85/50
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63/14	68/23	71/1 71/3 72/22	73/11	73/13	75/22 78/3			85/52
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								85/100

EXHIBIT “2”

1 JUSTICE COURT, LAS VEGAS TOWNSHIP
2 CLARK COUNTY, NEVADA

3 THE STATE OF NEVADA,

4 Plaintiff,

5 -vs-

6 JASON J. BOLDEN, aka,
7 JASON JEROME BOLEN #1891927,

8 Defendant.

CASE NO: 18F12217X

DEPT NO: 12

AMENDED
CRIMINAL COMPLAINT

9 The Defendant above named having committed the crimes of ATTEMPT MURDER
10 WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.010, 200.030,
11 193.330, 193.165 - NOC 50031); OWNERSHIP OR POSSESSION OF FIREARM BY
12 PROHIBITED PERSON (Category B Felony - NRS 202.360 - NOC 51460); DISCHARGING
13 FIREARM AT OR INTO OCCUPIED STRUCTURE, VEHICLE, AIRCRAFT, OR
14 WATERCRAFT (Category B Felony - NRS 202.285 - NOC 51442) and BATTERY WITH
15 USE OF A DEADLY WEAPON (Category B Felony - NRS 200.481 - NOC 50223), in the
16 manner following, to wit: That the said Defendant, on or about the 1st day of July, 2018, at
17 and within the County of Clark, State of Nevada,

18 COUNT 1 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

19 did willfully, unlawfully, feloniously and with malice aforethought attempt to kill
20 BRENTON MARTINEZ, a human being, with use of a deadly weapon, to wit: a firearm, by
21 shooting at and into the body of the said BRENTON MARTINEZ.

22 COUNT 2 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

23 did willfully, unlawfully, feloniously and with malice aforethought attempt to kill
24 BRYSON MARTINEZ, a human being, with use of a deadly weapon, to wit: a firearm, by
25 shooting in the direction of the said BRYSON MARTINEZ.

26 COUNT 3 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

27 did willfully, unlawfully, feloniously and with malice aforethought attempt to kill
28 BRANDI COLEMAN, a human being, with use of a deadly weapon, to wit: a firearm, by

1 shooting in the direction of the said BRANDI COLEMAN.

2 COUNT 4 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

3 did willfully, unlawfully, feloniously and with malice aforethought attempt to kill
4 SANYLEH BOLEN, a human being, with use of a deadly weapon, to wit: a firearm, by
5 shooting in the direction of the said SANYLEH BOLEN.

6 COUNT 5 - OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON

7 did willfully, unlawfully, and feloniously own, or have in his possession and/or under
8 his custody or control, a firearm, to wit: firearm, the Defendant being a convicted felon, having
9 in 2009, been convicted of Trafficking Controlled Substance, in Case No. C228792A and/or
10 having in 2009, been convicted of Battery with Substantial Bodily Harm, in Case No.
11 C246243X, in the Las Vegas Municipal Court, Clack County, felonies under the laws of the
12 State of Nevada.

13 COUNT 6 - DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE,
14 VEHICLE, AIRCRAFT, OR WATERCRAFT

15 did then and there willfully, unlawfully, maliciously, and feloniously discharge a
16 firearm at or into a structure, said structure, not having been abandoned, located at 2883
17 Wheelwright Drive, Apartment #6/A, Las Vegas, Clark County, Nevada.

18 COUNT 7 - DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE,
19 VEHICLE, AIRCRAFT, OR WATERCRAFT

20 did then and there willfully, unlawfully, maliciously, and feloniously discharge a
21 firearm at or into a structure, said structure, not having been abandoned, located at 2883
22 Wheelwright Drive, Apartment #6/A, Las Vegas, Clark County, Nevada.

23 COUNT 8 - DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE,
24 VEHICLE, AIRCRAFT, OR WATERCRAFT

25 did then and there willfully, unlawfully, maliciously, and feloniously discharge a
26 firearm at or into a structure, said structure, not having been abandoned, located at 2883
27 Wheelwright Drive, Apartment #6/A, Las Vegas, Clark County, Nevada.

28 //

1 COUNT 9 - DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE,
2 VEHICLE, AIRCRAFT, OR WATERCRAFT

3 did then and there willfully, unlawfully, maliciously, and feloniously discharge a
4 firearm at or into a structure, said structure, not having been abandoned, located at 2883
5 Wheelwright Drive, Apartment #6/A, Las Vegas, Clark County, Nevada.

6 COUNT 10 - DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE,
7 VEHICLE, AIRCRAFT, OR WATERCRAFT

8 did then and there willfully, unlawfully, maliciously, and feloniously discharge a
9 firearm at or into a structure, said structure, not having been abandoned, located at 2883
10 Wheelwright Drive, Apartment #6/A, Las Vegas, Clark County, Nevada.

11 COUNT 11 - DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE,
12 VEHICLE, AIRCRAFT, OR WATERCRAFT

13 did then and there willfully, unlawfully, maliciously, and feloniously discharge a
14 firearm at or into a structure, said structure, not having been abandoned, located at 2883
15 Wheelwright Drive, Apartment #6/A, Las Vegas, Clark County, Nevada.

16 COUNT 12 - DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE,
17 VEHICLE, AIRCRAFT, OR WATERCRAFT

18 did then and there willfully, unlawfully, maliciously, and feloniously discharge a
19 firearm at or into a structure, said structure, not having been abandoned, located at 2883
20 Wheelwright Drive, Apartment #6/A, Las Vegas, Clark County, Nevada.

21 COUNT 13 - BATTERY WITH USE OF A DEADLY WEAPON

22 did willfully, unlawfully, and feloniously use force or violence upon the person of
23 another, to wit: BRENTON MARTINEZ, with use of a deadly weapon, to wit: a firearm, by
24 shooting into the body of the said BRENTON MARTINEZ.

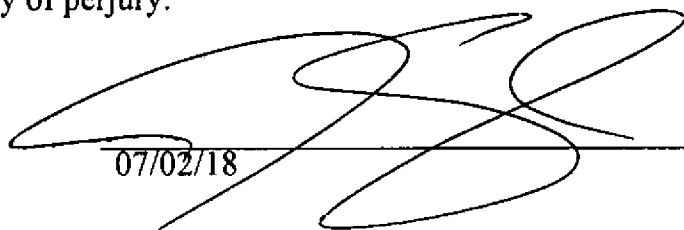
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1 All of which is contrary to the form, force and effect of Statutes in such cases made and
2 provided and against the peace and dignity of the State of Nevada. Said Complainant makes
3 this declaration subject to the penalty of perjury.

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6 07/02/18
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28 LVMPD EV# 1807011437
(TK12)



INFM
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
JORY SCARBOROUGH
Deputy District Attorney
Nevada Bar #014265
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

I.A. 12/6/18
10:00 A.M.
NADIG

THE STATE OF NEVADA,
Plaintiff,

-vs-

JASON J. BOLDEN, aka
Jason Jerome Bolen,
#1891927

Defendant.

CASE NO: C-18-334635-1

DEPT NO: XXI

INFORMATION

STATE OF NEVADA }
COUNTY OF CLARK } ss.

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

That JASON J. BOLDEN, aka Jason Jerome Bolen, the Defendant(s) above named, having committed the crimes of **ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.010, 200.030, 193.330, 193.165 - NOC 50031); OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON (Category B Felony - NRS 202.360 - NOC 51460); DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE, VEHICLE, AIRCRAFT, OR WATERCRAFT (Category B Felony - NRS 202.285 - NOC 51442) and BATTERY WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.481 - NOC 50223)**, on or about the 1st day of July, 2018, within the County of Clark, State of Nevada, contrary to the form, force

1 and effect of statutes in such cases made and provided, and against the peace and dignity of
2 the State of Nevada,

3 COUNT 1 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

4 did willfully, unlawfully, feloniously and with malice aforethought attempt to kill
5 BRENTON MARTINEZ, a human being, with use of a deadly weapon, to wit: a firearm, by
6 shooting at and into the body of the said BRENTON MARTINEZ.

7 COUNT 2 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

8 did willfully, unlawfully, feloniously and with malice aforethought attempt to kill
9 BRYSON MARTINEZ, a human being, with use of a deadly weapon, to wit: a firearm, by
10 shooting in the direction of the said BRYSON MARTINEZ.

11 COUNT 3 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

12 did willfully, unlawfully, feloniously and with malice aforethought attempt to kill
13 BRANDI COLEMAN, a human being, with use of a deadly weapon, to wit: a firearm, by
14 shooting in the direction of the said BRANDI COLEMAN.

15 COUNT 4 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

16 did willfully, unlawfully, feloniously and with malice aforethought attempt to kill
17 SANYLEH BOLEN, a human being, with use of a deadly weapon, to wit: a firearm, by
18 shooting in the direction of the said SANYLEH BOLEN.

19 COUNT 5 - OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON

20 did willfully, unlawfully, and feloniously own, or have in his possession and/or under
21 his custody or control, a firearm, to wit: firearm, the Defendant being a convicted felon, having
22 in 2009, been convicted of Trafficking Controlled Substance, in Case No. C228792A and/or
23 having in 2009, been convicted of Battery with Substantial Bodily Harm, in Case No.
24 C246243X, in the Las Vegas Municipal Court, Clack County, felonies under the laws of the
25 State of Nevada.

26 COUNT 6 - DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE,
27 VEHICLE, AIRCRAFT, OR WATERCRAFT

28 did then and there willfully, unlawfully, maliciously, and feloniously discharge a

1 firearm at or into a structure, said structure, not having been abandoned, located at 2883
2 Wheelwright Drive, Apartment #6/A, Las Vegas, Clark County, Nevada.

3 COUNT 7 - DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE,
4 VEHICLE, AIRCRAFT, OR WATERCRAFT

5 did then and there willfully, unlawfully, maliciously, and feloniously discharge a
6 firearm at or into a structure, said structure, not having been abandoned, located at 2883
7 Wheelwright Drive, Apartment #6/A, Las Vegas, Clark County, Nevada.

8 COUNT 8 - DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE,
9 VEHICLE, AIRCRAFT, OR WATERCRAFT

10 did then and there willfully, unlawfully, maliciously, and feloniously discharge a
11 firearm at or into a structure, said structure, not having been abandoned, located at 2883
12 Wheelwright Drive, Apartment #6/A, Las Vegas, Clark County, Nevada.

13 COUNT 9 - DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE,
14 VEHICLE, AIRCRAFT, OR WATERCRAFT

15 did then and there willfully, unlawfully, maliciously, and feloniously discharge a
16 firearm at or into a structure, said structure, not having been abandoned, located at 2883
17 Wheelwright Drive, Apartment #6/A, Las Vegas, Clark County, Nevada.

18 COUNT 10 - DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE,
19 VEHICLE, AIRCRAFT, OR WATERCRAFT

20 did then and there willfully, unlawfully, maliciously, and feloniously discharge a
21 firearm at or into a structure, said structure, not having been abandoned, located at 2883
22 Wheelwright Drive, Apartment #6/A, Las Vegas, Clark County, Nevada.

23 COUNT 11 - DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE,
24 VEHICLE, AIRCRAFT, OR WATERCRAFT

25 did then and there willfully, unlawfully, maliciously, and feloniously discharge a
26 firearm at or into a structure, said structure, not having been abandoned, located at 2883
27 Wheelwright Drive, Apartment #6/A, Las Vegas, Clark County, Nevada.

28 //

1 COUNT 12 - DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE,
2 VEHICLE, AIRCRAFT, OR WATERCRAFT

3 did then and there willfully, unlawfully, maliciously, and feloniously discharge a
4 firearm at or into a structure, said structure, not having been abandoned, located at 2883
5 Wheelwright Drive, Apartment #6/A, Las Vegas, Clark County, Nevada.

6 COUNT 13 - BATTERY WITH USE OF A DEADLY WEAPON

7 did willfully, unlawfully, and feloniously use force or violence upon the person of
8 another, to wit: BRENTON MARTINEZ, with use of a deadly weapon, to wit: a firearm, by
9 shooting into the body of the said BRENTON MARTINEZ.

10
11 STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565

12
13 BY

14 JORY SCARBOROUGH
Deputy District Attorney
Nevada Bar #014265

15
16
17 Names of witnesses known to the District Attorney's Office at the time of filing this
18 Information are as follows:

19 <u>NAME</u>	<u>ADDRESS</u>
20 CAREY, KEVIN	LVMPD #8739
21 CHARLTON, NOREEN	LVMPD #13572
22 COLEMAN, BRANDI	2883 WHEELWRIGHT DR #6/A, LVN 89121
23 CUSTODIAN OF RECORDS OR DESIGNEE	Clark County Detention Center, 330 S. Casino Center Blvd., Las Vegas, NV
24 CUSTODIAN OF RECORDS OR DESIGNEE	Clark County Detention Center, Communications 330 S. Casino Center Blvd., Las Vegas, NV
26 CUSTODIAN OF RECORDS OR DESIGNEE	LVMPD Communications, Las Vegas, NV
27 CUSTODIAN OF RECORDS OR DESIGNEE	LVMPD Records Las Vegas, NV
28	

1 GETER, SHAKIESHA

2883 WHEELWRIGHT DR #6/A, LVN 89121

2 GROSS, KEITH
OR DESIGNEE

INVESTIGATOR / C.C. DISTRICT ATTORNEY

3 JACKSON, JERMAINE

LVMPD #16510

4 KNOWLTEN, JOSHUA

4581 CARRIGAE PARK DR #22/A, LVN 89121

5 KRMPOTICH, KENNETH

LVMPD #5809

6 MARTINEZ, BRENTON

5250 STEWART AVE #2095, LVN 89110

7 MARTINEZ, BRYSTON

2883 WHEELWRIGHT DR. #6/A, LVN 89121

8 SHAKEFORD, KEVIN

LVMPD #15908

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27 18F12217X/jr / L-1
28 LVMPD EV#1807011437
(TK12)



NWEW
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
JORY SCARBOROUGH
Deputy District Attorney
Nevada Bar #014265
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

JASON J. BOLDEN, aka
Jason Jerome Bolen,
#1891927

Defendant.

CASE NO: C-18-334635-1

DEPT NO: XXI

STATE'S NOTICE OF EXPERT WITNESSES
[NRS 174.234(2)]

TO: JASON J. BOLDEN, aka Jason Jerome Bolen, Defendant; and

TO: BEN NADIG, ESQ., Counsel of Record:

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

CHARLTON, NOREEN P#13572, Las Vegas Metropolitan Police Department - will
testify as an expert in the area of crime scene investigation and the identification,
documentation, collection and preservation of evidence and will give opinions related thereto.

LNU, FNU – Sunrise Hospital – Will testify as an expert as the treating physician and
will testify as to the nature of the injuries sustained by Brenton Martinez.

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

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

3 A copy of each expert witness' curriculum vitae, if available, is attached hereto.
4

5 STEVEN B. WOLFSON
6 DISTRICT ATTORNEY
Nevada Bar #001565

7
8 BY 

JORY SCARBOROUGH
Deputy District Attorney
Nevada Bar #014265

11
12 CERTIFICATE OF SERVICE

13 I certify that on the 14th day of January, 2019, I e-mailed a copy of the foregoing
14 State's Notice of Expert Witnesses, to:

15 BEN NADIG, ESQ.
16 E-Mail: ben@lasvegasdefensefirm.com

17
18
19 BY: 

J. ROBERTSON
Secretary for the District Attorney's Office

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Curriculum Vitae

**Las Vegas Criminalistics Bureau
Statement of Qualifications**

Name: Noreen Charlton

P# 13572

Date: 04-01-13

CURRENT CLASSIFICATION		
	<i>Classification</i>	<i>Minimum Qualifications</i>
X	Crime Scene Analyst I	AA Degree with major course work in Criminal Justice, Forensic Science, Physical Science or related field, including specialized training in Crime Scene Investigation.
X	Crime Scene Analyst II	18 months - 2 years continuous service with LVMPD as a Crime Scene Analyst I.
X	Senior Crime Scene Analyst	Two (2) years as a Crime Scene Analyst II to qualify for the promotional test for Senior Crime Scene Analyst.
	Crime Scene Analyst Supervisor	Four (4) years continuous service with LVMPD and completion of probation as a Senior Crime Scene Analyst. Must have the equivalent of a Bachelor's Degree from an accredited college or university with major course work in Criminal Justice, Forensic Science, Physical Science or related field.
FORMAL EDUCATION		
<i>Institution</i>	<i>Major</i>	<i>Degree/Date</i>
John Carroll University	Biology	B.S.-May 2007
TESTIMONY		
<i>Yes</i>	<i>No</i>	
X		District Court, Justice Court, Grand Jury
EMPLOYMENT HISTORY		
<i>Employer</i>	<i>Title</i>	<i>Date</i>
LVMPD	Crime Scene Analyst I	09/02/2008 to 09/02/10
LVMPD	Crime Scene Analyst II	09/02/2010 to 10/27/2012
LVMPD	Senior Crime Scene Analyst	10/27/12 to present



ORDR
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
JORY SCARBOROUGH
Deputy District Attorney
Nevada Bar #014265
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-vs-

JASON J. BOLDEN, AKA
JASON JEROME BOLEN,
#1891927

Defendant.

CASE NO. C-18-334635-1

DEPT NO. XXI

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

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

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

1 include a certificate of custodian of records, concerning diagnosis, prognosis, and/or treatment
2 of BRENTON MARTINEZ, whose date of birth is 02/13/85, which were prepared on or after
3 07/01/18, and relate to injuries sustained on or about said date.

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

8 DATED this 11 day of January, 2019.

9
10 
11 DISTRICT JUDGE 

12
13 STEVEN B. WOLFSON
14 Clark County District Attorney
NEVADA BAR #001565

15
16 BY 
17 JORY SCARBOROUGH
18 Deputy District Attorney
Nevada Bar #014265

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EXMT
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
JORY SCARBOROUGH
Deputy District Attorney
Nevada Bar #014265
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-vs-

JASON J. BOLDEN, AKA
JASON JEROME BOLEN,
#1891927

Defendant.

CASE NO. C-18-334635-1

DEPT NO. XXI

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

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through JORY SCARBOROUGH, Deputy District Attorney, and moves this Honorable Court for an Order releasing evidence which includes protected health information being held by SUNRISE HOSPITAL, consisting of any and all medical records, to include a certificate of custodian of records, for patient: BRENTON MARTINEZ, DOB: 02/13/85, concerning diagnosis, prognosis and/or treatment given or provided on or after 07/01/18, which relate to injuries sustained on or about said date, to be released to a representative of the DISTRICT ATTORNEY'S OFFICE, and authorizing the appearance and testimony from any and all medical personnel referenced in the foregoing medical records at pre-trial conferences and all court proceedings, for the purpose of prosecuting the above

1 referenced case charging the crimes of ATTEMPT MURDER WITH USE OF A DEADLY
2 WEAPON (Category B Felony - NRS 200.010, 200.030, 193.330, 193.165 - NOC 50031);
3 OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON (Category B
4 Felony - NRS 202.360 - NOC 51460); DISCHARGING FIREARM AT OR INTO
5 OCCUPIED STRUCTURE, VEHICLE, AIRCRAFT, OR WATERCRAFT (Category B
6 Felony - NRS 202.285 - NOC 51442) and BATTERY WITH USE OF A DEADLY WEAPON
7 (Category B Felony - NRS 200.481 - NOC 50223)

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

12 DATED this 3rd day of January, 2019.

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

16 BY

17 
18 JORY SCARBOROUGH
19 Deputy District Attorney
20 Nevada Bar #014265

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1 EXMT
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 JORY SCARBOROUGH
6 Deputy District Attorney
7 Nevada Bar #014265
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
11 Plaintiff,

11 -vs-

12 JASON BOLDEN, #1891827
13 Defendant,

CASE NO: C-18-334635-1

DEPT NO: XXI

15 EX PARTE MOTION FOR AN ORDER SHORTENING TIME ON
16 STATE'S MOTION TO ADMIT PRIOR TESTIMONY

17 COMES NOW, STEVEN B. WOLFSON, Clark County District Attorney, by and
18 through JORY SCARBOROUGH, Deputy District Attorney, and hereby moves the Court for
19 an Order Shortening Time for hearing of its Motion to Continue Trial of the above referenced
20 matter. Said Motion is based upon EDCR 3.60, the Affidavit of JORY SCARBOROUGH,
21 Deputy District Attorney, the pleadings and records filed herein, and the Memorandum of
22 Points and Authorities attached hereto.

23 STEVEN B. WOLFSON
24 Clark County District Attorney
25 Nevada Bar #001565

26 BY



27 JORY SCARBOROUGH
28 Deputy District Attorney
Nevada Bar #014265

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 EDCR 3.60 provides for the granting of a Motion to shorten the time for hearing when
3 a matter cannot be heard in the normal course for filing of Motions as required by EDCR 3.20.

4 As shown by the Affidavit of JORY SCARBOROUGH, Deputy District Attorney,
5 attached hereto as Exhibit "1", there is insufficient time to hear this matter if it is set in the
6 normal course because the trial date is February 4, 2018 and the Calendar Call in January 31,
7 2019.

8 DATED this 23rd day of January, 2019.

9 Respectfully submitted,

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

13 BY 

14 JORY SCARBOROUGH
15 Deputy District Attorney
16 Nevada Bar #14265

17 CERTIFICATE OF ELECTRONIC MAIL

18 I hereby certify that service of State's Ex Parte Motion for an Order Shortening
19 Time on State's Motion to Continue Trial, was made this 23rd day of January, 2019, by e-
20 mail to:

21 BENJAMIN NADIG, ESQ.

22 E-Mail: ben@lasvegasdefenselawfirm.com

23 BY 

24 J. Robertson
25 Secretary for the District Attorney's Office
26
27
28

AFFIDAVIT OF JORY SCARBOROUGH

County of Clark }
State of Nevada } ss.

Jory Scarborough, being first duly sworn, deposes and says:

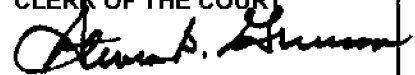
1. That I am the Deputy District Attorney for Clark County assigned as the prosecutor in the State of Nevada v. Jason Bolden in Case No. C-18-334635-1.
2. That said matter is set for trial on February 4, 2019.
3. That if a Motion to Admit Prior Testimony is filed today, in the ordinary course it will not be set for hearing until on or after the trial date, thus necessitating an Order Shortening Time.

Further affiant sayeth naught.

DATED this 23rd day of January, 2019.


Jory Scarborough
Deputy District Attorney

EXHIBIT "1"



1 NOTM
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 JORY SCARBOROUGH
6 Deputy District Attorney
7 Nevada Bar #014265
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 JASON J. BOLDEN, aka
13 Jason Jerome Bolen,
14 #1891927

Defendant.

CASE NO: C-18-334635-1

DEPT NO: XXI

15 **STATE'S NOTICE OF MOTION AND MOTION TO USE REPORTED**
16 **TESTIMONY AND ADMIT TRANSCRIPT OF PRELIMINARY HEARING**
17 **TESTIMONY OF MOHAMMED KAWEESI**
18 **ON AN ORDER SHORTENING TIME**

19 DATE OF HEARING: JANUARY 31, 2019
20 TIME OF HEARING: 9:30 A.M.

21 COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County
22 District Attorney, through JORY SCARBOROUGH, Deputy District Attorney, and files this
23 Notice of Motion and Motion To Use Reported Testimony And Admit Transcript Of
24 Preliminary Hearing Testimony Of Mohammed Kaweesi.

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

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DATED this 23rd day of January, 2019.

BY

2

1 **POINTS AND AUTHORITIES**

2 **STATEMENT OF THE CASE**

3 On July 1, 2018, Jason Bolen (hereinafter "Defendant") was charged by way of
4 Criminal Complaint as follows: Count 1 – ATTEMPT MURDER WITH USE OF A DEADLY
5 WEAPON (Category B Felony - NRS 200.010, 200.030, 193.330, 193.165); Count 2 –
6 ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Category B Felony - NRS
7 200.010, 200.030, 193.330, 193.165); Count 3 - ATTEMPT MURDER WITH USE OF A
8 DEADLY WEAPON (Category B Felony - NRS 200.010, 200.030, 193.330, 193.165) Count
9 4 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Category B Felony - NRS
10 200.010, 200.030, 193.330, 193.165); Count 5 - ATTEMPT MURDER WITH USE OF A
11 DEADLY WEAPON (Category B Felony - NRS 200.010, 200.030, 193.330, 193.165); Count
12 6 – OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON
13 (Category B Felony – NRS 202.360); Count 7 - DISCHARGING FIREARM AT OR INTO
14 OCCUPIED STRUCTURE, VEHICLE, AIRCRAFT, OR WATERCRAFT (Category B
15 Felony - NRS 202.285); Count 8 - DISCHARGING FIREARM AT OR INTO OCCUPIED
16 STRUCTURE, VEHICLE, AIRCRAFT, OR WATERCRAFT (Category B Felony - NRS
17 202.285); Count 9 - DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE,
18 VEHICLE, AIRCRAFT, OR WATERCRAFT (Category B Felony - NRS 202.285); Count 10
19 - DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE, VEHICLE,
20 AIRCRAFT, OR WATERCRAFT (Category B Felony - NRS 202.285); Count 11 -
21 DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE, VEHICLE,
22 AIRCRAFT, OR WATERCRAFT (Category B Felony - NRS 202.285); Count 12
23 DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE, VEHICLE,
24 AIRCRAFT, OR WATERCRAFT (Category B Felony - NRS 202.285); Count 13-
25 DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE, VEHICLE,
26 AIRCRAFT, OR WATERCRAFT (Category B Felony - NRS 202.285); and Count 14-
27 DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE, VEHICLE,
28 AIRCRAFT, OR WATERCRAFT (Category B Felony - NRS 202.285); and Count 15 –

1 BATTERY WITH USE OF A DEADLY WEAPON (Category B Felony – NRS 200.481).

2 On July 25, 2018, Defendant was arraigned in Justice Court, and a preliminary hearing
3 was scheduled for August 8, 2018. The preliminary hearing was ultimately continued to
4 August 22, 2018.

5 On August 22, 2018, a preliminary hearing was held before Judge Diana Sullivan.
6 Following the hearing, the State amended the complaint and struck Count 4 – Attempted
7 Murder with use of Deadly Weapon and Count 14 – Discharging Firearm at or into Occupied
8 Structure. After defense counsel submitted to the Court on all but two (2) counts of Attempted
9 Murder. At the time of the preliminary hearing, the Defendant Jason Bolden was represented
10 by Attorney Benjamin Nadig. Victim Brenton Martinez and victim Bryson Martinez were both
11 subject to cross-examination by Mr. Nadig.

12 Following the hearing, the Court dismissed all fourteen counts against Defendant. The
13 State then filed an Information by Affidavit which the Court granted. The trial is currently
14 set for February 4, 2019.

15 In preparation for the subject trial, the State subpoenaed Bryson Martinez. To this date,
16 the State has been unable to locate or serve Bryson Martinez. His current whereabouts are
17 unknown to the State.

18 ARGUMENT

19 The State seeks to admit the preliminary hearing testimony of Bryson Martinez at
20 Defendant's trial. NRS 171.198(6)(b) codifies the former testimony exception to the hearsay
21 rule. It provides that preliminary hearing testimony may be used:

22
23 By the state if the defendant was represented by counsel or
24 affirmatively waived his right to counsel, upon the trial of the
25 cause, and in all proceedings therein, when the witness is sick, out
of the state, dead, or persistent in refusing to testify despite an
order of the judge to do so, or when his personal attendance cannot
be had in court.

26 NRS 171.198(6)(b); See also Funches v. State, 113 Nev. 916, 920, 944 P.2d 775, 777 (1997).
27 Although NRS 171.198(6)(b) does not impose a cross-examination requirement for the
28 admissibility of such testimony at a criminal trial, the Nevada Supreme Court imposed the

1 requirement in Drummond v. State, 86 Nev. 4, 7, 462 P.2d 1012, 1014 (1970), when it
2 reasoned that:

3 [T]he transcript of the Testimony of a material witness given at
4 the preliminary examination may be received in evidence at the
5 trial if three preconditions exist: first, that the defendant was
6 represented by counsel at the preliminary hearing; second, that
counsel cross-examined the witness; third, that the witness is
shown to be actually unavailable at the time of trial.

7 Drummond v. State, 86 Nev. 4, 7, 462 P.2d 1012, 1014 (1970); See also Aesoph v. State, 102
8 Nev. 316, 319-320, 721 P.2d 379, 381-382 (1986) (holding that preliminary hearing testimony
9 of physician who conducted autopsy on victim was admissible where physician was
10 unavailable at time of trial).

11 Consequently, there are three elements necessary before a witness's preliminary hearing
12 testimony may be admitted as evidence at trial: (1) the defendant must have had counsel
13 represent him at the preliminary hearing; (2) the defendant's counsel must have cross-
14 examined the witness who is later unavailable for trial; and (3) the witness is actually
15 "unavailable" at trial. Funches v. State, 113 Nev. 916, 920, 944 P.2d 775, 777-78 (1997); see
16 also Drummond, 86 Nev. at 7, 462 P.2d at 1014.

17 Further, the United States Supreme Court reached a similar ruling in Crawford v.
18 Washington, 541 U.S. 36, 124 S.Ct. 1354 (2004): "Where testimonial evidence is at issue,
19 however, the Sixth Amendment demands what the common law required: unavailability and
20 a prior opportunity for cross-examination. We leave for another day any effort to spell out a
21 comprehensive definition of 'testimonial.' Whatever else the term covers, it applies at a
22 minimum to prior testimony at a preliminary hearing, before a grand jury, or at a former trial;
23 and to police interrogations." 541 U.S. at 68 (footnote omitted).

24 In the instant case, a preliminary hearing was held on August 22, 2018 in which the
25 now unavailable witnesses testified. At that hearing, Defendant was represented by Mr. Nadig,
26 and was given an opportunity to cross-examine Bryson Martinez, as demonstrated in the
27 transcript of the preliminary hearing (attached hereto as EXHIBIT 1). As such, clearly the
28 first two requirements for the admission of preliminary hearing testimony in a subsequent trial

1 (representation of counsel and opportunity for cross-examination) have been satisfied.

2 The United States Supreme Court has held that the ultimate question in determining
3 "unavailability" for Confrontation Clause purposes is whether the witness is unavailable
4 despite good-faith efforts undertaken by the prosecution, prior to trial, to locate and present
5 that witness. See Ohio v. Roberts, 448 U.S. 56, 74, 100 S.Ct. 2531, 2543 (1980) (overruled
6 on other grounds by Crawford v. Washington, 541 U.S. 36, 124 S.Ct. 1354 (2004). "What
7 constitutes a good-faith effort is a question of reasonableness." Quillen v. State, 112 Nev.
8 1369, 1375, 929 P.2d 893, 897 (1996).

9 Our Nevada Supreme Court's analysis of an analogous case is helpful when
10 determining what efforts the State must undergo before being able to utilize the prior testimony
11 of a witness for being "unavailable." In Quillen, two victims to a crime had previously testified
12 that the defendant had assaulted them with a firearm. Quillen, 112 Nev. at 1373-74, 929 P.2d
13 at 896. After the preliminary hearing and a prior trial, both of the witnesses moved away from
14 their residence and changed jobs leaving no forwarding place of residence or employment. Id.
15 at 1374-1375. The investigator assigned to the case visited other places of employment in
16 which the witnesses may have moved to, ran a SCOPE check and contacted the Department
17 of Motor Vehicles all to no avail. Id. at 1375. It was revealed on cross-examination that the
18 investigator neither spoke to any of the witness' neighbors nor did he make an effort to find
19 out if the men had relatives in town. Id. Furthermore, it was also revealed that the investigator
20 failed to contact any utilities or the post office. Id. 1376.

21 In determining that the investigators efforts were "reasonable" under the circumstances
22 so as to allow introduction of the prior testimony at the defendant's subsequent trial, the
23 Nevada Supreme Court noted that:

24
25 ... [A] reviewing court need not consider every untried effort the
26 State could have made in locating a witness. As the [Supreme]
27 Court noted in Roberts: "One, in hindsight, may always think of
28 other things. Nevertheless, the great improbability that such
efforts would have resulted in locating the witness, and would
have led to [the witness's] production at trial, neutralizes any
intimation that a concept of reasonableness required their
execution."

1 Quillen, 112 Nev. at 1376, 929 P.2d at 898.

2 In the instant case, the State has satisfied its duty to exercise good faith and reasonable
3 efforts to locate this witness. The State, through investigator Keith Gross, has attempted to
4 contact Bryson on numerous occasions through numerous avenues. All contact numbers and
5 emails for Bryson have been utilized with no response. Additionally, Mr. Gross and I have
6 personally spoke with Brenton Martinez (another victim in the case) regarding the
7 whereabouts of his brother Bryson Martinez. Brenton indicated that he is unable to get a hold
8 of Bryson and is unaware of his current whereabouts. As such, the State asks this Court to
9 admit the preliminary hearing testimony of the witness pursuant to the statutes and case law
10 included in these points and authorities.

11 **CONCLUSION**

12 For the foregoing reasons, the State respectfully requests this Court admit the
13 preliminary hearing testimony of Bryson Mohammed at Defendant's trial.

14 DATED this 23rd day of January, 2019.

15 STEVEN B. WOLFSON
16 Clark County District Attorney
Nevada Bar #001565

17 BY 

18 JORY SCARBOROUGH
19 Deputy District Attorney
Nevada Bar #014265

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CERTIFICATE OF ELECTRONIC MAIL

I hereby certify that service of Notice of Motion and Motion To Use Reported
Testimony And Admit Transcript Of Preliminary Hearing Testimony Of Mohammed Kaweesi
was made this 23rd day of January, 2019, by e-mail to:

BEN NADIG, ESQ.
E-MAIL: ben@lasvegasdefenselawfirm.com

BY: J. Robertson
J. ROBERTSON
Employee of the District Attorney's Office

18F12217X/jr/L-1

EXHIBIT “1”

COPY

IN THE JUSTICE COURT OF LAS VEGAS TOWNSHIP
COUNTY OF CLARK, STATE OF NEVADA

STATE OF NEVADA,
Plaintiff,

vs.

Case No. 18F12217X

JASON J. BOLDEN,
Defendant.

REPORTER'S TRANSCRIPT
OF
PRELIMINARY HEARING

BEFORE THE HONORABLE DIANA L. SULLIVAN
JUSTICE OF THE PEACE

TAKEN ON WEDNESDAY, AUGUST 22, 2018
AT 9:30 A.M.

APPEARANCES:

For the State: JORY SCARBOROUGH
Deputy District Attorney

For the Defendant: BENJAMIN J. NADIG

Reported by: Gerri De Lucca, C.C.R. #82
Official Court Reporter

EXHIBITS

ADMITTED

State's Exhibit 1: 22
State's Exhibits 2 and 3: 62

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LAS VEGAS, NEVADA, WEDNESDAY, AUGUST 22, 2018

* * * * *

THE COURT: Jason Bolden, 18F12217.

Today is the date and time set for
the preliminary hearing.

Is this going forward?

MR. NADIG: It is, your Honor.

THE COURT: How many witnesses is the
State going to have?

MR. SCARBOROUGH: Potentially --

MR. NADIG: At least three.

MR. SCARBOROUGH: Yes, thank you.

THE COURT: Mr. Scarborough, you can call
your first witness.

MR. SCARBOROUGH: State calls Brenton
Martinez.

MR. NADIG: And, your Honor, just for the
record, I would invoke the exclusionary rule.

THE COURT: If you're not Brenton
Martinez and you're scheduled to -- subpoenaed to
testify in this preliminary hearing either for the
State or the defense, please step outside until my
marshal calls your name.

THE CLERK: Please have a seat.

1 State your first and last name for
2 the record and then spell your first and last name,
3 please.

4 THE WITNESS: Brenton Martinez,
5 B-r-e-n-t-o-n, M-a-r-t-i-n-e-z.

6 THE COURT: Thank you.

7 You can proceed.

8
9
10 B R E N T O N M A R T I N E Z, having been first
11 duly sworn to testify to the truth, the whole truth,
12 and nothing but the truth, testified as follows:

13
14 DIRECT EXAMINATION

15 BY MR. SCARBOROUGH:

16 Q. Thanks for coming out.

17 So I'm going to take you back.

18 Let's go back to July 1, 2018 when you were at 2883
19 Wheel Wright Drive, Apartment 6A.

20 Who were you there with?

21 MR. NADIG: Your Honor, I'm going to
22 object to the form of that question.

23 THE COURT: Sustained. It assumes facts
24 not in evidence, leading, et cetera, et cetera.

25 MR. SCARBOROUGH: I mean it's foundation.

1 other chick.

2 Q. What's your brother's name?

3 A. Bryston.

4 Q. Bryston what?

5 A. Martinez.

6 Q. What is your girlfriend's name?

7 A. Mine?

8 Q. Yes. Or, sorry, his girlfriends name?

9 A. Brandi.

10 Q. Brandi what? Do you know?

11 A. No, I don't know her last name.

12 Q. At some point while you were at the home
13 did you come into contact with someone you see in the
14 courtroom here today?

15 A. I know I came in contact with someone.

16 Q. Do you see them here in the courtroom
17 today?

18 A. I'm not too sure because it happened so
19 fast.

20 Q. Yes or no, is the person in the courtroom
21 today?

22 A. I'm not sure.

23 Q. Okay. So that person that you came into
24 contact with, what was the interaction?

25 A. He just -- at the time I seen him I just

1 THE COURT: Are you going to argue with
2 me?

3 It's not foundation. We haven't
4 even heard where he was on the day. How do I know he
5 was there other than you just said it.

6 BY MR. SCARBOROUGH:

7 Q. Where were you on July 1, 2018?

8 A. With my brother, my brother house.

9 Q. And do you know where that's located?

10 A. On Wheel Wright or something.

11 THE COURT: You have to speak a little
12 clearer. Miss Gerri has to take down everything you
13 say.

14 THE WITNESS: Wheel Wright.

15 BY MR. SCARBOROUGH:

16 Q. Is that here in Las Vegas, Clark County,
17 Nevada?

18 A. Yes, I think so.

19 Q. Do you recall what time you got over to
20 that house that day?

21 A. No. It was in the morning sometime.

22 Q. Who were you there with?

23 A. My brother.

24 Q. Was anyone else there?

25 A. Yeah, my brother girlfriend and some

1 seen the gun being pulled and I ran and that's how I
2 ended up getting hit in the back.

3 Q. So the person you saw you said a gun was
4 pulled?

5 A. Right.

6 Q. Where was it pulled from?

7 A. It just -- I just seen the gun come out
8 so I can't tell you where it came from, the front or
9 the back, however I just seen it come out and I got
10 on.

11 Q. What do you mean by got on?

12 A. I ran.

13 Q. Do you remember what type of gun it was?

14 A. It was a hand pistol.

15 Q. What happened after you saw that person
16 pull the gun?

17 A. I pushed my brother out of the way and I
18 ended up getting hit in the back.

19 Q. When you say you got hit in the back what
20 do you mean?

21 A. I got shot.

22 Q. Where in the back?

23 A. Right here. Came through my rib, came
24 out through the front.

25 MR. SCARBOROUGH: So, for the record, the

1 witness using his right hand pointed to the back
2 right side, I would say upper rib cage.

3 Fair to say?

4 MR. NADIG: I have no objection for the
5 record.

6 THE COURT: Okay.

7 BY MR. SCARBOROUGH:

8 Q. And what happened after you were shot?

9 A. I went in the house and told my brother
10 to call an ambulance.

11 Q. When you said you had went into the
12 house, did other people go into the house with you?

13 A. Just my brother went in before me and I
14 went in after him.

15 Q. When the subject started shooting were
16 you outside of the house or inside of the house?

17 A. Outside.

18 Q. How many people were outside of the house
19 with you when the subject started shooting?

20 A. Two.

21 Q. How many shots do you recall being fired?

22 A. I can't remember. Maybe about two.

23 Q. Safe to say more than one?

24 A. Right.

25 Q. When you went into the house what

1 THE COURT: Mm-hmm.

2 MR. SCARBOROUGH: -- as State's Proposed
3 1.

4 May I approach?

5 THE COURT: Yes.

6 BY MR. SCARBOROUGH:

7 Q. Showing the witness what's marked as
8 State's Proposed 1.

9 Is that the photo that you were
10 shown?

11 A. I'm not sure. Could have been.

12 Q. And is the person in this photo someone
13 that you pointed out as the shooter?

14 A. I'm not sure. I don't remember.

15 Q. Okay. So after you were shown this photo
16 what did you do next?

17 A. I guess I just laid in the bed. I
18 couldn't do nothing.

19 Q. Do you recall giving a taped interview to
20 detectives?

21 A. No.

22 Q. You don't recall being recorded and
23 relaying the facts of the events to detectives?

24 A. No.

25 Q. Just for reiteration who -- I'm sorry?

1 happened next?

2 A. I just laid on the floor and told my
3 brother to call an ambulance.

4 Q. And then what happened after that?

5 A. The police came. I crawled outside to
6 the police and they took me to the hospital.

7 Q. When you were taken to the hospital what
8 was the nature of your injuries.

9 A. Gunshot wound I guess through and
10 through, say grazed my liver so I had to sit there
11 for a minute.

12 Q. And you received treatment for your
13 wounds?

14 A. Mm-hmm. Yes.

15 Q. Were you spoken to by officers at the
16 hospital?

17 A. Yes.

18 Q. Were you shown a picture of somebody?

19 A. I can't recall. I probably was. I was
20 under some drugs.

21 Q. So at the hospital you are saying that
22 you probably were shown a picture of someone.

23 MR. SCARBOROUGH: Showing defense counsel
24 what's -- may I approach to mark this exhibit, your
25 Honor, I apologize --

1 A. It could have happened, but I don't
2 remember.

3 Q. So just for reiteration who was all there
4 that day?

5 A. The day of what?

6 Q. July 1, the day of the shooting.

7 A. Me, my brother, my brother girlfriend. I
8 think my brother girlfriend daughter and maybe her
9 cousin or something like that.

10 Q. So I want the names of those people.

11 You said your brother is Bryston?

12 A. Right, my brother is Bryston, his
13 girlfriend is Brandi, and I don't know no other
14 names. I don't know the kid or the cousin.

15 Q. The four year-old daughter you don't
16 know?

17 A. I don't know her name. I just met her.

18 Q. And so they were all present at the time
19 of the shooting?

20 THE COURT: Is that a yes?

21 THE WITNESS: Yes.

22 MR. SCARBOROUGH: Sorry, your Honor.

23 BY MR. SCARBOROUGH:

24 Q. They ran into the house with you?

25 A. No, they was already in the house.

13

1 MR. SCARBOROUGH: Nothing further.

2 THE COURT: Cross-examination.

3 MR. NADIG: Thank you, your Honor.

4

5 CROSS-EXAMINATION

6 BY MR. NADIG:

7 Q. Good morning, Brenton.

8 A. Good morning.

9 Q. All right. So you don't know who shot

10 you on the day in question?

11 A. No. I didn't get a look at them. I just

12 seen the pistol.

13 Q. So you were focused on the gun, you

14 weren't focused on the face, correct?

15 A. Yeah, my brother, that's all.

16 Q. Okay. And so the first thing you did

17 when you saw that pistol is you pushed your brother

18 out of the way, right?

19 A. Right.

20 Q. And the only people present were your

21 brother, yourself, and whoever shot you, correct?

22 MR. SCARBOROUGH: Objection. Misstates

23 testimony.

24 MR. NADIG: Actually, no, it doesn't.

25 THE COURT: It does, but why don't you

14

1 Was Brandi standing in the

2 doorway?

3 A. I wouldn't be able to tell because if she

4 was, she would be behind me, so I wouldn't know.

5 Q. So you would have blocked her --

6 A. Right.

7 Q. -- from that area?

8 And so --

9 A. I wouldn't say -- yeah, I guess you could

10 say that.

11 Q. And so you were shot in the back, so that

12 means you turned around; is that a fair statement?

13 A. Right.

14 Q. And then you don't know what happened to

15 your brother, you just pushed him out of the way,

16 correct?

17 A. I mean he got in the house before I did.

18 Q. So he got in then you got in?

19 A. Correct.

20 Q. And you were shot in the back, correct?

21 A. Correct.

22 Q. And were both of you shot outside of the

23 house?

24 A. Right. I got shot right at the front

25 door.

14

1 just ask him.

2 BY MR. NADIG:

3 Q. Brandi was in the house, was she not?

4 A. Yes.

5 Q. Brandi's cousin was in the house?

6 A. Yes.

7 Q. And Brandi's daughter was in the house?

8 A. Yes.

9 Q. So at the time of the shooting the only

10 two people -- the only three people that were out

11 were yourself, your brother, and the person who shot

12 you, correct?

13 A. Yes.

14 Q. And where were you shot; were you shot on

15 the street?

16 A. I was shot in the apartment complex.

17 Q. In the complex. Were you shot in the

18 parking lot?

19 A. No, like close to the front door of the

20 house.

21 Q. So it was close to the front door of the

22 house.

23 Was the door open or closed?

24 A. Open.

25 Q. The door was open.

16

1 Q. So outside of the front door?

2 A. Right.

3 Q. And you said you believed there may be

4 about two shots?

5 A. Right, yeah. After that I wasn't trying

6 to count the shots. I was trying to leave.

7 Q. Do you recall any shots beyond the two

8 shots?

9 A. I can't recall no more. After I got hit

10 I don't recall nothing else.

11 Q. So you don't recall anything else, you

12 got in the house, the door closed, right?

13 A. Right.

14 Q. You don't recall any shots once you

15 entered the house?

16 A. I can't recall, no.

17 Q. So no shots when you entered the house or

18 you can't remember?

19 A. Mm-hmm.

20 Q. And then when you got to hospital you

21 were on drugs, correct?

22 A. Right.

23 Q. Painkillers, right?

24 A. Yeah.

25 Q. So it's fair to say that your memory

1 wasn't all there?

2 A. Right, correct.

3 Q. And so you don't recall what exactly
4 happened on that day other than being shot?

5 A. Correct.

6 Q. Okay. The gentleman sitting at the table
7 next to me, ever seen him before?

8 A. No.

9 MR. NADIG: Nothing further.

10 THE COURT: Redirect.

11 MR. SCARBOROUGH: Yes.

12 REDIRECT EXAMINATION

13 BY MR. SCARBOROUGH:

14 Q. So you're saying that day it's your
15 testimony on July 1 that at the hospital you were not
16 shown a picture by an officer it's your testimony
17 today?

18 MR. NADIG: And I'm going to object to
19 that.

20 THE WITNESS: No, I'm not saying --

21 THE COURT: Hold on.

22 MR. NADIG: That misstates the testimony.
23 What he said is he couldn't recall, he could have
24 been I believe was the direct statement.
25

1 please.

2 THE WITNESS: Alexander Jegg,
3 A-l-e-x-a-n-d-e-r, J-e-g-g.

4 THE COURT: Thank you.

5 You can proceed.

6 A L E X A N D E R J E G G, having been first duly
7 sworn to testify to the truth, the whole truth, and
8 nothing but the truth, testified as follows:

9 DIRECT EXAMINATION

10 BY MR. SCARBOROUGH:

11 Q. What do you do for a living?

12 A. Police officer for the Las Vegas
13 Metropolitan Police Department.

14 Q. How long have you been so employed?

15 A. One year four months.

16 Q. I want to direct your attention to
17 July 1, 2018. Were you on duty that day?

18 A. Yes.

19 Q. Were you called to respond to an incident
20 that brings you to court today?

21 A. Yes.

22 Q. And what was the nature of that?
23
24
25

1 THE COURT: Sustained.

2 MR. SCARBOROUGH: Brief indulgence.

3 BY MR. SCARBOROUGH:

4 Q. So it's also your testimony today that
5 you don't recall giving a taped statement of the
6 events?

7 A. I don't recall. It could have happened,
8 but I don't recall it.

9 MR. SCARBOROUGH: Court's brief
10 indulgence, your Honor.

11 THE COURT: Mm-hmm.

12 MR. SCARBOROUGH: At this point we're
13 going to pass the witness.

14 THE COURT: Any recross on him?

15 MR. NADIG: No, your Honor.

16 THE COURT: All right. Thank you very
17 much, sir. Appreciate your time today, Mr. Martinez.

18 (Witness excused)

19 Next witness.

20 MR. SCARBOROUGH: Officer Jegg.

21 THE CLERK: Please have a seat.

22 State your first and last name for
23 the record and then spell your first and last name,
24
25

1 A. It was a shooting call. I was one of the
2 responders.

3 Q. What did you do when you responded to the
4 scene?

5 A. I accompanied the victim to the hospital.

6 Q. And who is -- what's the victim's name?

7 A. It is Brenton Martinez.

8 Q. When you accompanied the victim to the
9 hospital did you speak with the victim?

10 A. Yes.

11 THE COURT: Hold on.

12 (Discussion off the record.)

13 Okay, you can proceed.

14 Did you say Brenton Martinez,
15 that's who you accompanied?

16 THE WITNESS: Yes.

17 THE COURT: Thank you.

18 BY MR. SCARBOROUGH:

19 Q. And I had asked, you had communicated
20 with Brenton Martinez, correct?

21 A. Yes.

22 Q. At some point were you able to secure a
23 photo of someone or of a suspect believed to be
24
25

21
1 involved in that shooting?

2 A. Yes.

3 Q. And at some point did you present that
4 singular photo to Mr. Martinez?

5 A. Yes.

6 MR. SCARBOROUGH: May I approach?

7 THE COURT: Yes.

8 BY MR. SCARBOROUGH:

9 Q. Showing the witness what's still marked
10 as State's Proposed Exhibit 1.

11 What are we looking at here?

12 A. We're looking at a mugshot of a possible
13 suspect.

14 Q. And is this the same mugshot that you
15 showed the victim, Mr. Martinez, that day?

16 A. Yes.

17 Q. Is this photograph a fair and accurate
18 representation of that same photo that you showed
19 that day?

20 A. It is a photo, yes.

21 MR. SCARBOROUGH: Move to admit.

22 THE COURT: Any objection?

23 MR. NADIG: No objection.

24 THE COURT: Exhibit 1 will be admitted.
25

23
1 BY MR. SCARBOROUGH:

2 Q. And so the witness -- or, sorry, the
3 victim ID'd this person shown in the photo as the
4 person who shot him?

5 A. Yes.

6 Q. And who conducted the shooting, correct?

7 A. Yes.

8 Q. Were you aware -- did he give a name at
9 all?

10 A. No.

11 MR. SCARBOROUGH: Nothing else, your
12 Honor.

13 THE COURT: Cross-examination.

14
15 CROSS-EXAMINATION

16 BY MR. NADIG:

17 Q. So, Officer Jegg, you accompanied Brenton
18 Martinez to the hospital?

19 A. Yes.

20 Q. Approximately how long did that ride
21 take?

22 A. Well, I was not in the ambulance.

23 Q. So you were not in the ambulance so you
24 didn't see any administration of drugs or anything of
25 that effect when you were going?

22
1 (State's Exhibit 1
2 admitted into evidence.)

3
4 BY MR. SCARBOROUGH:

5 Q. When you showed this to the victim was
6 the victim able to positively ID this person as
7 someone who was the shooter?

8 A. Yes.

9 MR. NADIG: Objection; hearsay.

10 MR. SCARBOROUGH: This is under
11 impeachment.

12 THE COURT: How is it hearsay?

13 MR. NADIG: It's an out of court
14 statement for the truth of the matter asserted.

15 THE COURT: I think under the law it
16 might not be hearsay, but if you want to --

17 MR. NADIG: Noting the objection, that's
18 all.

19 THE COURT: Mr. Scarborough, would you
20 like to respond?

21 MR. SCARBOROUGH: Under the statute an ID
22 after a presentation of a photo is not subject to
23 hearsay rules.

24 THE COURT: Objection overruled.
25

24
1 A. No.

2 Q. When you arrived at the hospital how long
3 did they treat Mr. Martinez prior to you going in and
4 speaking with him?

5 A. I would say about 30 minutes.

6 Q. So he was in there for 30 minutes prior
7 to you speaking to him, correct?

8 A. Correct.

9 Q. And in that time did he -- to your
10 knowledge was he administered any form of pain
11 killing drugs?

12 A. Not to my knowledge.

13 Q. Did he appear to be under the influence
14 when you spoke with him?

15 A. Not to my knowledge.

16 Q. Are you trained to identify people who
17 are under the influence?

18 A. For narcotics, prescribed or
19 non-prescribed?

20 Q. Irrespective, both.

21 A. I'm not trained.

22 Q. So you're not trained to identify people
23 who are under the influence of narcotics?

24 A. I'm not.

25 Q. And on that day in question -- typically

25
1 it's Metro's policy to provide a six-pack of an
2 individual; is that a fair statement?

3 A. Correct.

4 Q. But on this day you provided one photo,
5 correct?

6 A. Yes.

7 Q. And that was the photo that was admitted
8 into evidence?

9 A. Yes.

10 Q. And you were directed to show this to
11 Mr. Martinez?

12 A. Yes.

13 MR. NADIG: Nothing further, your Honor.

14 THE COURT: I have a couple questions.

15
16 EXAMINATION

17 BY THE COURT:

18 Q. When you spoke with the victim in the
19 hospital, I know Mr. Nadig was asking about him being
20 under the influence or not, but did he appear to be
21 coherent to you?

22 A. Yes.

23 Q. Did he appear to be lucid to you?

24 A. Yes.

25 THE COURT: Redirect.

27
1 THE COURT: Thank you so much.

2 MR. SCARBOROUGH: May I proceed?

3 THE COURT: Yes.

4 MR. SCARBOROUGH: Thank you, your Honor.

5
6 BRYSTON MARTINEZ 2, having been first
7 duly sworn to testify to the truth, the whole truth,
8 and nothing but the truth, testified as follows:

9
10
11 DIRECT EXAMINATION

12 BY MR. SCARBOROUGH:

13 Q. So safe to say you are currently in
14 custody at CCDC, correct?

15 A. Yes, sir.

16 Q. And you are in custody right now on
17 unrelated charges to this event, correct?

18 A. Yes, sir.

19 Q. I want to direct your attention to
20 July 1, 2018. Where were you that day?

21 A. At my ex-girlfriend's house.

22 Q. And who is your ex-girlfriend?

23 A. Brandi.

24 Q. Brandi what?

25 A. Coleman.

26
1 MR. SCARBOROUGH: None at this time, your
2 Honor.

3 THE COURT: Any recross based upon my
4 questions?

5 MR. NADIG: No, your Honor.

6 THE COURT: Thank you very much, sir.
7 Appreciate your time today.

8
9 (Witness excused)

10
11 Next witness.

12 MR. SCARBOROUGH: State calls a person in
13 custody, Bryston Martinez.

14 THE CLERK: Please have a seat.

15 State your first and last name for
16 the record and then spell your first and last name,
17 please.

18 THE WITNESS: Bryston Martinez,
19 B-r-y-s-t-o-n, M-a-r-t-i-n-e-z.

20 THE COURT: Thank you. You can have a
21 seat.

22 Speak clearly and into the
23 microphone because everything we're saying is being
24 taken down by our court reporter.

25 THE WITNESS: Yes, ma'am.

28
1 Q. And on that day when you were with Brandi
2 was there anyone else at the home?

3 A. My brother, her daughter. I think her
4 cousin. I don't know her cousin's name.

5 Q. So your brother. What's your brother's
6 name?

7 A. Brenton.

8 Q. Brenton what?

9 A. Martinez.

10 Q. What is -- you mentioned her daughter.
11 Who's her?

12 A. Sanylah.

13 Q. Sanylah is the daughter?

14 A. Yes.

15 Q. And that would be whose daughter?

16 A. Brandi's.

17 Q. So on that day did you eventually -- did
18 something happen to bring you into court today?

19 A. My brother got shot.

20 Q. And your brother being?

21 A. Brenton.

22 Q. How do you know your brother got shot?

23 A. He walked in the house holding his
24 stomach.

25 Q. Can you describe the events leading up to

that time?

A. We were drinking, smoking. That's about it.

Q. When you say we, who?

A. Me and my brother, me and Brenton.

Q. Now, let's walk back the events that lead up to it.

So are you inside or outside of the house at the time of the shooting?

A. I'm inside of the house.

Q. You are inside of the house?

A. Yes, I'm inside the house.

Q. Out of all the people that you named, so describe where they were at this time.

Where was Brenton?

A. He was outside.

Q. Outside meaning in front of the house?

A. I can't tell you exactly.

Q. Was anyone else outside?

A. I don't know who was with him.

Q. So at any point were you outside?

A. Earlier, before I walked in, yeah. We were drinking and smoking out there.

Q. Now, did you come into contact with someone else who wasn't originally there outside that

Q. So when you were inside the house you don't remember shots coming inside the house?

A. No. I remember getting on the floor.

Q. Why did you get on the floor?

A. Because I heard gunshots.

Q. Who else was inside the house with you at that time?

A. Just me, Brandi, her daughter and her cousin.

Q. Her daughter and her cousin.

And you earlier said her daughter is Sanylah?

A. Yes.

Q. And you don't remember the cousin's name?

A. No.

Q. What happens when you hit the floor and the gunshots are going off?

A. I just laid on the floor. I grabbed the little girl. I laid on the floor.

Q. Why did you grab the little girl?

A. I don't know. I mean I heard gunshots. I'm from Los Angeles, you know, I hear gunshots all the time. We hear it, we get on the floor.

Q. What did you do when you grabbed the little girl?

day?

A. No.

Q. So no one else came up that day besides the four people that you mentioned?

A. I said I was in the house.

Q. So you're saying that you just never saw anybody?

A. I didn't see nobody. I was in the house.

Q. Now, in terms of your brother being shot, do you remember if there was only one shot?

A. I can't count it. I couldn't count them.

Q. You couldn't count them meaning is it -- was there more than one shot?

A. Probably two, three, if I'm not mistaken. Like I say, I was under the influence.

Q. So where were you when you heard the multiple shots?

A. Coming out of the restroom of the house.

Q. I don't mean to interrupt.

So when you were in the house how did you -- was it only hearing the shots?

A. Yeah, only heard them.

Q. Were the shots coming inside the house?

A. Like I say, I'm not for sure. Probably, but I'm not for sure.

A. Just laid there.

Q. Did you pull that little girl to the floor?

A. Yeah, pretty much.

Q. And you said Brandi was there near you, correct?

A. She was in the house. She wasn't near me, but she was in the house.

Q. Do you remember or recall what she was doing at that time?

A. No, sir.

Q. You don't know the person that is the alleged suspect of these shootings, correct?

A. No, sir.

Q. And you claim today that you never saw anyone discharge any firearm or anything like that?

A. I told you this last time when we was in court, when I came last time, I don't.

Q. Let's clear this record up.

So when you're saying last time, you're talking about actually talking to me last time and you're looking over towards like the sallyport when you're behind the box?

A. Yeah.

Q. Okay. Now, do you recall giving a

33
1 taped -- or a transcribed or taped statement to
2 detectives on this incident?

3 A. Yeah, I did, but I told you I told them
4 anything to get to my brother. They made me give a
5 statement.

6 Q. What do you mean by they made you give a
7 statement?

8 A. They would not let me leave to go see my
9 brother unless I gave some type of statement.

10 Q. And so now in that statement do you
11 recall giving descriptors of the person that you
12 believe was the shooter?

13 A. What do you mean by that?

14 Q. Do you recall giving the detective
15 physical descriptors of the person that you believe
16 is the shooter?

17 A. Yeah, something I made up at the time;
18 yeah, I did.

19 Q. You made up the description is your
20 testimony?

21 A. Yes, sir.

22 Q. Did you ever tell detectives that at the
23 time?

24 A. No.

25 Q. That you were making it up?

35
1 that at the time after you were giving a thorough
2 description of this person?

3 MR. NADIG: I'm going to object to the
4 use of the word thorough.

5 MR. SCARBOROUGH: Withdrawn. Understand.

6 THE WITNESS: No.

7 MR. SCARBOROUGH: Brief indulgence.

8 Nothing further.

9 THE COURT: Cross-examination.

10 MR. NADIG: Thank you, your Honor.

11 CROSS-EXAMINATION

12 BY MR. NADIG:

13 Q. So, Bryston, you had been drinking and
14 smoking with your brother that day?

15 A. Yeah, since 6:00 in the morning.

16 Q. Now, and it was roughly 8 or 9 in the
17 morning when this happened?

18 A. I believe so. I can't tell you exact
19 time.

20 Q. Now, just to be specific, when you say
21 smoking, I'm going to assume you mean smoking
22 marijuana; is that a fair statement?

23 A. Yes, sir.

24 Q. So you were both drunk and high at that
25

34
1 A. No. Just like I gave them a fake name at
2 the time too because I know I had warrants and I
3 didn't feel like coming to jail which I'm here now
4 anyways.

5 Q. So do you recall giving a height
6 description?

7 A. No, not really.

8 Q. Do you recall giving a description as in
9 terms of hairstyle?

10 A. Yeah.

11 Q. You do?

12 A. Yeah.

13 Q. And what was that?

14 A. Medium braids, like small braids. That
15 can be anybody in the world.

16 Q. Okay. Do you recall giving the
17 description of the person's race?

18 A. No.

19 Q. What about clothing?

20 A. Something I made up again.

21 Q. And so again it's your testimony today
22 that the description that you gave to detectives was
23 entirely made up?

24 A. Yes, sir.

25 Q. And one more time, do you recall saying

36
1 time?

2 A. Yes, sir.

3 Q. And it's your testimony today that when
4 your brother was shot you believe you were walking
5 out of the bathroom?

6 A. Yes.

7 Q. And when you walked out of the bathroom
8 you didn't count the shots, but you believe it was
9 two or three; is that a fair statement?

10 Okay. So more than one, less than
11 five?

12 A. Yes.

13 Q. And the gentleman sitting next to me,
14 have you ever seen him before?

15 A. No.

16 Q. And when you -- when your brother was
17 shot you gave the police a fake name?

18 A. Yes, sir.

19 Q. And the reason you gave them a fake name
20 is because you had warrants?

21 A. Yes, sir.

22 Q. And the police said they wouldn't even
23 let you see your brother until you gave a statement?

24 A. Yes, sir.

25 Q. And it's your statement here today that

37
1 you lied about your name when you spoke with the
2 officers?

3 A. Yes, sir.

4 Q. And it's your statement today that you
5 lied to the officers in the statement you gave them
6 regarding the individual?

7 A. Yes, sir.

8 Q. And that was because you felt the only
9 way you would see your brother is if you did those
10 two things?

11 A. The only way they would let me leave the
12 crime scene.

13 MR. NADIG: Nothing further, your Honor.

14 EXAMINATION

15 BY THE COURT:

16 Q. Okay. I just want to clarify something
17 because I think I may have misunderstood your earlier
18 testimony.

19 When they were asking you about
20 you gave a fake name, so did you give a fake name for
21 yourself or for the person you think that was the
22 shooter?

23 A. For me.

24 Q. Okay. So every time somebody's asked you
25

39
1 MR. SCARBOROUGH: Thank you, your Honor.

2
3
4 KEN KRMPTICH, having been first duly
5 sworn to testify to the truth, the whole truth, and
6 nothing but the truth, testified as follows:

7 DIRECT EXAMINATION

8 BY MR. SCARBOROUGH:

9 Q. What do you do for living?

10 A. I'm a detective with Las Vegas
11 Metropolitan Police Department.

12 Q. How long have you been a detective?

13 A. Nine to 10 years.

14 Q. I want to direct your attention to
15 July 1, 2018.

16 Were you eventually assigned to
17 investigate a shooting?

18 A. Yes, sir.

19 Q. And can you describe the nature of your
20 investigation, what ended up happening with that
21 investigation?

22 A. Yeah. We were called early in the
23 morning, not early, but in the morning to a shooting
24 that had occurred at the apartment. We arrived. Our
25

38
1 about giving the police a fake name, it was about you
2 because you had warrants?

3 A. I had warrants; yes, ma'am.

4 THE COURT: Redirect.

5 MR. SCARBOROUGH: No, your Honor, nothing
6 at this point.

7 THE COURT: Any questions based upon my
8 questions?

9 MR. NADIG: No, your Honor.

10 THE COURT: Thank you very much, sir.
11 Appreciate your time today.

12 (Witness excused)

13 Next witness.

14 MR. SCARBOROUGH: Thank you, your Honor.

15 State calls Detective Kmpotich.

16 THE CLERK: Please have a seat.

17 State your first and last name for
18 the record and then spell your first and last name,
19 please.

20 THE WITNESS: Ken Kmpotich, K-e-n,
21 K-r-m-p-o-t-i-c-h.

22 THE COURT: Thank you.

23 You can proceed.
24
25

40
1 crime scene analyst already came up and picked up the
2 shell casings, but we walked the scene.

3 I observed seven bullet holes in
4 the apartment complex.

5 Q. Let me stop you there. You said in the
6 apartment complex. Are we -- what apartment location
7 are we at; do you recall?

8 A. Apartment A on -- I don't know the exact
9 numbers.

10 Q. Is it -- if I were to say 2883 Wheel
11 Wright Drive --

12 A. Yes.

13 Q. -- would that sound familiar, Apartment
14 6A?

15 A. 6A, yes.

16 Q. That's the location you were currently
17 investigating for the shooting?

18 A. Yes, sir.

19 Q. You said you observed bullet holes?

20 A. Yes.

21 Q. How many did you observe?

22 A. Seven.

23 Q. Can you describe the layout of that
24 apartment for me?

25 A. Yeah. There's a breezeway in the middle

41
1 of the -- it's a two-story. There's a breezeway in
2 the middle of four sets of apartments, two on each
3 side. So when we walked in there I could walk
4 towards the breezeway down the sidewalk. There's a
5 breezeway there and then the bottom apartment is
6 where the shooting had taken place, but it started
7 over towards the breezeway and came across to the
8 apartment.

9 Q. And migrated towards the apartment?

10 A. Yes, sir.

11 Q. Do you recall the locations roughly of
12 the bullet holes in the apartment?

13 A. Yes. There was -- in the breezeway there
14 was a stairwell that goes up. I think there were two
15 on the apartment here that kind of hit the wall of
16 the apartment. Then one that might have come close
17 to the door. And then it was on the apartment A,
18 which was almost kind of like as if someone was
19 tracing someone or following someone.

20 Q. With your fingers you're kind of making a
21 direct line?

22 A. Yeah, it was more like kind of up and
23 down, but it was kind of a spray to the left.

24 Q. And what -- do you recall what surface of
25 the house those bullet holes were in?

42
1 A. The window and in stucco, like a stucco,
2 the outside, it went through the outside.

3 Is that what you're asking me?

4 Q. Exactly.

5 Do you recall how many bullet
6 holes were in the window?

7 A. I do not.

8 Q. Now, as you saw the apartment that day
9 looking at the window where in the house is that
10 window overlooking?

11 A. It overlooks a small dining area and
12 kitchen area.

13 Q. Now, as you remember the layout of the
14 home, safe to say if someone goes through the front
15 door, are they in the path of that window?

16 A. Yes.

17 Q. Now, moving on from the scene, the bullet
18 holes, you also continued your investigation,
19 correct?

20 A. Yes, sir.

21 Q. Were you charged or tasked with taking
22 statements from some people involved in the
23 investigation?

24 A. Yes, sir.

25 Q. Do you recall taking a statement from a

43
1 person named Bryston Martinez?

2 A. Yes.

3 Q. In that statement did you ask about the
4 potential shooter?

5 A. Yes.

6 Q. And in that statement did you ask for a
7 description?

8 A. Yes.

9 Q. And did Bryston Martinez end up giving
10 you a description of who he believed to be the
11 shooter?

12 A. Yes.

13 Q. At any point during that statement --

14 MR. NADIG: And, your Honor, I'm going to
15 object to this as for foundational purposes.
16 Specifically when was the interview given.

17 THE COURT: Okay, that's fair.

18 MR. SCARBOROUGH: That's fair.

19 THE COURT: Sustained.

20 MR. SCARBOROUGH: Sorry, your Honor.

21 BY MR. SCARBOROUGH:

22 Q. So do you recall when you took this
23 interview?

24 A. It was that day of the shooting out on
25 the scene.

44
1 Q. And that day meaning July 1, 2018?

2 A. Yes, sir.

3 Q. You said it was on scene?

4 A. Yes, sir.

5 Q. Now, when you spoke to Mr. Martinez, we
6 had just covered what you ended up talking about,
7 correct?

8 A. Yes.

9 Q. Is it true that Mr. Bryston Martinez
10 actually gave you a false name?

11 A. Yes, he did.

12 Q. And at any point did he tell you while he
13 was giving the statements that he was completely
14 lying about the description that he was giving you?

15 A. No, sir.

16 Q. At any point did you coerce him into
17 giving you a statement by saying that you're not
18 allowed to see your brother until you give me some
19 form of statement?

20 A. No, sir.

21 MR. SCARBOROUGH: Brief indulgence.

22 BY MR. SCARBOROUGH:

23 Q. Did he ever give his real name to you?

24 A. He did not give it to me, no.

25 Q. But you ended up subsequently finding out

the name?

A. Yes.

Q. Do you recall the description that he gave to you?

A. I don't. I'm sorry.

Q. Would it refresh your recollection to look at the statement that was given?

A. Yes, sir.

MR. SCARBOROUGH: May I approach?

THE COURT: Sure.

MR. SCARBOROUGH: And for counsel's edification I'm referring to page 5 of the transcribed voluntary statement taken by Detective Kmpotich of Bryston Martinez.

BY MR. SCARBOROUGH:

Q. If you could briefly look at page 5 and look up at me if it refreshes your recollection as to the description that was given to you of the alleged shooter that day.

Does that refresh your recollection?

A. Yes, sir.

Q. Thank you.

So with regard to the description, do you recall the description that Mr. Bryston

Martinez gave to you --

A. Yes.

Q. -- about the alleged shooter?

A. Yes.

Q. What was it?

A. He was dark-skinned, about 6-foot and little braids.

Q. Eventually was a suspect developed?

A. Yes.

Q. And eventually you were able to ID a suspect in the shooting?

A. Yes.

Q. Showing what's marked as State's 1.

MR. SCARBOROUGH: May I approach?

THE COURT: Okay.

BY MR. SCARBOROUGH:

Q. What are we looking at here?

A. That is the suspect.

Q. And does that suspect actually match the descriptors that were given to you by Mr. Martinez?

A. Yes, sir.

Q. Including the braids?

A. Yes, sir.

Q. And you've seen the suspect personally?

A. Yes, sir.

Q. So you would -- it's safe to say that the height even matches?

A. Yes, sir.

Q. What is this person's name in the photo?

A. That is Jason Bolen.

Q. And do you see Jason Bolen here in the courtroom today?

A. Yes.

Q. Can you please point to that person and identify for the record?

A. Sure. He's sitting in the defendant table with a dark blue shirt on.

MR. SCARBOROUGH: The record reflect the identification of the defendant, Mr. Bolen?

THE COURT: Yes.

MR. SCARBOROUGH: Nothing further.

THE COURT: Cross-examination.

MR. NADIG: Thanks.

CROSS-EXAMINATION

BY MR. NADIG:

Q. Good morning, Detective.

A. Good morning, sir. How are you?

Q. Good.

All right. So on the day in

question when you arrived the casings were not present?

A. No, sir.

Q. So at that time you believed that there were seven bullet holes at or near the apartment?

A. Yes.

Q. Could you tell that those were recent bullet holes?

A. They looked fresh, yes, and the ones that we were looking at where the stucco, it had hit the stucco on the outside of the house, you could see a little bit of the stucco on the ground. The fresh --

Q. That could also happen for other reasons as well; fair statement?

A. Sure.

Q. Now, you said seven shots?

A. Seven, I think seven bullet holes, sir.

Q. But you said two were off to the side, correct?

A. Yes, I'm pretty sure it was in the breezeway. The breezeway, yes, I think it was to the right.

Q. So the breezeway would not be the structure, would not be where the people were staying?

49
1 A. The breezeway is where the victim and the
2 victim's brother were sitting, smoking.

3 Q. But that was outside, correct?

4 A. Outside; yes, sir. It is -- well, yeah,
5 it's part of the structure, but not part of the
6 apartment.

7 Q. It was not part of the apartment where
8 people were present?

9 A. Yes, sir.

10 Q. Sorry, that's my fault.

11 And so the other -- you said how
12 many bullets were in the window, if you recall?

13 A. I do not recall how many bullets were in
14 the window, sir.

15 Q. So you don't recall how many, and there
16 was one kind of by the doorframe, if you recall?

17 A. It was on the other apartment, so A, the
18 one that was on the bottom floor to the right if
19 you're facing the apartment. There was a bullet hole
20 I found in the stucco there and then one that was
21 closer to the door area.

22 Q. So there were four bullets that were not
23 directed at the actual apartment where -- that was
24 the subject of the investigation; that's your
25 statement?

51
1 A. Yes.

2 Q. And so that one was not directed at the
3 apartment where they fled to; is that a fair
4 statement?

5 A. Yes.

6 Q. And then I believe another one was in the
7 breezeway; am I incorrect in that assumption?

8 A. There was breezeway on the apartment that
9 had the two bullet holes in it?

10 Q. Yes.

11 A. Yes.

12 Q. So that's four bullets, the one in the
13 individual, and then the three in the separate
14 apartment?

15 A. Right.

16 Q. So that's four, so that means at most
17 there were three directed towards the subject
18 apartment; is that a fair statement?

19 A. Yes. Three were one in the victim, two
20 in the other apartment.

21 Q. And then so -- but you don't know when
22 those bullets entered that apartment; you believe you
23 know, but you don't know for certain when those
24 bullets entered that apartment; is that a fair
25 statement?

50
1 A. No. Well, the two bullets where -- in
2 the area of where my victim got shot, where he was
3 standing in that direction. So if he was standing
4 there and he fired as he took off running there's the
5 rounds going like that I guess is how --

6 Q. And I understand what you're saying, but
7 I'm saying as to the actual apartment where the
8 ladies were and where the gentlemen eventually ended
9 up, there were three bullet holes in that area, in
10 the window and such, but there were four that were
11 not directed at that apartment?

12 A. I don't know how many were exactly in the
13 apartment. I would say probably the five were in the
14 apartment because we had seven bullet holes, so two
15 were in the apartment to the right, the bottom stairs
16 apartment, and then the rest were into the apartment.

17 Q. I'm going to stay with this because I'm
18 still confused.

19 A. I'm getting confused too.

20 Q. There were two definitely in a separate
21 apartment; fair statement?

22 A. Yes.

23 Q. So that leaves about five left, correct?

24 A. Yes.

25 Q. One went into a person?

52
1 A. It was during the shooting.

2 Q. That's fair enough.

3 And you know that at least one
4 went in the window?

5 A. At least one. I think I remember at
6 least seeing two in the window, but unless I look at
7 the pictures to be exact.

8 (Overlapping speakers)

9 I do a lot of these.

10 (Overlapping speakers)

11 Q. But and so describe where the window is
12 in terms of height; is this three feet off the
13 ground?

14 A. It is a -- it's a decent size window. I
15 couldn't tell you how far it was off the ground
16 exactly, but it seemed to be maybe a foot or two.
17 Well, maybe two or three feet off the ground. I'm
18 not -- to be exact I can't.

19 Q. And then were these shots -- and you said
20 it's a fairly big window, so like a 3-foot by 4-foot
21 window, something like that?

53

1 A. I wouldn't know the exact measurement.

2 Q. But it was a large window is your

3 statement?

4 A. Decent size.

5 Q. And were those bullet holes, if you

6 recall, in the upper portion of the window, lower

7 portion of the window?

8 A. I think it was kind of both. It was

9 almost kind of like a, you know, probably lower

10 middle area.

11 Q. For the record, the Detective Kmpotich

12 is using his right hand to in a zigzag pattern up and

13 down, which would suggest firing in an up and down

14 manner. Is that a fair statement?

15 A. Yeah, kind of like this. This is kind of

16 what I'm, you know, as he's pulling the trigger and

17 tracing someone, he's doing the up and down motion,

18 because you're pushing that gun out to pull the

19 trigger, so you're going to get that up and down

20 motion is kind of the way to explain it.

21 Q. So it's your belief based upon the

22 evidence that you saw at the crime scene that this

23 was a shooting at one individual, an individual was

24 shooting at an individual running away from them; is

25 that a fair statement?

55

1 shooter was shooting at an individual who was fleeing

2 and they were shooting in a manner that followed a

3 tracking pattern I believe you --

4 A. Yes, sir, that's my opinion.

5 Q. So it's your opinion based upon the

6 evidence that you saw at the scene, based upon your

7 experience, that this was a shooter shooting at one

8 individual or potentially two?

9 A. It could be. I don't know what his

10 intentions were after he fired the first shot so, but

11 there was a definite pattern of going from right to

12 left.

13 Q. That suggested he was shooting at a

14 fleeing person?

15 MR. SCARBOROUGH: Objection. Now we're

16 arguing with the witness. He's talked about what he

17 thinks his intent is. The physical evidence just

18 shows bullet holes. That's not going to be able to

19 allow the detective to deduce the intent of what he

20 believes the shooter was shooting at.

21 MR. NADIG: Prior to the objection I do

22 want to note that Detective Kmpotich was nodding in

23 an affirmative manner.

24 THE COURT: I'm overruling the objection.

25 MR. NADIG: Thank you.

54

1 MR. SCARBOROUGH: Objection; speculation.

2 THE COURT: Go ahead and lay some

3 foundation.

4 BY MR. NADIG:

5 Q. I'm assuming you're on gangs or whatever

6 gangs has become as a detective?

7 A. I was on gangs. I'm not anymore.

8 Q. And you've been to a number of shooting

9 sites?

10 A. Yes.

11 Q. More than a hundred?

12 A. Probably close.

13 Q. And you've been trained on gunfire

14 patterns?

15 A. Not trained trained, but just through the

16 investigative learning.

17 Q. Through your experience --

18 A. Yes.

19 Q. -- you have analyzed gunfire pattern?

20 A. Yes.

21 Q. And you have done this over a period of

22 nine or 10 years?

23 A. Yes.

24 Q. And it is your belief based upon the

25 evidence that you saw at the scene that it was a

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1 BY MR. NADIG:

2 Q. And so with that, you were nodding in an

3 affirmative manner. Can I assume your suggestion was

4 yes?

5 A. Can I have the question again?

6 Q. That based upon what you believe the

7 evidence showed is that this was an individual

8 shooting at people fleeing from him?

9 A. Yes, yes.

10 MR. NADIG: Nothing further.

11

12 EXAMINATION

13 BY THE COURT:

14 Q. Now I'm clear as mud on the holes. So

15 let's just break it down again.

16 A. Yes.

17 Q. You said you found seven holes?

18 A. Yes.

19 Q. I have a question. Out of those seven

20 holes do you believe -- you believe there were at

21 least seven shots that caused those holes; is that

22 correct?

23 A. Yes.

24 Q. Do you believe there was an eighth shot

25 that went into the victim or do you think the shot

57
1 that went into the victim is included in one of these
2 seven holes?

3 A. There was a total, from reading the CSI
4 report, there was a total of 10 rounds, two live
5 rounds were there at the scene, and then there were
6 seven spent shell casings.

7 Q. Okay.

8 A. And I could explain how that happened if
9 you want to know that.

10 Q. Please do.

11 A. From doing the interviews that we learned
12 about he walked up and wanted to know who her new
13 nigga was.

14 THE COURT: Okay, that I don't --

15 MR. NADIG: And, your Honor, just for the
16 record, I do object to --

17 THE COURT: Yeah, no, no, I agree.

18 MR. NADIG: -- him testifying to the
19 knowledge of the CSA things.

20 THE WITNESS: Okay, that's fine.

21 BY THE COURT:

22 Q. Okay. Just tell me what you know about
23 the rounds and about the holes and . . .

24 A. Okay. So there were two rounds of spent
25 shell casings, and then there were seven other shell

59
1 casing is, and then another one that was just behind
2 there by the door from what I remember.

3 Q. So not towards the particular apartment?

4 A. No.

5 Q. So two were not towards the particular
6 apartment?

7 A. No.

8 Q. What about the other five?

9 A. The other ones were in the apartment
10 that -- where the people were running to.

11 Q. Whether it be in the window or in the
12 walls, you said as almost like a tracking pattern?

13 A. Yes.

14 Q. The stucco?

15 A. Yes.

16 Q. That's all -- wait. I do have another
17 question.

18 You said that you interviewed
19 Bryston, right?

20 A. Yes.

21 Q. How long after you got there did you
22 interview him?

23 A. I would have to go back and look at our
24 time that I did the interview and the time of my
25 arrival on our CAD.

58
1 casings that were there on the scene. Seven bullet
2 holes in the building.

3 Q. Now, let's break down those seven.

4 Two, it's my understanding from
5 your testimony, I'm not trying to put words in your
6 mouth --

7 A. No.

8 Q. -- two were in the breezeway, I'm
9 suspecting they're in some sort of wall; I mean what
10 were they -- what was the hole in? The breezeway to
11 me is an open area.

12 A. No, it's not an open area. I think what
13 it is, it's an entranceway. It's got a stairwell
14 that goes up, and from what I remember there's a wall
15 on the back of the breezeway. So it's an opening
16 that separates an apartment door here, an apartment
17 door here, the stairs to go upstairs to the second
18 apartment, if that makes sense.

19 Q. Okay.

20 A. And then --

21 Q. So where were those two that you were
22 referencing?

23 A. Those are -- if you're coming down the
24 stairs here, I think one was right here by the
25 stairs, like just in that area of where the stair

60
1 Q. Can you give me a fair estimate, like
2 under an hour or over five?

3 MR. NADIG: And, your Honor, just for the
4 record, he has the transcript, so he can refresh as
5 to when the interview was given.

6 MR. SCARBOROUGH: As to the time.

7 THE COURT: Well, it's not helpful unless
8 it says when he got there.

9 MR. SCARBOROUGH: Fair enough.

10 THE WITNESS: It was within an hour.

11 BY THE COURT:

12 Q. So it was within an hour?

13 A. Yeah.

14 Q. Did he seem impaired at all; drunk, high,
15 stoned, anything like that?

16 A. I did smell booze on his breath.

17 Q. Did he seem impaired?

18 A. No.

19 THE COURT: Redirect.

20 MR. SCARBOROUGH: Based on your
21 questioning; no, your Honor, we're fine.

22 THE COURT: Anything based on my
23 questions, Mr. Nadig?

24 MR. NADIG: There's one question I forgot
25 to ask.

61
1 THE COURT: That's okay, go ahead.

2
3 FURTHER CROSS-EXAMINATION

4 BY MR. NADIG:

5 Q. Typically, tell me if I'm wrong, that
6 it's your practice to prepare a six-pack for
7 identification; is that a fair statement?

8 A. Yes, sir.

9 Q. But in this case you did not?

10 A. No.

11 MR. NADIG: Nothing further.

12 THE COURT: Anything on that?

13 MR. SCARBOROUGH: No, your Honor.

14 THE COURT: All right. Thank you very
15 much, Detective. Appreciate your time today.

16
17 (Witness excused)

18
19 Any further witnesses or evidence
20 from the State?

21 MR. SCARBOROUGH: I do have further
22 evidence from the State. I do not have any further
23 witnesses.

24 I've shown defense counsel what I
25 will go to mark as State's Proposed 2 and 3, copies

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1 deadly weapon with the named victim as Shakiesha
2 G-e-t-e-r.

3 And also I will move to strike
4 Count 14, a discharging firearm at or into the
5 occupied structure. That would represent an eighth
6 count of discharging. The testimony clearly comports
7 to seven bullet holes into the structure of 6A or a
8 structure, so I will move to strike Count 14.

9 And with that, your Honor, I rest.

10 THE COURT: Any witnesses or evidence
11 from the defense?

12 MR. NADIG: No, your Honor. I've spoken
13 to Mr. Bolen about his Fifth Amendment right to
14 testify. He's not going to testify at this time.

15 THE COURT: We're just going to take
16 about a three minute recess so you can gather your
17 thoughts and notes for a closing argument. I'll be
18 right back.

19
20 (After a recess the following
21 proceedings were had.)

22
23 Are you ready for closing
24 arguments?

25 MR. NADIG: Yes, your Honor.

62
1 of the Judgments of Convictions as alleged in Count 6
2 for the 2009 battery with substantial bodily harm and
3 the trafficking in controlled substance.

4 MR. NADIG: Those are certified, right?

5 MR. SCARBOROUGH: I have two certified --

6 MR. NADIG: Slight or marginal, so I'll
7 submit it.

8 THE COURT: Okay. So 2 and 3 will be
9 admitted.

10 MR. NADIG: Yes, your Honor.

11 MR. SCARBOROUGH: May I approach to have
12 these marked?

13 THE COURT: Yes.

14
15 (State's Exhibits 2 and 3
16 admitted into evidence.)

17
18 With the admissions of 1, 2, and
19 3, do you rest?

20 MR. SCARBOROUGH: Brief indulgence, your
21 Honor. I just want to consult my charging document,
22 make sure everything is squared away.

23 Your Honor, with respect to the
24 charging document before I rest I will move to strike
25 Count 4, which is an attempt murder with use of a

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1 THE COURT: Mr. Scarborough.

2 MR. SCARBOROUGH: I will waive and
3 reserve for rebuttal, please.

4 THE COURT: Mr. Nadig.

5 MR. NADIG: Your Honor, I think as to
6 most of the charges the State has met slight or
7 marginal so I'm not going to argue as to those.

8 I would say that even under slight
9 or marginal standard they haven't proved Count 3,
10 Brandi Coleman attempt murder, or Count 5, attempt
11 murder as to Sanylah Bolen. Specifically, their
12 testimony that from the detective, the testimony from
13 the two Martinez brothers is that two or three shots
14 were fired and they were fired at them.

15 The testimony of the detective is
16 that it appeared to him that the shots were fired in
17 a manner tracking an individual or tracking two
18 individuals.

19 I do understand the concept of
20 transferred intent; however, there's no testimony
21 that the shooter knew that other people were in the
22 house or intended to shoot at other people in the
23 house or that it even came close to other people at
24 the house.

25 For those reasons I would say that

65
1 the two counts of attempt murder as to the female
2 individuals listed in Counts 3 and 5 should --

3 THE COURT: 3 and 5 and they dismissed 4.

4 MR. NADIG: Correct, they struck 4
5 themselves.

6 And beyond that, your Honor, I
7 will say that the identification is suspect, but I
8 believe under the slight or marginal standard it
9 probably has been met. So I'll submit with the
10 exception of 3 and 5 I believe should be stricken for
11 lack of evidence and I'll submit it.

12 THE COURT: Mr. Scarborough.

13 MR. SCARBOROUGH: Thank you for your
14 patience, your Honor. I just want to let you gather
15 your thoughts, so I will address, unless your Honor
16 has other concerns, I'm going to singularly address
17 what Mr. Nadig did not submit on, which is Count 3
18 and Count 5.

19 In terms of evidence of the
20 attempted murder for Brandi Coleman, we heard
21 testimony that she was present that day. We also
22 heard testimony that multiple shots were fired into
23 that building where both witnesses testified all the
24 parties ran into.

25 When I asked Detective Kmpotich

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1 through the window, seeing where they were at.

2 I would also note that Bryston's
3 testimony said that he heard shots and he also
4 testified that Brandi and Sanylah, who was four years
5 old at the time, was dragged to the ground. So I
6 would submit that with respect to just to Count 3 the
7 defendant did see and was aiming that firearm,
8 discharging multiple shots into an area where he
9 could blatantly see where the people are at, at a
10 level, critical mass level to attempt to take their
11 lives.

12 THE COURT: Wait. Can I ask about that?

13 MR. SCARBOROUGH: Absolutely.

14 THE COURT: Bryston testified that he was
15 not even outside, that he was coming out of the
16 bathroom when the shots rang out.

17 MR. SCARBOROUGH: Correct.

18 THE COURT: So --

19 MR. SCARBOROUGH: If I misphrased that, I
20 apologize, if I said he was outside before.

21 THE COURT: I don't know because their
22 testimony's all over the board, but you quoted
23 Bryston testimony about something about Brandi.

24 MR. SCARBOROUGH: Yes, that him and
25 Brandi were inside the house while the shots were

66
1 about the window where the bullet holes were noted to
2 be tracing people, I asked from his recollection of
3 the apartment does the window look over or into the
4 living room where people could be inside after they
5 run through that front door. He definitively said
6 yes.

7 And, your Honor, I want to place
8 particular emphasis on just the amount of shots that
9 were shot through the window and the fact that
10 Detective Kmpotich also noted a following pattern.
11 That was the subject of a little bit of lengthy
12 testimony between defense counsel and the detective.

13 I would note and argue that
14 because it was in a window, knowing the surface is
15 easily penetrable, and I would argue that the
16 defendant while discharging those guns knew where he
17 was shooting at and saw the people go inside the
18 house.

19 Detective Kmpotich also testified
20 that -- I believe defense counsel made a clear record
21 of the pathway of the bullet about two to three feet
22 above the ground or around mid level, if I'm correct,
23 that's what Mr. Kmpotich said in terms of a pathway
24 of the bullets. So I would argue that the defendant
25 followed these people inside the apartment, shot

68
1 going off.

2 THE COURT: Right. And he pulled Brandi
3 down or --

4 MR. NADIG: Sanylah.

5 MR. SCARBOROUGH: He pulled Sanylah down.

6 THE COURT: Sanylah, exactly.

7 MR. SCARBOROUGH: And then I asked him,
8 if you can recall, what was Brandi doing, what was
9 everyone else doing. He said Brandi hit the ground
10 as well.

11 THE COURT: Right, okay.

12 MR. SCARBOROUGH: So she was inside that
13 house, and based on the circumstances of the open
14 window, the multiple bullet holes in the window, it
15 indicates and through the testimony that there seemed
16 to be a following path. It indicates that the
17 defendant could clearly see inside the apartment, saw
18 the multiple people that were inside that apartment
19 at the time, and he kept discharging multiple rounds.

20 For attempt murder you look at all
21 the circumstances surrounding the attempt to take
22 someone's life. You look at the deadly weapon used,
23 the manner of its use. And in this case you see
24 multiple shots fired into the apartment building,
25 specifically multiple shots fired into the window

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1 where you could clearly see that other people are in
2 that living room.

3 We heard testimony that they were
4 in the living room and that they had to hit the
5 ground. So I would argue that there was an attempt
6 on both Brandi Coleman's life because of his
7 viewpoint and the amount of shots that he discharged
8 in the apartment.

9 And also, your Honor, I would
10 argue that Count 5 is met as well. Sanylah Bolden is
11 four years old at the time. So even if Sanylah
12 Bolden -- she wouldn't be competent to testify
13 offhand. She would have to be -- the word is
14 escaping me. She would have to be voir dired on
15 terms of whether or not she knows the difference
16 between right or wrong or what the truth is and items
17 of that nature.

18 She's four years old, so
19 essentially at trial, your Honor, she wouldn't be
20 able to testify to her being -- like her life almost
21 being taken. Another person would have to testify to
22 show that Sanylah was there and someone was shooting
23 at Sanylah.

24 You heard and albeit a relatively
25 uncooperative witness in Bryston on the stand saying,

71
1 guy in custody, is that through this theory of he
2 just happened to be in the house with the women or is
3 this through the theory that he was outside with his
4 brother, Brenton.

5 MR. SCARBOROUGH: Well, to deal with the
6 theory that he was outside with Brenton, well, there
7 was no testimony even from Brenton that any shots
8 were fired at Bryston. So I would submit that it is
9 under the theory that I think both testimonies
10 ultimately put Bryston inside the house at the time
11 that shots were being fired.

12 Now, what's at dispute factually
13 here and I acknowledge that is where Bryston was
14 right before the shooting occurred and not during the
15 shooting, but right before it, whether or not he was
16 just outside and then he was pushed inside or he came
17 out of the bathroom.

18 I think there is no dispute as to
19 whether or not Bryston was ultimately inside the
20 house while the shots were going -- while the shots
21 were being shot into the apartment and that he was in
22 the pathway and clear view of the window and the
23 multiple shots being fired in.

24 So I understand your Honor's
25 question, but I don't think there's a dispute as to

70
1 I had to pull Sanylah to the ground. I had to get
2 her out of the way of the pathway of the bullets.

3 MR. NADIG: I would object to that as a
4 gross mischaracterization of what he said.

5 THE COURT: Well, I'm confused at what
6 your analysis of where Bryston was during the
7 shooting, because Bryston said he was inside and
8 Brenton said he was outside, so which is it?

9 MR. SCARBOROUGH: Well, Brenton -- I'm
10 getting the names confused.

11 THE COURT: Brenton was the first one.

12 MR. SCARBOROUGH: Correct. You're saying
13 Brenton was saying --

14 THE COURT: I'm not. Brenton said, my
15 brother and I were outside, the shots rang out, I
16 pushed my brother.

17 MR. SCARBOROUGH: I understand.

18 THE COURT: My brother went in the house
19 first, then I went in, but I was shot in the
20 meantime. And his brother, who was allegedly
21 outside, whose testimony was totally different, I
22 wasn't outside, I was in the bathroom, coming out the
23 bathroom when the shots rang out.

24 So I'm trying to figure out the
25 attempt murder charge on Bryston, the second guy, the

72
1 whether or not he was inside the house and he was in
2 a direct pathway of vision that the defendant could
3 see through the window.

4 I understand there's discrepancies
5 between whether or not where he started out outside
6 and then he ended up inside before the shooting or
7 whether or not he started off in the bathroom. I
8 acknowledge the inconsistency, but to clarify, I'm
9 arguing that Bryston was inside the home in the
10 pathway of the window, which is clearly visible
11 through the defendant and multiple shots were fired
12 tracing people into the window.

13 I'm going on the testimony that
14 ultimately he was inside the house, that he hit the
15 ground, that he saw Brandi hit the ground, and that
16 he saw, I understand the defense's possible objection
17 of a gross mischaracterization, but if I remember
18 correctly, he had to pull Sanylah down to the ground.

19 MR. NADIG: He did say that. I would not
20 object to that statement.

21 MR. SCARBOROUGH: Pardon me.

22 THE COURT: I mean this is the State's
23 case, okay, it's the State's burden. Do you think
24 your witnesses are lying today?

25 MR. SCARBOROUGH: No, I don't. I think

1 that all in all given the nature of the case it's a
2 gang case, you heard him elicit that. You heard --

3 THE COURT: Who?

4 MR. SCARBOROUGH: You heard defense
5 counsel elicit that the detective was at one time a
6 gang detective.

7 THE COURT: Correct.

8 MR. SCARBOROUGH: Your Honor, I
9 personally think that I know that these are gang
10 involved people. I think that in terms of the ID, I
11 think they were trying to be evasive. I don't think
12 that they're lying about anything. I think he was
13 trying to be evasive as to the description.

14 THE COURT: This is what we have. We
15 have one person that ID'd this gentleman, according
16 to him, at the time he was in the hospital after
17 being shot, after being, according to his brother,
18 drunk and high, who identified the defendant on that
19 day, under those circumstances, under painkillers,
20 under weed, under alcohol, who identified him, who
21 today says, I don't remember doing that. I don't
22 remember this gentleman right here shooting me, and I
23 don't know who that person is.

24 That's what I'm struggling with.

25 I'll be honest. I mean submitting or not submitting,

1 like they were able to coherently talk, communicate,
2 and ID somebody.

3 Now, in terms of suggestiveness of
4 IDs, that is a trial issue or a writ issue that I
5 would submit for your Honor to --

6 THE COURT: So I don't understand that
7 comment, but -- I lost my train of thought.

8 MR. SCARBOROUGH: We were on the subject
9 of IDs.

10 THE COURT: He ID'd him that day.
11 Brenton ID'd him in the photo.

12 MR. SCARBOROUGH: Yes.

13 THE COURT: And Brenton today doesn't
14 remember doing that. We can agree with that.

15 MR. SCARBOROUGH: I mean that was him
16 saying that, correct.

17 THE COURT: Right, but I just asked you
18 if you believed your witnesses were lying today and
19 you said no. Now you seem like you believe they're
20 lying today.

21 MR. SCARBOROUGH: No no no.

22 THE COURT: I'm trying to figure out when
23 to believe them. Do I believe them on the day of the
24 incident or do I believe them today. I don't know
25 when I'm supposed to believe them because frankly I

1 I understand slight or marginal evidence, but at some
2 point there's got to be some credible evidence that
3 this gentleman is the one that shot the gun. And I'm
4 struggling with the credible evidence, because
5 frankly it's not very credible on the day it went
6 down and it's not credible today because he's saying,
7 I can't say that that's the guy who shot me.

8 MR. SCARBOROUGH: That's fair enough.
9 And your Honor actually specifically inquired into
10 multiple witnesses asking did he seem impaired, did
11 he seem like he was inebriated, did he seem
12 functional, and both officers looked at you and
13 testified yes. And I understand --

14 THE COURT: The two separate gentlemen I
15 asked him about, right.

16 MR. SCARBOROUGH: Correct. So you did.
17 You asked him, okay, were they under the influence,
18 did they appear under the influence. Defense counsel
19 even specifically asked about did these people seem
20 coherent, did they seem so under the influence as to
21 really just reject the reliability of the
22 identification outright.

23 And that was not elicited at all.

24 All the officer said specifically, yes, they seemed
25 coherent. They were engaging with me. They seemed

1 don't believe them at all.

2 MR. SCARBOROUGH: Well, what I was
3 saying --

4 THE COURT: They're not credible.
5 They're not credible, and no disrespect to them,
6 they're not credible from the day of the incident and
7 they're not credible today. The day of the incident
8 they're not credible because -- well, for various
9 reasons. I can go on and on, but one of them didn't
10 even give his real name to the officer.

11 And then the other one said, I
12 gave -- one of them said, I gave a fake description.
13 The one that did ID him said, I don't even remember
14 doing that. I was -- I don't remember giving a
15 statement. I don't remember looking at the picture.

16 Now, if you don't believe that,
17 right, if we think he's lying today because of
18 apprehension or something, well, then we think he's
19 lying today, but I can't -- it's hard for me to say,
20 well, I think he's telling the truth today or he's
21 not telling the truth today.

22 He's telling the truth today, and
23 I'm supposed to believe him today, and he doesn't
24 remember any of that. He doesn't know who this
25 person is and he can't sit here right now and say

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1 that's the guy that shot me. If he's not telling the
2 truth today -- I just -- I'm not seeing it.

3 MR. SCARBOROUGH: Well, your Honor, and I
4 understand your concern. So this is to respond to
5 what you were asking earlier about do I think my
6 witnesses are lying. I mean as the State I'm not
7 going to call my witnesses liars at any point unless
8 they're bold-faced lying and it's outright provable.
9 I'm not. I think that's a tough position to put the
10 State in.

11 Your Honor, what I said earlier
12 was I do believe they're being evasive as to whether
13 or not they can ID and the circumstances of their ID.
14 I think your Honor is well aware that at multiple
15 times multiple people will get up on the stand and
16 once they have to look at someone dead in their eye
17 and point to them they kind of waver.

18 Now, what we have is the person
19 wavering on the stand, and I had witnesses to come
20 and to impeach and to shore up the identification.
21 We had two officers -- pardon me. We had one officer
22 come and testify, yes, I did speak with him; yes, I
23 did show him the picture; yes, he did identify
24 someone; no, your Honor, he was not inebriated; no,
25 he seemed functional, he seemed coherent, and he did

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1 here today.

2 I know why I called him, because I
3 think in these types of cases that tends to happen
4 where a witness hits the stand, and to be frank
5 outside in front of me I asked him, hey, are you able
6 to ID, and he was like yeah --

7 MR. NADIG: I would object.

8 THE COURT: Well, that's so not --

9 MR. SCARBOROUGH: Okay, fair.

10 THE COURT: All right. Continue.

11 MR. SCARBOROUGH: So to continue to
12 address that, I do understand your Honor's concerns
13 about me having to impeach the witness as to
14 identification, but I think we successfully did so
15 with a reliable witness and we had multiple reliable
16 witnesses testify to the identity of Mr. Bolen, that
17 he was there at the scene.

18 And as to your Honor's concerns
19 about the coherentness, if I'm making up words, I
20 apologize, whether or not he was coherent at the time
21 of the ID. Your Honor and defense counsel personally
22 had the chance to ask the officers questions, and
23 they both said yes, they were coherent, for both
24 witnesses, who on the stand to their credibility
25 admitted, yeah, you know what, I was drinking, I was

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1 ID him to me.

2 So that, your Honor, in itself is
3 my submission that, yes, was he trying to be evasive
4 as to whether or not he can ID someone in a court
5 today? Absolutely. He was being evasive, but I'm
6 not going to call him a liar. I think he out of fear
7 and everything like that, I do, I think he was afraid
8 to --

9 THE COURT: So your position is I should
10 believe what he said on the day and not today.
11 That's what I want to know. I should believe what he
12 said on the day of the shooting and not believe what
13 he said today. That's what it seems like.

14 MR. SCARBOROUGH: Your Honor, I had to
15 impeach him on that testimony, so credibility is up
16 to your Honor. I mean I had to impeach him on that
17 testimony. He did say that no, I didn't ID, so I
18 would submit that to you. I'm saying that --

19 THE COURT: He doesn't remember he said.

20 MR. SCARBOROUGH: There was a solid ID
21 and we have people who actually testified to the ID,
22 and in terms of his credibility today, I can't sit
23 here and say it's pristine when I had to impeach him
24 on it, but that's something unfortunately we have to
25 do sometimes and we did luckily have that witness

80
1 smoking that day.

2 So I think they were credible on
3 multiple aspects of their testimony. I just think
4 they were hesitant to actually sit in court and ID
5 somebody. And based on that, your Honor, if your
6 Honor has any other concerns about any other
7 arguments, I would submit it.

8 THE COURT: Well, I know the burden is
9 slight or marginal evidence, but I don't believe the
10 State has reached its burden of slight or marginal
11 evidence that it was this particular person who shot
12 the firearm.

13 It may very well have been, but I
14 just -- I can't frankly make heads or tails out of
15 their testimony, whether it be on the day of incident
16 or today. Are they being evasive? Probably. But
17 could they still -- was it a great possibility that
18 they were still stoned, high, and under the
19 influence?

20 The one guy was under the
21 influence of pain medication. He's the only one that
22 ID'd him, so he's not even credible on that day. So
23 we can chalk it up to they're not credible today or
24 we can chalk it up to they weren't credible on the
25 day of the shooting. So the case is dismissed.

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1 MR. NADIG: Thank you, your Honor.

2 ---000---

3 ATTEST: Full, true and accurate transcript of

4 proceedings.

5 /s/GERRI DE LUCCA

6 GERRI DE LUCCA, C.C.R. NO. 82

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2 ATTEST: I further certify that I am not interested

3 in the events of this action.

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5 /s/GERRI DE LUCCA

6 GERRI DE LUCCA, C.C.R. NO. 82

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1 IN THE JUSTICE COURT OF LAS VEGAS TOWNSHIP

2 COUNTY OF CLARK, STATE OF NEVADA

3

4 STATE OF NEVADA,

5 Plaintiff,

6 vs. Case No. 18F12217X

7 JASON J. BOLDEN, ATTEST RE: NRS 239B.030

8 Defendant.

9

10

11 STATE OF NEVADA } SS

12 COUNTY OF CLARK }

13

14 I, Gerri De Lucca, a Certified Shorthand

15 Reporter within and for the County of Clark and the

16 State of Nevada, do hereby certify:

17 That REPORTER'S TRANSCRIPT OF PROCEEDINGS

18 was reported in open court pursuant to NRS 3.360

19 regarding the above proceedings in Las Vegas Justice

20 Court, 200 Lewis Avenue, Las Vegas, Nevada.

21 That said TRANSCRIPT:

22 X Does not contain the Social Security

23 number of any person.

24 _____ Contains the Social Security number

25 of a person.

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DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

JASON BOLDEN, aka
Jason Jerome Bolen #1891827

Defendant.

CASE NO: C-18-334635-1

DEPT NO: XXI

ORDER SHORTENING TIME

DATE OF HEARING: 1/31/19
TIME OF HEARING: 9:30 A.M.

GOOD CAUSE appearing on the State's Ex Parte Motion for Order Shortening Time on State's Motion to Admit Prior Testimony, said Motion is GRANTED and the hearing of said matter shall be set for 9:30 A.M. on the 31st day of January, 2019.

DATED this 23rd day of January, 2019.

Delia Smith
DISTRICT JUDGE

for Judge Adams

[Signature]



NWEW
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Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-vs-

JASON BOLDEN, aka
Jason Jerome Bolen,
#1891827

Defendant.

CASE NO: C-18-334635-1

DEPT NO: XXI

STATE'S NOTICE OF WITNESSES
[NRS 174.234(1)(a)]

TO: JASON BOLDEN, aka Jason Jerome Bolen, Defendant; and

TO: BEN NADIG, ESQ., Counsel of Record:

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

<u>NAME</u>	<u>ADDRESS</u>
BOLDEN, SANYLEH	c/o C.C. DISTRICT ATTORNEY'S OFFICE
CAREY, KEVIN	LVMPD #8739
CHARLTON, NOREEN	LVMPD #13572
COLEMAN, BRANDI	c/o C.C. DISTRICT ATTORNEY'S OFFICE
CORWIN, C.	LVMPD #16408
CUSTODIAN OF RECORDS OR DESIGNEE	Clark County Detention Center, 330 S. Casino Center Blvd., Las Vegas, NV

1	CUSTODIAN OF RECORDS	Clark County Detention Center, Communications
2	OR DESIGNEE	330 S. Casino Center Blvd., Las Vegas, NV
3	CUSTODIAN OF RECORDS	LVMPD Communications,
4	OR DESIGNEE	Las Vegas, NV
5	CUSTODIAN OF RECORDS	LVMPD Records
6	OR DESIGNEE	Las Vegas, NV
7	CUSTODIAN OF RECORDS	SPRINT
8	OR DESIGNEE	RECORDS
9	CUSTODIAN OF RECORDS	METRO PCS
10	OR DESIGNEE	RECORDS
11	CUSTODIAN OF RECORDS	NV DEPT OF MOTOR VEHICLES
12	OR DESIGNEE	RECORDS
13	CUSTODIAN OF RECORDS	T-MOBILE
14	OR DESIGNEE	RECORDS
15	FORCAN, M.	LVMPD #15735
16	GARDUNO, JOSE	LVMPD #16406
17	GETER, SHAKIESHA	c/o C.C. DISTRICT ATTORNEY'S OFFICE
18	GROSS, KEITH	INVESTIGATOR / C.C. DISTRICT ATTORNEY
19	OR DESIGNEE	
20	HUTCHISON, M.	LVMPD #7447
21	JACKSON, JERMAINE	LVMPD #16510
22	JEGGE, A.	LVMPD #16432
23	LEAVIN, J.	LVMPD #7939
24	LNU, FNU	Treating Physician of Brenton Martinez
25	KNOWLTON, JOSHUA	SUNRISE HOSPITAL
26	KRMPOTICH, KENNETH	c/o C.C. DISTRICT ATTORNEY'S OFFICE
27	LARA-MARQUEZ, A.	LVMPD #5809
28	LEAVITT, J.	LVMPD #15495
29	LORSON, KARL	LVMPD #7939
30	MARISCAL, A.	LVMPD #5746
31	MARTINEZ, BRENTON	LVMPD #16415
32		c/o C.C. DISTRICT ATTORNEY'S OFFICE

1 MARTINEZ, BRYSTON
2 MICHAELS, RYAN
3 MULLIGAN, MARK
4 RALSTON, R.
5 SCHEEL, N.
6 SHAKEFORD, KEVIN
7 THACKER, R.
8 TRAIL, A.
9 WANYONYI, J.
10 WOOD, B.

c/o C.C. DISTRICT ATTORNEY'S OFFICE
LVMPD #15459
LVMPD #15657
LVMPD #12970
LVMPD #15445
LVMPD #15908
LVMPD #16614
LVMPD #15093
LVMPD #15718
LVMPD #17066

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

14 STEVEN B. WOLFSON
15 DISTRICT ATTORNEY
Nevada Bar #001565

16 BY 

17 JORY SCARBOROUGH
18 Deputy District Attorney
Nevada Bar #014265

19
20 CERTIFICATE OF SERVICE

21 I certify that on the 28th day of January, 2019, I e-mailed a copy of the foregoing
22 State's Notice of Witnesses, to:

23 BEN NADIG, ESQ.
24 E-Mail: ben@lasvegasdefenselawfirm.com

25
26 BY: 

27 J. ROBERTSON
28 Secretary for the District Attorney's Office

18F12217X/jr/L-1

Steven D. Grierson

1 **ORDR**

2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 JORY SCARBOROUGH
6 Deputy District Attorney
7 Nevada Bar #014265
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-

CASE NO: C-18-334635-1

12 JASON BOLDEN, aka,
13 Jason Jerome Bolen,
14 #1891927

DEPT NO: XXI

14 Defendant.

15 **ORDER REQUIRING MATERIAL WITNESS TO POST**
16 **BAIL OR BE COMMITTED TO CUSTODY**

17 STATE OF NEVADA }
18 COUNTY OF CLARK } ss:

19 TO: Any Sheriff, Constable, Marshal,
20 Policeman or Peace Officer in
the State of Nevada

21 An ex parte application upon sworn affidavit having been presented to this Court
22 pursuant to NRS 178.494, wherein it appears that the testimony of BRANDI COLEMAN,
23 DOB 04/14/1991, is material to the jury trial in the above-entitled matter, and it further
24 appearing to the Court by the way of affidavit that the attendance of said witness in the jury
25 trial of this matter by subpoena is impracticable;

26 YOU ARE THEREFORE commanded forthwith to place said witness in your
27 immediate custody for the purpose of said witness posting bail with the above entitled court
28 in the amount of ~~no bail~~ ^{\$10,000.00} in order to secure the attendance of said witness BRANDI COLEMAN


1 before the Court on the 28th day of May, 2019, at 10:00 a.m., in the jury trial of the above
2 entitled matter.

3 IT IS FURTHER ORDERED and directed that if said witness BRANDI COLEMAN,
4 DOB 04/14/1991, fails to post bail in the sum of ~~no~~ ^{\$10,000} Bail to secure her attendance as a witness
5 in the jury trial in the above-stated matter as above provided, then you are further commanded
6 to deliver said witness into the custody of the Sheriff of Clark County pending final disposition
7 of the jury trial in the above-entitled matter or until further Order of this Court.

8 YOU ARE FURTHER ORDERED to direct the Sheriff of the County of Clark, State
9 of Nevada, to make the said BRANDI COLEMAN, DOB 04/14/1991, available in custody in
10 the Eighth Judicial District Court of the State of Nevada, in and for the County of Clark at
11 10:00 a.m. on the 28th day of May 2019, for the testimony in the captioned matter and further
12 disposition by this Court.

13 You are further ordered that if the said BRANDI COLEMAN, DOB 04/14/1991 is
14 incarcerated pursuant to this order, she shall be brought before me or in my absence another
15 Judge of the Eighth Judicial District Court within seventy-two (72) hours after the beginning
16 of her detention for the purpose of determining whether the bail previously set should be
17 modified and whether the detention of the material witness should continue and in addition so
18 that a schedule for the periodic review of whether the amount of bail required should be
19 modified and whether detention should continue.

20 DATED this 22 day of May, 2019.

21
22 
23 DISTRICT JUDGE

24
25
26
27
28 a



1 **EPAP**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 JORY SCARBOROUGH
6 Deputy District Attorney
7 Nevada Bar #014265
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
11 Plaintiff,

11 -vs-

12 JASON BOLDEN, aka,
13 Jason Jerome Bolden,
14 #1891927

14 Defendant.

CASE NO: C-18-334635-1

DEPT NO: XXI

15 EX PARTE APPLICATION FOR ORDER REQUIRING
16 MATERIAL WITNESS TO POST BAIL

17 COMES NOW, STEVEN B. WOLFSON, Clark County District Attorney, by and
18 through JORY SCARBOROUGH, Deputy District Attorney, and makes application to the
19 above-entitled Court that an Order be entered herein requiring BRANDI COLEMAN, DOB
20 04/14/1991, be taken into immediate custody as a material witness for the purpose of posting
21 bail for her appearance in the jury trial of the above-entitled matter for the said reason of
22 attempting to avoid testifying before the Eighth Judicial District Court.

23 Further application is made that the Court set bail in the amount of no bail and if the
24 said witness fails to post bail in the amount of ~~no bail~~ *10k bail* for her appearance as a witness in this
25 matter that the Court further direct and order that said witness be delivered into the custody of
26 the Sheriff of Clark County, pending final disposition of the jury trial in the above entitled
27 matter on or until further Order of this Court.
28

1 This application is made pursuant to the provision of NRS 178.494 and is based upon
2 Affidavits attached hereto which are incorporated herein by this reference.

3 DATED this 21st day of May, 2019.

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

7 BY 

8 JORY SCARBOROUGH
9 Deputy District Attorney
10 Nevada Bar #014265

AFFIDAVIT

STATE OF NEVADA)
COUNTY OF CLARK) ss:

JORY SCARBOROUGH, being first duly sworn deposes and says:

That he is employed in the Office of the Clark County District Attorney, State of Nevada and is engaged in the prosecution of criminal matters and has been so employed for the period of 1.5 years.

This matter has been set for jury trial, said hearing to commence at or about 10:00 a.m. on the 28th day of May, 2019 in said Court.

Your affiant will advise the Court that one BRANDI COLEMAN, DOB 04/14/1991 of Las Vegas, Clark County, Nevada, is in fact a material witness in the above-captioned matter.

Your affiant will further advise the Court on information and belief that said witness is avoiding testifying before the Eighth Judicial District Court in which she is a material and essential witness.

On July 27th, Process Server Warren Donaldson made Investigator Keith Gross aware of the following situation that occurred with his attempts at contacting Brandi Coleman. The content of the email from Mr. Donaldson to Mr. Gross is as follows:

"This involves a shooting incident where victim Brenton Martinez was shot in the stomach by the ex-boyfriend of Brandi Coleman, Jason Jerome Bolen. I contacted Brandi Coleman at 702-502-5880. This is the same phone number listed for victim Brenton Martinez. Ms. Coleman was immediately hostile stating she would not testify in court. She said she did not see anything and would not appear. I advised her the DDA handling the case needed her to appear since she was at the residence. I tried to reason with her but she was very uncooperative and hostile. The police report reflects she has relevant information regarding the case. She stated she does not reside at the listed address, 2883 Wheelwright Dr and she has moved out of state. She refused to supply any updated address information. I asked her for her email address and she initially stated I could email it to her but it did not matter as she was not

1 going to testify. She immediately hung up. Shortly thereafter, I attempted to call witness
2 Shakiesha Geter who shares the same address as Coleman. I called the listed number, 702-
3 980-2533 and a female answered the phone. I identified myself as a representative of the Clark
4 County District Attorney and the female immediately hung up. I recalled but the phone went
5 to voicemail. - Warren Donaldson."

6 On August 1, 2018 investigator Keith Gross went out to the last known address that our
7 office had on file for Brandi Coleman. When he arrived at 2883 Wheelwright Dr, Las Vegas,
8 NV 89121 - Building 6 apartment A, he contacted a female who appeared to be the same
9 person as the DMV photo he had in his possession. When Mr. Gross verbally said "Brandi"
10 she replied "I am not Brandi and I don't know this person." Mr. Gross asked her again, "are
11 you sure you're not Brandi?" and she stated no. Since Mr. Gross had a current copy of her
12 DMV photo and vehicle information, Mr. Gross was able to confirm that her vehicle (Buick -
13 88G638) was parked in the parking lot. Mr. Gross left a copy of a subpoena in the security
14 door at her apartment which he was just at. Mr. Gross also left one subpoena for her and one
15 for Shakiesha Geter since their addresses appear to be the same. Mr. Gross also left a business
16 card on the windshield of Brandi's vehicle for her to contact him.

17 On August 6, 2018, Mr. Gross confirmed with the apartment management (702-502-
18 5880) that Brandi Coleman is in fact on the lease at the above address until May 31, 2019. It
19 appears at this time that Brandi Coleman is not being cooperative and has not made any
20 attempts to contact Mr. Gross or the district attorney's office even though a subpoena was left
21 at her apartment with Mr. Gross number on it and a business card was left on her vehicle.

22 On April 29, 2019, Mr. Gross contacted the apartment management and was informed
23 that Brandi Coleman had been evicted sometime in November/December 2018 and no longer
24 is at this address. All current data base searches list this as her current address. Through
25 Investigator Gross's research he had learned that she may be working as a security officer. Mr.
26 Gross confirmed that she no longer works for Allied Universal Security or Bedrock Protection
27 Agency. Mr. Gross also confirmed that she is not in the process of becoming a State
28 Correctional Officer. Mr. Gross has also contacted the Clark County School District and was

1 informed that there is no contact information on her or her child Sanylah Bolen. She is
2 receiving Medical Welfare benefits, however she listed her address as homeless.

3 Investigator Gross spoke with her aunt Nina Frits on May 15, 2019, she indicated that
4 per her conversations with Brandi that she will not cooperate with us if she is located. She
5 would attempt to try on find Brandi's new address. Nina reported that Brandi is still with
6 Jason Bolen, though the family does not like him. Investigator Gross checked Facebook and
7 observed a picture of Brandi and Jason posted on April 14th. See Brandi Coleman Facebook
8 Profile Screenshots Attached as Exhibit 1. Mr. Gross left a message on the phone number
9 Nina provided me. Mr. Gross researched Jason Bolen and went to his last known address on
10 May 16, 2019 to attempt to make contact with Brandi. Mr. Gross left a subpoena in the door
11 at 4300 Lamont St Apt 273. At this time Investigator Gross has not been able to locate or
12 make contact with Brandi.

13 In the instant case, Defendant is charged with five counts of Attempted Murder, Eight
14 counts of Discharging a Firearm at or Into Occupied Structure, one count of Battery with a
15 Deadly Weapon and one count of Possession of Firearm by Prohibited Person. Ms. Coleman,
16 along with her four year old daughter, Sanyleh Bolden, are named victims in the Attempted
17 Murder counts. The State will not be able to secure Ms. Coleman's appearance in this case via
18 subpoena as she has clearly demonstrated she will avoid service and it is not practicable to
19 serve her. Securing Ms. Coleman's presence at trial is not only important to establish one of
20 the attempted murder charges for which she is a victim, but also to establish another attempted
21 murder charge for which Sanleyh Bolen is a victim. By refusing to come to court, Ms. Coleman
22 is preventing the state from prosecuting the defendant for attempting to take her life, and the
23 life of her four-year-old daughter.

THEREFORE, your affiant would respectfully pray that this Honorable Court under the authority of NRS 178.494 issue an Order directing that any police officer of this State shall forthwith take the said BRANDI COLEMAN, DOB 04/14/1991, into custody and forthwith convey to the jail of the County of Clark, State of Nevada, for incarceration to insure her presence before the Eighth Judicial District Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 5/21/19
(Date)

(Signature)

EXHIBIT “1”

A screenshot of a Facebook profile page for a user named Brandi Coleman. The profile picture is a circular image of a woman with dark hair, wearing a leopard print top, with the name 'JONES' visible below it. The cover photo is a large, dark image of a person's face. The navigation bar at the top includes 'Home', 'Friends', 'Marketplace', 'Watch', 'Search', and 'Create'. The main content area shows a post from 'Brandi Coleman' with a video thumbnail and the text 'I love my friends'. The bottom navigation bar includes 'Timeline', 'About', 'Friends', 'Photos', and 'More'.

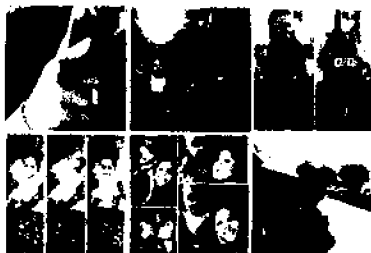
DO YOU KNOW BRANDI?

To see what she shares with friends, scroll to the **Shared with you** tab.

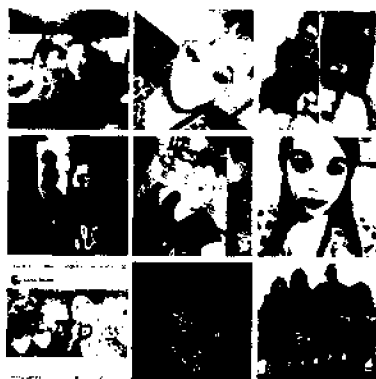
Add Friend

intro

Studied medical assistant at University of Medicine



Photos



 Friends

Dr. J. C. Estrella, Director General
Ejército Nacional de la Armada

[illegible]

Figure 1. The effect of the concentration of the Fe^{2+} solution on the adsorption of Fe^{2+} by the Fe^{2+} -loaded adsorbent.



Brand: Coleman

$$U_{\alpha, \beta} \in \mathcal{C}(\mathbb{R}^n, \mathbb{R}^n)$$

Keep a baby glock kuz I ain't fighting with no random period



26

$$\xi = C_{-2}^{-1} \eta_2 + C_{-1}^{-1} \eta_1,$$

Like

9 14

1. *Chlorophyll a* (Chl *a*)



Learning Moss Okay? Gel it girl! Pretty pic

10



1. $\text{Pr}(\text{C}|\text{A}) = \frac{1}{2}$ and $\text{Pr}(\text{C}|\text{B}) = \frac{1}{2}$.



Deshawn Nettles. That's my fine ass relative.

44



Received November 30, 1991



Like · 16



Angela Morales Cervantes Beautiful lady

Like · 10



Brandi Coleman · 1 hour



Brandi Coleman is with Poppa Miller

Apr 21 at 4:20 PM

Easter 2019 Shantell Fitz-Gibbon Brown Honey Biscuit Poppa Miller Tanner & Miller Alexis Miller



21

27 from 1000



Kalah Wells What park you go to

Like



Brandi Coleman · 1 hour



Brandi Coleman

Apr 22 at 10:41 AM

She's the reason why I work so hard she deserves the in imma give it to her she deserves it all





65

14 Comments



MrnMrs Shakur Gotta have her hot pocket

Like · 3d



MrnMrs Shakur · 3d

Theresa Denise D'Angelo awww yes lil mama does and you do too brandi

Like · 3d



Brandi Coleman · 3d



Sheila Woods She is so beautiful

Like · 3d



Brandi Coleman · 3d



Brandi Coleman is a beautiful mama



14

2 Comments



Jason Kidd Look at that old man ior love yall man frfr more than you even know

Like · 3d



Brandi Coleman · 3d



Brandi Coleman

February 3

This is the realist shit ever u kan tell what type of mama they gonna be bitches be tryna be up under they nigga all the time if he gonna cheat they gonna do it regardless sis

This content isn't available right now

When this happens, it's usually because the owner only shared it with a small group of people, changed who can see it or it's been deleted



Brandi Coleman updated her cover photo
February 22

She is my meaning in life my perfect creation
there is no me

without her



108

DISTRICT COURT
CLARK COUNTY, NEVADA

6
Electronically Filed
5/24/2019 10:24 AM
Steven D. Grierson
CLERK OF THE COURT

Steven D. Grierson

THE STATE OF NEVADA,

Plaintiff,

-vs-

JASON BOLDEN, aka,
Jason Jerome Bolen,
#1891927

Defendant.

CASE NO: C-18-334635-1

DEPT NO: XXI

WARRANT OF ARREST

FOR MATERIAL WITNESS BRITTNEY JENSEN, ID#2814677

10k bail

THE STATE OF NEVADA,

To: Any Sheriff, Constable, Marshall, Policeman, or Peace Officer in This State:

Tory

An affidavit upon oath has been this day laid before me by Deputy District Attorney ~~Kelsey~~

Scarborough

~~Einhorn~~ accusing BRANDI COLEMAN, DOB 04/14/1991 thereof of being a Material Witness;

YOU ARE THEREFORE COMMANDED forthwith to arrest the above named BRANDI COLEMAN, DOB 04/14/1991, and bring her before the Eighth Judicial District Court of the State of Nevada, in and for the County of Clark after it is determined that the said BRANDI COLEMAN, DOB 04/14/1991, is in the custody of the Sheriff of Clark County, State of Nevada, or in case of my absence or inability to act, before the nearest and most accessible Magistrate in this County.

WITNESS my hand this *B* day of May, 2019.

And I direct that this Warrant may be served at any hour of the day or night.

Valerie Adair
DISTRICT COURT JUDGE

\$10,000.00 Bail

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-vs-

JASON BOLDEN, aka,
Jason Jerome Bolen,
#1891927

Defendant.

CASE NO: C-18-334635-1

DEPT NO: XXI

SHERIFF'S RETURN

I hereby certify that I received the above and foregoing Warrant on the ____ day of _____, 20__, and served the same by arresting the within named BRANDI COLEMAN, DOB 04/14/1991, and bringing _____ into Court this ____ day of _____, 20__.

JOE LOMBARDO,
Sheriff, Clark County, Nevada

BY _____
Deputy

MAY 28 2019

BY, 
MICHAELA TAPIA, DEPUTY

JURL

DISTRICT COURT

CLARK COUNTY, NEVADA

State of Nevada
vs
Jason Bolden

CASE NO.: C-18-334635-1

DEPARTMENT 21

JURY LIST

- | | |
|-------------------------|---------------------|
| 1. Kaina Sihabouth | 8. Thomas Dugan |
| 2. Tmothy Egan | 9. Rachel Hoiles |
| 3. Lloydean Arlint | 10. Shaina Harris |
| 4. Anna Kharitonova | 11. Elaine Anderson |
| 5. Kiana Tangonan | 12. Milnam Yi |
| 6. Jacob San Nicolas | 13. Joel Randolph |
| 7. Denis Valdez-Chardon | |

ALTERNATE

SECRET FROM ABOVE

C-18-334635-1
JURL
Jury List
4838583



ORIGINAL

C-18-334635-1
AINF
Amended Information
4838559



FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

MAY 28 2019

BY, 
MICHAELA TAPIA, DEPUTY

AINF
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
JORY SCARBOROUGH
Deputy District Attorney
Nevada Bar #014265
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-vs-

JASON J. BOLDEN, aka
Jason Jerome Bolen, #1891927
Defendant.

CASE NO: C-18-334635-1

DEPT NO: XXI

AMENDED
INFORMATION

STATE OF NEVADA }
COUNTY OF CLARK } ss.

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

That JASON J. BOLDEN, aka Jason Jerome Bolen, the Defendant(s) above named, having committed the crimes of **ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.010, 200.030, 193.330, 193.165 - NOC 50031); DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE, VEHICLE, AIRCRAFT, OR WATERCRAFT (Category B Felony - NRS 202.285 - NOC 51442) and BATTERY WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.481 - NOC 50223)**, on or about the 1st day of July, 2018, within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made and provided, and against the peace and dignity of the State of Nevada,

//

1 COUNT 1 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

2 did willfully, unlawfully, feloniously and with malice aforethought attempt to kill
3 BRENTON MARTINEZ, a human being, with use of a deadly weapon, to wit: a firearm, by
4 shooting at and into the body of the said BRENTON MARTINEZ.

5 COUNT 2 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

6 did willfully, unlawfully, feloniously and with malice aforethought attempt to kill
7 BRYSON MARTINEZ, a human being, with use of a deadly weapon, to wit: a firearm, by
8 shooting in the direction of the said BRYSON MARTINEZ.

9 COUNT 3 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

10 did willfully, unlawfully, feloniously and with malice aforethought attempt to kill
11 BRANDI COLEMAN, a human being, with use of a deadly weapon, to wit: a firearm, by
12 shooting in the direction of the said BRANDI COLEMAN.

13 COUNT 4 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

14 did willfully, unlawfully, feloniously and with malice aforethought attempt to kill
15 SANYLEH BOLEN, a human being, with use of a deadly weapon, to wit: a firearm, by
16 shooting in the direction of the said SANYLEH BOLEN.

17 COUNT 5 - DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE,
18 VEHICLE, AIRCRAFT, OR WATERCRAFT

19 did then and there willfully, unlawfully, maliciously, and feloniously discharge a
20 firearm at or into a structure, said structure, not having been abandoned, located at 2883
21 Wheelwright Drive, Apartment #6/A, Las Vegas, Clark County, Nevada.

22 COUNT 6 - DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE,
23 VEHICLE, AIRCRAFT, OR WATERCRAFT

24 did then and there willfully, unlawfully, maliciously, and feloniously discharge a
25 firearm at or into a structure, said structure, not having been abandoned, located at 2883
26 Wheelwright Drive, Apartment #6/A, Las Vegas, Clark County, Nevada.

27 //

28 //

1 COUNT 7 - DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE,
2 VEHICLE, AIRCRAFT, OR WATERCRAFT

3 did then and there willfully, unlawfully, maliciously, and feloniously discharge a
4 firearm at or into a structure, said structure, not having been abandoned, located at 2883
5 Wheelwright Drive, Apartment #6/A, Las Vegas, Clark County, Nevada.

6 COUNT 8 - DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE,
7 VEHICLE, AIRCRAFT, OR WATERCRAFT

8 did then and there willfully, unlawfully, maliciously, and feloniously discharge a
9 firearm at or into a structure, said structure, not having been abandoned, located at 2883
10 Wheelwright Drive, Apartment #6/A, Las Vegas, Clark County, Nevada.

11 COUNT 9 - DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE,
12 VEHICLE, AIRCRAFT, OR WATERCRAFT

13 did then and there willfully, unlawfully, maliciously, and feloniously discharge a
14 firearm at or into a structure, said structure, not having been abandoned, located at 2883
15 Wheelwright Drive, Apartment #6/A, Las Vegas, Clark County, Nevada.

16 COUNT 10 - DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE,
17 VEHICLE, AIRCRAFT, OR WATERCRAFT

18 did then and there willfully, unlawfully, maliciously, and feloniously discharge a
19 firearm at or into a structure, said structure, not having been abandoned, located at 2883
20 Wheelwright Drive, Apartment #6/A, Las Vegas, Clark County, Nevada.

21 COUNT 11 - DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE,
22 VEHICLE, AIRCRAFT, OR WATERCRAFT

23 did then and there willfully, unlawfully, maliciously, and feloniously discharge a
24 firearm at or into a structure, said structure, not having been abandoned, located at 2883
25 Wheelwright Drive, Apartment #6/A, Las Vegas, Clark County, Nevada.

26 //

27 //


28 //

1 COUNT 12 - BATTERY WITH USE OF A DEADLY WEAPON

2 did willfully, unlawfully, and feloniously use force or violence upon the person of
3 another, to wit: BRENTON MARTINEZ, with use of a deadly weapon, to wit: a firearm, by
4 shooting into the body of the said BRENTON MARTINEZ.

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

8 BY


9 JORY SCARBOROUGH
10 Deputy District Attorney
11 Nevada Bar #014265

12 Names of witnesses known to the District Attorney's Office at the time of filing this
13 Information are as follows:

14 NAME

ADDRESS

15 CAREY, KEVIN

LVMPD #8739

16 CHARLTON, NOREEN

LVMPD #13572

17 COLEMAN, BRANDI

2883 WHEELWRIGHT DR #6/A, LVN 89121

18 CUSTODIAN OF RECORDS
19 OR DESIGNEE

Clark County Detention Center, 330 S. Casino
Center Blvd., Las Vegas, NV

20 CUSTODIAN OF RECORDS
21 OR DESIGNEE

Clark County Detention Center, Communications
330 S. Casino Center Blvd., Las Vegas, NV

22 CUSTODIAN OF RECORDS
23 OR DESIGNEE

LVMPD Communications,
Las Vegas, NV

24 CUSTODIAN OF RECORDS
25 OR DESIGNEE

LVMPD Records
Las Vegas, NV

26 GETER, SHAKIESHA

2883 WHEELWRIGHT DR #6/A, LVN 89121

27 GROSS, KEITH
28 OR DESIGNEE

INVESTIGATOR / C.C. DISTRICT ATTORNEY

JACKSON, JERMAINE

LVMPD #16510

KNOWLTON, JOSHUA

4581 CARRIGAE PARK DR #22/A, LVN 89121

1 KRMPTICH, KENNETH
2 MARTINEZ, BRENTON
3 MARTINEZ, BRYSTON
4 SHAKEFORD, KEVIN

LVMPD #5809
5250 STEWART AVE #2095, LVN 89110
2883 WHEELWRIGHT DR. #6/A, LVN 89121
LVMPD #15908

18F12217X/jr / L-1
LVMPD EV#1807011437
(TK12)

ORIGINAL

FILED IN OPEN COURT
STEVEN B. WOLFSON
CLERK OF DISTRICT COURT

MAY 29 2019

BY, E. Vargas
E. VARGAS, DEPUTY

AINF
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
JORY SCARBOROUGH
Deputy District Attorney
Nevada Bar #014265
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-vs-

JASON J. BOLDEN, aka
Jason Jerome Bolen, #1891927
Defendant.

CASE NO: C-18-334635-1

DEPT NO: XXI

SECOND AMENDED
INFORMATION

STATE OF NEVADA }
COUNTY OF CLARK } ss.

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

That JASON J. BOLDEN, aka Jason Jerome Bolen, the Defendant(s) above named, having committed the crimes of **OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON (Category B Felony - NRS 202.360 - NOC 51460)**;, on or about the 1st day of July, 2018, within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made and provided, and against the peace and dignity of the State of Nevada, did willfully, unlawfully, and feloniously own, or have in his possession and/or under his custody or control, a firearm, to wit: firearm, the Defendant being a convicted felon, having in 2009, been convicted of Trafficking Controlled Substance, in Case

//

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AINF
Amended Information
4838948

//




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No. C228792A and/or having in 2009, been convicted of Battery with Substantial Bodily Harm, in Case No. C246243X, in the Las Vegas Municipal Court, Clack County, felonies under the laws of the State of Nevada.

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

BY


JORY SCARBOROUGH
Deputy District Attorney
Nevada Bar #014265

Names of witnesses known to the District Attorney's Office at the time of filing this Information are as follows:

<u>NAME</u>	<u>ADDRESS</u>
CAREY, KEVIN	LVMPD #8739
CHARLTON, NOREEN	LVMPD #13572
COLEMAN, BRANDI	2883 WHEELWRIGHT DR #6/A, LVN 89121
CUSTODIAN OF RECORDS OR DESIGNEE	Clark County Detention Center, 330 S. Casino Center Blvd., Las Vegas, NV
CUSTODIAN OF RECORDS OR DESIGNEE	Clark County Detention Center, Communications 330 S. Casino Center Blvd., Las Vegas, NV
CUSTODIAN OF RECORDS OR DESIGNEE	LVMPD Communications, Las Vegas, NV
CUSTODIAN OF RECORDS OR DESIGNEE	LVMPD Records Las Vegas, NV
GETER, SHAKIESHA	2883 WHEELWRIGHT DR #6/A, LVN 89121
GROSS, KEITH OR DESIGNEE	INVESTIGATOR / C.C. DISTRICT ATTORNEY
JACKSON, JERMAINE	LVMPD #16510
KNOWLTON, JOSHUA	4581 CARRIGAE PARK DR #22/A, LVN 89121
KRMPOTICH, KENNETH	LVMPD #5809

MARTINEZ, BRENTON
MARTINEZ, BRYSTON
SHAKEFORD, KEVIN

5250 STEWART AVE #2095, LVN 89110
2883 WHEELWRIGHT DR. #6/A, LVN 89121
LVMPD #15908

18F12217X/jr / L-1
LVMPD EV#1807011437
(TK12)

ORIGINAL

VER

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

MAY 30 2019 4:05 p

DISTRICT COURT
CLARK COUNTY, NEVADA

BY, E. Vargas
E. VARGAS, DEPUTY

THE STATE OF NEVADA,
Plaintiff,

-vs-

JASON J. BOLDEN, aka
Jason Jerome Bolen, #1891927

Defendant.

CASE NO: C-18-334635-1

DEPT NO: XXI II

C-18-334635-1
VER
Verdict
4839457



VERDICT

We, the jury in the above entitled case, find the Defendant JASON J. BOLDEN, as follows:

COUNT 1 – ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Brenton Martinez)

(Please check the appropriate box, select only one)

- ☒ Guilty of Attempt Murder with Use of a Deadly Weapon
☐ Guilty of Attempt Murder
☐ Not Guilty

COUNT 2 – ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Bryson Martinez)

(Please check the appropriate box, select only one)

- ☒ Guilty of Attempt Murder with Use of a Deadly Weapon
☐ Guilty of Attempt Murder
☐ Not Guilty

1 **COUNT 3** – ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Brandi
2 Coleman)

3 *(Please check the appropriate box, select only one)*

- 4 ☒ Guilty of Attempt Murder with Use of a Deadly Weapon
5 ☐ Guilty of Attempt Murder
6 ☐ Not Guilty

7 **COUNT 4** – ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Sanyleh
8 Bolen)

9 *(Please check the appropriate box, select only one)*

- 10 ☒ Guilty of Attempt Murder with Use of a Deadly Weapon
11 ☐ Guilty of Attempt Murder
12 ☐ Not Guilty

13 **COUNT 5** – DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE,
14 VEHICLE, AIRCRAFT, OR WATERCRAFT

15 *(Please check the appropriate box, select only one)*

- 16 ☒ Guilty of Discharging Firearm At or Into Occupied Structure, Vehicle,
17 Aircraft, or Watercraft
18 ☐ Not Guilty

19 **COUNT 6** – DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE,
20 VEHICLE, AIRCRAFT, OR WATERCRAFT

21 *(Please check the appropriate box, select only one)*

- 22 ☒ Guilty of Discharging Firearm At or Into Occupied Structure, Vehicle,
23 Aircraft, or Watercraft
24 ☐ Not Guilty

25 ///

26 ///

27 ///

COUNT 7 – DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE,
VEHICLE, AIRCRAFT, OR WATERCRAFT

(Please check the appropriate box, select only one)

☒ Guilty of Discharging Firearm At or Into Occupied Structure, Vehicle,
Aircraft, or Watercraft

☐ Not Guilty

COUNT 8 – DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE,
VEHICLE, AIRCRAFT, OR WATERCRAFT

(Please check the appropriate box, select only one)

☒ Guilty of Discharging Firearm At or Into Occupied Structure, Vehicle,
Aircraft, or Watercraft

☐ Not Guilty

COUNT 9 – DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE,
VEHICLE, AIRCRAFT, OR WATERCRAFT

(Please check the appropriate box, select only one)

☒ Guilty of Discharging Firearm At or Into Occupied Structure, Vehicle,
Aircraft, or Watercraft

☐ Not Guilty

COUNT 10 – DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE,
VEHICLE, AIRCRAFT, OR WATERCRAFT

(Please check the appropriate box, select only one)

☒ Guilty of Discharging Firearm At or Into Occupied Structure, Vehicle,
Aircraft, or Watercraft

☐ Not Guilty

///

///

///

1 **COUNT 11** – DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE,
2 VEHICLE, AIRCRAFT, OR WATERCRAFT

3 *(Please check the appropriate box, select only one)*

- 4 ☒ Guilty of Discharging Firearm At or Into Occupied Structure, Vehicle,
5 Aircraft, or Watercraft
6 ☐ Not Guilty

7 **COUNT 12** – BATTERY WITH A DEADLY WEAPON (Brenton Martinez)

8 *(Please check the appropriate box, select only one)*

- 9 ☒ Guilty of Battery with a Deadly Weapon
10 ☐ Guilty of Battery
11 ☒ Not Guilty

12
13 DATED this 30 day of May, 2019

14 
15 FOREPERSON

1 INST

2 MAY 30 2019

3 BY, E. Vargas
4 E. VARGAS, DEPUTY

5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7 THE STATE OF NEVADA,
8 Plaintiff,

9 -vs-

10 JASON J. BOLDEN, aka
11 Jason Jerome Bolen, #1891927

12 Defendant.

CASE NO: C-18-334635-1

13 DEPT NO: ~~XXI~~ 11

14 INSTRUCTIONS TO THE JURY (INSTRUCTION NO. 1)

15 MEMBERS OF THE JURY:

16 It is now my duty as judge to instruct you in the law that applies to this case. It is your
17 duty as jurors to follow these instructions and to apply the rules of law to the facts as you find
18 them from the evidence.

19 You must not be concerned with the wisdom of any rule of law stated in these
20 instructions. Regardless of any opinion you may have as to what the law ought to be, it would
21 be a violation of your oath to base a verdict upon any other view of the law than that given in
22 the instructions of the Court.

23
24
25 C-18-334635-1
26 INST
Instructions to the Jury
4839455



If, in these instructions, any rule, direction or idea is repeated or stated in different ways, no emphasis thereon is intended by me and none may be inferred by you. For that reason, you are not to single out any certain sentence or any individual point or instruction and ignore the others, but you are to consider all the instructions as a whole and regard each in the light of all the others.

The order in which the instructions are given has no significance as to their relative importance.

An Indictment is but a formal method of accusing a person of a crime and is not of itself any evidence of his guilt.

In this case, it is charged in an Information that JASON J. BOLDEN, aka Jason Jerome Bolen, the Defendant(s) above named, having committed the crimes of **OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON (Category B Felony - NRS 202.360 - NOC 51460)**;; on or about the 1st day of July, 2018, within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made and provided, and against the peace and dignity of the State of Nevada, did willfully, unlawfully, and feloniously own, or have in his possession and/or under his custody or control, a firearm, to wit: firearm, the Defendant being a convicted felon, having in 2009, been convicted of Trafficking Controlled Substance, in Case No. C228792 and/or having in 2009, been convicted of Battery Constituting Domestic Violence with Substantial Bodily Harm and Attempt Battery Constituting Domestic Violence with Substantial Bodily Harm, in Case No. C246243, in the ~~Las Vegas Municipal Court, Clark County~~, felonies under the laws of the State of Nevada.

Clark County District Court

 or

To constitute the crime charged, there must exist a union or joint operation of an act forbidden by law and an intent to do the act.

The intent with which an act is done is shown by the facts and circumstances surrounding the case.

Do not confuse intent with motive. Motive is what prompts a person to act. Intent refers only to the state of mind with which the act is done.

Motive is not an element of the crime charged and the State is not required to prove a motive on the part of the Defendant in order to convict. However, you may consider evidence of motive or lack of motive as a circumstance in the case.

INSTRUCTION NO. 5

The Defendant is presumed innocent until the contrary is proved. This presumption places upon the State the burden of proving beyond a reasonable doubt every element of the crime charged and that the Defendant is the person who committed the offense.

A reasonable doubt is one based on reason. It is not mere possible doubt but is such a doubt as would govern or control a person in the more weighty affairs of life. If the minds of the jurors, after the entire comparison and consideration of all the evidence, are in such a condition that they can say they feel an abiding conviction of the truth of the charge, there is not a reasonable doubt. Doubt to be reasonable must be actual, not mere possibility or speculation.

If you have a reasonable doubt as to the guilt of the Defendant, he is entitled to a verdict of not guilty.

1
2 You are here to determine the guilt or innocence of the Defendant from the evidence in
3 the case. You are not called upon to return a verdict as to the guilt or innocence of any other
4 person. So, if the evidence in the case convinces you beyond a reasonable doubt of the guilt
5 of the Defendant, you should so find, even though you may believe one or more persons are
6 also guilty.

It is a constitutional right of a defendant in a criminal trial that he may not be compelled to testify. Thus, the decision as to whether he should testify is left to the defendant on the advice and counsel of his attorney. You must not draw any inference of guilt from the fact that he does not testify, nor should this fact be discussed by you or enter your deliberations in any way.

The evidence which you are to consider in this case consists of the testimony of the witnesses, the exhibits, and any facts admitted or agreed to by counsel.

There are two types of evidence; direct and circumstantial. Direct evidence is the testimony of a person who claims to have personal knowledge of the commission of the crime which has been charged, such as an eyewitness. Circumstantial evidence is the proof of a chain of facts and circumstances which tend to show whether the Defendant is guilty or not guilty. The law makes no distinction between the weight to be given either direct or circumstantial evidence. Therefore, all of the evidence in the case, including the circumstantial evidence, should be considered by you in arriving at your verdict.

Statements, arguments and opinions of counsel are not evidence in the case. However, if the attorneys stipulate to the existence of a fact, you must accept the stipulation as evidence and regard that fact as proved.

You must not speculate to be true any insinuations suggested by a question asked a witness. A question is not evidence and may be considered only as it supplies meaning to the answer.

You must disregard any evidence to which an objection was sustained by the court and any evidence ordered stricken by the court.

Anything you may have seen or heard outside the courtroom is not evidence and must also be disregarded.

The credibility or believability of a witness should be determined by his manner upon the stand, his relationship to the parties, his fears, motives, interests or feelings, his opportunity to have observed the matter to which he testified, the reasonableness of his statements and the strength or weakness of his recollections.

If you believe that a witness has lied about any material fact in the case, you may disregard the entire testimony of that witness or any portion of his testimony which is not proved by other evidence.

INSTRUCTION NO. 10

The law recognizes two kinds of possession: actual possession and constructive possession. A person who knowingly has direct physical control over a thing, at a given time, is then in actual possession of it.

A person who, although not in actual possession, knowingly has both the power and the intention, at a given time, to exercise dominion or control over a thing, either directly or through another person or persons, is then in constructive possession of it.

The law recognizes also that possession may be sole or joint. If one person alone has actual or constructive possession of a thing, possession is sole. If two or more persons share actual or constructive possession of a thing, possession is joint.

You may find that the element of possession as that term is used in these instructions is present if you find beyond a reasonable doubt that a defendant had actual or constructive possession, either alone or jointly with others.

INSTRUCTION NO. 11

A person who has been convicted of a felony in this or any other state, or in any political subdivision thereof, or of a felony in violation of the laws of the United States of America, unless he has received a pardon and the pardon does not restrict his right to bear arms, shall not own or have in his possession or under his custody or control any firearm. Neither the concealment of the firearm nor the carrying of the weapon are necessary elements of the offense.

"Firearm" includes any firearm that is loaded or unloaded and operable or inoperable.

INSTRUCTION NO. 12

Evidence has been introduced that defendant is a convicted felon.

Evidence of defendant's prior felony conviction was not received to prove that either the defendant is a person of bad character or that the defendant has a disposition to commit any crime.

Evidence of defendant's prior felony conviction must not be considered by you to prove either the defendant is a person of bad character or that the defendant has a disposition to commit any crime.

Evidence of defendant's prior felony conviction was received and must be considered by you for the limited purpose to show that he is a felon.

You are not permitted to consider evidence of defendant's felony conviction for any other purpose.

INSTRUCTION NO. 13

The flight of a person after the commission of a crime is not sufficient in itself to establish guilt; however, if flight is proved, it is circumstantial evidence in determining guilt or innocence.

The essence of flight embodies the idea of deliberately going away with consciousness of guilt and for the purpose of avoiding apprehension or prosecution. The weight to which such circumstance is entitled is a matter for the jury to determine.

Although you are to consider only the evidence in the case in reaching a verdict, you must bring to the consideration of the evidence your everyday common sense and judgment as reasonable men and women. Thus, you are not limited solely to what you see and hear as the witnesses testify. You may draw reasonable inferences from the evidence which you feel are justified in the light of common experience, keeping in mind that such inferences should not be based on speculation or guess.

A verdict may never be influenced by sympathy, prejudice or public opinion. Your decision should be the product of sincere judgment and sound discretion in accordance with these rules of law.

In your deliberation you may not discuss or consider the subject of punishment, as that is a matter which lies solely with the court. Your duty is confined to the determination of the guilt or innocence of the Defendant.

During the course of this trial, and your deliberations, you are not to:

- (1) communicate with anyone in any way regarding this case or its merits-either by phone, text, Internet, or other means;
- (2) read, watch, or listen to any news or media accounts or commentary about the case;
- (3) do any research, such as consulting dictionaries, using the Internet, or using reference materials;
- (4) make any investigation, test a theory of the case, re-create any aspect of the case, or in any other way investigate or learn about the case on your own.

1
2 When you retire to consider your verdict, you must select one of your member to act as
3 foreperson who will preside over your deliberation and will be your spokesperson here in
4 court.

5 During your deliberation, you will have all the exhibits which were admitted into
6 evidence, these written instructions and forms of verdict which have been prepared for your
7 convenience.

8 Your verdict must be unanimous. As soon as you have agreed upon a verdict, have it
9 signed and dated by your foreperson and then return with it to this room.

1
2 If, during your deliberation, you should desire to be further informed on any point of
3 law or hear again portions of the testimony, you must reduce your request to writing signed by
4 the foreperson. The officer will then return you to court where the information sought will be
5 given you in the presence of, and after notice to, the district attorney and the Defendant and
6 his/her counsel.

7 Playbacks of testimony are time-consuming and are not encouraged unless you deem it
8 a necessity. Should you require a playback, you must carefully describe the testimony to be
9 played back so that the court recorder can arrange his/her notes. Remember, the court is not
10 at liberty to supplement the evidence.

Now you will listen to the arguments of counsel who will endeavor to aid you to reach a proper verdict by refreshing in your minds the evidence and by showing the application thereof to the law; but, whatever counsel may say, you will bear in mind that it is your duty to be governed in your deliberation by the evidence as you understand it and remember it to be and by the law as given to you in these instructions, with the sole, fixed and steadfast purpose of doing equal and exact justice between the Defendant and the State of Nevada.

GIVEN:


DISTRICT JUDGE

MAY 30 2019

BY, E. Vargas
E. VARGAS, DEPUTY

JURL

DISTRICT COURT

CLARK COUNTY, NEVADA

State of Nevada
vs
Jason Bolden

CASE NO.: C-18-334635-1

DEPARTMENT 2

AMENDED JURY LIST

- | | |
|----------------------|-------------------------|
| 1. Kaina Sihabouth | 7. Denis Valdez-Chardon |
| 2. Tmothy Egan | 8. Thomas Dugan |
| 3. Lloydean Arlint | 9. Rachel Hoiles |
| 4. Anna Kharitonova | 10. Shaina Harris |
| 5. Kiana Tangonan | 11. Elaine Anderson |
| 6. Jacob San Nicolas | 12. Milnam Yi |

ALTERNATE

1. Joel Randolph

C-18-334635-1
AJUR
Amended Jury List
4839453



MAY 30 2019 4:57p

DISTRICT COURT
CLARK COUNTY, NEVADA

BY, E. Vargas
E. VARGAS, DEPUTY

1 VER

5 THE STATE OF NEVADA,

6 Plaintiff,

7 -vs-

8 JASON J. BOLDEN, aka
9 Jason Jerome Bolen, #1891927

10 Defendant.

CASE NO: C-18-334635-1

DEPT NO: ~~XXI~~ II

11 VERDICT

12 We, the jury in the above entitled case, find the Defendant JASON J. BOLDEN as
13 follows:

14 COUNT 1 - OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON

15 *(Please check the appropriate box, select only one)*

- 16 ☒ Guilty of Ownership or Possession of Firearm by Prohibited Person
17 ☐ Not Guilty

18
19 DATED this 30 day of May, 2019

20
21 Shana Slamm
22 FOREPERSON

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24
25 C-18-334635-1
26 VER
27 Verdict
28 4839456



MAY 30 2019

BY, E. Vargas
E. VARGAS, DEPUTY

1 AINF
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 JORY SCARBOROUGH
6 Deputy District Attorney
7 Nevada Bar #014265
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 JASON J. BOLDEN, aka
13 Jason Jerome Bolen, #1891927
14 Defendant.

CASE NO: C-18-334635-1

DEPT NO: ~~XXI~~ II

THIRD AMENDED
INFORMATION

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

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

19 That JASON J. BOLDEN, aka Jason Jerome Bolen, the Defendant(s) above named,
20 having committed the crimes of **OWNERSHIP OR POSSESSION OF FIREARM BY**
21 **PROHIBITED PERSON (Category B Felony - NRS 202.360 - NOC 51460)**;;, on or about
22 the 1st day of July, 2018, within the County of Clark, State of Nevada, contrary to the form,
23 force and effect of statutes in such cases made and provided, and against the peace and dignity
24 of the State of Nevada, did willfully, unlawfully, and feloniously own, or have in his
25 possession and/or under his custody or control, a firearm, to wit: firearm, the Defendant being
26 a convicted felon, having in 2009, been convicted of Trafficking Controlled Substance, in Case

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C-18-334635-1
AINF
Amended Information
4839451



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No. C228792 and/or having in 2009, been convicted of Battery Constituting Domestic Violence with Substantial Bodily Harm and Attempt Battery Constituting Domestic Violence with Substantial Bodily Harm, in Case No. C246243, in the ~~Las Vegas Municipal Court, Clark County~~ *Clark County District Court* felonies under the laws of the State of Nevada. *CV*

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

BY

[Signature]
JORY SCARBOROUGH
Deputy District Attorney
Nevada Bar #014265

Names of witnesses known to the District Attorney's Office at the time of filing this Information are as follows:

NAME

ADDRESS

CAREY, KEVIN	LVMPD #8739
CHARLTON, NOREEN	LVMPD #13572
COLEMAN, BRANDI	2883 WHEELWRIGHT DR #6/A, LVN 89121
CUSTODIAN OF RECORDS OR DESIGNEE	Clark County Detention Center, 330 S. Casino Center Blvd., Las Vegas, NV
CUSTODIAN OF RECORDS OR DESIGNEE	Clark County Detention Center, Communications 330 S. Casino Center Blvd., Las Vegas, NV
CUSTODIAN OF RECORDS OR DESIGNEE	LVMPD Communications, Las Vegas, NV
CUSTODIAN OF RECORDS OR DESIGNEE	LVMPD Records Las Vegas, NV
GETER, SHAKIESHA	2883 WHEELWRIGHT DR #6/A, LVN 89121
GROSS, KEITH OR DESIGNEE	INVESTIGATOR / C.C. DISTRICT ATTORNEY
JACKSON, JERMAINE	LVMPD #16510
KNOWLTON, JOSHUA	4581 CARRIGAE PARK DR #22/A, LVN 89121

KRMPOTICH, KENNETH

LVMPD #5809

MARTINEZ, BRENTON

5250 STEWART AVE #2095, LVN 89110

MARTINEZ, BRYSTON

2883 WHEELWRIGHT DR. #6/A, LVN 89121

SHAKEFORD, KEVIN

LVMPD #15908

18F12217X/jr / L-1

LVMPD EV#1807011437
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1 INST

ORIGINAL

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

MAY 30 2019

DISTRICT COURT
CLARK COUNTY, NEVADA

BY, E. Vargas
E. VARGAS DEPUTY

5 THE STATE OF NEVADA,

6 Plaintiff,

7 -vs-

8 JASON J. BOLDEN, aka
Jason Jerome Bolen, #1891927

9 Defendant.

CASE NO: C-18-334635-1

DEPT NO: ~~XH~~ 2



11 INSTRUCTIONS TO THE JURY (INSTRUCTION NO. 1)

12 MEMBERS OF THE JURY:

13 It is now my duty as judge to instruct you in the law that applies to this case. It is your
14 duty as jurors to follow these instructions and to apply the rules of law to the facts as you find
15 them from the evidence.

16 You must not be concerned with the wisdom of any rule of law stated in these
17 instructions. Regardless of any opinion you may have as to what the law ought to be, it would
18 be a violation of your oath to base a verdict upon any other view of the law than that given in
19 the instructions of the Court.
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26 C-18-334635-1
INST
Instructions to the Jury
27 4839454



If, in these instructions, any rule, direction or idea is repeated or stated in different ways, no emphasis thereon is intended by me and none may be inferred by you. For that reason, you are not to single out any certain sentence or any individual point or instruction and ignore the others, but you are to consider all the instructions as a whole and regard each in the light of all the others.

The order in which the instructions are given has no significance as to their relative importance.

An Information is but a formal method of accusing a person of a crime and is not of itself any evidence of his/her guilt.

In this case, it is charged in an Indictment that that the Defendant, JASON J. BOLDEN, aka Jason Jerome Bolen, the Defendant(s) above named, having committed the crimes of **ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.010, 200.030, 193.330, 193.165 - NOC 50031); DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE, VEHICLE, AIRCRAFT, OR WATERCRAFT (Category B Felony - NRS 202.285 - NOC 51442) and BATTERY WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.481 - NOC 50223)**, on or about the 1st day of July, 2018, within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made and provided, and against the peace and dignity of the State of Nevada,

COUNT 1 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

did willfully, unlawfully, feloniously and with malice aforethought attempt to kill BRENTON MARTINEZ, a human being, with use of a deadly weapon, to wit: a firearm, by shooting at and into the body of the said BRENTON MARTINEZ.

COUNT 2 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

did willfully, unlawfully, feloniously and with malice aforethought attempt to kill BRYSON MARTINEZ, a human being, with use of a deadly weapon, to wit: a firearm, by shooting in the direction of the said BRYSON MARTINEZ.

COUNT 3 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

did willfully, unlawfully, feloniously and with malice aforethought attempt to kill BRANDI COLEMAN, a human being, with use of a deadly weapon, to wit: a firearm, by shooting in the direction of the said BRANDI COLEMAN.

COUNT 4 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

did willfully, unlawfully, feloniously and with malice aforethought attempt to kill SANYLEH BOLEN, a human being, with use of a deadly weapon, to wit: a firearm, by

1 shooting in the direction of the said SANYLEH BOLEN.

2 COUNT 5 - DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE,
3 VEHICLE, AIRCRAFT, OR WATERCRAFT

4 did then and there willfully, unlawfully, maliciously, and feloniously discharge a
5 firearm at or into a structure, said structure, not having been abandoned, located at 2883
6 Wheelwright Drive, Apartment #6/A, Las Vegas, Clark County, Nevada.

7 COUNT 6 - DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE,
8 VEHICLE, AIRCRAFT, OR WATERCRAFT

9 did then and there willfully, unlawfully, maliciously, and feloniously discharge a
10 firearm at or into a structure, said structure, not having been abandoned, located at 2883
11 Wheelwright Drive, Apartment #6/A, Las Vegas, Clark County, Nevada.

12 COUNT 7 - DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE,
13 VEHICLE, AIRCRAFT, OR WATERCRAFT

14 did then and there willfully, unlawfully, maliciously, and feloniously discharge a
15 firearm at or into a structure, said structure, not having been abandoned, located at 2883
16 Wheelwright Drive, Apartment #6/A, Las Vegas, Clark County, Nevada.

17 COUNT 8 - DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE,
18 VEHICLE, AIRCRAFT, OR WATERCRAFT

19 did then and there willfully, unlawfully, maliciously, and feloniously discharge a
20 firearm at or into a structure, said structure, not having been abandoned, located at 2883
21 Wheelwright Drive, Apartment #6/A, Las Vegas, Clark County, Nevada.

22 COUNT 9 - DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE,
23 VEHICLE, AIRCRAFT, OR WATERCRAFT

24 did then and there willfully, unlawfully, maliciously, and feloniously discharge a
25 firearm at or into a structure, said structure, not having been abandoned, located at 2883
26 Wheelwright Drive, Apartment #6/A, Las Vegas, Clark County, Nevada.

27 COUNT 10 - DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE,
28 VEHICLE, AIRCRAFT, OR WATERCRAFT

1 did then and there willfully, unlawfully, maliciously, and feloniously discharge a
2 firearm at or into a structure, said structure, not having been abandoned, located at 2883
3 Wheelwright Drive, Apartment #6/A, Las Vegas, Clark County, Nevada.

4 COUNT 11 - DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE,
5 VEHICLE, AIRCRAFT, OR WATERCRAFT

6 did then and there willfully, unlawfully, maliciously, and feloniously discharge a
7 firearm at or into a structure, said structure, not having been abandoned, located at 2883
8 Wheelwright Drive, Apartment #6/A, Las Vegas, Clark County, Nevada.

9 COUNT 12 - BATTERY WITH USE OF A DEADLY WEAPON

10 did willfully, unlawfully, and feloniously use force or violence upon the person of
11 another, to wit: BRENTON MARTINEZ, with use of a deadly weapon, to wit: a firearm, by
12 shooting into the body of the said BRENTON MARTINEZ.

13 It is the duty of the jury to apply the rules of law contained in these instructions to the
14 facts of the case and determine whether or not the Defendants ¹⁵ are guilty of one or more of the
15 offenses charged.

16 Each charge and the evidence pertaining to it should be considered separately. The fact
17 that you may find a defendant guilty or not guilty as to one of the offenses charged should not
18 control your verdict as to any other Defendant offense charged.

To constitute the crime charged, there must exist a union or joint operation of an act forbidden by law and an intent to do the act.

The intent with which an act is done is shown by the facts and circumstances surrounding the case.

Do not confuse intent with motive. Motive is what prompts a person to act. Intent refers only to the state of mind with which the act is done.

Motive is not an element of the crime charged and the State is not required to prove a motive on the part of the Defendant in order to convict. However, you may consider evidence of motive or lack of motive as a circumstance in the case.

1 A defendant's state of mind does not require the presentation of direct evidence as it
2 existed during the commission of a crime. The jury may infer the existence of a particular
3 state of mind of a party from the circumstances disclosed by the evidence.
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The Defendant is presumed innocent until the contrary is proved. This presumption places upon the State the burden of proving beyond a reasonable doubt every element of the crime charged and that the Defendant is the person who committed the offense.

A reasonable doubt is one based on reason. It is not mere possible doubt but is such a doubt as would govern or control a person in the more weighty affairs of life. If the minds of the jurors, after the entire comparison and consideration of all the evidence, are in such a condition that they can say they feel an abiding conviction of the truth of the charge, there is not a reasonable doubt. Doubt to be reasonable must be actual, not mere possibility or speculation.

If you have a reasonable doubt as to the guilt of the Defendant, he is entitled to a verdict of not guilty.

1
2 You are here to determine the guilt or innocence of the Defendant from the evidence in
3 the case. You are not called upon to return a verdict as to the guilt or innocence of any other
4 person. So, if the evidence in the case convinces you beyond a reasonable doubt of the guilt
5 of the Defendant, you should so find, even though you may believe one or more persons are
6 also guilty.

The evidence which you are to consider in this case consists of the testimony of the witnesses, the exhibits, and any facts admitted or agreed to by counsel.

There are two types of evidence; direct and circumstantial. Direct evidence is the testimony of a person who claims to have personal knowledge of the commission of the crime which has been charged, such as an eyewitness. Circumstantial evidence is the proof of a chain of facts and circumstances which tend to show whether the Defendant is guilty or not guilty. The law makes no distinction between the weight to be given either direct or circumstantial evidence. Therefore, all of the evidence in the case, including the circumstantial evidence, should be considered by you in arriving at your verdict.

Statements, arguments and opinions of counsel are not evidence in the case. However, if the attorneys stipulate to the existence of a fact, you must accept the stipulation as evidence and regard that fact as proved.

You must not speculate to be true any insinuations suggested by a question asked a witness. A question is not evidence and may be considered only as it supplies meaning to the answer.

You must disregard any evidence to which an objection was sustained by the court and any evidence ordered stricken by the court.

Anything you may have seen or heard outside the courtroom is not evidence and must also be disregarded.

The credibility or believability of a witness should be determined by his/her manner upon the stand, his/her relationship to the parties, his/her fears, motives, interests or feelings, his/her opportunity to have observed the matter to which he/she testified, the reasonableness of his/her statements and the strength or weakness of his/her recollections.

If you believe that a witness has lied about any material fact in the case, you may disregard the entire testimony of that witness or any portion of his/her testimony which is not proved by other evidence.

INSTRUCTION NO. 10

The elements of an attempt to commit a crime are:

- 1) the intent to commit the crime;
- 2) performance of some act towards its commission; and
- 3) failure to consummate its commission.

Attempt Murder is the performance of an act or acts which tend, but fail, to kill a human being, when such acts are done with express malice, namely, with the deliberate intention unlawfully to kill.

It is not necessary to prove the elements of premeditation and deliberation in order to prove Attempt Murder.

The intention to kill may be ascertained or deduced from the facts and circumstances of the killing, such as the use of a weapon calculated to produce death, the manner of its use, and the attendant circumstances characterizing the act.

Express malice is that deliberate intention unlawfully to take away the life of a human being, which is manifested by external circumstances capable of proof.

INSTRUCTION NO. 14

You are instructed that if you find a defendant guilty of Attempt Murder, you must also determine whether or not a deadly weapon was used in the commission of this crime.

If a deadly weapon was used in the ^{commission} ~~commission~~ of the crime, the person is guilty of Attempt Murder with Use of a Deadly Weapon.

As used in these instructions, a "deadly weapon" means:

- (1) Any instrument which, if used in the ordinary manner contemplated by its design and construction, will or is likely to cause substantial bodily harm or death, or
- (2) Any weapon, device, instrument, material or substance which, under the circumstances in which it is used, attempted to be used or threatened to be used, is readily capable of causing substantial bodily harm or death.

The State is not required to have recovered the deadly weapon used in an alleged crime, or to produce the deadly weapon in court at trial, to establish that a deadly weapon was used in the commission of the crime.

In order to "use" a deadly weapon, there need not be conduct which actually produces harm but only conduct which produces a fear of harm or force by means or display of the deadly weapon in aiding the commission of the crime

Battery means any willful and unlawful use of force or violence upon the person of another.

The force used by the defendant need not be violent or severe, and need not cause bodily pain or bodily harm. Any slight touching by the defendant upon the person of another suffices, as long as the touching was intentional and unwanted.

If that force is accomplished with the use of a deadly weapon, the person is guilty of Battery with a Deadly Weapon.

A person who willfully and maliciously discharges a firearm at or into any house, room, apartment, tenement, shop, warehouse, store, mill, barn, stable, outhouse or other building, tent, vessel, aircraft, vehicle, vehicle trailer, semitrailer or house trailer, railroad locomotive, car or tender that is occupied is guilty of Discharging a Firearm at or Into Occupied Structure, Vehicle, Aircraft, or Watercraft:

A general intent crime is one where an accused meant to do an act prohibited by law. Whether the defendant(s) intended the act's result is irrelevant.

A specific intent crime typically requires that the defendant(s) intentionally commit an act and intend to cause a particular result when committing that act.

Attempt Murder With Use of a Deadly Weapon and Discharging Firearm At or Into Occupied Structure are specific intent crimes.

Battery with Use of a Deadly Weapon are general intent crimes.

INSTRUCTION NO. 21

The flight of a person immediately after the commission of a crime, is not sufficient in itself to establish his or her guilt, but is a fact which, if proved, may be considered by you in light of all other proved facts in deciding the question of his or her innocence. Whether or not evidence of flight shows a consciousness of guilt and the significance to be attached to such a circumstance are matters for your deliberation.

1 It is the constitutional right of a defendant in a criminal trial that he may not be
2 compelled or required to testify. Thus, the decision as to whether he should testify is left to
3 the defendant on the advice and counsel of his attorney. You must not draw any inference of
4 guilt from the fact that he does not testify, nor should this fact be discussed by you or enter
5 your deliberations in any way.
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2 Although you are to consider only the evidence in the case in reaching a verdict, you
3 must bring to the consideration of the evidence your everyday common sense and judgment
4 as reasonable men and women. Thus, you are not limited solely to what you see and hear as
5 the witnesses testify. You may draw reasonable inferences from the evidence which you feel
6 are justified in the light of common experience, keeping in mind that such inferences should
7 not be based on speculation or guess.

8 A verdict may never be influenced by sympathy, prejudice or public opinion. Your
9 decision should be the product of sincere judgment and sound discretion in accordance with
10 these rules of law.

INSTRUCTION NO. 29

In your deliberation you may not discuss or consider the subject of punishment, as that is a matter which lies solely with the court. Your duty is confined to the determination of the guilt or innocence of the Defendant.

During the course of this trial, and your deliberations, you are not to:

- (1) communicate with anyone in any way regarding this case or its merits-either by phone, text, Internet, or other means;
- (2) read, watch, or listen to any news or media accounts or commentary about the case;
- (3) do any research, such as consulting dictionaries, using the Internet, or using reference materials;
- (4) make any investigation, test a theory of the case, re-create any aspect of the case, or in any other way investigate or learn about the case on your own.

1
2 When you retire to consider your verdict, you must select one of your member to act as
3 foreperson who will preside over your deliberation and will be your spokesperson here in
4 court.

5 During your deliberation, you will have all the exhibits which were admitted into
6 evidence, these written instructions and forms of verdict which have been prepared for your
7 convenience.

8 Your verdict must be unanimous. As soon as you have agreed upon a verdict, have it
9 signed and dated by your foreperson and then return with it to this room.

If, during your deliberation, you should desire to be further informed on any point of law or hear again portions of the testimony, you must reduce your request to writing signed by the foreperson. The officer will then return you to court where the information sought will be given you in the presence of, and after notice to, the district attorney and the Defendant and his/her counsel.

Play backs of testimony are time-consuming and are not encouraged unless you deem it a necessity. Should you require a play back, you must carefully describe the testimony to be played back so that the court recorder can arrange his/her notes. Remember, the court is not at liberty to supplement the evidence.

Now you will listen to the arguments of counsel who will endeavor to aid you to reach a proper verdict by refreshing in your minds the evidence and by showing the application thereof to the law; but, whatever counsel may say, you will bear in mind that it is your duty to be governed in your deliberation by the evidence as you understand it and remember it to be and by the law as given to you in these instructions, with the sole, fixed and steadfast purpose of doing equal and exact justice between the Defendant and the State of Nevada.

GIVEN: 

DISTRICT JUDGE

Electronically Filed
06/03/2019

Heather S. Hume
CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

JASON BOLDEN, aka,
Jason Jerome Bolen,
#1891927

Defendant.

CASE NO: C-18-334635-1

DEPT NO: XXI

SHERIFF'S RETURN

I hereby certify that I received the above and foregoing Warrant on the 31 day of MAY, 2019, and served the same by arresting the within named BRANDI COLEMAN, DOB 04/14/1991, and bringing BRANDI COLEMAN into Court this 31 day of MAY, 2019.

JOE LOMBARDO,
Sheriff, Clark County, Nevada

BY

Deputy

[Signature] 15217

05-24-19 12:55 BSDRSU

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Electronically Filed
5/24/2019 10:24 AM
Steven D. Grierson
CLERK OF THE COURTDISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-VS-

JASON BOLDEN, aka,
Jason Jerome Bolen,
#1891927

Defendant.

CASE NO: C-18-334635-1

DEPT NO: XXI

1004938105/436334

WARRANT OF ARREST

FOR MATERIAL WITNESS BRITTNEY JENSEN, ID#2814677

10k bail

THE STATE OF NEVADA,

To: Any Sheriff, Constable, Marshall, Policeman, or Peace Officer in This State:

Tory

An affidavit upon oath has been this day laid before me by Deputy District Attorney ~~Kelsey~~
Scarbrough
Einhorn accusing BRANDI COLEMAN, DOB 04/14/1991 thereof of being a Material Witness;

YOU ARE THEREFORE COMMANDED forthwith to arrest the above named BRANDI COLEMAN, DOB 04/14/1991, and bring her before the Eighth Judicial District Court of the State of Nevada, in and for the County of Clark after it is determined that the said BRANDI COLEMAN, DOB 04/14/1991, is in the custody of the Sheriff of Clark County, State of Nevada, or in case of my absence or inability to act, before the nearest and most accessible Magistrate in this County.

WITNESS my hand this 23 day of May, 2019.

And I direct that this Warrant may be served at any hour of the day or night.

Valerie Adair
DISTRICT COURT JUDGE55# 607-46-7908
5'3" 200/15 Blk Bro

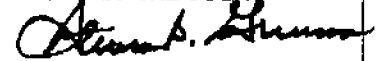
\$10,000.00 Bail

CERTIFIED COPY
DOCUMENT ATTACHED IS A
TRUE AND CORRECT COPY
OF THE ORIGINAL ON FILESteven D. Grierson
CLERK OF THE COURT

MAY 24 2019

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Electronically Filed
5/24/2019 10:21 AM
Steven D. Grierson
CLERK OF THE COURT



1 EPAP
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 JORY SCARBOROUGH
6 Deputy District Attorney
7 Nevada Bar #014265
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-

CASE NO: C-18-334635-1

12 JASON BOLDEN, aka,
13 Jason Jerome Bolden,
14 #1891927

DEPT NO: XXI

14 Defendant.

15 EX PARTE APPLICATION FOR ORDER REQUIRING
16 MATERIAL WITNESS TO POST BAIL

17 COMES NOW, STEVEN B. WOLFSON, Clark County District Attorney, by and
18 through JORY SCARBOROUGH, Deputy District Attorney, and makes application to the
19 above-entitled Court that an Order be entered herein requiring BRANDI COLEMAN, DOB
20 04/14/1991, be taken into immediate custody as a material witness for the purpose of posting
21 bail for her appearance in the jury trial of the above-entitled matter for the said reason of
22 attempting to avoid testifying before the Eighth Judicial District Court.

23 Further application is made that the Court set bail in the amount of no bail and if the
24 said witness fails to post bail in the amount of ~~no bail~~ ^{10K bail} for her appearance as a witness in this
25 matter that the Court further direct and order that said witness be delivered into the custody of
26 the Sheriff of Clark County, pending final disposition of the jury trial in the above entitled
27 matter on or until further Order of this Court.
28

1 This application is made pursuant to the provision of NRS 178.494 and is based upon
2 Affidavits attached hereto which are incorporated herein by this reference.

3 DATED this 21st day of May, 2019.

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

7 BY

8 JORY SCARBOROUGH
9 Deputy District Attorney
10 Nevada Bar #014265

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23 CERTIFIED COPY
24 DOCUMENT ATTACHED IS A
25 TRUE AND CORRECT COPY
26 OF THE ORIGINAL ON FILE

27 Jason A. Bolden
28 CLERK OF THE COURT

MAY 24 2019

AFFIDAVIT

STATE OF NEVADA)
COUNTY OF CLARK) ss:

JORY SCARBOROUGH, being first duly sworn deposes and says:

That he is employed in the Office of the Clark County District Attorney, State of Nevada and is engaged in the prosecution of criminal matters and has been so employed for the period of 1.5 years.

This matter has been set for jury trial, said hearing to commence at or about 10:00 a.m. on the 28th day of May, 2019 in said Court.

Your affiant will advise the Court that one BRANDI COLEMAN, DOB 04/14/1991 of Las Vegas, Clark County, Nevada, is in fact a material witness in the above-captioned matter.

Your affiant will further advise the Court on information and belief that said witness is avoiding testifying before the Eighth Judicial District Court in which she is a material and essential witness.

On July 27th, Process Server Warren Donaldson made Investigator Keith Gross aware of the following situation that occurred with his attempts at contacting Brandi Coleman. The content of the email from Mr. Donaldson to Mr. Gross is as follows:

"This involves a shooting incident where victim Brenton Martinez was shot in the stomach by the ex-boyfriend of Brandi Coleman, Jason Jerome Bolen. I contacted Brandi Coleman at 702-502-5880. This is the same phone number listed for victim Brenton Martinez. Ms. Coleman was immediately hostile stating she would not testify in court. She said she did not see anything and would not appear. I advised her the DDA handling the case needed her to appear since she was at the residence. I tried to reason with her but she was very uncooperative and hostile. The police report reflects she has relevant information regarding the case. She stated she does not reside at the listed address, 2883 Wheelwright Dr and she has moved out of state. She refused to supply any updated address information. I asked her for her email address and she initially stated I could email it to her but it did not matter as she was not

1 going to testify. She immediately hung up. Shortly thereafter, I attempted to call witness
2 Shakiesha Geter who shares the same address as Coleman. I called the listed number, 702-
3 980-2533 and a female answered the phone. I identified myself as a representative of the Clark
4 County District Attorney and the female immediately hung up. I recalled but the phone went
5 to voicemail. - Warren Donaldson."

6 On August 1, 2018 investigator Keith Gross went out to the last known address that our
7 office had on file for Brandi Coleman. When he arrived at 2883 Wheelwright Dr, Las Vegas,
8 NV 89121 - Building 6 apartment A, he contacted a female who appeared to be the same
9 person as the DMV photo he had in his possession. When Mr. Gross verbally said "Brandi"
10 she replied "I am not Brandi and I don't know this person." Mr. Gross asked her again, "are
11 you sure you're not Brandi?" and she stated no. Since Mr. Gross had a current copy of her
12 DMV photo and vehicle information, Mr. Gross was able to confirm that her vehicle (Buick -
13 88G638) was parked in the parking lot. Mr. Gross left a copy of a subpoena in the security
14 door at her apartment which he was just at. Mr. Gross also left one subpoena for her and one
15 for Shakiesha Geter since their addresses appear to be the same. Mr. Gross also left a business
16 card on the windshield of Brandi's vehicle for her to contact him.

17 On August 6, 2018, Mr. Gross confirmed with the apartment management (702-502-
18 5880) that Brandi Coleman is in fact on the lease at the above address until May 31, 2019. It
19 appears at this time that Brandi Coleman is not being cooperative and has not made any
20 attempts to contact Mr. Gross or the district attorney's office even though a subpoena was left
21 at her apartment with Mr. Gross number on it and a business card was left on her vehicle.

22 On April 29, 2019, Mr. Gross contacted the apartment management and was informed
23 that Brandi Coleman had been evicted sometime in November/December 2018 and no longer
24 is at this address. All current data base searches list this as her current address. Through
25 Investigator Gross's research he had learned that she may be working as a security officer. Mr.
26 Gross confirmed that she no longer works for Allied Universal Security or Bedrock Protection
27 Agency. Mr. Gross also confirmed that she is not in the process of becoming a State
28 Correctional Officer. Mr. Gross has also contacted the Clark County School District and was

1 informed that there is no contact information on her or her child Sanylah Bolen. She is
2 receiving Medical Welfare benefits, however she listed her address as homeless.

3 Investigator Gross spoke with her aunt Nina Frits on May 15, 2019, she indicated that
4 per her conversations with Brandi that she will not cooperate with us if she is located. She
5 would attempt to try on find Brandi's new address. Nina reported that Brandi is still with
6 Jason Bolen, though the family does not like him. Investigator Gross checked Facebook and
7 observed a picture of Brandi and Jason posted on April 14th. See Brandi Coleman Facebook
8 Profile Screenshots Attached as Exhibit 1. Mr. Gross left a message on the phone number
9 Nina provided me. Mr. Gross researched Jason Bolen and went to his last known address on
10 May 16, 2019 to attempt to make contact with Brandi. Mr. Gross left a subpoena in the door
11 at 4300 Lamont St Apt 273. At this time Investigator Gross has not been able to locate or
12 make contact with Brandi.

13 In the instant case, Defendant is charged with five counts of Attempted Murder, Eight
14 counts of Discharging a Firearm at or Into Occupied Structure, one count of Battery with a
15 Deadly Weapon and one count of Possession of Firearm by Prohibited Person. Ms. Coleman,
16 along with her four year old daughter, Sanyleh Bolden, are named victims in the Attempted
17 Murder counts. The State will not be able to secure Ms. Coleman's appearance in this case via
18 subpoena as she has clearly demonstrated she will avoid service and it is not practicable to
19 serve her. Securing Ms. Coleman's presence at trial is not only important to establish one of
20 the attempted murder charges for which she is a victim, but also to establish another attempted
21 murder charge for which Sanleyh Bolen is a victim. By refusing to come to court, Ms. Coleman
22 is preventing the state from prosecuting the defendant for attempting to take her life, and the
23 life of her four-year-old daughter.

THEREFORE, your affiant would respectfully pray that this Honorable Court under the authority of NRS 178.494 issue an Order directing that any police officer of this State shall forthwith take the said BRANDI COLEMAN, DOB 04/14/1991, into custody and forthwith convey to the jail of the County of Clark, State of Nevada, for incarceration to insure her presence before the Eighth Judicial District Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on

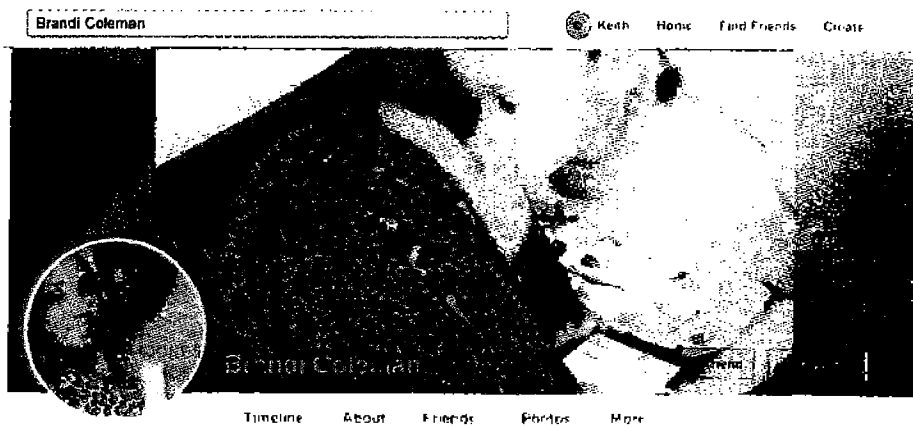
5/21/19
(Date)

(Signature)

EXHIBIT "1"

(99) Brandi Coleman

Page 1 of 4



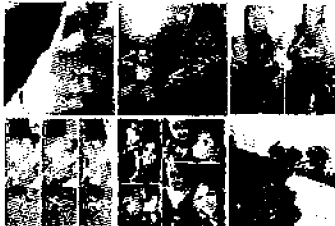
DO YOU KNOW BRANDI?

To see what she shares with friends, send her a friend request

Add Friend

Intro

Studied medical assistant at Everest College



Photos



Friends

English (US) · Spanish · Portuguese (Brazil) · French (France) · Deutsch

Kriszta · Berni · Jennifer · Calandra · Sydney · Anna · Katherine · 2016

Brandi Coleman
May 4 at 11:17 AM

Keep a baby Glock cuz I ain't fighting with no random period



26

1 Comment

Like

Share

View 1 more comment

Leeanne Moss Okay! Get it girl! Pretty pic
Like · 1

Brandi Coleman · 1 Reply

Deshaun Nettles That's my fine ass relative
Like · 1

Maatrah Hahah Jokes

(99) Brandi Coleman

Page 2 of 4



Like · 14



Angela Morales Cervantes Beautiful lady

Like · 14



Brandi Coleman replied



Brandi Coleman is with Poppa Miller

Apr 21 at 4:20 PM

Easter 2019 Shantell Fritz Goidke Brown Honey Brown Poppa Miller Clarence Miller Alexus J Miller



20

7 Comments



Kalah Wells What park ya go to

Like · 14



Brandi Coleman replied



Brandi Coleman

Apr 20 at 5:01 AM

She's the reason why I work so hard she deserves the n imma give it to her she deserves it all



(99) Brandi Coleman

Page 3 of 4



63

14 Comments



Mrs. Mrs. Shakur Gotta have her hot pocket

like 30



Mrs. Mrs. Shakur replied

Theresa Denise D'Angelo awww yes lil mama does and you do too brandi

like 2



Brandi Coleman replied



Sheila Woods She is so beautiful

like 30



Brandi Coleman replied



Brandi Coleman



65

2 Comments



Jason Kidd Look at that old man lol love yall man fr more than you even know

like 2



Brandi Coleman replied



Brandi Coleman

February 18

This is the realist shit ever u ken tell what type of mama they gonna be bitches be tryna be up under they nigga all the time if he gonna cheat they gonna do it regardless sis

This content isn't available right now

When this happens it's usually because the owner only shared it with a small group of people, changes who can see it or it's been deleted

(99) Brandi Coleman

Page 4 of 4



Brandi Coleman updated her cover photo
February 22

She is my meaning in life my perfect creation
there is no me

without her



24

*PAGE 1 OF 1 ☐ UOF ☒ BODY CAM
*ID/cs# 2887387 _____ ☐ NEW ID
☐ JUVENILE ☐ DNA SAMPLE TAKEN ☐ DNA NOT REQ'D
CO. SGT APPROVAL _____
☐ REBOOK ☐ ABSENTIA ☐ FORM 6 ☐ ND

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
TEMPORARY CUSTODY RECORD
(* DENOTES OFFICER REQUIRED FIELD)

TCR1024703	
* ARREST DATE: 5/31/2019	* ARREST TIME: 19:24
* EVENT #: LV190500152657	

*CO-DEF: NO

COURTESY HOLD ☐ DETAINER

*INTAKE NAME (AKA, ALIAS, ETC.)	LAST	FIRST	MIDDLE	TRUE NAME	LAST	FIRST	MIDDLE
COLEMAN BRANDI					Coleman	Brandi	Y

*HOME ADDRESS (STREET # AND STREET NAME) 3985 E CHEYENNE AVE	BLDG./APT.# 251	*CITY LAS	*STATE NV	*ZIP 89115	*PLACE OF BIRTH LOMPOC
---	--------------------	--------------	--------------	---------------	---------------------------

*DATE OF BIRTH	4/14/1991	*RACE	B	*SEX	F	*HEIGHT	5'03"	*WEIGHT	200	*HAIR	BLK	*EYES	BRO	*SOCIAL SECURITY #	607-46-7908	*CITIZENSHIP	USA	*ALIEN REGISTRATION #	<input type="checkbox"/> US VETERAN <input type="checkbox"/> ACTIVE MILITARY
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*LOCATION OF CRIME (STREET ADDRESS, CITY, STATE, ZIP) <input checked="" type="checkbox"/> CC <input type="checkbox"/> LV CHEYENNE AVE/ AMB BL VD LAS VEGAS NEVADA 89115	*LOCATION OF ARREST (STREET ADDRESS, CITY, STATE, ZIP) CHEYENNE AVE/ AMB BL VD LAS VEGAS NEVADA 89115
<input checked="" type="checkbox"/> SPEAKS ENGLISH	<input type="checkbox"/> CITIZEN'S ARREST

*ARR ** TYPE	*COURT JURIS	*WARRANT # / CASE #	*# CNTS	*NOC CODE	* CATEGORY	*CHARGE LITERAL	*ORD / NRS	*BAIL	*EVENT# /
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BW	DC	C-18-334635-1	1	54464	M	MATERIAL WITNESS	178.494	10000	LLV1905007
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[illegible][illegible]

姓名	性别	年龄	职业	住址	联系电话	备注
张三	男	35	教师	北京市朝阳区	13800138000	
李四	女	28	医生	北京市海淀区	13900139000	
王五	男	45	工程师	上海市浦东新区	13600136000	
赵六	女	30	公务员	广东省广州市	13500135000	
孙七	男	50	企业家	浙江省杭州市	13400134000	
周八	女	25	学生	北京市西城区	13300133000	
吴九	男	40	律师	江苏省南京市	13200132000	
郑十	女	38	作家	四川省成都市	13100131000	
冯十一	男	22	程序员	河南省郑州市	13000130000	
陈十二	女	42	会计师	山东省济南市	12900129000	
林十三	男	33	销售经理	安徽省合肥市	12800128000	
周十四	女	27	设计师	福建省厦门市	12700127000	
吴十五	男	48	教授	江西省南昌市	12600126000	
郑十六	女	31	护士	河北省石家庄市	12500125000	
孙十七	男	55	退休	山西省太原市	12400124000	
周十八	女	29	记者	辽宁省沈阳市	12300123000	
吴十九	男	41	科学家	吉林省长春市	12200122000	
郑二十	女	36	翻译	黑龙江省哈尔滨市	12100121000	

**ARREST TYPES:	
PC – PROBABLE CAUSE	BS – BONDSMAN SURRENDER
BW – BENCH WARRANT	AW – ARREST WARRANT
RM – REMAND	GJ – GRAND JURY INDICTMENT
*OTHER JURISDICTION:	

6	
---	--

TIME STAMP	15277	F3	FIRST APP DATE:	TIME STAMP
AT BOOKING	CHRIS HART	LAS VEGAS		AT RELEASE
	*PRINTED NAME	*AGENCY	*SECTOR/BEAT	
	*DE			
	*ISSUED TO OFFICIAL SIGNATURE			

CHRIS HART
15277
LAS VEGAS
NEAC
OF ARREST
TIME:

TRANSPORTING OFFICER SIGNATURE	PRINTED NAME	PH	AGENCY	AREA CMD OF ARREST	COURT: <input type="checkbox"/> JUSTICE
--------------------------------	--------------	----	--------	-----------------------	---

*EMERGENCY CONTACT _____		<input type="checkbox"/> MUNICIPAL <input type="checkbox"/> JUVENILE
-----------------------------	--	--

1119	RELATIONSHIP	NAME	CUSTODY RELEASED TO	<input type="checkbox"/> STD. BAIL <input type="checkbox"/> O.R. REL
	SHALINA			

PHONE NUMBER	POSITION	PC	I.A.D.
1145		<input type="checkbox"/>	<input type="checkbox"/>

P#	P1346505	JUDGE:	P#
*EMAIL ADDRESS	02 13 8391		
		AGENCY	

DOC DIST P#	REL REV
5563	0000

PID: 11 RT LT R L SCORE: 230730

☐ POLICE RECORDS COPY ☒ COURT'S COPY ☐ DSD RECORDS COPY ☐ PROCESSING COPY

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
DECLARATION OF ARREST REPORT

TCR1024703

<input checked="" type="checkbox"/> County Jail		<input type="checkbox"/> City Jail		<input type="checkbox"/> Adult		<input type="checkbox"/> Juvenile		Bureau: NEAC	
ID#	EVENT #	ARRESTEE'S NAME (LAST)			(FIRST)	(MIDDLE)	SSN#		
2887387	LLV190500152657	COLEMAN			BRANDI		607-46-7908		
RACE	SEX	DOB	HGT	WGT	HAIR	EYES	POB		
B	F	4/14/1991	5'03"	200	BLK	BRO	LOMPOC		
ARRESTEE'S ADDRESS		STREET		CITY		STATE		ZIP CODE	
3985 E CHEYENNE AVE				LAS		NV		89115	
OCCURRED		ARREST		LOCATION OF ARREST (NUMBER, STREET, CITY, STATE, ZIP CODE)					
DATE: 5/31/2019	TIME: 19:49	DATE: 5/31/2019	TIME: 19:24	CHEYENNE AVE/ LAMB BLVD LAS VEGAS NEVADA 8					
LOCATION OF CRIME (NUMBER, STREET, CITY, STATE, ZIP CODE)									
CHEYENNE AVE/ LAMB BLVD LAS VEGAS NEVADA 89115									
CHARGES / OFFENSES									
BW - DC - 54464 - M - MATERIAL WITNESS									
CONNECTING REPORTS (TYPE OR EVENT NUMBER)									

The undersigned makes the following declarations subject to the penalty of perjury and says: That I am a peace officer with the Las Vegas Metropolitan Police Department, Clark County, Nevada, being so employed for a period of approximately 4 year(s).

That I learned the following facts and circumstances which lead me to believe that the above named subject committed or was committing the offenses above at the location of CHEYENNE AVE/ LAMB BLVD LAS VEGAS NEVADA 89115 and that the offense(s) occurred at approximately 19:49 hours on the 31th day of May, 2019.

Details for Probable Cause:

On 5/31/19 at 1949 hours I, Officer C. Hart P#15277 operating as marked patrol unit 3VC55 observed a burgandy Buick 4-door sedan bearing NV Plate 88G638 drive south on Las Vegas Blvd from Nellis Blvd LVN 89115. A records check revealed the registered owner (Brandi Coleman 4/14/91) of the vehicle having a District Court warrant for Material-Witness.

I then conducted a traffic stop on the vehicle at Cheyenne Ave and Lamb Blvd LVN 89115. I made contact with the driver who was identified via NV DL as Brandi Coleman 4/14/91. Brandi's warrant was from District Court for Misd-Material Witness NRS: 178.494, case number of C-18-334635-1, bail amount of \$10000. Furthermore, the warrant was confirmed by P# 1791. Brandi was taken into custody and transported to CCDC where she was booked.

***** End *****

Wherefore, Declarant prays that a finding be made by a magistrate that probable cause exists to hold said person for preliminary hearing (if charges are a felony or gross misdemeanor) or for trial (if charges are misdemeanor).

Arresting Officer: CHRIS HART

P#: 15277

C334635

BAIL BOND

FILED

JUN - 3 2019

CLERK OF COURT

In the Las Vegas District

Court, County of CLARK, State of Nevada.

STATE OF NEVADA

Bail Bond No SV10-4992984

(Power of attorney with this number must be attached.)

vs.

Defendant Coleman, Brandi Y

Case No. C-18-334635-1

Know all men by these presents:


That we, Aladdin Bail NV, Inc as principal and Seaview Insurance Co. as the surety, heretofore authorized to transact Bail bonds in the State of Nevada, are held and bound, to the above court, for payment in the sum of:

\$10,000.00 Dollars, whereof, we bind ourselves, our heirs, executors, administrators, and successors, and assigns, jointly, severally, and firmly, by these presents. The condition of this obligation is such that the said defendant shall appear from day to day and term to term of said court to answer the charge(s) of

MATERIAL WITNESS

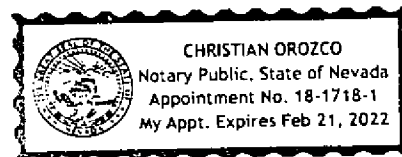
And not depart the same without leave, then this obligation to be void, else to remain in full force and effect until exoneration by court order or termination of this case by dismissal or conviction. In accordance with NRS 178.502.2, this bond extends to any action or proceeding in a Justice Court, municipal court or district court: (1) Arising from the charge on which bail was first given in any of these courts; and (2) Arising from a later charge, filed within 30 days of dismissal of the action or proceeding (or within 30 days of the posting of the bond if no action or proceeding is instituted against the defendant) in accordance with NRS 178.502.4, which is substantially similar to the charge upon which bail was first given and is based upon the same act or omission as that charge; and remains in effect until exonerated by the court.

Signed and sealed this 31st day of May, 2019


Anaisa Cristoforo
Attorney in fact

Subscribed and sworn before me, a notary for the State of Nevada,
This 31st day of May, 2019

Place of Notary Seal Here



Approved this day of 20

By

Bonding Company Stamp

Aladdin Bail NV, Inc

626 Las Vegas Blvd. South
Las Vegas, NV 89101-6649
Telephone (702) 853-2245
License # 1843442

Insurance Agency Stamp

SEAVIEW INSURANCE CO.

Designated Agent/Person

to receive all notices:

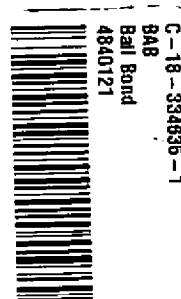
RECEIVED

JUN - 3 2019

CLERK OF THE COURT

1000 Aviara Parkway, Suite 300
Carlsbad, CA 92011

Telephone (800) 808-2245 Fax (760) 431-2698



COURT COPY SV-0401-01

VERIFY FIRST

1. THE FACE OF THIS FORM IS PRINTED IN RED, BLUE AND BLACK INKS WITH A MULTI COLORED BACKGROUND. 2. THE PAPER THIS FORM IS PRINTED ON CONTAINS A "TRUE" WATERMARK. HOLD UP TO A LIGHT SOURCE TO SEE THE WORDS "VERIFY FIRST" AND "SAFE" IN THE PAPER. 3. LOOK CLOSELY AT THE THIN BLUE BORDER LINE - YOU MAY NEED MAGNIFICATION. IT IS MADE UP OF REPEATING LETTERS THAT READ TWOJINNING

**POWER OF ATTORNEY
SEAVIEW INSURANCE COMPANY**

VOID IF NOT ISSUED BY: Wednesday, November 27, 2019

POWER AMOUNT \$ *10000.00*****

POWER NO. SV10-4992984

KNOW ALL MEN BY THESE PRESENTS that SEAVIEW INSURANCE COMPANY a corporation duly organized and existing under the laws of the State of CALIFORNIA and by the authority of the resolution adopted by the Board of Directors at a meeting duly called and held on December 5, 2011 which has not been amended or rescinded, does constitute and appoint and by these presents does make, constitute and appoint the named agent its true and lawful Attorney-in-Fact for it and in its name, place and stead, to execute seal and deliver for and on its behalf and as its act and deed, as surety, a bail bond only. Authority of such Attorney-in-Fact is limited to appearance bonds and cannot be construed to guarantee defendant's future lawful conduct, adherence to travel limitations, fines, restitution, payments or penalties, or any other condition imposed by a court not specifically related to court appearance.

This Power of Attorney is for use with Bail Bonds only. Not valid if used in connection with Federal Immigration Bonds. Not valid for Federal Bail Bonds. This power void if altered or erased, void if used with other powers of this company or in combination with powers from any other surety company, void if used to furnish bail in excess of the stated face amount of this power, and can only be used once.

The obligation of the company shall not exceed the sum of *****Ten Thousand Dollars And No Cents*****

and provided this Power-of-Attorney is filed with the bond and retained as a part of the court records. The said Attorney-in-Fact is hereby authorized to insert in this Power-of-Attorney the name of the person on whose behalf this bond was given.

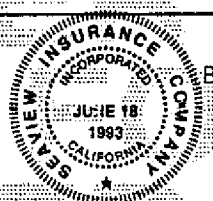
IN WITNESS WHEREOF, SEAVIEW INSURANCE COMPANY has caused these presents to be signed by its duly authorized attorney-in-fact, proper for the purpose and its corporate seal to be hereunto affixed this 31st day of May, 2019

Bond Amount \$ 10,000.00

Case #: C-18-334635-1

Defendant Coleman, Brandi Y

Charges: MATERIAL
WITNESS



By

Peter Botz
Attorney-in-Fact

Court Las Vegas District

City LAS VEGAS State Nevada

If rewrite, original

Executing Agent Crisostomo, Aneissa

Exec. Agent Signature

195

**FOR STATE USE ONLY
NOT VALID IF USED IN FEDERAL COURT**

DOCUMENT
CONTROL NO. 18051
For Internal Use Only

NOT
POWER
NUMBER

**THIS SEALED
DOCUMENT,
NUMBERED PAGE(S)
196 - 214
WILL FOLLOW VIA
U.S. MAIL**

Steven D. Grierson

JOC

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

JASON J. BOLDEN
aka Jason Jerome Bolen
#1891927

Defendant.

CASE NO. C-18-334635-1

DEPT. NO. II

JUDGMENT OF CONVICTION
(JURY TRIAL)

The Defendant previously entered a plea of not guilty to the crimes of COUNTS 1, 2, 3, & 4 – ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Category B Felony) in violation of NRS 200.010, 200.030, 193.330, 193.165; COUNTS 5, 6, 7, 8, 9, 10, & 11 – DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE, VEHICLE, AIRCRAFT, OR WATERCRAFT (Category B Felony) in violation of NRS 202.285; COUNT 12 – BATTERY WITH USE OF A DEADLY WEAPON (Category B Felony) in violation of NRS 200.481; and COUNT 13 – OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON (Category B Felony) in violation of NRS 202.360; and the matter having been tried before a jury and the Defendant having been found guilty of the crimes of COUNTS 1, 2, 3, & 4 – ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Category B Felony) in violation

1 of NRS 200.010, 200.030, 193.330, 193.165; COUNTS 5, 6, 7, 8, 9, 10, & 11 -
2 DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE, VEHICLE, AIRCRAFT,
3 OR WATERCRAFT (Category B Felony) in violation of NRS 202.285; COUNT 12 - BATTERY
4 WITH USE OF A DEADLY WEAPON (Category B Felony) in violation of NRS 200.481; and
5 COUNT 13 - OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON
6 (Category B Felony) in violation of NRS 202.360, thereafter, on the 23rd day of July, 2019, the
7 Defendant was present in court for sentencing with counsel BENJAMIN J. NADIG ESQ., and
8 good cause appearing,
9

10 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offense(s) and, in addition to
11 the \$25.00 Administrative Assessment Fee and \$10,319.46 Restitution plus \$3.00 DNA
12 Collection Fee, the Defendant is SENTENCED to the Nevada Department of Corrections (NDC)
13 as follows: **COUNT 1** - a MAXIMUM of TWENTY (20) YEARS with a MINIMUM parole eligibility
14 of FOUR (4) YEARS, plus a CONSECUTIVE term of TWENTY (20) YEARS with a MINIMUM
15 parole eligibility of THREE (3) YEARS for the Use of a Deadly Weapon; **COUNT 2** - a
16 MAXIMUM of TWENTY (20) YEARS with a MINIMUM parole eligibility of FOUR (4) YEARS,
17 plus a CONSECUTIVE term of TWENTY (20) YEARS with a MINIMUM parole eligibility of
18 THREE (3) YEARS for the Use of a Deadly Weapon, CONSECUTIVE to COUNT 1; **COUNT 3** -
19 a MAXIMUM of TWENTY (20) YEARS with a MINIMUM parole eligibility of FOUR (4) YEARS,
20 plus a CONSECUTIVE term of TWENTY (20) YEARS with a MINIMUM parole eligibility of
21 THREE (3) YEARS for the Use of a Deadly Weapon; CONSECUTIVE to COUNTS 1 & 2;
22 **COUNT 4** - a MAXIMUM of TWENTY (20) YEARS with a MINIMUM parole eligibility of FOUR
23 (4) YEARS, plus a CONSECUTIVE term of TWENTY (20) YEARS with a MINIMUM parole
24 eligibility of THREE (3) YEARS for the Use of a Deadly Weapon, CONSECUTIVE to COUNTS
25 1, 2, & 3; **COUNT 5** - a MAXIMUM of SIX (6) YEARS with a MINIMUM parole eligibility of TWO
26 (2) YEARS; **COUNT 6** - a MAXIMUM of SIX (6) YEARS with a MINIMUM parole eligibility of
27
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1 TWO (2) YEARS, CONCURRENT with COUNT 5; **COUNT 7** – a MAXIMUM of SIX (6) YEARS
2 with a MINIMUM parole eligibility of TWO (2) YEARS, CONCURRENT with COUNTS 5 & 6;
3 **COUNT 8** – a MAXIMUM of SIX (6) YEARS with a MINIMUM parole eligibility of TWO (2)
4 YEARS, CONCURRENT with COUNTS 5, 6, & 7; **COUNT 9** – a MAXIMUM of SIX (6) YEARS
5 with a MINIMUM parole eligibility of TWO (2) YEARS, CONCURRENT with COUNTS 5, 6, 7, &
6 8; **COUNT 10** – a MAXIMUM of SIX (6) YEARS with a MINIMUM parole eligibility of TWO (2)
7 YEARS, CONCURRENT with COUNTS 5, 6, 7, 8, & 9; **COUNT 11** – a MAXIMUM of SIX (6)
8 YEARS with a MINIMUM parole eligibility of TWO (2) YEARS, CONCURRENT with COUNTS 5,
9 6, 7, 8, 9, & 10; **COUNT 12** – a MAXIMUM of TEN (10) YEARS with a MINIMUM parole
10 eligibility of THREE (3) YEARS, CONCURRENT with COUNTS 5, 6, 7, 8, 9, 10, & 11; and
11 **COUNT 13** – a MAXIMUM of SIX (6) YEARS with a MINIMUM parole eligibility of TWO (2)
12 YEARS, CONCURRENT with COUNTS 5, 6, 7, 8, 9, 10, 11, & 12; with EIGHTY-SEVEN (87)
13 DAYS credit for time served. The AGGREGATE TOTAL sentence is ONE THOUSAND NINE
14 HUNDRED TWENTY (1,920) MONTHS MAXIMUM with a MINIMUM PAROLE ELIGIBILITY OF
15 THREE HUNDRED THIRTY-SIX (336) MONTHS. As the \$150.00 DNA Analysis Fee and
16 Genetic Testing have been previously imposed, the Fee and Testing in the current case are
17 WAIVED.
18

19
20 DATED this 27 day of August, 2019.

21
22
23 
24 RICHARD F. SCOTT
25 DISTRICT COURT JUDGE
26
27
28



ASTA
BEN NADIG
Nevada State Bar No. 9876
LAW OFFICE OF BENJAMIN NADIG, CHTD.
228 South Fourth Street, Third Floor
Las Vegas, NV 89101
P: (702) 545-7592
F: (702) 382-6903

Attorney for Jason Bolden

IN THE EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

Case No.
Dep't No.

C-18-334635-1
II

vs.

JASON BOLDEN, #1891927,

Defendant.

CASE APPEAL STATEMENT

- 1) Name of appellant filing this case appeal statement:** Jason Bolden
- 2) Identify the judge issuing the decision, judgment, or order appealed from:**
Richard Scotti, Department II, Eighth Judicial District Court
- 3) Identify each appellant and the name and address of counsel for each appellant:** Appellant Jason Bolden; Counsel Ben Nadig, Law Office of Benjamin Nadig, 228 South Fourth Street, Third Floor, Las Vegas, NV 89101.
- 4) Identify each respondent and the name and address of appellate counsel for each:** Respondent State of Nevada, Counsel Steven B. Wolfson, Esq., Clark County District Attorney, 200 Lewis Ave., Las Vegas, NV 89155; Aaron D. Ford, Esq., Nevada State Attorney General, 100 N. Carson St., Carson City, NV 89701
- 5) Indicate whether any attorney identified above in response to question 3 or 4 is not licensed to practice law in Nevada and, if so, whether the district court granted that attorney permission to appear under SCR 42 (attach a copy of any district court order granting such permission):** No

- 1 **6) Indicate whether appellant was represented by appointed or retained**
2 **counsel in the district court:** Appointed
- 3 **7) Indicate whether appellant is represented by appointed or retained counsel**
4 **on appeal:** Appointed
- 5 **8) Indicate whether appellant was granted leave to proceed in forma pauperis,**
6 **and the date of entry of the district court order granting such leave:** Indigency
7 determination and appointment of counsel granted 1/3/2019
- 8 **9) Indicate the date the proceedings commenced in the district court (e.g., date**
9 **complaint, indictment, information, or petition was filed):** 12/6/2018
- 10 **10) Provide a brief description of the nature of the action and result in the**
11 **district court, including the type of judgment or order being appealed and**
12 **the relief granted by the district court:** Judgment of conviction following jury trial
13 on charges of attempt murder with use of a deadly weapon; discharging firearm at or
14 into occupied structure, vehicle, aircraft, or watercraft; battery with use of a deadly
15 weapon; and ownership or possession of firearm by prohibited person.
- 16 **11) Indicate whether the case has previously been the subject of an appeal to or**
17 **original writ proceeding in the Supreme Court and, if so, the caption and**
18 **Supreme Court docket number of the prior proceeding:** No
- 19 **12) Indicate whether this appeal involves child custody or visitation:** No
- 20 **13) If this is a civil case, indicate whether this appeal involves the possibility of**
21 **settlement:** N/A

22
23 DATED this 24 of September, 2019.

24
25 /s/ Ben Nadig

BEN NADIG

Nevada State Bar No. 9876

LAW OFFICE OF BENJAMIN NADIG, CHTD.

228 South Fourth Street, Third Floor

Las Vegas, NV 89101

Attorney for Jason Bolden

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CERTIFICATE OF SERVICE

I hereby certify that I am a person competent to serve papers, that I am not a party to the above-entitled action, and that on August 12, 2019, I served the foregoing document on:

Steven B. Wolfson, Esq.	200 Lewis Avenue
Steven S. Owens, Esq.	Las Vegas, NV 89155
Clark County District Attorney's Office	Via email: motions@clarkcountyda.com

/s/ Ashton Lindsay
AN EMPLOYEE OF THE
LAW OFFICE OF BENJAMIN NADIG, CHTD.

AFFIRMATION

Pursuant to NRS 239B.030, this document contains no social security numbers.	
<u>/s/ Ben Nadig</u>	<u>08-12-2019</u>
Ben Nadig, Esq.	Date



1 **NOASC**
2 BEN NADIG
3 Nevada State Bar No. 9876
4 **LAW OFFICE OF BENJAMIN NADIG, CHTD.**
228 South Fourth Street, Third Floor
Las Vegas, NV 89101
P: (702) 545-7592
F: (702) 382-6903

5 Attorney for Jason Bolden

6 **IN THE EIGHTH JUDICIAL DISTRICT COURT**

7 **CLARK COUNTY, NEVADA**

8 THE STATE OF NEVADA,

9 Plaintiff,

Case No.
Dep't No.

C-18-334635-1
II

10 *vs.*

11 JASON BOLDEN, #1891927,

12 Defendant.

NOTICE OF APPEAL

13
14 Notice is hereby given that Jason Bolden, defendant in the above-entitled action,
15 appeals to the Supreme Court of Nevada from the Judgment of Conviction filed August 27,
16 2019.

17
18 DATED this 24 of September, 2019.

19
20 /s/ Ben Nadig

BEN NADIG
Nevada State Bar No. 9876
LAW OFFICE OF BENJAMIN NADIG, CHTD.
228 South Fourth Street, Third Floor
Las Vegas, NV 89101
Attorney for Jason Bolden

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CERTIFICATE OF SERVICE

I hereby certify that I am a person competent to serve papers, that I am not a party to the above-entitled action, and that on the 24 of September, 2019, I served the foregoing document on:

Steven B. Wolfson, Esq.	200 Lewis Avenue
Steven S. Owens, Esq.	Las Vegas, NV 89155
Clark County District Attorney's Office	Via email: motions@clarkcountyda.com

/s/ Ashton Lindsay
AN EMPLOYEE OF THE
LAW OFFICE OF BENJAMIN NADIG, CHTD.

AFFIRMATION

Pursuant to NRS 239B.030, this document contains no social security numbers.	
<u>/s/ Ben Nadig</u>	<u>09-24-19</u>
Ben Nadig, Esq.	Date



REQT

BEN NADIG

Nevada State Bar No. 9876

LAW OFFICE OF BENJAMIN NADIG, CHTD.

228 South Fourth Street, Third Floor

Las Vegas, NV 89101

P: (702) 545-7592

F: (702) 382-6903

Attorney for Jason Bolden

IN THE EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

Case No.

C-18-334635-1

Dep't No.

II

vs.

JASON BOLDEN, #1891927,

Defendant.

REQUEST FOR TRANSCRIPTS

TO: Dalyne Easley
Court Recorder
Department II
Eighth Judicial District Court
200 Lewis Ave.
Las Vegas, NV 89155

Please take notice that Jason Bolden, the Defendant in the above-entitled case, by and through appointed counsel Ben Nadig, and having been found indigent, requests the preparation of transcripts of the proceedings held in the Eighth Judicial District Court, as follows:

JUDGE: Hon. Richard Scotti, Department II

DATES: May 28, 2019 (Trial); May 29, 2019 (Trial); May 30, 2019 (Trial);
January 31, 2019 (Trial); July 23, 2019 (Sentencing).

PORTIONS: All, including voir dire examination, opening statements, closing arguments, and reading of jury instructions.

COPIES: 3 (1 original, 2 to counsel, certificate of service with Nevada Supreme Court pursuant to NRAP 9(c)(2)).

This notice requests a transcript of only those portions of the district court proceedings that counsel reasonably and in good faith believes are necessary to determine whether appellate issues are present. Voir dire examination of jurors, opening statements, and closing arguments of trial counsel, and the reading of jury instructions shall not be transcribed unless specifically requested above.

I certify that the Defendant is indigent and exempt from paying a deposit for the production of these transcripts.

DATED this 24 of September, 2019.

/s/ Ben Nadig
BEN NADIG
Nevada State Bar No. 9876
LAW OFFICE OF BENJAMIN NADIG, CHTD.
228 South Fourth Street, Third Floor
Las Vegas, NV 89101
Attorney for Jason Bolden

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CERTIFICATE OF SERVICE

I hereby certify that I am a person competent to serve papers, that I am not a party to the above-entitled action, and that on the 24 of September, 2019, I served the foregoing document on:

Dalyne Easley Court Recorder Eighth Judicial District Court	District Court Department II 200 Lewis Avenue Las Vegas, NV 89155 Via fax: (702) 671-4317
Steven B. Wolfson, Esq. Steven S. Owens, Esq. Clark County District Attorney's Office	200 Lewis Avenue Las Vegas, NV 89155 Via email: motions@clarkcountynvda.com

/s/ Ashton Lindsay
AN EMPLOYEE OF THE
LAW OFFICE OF BENJAMIN NADIG, CHTD.

AFFIRMATION

Pursuant to NRS 239B.030, this document contains no social security numbers.	
<u>/s/ Ben Nadig</u>	<u>08-12-2019</u>
Ben Nadig, Esq.	Date

PP
DA
HOK
Benjamin
Nadig

/In Propria Personam
Post Office Box 650 [HDSP]
Indian Springs, Nevada 89018

FILED
JAN 13 2020

John H. Blum
CLERK OF COURT

IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR THE COUNTY OF CLARK COUNTY

Jason Bolden
Defendant

vs.
State of Nevada, Clark County
Plaintiff

Case No. C-18-334635-1
Dept. No. 2
Docket _____

MOTION TO WITHDRAW COUNSEL

Date of Hearing: January 30, 2020
In Chambers
Time of Hearing: _____

'ORAL ARGUMENT REQUESTED, Yes X No _____'

COMES NOW, Defendant, Jason Bolden, proceeding in proper person,
moves this Honorable Court for an ORDER Granting him permission to withdraw his present counsel
of record in the proceeding action, namely,

Motion to Withdraw Counsel

This Motion is made and based on all papers and pleadings on file with the Clerk of the Court
which are hereby incorporated by this reference, the Points and Authorities herein, and attached
Affidavit of Defendant.

DATED: this _____ day of _____, 20____.

BY: *[Signature]* #1032099
BENJAMIN NADIG
/In Propria Personam

RECEIVED

JAN 13 2020

CLERK OF THE COURT

1 **POINTS AND AUTHORITIES**

2 NRS 7.055 states in pertinent part:

- 3 1. An attorney who has been discharged by his client shall upon demand and payment of the fee
4 due from the client, immediately deliver to the client all papers, documents, pleadings and items
5 of tangible personal property which belong to or were prepared for that client.
- 6 2. . . . If the court finds that an attorney has, without just cause, refused or neglected to obey its
7 order given under this section, the court may, after notice and fine or imprison him until the
8 contempt purged. If the court finds that the attorney has, without just cause, withheld the
9 client's papers, documents, pleadings, or other property, the attorney is liable for costs and
10 attorney's fees.

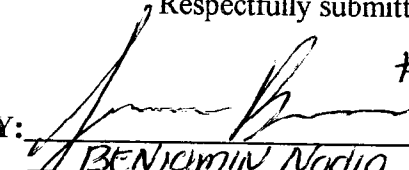
11 Counsel in the above-entitled case was court-appointed due to Defendant's indigence. Defendant
12 does not owe counsel any fees.

13 **WHEREFORE**, Defendant prays this Honorable Court, Grant his Motion to Withdraw Counsel
14 and that counsel deliver to Defendant all papers, documents, pleadings, discovery and any other
15 tangible property which belong to or were prepared for the Defendant to allow Defendant the proper
16 assistance that is needed to insure that justice is served.

17 **DATED:** this ____ day of _____, 20 ____.

18 Respectfully submitted,

19 BY:

20  #1032090
21 BENJAMIN NADIQ #
22 /In Propria Personam
23 Post Office Box 650 [HDSP]
24 Indian Springs, Nevada 89018
25
26
27
28

NAME: Jason Bolden, # 1032099

HIGH DESERT STATE PRISON

INDIAN SPRINGS, NEVADA 89018

DATE: _____

TO: _____

SUBJECT: TERMINATION OF COUNSEL/TRANSFER OF RECORDS

CASE NO.: C-18-339635--1

DEPT. NO.: 2

CASE NAME:


Please be advised that from this date forward, your authority as Attorney of Record in the above-stated action is hereby terminated. All of the professional relations of Attorney and Client do hereby cease.

Please enter your withdrawal from this action with the Court immediately.

Pursuant to NRS 7.055, I respectfully request that you deliver to me, forthwith, all documents, papers, pleadings and tangible personal property that is in your possession that relates to the above-named action.

Your prompt attention to this request is genuinely appreciated.

Respectfully,

fully,  #1032099

1 1 1 1 1

/ / / / /

/ / / / /

CERTIFICATE OF SERVICE BY MAILING

I, Jason Bolden, hereby certify, pursuant to NRCP 5(b), that on this _____ day of _____, 20____, I mailed a true and correct copy of the foregoing, " _____ "

by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid, addressed as follows:


1) Lawyer Name/ Address
Benjamin J Nadig
228 S. 4th St
3RD FLOOR
Las Vegas N.V 89101

2) Clerk of the Court Name/Address
Clerk of the Court
700 Lewis Ave
3RD FLOOR
Las Vegas, NV 89155

3) D.A. Name/ Address
Jory Scarborough, DDA
Steve Wolfson-DA

CC: FILE

DATED: this _____ day of _____, 20____.

 1032099
BENJAMIN NADIG # _____
/In Propria Personam
Post Office box 650 [HDSP]
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding _____

Motion to Withdraw Counsel
(Title of Document)

filed in District Court Case number _____

☒ Does not contain the social security number of any person.

-OR-

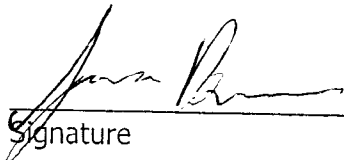
☐ Contains the social security number of a person as required by:

A. A specific state or federal law, to wit:

(State specific law)

-or-

B. For the administration of a public program or for an application
for a federal or state grant.


Signature

Date

JASON BOLDEN
Print Name

Title

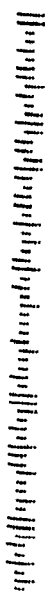
JASON Bolen #1032099
ESP
PO. Box 1989
ELY NV, 89301

LAS VEGAS NV 890
09 JAN 2020 PM 5 L



CLERK OF THE COURT
200 LEWIS AVE^{3RD}
LAS Vegas NV, 89155
FLOOR

89101-630000



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JAN 09 2020

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1 / In Propria Personam
2 Post Office Box 650 [HDSP]
3 Indian Springs, Nevada 89018
4

FILED
JAN 13 2020

Alvin L. Johnson
CLERK OF COURT

5 **DISTRICT COURT**
6 **CLARK COUNTY, NEVADA**
7

8 Jason Bolden
9 Defendant

10 vs.

11 State of Nevada, Clark County
12 Plaintiff
13

Case No. C-18-334635-1

Dept No. 2

Docket _____

14 **NOTICE OF MOTION**

15 **YOU WILL PLEASE TAKE NOTICE**, that Motion to Withdraw
16 Counsel

17 will come on for hearing before the above-entitled Court on the ____ c **January 30, 2020**
18 at the hour of ____ o'clock ____ M. In Department ____, of said Court. **In Chambers**
19

20 CC:FILE
21

22 **DATED:** this ____ day of _____, 20 ____
23
24

25 BY: *Benjamin Madig*

BENJAMIN MADIG # #1032099
/In Propria Personam
26
27
28

Jason Bolen #1032099
Ely State Prison
P.O. Box 1989
Ely, NV 89301

FILED

FEB 28 2020

John L. Bolen
CLERK OF COURT

IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR THE COUNTY OF CLARK COUNTY

JASON BOLEN,
Defendant.

- VS -

STATE OF NEVADA,
Plaintiff.

Case No.: C-18-334635-1

Dept. No.: 2

NOTICE OF MOTION AND
MOTION TO DISMISS COURT
APPOINTED COUNSEL

Date:

Time: March 19, 2020
Chambers

COMES NOW, defendant Jason Bolen in Pro Se and moves this Honorable Court for an order dismissing Court appointed counsel and directing said counsel to return to defendant all papers and pleadings in regards to the above incaptioned case that may be in counsel's possession at the time any order is issued.

This motion is made and based on the declaration attached hereto, the Points and Authority contained herein, all papers and pleadings on file with the Court and any oral argument entertained by the Court at the time of the hearing.

DATED this 2 day of 27 2020.

By: *Jason Bolen*

Jason Bolen #1032099
Ely State Prison
P.O. Box 1989
Ely, NV 89301
PRO SE

CLERK OF THE COURT

FEB 28 2020

RECEIVED

DECLARATION OF JASON BOLEN #1032099

I, Jason Bolen am the declarant in the instant matter and make following declaration...

1. That I am the defendant in case number C-18-334635-1 and was found guilty in that case. Based on the guilty finding, an appeal was filed.

2. On appeal I was represented by Benjamin J. Nadig who was appointed by the Court.

3. I have requested to be provided with the Opening Brief, Respondant Brief, Reply Brief, Opinion on Appeal and Remittitur. I even offered to have a family member pick them up so counsel would incur no postage cost and to this day counsel has failed to comply with my request.

4. Communication between counsel and myself has been so non exsistant that I do not even know the date my conviction became final meaning I also do not know the deadline to file a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254.

5. On January 8, 2020 I sent a motion similar to the instant motion to the Court. That motion was filed January 13, 2020 and set to be heard in Chambers on January 30, 2020. I have yet to hear from the Court or receive any ruling.

I, Jason Bolen declare under penalty of perjury that the foregoing is true and correct.

DATED 2-27-2020

By: Jason Bolen

Jason Bolen #1032099

Ely State Prison

P.O. Box 1989

Ely, NV 89301

PRO SE

POINTS AND AUTHORITIES

The language used in NRS 7.055 makes it clear that a Court may step in and intervene when an attorney, without just cause, chooses to withhold documents from a client. NRS 7.055 states in relevant part...

"If the Court finds that an attorney has, without just cause, refused or neglected to obey its order given under this section, the court may..."

The Court's intervention is appropriate in this matter because the defendant has issued multiple requests and demands for counsel to return documents, papers, pleadings and other items prepared for defendant in this case and counsel has all but ignored these requests. Counsel was appointed by the Court due to defendant's indigence so counsel is owed no fees so there can be no good cause for counsel to continue to withhold these documents and this Court should no longer condone such unprofessionalism.

Also, as a prisoner, defendant has the right to challenge [REDACTED] violations of the Constitution and attack the legality or duration of a criminal conviction or sentence. 28 U.S.C. § 2254 Such an attack on the legality of a conviction or sentence must take place within one year of the day the conviction became final. Preiser v Rodriguez 411 U.S. 475 [REDACTED] Due to the "Exhaustion Requirement," McQuown v. McCartney 745 F.2d 807 the limited resources and greatly diminished access to a law library afforded to a prisoner, the one year statute of limitation is difficult to adhere to without frustrations added by an attorney who withholds document for no reason. In Spitsyn v. Moore 345 F.3d 796 [REDACTED] the Court determined it is unreasonable for counsel to withhold papers resulting in an untimely filing and defendant asks this Court to rule in the same manner and issue the proposed Order attached hereto.

PROOF OF SERVICE BY MAIL

I, Jason Bolen, am over the age of eighteen (18), and I ~~am~~ am not a party to the within action. I served the following document(s)

Notice of Motion and Motion to Dismiss
Counsel along with Proposed Order

96
FEB 23 2020
CLERK OF THE COURT

Upon the parties/court listed below by placing said document(s) in a sealed envelope, with postage pre-paid, and delivering said envelope to a correctional officer at my place of confinement, addressed as follows:

- | | |
|--|---|
| 1. Benjamin J. Nadig
228 S. 4 th Street
Las Vegas, NV 89101 | 2. Clerk of the Court
200 Lewis Ave., 3rd Floor
Las Vegas, NV 89155 |
|--|---|

I, Jason Bolen, swear under the penalty of perjury that the foregoing is true and correct. Executed this 2 day of 17, 2020.

RECEIVED
FEB 28 2020
CLERK OF THE COURT

Declarant's signature

JASON Bolen #103099
ESP
PO Box 1989
ELV N.V 89301

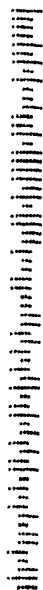
LAS VEGAS NV 8901

26 FEB 2020 PM 5 L



CLERK OF THE COURT
200 LEWIS AVE 3TH FLOOR
LAS VEGAS N.V 89165

000009-10168



US

FEB 25 2020



RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

vs.

JASON BOLDEN, aka Jason
Jerome Bolen,
Defendant.

CASE#: C-18-334635-1
DEPT. II

BEFORE THE HONORABLE RICHARD F. SCOTTI, DISTRICT COURT JUDGE
TUESDAY, MAY 28, 2019

**RECORDER'S TRANSCRIPT OF HEARING
JURY TRIAL - DAY 1**

APPEARANCES:

For the Plaintiff:

JORY SCARBOROUGH, ESQ.
CHAD LEXUS, ESQ.
Chief Deputy District Attorneys

For the Defendant:

BENJAMIN NADIG, ESQ.

Also Appearing:

ECKLEY KEACH

RECORDED BY: DALYNE EASLEY, COURT RECORDER

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KEVIN SCHAKAFORD	123	128	131	
BRYSON MARTINEZ	133	140		
WITNESSES FOR DEFT.	<u>Direct</u>	<u>Cross</u>	<u>Redirect</u>	<u>Recross</u>
None				
EXHIBITS				
		<u>OFFERED</u>		<u>RECEIVED</u>
Exhibit 115		127		127

1 Las Vegas, Nevada, Tuesday, May 28, 2019

2
3 [Case called at 9:33 a.m.]

4 THE COURT: C-18-334635-1.

5 MR. NADIG: Good morning, Your Honor.

6 THE COURT: Good morning.

7 MR. NADIG: We're all present and ready to go, Your Honor.

8 THE COURT: Excellent. So procedure that we're going to
9 follow here, given that this courtroom's a little bit smaller than the other
10 courtrooms that you probably conduct these trials in, I fill the box with the
11 first -- how many do we have there? 7, 6. It's 13 plus 10 is 23. So it's 23
12 total, all right? That's enough to constitute the 12 plus one alternate, plus
13 the peremptory challenges of five into each case.

14 So that's 23. We fill the box right away. Even before I've
15 spoken to the juries about hardship, all right?

16 And if I remove somebody in the box for hardship, then we
17 simply replace that person with the next in order, who's sitting in the
18 gallery. Everybody understand that so far?

19 MR. NADIG: Uh-huh.

20 MR. SCARBOROUGH: Yes, Your Honor.

21 THE COURT: All right, the alternate will be in the last seat.
22 The alternate will be undisclosed. At the beginning of this case, I'll give
23 some general introductions, introduce my staff.

24 Then I'll proceed to let you both indicate very briefly what this
25 case is about. It's one, two, three sentences, the primary benefit of doing

1 that is you can identify your witnesses to make sure that there's no
2 conflicts, okay? Everybody follow that so far?

3 MR. NADIG: Yes.

4 MR. SCARBOROUGH: Yes, Your Honor.

5 THE COURT: All right, let's go ahead and proceed. We'll bring
6 the jurors in.

7 MR. LEXUS: Judge, just so you know, we plan on being done
8 by Thursday.

9 THE COURT: Excellent, but I still have Friday if you need to.

10 MR. LEXUS: Okay, but we have pushed for Thursday, because
11 if it goes into Friday, Jory's going to be doing this by himself. I'm out of
12 here.

13 THE COURT: All right.

14 MR. LEXUS: And another thing is we were ready for opening
15 today. We're ready for our first two witnesses. The second witness is
16 going to be the -- just the transcript of the prelim on one of them. So if
17 we're going smooth today, we'll do our opening and two of our witnesses.

18 THE COURT: Let's go smooth.

19 MR. NADIG: Well, that's Mr. Lexus being somewhat optimistic.
20 We'll see.

21 THE COURT: Not a problem. We'll go in the speed that we
22 can go. I'm just serving you guys, so let's try to get this done.

23 Marshal, we're ready for the jurors.

24 THE MARSHAL: All right.

25 MR. SCARBOROUGH: And Your Honor --

1 MR. LEXUS: And, Judge, just so you know we've got to file an
2 amended information just to take out the --

3 MR. SCARBOROUGH: And we have to remove the possession
4 by prohibited, so we're filing an amended.

5 THE COURT: All right. All right, very good.

6 Marshal, when they come in, you shut the door. You can move
7 the chairs back, right?

8 THE MARSHAL: Yes.

9 THE COURT: All right, very good. And I ran out of room, so
10 space 22 and 23 are right up here.

11 MR. LEXUS: Thank you. So we got a mishap with the --

12 THE COURT: Goes back left, 1 through 7 and 8 through 18
13 and 14. Wait, all right, and 13 through 23. Okay.

14 [Counsel confer]

15 MR. NADIG: Your Honor, is it okay if my client uses the
16 facilities?

17 THE COURT: Of course, yeah.

18 THE DEFENDANT: Thank you.

19 [Counsel confers with the Defendant]

20 [Counsel confer]

21 THE MARSHAL: Judge, it's just going to be a couple of
22 minutes. I need to make sure everybody's here. We're missing --

23 THE COURT: No problem, Marshal, thank you.

24 THE MARSHAL: Okay.

25 MR. SCARBOROUGH: Your Honor, I actually have a question

**PLEADING
CONTINUES
IN NEXT
VOLUME**